UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

\- - - - - - - - - - - - - - X

UNITED STATES OF AMERICA, : 22-CR-00020(FB)

-against- : United States Courthouse
: Brooklyn, New York

ANULI OKEKE, : Tuesday, June 11, 2024
: 10:00 a.m.

Defendant.

\- - - - - - - - - - - - - - X

TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL
BEFORE THE HONORABLE FREDERIC BLOCK
UNITED STATES DISTRICT JUDGE, and a Jury

A P P E A R A N C E S:

For the Government: BREON PEACE, ESQ.
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
BY: ADAM AMIR, ESQ.
JENNIFER BILINKAS, ESQ.
F. TURNER BUFORD, ESQ.
CHAND EDWARDS-BALFOUR, ESQ.
Assistant United States Attorneys

For the Defendant: TALKIN, MUCCIGROSSO & ROBERTS, LLP
40 Exchange Place
18th Floor
New York, New York 10005
BY: SANFORD TALKIN, ESQ.
NOAM GREENSPAN, ESQ.

(In open court; jury not present.)

THE COURTROOM DEPUTY: All rise.

(Judge FREDERIC BLOCK entered the courtroom.)

THE COURT: Good morning, everybody.

THE COURTROOM DEPUTY: Criminal cause on trial, the United States of America versus Okeke.

All counsel and Ms. Okeke are present.

THE COURT: Good morning, everybody.

So, the jurors took me seriously, they are all here, which is terrific.

I find that it's important for the Judge to give a little speech, and I find that it works like magic. If I don't do that, you know, some of them may wander in five or ten minutes late, but you've got to set the standard. So they're terrific and they're ready to rock-n-roll.

Do we want to say anything before we bring them in? Because I would like to use their time one hundred percent.

Mr. Edwards-Balfour, are you okay?

MR. EDWARDS-BALFOUR: Nothing from us, Your Honor.

THE COURT: Bring your next witness in. Let him sit up here.

Mr. EDWARDS-BALFOUR: Your Honor, the next witness will have a certified court interpreter to assist with English.

THE COURT: Do you need an interpreter?

MR. AMIR: Yes, they're here.

THE INTERPRETER: Good morning, Judge.

THE COURT: We have our interpreter here.

THE INTERPRETER: Yes.

THE COURT: You are interpreting what language?

THE INTERPRETER: Spanish.

(Witness enters the courtroom and takes the stand.)

THE COURT: So, we are going to bring the jurors in now and then we are going to start with the direct examination.

Who is going to be conducting the direct examination?

MR. AMIR: I will, Judge.

THE COURT: Mr. Amir, okay.

And Mike is bringing them in right now.

THE COURTROOM DEPUTY: All rise.

(Jury enters.)

THE COURTROOM DEPUTY: You all may be seated.

THE COURT: Good morning, everybody. We are back on the record.

And I just want the record to reflect how proud I am of you, everybody is on time. Keep up the good work.

We will have a full day today. And we will probably take a little mid-morning break, perhaps, and then we'll have a lunch break, and everything will go along smoothly, I hope.

We have a new witness for the Government here.
Mr. Amir, this is going to be your witness, correct?
MR. AMIR: Yes, Judge.
THE COURT: All right, go ahead.
MR. AMIR: I think we just need to swear in the witness.
THE COURTROOM DEPUTY: Sorry. Name?
MR. AMIR: Yes. This -- the Government calls Guadalupe Ponce.
THE COURTROOM DEPUTY: I ask the Interpreter if you can raise your right hand.
Will you well and truly interpret the proceedings before this Court and this cause?
(Interpreter sworn.)
THE INTERPRETER: Yes.
THE COURTROOM DEPUTY: Please state and spell your name.
MR. ORRANTIA: My name is Dagoberto Orrantia, D-A-G-O-B-E-R-T-O, O-R-R-A-N-T-I-A.
THE COURTROOM DEPUTY: Thank you.
I ask the witness if you -- oh.
Do you swear that you will interpret the proceedings before this Court and this cause?
MS. HONTORIA: I do.
(Interpreter sworn.)

THE COURT: I ask you to please state and spell your name.

MS. HONTORIA: Frances Hontoria, F-R-A-N-C-E-S, H-O-N-T-O-R-I-A.

THE COURTROOM DEPUTY: Thank you.

I ask the witness if you can please stand and raise your right hand.

Do you affirm the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: Yes, I do.

(Witness sworn.)

THE COURTROOM DEPUTY: Please have a seat.

THE COURT: All right. We have a Spanish interpreter. So, we get many interpreters here. This is Brooklyn and we have a wonderful multicultural world that we live in, so here we are going to have a Spanish interpreter.

