UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

---X

UNITED STATES OF AMERICA

- against –

Docket No. 22-CR-20 (FB)

ANULI OKEKE,

Defendant.

---X

JOINT EXHIBIT LIST

GOVERNMENT EXHIBITS

Exhibit No.	Description
	Headshots
1	Headshot of Anuli Okeke
2	Headshot of Anthony Castro
3	Headshot of Charlene Wint
4	Headshot of Assana Zampaligre
5	Headshot of Brahima Lengane
6	Headshot of Tenin Diallo
7	Headshot of Hashim Campbell
8	Headshot of Auguste Nipabi
9	Headshot of Jose Anormaliza
10	Headshot of Israel Viloria
11	Headshot of Richard Pinero
	Charts & Demonstrative Exhibits
100	Israel Viloria Text Messages with Anthony Castro Phone Exhibit (Updated Version)
101	Spanish to English Translations of Israel Viloria's Text Messages with Anthony Castro Exhibit (Updated Version)
102	Jose Anormaliza Text Messages with Anuli Okeke, Hashim Campbell, and Charlene Wint Exhibit
103	Demonstrative Exhibit: Okeke ATM Cash Deposits
106	Demonstrative Exhibit: Tax Form Similarities
109	Demonstrative Exhibit: Desk Notes
110	Demonstrative Exhibit: Funded PPP Applications at 125th Street
111	Demonstrative Exhibit: Castro PPP Loans
	Electronic Device Records
200	Drive containing Government Exhibits 200A, 200B, 200C, 200D, 200E, and 207
200A	Image sent by Text from Anthony Castro to Israel Viloria
200B	Image sent by Text from Anthony Castro to Israel Viloria
200C	Email from A. Okeke (via Docusign) to I. Viloria. Email Subject: SBA PPP Documentation Required - Please Execute from Israel Viloria's Phone
200D	Email from A. Okeke (via Docusign) to I. Viloria. Email Subject: SBA PPP Documentation Required - Please Execute from Israel Viloria's Phone

Exhibit No.	Description
200E	Email from A. Okeke (via Docusign) to I. Viloria. Email Subject: Completed: SBA PPP Documentation Required - Please Execute from Israel Viloria's Phone
201B	B. Lengane phone notes
201F	Texts from B. Lengane to A. Nipabi
202A	Ni Enterprise Business Card
205	Drive containing Government Exhibits 205A, 205B, 205C, 205D, 206, 208, 209, 210, 211, and 212
205A	Extracted Text thread between J. Anormaliza and H. Campbell
205B	Extracted Text thread between J. Anormaliza and C. Wint
205C	Extracted Text thread between J. Anormaliza and A. Okeke
205D	Extracted Texts between J. Anormaliza and H. Campbell, A. Okeke, and C. Wint
206	Images of J. Anormaliza's phone texts with R. Ruiz
207	Images of I. Viloria's Whats App messages with A. Castro
208	Text message conversation from Anormaliza phone with Anuli Okeke
209	Text message conversation from Anormaliza phone with Charlene Wint
210	Text message conversation from Anormaliza phone with Hashim Campbell
211	Limited portion of text message conversation between H. Campbell and J. Anormaliza
Miscellaneous Records	
300	Omnibus Stipulations
300B	Signed Stipulation re: Wire Witness
300D	Phone Stipulation
302	Screenshots of Harlem Staples location on Google Maps
303	J. Anormaliza cooperation agreement
305	G. Amigon Ponce Popular Bank Statement
306	R.R. Franlyn Ave. Inc. PPP Application submission file from Popular Bank
307	Fatim's Beauty & Braiding Business Checks
308B	2019 Tax Return: A. Okeke
308C	2020 Tax Return: A. Okeke
312	Checks from R.R. Franklyn Ave Inc
317	FDIC Certificate of Authenticity: Popular Bank
318	Benne Hair Braiding Inc PPP Application submission file from Popular Bank

Exhibit No.	Description
320	Text Conversation between H. Campbell and A. Castro
327	A. Okeke Resume
331	A. Okeke ID
344	A. Okeke Manovie by Gaseno EIDL Application
345	A. Okeke Manovie by Gaseno EIDL Application (Declined)
346	A. Okeke JP Morgan Chase Employment Records
350	G. Ponce Amigon EIDL Application
352	Checks from Car Expert Auto Group from Popular Bank Account
364	Blank Borrower Application Form
366	A. Okeke Resume for Factory Direct Enterprise LLC
368	A. Castro EIDL Loan Agreement, Note, and Related Documents [Executed]
369	A. Castro EIDL Partial Application
370	A. Castro EIDL Rapid Intake Review Form
372	Blank PPP Lender Application
Surveillance Evidence	
507	September 11, 2020 Surveillance Footage of 231 W. 125th Street, New York, NY 10027 between (12:00 p.m. – 1:00 p.m. EST)
508	September 11, 2020 Surveillance Footage of 231 W. 125th Street, New York, NY 10027 between (3:15 p.m. – 4:00 p.m. EST)
514	August 19, 2020 Surveillance Footage of 231 W. 125th Street, New York, NY 10027 between (12:00 p.m. - 2:00 p.m.)
514A	Excerpt of GX 514
514B	Excerpt of GX 514
514C	Excerpt of GX 514
514D	Excerpt of GX 514
514E	Excerpt of GX 514
514F	Excerpt of GX 514
514G	Excerpt of GX 514
514H	Excerpt of GX 514
514I	Excerpt of GX 514
514J	Excerpt of GX 514
514K	Excerpt of GX 514
514L	Excerpt of GX 514

Exhibit No.	Description
514M	Excerpt of GX 514
514N	Excerpt of GX 514
515	August 20, 2020 Surveillance Footage of 231 W. 125th Street, New York, NY 10027 between (10:00 a.m. - 2:00 p.m.)
515A	Excerpt of GX 515
515B	Excerpt of GX 515
515C	Excerpt of GX 515
515D	Excerpt of GX 515
519	Screenshot of Surveillance Footage from September 11, 2020
Bank Records	
600	Bank of America Account x7988 Statement, Jan. 2020
601	Bank of America Account x7988 Statement, Feb. 2020
602	Bank of America Account x7988 Statement, Mar. 2020
603	Bank of America Account x7988 Statement, Apr. 2020
604	Bank of America Account x7988 Statement, May 2020
605	Bank of America Account x7988 Statement, June 2020
606	Bank of America Account x7988 Statement, July 2020
607	Bank of America Account x7988 Statement, Aug. 2020
608	Bank of America Account x7988 Statement, Sept. 2020
609	Bank of America Account x7988 Statement, Oct. 2020
610	Bank of America Account x7988 Statement, Nov. 2020
611	Bank of America Account x7988 Statement, Dec. 2020
622	Capital One Account x1744 Statement, Jan. 2020
623	Capital One Account x1744 Statement, Feb. 2020
624	Capital One Account x1744 Statement, Mar. 2020
625	Capital One Account x1744 Statement, Apr. 2020
626	Capital One Account x1744 Statement, May 2020
627	Capital One Account x1744 Statement, June 2020
628	Capital One Account x1744 Statement, July 2020
629	Capital One Account x1744 Statement, Aug. 2020
630	Capital One Account x1744 Statement, Sept. 2020
631	Capital One Account x1744 Statement, Oct. 2020
632	Capital One Account x1744 Statement, Nov. 2020

Exhibit No.	Description
633	JP Morgan Chase Account x0181 Statement, Jan. 2020
634	JP Morgan Chase Account x0181 Statement, Feb. 2020
635	JP Morgan Chase Account x0181 Statement, Mar. 2020
636	JP Morgan Chase Account x0181 Statement, Apr. 2020
637	JP Morgan Chase Account x0181 Statement, May 2020
638	JP Morgan Chase Account x0181 Statement, June 2020
639	JP Morgan Chase Account x0181 Statement, July 2020
640	JP Morgan Chase Account x0181 Statement, Aug. 2020
641	JP Morgan Chase Account x0181 Statement, Sept. 2020
642	JP Morgan Chase Account x0181 Statement, Oct. 2020
643	JP Morgan Chase Account x1379 Statement, Jan. 2020
644	JP Morgan Chase Account x1379 Statement, Feb. 2020
645	JP Morgan Chase Account x1379 Statement, Mar. 2020
646	JP Morgan Chase Account x1379 Statement, Apr. 2020
647	JP Morgan Chase Account x1379 Statement, May 2020
648	JP Morgan Chase Account x1379 Statement, June 2020
649	JP Morgan Chase Account x1379 Statement, July 2020
650	JP Morgan Chase Account x1379 Statement, Aug. 2020
651	JP Morgan Chase Account x1379 Statement, Sept. 2020
652	JP Morgan Chase Account x1379 Statement, Oct. 2020
653	JP Morgan Chase Account x8965 Statement, Jan. 2020
654	JP Morgan Chase Account x8965 Statement, Feb. 2020
655	JP Morgan Chase Account x8965 Statement, Mar. 2020
656	JP Morgan Chase Account x8965 Statement, Apr. 2020
657	JP Morgan Chase Account x8965 Statement, May 2020
658	JP Morgan Chase Account x8965 Statement, June 2020
659	JP Morgan Chase Account x8965 Statement, July 2020
660	JP Morgan Chase Account x8965 Statement, Aug. 2020
661	JP Morgan Chase Account x8965 Statement, Sept. 2020
662	JP Morgan Chase Account x8965 Statement, Oct. 2020
664	JP Morgan Chase Account x4544 Statement, Jan. 2020
665	JP Morgan Chase Account x4544 Statement, Feb. 2020
666	JP Morgan Chase Account x4544 Statement, March 2020
667	JP Morgan Chase Account x4544 Statement, April 2020

Exhibit No.	Description
668	JP Morgan Chase Account x4544 Statement, May 2020
669	JP Morgan Chase Account x4544 Statement, June 2020
670	JP Morgan Chase Account x4544 Statement, July 2020
671	JP Morgan Chase Account x4544 Statement, Aug. 2020
672	JP Morgan Chase Account x4544 Statement, Sept. 2020
673	JP Morgan Chase Account x4544 Statement, Oct. 2020
674	JP Morgan Chase Account x9927 Statement, July 2020
675	JP Morgan Chase Account x1379 Statements, Sept. 2020 – Jan. 2022
676	JP Morgan Chase Account x4544 Statements, Oct. 2020 – Dec. 2020
677	JP Morgan Chase Account x8965 Statements, Oct. 2020 – Dec. 2020
678	JP Morgan Chase Account x0181 Statements, Oct 2020 – Dec. 2020
	Popular Bank Records
700	Borrower Application Form: Assana Hair Salon LLC
701	1st Quarter 941 Tax Form: Assana Hair Salon LLC
702	Borrower Application Form: Mommy's African Hair Braiding
703	Subset of Popular Bank Loan Documentation: Mommy's African Hair Braiding
704	Popular Bank Documentation: Mommy's African Hair Braiding, DC & E Transprot Corp, Benne Hair Braiding, N. McEwan, D. Hyde, D & H Stables LLC, Fatim's Beauty Braiding, T. Diallo and African Hair Braiding, NI Global, J. Anormaliza and RR Franklin Ave Inc., A. Brooks and Work Smart Management Group Inc., A. Moro, A. Zampaligre and Soraya's House of Beauty, and Hot Spot
705	Borrower Application Form: NI Global Enterprises Inc.
707	Popular Bank Loan Documentation: NI Global
708	Check from NI Global Enterprises Inc. for A. Nipabi
709	Borrower Application: Hot Spot Clothing
710	4st Quarter 941 Tax Form: Hot Spot Clothing
711	Popular Bank Loan Documentation: Benne Hair Braiding Inc.
712	1st - 4th Quarter 941 Tax Forms: Benne Hair Braiding
716	Check from Mommy's African Hair Braiding for Auguste Nipabi
718	W-2 Statements: Fatim's Beauty Braiding & Business Space, Inc.
719	Withdrawal Slips: Fatim's Beauty Braiding & Business Space, Inc.
720	Popular Bank Loan Documentation: Assana Hair Salon LLC
721	6/29/2020 Email from J. Schementi to O. Ojeda and S. Jones. Email Subject: FW: SBA PPP Loan for Assana Hair Braiding
722	Popular Bank Loan Documentation: Autonext LLC

