EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	**Case No. 4:22-CR-084**
	)	
BERNARD OKOJIE	)	

GOVERNMENT'S TO DEFENDANT'S OBJECTIONS TO GOVERNMENT'S RULE 404(B) NOTICE

COMES NOW the United States of America, by and through David H. Estes, United States Attorney for the Southern District of Georgia, and the undersigned Assistant United States Attorney, and responds to Defendant's Objections to the Government's Rule 404(b) Notice. (Doc. 56).

I. Export-based money laundering

The Government hereby withdraws its 404(b) notice as to the evidence of export-based money laundering.

II. Undeclared cash on flight to Nigeria

The United States intends to introduce evidence relating to Mr. Okojie, on or about December 28, 2020, attempting to take $39,700.00 in cash onboard a flight from Atlanta to Lagos, Nigeria. Mr. Okojie failed to declare the cash and the cash was seized from Mr. Okojie.

Defendant objects that evidence of undeclared cash is not evidence of "the existence of any agreement by Mr. Okojie with another to engage in the expenditures of criminally derived funds." (Doc. 56 at 2).

First, while the government noticed this evidence under Rule 404(b) out of an abundance of caution, this evidence is inextricably intertwined with the charged offenses because it shows that Mr. Okojie was in the possession of a large sum of cash at approximately the same time as he is alleged to have received financial kickbacks for committing wire fraud, as well as engaged in a conspiracy to launder money—including by making multiple cash withdrawals in amounts of $9,000 or $9,500 to evade the $10,000 financial institution reporting requirement.

Second, concealing financial assets is similar to the charged conduct here and thus is relevant to Mr. Okojie's intent, identity, knowledge, plan, and his lack of accident or mistake. And this evidence is not of the kind that is unduly prejudicial. *See United States v. Holland*, 722 F. App'x 919, 926–27 (11th Cir. 2018) (upholding evidence of uncharged similar conduct in fraud trial as either inextricably intertwined with charged offenses or under 404(b)). Accordingly, the Government requests that the court admit evidence of Mr. Okojie's failure to declare the $39,700.00 in cash at a trial in this case.

Respectfully submitted this 31st day of January 2023.

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CERTIFICATE OF SERVICE

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

Respectfully submitted this 31st day of January 2023.

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