And it may well be that some of you speak Spanish, as I would suspect. Maybe some people on the jury speak Spanish, but listen to what the interpreter says, that is going to be the real testimony. If there is anything that you hear that sounds really strange, don't hesitate, just tell Mr. Innelli because sometimes we have some of these little issues. But, hopefully, things will go smoothly.

Your witness.

(Continued on the following page.)

G U A D A L U P E P O N C E,

called as a witness by the Government, having been first duly sworn/affirmed by the Courtroom Deputy, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. AMIR:

Q Good morning, Mr. Ponce.

A Good morning.

Q Where do you work?

A In Manhattan at 125th.

Q And what do you do at 125th Street?

A I sell breakfast at a food cart.

Q And do you also sell coffee at that cart?

A Yes.

Q What time do you begin your workday?

A 5:00 in the morning.

Q And when do you end your workday?

A 1:00 in the afternoon.

Q How long have you worked at the push cart on 125th Street?

A Four years.

Q All right. Is that where you worked in the summer of 2020?

A Yes.

Q Was there a bank nearby in summer of 2020?

A Yes.
Q Which bank?
A Banco Popular.
Q Is the bank still open today?
A No.
Q I'd like to go back to the summer of 2020.
Were you familiar with who worked at the bank?
A Yes.
Q Who worked at the bank?
A Anuli, Anthony, Charlene.
Q And Anuli, do you know what her position at the bank was?
A Manager, manager of the bank.
Q And how did you get to know them?
THE INTERPRETER: Sorry, say that again.
BY MR. AMIR:
Q How did you learn the people or get to know the people who worked at the bank?
A Oh, because they bought coffee.
Q Did Anuli have a nickname for you?
A Primo.
Q Did you have any discussions with Anuli in the summer of 2020 about applying for government funding?
A Yes. She said that it was money for the pandemic that they were giving away for free.
Q When she said that, where were you?

A I was outside working.
Q And what did she say -- what did you say in response?
A No, that I did not want that, that I did not need it.
Q Did Anuli bring up the topic again?
A Yes.
Q Approximately how many times?
A I don't remember, but it was more than one.
Q Did any of the bank employees ask you for documents?
A Yes, Anthony, for the year -- I'm sorry. Anthony, the taxes for the year '19.
Q And do you recall who prepared your taxes for the year of 2019?
A I don't remember, but I know that the last name is Vega.
Q But you had your own accountant, correct?
A Correct.
Q After you gave your -- did you -- did you give your tax documents to anyone at the bank?
A I don't remember exactly if it was Anthony. I -- to one of them I -- I gave them to them, but I don't remember very well.
Q After you gave your tax documents to someone at the bank, did you learn that there was an application for you?
A No. They just told me that I should hand over the papers and they would notify me about the money that the Government was going to give away for free.

Q Did you ever go to the bank to sign some documents?
A Yes.
Q And who told you to come into the bank, if anyone?
A Anthony.
Q I'd like to show you what is in evidence as Government Exhibit 752, at page 24.

(Exhibit published.)

BY MR. AMIR:
Q Mr. Ponce, is this your application form?
A Yes.
Q Do you see a business name in the top left?
A Yes.
Q And is that your name, Guadalupe Ponce Amigon?
A Correct.
Q Did you write that?
A No. No.
Q Do you know who gave you, if anyone, this form?
A Anthony.
Q And looking at some numbers in the middle of the screen, do you see some numbers there?
A Yes.
Q Do you see a number "2250"?
A Correct.
Q Did you write that?
A No.

MR. AMIR: Let's go to the bottom of the next page, please.

(Exhibit published.)

BY MR. AMIR:

Q Mr. Ponce, do you see any signatures on this page?

A Yes.

Q Whose signature do you see?

A Mine.

Q Did you sign this?

A Yes.

Q Did anyone explain to you what you were signing?

A No, they only told me to sign.

Q And do you see initials on the left side of the page, "G-P-A"?

A Yes.

Q Did you write that?

A Correct.

Q Did anyone explain to you what you were initialing?

A No, they just told me to write down my initials.

MR. AMIR: We can take this down.

A Anthony.

Q Did there come a time when you learned that your application was approved?

A No. He only notified me that the money was already in the bank account.

Q You said "he."

Who's "he"?

A Anthony.

Q Did there come a time where you made any withdrawals at the bank?

A Correct.

Q And did you go in person to make the withdrawal?

A Correct.

Q Were you paid -- did you make a withdrawal in -- into cash?

A Yes.

Q Did anyone ask you for any money from the cash that you took out --

(Court reporter seeks clarification; cross talk.)