Exhibit No.	Description
726	Lender's Application - Paycheck Protection Program Loan Guaranty: Autonext LLC
737	Popular Bank Loan Documentation: Car Expert Auto Group LLC
738	W-2 Statements: Car Expert Auto Group LLC
740	8/6/2020 Email from J. Schementi to O. Ojeda and S. Jones. Email Subject: FW: SBA PPP Loan Car Expert Auto Group LLC
741	Credit Approval Form & Credit Analysis Memorandum: Car Expert Auto Group LLC
742	Lender's Application - Paycheck Protection Program Loan Guaranty: Car Expert Auto Group LLC
743	Credit Approval Form & Credit Analysis Memorandum: Car Expert Auto Group LLC
744	2nd Quarter 941 Tax Form: Car Expert Auto Group LLC
745	3rd Quarter 941 Tax Form: Car Expert Auto Group LLC
746	4th Quarter 941 Tax Form: Car Expert Auto Group LLC
747	Ultimate Beneficial Owner Certification: Car Expert Auto Group LLC
748	Payroll Cost Calculation Worksheet: Car Expert Auto Group LLC
749	Records from Popular Bank regarding compliance check on Car Expert Auto Group LLC and I. Viloria
750	Popular Bank Loan Documentation: Fatim's Beauty Braiding & Business Space Inc.
751	8/5/2020 Email and Attachments from A. Okeke to C. Gorgas Negron. Email Subject: SBA PPP Loan Fatim's Beauty
752	Popular Bank Loan Documentation: Guadalupe Ponce Amigon
753	Tax Documentation: Guadalupe Ponce Amigon
757	2nd Quarter 941 Tax Form: Laser Cut Barber Shop Inc
758	7/22/2020 Email from J. Schementi to E. Ciaravino. Email Subject: FW: SBA PPP Loan for Laser Cut Barber shop
759	4th Quarter 941 Tax Form: Laser Cut Barber Shop Inc
760	Popular Bank Loan Documentation: Laser Cut Barber Shop Inc
761	Lender's Application - Paycheck Protection Program Loan Guaranty: Laser Cut Barber Shop Inc
762	Credit Approval Form & Credit Analysis Memorandum: Laser Cut Barber Shop Inc
766	Popular Bank Loan Documentation: Mommy's African Hair Braiding
779	Popular Bank Loan Documentation: R.R. Franklyn Ave Inc
784	Popular Bank Loan Documentation: Soraya's House of Beauty

Exhibit No.	Description
785	1st - 4th Quarter 941 Tax Forms: Soraya House of Beauty Inc
786	Account Statements: Assana Hair Salon (Account Ending in 6950)
787	Account Statement: Autonext LLC (Account Ending in 7024)
789	Account Statement: Car Expert Auto Group LLC (Account Ending in 7032)
790	Account Statements: Fatim's Beauty Braiding & Business Space, Inc. (Account Ending in 6810)
792	Account Statements: Laser Cut Barber Shop Inc (Account Ending in 7935)
795	Account Statements: R.R. Franklyn Ave Inc (Account Ending in 6968)
796	Account Statements: Soraya's House of Beauty (Acount Ending in 8065)
798	Withdrawal Slips: Assana Hair Salon
799	Check from Assana Hair Salon for A. Zampaligre
800	Deposit Slips: Assana Hair Salon
806	Checks: Car Expert Auto Group LLC
808	Withdrawal Slips: B. Diarra
815	Deposit Slips: NI Global Enterprises Inc
820	Deposit Tickets and Checks: A. Zampaligre/Soraya's House of Beauty
821	Deposit Slips and Checks: B. Lengane/A. Zampaligre/Soraya's House of Beauty
822	Checks: Soraya's House of Beauty
823	BizChex Response: Assana Hair Salon LLC
831	Resolution [Executed]: Assana Hair Salon LLC
848	Screenshot of Popular Bank computer folder containing PPP Application documents for Car Expert Auto Group LLC
849	Signature Card: Car Expert Auto Group LLC
850	Cash Management Master Agreement: Car Expert Auto Group LLC
851	Resolution: Car Expert Auto Group LLC
852	Popular Primary Business Agreement and Disclosure Statement: Car Expert Auto Group LLC
883	Soraya's House of Beauty Search Results
884	EIN Information: Soraya's House of Beauty Inc
885	Certificate of Incumbency and Ownership: Soraya's House of Beauty Inc
886	BizChex Report: Soraya's House of Beauty Inc
887	Bylaws: Soraya's House of Beauty Inc
888	Stop Payment Order Request: Soraya's House of Beauty Inc
889	Certification of Beneficial Owner: Soraya's House of Beauty Inc
890	Signature Card: Laser Cut Barber Shop Inc.

Exhibit No.	Description
891	5/28/2020 Email and Attachment from P. Castro to A. Castro. Email Subject: Ariel 2019 taxes
892	8/5/2020 Email and Attachment from A. Castro to I. Viloria. Email Subject: FW:Scanned document from NY 47750
893	8/7/2020 Email and Attachment from A. Okeke to allcityjma@gmail.com. Email Subject: naics code for your business
894	8/10/2020 Email and Attachment from M. Anormaliza to A. Okeke. Email Subject: Jose Anormaliza
895	8/10/2020 Email from I. Viloria to A. Castro. Email Subject: Fwd: w2
896	8/11/2020 Email and Attachments from H. Campbell to A. Okeke. Email Subject: jose a
897	8/18/2020 Email from H. Campbell to A. Okeke. Email Subject: BENNE HAIR BRAIDING INC 1 OF 2
898	Borrower Application Form: Soraya House of Beauty Inc
899	Salary Summary Report: Soraya House of Beauty Inc
900	Salary Summary Report: Soraya House of Beauty Inc
901	Ultimate Beneficial Owner Certification: Laser Cut Barber Shop Inc
902	7/1/2020 Email and Attachments from A. Castro to A. Okeke. Email Subject: Assana Hair Salon LLC loan closing Docs
903	7/1/2020 Email and Attachments from A. Okeke to CommercialLoanDoc. Email Subject: Closing docs for Assana Hair Salon - approved 06/26/2020
904	7/3/2020 Email and Attachment from A. Castro to A. Okeke. Email Subject: Assana Hair Salon
905	7/8/2020 Email and Attachments from A. Castro to A. Okeke. Email Subject: Assana Hair Salon, LLC loan docs
906	7/8/2020 Email and Attachments from A. Okeke to P. Tsakonas. Email Subject: Updated Documents for Assana Hair Salon LLC
907	7/8/2020 Email and Attachments from A. Nolasco to S. Jones. Email Subject: FW: Updated Documents for Assana Hair Salon LLC
908	7/9/2020 Email and Attachment from S. Jones to O. Ojeda. Email Subject: RE: SANDRA: Updated Documents for Assana Hair Salon LLC
909	7/28/2020 Email and Attachments from A. Castro to A. Okeke. Email Subject: Benne Hair Braiding Inc Loan App
914	8/7/2020 Email from O. Ojeda to A. Okeke, S. Jones, and J. Schementi. Email subject: Tenin Diallo, Mommy's African hair Braiding and Benne
917	8/7/2020 Email and Attachments from A. Castro to A. Okeke. Email Subject: Autonext Bank Statement

Exhibit No.	Description
918	8/7/2020 Email from S. Jones to O. Ojeda, P. Tsakonas, A. Okeke, and J. Schementi. Email Subject: Tenin Diallo, Mommy's African Hair Braiding and Benne
922	8/8/2020 Email from A. Okeke to S. Jones. Email Subject: Re: Tenin Diallo, Mommy's hair Braiding and Benne
930	8/13/2020 Email and Attachments from P. Tsakonas to C. Gorgas Negron and J. Schementi. Email Subject: Benne Hair Braiding/Fatim's Beauty Braiding
939	8/22/2020 Email and Attachments from A. Okeke to P. Tsakonas. Email Subject: Updated Documents for Assana Hair Salon LLC
945	Materials from the Popular Bank Desk of A. Okeke
946	Materials from the Popular Bank Desk of A. Okeke
947	Materials from the Popular Bank Desk of A. Okeke
948	Materials from the Popular Bank Desk of A. Okeke
949	Materials from the Popular Bank Desk of A. Okeke
950	Materials from the Popular Bank Desk of A. Okeke
951	Materials from the Popular Bank Desk of A. Okeke
956	Materials from the Popular Bank Desk of A. Okeke
957	Materials from the Popular Bank Desk of A. Okeke
958	Materials from the Popular Bank Desk of A. Okeke
959	Materials from the Popular Bank Desk of A. Okeke
960	Materials from the Popular Bank Desk of A. Okeke
966	Materials from the Popular Bank Desk of A. Okeke
968	Materials from the Popular Bank Desk of A. Okeke
969	Materials from the Popular Bank Desk of A. Okeke
971	Materials from the Popular Bank Desk of A. Okeke
972	Materials from the Popular Bank Desk of A. Okeke
973	Materials from the Popular Bank Desk of A. Okeke
975	Materials from the Popular Bank Desk of L. Sanchez
978	Materials from the Popular Bank Desk of C. Wint
980	8/6/2020 Email and Attachments from C. Gorgas Negron to P. Tsakonas. Email Subject: FW: SBA PPP Loan Car Expert Auto Group LLC
981	8/7/2020 Email from A. Okeke to O. Ojeda. Email Subject: FW: naics code for your business 236118
984	Popular Bank record of Anuli Okeke's confirmation regarding her review of Popular Bank Employee Manual as of May 1, 2020

