IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NUMBER: 4:22-CR-84
	)	
BERNARD OKOJIE,	)	
Defendant	)	
	)	

**DEFENDANT BERNARD OKOJIE'S
RESPONSE TO GOVERNMENT'S NOTICE OF ITS INTENT TO
INTRODUCE EVIDENCE OF UNCHARGED SBA LOANS AND
MONEY LAUNDERING AND RELATED INFORMATION**

COMES NOW, BERNARD OKOJIE, Defendant in the above-styled action, by and through his undersigned counsel of record, and files this his Response to Government's Notice of Its Intent to Introduce Evidence of Uncharged SBA Loans and Money Laundering and Related Information as follows:

Money Laundering and Related Evidence
A. Export-based Money Laundering

Based upon the evidence produced in discovery concerning the items listed in section A of the government's notice, the only material that relates to this matter is a letter dated May 31, 2022 from Philip Truitt, U.S. Customs and Border Protection, to Douglas R. Dye, Special Agent with the Federal Bureau of Investigation, which is limited to the same information as contained in the government's notice. As a consequence, there is not sufficient information to show any relationship to the issues contained in Court Three of the Indictment and admissibility of these transactions should be denied. Additionally, the dates of the alleged transactions in the government's chart, range from 2012 to 2018, which is between two and eight years prior to the alleged date range of the conspiracy.

B. Undeclared Cash on Flight to Nigeria

Mr. Okojie objects to evidence as contained in part B of the government's notice as to the undeclared cash on the December 28, 2020 flight. The possession of the currency does not assist in establishing "motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident", as required by Rule 404(b)(2) as related to any issue in connection with the charge of conspiracy to commit money laundering. While the possession of the currency by a person when leaving the United States may require a declaration, this would not constitute evidence that would allow the jury to determine the existence of any agreement by Mr. Okojie with another to engage in the expenditures of criminally derived funds. The fact that it is currency, which may improperly cause prejudice in the minds of the jury, has no relationship to any issue in the Indictment, as the charge relates to proceeds of criminal activity not regulatory requirements of currency reporting transactions. Even if this information was otherwise admissible, Rule 403 should require its exclusion as the probative value would be substantially out weighed by unfair prejudice, confusion of issues, and the likelihood of misleading the jury.

WHEREFORE, for the reasons set forth herein, the government should not be permitted to introduce any evidence relating to uncharged loans or money laundering.

Respectfully submitted, this 9th day of January, 2023.

/s/John J. Ossick, Jr.
Georgia Bar Number 555150
JOHN J. OSSICK, JR., P.C.
Post Office Box 1087
Kingsland, Georgia 31548
Telephone: 912-729-5864
E-mail: ossick@tds.net

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NUMBER: 4:22-CR-84
	)	
BERNARD OKOJIE,	)	
Defendant	)	
	)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties in this case in accordance with the directives from the Court Notice of Electronic Filing ("NEF"), which was generated as a result of electronic filing.

This 9th day of January, 2023.

/s/John J. Ossick, Jr.
Georgia Bar Number 555150
JOHN J. OSSICK, JR., P.C.
Post Office Box 1087
Kingsland, Georgia 31548
Telephone: 912-729-5864
E-mail: ossick@tds.net