BY MR. TALKIN:

Q Did anyone ask you for any of the cash you took out?

A Oh, Anthony only said that I had to give -- give a gift, a present, to the manager.

Q And did you give a gift to the manager?

A Yes.

Q How much money did you give?

A 200.

Q And you said "the manager."

Who is that?

A Anuli.

Q Where were you when you paid $200 to Anuli?
A At the bank.
Q And where specifically in the bank was Anuli at that time?
A Where she used to work. How would you say this? In the area where she worked.
Q Was she at a desk?
A Yes.
Q Did you give money to anyone else who worked at the bank?
A Yes, Anthony and Charlene.
Q And how much did you give to Anthony and Charlene?
A 200.
Q And where were they when you gave them 200?
A At the same -- well, in each area where they worked. Where they worked.
Q Did you know if that was permitted under the loan rules?
A No, I did not know.
Q I'd like to show you now what is in evidence as Government Exhibit 305.
(Exhibit published.)
BY MR. AMIR:
Q And, Mr. Ponce, is this a bank statement?
A Correct.
Q And is that from Popular Bank?
A Yes.

Q And looking at the middle left side of the page, do you see any names?
A I see my name.
Q And looking above that, do you see a date next to the words "This statement"?
A Yes. Yes.
Q Is this a statement from July 16th, 2020?
A Correct.
Q Scrolling down, do you see a transaction on July 2nd?
A Yes.
Q And is there a deposit into your account of $2,250?
A Yes.
Q Is that the government loan you received?
A Correct.
Q Looking at the transaction below that on July 7th, do you see that?
A Yes.
Q Do you see how much was withdrawn on that day?
A Yes, 1,600.
Q Is -- did you write the withdrawal slip for that withdrawal?
A No.
Q Did someone present you with a withdrawal slip on that date?
A Anthony.

Q And did you sign that withdrawal slip?
A Correct.
Q Did you receive cash that day?
A Yes.
Q And we discussed that you made some gift payments to bank employees a moment ago.
Did you use the cash from that withdrawal to make those payments?
A Yes.
Q And looking below the July 7th transaction, do you see another transaction on July 15th?
A Yes.
Q And do you see how much that withdrawal is for?
A 650.
Q Do you recall making that withdrawal?
A Yes.
Q Did you make any payments to Anuli from this money?
A No.
MR. AMIR: Okay. We can take this down.
BY MR. AMIR:
Q Mr. Ponce, separate from the loan and withdrawals we just looked at, did anyone at Popular Bank help you with a different loan application?
A What's the question?
Q Was there a different loan application that you filled

out or that you had help filling out at Popular Bank?
A Yes.
Q And did you fill out this loan form yourself?
A No.
Q Who filled it out?
A Charlene.
Q And is that someone who worked at Popular Bank?
A Yes.
Q Do you know what the form said?
A No.
Q But did you receive money from this loan?
A Yes.
Q Do you recall how much you received?
A $2,000.
Q Into which bank account?
A To my own personal account.
Q And at which bank was that account?
A TD Bank.
Q And did Charlene or anyone at the bank explain that this loan had to be paid back?
A No.
MR. AMIR: One moment, please.
(Pause.)
MR. AMIR: No further questions.
THE COURT: Any cross-examination?

MR. TALKIN: Yes, Judge.
CROSS-EXAMINATION
BY MR. TALKIN:
Q Good morning, Mr. Ponce.
A Good morning.
Q I just have a few questions for you.
A Yes.
Q You said that you had several -- or a couple conversations with Anuli about filing for a loan?
A Yes. She said that they were giving out money.
Q And you had those conversations in English?
A Yes. I did -- I did not understand very well, but yes.
Q And you -- going back during the pandemic, your business suffered during the pandemic, correct?
A It suffered.
Q Yes. And your business is a -- you're the single employee at the business?
A No, it's two of us. There is another one working.
Q And that other person is your father, correct?
A Of course.
Q And it's your father that is called Primo, isn't that correct?
THE INTERPRETER: I'm sorry.
BY MR. TALKIN:
Q It is your father that is called Primo, correct?

A Also.
Q Now, you say that you were asked for your tax returns, and was it your driver's license also?
A I don't remember well. They said taxes. I don't remember if I gave the license.
Q And you testified a few minutes ago that it was Mr. Castro that asked you for the taxes?
A I said that I did not remember who, but it was somebody from the bank who did.
Q And those taxes, at the time you were asked for them, they were already prepared, you had your taxes, correct?
A Correct.
Q And you filed those a few months ago because April was, obviously, two months before June, correct?
A Yes, because they told me that it had to be for the year '19 -- the year '18, it -- the year '19.
Q No, I understand that.
But your 2000 -- when you were having the conversation about giving the taxes to you [sic] with the people from the bank, you had already filed your taxes?
A Yes, because they were already paid.
It was the year '19, right?
Q Right.
And how long -- do you remember how long ago you had paid your taxes?