Exhibit No.	Description
986	Lender's Application - Paycheck Protection Program Loan Guaranty: Fatim's Beauty & Business Space LLC
987	7/8/2020 Email and Attachment from H. Campbell to A. Okeke. Email Subject: JOSE ANORMALIZA Sch c
988	7/10/2020 Email and Attachments from H. Campbell to A. Okeke. Email Subject: DARREN LINDSAY
989	7/24/2020 Email and Attachments from H. Campbell to A. Okeke. Email Subject: ANORMALIZA
990	8/6/2020 Email and Attachments from H. Campbell to A. Okeke. Email Subject: Fwd: JOSE ANORMALIZA
993	Materials from the Popular Bank Desk of A. Okeke
995	Popular Bank Loan Documentation for C. Maldonado
996	Tax Forms: C. Maldonado
997	7/30/2020 Email from J. Schementi to S. Jones and O. Ojeda. Email Subject: FW: SBA PPP Loan for Carlos Maldonado
998	Popular Bank Loan Documentation: D. Cofield
999	Tax Forms: D. Cofield
1000	8/4/2020 Email from J. Schementi to O. Ojeda and S. Jones. Email Subject: FW: SBA PPP Loan application for Dareen Cofield
1007	Popular Bank Loan Documentation: D. Gaskins
1008	7/29/2020 Email and Attachments from J. Schementi to P. Tsakonas. Email Subject: FW: SBA PPP Loan appliation for Donnell Gaskins
1009	7/28/2020 Email and Attachment from A. Castro to A. Castro. Email Subject: Scanned document from NY47750
1010	7/30/2020 Email from J. Schementi to O. Odeja and S. Jones. Email Subject: FW: SBA PPP Loan Application for Dinnell Gaskins
1011	Popular Bank Loan Documentation: J. Scott Rolon
1012	Tax Forms: J. Scott Rolon
1013	Ultimate Beneficial Owner Certification: J. Scott Rolon
1014	Popular Bank Loan Documentation: K. Davis
1015	Ultimate Beneficial Owner Certification: K. Davis
1016	8/3/2020 Email from J. Schementi to O. Odeja and S. Jones. Email Subject: FW: Kizzilie S Davis - SBA PPP Loan
1017	Credit Approval Form & Credit Analysis Memorandum: K. Davis
1018	Popular Bank Loan Documentation: M. De Leon
1020	Tax Forms: M. De Leon

Exhibit No.	Description
1022	8/7/2020 Email from elend@sba.gov to S. Jones. Email Subject: SBA loan application succeeded
1023	Ultimate Beneficial Owner Certification: N. Cofield
1024	Popular Bank Loan Documentation: R. Miranda
1025	Tax Forms: R. Miranda
1026	Credit Approval Form & Credit Analysis Memorandum: R. Miranda
1027	Ultimate Beneficial Owner Certification: R. Miranda
1028	7/30/2020 Email from J. Schementi to O. Odeja and S. Jones. Email Subject: FW: SBA PPP Loan for Ricardo Miranda-
1029	Popular Bank Loan Documentation: R. Pinero
1030	Tax Forms: R. Pinero
1031	Ultimate Beneficial Owner Certification: R. Pinero
1032	8/3/2020 Email from J. Schementi to O. Odeja and S. Jones. Email Subject: FW: Loan documents for Richard Pinero
1033	Popular Bank Loan Documentation: Y. Soto
1034	Tax Forms: Y. Soto
1035	Ultimate Beneficial Owner Certification: Y. Soto
1037	Account Statements C. Maldonado
1038	Account Statements D. Cofield
1040	Account Statements D. Gaskins
1041	Account Statements J. Scott Rolon
1042	Account Statements: K. Davis
1043	Account Statements: M. De Leon
1044	Account Statements: N. Cofield
1045	Account Statements: R. Miranda
1046	Account Statements: R. Pinero
1047	Account Statements: V. Soto
1048	Withdrawal Slips: C. Maldonado
1049	Check From C. Maldonado to C. Maldonado
1051	Check from D. Cofield to D. Cofield
1054	Check from D. Gaskins to D. Gaskins
1055	Check from J. Scott Rolon to J. Scott Rolon
1056	Deposit Slips J. Scott Rolon
1057	Withdrawl Slips: K. Davis
1058	Checks to K. Davis

Exhibit No.	Description
1059	Deposit Slips: K. Davis
1060	Checks from M. De leon to M. De Leon
1061	Withdrawal Slips M. Deleon
1063	Check from N. Cofield to N. Cofield
1067	Checks from R. Pinero to R. Pinero
1068	Withdrawal Slips: R. Pinero
1069	Deposit ticket: R. Pinero
1070	Check: Y. Soto
1071	Deposit Ticket: Y. Soto
1072	New Account Checklist: C. Maldonado
1073	Deposit Signature Card: C. Maldonado
1077	Deposit Signature Card: D. Cofield
1078	Deposit Signature Card: J. Rolon
1079	New Account Checklist: J. Rolon
1080	New York Identification Card: J. Rolon
1081	New Account Checklist: K. Davis
1082	Signiture Card: K. Davis
1083	Signuture Card: M. Delron
1084	New Account Checklist: N. Cofield
1085	Signture Card: R. Miranda
1086	R. Miranda new Account Checklist
1087	Signture Card: R. Miranda
1088	New Account Checklist: R. Pinero
1089	Signature Card: R. Pinero
1090	Signature Card: Y. Soto
1091	Signature Card: Y. Soto
1092	8/6/2020 Email from A. Castro to A. Okeke Email Subject: RE: PPP Client Emails ASAP
1093	7/13/2020 Email from R. Feliciano Ramirez to A. Castro, A. Okeke, C. Wint, L. Sanchez. Email Subject: FRAUD FINDER- Jesse Scott Rolon
1095	8/4/2020 Email from J. Schementi to O. Ojeda Email Subject: FW: SBA PPP Loan application for Dareen Cofield
1096	8/4/2020 Email from O. Ojeda to J. Schementi Email Subject: RE: SBA PPP Loan application for Dareen Cofield
1098	8/7/2020 Email from K. Chan to A. Okeke Email Subject: Dareen Cofield

Exhibit No.	Description
1101	8/28/2020 Email from L. Rodriguez to C. Pabon Email Subject: SBA PPP 70090009918-99001 Naeem K Cofield, Approval date 8/7/2020 BATCH PROCESSED
1106	Popular Bank records of PPP Loan Application Materials for R. Pinero
1109	9/11/2020 Email from Y. Nunez to E. Arias and M. Montero Email Subject: Possible PPP Loan Fraud
1115	9/24/2020 Email from A. Okeke to Hashim 247 Taxes Email Subject: FW:
1117	9/24/2020 Email from A. Okeke to pamela.castro0722@gmail.com Email Subject: SBA Loan access code
1121	9/24/2020 Email from A. Okeke to C. Negron, S. Jones, O. Ojeda RE SBA PPP Loan for Ricardo Bing
1123	9/24/2020 Email from A. Okeke to P. Tsakonas and C. Wint, A. Cabrero, C. Lalan, O. Ojeda, S. Jones Email Subject RE: KYC/CIP
1125	Popular Bank Employee Handbook
1126	Popular Bank Report
1130	Money Laundering Prevention/ Bank Secrecy Act (BSA) 2018
1132	Popular Bank Code of Ethics 2014
1134	Popular Bank eLearning Ethics Training 2020-22
1136	Popular Bank Account Opening Procedure
1137	Popular Bank Sales Practices Policy
1140	11/20/2020 A. Okeke Termination Letter
1141	A. Okeke VP Appointment Letter
1146	8/7/2020 Email from P. Tsakonas to J. Schementi Email Subject RE: Tenin Diallo, Mommy's African hair Braiding and Benne
1147	8/8/2020 Email from J. McFarlane to C. Negron Email Subject RE: SBA PPP Loan application for Eduardo Vasquez
1148	8/7/2020 Email from I. Viloria to A. Castro. Email Subject: June 2020
1150	8/8/2020 Email from S. Jones to A. Okeke. Email subject: RE: 2484
1151	August Sprint Invoice
1152	8/19/2020 Email From J. McFarlane to A. Okeke. Email Subject: RE: Borrower has til Thursday: Additional Info Required - Eduardo Vasquez EDUSFPB084642
3500 Material	
3500-AN-032	Auguste Nipabi Cooperation Agreement

DEFENSE EXHIBITS

Exhibit No.	Description
17	Richard Pinero PPP application and Checks
29	Leonardo Castro PPP application & application file
50	Autonext PPP application
51	Guagalupe Ponce Amigon 2019 Feceral Tax Return
100	Stipulation

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- X

UNITED STATES OF AMERICA

- against -

Docket No. 22-CR-00020 (FB)

ANULI OKEKE,

Defendant.

- X

JURY INSTRUCTIONS

I. GENERAL INSTRUCTIONS

Now that the evidence in this case has been presented and the attorneys for the government and the defendant have concluded their closing arguments, it is my responsibility to instruct you as to the law that governs this case. My instructions will be in three parts:

FIRST, the general rules that define and govern the duties of a jury in a criminal case.

SECOND, the legal elements of the crimes charged in the indictment—that is, the specific elements that the government must prove beyond a reasonable doubt to warrant a finding of guilt.

THIRD, concluding remarks on the rules regarding your deliberations.

ROLE OF THE COURT

You must accept my instructions of law and apply them to the facts as you determine them. If any attorney has stated a legal principle different from any that I state to you in my instructions, my instructions are what you must follow.

You should not single out any instruction as alone stating the law; rather, you should consider my instructions as a whole. You should not be concerned about the wisdom of any rule that I state. Regardless of any opinion that you may have as to what the law may be—or ought to be—it would violate your sworn duty to base a verdict upon any view of the law other than that which I give you.

ROLE OF THE JURY

You are the sole and exclusive judges of the facts. You pass upon the weight of the evidence; you determine the credibility of the witnesses; you resolve such conflicts as there may be in their testimony; and you draw whatever reasonable inferences you decide to draw from the facts as you have determined them.

I will later discuss with you how to pass upon the credibility—or believability—of the witnesses.

In determining the facts, you must rely upon your own recollection of the evidence. What the lawyers have said in their opening statements, in their closing arguments, in their objections, or in their questions is not evidence. In this connection, you should bear in mind that a question put to a witness is never evidence. It is only the answer which is evidence. Nor is anything I may have said during the trial, or may say during these instructions with respect to a fact matter, to be taken in substitution for your own independent recollection. What I say is not evidence.

The evidence before you consists of the answers given by the witnesses—the testimony they gave, and the exhibits that were received in evidence.

Since you are the sole and exclusive judges of the facts, I do not mean to indicate any opinion as to the facts or what your verdict should be. The rulings I have made during the trial are not any indication of my views of what your decision should be as to whether or not the guilt of the defendant has been proven beyond a reasonable doubt. You are expressly to understand that the Court has no opinion as to the verdict you should render.

Under your oath as jurors, you are not to be swayed by fear, prejudice, bias or sympathy. It must be clear to you that once you let fear, prejudice, bias or sympathy interfere with your thinking, there is a risk that you will not arrive at a true and just verdict. In a similar vein, it would also be improper to base your verdict on any sympathy or prejudice you may feel about the defendant's race, religion, national origin, sex, or age.