A No, I don't remember.
Q But was it before you had these conversations about this loan and the free money?
A I'm sorry?
Q Sure. I'm asking you about when you filed and paid your taxes for 2019.

I'm asking you if that was before or after you had the discussions with the people from the bank about filing for this loan?

MR. AMIR: Objection, asked and answered.

THE COURT: Overruled.

A Before. Before.
Q And I'm not asking for an exact date, but how long before? Was it a week? A month? Two months?
A No, I don't remember.
Q Was it very close in time to when you gave them over to the bank?
A I don't understand what the question is.
Q Okay.

There came --

THE COURT: Repeat it.

MR. TALKIN: Thank you, Judge.

BY MR. TALKIN:
Q You remember that you paid your taxes for 2019 and filed your tax form before you were asked about -- before you were

asked about this loan by someone from the bank, is that correct?

A I don't remember. I only handed over those documents. I don't remember.

THE COURT: The question is, if you remember, did you pay your taxes first or did you seek the loan first?

THE WITNESS: They asked me for the taxes that I had already paid, the taxes.

THE COURT: They asked you for that?

THE WITNESS: Yes.

MR. TALKIN: Okay.

THE COURT: I think that's the best you can do.

MR. TALKIN: Thank you.

BY MR. TALKIN:

Q So, they asked you for taxes -- for your taxes that you already had paid for 2000 --

A For the years that I had already paid.

Q -- for 2019, correct?

THE COURT: He's, obviously, a little confused.

Let me ask you this question, because I can ask questions also.

If you don't understand what he's asking you, you can ask me what your problem is. Okay?

You can explain to me why you're having a difficult time in understanding the question and answering it, maybe you can ask for an explanation.

THE WITNESS: Yes, because they asked me for the year when I had paid the taxes.

THE COURT: I think that's as best as you can do.

MR. TALKIN: I understand, Your Honor.

THE COURT: Move on.

BY MR. TALKIN:

Q Let me ask you this:

Sir, when you were asked for the taxes, did you just have to go to your home and retrieve them or did you have to go get them prepared?

A No. What I -- no, not that.

THE COURT: You don't know where you got your tax information from that you gave to the bank, is that your answer?

THE WITNESS: Yes, it was my taxes, but I don't remember if it was for '18 or '19.

THE COURT: Do you remember where you got the papers from, whether in your home, your *casa*, or did you have it on your person?

Do you know where they came from?

THE WITNESS: From my house --

THE COURT: Okay. So --

THE WITNESS: -- I got them because I had already paid the taxes.

THE COURT: See, this is an example of when the Judge will ask some questions just to get clarification. It doesn't mean I have an opinion about anything whatsoever. You understand what I'm trying to do here.

Next question.

BY MR. TALKIN:

Q And those taxes were prepared by your accountant?

A Yes, that person has always done that.

Q And no one recommended you to an accountant to prepare your taxes from the bank?

A No.

Q And those taxes that you got from your house for 2019, they had been there for some time before you gave them to the bank?

A No. No, there was a mistake. It's '18 that I sent.

THE COURT: He doesn't understand.

A Not '19.

THE COURT: All right. You either have to go forward or could you go on to something else?

You hear his testimony, and it's the best we can do.

BY MR. TALKIN:

Q So, just so I'm sure, it's your testimony now that you gave the 2018 taxes to the bank?

A Yes, I think it was '18 because it was a year before the pandemic.

THE COURT: That's your best recollection today, that you gave the bank your 2018 taxes, is that correct?

THE WITNESS: Yes, I think that's it. I didn't remember very well.

THE COURT: Next question.

MR. TALKIN: Your Honor, I'll ask that the -- I'm going to use the ELMO.

Mr. Innelli, could you show it to the witness, please.

THE COURTROOM DEPUTY: Sure.

Is it just for the witness?

MR. TALKIN: Yes, just for the witness.

THE COURT: What exhibit are you showing him?

MR. TALKIN: Your Honor, it's -- I'm marking it as Defendant's 50.

THE COURT: This is the defendant's first exhibit, right?

MR. TALKIN: And I'm only marking it for identification at this time.

THE COURT: 5-0.

(Defense Exhibit 50 was marked for identification.)

MR. TALKIN: And, Your Honor, I'm going to -- if I can approach him? I think --

THE COURT: Go ahead.

You want to introduce this or you're showing it to refresh his recollection?

MR. TALKIN: I'm showing it to him to refresh his recollection.

BY MR. TALKIN:

Q I want you to take a look at that.

Are those the taxes that you gave the bank in order to get the loan?

THE COURT: The question is simple: Is this what you gave the bank?

THE WITNESS: I think so, yes. I gave them my...

BY MR. TALKIN:

Q Are those the 2019 taxes?

A Yes.

THE COURT: Those are 2019 taxes.

That's what you gave the bank, is that correct?

THE WITNESS: (No response.)

THE COURT: You're looking at the document.

Does it refresh your recollection as to that's what you gave to the bank?

Do you understand what I'm saying?

The answer is yes or no.

THE WITNESS: I handed over the tax documents, that I had paid the taxes.

THE COURT: I'm sorry. What was the question? The answer was yes or no.

THE WITNESS: Yes.

THE COURT: That's what you gave the bank.

Next question.

MR. TALKIN: May I retrieve the document?

THE COURT: So, members of the jury, it is not in evidence, but we use documents sometimes to refresh the recollection of a witness. And you just saw that happen.

Counsel can show any document at all to see whether or not it may jog the recollection of a witness, and you heard that happen now.

Go ahead.

MR. TALKIN: Your Honor, may I now move Defendant's 50 into evidence?

THE COURT: You need that in evidence?

MR. TALKIN: Yes.

THE COURT: Any objection to that?

MR. AMIR: Yes, Your Honor. Yes.

THE COURT: The answer is?

MR. AMIR: There is an objection.

THE COURT: No objection?

MR. AMIR: There is an objection.

THE COURT: You don't want the tax return in evidence?

MR. AMIR: We have not been provided with these exhibits previously.

THE COURT: A little louder.

MR. AMIR: We have not been provided with these exhibits previously.

THE COURT: So I am not hearing you clearly, it's probably my fault. A little louder.

MR. AMIR: We have not been provided with these exhibits previously.

THE COURT: You have not looked at it before, is that your problem?

MR. AMIR: Yes.

THE COURT: Look at it now.

MR. TALKIN: Your Honor, I received these documents from --

THE COURT: Just one second. Let's not have any colloquy.

Counsel, take a look at it.

This happens sometimes during the course of a trial when we have this type of situation, and counsel is entitled to take a look at it here.

(Pause.)

THE COURT: He identified it as his tax return.

MR. AMIR: Yes, Your Honor. We maintain our objection for the procedural reasons we said.

THE COURT: No objection?

MR. AMIR: The Government maintains its objection for the procedural reason we just identified.

THE COURT: The procedural reason is overruled.

It's in evidence. Exhibit 50, defense exhibit now in evidence.

(Defense Exhibit 50 was received in evidence.)

BY MR. TALKIN:

Q Mr. Ponce, isn't it a fact that you filed your 2019 taxes on June 10th of 2020?

A 2020.

MR. TALKIN: I want to know what his answer is.

THE COURT: Look at the document, it says when you filed the return. You can read it to the jury.

THE WITNESS: Yes; this document, yes.

THE COURT: Okay. Next question.

Q Doesn't this document say that your taxes were filed on June 10th of 2020?

THE COURT: Mr. Talkin, listen to me. Okay. Here's how we do it. Obviously, it's a challenged witness, not everybody speaks the King's language. All right.

It's in evidence. You can read whatever you want from the document that's in evidence to the jury. It's going to be easier than to go back and forth because, obviously, he is not a master of the English language like you and I are. Okay.

MR. TALKIN: I understand, Your Honor.

THE COURT: You can take the opportunity, if you want, to read it to the jury.

MR. TALKIN: Is this being published to the jury as we speak, Mike?

THE COURTROOM DEPUTY: It should be.

(Exhibit published.)

THE COURT: Okay, there it is. It says "June 10th."

THE WITNESS: Yes, I'm seeing it.

BY MR. TALKIN:

Q And your accountant's name is Kurt Vega?

A Of course.

MR. TALKIN: And can we go to -- put up exhibit. Government Exhibit 305, please.

(Exhibit published.)

MR. TALKIN: And if we could just blow up the top -- the middle portion, please. And, I'm sorry, the next portion.

THE COURT: Mr. Talkin, what do you want the jury to know from the document?

You can tell them. I'll let you do that.

MR. TALKIN: Your Honor, I just want to know -- let me ask the witness this.

Q Do you remember when you -- you had to open an account at Popular Bank in order to get the loan funded, correct?

THE COURT: He's testified, I think, to that.

Next question.