GOVERNMENT AS A PARTY

The fact that the prosecution is brought in the name of the United States of America entitles the government to no greater consideration than that accorded to any other party to a litigation. By the same token, it is entitled to no less consideration. All parties, whether government or individuals, stand as equals at the bar of justice.

PRESUMPTION OF INNOCENCE,
BURDEN OF PROOF AND REASONABLE DOUBT

The law presumes a defendant to be innocent of all the charges against her. I therefore instruct you that the defendant is to be presumed by you to be innocent throughout your deliberations on each count in which she is charged until such time, if ever, that you as a jury are satisfied that the government has proved her guilty beyond a reasonable doubt on the count. Thus, the defendant, although accused of the crimes in the indictment, begins the trial with a "clean slate" – with no evidence against her. The indictment, as I will describe in greater detail later, is not evidence of any kind. The defendant is, of course, not on trial for any act or crime not contained in the indictment. The law permits nothing but legal evidence presented before the jury in court to be considered in support of any charge against the defendant.

The burden is always upon the government to prove guilt beyond a reasonable doubt. This burden never shifts to the defendant, for the law never imposes upon a defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence. The defendant is not even obligated to produce any evidence by cross-examining the witnesses for the government. The presumption of innocence alone, therefore, is sufficient to acquit a defendant.

It is not required that the government prove guilt beyond all possible doubt. The test is one of reasonable doubt. A reasonable doubt is a doubt based upon reason and common sense—the kind of doubt that would make a reasonable person hesitate to act. Proof beyond a reasonable doubt must, therefore, be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it in the most important of his or her own affairs. You should consider all the proof presented at trial, or any lack of proof, in determining if you have a reasonable doubt.

In considering each count in the indictment, unless the government proves, beyond a reasonable doubt, that the defendant has committed each and every element of the offense charged in the count, you must find the defendant not guilty of the offense charged in the count. If you view the evidence with respect to the count as reasonably permitting either of two conclusions—one of innocence, the other of guilt —you must adopt the conclusion of innocence. This does not mean that the government's burden of proof is ever less than proof beyond a reasonable doubt.

DIRECT AND CIRCUMSTANTIAL EVIDENCE

There are two types of evidence which you may properly use in deciding whether the defendant is guilty or not guilty.

One type of evidence is called direct evidence. Direct evidence is where a witness testifies to what he or she saw, heard, or observed. In other words, when witnesses testify about what they know by virtue of their own senses—what they could see, hear, feel or touch—that is called direct evidence.

Circumstantial evidence is evidence which tends to prove a disputed fact by proof of other facts. There is a simple example of circumstantial evidence which is often used in this courthouse:

Assume that when you came into the courthouse this morning the sun was shining and it was a nice day. Assume that the courtroom was without windows and that you could not look outside.

As you were sitting here, someone walked in with an umbrella which was dripping wet. Somebody else then walked in with a raincoat which also was dripping wet.

Now, you cannot look outside of the courtroom and you cannot see whether or not it is raining. So you have no direct evidence of that fact. But, on the combination of facts which I have asked you to assume, it would be reasonable and logical for you to conclude that it had been raining. That is all there is to circumstantial evidence.

Circumstantial evidence is of no less value than direct evidence. It is a general rule that the law makes no distinction between direct and circumstantial evidence, but simply requires that before convicting a defendant, the jury must be satisfied of the defendant's guilt from all of the evidence in the case.

INFERENCE DEFINED

You should consider the evidence in light of your common sense and experience, and you may draw reasonable inferences from the evidence.

There are times when different inferences may be drawn from facts, whether proven by direct or circumstantial evidence. The government asks you to draw one set of inferences, while the defense asks you to draw another. It is for you, and you alone, to decide what inferences you will draw.

An inference is a deduction or conclusion which you, the jury, are permitted—but not required—to draw from the facts which have been established by either direct or circumstantial evidence. In drawing inferences, you should exercise your common sense. The process of drawing inferences from facts in evidence is not a matter of guesswork or speculation.

So when you consider the evidence, you are permitted to draw, from the facts which you find to be proven, such reasonable inferences as would be justified in light of your experience.

Here again, let me remind you that, whether based upon direct or circumstantial evidence, or upon the logical, reasonable inferences drawn from such evidence, you must be convinced of the defendant's guilt beyond a reasonable doubt before you may convict.

WITNESS CREDIBILITY

You have had an opportunity to observe all of the witnesses. It is part of your job to decide how believable the witnesses were in their testimony. You are the sole judges of the credibility of the witnesses and of the importance of their testimony. Remember, once again, the burden of proof is always on the government and the defendant is not required to call any witnesses or offer any evidence because they are presumed to be innocent.

It must be clear to you by now that you are being called upon to resolve various factual issues under the indictment in the face of the very different pictures painted by the government and the defense, which cannot be reconciled. An important part of your decision will involve making judgments about the testimony of the witnesses you have listened to and observed. In making those judgments, you should carefully scrutinize the testimony of the witnesses, the circumstances under which the witnesses testified, and any other matter in evidence which may help you to decide the truth and the importance of the witnesses' testimony.

Your decision whether or not to believe a witness may depend on how the witness impressed you. Was the witness candid, frank and forthright? Or, did the witness seem as if he or she was hiding something, being evasive or suspect in some way? How did the way the witness testified on direct examination compare with how the witness testified on cross-examination? Was the witness consistent in his or her testimony or did he or she contradict himself or herself? Did the witness appear to know what he or she was talking about and did the witness strike you as someone who was trying to report his or her knowledge accurately? Was the witness perhaps honest, but nonetheless mistaken?

How much you choose to believe a witness may be influenced by the witness's bias. Does the witness have a relationship with the government or the defendant which may affect how he or she testified? Does the witness have some other incentive or motive that might cause the witness to shade the truth? Or does the witness have some bias, prejudice or hostility that may have caused the witness—consciously or not—to give you something other than a completely accurate account of the facts to which the witness testified?

Even if the witness was impartial, you should consider whether the witness had an opportunity to observe the facts the witness testified about. You should also consider the witness's ability to express himself or herself. Ask yourselves whether the witness's recollection of the facts stand up in light of all other evidence.

If any witness is shown to have intentionally lied on the witness stand about any material matter, you have the right to conclude that he or she also lied about other matters. You may disregard all the witness's testimony, or you may accept whatever part you think deserves to be believed.

It is up to you to determine whether the witness testified falsely and whether he or she did so deliberately. It is entirely up to you to determine the weight, if any, that should be given to the testimony of such a witness on the basis of all of the evidence and your common sense.

In sum, what you must try to do in deciding credibility is to size a person up in light of his or her demeanor, the explanations given, and the other evidence in the case, just as you would in any important matter where you are trying to decide if a person is truthful, straightforward and accurate in his or her recollection. In deciding the question of credibility, remember that you should use your common sense, your good judgment and your life experience.

LAW ENFORCEMENT WITNESSES

Some of the witnesses in this case are or were law enforcement officials. That a witness may be a law enforcement official does not mean that his or her testimony is deserving of more or less consideration or greater or lesser weight than that of an ordinary witness. It is for you to decide, after weighing all the evidence, in light of the instructions I have given you about factors relevant to determining the credibility of a witness, whether you accept the testimony of a witness who is a law enforcement official, and what weight, if any, it deserves.

TESTIMONY OF COOPERATING WITNESSES

In the attorneys' opening and closing arguments, much was said about the so-called "cooperating witness" and about whether or not you should believe him. The government argues, as it is permitted to do, that it must take the witnesses as it finds them. It argues that only people who themselves take part in criminal activity have the knowledge required to show criminal behavior by others. For those very reasons, the law allows the use of accomplice and co-conspirator testimony. Indeed, it is the law in federal courts that the testimony of a single accomplice or co-conspirator may be enough in and of itself to sustain a conviction, if the jury finds that the testimony establishes guilt beyond a reasonable doubt.

However, it is also the case that cooperator testimony is of such a nature that it must be scrutinized with great care and viewed with particular caution when you decide how much of that testimony, if any, to believe. I have given you some general considerations on credibility and I will not repeat them all here. Nor will I repeat all of the arguments made on both sides. Instead, I will say a few things that you may want to consider during your deliberations on the subject of cooperating witnesses. You should ask yourselves whether the witness would benefit more by lying or by telling the truth. Was the testimony made up in any way because the witness believed or hoped that they would somehow receive favorable treatment by testifying falsely? Or did the witness believe that his interests would be best served by testifying truthfully? If you believe that the witness was motivated by hopes of personal gain, was this motivation one that would cause him to lie, or was it one that would cause him to tell the truth? Did this motivation color his testimony at all?

You have also heard testimony that the cooperating witnesses have been promised that if they provide substantial assistance to the government and testify truthfully, completely, and fully, the government will present to the sentencing court what is called a 5K1.1 letter, or a “5K letter.” The 5K letter sets forth the cooperating witness's criminal acts as well as the substantial assistance the witness has provided. I instruct you that the 5K letter does not guarantee the cooperating witness a lower sentence. This is because the sentencing court may, but is not required to, take the

5K letter into account when imposing a sentence on the cooperating witness.

Thus, while the decision regarding whether to write the 5K letter rests with the government, the final determination as to the sentence to be imposed rests with the court. Ultimately, you should look at all of the evidence in deciding what credence and what weight you give to the cooperating witness.

PRIOR INCONSISTENT STATEMENTS

You have heard evidence that witnesses made statements on earlier occasions which counsel argues are inconsistent with their trial testimony. If you find that a witness made an earlier statement that conflicts with his or her trial testimony, you may consider that fact in deciding how much of the trial testimony, if any, to believe.

In making this determination, you may consider whether the witness purposely made a false statement or whether it was an innocent mistake; whether the inconsistency concerns an important fact, or whether it had to do with a small detail; whether the witness had an explanation for the inconsistency, and whether that explanation appealed to your common sense.

It is your exclusive duty, based upon all evidence and your own good judgment, to determine whether any prior statements were inconsistent, and if so how much, if any, weight is to be given to the inconsistent statement in determining whether to believe all or part of the witness's testimony.

INTERVIEWING WITNESSES

References have been made to interviews that attorneys conducted with witnesses prior to the witness testifying. You should not draw any unfavorable inference from that conduct. I instruct you that they not only have a right to interview witnesses prior to putting them on the stand, but it is their responsibility to do so.

DEFENDANT'S TESTIMONY

As I have already told you, a defendant in a criminal case has no obligation to testify or to present any other evidence because it is the government's burden to prove a defendant's guilt; that burden remains with the government throughout the entire trial and never shifts to a defendant. In addition, our Constitution provides that the government cannot compel a defendant to testify against herself. Nevertheless, a defendant has a right to testify and present other evidence in her own defense.

Ms. Okeke chose not to testify. Since she had an absolute right to make that choice, no negative inference can be drawn against her because she did not testify.

INVESTIGATIVE TECHNIQUES, UNCALLED WITNESSES, AND PRODUCTION OF EVIDENCE

There is no legal requirement that the government use any specific investigative techniques or pursue every investigative lead to prove its case. Law enforcement techniques are not your concern.