Q And you opened that account June 22nd of 2020?
A Yes, because they told me that I had to open an account in order to be able to receive the money.
THE COURT: He had to open up the account, you got your point across. That's when he opened it, okay.
Next question.
BY MR. TALKIN:
Q And it's your testimony that you did -- you reluctantly took this loan, correct?
A Yes, I didn't want it.
Q And you also testified towards the end of your testimony that you opened up a second loan.
Do you remember that?
A Yes. She told me I was going to receive other additional money.
Q And that was Charlene when you say "she"?
A Charlene.
Q So she went ahead and opened that account for you? Excuse me, withdrawn.
She went ahead and filled out that loan application for you?
A Correct.
Q But you knew that was happening?
A No. She told me I was going to receive more money, but she didn't tell me what for.

Q Well, you -- it went into your private bank account?
A Yes, because she requested information about my account from me.
Q Correct.
And when she had requested that information, she was requesting that information to fill out an application for a second loan?
A Yes. She told me that I was going to get more money, but she didn't tell me that it was a loan. She told me that it was money as a gift.
Q So Charlene told you that money was a gift to you?
A No. She said, No, you're gonna receive more money. Not that it was a gift, that I was gonna receive more money.
Q And you didn't -- you didn't fight back about that?
In other words, you weren't reluctant to take that extra $2,000, were you?
A She just said to me, You're going to receive more money, but she didn't tell me why.
Q And you didn't give anybody from the bank any money from that second loan, correct?
A No.
MR. TALKIN: Nothing further.
THE COURT: Any redirect?
MR. AMIR: One moment, Your Honor.
THE COURT: I'm sorry, no redirect?

MR. AMIR: I just said could I have one moment?

(Pause.)

THE COURT: Go ahead.

REDIRECT EXAMINATION

BY MR. AMIR:

Q Hi, Mr. Ponce.

The defense attorney asked you questions about loans that you submitted through the bank.

Do you remember that?

A Yes.

Q Did anyone explain to you how those programs worked?

A No.

Q And did you try to return the funds?

MR. TALKIN: Objection, Your Honor, leading. Beyond the scope.

THE COURT: Overruled.

A Of course.

MR. AMIR: No further questions.

THE COURT: Anything else?

MR. TALKIN: No. Thank you.

THE COURT: You may step down. Thank you very much.

(Witness steps down.)

THE COURT: Next witness.

MR. EDWARDS-BALFOUR: Your Honor, I think it makes sense for us to take a break here. The next witness is going to be quite long.

THE COURT: Let's start now.

MR. EDWARDS-BALFOUR: Okay.

The Government calls Anthony Castro.

(Witness enters the courtroom and takes the stand.)

THE COURTROOM DEPUTY: Good morning, Mr. Castro. If you could take the witness stand, please.

I ask if you could remain standing and raise your right hand.

Do you affirm the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: Yes.

(Witness sworn.)

THE COURTROOM DEPUTY: Thank you.

Please have a seat. I ask you to please state your name, and keep your voice up.

THE WITNESS: Anthony Castro.

THE COURTROOM DEPUTY: Spell it.

THE WITNESS: A-N-T-H-O-N-Y, C-A-S-T-R-O.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Ms. Bilinkas, your witness.

MS. BILINKAS: Thank you, Your Honor.

(Continued on the following page.)

A N T H O N Y   C A S T R O,

called as a witness by the Government, having been first duly sworn/affirmed by the Courtroom Deputy, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. BILINKAS:

Q Good morning, Mr. Castro.

A Good morning.

Q Where do you live?

A I live in Long Island.

Q And generally, where did you grow up?

A The Bronx.

Q How old are you?

A Thirty-five.

Q How far did you go in school?

A Associate's degree.

Q Have you ever worked in the financial services industry?

A Yes.

Q Have you ever worked at a bank?

A Yes.

Q What bank did you work at?

A Popular Bank.

Q Did you work at the Popular Bank branch at 125th Street?

A Yes.

Q And is that in Manhattan?

A Yes.
Q When did you start working at that location?
A Approximately 2016, '17.
Q Did you work at the 125th Street branch in 2020?
A Yes.
Q What was your role at Popular Bank in 2020?
A I was a personal banker.
Q Can you tell us what some of the roles and responsibilities are as a personal banker?
A I was responsible to open personal accounts, personal loans. Also, at times, do teller transactions. So, it was basically like a dual role.
Q Are you familiar with the federal program known as the Paycheck Protection Program, or PPP?
A Yes.
Q What was your understanding of that program?
A That was a program that the Government, during the pandemic, was offering to small businesses to alleviate the losses of the pandemic.
Q Did Popular Bank offer PPP loans in 2020 at the 125th Street branch?
A Yes.
Q Mr. Castro, in 2020 did you help submit fraudulent PPP loan applications when you worked at 125th Street branch?
A Yes.

Q Did the PPP applications you worked on contain false information?
A Yes.
Q Did you work with others at Popular Bank to submit fraudulent PPP loan applications?
A Yes.
Q Who was the Popular Bank branch manager in 2020?
A Anuli Okeke.
Q Would you recognize Anuli Okeke if you saw her today?
A Yes.
Q Mr. Castro, I am going to ask you to take a look around the courtroom and if you see Anuli Okeke, please indicate an article of clothing and where in the courtroom she is sitting.
A She's wearing a black blouse. She's over here (indicating).
MS. BILINKAS: Your Honor, let the record reflect that the witness has identified --
THE COURT: We did this before. I respect the fact that you're very, very sensitive about how we identify people in the court, but the record will reflect that you have identified the defendant.
MS. BILINKAS: Thank you.
BY MS. BILINKAS:
Q Mr. Castro, was defendant Anuli Okeke one of the people you worked with to submit fraudulent PPP loan applications?

MR. TALKIN: Objection to the leading, Your Honor.

THE COURT: Overruled.

BY MS. BILINKAS:

Q Was defendant Anuli Okeke one of the people you worked with to submit fraudulent PPP loan applications?

A Yes.

Q Was she the only one you worked with?

A No.

Q On April 13th, 2021, did you plead guilty to a federal crime?

A Yes.

Q What crime did you plead guilty to?

A Conspiracy to commit wire and bank fraud.

Q I want to turn your attention now to your work at Popular Bank prior to the COVID 19 pandemic.

Have you always worked at the 125th Street branch?

A No.

Q What other branches have you worked with?

A Fordham Road in the Bronx and Southern Boulevard.

Q When did you work at the Fordham Road location?

A 2013.

Q Who was the branch manager at the Fordham Road location?

A Anuli Okeke.

Q What was your role at Popular Bank when you were at the Fordham Road location?

A Teller.
Q And how did you end up working at the 125th Street branch?
A After moving to the branch in Southern Boulevard, a couple of years later Anuli Okeke offered me the position of -- that opened up at the 125th branch for personal banker.
Q And, Mr. Castro, at Popular Bank is going from a teller to a personal banker considered a promotion?
A Yes.
Q When you initially transferred to the 125th Street branch, who was the bank branch manager?
A Anuli Okeke.
Q Mr. Castro, can you describe your relationship with Anuli Okeke?
A We had a really good relationship, more like a family at the time, mentorship.
Q How old were you in 2020?
A Thirty.
Q What, if any, training did you receive to be a personal banker?
A So, the bank provided policies and procedures training, basic training to know how to open the accounts, and government and regulations that we needed to learn.
Q Were you paid a salary?
A Yes.

Q And approximately how much were you paid?
A 30,000 a year.
Q In your role as a personal banker, did Popular Bank have any compensation for account or loan referrals?
A Yes.
Q And can you describe that?
A So, we had a goal, depending on the branch that we worked. In my case at 125th, we had a quarterly goal that we had to reach, whether it was for account openings or for loans that we had to submit.
Q Were you compensated for how many bank accounts you opened?
A Once you reached your goal, you would be compensated if you did reach the goal, yes.
Q I want to direct your attention now to March of 2020.
Were you working at Popular Bank in March of 2020?
A Yes.
Q Which location?
A 125th.
Q And during the initial months of the COVID 19 pandemic, were you in person at the bank?
A Yes.
Q How many employees were working at the 125th Street branch then?
A Four. And then, at times, we had a teller that would

rotate from other sites. So, in total, five.

Q Going to the initial four you said, who were the four people working there?

A Myself, the branch manager Anuli Okeke, assistant manager Charlene Wint, and personal banker Lenny Sanchez.

MS. BILINKAS: Your Honor, at this time, the Government moves to admit Government Exhibits 1 through 11.

THE COURT: Any objection?

MR. TALKIN: No, Your Honor.

THE COURT: In evidence at this time.

(Government's Exhibits 1 through 11 were received in evidence.)

MS. BILINKAS: Can we please pull up Government's Exhibit 3.

(Exhibit published.)

BY MS. BILINKAS:

Q Mr. Castro, do you recognize who's depicted here?

A Yes.

Q And who is this?

A Charlene Wint.

Q What role did Charlene Wint have at Popular Bank?

A She was the assistant manager.

Q Who was her supervisor?

A Anuli Okeke.