The law does not require the government to produce as exhibits all papers and things mentioned during the course of the trial. Nor does the law require the government to call as witnesses all persons who may have been present at any time or place involved in the case, or who may appear to have some knowledge of the matters at issue in this trial.

In sum, I have repeatedly told you that the government has the burden of proving guilt beyond a reasonable doubt. Your job is to determine whether the testimony and other evidence that the government did produce satisfies that burden.

STIPULATIONS

Finally, the attorneys for the government and the attorney for the defendant have entered into stipulations concerning certain facts that are relevant to this case. When the attorneys on both sides stipulate and agree to the existence of facts you must accept the stipulation and regard those facts as proven.

CHARTS AND SUMMARIES

During the course of trial, there were charts and summaries shown to you in order to make the other evidence more meaningful and to aid you in considering the evidence. They are not direct, independent evidence; they are summaries of the evidence. They are admitted into evidence as aids to you.

In understanding the evidence you have heard, it is sometimes easier and more convenient to utilize summary charts than to place all of the relevant documents in front of you. It is for you to decide whether the charts and summaries correctly present information contained in the testimony and in the exhibits on which they are based. To the extent that the charts conform to what you determine the underlying evidence to be, you may consider them if you find that they are of assistance to you in analyzing and understanding the evidence.

UNCALLED WITNESSES

There are several people whose names you have heard during the course of the trial but who did not appear here to testify. Each party had an opportunity to call witnesses. You should not speculate as to what these people would have testified to had they been called. Their absence should not affect your judgment in any way.

You should, however, remember my instruction that the law does not impose on a defendant in a criminal case the burden or duty of calling any witness or producing any evidence. The burden remains with the government to prove the guilt of the defendant beyond a reasonable doubt.

POLICIES AND PROCEDURES

You have heard testimony and seen manuals regarding ethics and other policies and procedures in effect at Popular Bank in 2020. Those policies and procedures were not offered to define the relevant law in this case. Instead, I am now instructing you on the law and definitions of terms, and you should only use the definitions I provide.

Further, while a violation of policies and procedures may be a civil or administrative matter, this is a criminal case, not a civil or administrative matter. If you find that the defendant violated any policy or procedures that does not, by itself, mean that the defendant has committed a crime. In determining whether the defendant has committed any of the charged offenses, you are to apply the instructions I have given you today. Bank policies and procedures are simply evidence that you may give as much, or as little weight, as you deem appropriate.

II. LEGAL ELEMENTS OF THE CRIMES CHARGED

THE INDICTMENT AND SUMMARY OF CHARGES

The defendant, Anuli Okeke, is formally charged in an Indictment. As I instructed you at the beginning of this case, an indictment is a charge or accusation. It is not evidence. It merely describes the charges made against the defendant. It is an accusation and may not be considered by you as any evidence of guilt.

The indictment charges that the offenses allegedly took place “on or about” certain dates. The proof need not establish with certainty the exact date of the alleged offenses. It is sufficient if the evidence proves that the offenses were committed on a date reasonably near the date alleged. The Indictment in this case contains four counts on which you will be called to render a verdict.

Count One charges the defendant with participating in a conspiracy to commit wire fraud and bank fraud.

Count Two charges the defendant with committing the substantive offense of wire fraud.

Count Three charges the defendant with committing the substantive offense of bank fraud.

Count Four charges the defendant with participating in a conspiracy to commit money laundering.

Each count is a separate offense or crime. You must consider each count separately, and you will be called upon to render a separate verdict on each count. Your verdict as to any one count does not determine your verdict as to any other count.

I will now explain to you the law that applies to each of the counts in the Indictment. I am going to present the counts to you beginning with what we call the "substantive counts" before turning to the "conspiracy counts." I will explain the distinction between these counts when I explain the conspiracy counts.

COUNT TWO: WIRE FRAUD

Count Two reads as follows:

> In or about and between March 2020 and August 2020, both dates being approximate and inclusive, within the Eastern District of New York and

elsewhere, the defendant ANULI OKEKE, together with others, did knowingly and intentionally devise a scheme and artifice to defraud and to obtain money and property from [Popular Bank] and the United States Small Business Administration by means of one or more materially false and fraudulent pretenses, representations and promises, and for the purpose of executing and attempting to execute such scheme and artifice did transmit and cause to be transmitted, by means of wire communications in interstate commerce, writings, signs, signals, pictures and sounds, to wit: electronic submission of applications and supporting documentation.

Section 1343 of Title 18 of the United States Code provides:

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio or television communication in interstate or foreign commerce, any writings, signs, signals, pictures or sounds for the purpose of executing such scheme or artifice shall be [guilty of an offense].

To prove that a defendant is guilty of this offense, the government must prove each of the following three elements beyond a reasonable doubt:

- **First**, that there was a scheme or artifice to defraud others of money or property by materially false and fraudulent pretenses, representations, or promises;

- **Second**, that the defendant knowingly and willfully participated in the scheme or artifice to defraud, with knowledge of its fraudulent nature and with specific intent to defraud; and

- **Third**, that in the execution of the scheme, the defendant used, or caused the use by others, of wire communications in interstate or foreign commerce.

I will now instruct you on the elements of this crime.

First Element: Scheme or Artifice to Defraud

The first element the government must prove beyond a reasonable doubt is that there was a scheme or artifice to defraud victims of money or property by means of false or fraudulent pretenses, representations, or promises.

A “scheme or artifice” is simply a plan for the accomplishment of an objective. “Fraud”—and its verb, “to defraud”—are general terms that embrace all ingenious efforts and means that individuals devise to take unfair advantage of others. The unfair advantage sought must involve money, property, or other thing of value. Thus, a “scheme to defraud” is simply a plan to deprive another of money or property by trick, deceit, deception, or swindle.

The scheme to defraud must occur by certain means. Here, the law requires that the “means” involve fraudulent pretenses, or fraudulent representations, or fraudulent promises. Let me explain what “fraudulent pretense” means. It is a general phrase. The term “fraudulent,” like the term “fraud” I described above, includes all possible means (or ways) by which a person seeks to gain some unfair advantage over another person. Here, again, that unfair advantage must involve money, property, or any other thing of value. The word “pretense” adds something to that. It requires that the fraud be by an act or statement that conceals the truth, or contains an intentional misrepresentation or false suggestion; it must have been done or made falsely and with intent to deceive, and it must relate to a material fact or matter. In other words, it cannot relate simply to something no-one cared about. A material fact is one which would reasonably be expected to be of concern or importance to a reasonable and prudent person. In addition, it must matter in a pecuniary or monetary way. Actual reliance by a person on the concealment of the truth, intentional misrepresentation, or false suggestion is not required.

It is also not necessary that the Government prove that the defendant actually realized any gain from the scheme, nor is it required that the intended victim was actually harmed or in fact suffered any loss. In addition, if a defendant believes that no harm will ultimately occur to the victim she has defrauded, that is not a defense.

A scheme to defraud need not be shown by direct evidence but may be established by circumstantial evidence. As with all fact questions, your determination should be based on the totality of the evidence.

Second Element: Participation in the Scheme With Intent

The second element the government must prove beyond a reasonable doubt is that the defendant agreed to participate in (or that she devised) the fraudulent scheme knowingly, willfully, and with the specific intent to defraud.

The words "participated" and "devised" are words that you are familiar with and I therefore do not need to spend much time defining them for you. To "participate" in a scheme to defraud means to associate oneself with it with a view and intent toward making it succeed. To "devise" a scheme to defraud is to concoct or plan it. While a mere onlooker is not a participant in a scheme to defraud, it is not necessary that a participant be someone who personally and visibly executes the scheme to defraud.

In order to satisfy this element, it is not necessary for the government to establish that the defendant herself originated, came up with the idea for, or was the first or only person to pursue the scheme to defraud. It is sufficient if you find that a scheme to defraud existed, even if someone else originated it, and that the defendant, while aware of the scheme's existence, knowingly agreed to participate in it.

It is also not required that the defendant participate in or have knowledge of all of the operations of the scheme. The guilt of the defendant is not governed by the extent of that defendant's participation.

It also is not necessary that the defendant have participated in the alleged scheme from the beginning. A person who comes in at a later point with knowledge of the scheme's general operation, although not necessarily all of its details, and intentionally acts in a way to further the unlawful goals, becomes a member of the scheme and is legally responsible for all that may have been done in the past in furtherance of the criminal objective and all that is done thereafter.

Moreover, even if the defendant participated in the scheme to a lesser degree than others, she is nevertheless equally guilty, so long as the defendant became a member of the scheme to defraud with knowledge of its general scope and purpose.

As I have previously noted, before the defendant may be convicted of the fraud charged here, she must also be shown to have acted knowingly and with a specific intent to defraud.

"Knowingly" means to act purposefully and voluntarily, and not because of ignorance, mistake, accident, or carelessness. Whether a defendant acted knowingly may be proven by his or her conduct and by all of the facts and circumstances surrounding the case.

To act "willfully" means to act knowingly and purposely, with an intent to do something the law forbids; that is to say, with bad purpose either to disobey or to disregard the law. The defendant need not have known that she was breaking any particular law or any particular statute. The defendant need only have been aware of the generally unlawful nature of her act. "Willfully" thus means to act deliberately and with a bad purpose, rather than innocently.

A defendant acts with "specific intent to defraud" if she engages or participates in a scheme to defraud or to obtain money by materially false or fraudulent pretenses, representations or promises with some realization of the scheme's fraudulent or deceptive character, and with an intention to be involved in the scheme, and to help it succeed, with a purpose of causing harm to a victim.

The question of whether a person acted knowingly, willfully, and with specific intent to defraud is a question of fact for you to determine, like any other fact question. This question involves one's state of mind. Science has not yet devised a manner of looking into a person's mind and knowing what that person is thinking. However, you have before you the evidence of certain acts, conversations, and statements alleged to involve the defendant and others. It is up to you to weigh this and all evidence, and to decide whether to accept or reject it. The point is, the ultimate facts of knowledge and criminal intent may or may not be established by words and conduct, and all the surrounding circumstances, as well as the rational or logical inferences that may be drawn from the words and conduct. It is for you to determine whether the government has established beyond a reasonable doubt such knowledge and intent on the part of the defendant.

Since an essential element of wire fraud is intent to defraud, it follows that good faith on the part of the defendant is a complete defense to wire fraud. However misleading or deceptive a plan may be, it is not fraudulent if it was devised or carried out in good faith. A defendant has no burden to establish a defense of good faith. The burden is on the Government to prove fraudulent intent and the consequent lack of good faith. Even false representations or statements, or omissions of material facts do not amount to a fraud unless done with fraudulent intent. However misleading or deceptive a plan may be, it is not fraudulent if it was devised or carried out in good faith.

A belief by the defendant, however, that ultimately everything would work out so that no one would lose any money does not require that you find she acted in good faith. No amount of honest belief on the part of a defendant that the scheme will ultimately make a profit will excuse fraudulent actions or false representations by her to obtain money or property.

Third Element: Use of Wire Communications in Interstate or Foreign Commerce

The third element the government must prove beyond a reasonable doubt is the use of an interstate or foreign wire communication in furtherance of the scheme to defraud.

What are "wires" as I am using the term here? "Wires" include use of the Internet or cell phones to communicate; "wires" include all manner of cell phone, telephone, and Internet communications, such as telephone calls, text messages, emails, and chat messages, and also include money transfers made by wire. The wire communication must travel interstate. That is, the use of the wire facilities must pass between two or more states, or from outside the United States into the United States or vice versa.

The use of the wires need not itself be a fraudulent representation. However, it must further or assist in the carrying out of the scheme to defraud. It is not necessary for a defendant to be directly or personally involved in the wire communication, as long as the communication was reasonably foreseeable in the execution of the scheme to defraud.

In this regard, it is sufficient to establish this element of the crime if the evidence justifies a finding that a defendant caused the wires to be used by others. This does not mean that a defendant must specifically have authorized others to make or cause the transfer of funds or other wire communication. When one does an act with knowledge that the use of the wires will follow in the ordinary course of business or where such use of the wires reasonably can be foreseen, even though not actually intended, then she causes the wires to be used.

Aiding and Abetting Liability

The indictment also charges the defendant with aiding and abetting the wire fraud crime charged in Count Two. A person may be guilty of a substantive offense, such as the one I just listed, if she "aids and abets," which essentially means if she assists another person in committing the offense. Thus, for example, you may find that the defendant is guilty of wire fraud if you find beyond a reasonable doubt that the government has proven that another person actually committed the crime, and that the defendant helped or assisted that person in the commission of the offense.

In relevant part, the aiding and abetting statute, section 2(a) of Title 18 of the United States Code provides that:

> Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

You should give those words their ordinary meaning. A person "aids" or "abets" a crime if she knowingly does some act for the purpose of aiding or encouraging the commission of that crime, with the intention of causing the crime to be committed. To "counsel" means to give advice or recommend. To "induce" means to lead or move by persuasion or influence as to some action or state of mind. To "procure" means to bring about by unscrupulous or indirect means. To "cause" means to bring something about, to effect something.

In order to prove that the defendant is guilty of aiding and abetting a crime, the government must prove each of the following two elements beyond a reasonable doubt:

- **First**, that another person actually committed the crime with which the defendant is charged; and

- **Second**, that the defendant aided and abetted that person in the commission of the offense.

As you can see, the first requirement for aiding and abetting liability is that the crime charged was committed. Obviously, no one can be convicted of aiding and abetting a crime if no crime was committed. But if you do find that a crime was committed, then you must consider whether the defendant aided or abetted the commission of the crime.

However, I emphasize, to aid and abet another to commit a crime, it is necessary that a person willfully and knowingly associated herself in some way with the crime, and willfully and knowingly sought to help make the crime succeed. Participation in a crime is willful if action is taken voluntarily and knowingly.

For the second element, to determine whether the defendant aided and abetted the commission of the crime with which she is charged, ask yourself these questions:

1. Did she participate in the crime charged as something she wished to bring about?

2. Did she associate herself with the criminal venture knowingly and willfully?

3. Did she seek by her actions to make the criminal venture succeed?

If she did, then the defendant is an aider and abettor, and therefore guilty of the offense. If she did not, then the defendant is not an aider and abettor and is not guilty as an aider and abettor.

The mere presence of a person where a crime is being committed, even coupled with knowledge by that person that a crime is being committed, or the mere acquiescence by a person in the criminal conduct of others, even with guilty knowledge, is not sufficient to establish aiding and abetting. An aider and abettor must have some interest in the criminal venture and must take some action to assist or encourage the commission of the crime.

Conscious Avoidance

As I explained, the government is required to prove that the defendant acted knowingly, as I have defined that term. In addition to a person actually being aware of a fact, the law also allows you to find that a defendant had knowledge of a fact when the evidence shows that she was aware of a high probability of that fact but intentionally avoided confirming that fact. The law calls this "conscious avoidance" or "willful blindness."

In determining whether the defendant acted knowingly, you may consider whether the defendant deliberately closed her eyes to what would otherwise have been obvious to her. If you find beyond a reasonable doubt that the defendant acted with (or that the defendant's ignorance was solely and entirely the result of) a conscious purpose to avoid learning the truth, then this element may be satisfied. However, guilty knowledge may not be established by demonstrating that the defendant was merely negligent, foolish, or mistaken.

Thus, if you find beyond a reasonable doubt that the defendant knew there was a high probability that a criminal offense was being committed, but deliberately and consciously avoided confirming this fact, then you may treat this deliberate avoidance of positive knowledge as the equivalent of knowledge, unless you find that the defendant actually believed that the criminal offense was not being committed.

COUNT THREE: BANK FRAUD

Count Three reads as follows:

> In or about and between March 2020 and August 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANULI OKEKE, together with others, did knowingly and intentionally execute and attempt to execute a scheme and artifice to defraud [Popular Bank], the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits and other property owned by, and under the custody and control of, [Popular Bank] by means of one or more materially false and fraudulent pretenses, representations and promises.

Section 1344 of Title 18 of the United States Code makes it a crime to:

> knowingly execute[], or attempt[] to execute, a scheme or artifice—
> (1) to defraud a financial institution; or
> (2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises.

To prove that a defendant is guilty of this offense, the government must prove each of the following three elements beyond a reasonable doubt:

- **First**, that there was either a scheme to defraud a bank (or a scheme or artifice to obtain money owned by or under the custody or control of a bank by means of materially false or fraudulent pretenses, representations or promises) as charged in the Indictment;

- **Second**, that the defendant executed the scheme with the intent to defraud the bank; and

- **Third**, that at the time of the execution of the scheme, the bank involved was federally insured.

I will now instruct you on the elements of this crime.

First Element: Existence of Scheme or Artifice

The first element the government must prove beyond a reasonable doubt is that there was a scheme or artifice to defraud or to obtain money or other property, owned by or under the custody or control of a bank by means of false or fraudulent pretenses, representations or promises.

I have already instructed you as to the meaning of “scheme or artifice.” You should apply that definition here.

A representation is fraudulent if it was falsely made with the intent to deceive. Deceitful statements of half-truth, the concealment of material facts, and the expression of an opinion not honestly entertained may constitute false or fraudulent representations under the statute.

A fraudulent representation must relate to a material fact or matter. A material fact is one that would reasonably be expected to be of concern to a reasonable and prudent person in relying upon the representation or statement in making a decision. This means that if you find a particular statement of fact to have been false, you must determine whether that statement was one that a reasonable person might have considered important in making her decision. The same principle applies to fraudulent half-truths or omissions of material facts.

In considering this element of bank fraud, it does not matter whether any decision makers at the bank actually relied upon the misrepresentation. It is sufficient if the misrepresentation is one that is capable of influencing the bank’s decision and is intended by the defendant to do so. It also does not matter whether the bank involved might have discovered the fraud had it probed further, or been more careful. If you find that a scheme or artifice existed, it is irrelevant whether you believe that the bank was careless, gullible, or even negligent.

Moreover, the deception need not be premised upon spoken or written words alone. The arrangement of the words, the omission of words, or the circumstances in which they are used may convey a false and deceptive appearance. If there is intentional deception, the manner in which it is accomplished does not matter.

Second Element: Intent to Defraud

The second element the government must prove beyond a reasonable doubt is that the defendant intended to defraud the bank.

I have already instructed you as to the meaning of "knowingly" and "willfully." You should apply those same definitions here.

To act with "intent to defraud" means to act knowingly and with the specific intent to deceive, for the purpose of causing some financial loss to another.

As explained earlier, direct proof of knowledge and fraudulent intent is almost rarely available. Such direct proof is not required.

Accordingly, the ultimate facts of knowledge and criminal intent may be established by circumstantial evidence, based upon a person's outward manifestations, her words, her conduct, her acts, and all the surrounding circumstances disclosed by the evidence and the rational or logical inferences that may be drawn from the evidence. But regardless of whether you look to direct evidence, circumstantial evidence, or a combination thereof, the government must establish the essential elements of the crime charged beyond a reasonable doubt—including the requisite mental states.

The government must prove that the defendant engaged in, or participated in, the scheme alleged with an understanding of its fraudulent or deceptive nature and with an intent to help it succeed. I have already instructed you, when discussing the wire fraud charged in Count Two, what is and is not necessary to reach such a conclusion. You should apply those same instructions here.

As I instructed you with wire fraud charged in Count Two, good faith on the part of a defendant is a complete defense to the charge of bank fraud, since an essential element of the crime charged is intent to defraud. You should apply those instructions here.

Third Element: Federally Insured Financial Institution

The third and final element the government must prove beyond a reasonable doubt is that the bank in question was federally insured at the time of the scheme. This simply means that the bank's deposits had to be insured by the Federal Deposit Insurance Corporation (FDIC).

The Government need not show that the defendant knew that the bank in question was federally insured to satisfy this third element. It must prove, however, that the defendant intended to defraud a financial institution that was federally insured, or to obtain money or funds owned or under the custody or control of such an institution.

Aiding and Abetting Liability

I have already instructed you as to the meaning of "aiding and abetting." You should apply that definition here.

Conscious Avoidance

I have also already instructed you as to the meaning of "conscious avoidance." You should apply that definition here.

COUNT ONE: CONSPIRACY TO COMMIT WIRE FRAUD AND BANK FRAUD

Now that I have gone through the two substantive counts in the Indictment, I will turn to the two conspiracy counts.

Count One reads as follows:

> In or about and between March 2020 and August 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANULI OKEKE, together with others, did knowingly and intentionally conspire to execute a scheme and artifice, to wit:
>
> (a) to defraud and to obtain money and property from [Popular Bank], an entity the identity of which is known to the Grand Jury, which was a federally-insured financial institution, and the United States Small Business Administration by means of one or more materially false and fraudulent pretenses, representations and promises, and to transmit and cause to be transmitted by means of wire communications in interstate commerce, writings, signs, signals, pictures and sounds, for the purpose of executing the scheme to

> defraud, contrary to Title 18, United States Code, Section 1343; and
> (b) to defraud [Popular Bank], a financial institution, and to obtain money, funds, credits and other property owned by and under the custody and control of [Popular Bank], by means of one or more materially false and fraudulent pretenses, representations and promises, contrary to Title 18, United States Code, Section 1344.

Before I give you more specific instructions about Count One, let me explain generally about the crime of conspiracy. A conspiracy is a criminal partnership—a combination or agreement of two or more persons to join together to accomplish some unlawful purpose.

Conspiracy simply means agreement, and the crime of conspiracy to violate a federal law is an independent offense, separate and distinct from the actual violation of any specific federal laws. Thus, if a conspiracy exists, it is still punishable as a crime, even if it fails to achieve its purpose. Consequently, for a defendant to be guilty of conspiracy, there is no need for the government to prove that she, or any other conspirator, was actually successful in their criminal goals. You may thus find a defendant guilty of the crime of conspiracy even if you find that the substantive crimes that were the objects of the conspiracy were never actually committed. By the same token, you may find the defendant guilty of committing the substantive crime with which she is charged, even if you find her not guilty of conspiracy.

I will now discuss the elements of the wire fraud and bank fraud conspiracy charged in the indictment. In order to sustain its burden of proof on this charge, the government must prove beyond a reasonable doubt the following two elements:

- **First**, that there was an agreement or understanding to accomplish the unlawful objective alleged in the Indictment, which is wire fraud and bank fraud; and

- **Second,** that the defendant knowingly and willfully became a member of the conspiracy.

I will now instruct you on the elements of this crime.

First Element: Existence of the Agreement

The first element the government must prove beyond a reasonable doubt is that the conspiracy existed.

What is a conspiracy? Simply put, a conspiracy is an agreement by two or more persons to accomplish one or more unlawful objectives by working together.

The essence of the crime of conspiracy is the unlawful agreement to violate the law. It is not necessary that a conspiracy actually succeed in its purpose for you to conclude that it existed. Indeed, you may find a defendant guilty of conspiracy despite the fact that it was factually impossible for the defendant to commit the substantive crime or goal of the conspiracy. This is because the success or failure of a conspiracy is not material to the question of guilt or innocence of the conspirator. The crime of conspiracy is complete once the unlawful agreement is made and an act is taken in furtherance of that agreement.

To establish a conspiracy, the government is not required to show that two or more persons sat around a table and entered into a solemn compact, orally or in writing, stating that they have formed a conspiracy to violate the law and setting forth details of the plans and the means by which the unlawful project is to be carried out or the part to be played by each conspirator. Indeed, it would be extraordinary if there were such a formal document or specific oral agreement.

Your common sense will tell you that when people in fact undertake to enter into a criminal conspiracy, much is left to unexpressed understanding. Conspirators do not usually reduce their agreements to writing or acknowledge them before a notary public, nor do they publicly broadcast their plans. From its very nature, a conspiracy is almost invariably secret in its origin and execution. I remind you that a conspiracy must include two or more persons.

It is sufficient if two or more persons in any way, either explicitly or implicitly, come to a common understanding to violate the law. Express language or specific words are not required to indicate assent or attachment to a conspiracy. Nor is it required that you find that any particular number of alleged co-conspirators joined in the conspiracy in order to find that a conspiracy existed. You need only find two or more persons entered into the unlawful agreement alleged in the indictment and that an act was committed in furtherance of that agreement in order to find that a conspiracy existed.

In determining whether there has been an unlawful agreement, you may judge acts and conduct of the alleged co-conspirators that are done to carry out an apparent criminal purpose. The saying “actions speak louder than words” is applicable here. In this regard, you may, in determining whether an agreement existed here, consider the actions and statements of all of those you find to be participants as proof that a common design existed on the part of the persons charged to act together to accomplish an unlawful purpose.

Often, the only evidence of a conspiracy available is that of disconnected acts that, when taken together and considered as a whole, show a conspiracy or agreement to secure a particular result as satisfactorily and conclusively as more direct proof, such as evidence of an express agreement.

Of course, proof concerning the accomplishment of the object or objects of the conspiracy may be the most persuasive evidence of the existence of the conspiracy itself. But it is not necessary that the conspiracy actually succeed in its purpose in order for you to conclude that the conspiracy existed.

In considering whether a conspiracy existed, you should consider all of the evidence that has been admitted with respect to the conduct and statements of each alleged co-conspirator and any inferences that may reasonably be drawn from that conduct and those statements.

It is sufficient to establish the existence of the conspiracy if, after considering all of the relevant evidence, you find beyond a reasonable doubt that the minds of at least two alleged conspirators agreed, as I have explained, to work together in furtherance of one or more of the objects alleged in Count One of the indictment.

In this case, Count One of the indictment charges that there were two objectives of the conspiracy: wire fraud and bank fraud. I have already instructed you on the elements of these substantive crimes in connection with my instructions for Count Two and Count Three.

If you find that the conspirators agreed to accomplish either one or both of these two objectives, then the illegal purpose element will be satisfied. In other words, you need not find that the conspirators agreed to accomplish both these two objectives, as any one is sufficient.

However, you must be unanimous as to that objective or those objectives. That is, you must all be in agreement with respect to *at least one* of the two alleged objectives of the conspiracy. You all have to be in agreement on the specific object of the conspiracy that you find to exist before you can find the conspiracy charged in the indictment existed.

Second Element: Membership in the Conspiracy

The second element the government must prove beyond a reasonable doubt is that the defendant unlawfully, willfully, and knowingly entered into the conspiracy, that is, that the defendant agreed to take part in the conspiracy with knowledge of its unlawful purposes and in furtherance of its unlawful objectives.

"Unlawfully" simply means contrary to law. A defendant need not have known that she was breaking any particular law or any particular rule, but she must have been aware of the generally unlawful nature of her acts.

I have already provided you with the definitions of "knowingly" and "willfully," and you should apply those same definitions here.

Again, knowledge is a matter of inference from the proven facts. You do have before you the evidence of certain acts and conversations alleged to have taken place involving the defendant or in her presence. You may consider this evidence in determining whether the government has proven beyond a reasonable doubt the defendant's knowledge of the unlawful purposes of the conspiracy.

It is not necessary for the government to show that a defendant was fully informed as to all the details of the conspiracy in order for you to infer knowledge on her part. To have guilty knowledge, a defendant need not have known the full extent of the conspiracy or all of the activities of all of its participants. It is not even necessary for a defendant to know every other member or activity of the conspiracy. Furthermore, a defendant need not have joined in all of the conspiracy's unlawful objectives.

Nor is it necessary that a defendant received any monetary benefit from her participation in the conspiracy or had a financial stake in the outcome. However, although proof of a financial interest in the outcome of a scheme is not essential or determinative, if you find that a defendant had a financial or other interest, that is a factor you may properly consider in determining whether a defendant was a member of the conspiracy.

The duration and extent of a defendant's participation has no bearing on the issue of her guilt. She need not have joined the conspiracy at the outset. A defendant may have joined it at any time in its progress, and she will be held responsible for all that was done before she joined and all that was done during the conspiracy's existence while she was a member, if those acts were reasonably foreseeable and within the scope of the defendant's agreement.

Each member of a conspiracy may perform separate and distinct acts and may perform them at different times. Some conspirators may play major roles, while others play minor roles in the scheme. One participating in a conspiracy is no less liable because her part is minor and subordinate. An equal role or an important role is not what the law requires. In fact, even a single act can be sufficient to make a defendant a participant in an illegal conspiracy.

A person's mere association with a member of the conspiracy, however, does not make that person a member of the conspiracy, even when that association is coupled with knowledge that a conspiracy is taking place. A person may know, work with, or enter into business or friendship with an individual who is committing a crime without being a criminal herself. You may not find that the defendant is a member of a conspiracy merely because of a friendship or business association with alleged co-conspirators. Furthermore, mere presence at the scene of a crime, even coupled with knowledge that a crime is taking place, is not sufficient to support a conviction. In other words, knowledge without agreement and participation is not sufficient. What is necessary is that a defendant participate in the conspiracy with knowledge of its unlawful purposes, and with an intent to aid in the accomplishment of its unlawful objectives.

A conspiracy once formed is presumed to continue until its objective is accomplished or until there is some affirmative act of termination by its members. So too, once a person is found to be a participant in the conspiracy, that person is presumed to continue being a participant in the venture until the venture is terminated, unless it is shown by some affirmative proof that the person withdrew and dissociated herself from it.

It is not essential that the government prove that a particular conspiracy alleged in the indictment started or ended on any of the specific dates described for that conspiracy. It is sufficient if you find that the conspiracy was formed and that it existed for some time around or within the dates set forth in the indictment.

In sum, the government must prove beyond a reasonable doubt that a defendant, with an understanding of the unlawful nature of the conspiracy, knowingly and intentionally engaged, advised, or assisted in the conspiracy for the purpose of furthering an illegal undertaking. Only through that does a defendant become a knowing and willing participant in the unlawful agreement—that is to say, a conspirator.

Liability for Acts and Declarations of Co-Conspirators

I have admitted into evidence the acts and statements of certain individuals who the government alleges were co-conspirators of the defendant.

You may consider as evidence against a defendant the acts and statements of those who were co-conspirators of that defendant. The reason for this rule has to do with the nature of the crime of conspiracy. A conspiracy is often referred to as a partnership in crime. Thus, as in other types of partnerships, when people enter into a conspiracy to accomplish an unlawful end, each member becomes an agent for the other conspirators in carrying out the conspiracy. Accordingly, the reasonably foreseeable acts, declarations, statements, and omissions of any member of the conspiracy in furtherance of the common purpose of the conspiracy are deemed, under the law, to be the acts of all of the members, and all of the members are responsible for such acts, declarations, statements, and omissions.

In determining the factual issues before you, you may consider against the defendant any acts or statements made by any of the people who you find, under the standards I have already described, to have been her co-conspirators, even though such acts or statements were not made in her presence or were made without her knowledge.

COUNT FOUR: MONEY LAUNDERING CONSPIRACY

Count Four reads as follows:

> In or about and between March 2020 and August 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANULI OKEKE, together with others, did knowingly and intentionally conspire to engage in one or more financial transactions in and affecting interstate commerce, to wit: deposits, withdrawals and transfers of funds and monetary instruments, in and affecting interstate and foreign commerce, by, though and to one or more financial institutions; in criminally derived property that was of a value greater than $10,000 and that was derived from specified unlawful activity, to wit: wire fraud, in violation of Title 18, United States Code, Section 1343, and bank fraud, in violation of Title 18, United States Code, Section 1344, contrary to Title 18, United States Code, Section 1957(a).

I already instructed you on the law of conspiracies in connection with my instructions concerning Count One. You should apply those instructions here.

As a reminder, the two elements the government must prove beyond a reasonable doubt are:

- **First**, that there was an agreement or understanding to accomplish the unlawful objective alleged in the indictment, which, for Count Four, is money laundering, a crime I will define for you; and

- **Second,** that the defendant knowingly and willfully became a member of the conspiracy.

For Count Four, unlike Count One, the defendant is not charged with the substantive crime, money laundering, that is the alleged object of the conspiracy. Recall that conspiracy, standing alone, is a separate crime, even if the conspiracy is not successful and even if you find that the defendant never actually committed the substantive crimes that were the objects of the conspiracy. Rather, this type of conduct alleges only that a defendant conspired to commit the offense of money laundering.

I will now instruct you on the elements on the alleged object of the conspiracy in Count Four, which is money laundering. I describe for you the elements of the unlawful act only so you can understand what the government must prove beyond a reasonable doubt was the *objective* of the conspiracy.

Money Laundering: Definition and Elements

In this case, money laundering means knowingly engaging in a monetary transaction in criminally derived property of a value greater than $10,000.

The relevant statute regarding transactions in criminally derived property is Section 1957(a) of Title 18 of the United States Code, which provides:

> Whoever . . . knowingly engages . . . in a monetary transaction in criminally derived property that is of a value greater than $10,000 and is derived from specified unlawful activity [and does so either] in the United States . . . [commits a crime].

To prove that a defendant is guilty of this offense, the government must prove each of the following five elements beyond a reasonable doubt:

- **First**, that the defendant engaged in a "monetary transaction" in or affecting interstate commerce;
- **Second**, that the monetary transaction involved criminally derived property of a value greater than $10,000;
- **Third**, that the criminally derived property was derived from unlawful activity specified in the Indictment;
- **Fourth**, that the individual acted knowingly, that is, with knowledge that the transaction involved proceeds of a criminal offense; and
- **Fifth**, that the transaction took place in the United States.

Money Laundering - First Element: Engaging in Money Transaction

The first element is that the defendant engaged in a monetary transaction in or affecting interstate commerce.

The term "monetary transaction" means the deposit, withdrawal, transfer, or exchange, in or affecting interstate or foreign commerce, of funds or a monetary instrument by, through, or to a financial institution. The term "financial institution" includes a bank insured by the Federal Deposit Insurance Corporation ("FDIC") and an agency or branch of a foreign bank in the United States.

The term "interstate or foreign commerce" means commerce between any combination of states, territories or possessions of the United States, or between the United States and a foreign country.

You must find that the transaction affected interstate commerce in some way, however minimal. This effect on interstate commerce can be established in several ways. First, any monetary transaction with a bank insured by the FDIC affects interstate commerce, so if you find that that any financial institution involved in the transaction was insured by the FDIC that is enough to establish that the transaction affected interstate commerce. Second, if the source of the funds used in the transaction affected interstate commerce, that is sufficient as well. Third, if the transaction itself involved an interstate transfer of funds, that would also be sufficient.

Money Laundering - Second Element: Transaction Involved Criminally Derived Property

The second element is that the monetary transaction involved criminally derived property having a value in excess of $10,000.

The term "criminally derived property" means any property constituting, or derived from, proceeds obtained from a criminal offense. The term "proceeds" has the same meaning as I just explained.

To satisfy this element, the government is not required to prove the defendant knew that the offense from which the criminally derived property was derived was specified unlawful activity. All of the property involved in the transaction need not be criminally derived property. However, more than $10,000 of the property involved must be criminally derived property.

Money Laundering - Third Element: Property Derived From Unlawful Activity

The third element is that the criminally derived property involved in the financial transaction was derived from specified unlawful activity. I instruct you as a matter of law that wire fraud and bank fraud are "specified unlawful activities" under the law.

Money Laundering - Fourth Element: Knowledge

The fourth element is that the individual knowingly engaged in the monetary transaction involving criminally derived property, as defined above.

I have previously defined the term "knowingly" for you and you should apply that definition here. I further instruct you that in a prosecution for an offense under this section, the individual does not need to know the particular offense from which the criminally derived property was derived. However, the individual must know that the transaction involved criminally derived property, which, I remind you, means any property constituting, or derived from, proceeds obtained from a criminal offense.

Money Laundering - Fifth Element: Transaction Took Place in the United States

The fifth element which the government must prove beyond a reasonable doubt is that the transaction took place in the United States. A transaction takes place in the United States if it involves the transfer or transmission of funds into or out of or through accounts located in the United States.

VENUE

In addition to the elements I have described, you must also consider venue. Venue refers to the location of the charged crimes.

The Indictment alleges that the crimes charged in Counts One through Four occurred in part in this judicial district, which is the Eastern District of New York. This district encompasses the boroughs of Brooklyn, Queens, and Staten Island, as well as Nassau and Suffolk Counties on Long Island, as well as the air space above the district or the waters in the district.

To establish that venue for a charged crime is appropriate in this district, the government must prove that some act in furtherance of the crime occurred here, in the Eastern District of New York. This means that with respect to each crime charged, even if other acts were committed outside this district or if the crime was completed elsewhere, venue is established in the Eastern District of New York so long as some act in furtherance of the crime took place in this district. Indeed, a defendant need not personally have been present in the district for venue to be proper.

Venue turns on whether any part of the crime or any act in furtherance of the offense was committed in the district. Venue is proper in a district where the defendant intentionally or knowingly causes an act in furtherance of the charged offense to occur or where it is foreseeable that such an act would occur in the district. In a conspiracy, such as those charged in Counts One and Four, actions of coconspirators, as well as actions caused by coconspirators, may be sufficient to confer venue if it was reasonably foreseeable to the defendant that the acts would occur in the Eastern District of New York.

In determining whether some act in furtherance of the crime you are considering occurred in the Eastern District of New York, you may consider a number of things. Venue can be conferred based on physical presence or conduct. Venue can also be based on electronic impulses, including email communications and electronic transfers of funds such as banking transfers, beginning or ending in a district. Venue lies in any district where electronic communications are sent or received and any district through which electronic financial transactions are routed. Venue is proper where a telephonic communication in furtherance of a crime was made and where it was received. The government need not prove all of these bases of venue; any one is sufficient.

In order to establish venue for the wire fraud charge in Count Two, the government must prove the defendant caused an interstate wire, such as an e-mail, phone call, or financial transaction to be transmitted into or out of the Eastern District. The wire need not itself be criminal so long as it was transmitted in furtherance of the scheme or artifice to defraud.

In order to establish venue for the bank fraud charge in Count Three, the government must prove that an act in furtherance of a scheme to defraud a bank occurred in the Eastern District. The act itself need not be criminal so long as it was in furtherance of the scheme or artifice to defraud.

In order to establish venue for money laundering conspiracy in Count Four, the government must prove that an act, which need not be criminal itself, in furtherance of an agreement to deposit, withdraw, transfer, or exchange funds derived from criminal activity occurred in the Eastern District.

While the government's burden as to everything else in the case is proof beyond a reasonable doubt, a standard that I have already explained to you, the government must prove venue by the lesser standard of preponderance of the evidence. To establish a fact by a preponderance of the evidence means to prove that the fact is more likely true than not. A preponderance of the evidence means the greater weight of the evidence, both direct and circumstantial.

III. CONCLUDING REMARKS

Before I ask you to retire to the jury room to begin your deliberations, there are a few additional matters that I would like to speak to you about.

PUNISHMENT

First, the question of possible punishment of the defendant is of no concern to the jury and should not, in any sense, enter into or influence your deliberations. The duty of imposing sentence, if there is a conviction, rests exclusively upon the Court. Your function is to weigh the evidence in the case and to determine whether or not the defendant is guilty, solely upon the basis of such evidence. Under your oath as jurors, you cannot allow a consideration of the punishment which may be imposed upon the defendant, if convicted, to influence your verdict in any way or to enter in any sense into your deliberations.

SELECTION OF A FOREPERSON

Before you begin your deliberations, you should select someone to be the foreperson. The foreperson will be responsible for signing the verdict form and announcing the verdict in Court.

RIGHT TO SEE EXHIBITS AND HEAR TESTIMONY; COMMUNICATIONS WITH THE COURT

If, during your deliberations, you want to see any of the exhibits, they will be sent to you in the jury room upon request. If you want any of the testimony read back to you, that can also be done; in the alternative, in my discretion, I may send the relevant portions of the transcript in to you. Please remember that it is not always easy to locate what you might want, so be as specific as you possibly can in requesting exhibits or portions of testimony which you may want. You may also inquire of the Court if you are confused about any part of my instructions.

Your requests for exhibits or testimony, or questions about the jury instructions —in fact any communication with the Court—should be made to me in writing, signed by your foreperson, and given to the designated marshal. I will respond to any questions or requests you have as promptly as possible, either in writing or by having you return to the courtroom so I can speak to you in person. In any event, do not tell me or anyone else how the jury stands until after a unanimous verdict is reached.

DUTY TO CONSULT AND NEED FOR UNANIMITY

As I have repeatedly told you, the government, to prevail, must prove beyond a reasonable doubt each of the elements of the offenses charged. If the government succeeds with respect to a particular count, your verdict should be guilty on that count; if the government fails with respect to a particular count, your verdict should be not guilty on that count.

Each juror is entitled to his or her opinion; however, you should exchange views with your fellow jurors. That is the very purpose of jury deliberation—to discuss and consider the evidence; to listen to the arguments of fellow jurors; to present your individual views; to consult with one another; and to reach an agreement based solely and wholly on the evidence—if you can do so without violence to your own individual judgment.

Each of you must decide the case for yourself, after consideration, with your fellow jurors, of the evidence in the case. You should not hesitate to change an opinion which, after discussion with your fellow jurors, appears erroneous. On the other hand, if, after carefully considering all the evidence and the arguments of your fellow jurors, you still entertain a conscientious view that differs from the others, you are not to yield your belief simply because you are outnumbered.

Your final vote must reflect your conscientious belief as to how the issues should be decided. Your verdict on each count, whether guilty or not guilty, must be unanimous.

Your oath sums up your duty: That, without fear or favor, you will well and truly try the issues between these parties according to the evidence given to you in court and the laws of the United States.

COURT'S
EXHIBIT NO. 4
IDENTIFICATION/EVIDENCE
DKT.# CR 20-22
DATE: 6/18/22
PENGAD 800-631-6989

THE JURY HAS REACHED
A VERDICT

BRIEN DARCY

1:54PM
6/18/24

QUESTIONS

[illegible]

WE ALSO REQUEST THE FOLLOWING DOCUMENTS:

GOVERNMENT-	DEFENSE
102, 103, 109,	17, 29, 50, 51, 100
200C, 200D, 200E,	
205C, 205D, 208,	
308B, 308C, 344,	
345, 346, 366,	
751, 896, 897,	
902, 903, 904,	
905, 906, 914,	
917, 918, 922,	
939, 981, 984,	
987, 988, 989,	
990, 993, 1092,	
1093, 1098, 1115,	
1117, 1121, 1123,	
1140, 1141, 1150,	

1152, 3500-AN-032,
327

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- X

UNITED STATES OF AMERICA

- against -

Docket No. 22-CR-20 (FB)

ANULI OKEKE,

Defendant.

- X

VERDICT

COUNT ONE: CONSPIRACY TO COMMIT WIRE FRAUD AND BANK FRAUD

How do you find the defendant, ANULI OKEKE?

Guilty X Not Guilty _____

If you unanimously find the defendant guilty of Count One, indicate below the one or more objects of the conspiracy charged in Count One on which you all agree that the defendant conspired to commit (select as many as you all agree on):

(a) Object #1: Wire Fraud X

(b) Object #2: Bank Fraud X

COUNT TWO: WIRE FRAUD

How do you find the defendant, ANULI OKEKE?

Guilty X Not Guilty _____

COUNT THREE: BANK FRAUD

How do you find the defendant, ANULI OKEKE?

Guilty X Not Guilty _____

COUNT FOUR: MONEY LAUNDERING CONSPIRACY

How do you find the defendant, ANULI OKEKE?

Guilty X Not Guilty _____

Have your foreperson sign and date this form, and return to the courtroom.

FOREPERSON

June 18, 2024
Brooklyn, New York