Q As a branch supervisor, did you work with Charlene Wint

to submit fraudulent PPP loan applications at Popular Bank?
A Yes.
MS. BILINKAS: Thank you. You can take that down.
BY MS. BILINKAS:
Q Did the 125th Street branch have accountants who assisted with PPP loan applications?
A Yes.
MS. BILINKAS: If you could please pull up Government's Exhibit 7.
(Exhibit published.)
Q Mr. Castro, do you recognize who is depicted here?
A Yes.
Q And who is this?
A Hashim Campbell.
Q And what role, if any, did Mr. Campbell play at Popular Bank during the COVID 19 pandemic?
A He helped to submit fraudulent tax documents for the PPP loan applications.
Q Did he recruit applicants to come to the 125th Street branch?
A Yes.
MS. BILINKAS: If you could please pull up Government Exhibit 8.
(Exhibit published.)
Q Mr. Castro, do you recognize who is depicted here?

A Yes.
Q Who is this?
A I only know him by the nickname of "the African."
Q Is that a nickname that you had?
A Yes.
Q What role, if any, did this individual play at Popular Bank during the COVID 19 pandemic?
A He also submitted fraudulent tax documentations for applicants.
Q For PPP applicants?
A Yes.

MS. BILINKAS: Thank you. You can take that down.

BY MS. BILINKAS:

Q Prior to the COVID 19 pandemic, how would you describe the client base at 125th Street branch?
A It was a low volume. Basically, community-based, local businesses and local clients.
Q What, if anything, changed once the 125th Street branch started offering PPP loans?
A So, our volume increased a lot. And the majority of the clients that we did -- started receiving were from outside the community, mainly from the Bronx.
Q And in 2020, where did Anuli Okeke live?
A In the Bronx.
Q As a personal banker, are you familiar with the PPP loan

application that was in place in 2020, at the 125th Street branch?
A Yes.
Q How did you first find out that PPP loans were being offered at your branch?
A By a staff meeting with -- led by Anuli Okeke.
Q Did you receive separate training about the PPP loans?
A No.
Q How did you get information about the program?
A Through Anuli Okeke.
Q As a personal banker, did you assist with the PPP loan application process?
A Yes.
Q And how -- how did you assist?
A Mainly to start opening the checking account. Applicants needed to have a personal account established with Popular.
And secondly, with the form, itself, helping them fill out the whole application.
Q You mentioned account openings.
In order to open a bank account for a PPP loan, did anyone else have to sign off on the bank account being opened?
A Yes.
Q Who?
A The branch manager or the assistant branch manager.
Q And who were those at the time?

A Anuli Okeke and Charlene Wint.
Q And can you describe that process of the approval of an account opening?
A So, after we did our part as personal bankers in intaking the information, that account, itself, and all the documentations that were provided for that account needed to be approved by the manager. And the manager needed to know what was the purpose of that particular account that was being opened.
Q When you say "the purpose," what does that mean?
A Meaning was it for direct deposit, what is the client coming into this -- the branch opening that account for. In this case, for the PPP loan, the manager needed to sign off on the account.
Q Did Popular Bank process sole proprietor PPP loans?
A Yes.
Q What does it mean for a person to be a sole proprietor?
A It's a person that provides a service, and that service is considered to be their source of income or business.
Q What is the maximum amount an applicant can get as a sole proprietor?
A I believe a little bit over 20,000.
Q What type of documents, if any, did Popular Bank require to process a sole proprietor PPP loan?
A They needed to provide their 2019 tax return.

Q Did Popular Bank process PPP loan applications for businesses that had multiple employees?
A Yes.
Q And what, if any, supporting documents were required for those type of applications?
A They also needed to provide their 2019 tax returns.
Q Did anyone from the bank have to sign off on all PPP loan applications processed at your branch?
A Yes.
Q Who?
A Anuli Okeke.
Q And if a PPP loan application was approved at the branch level, where did the application go next?
A The application needed to be scanned over and sent out to Popular Bank auditors.
Q I want to turn your attention now to July 9th of 2020.
Did you ever have any meetings with Anuli Okeke outside of Popular Bank to discuss PPP loans?
A Yes.
Q Where?
A At a restaurant in the Bronx.
Q Do you remember the name of the restaurant?
A Boca.
MS. BILINKAS: If we could please pull up for the witness what's been marked as Government's Exhibit 674.

THE COURTROOM DEPUTY: Is this just for the Witness?

MS. BILINKAS: Yes.

THE COURT: You said 74?

MS. BILINKAS: 674, Your Honor.

THE COURT: 674.

BY MS. BILINKAS:

Q Mr. Castro, do you recognize this?

A (No response.)

Q Sorry. Can you see it?

A No.

Q Oh.

A Yes.

MS. BILINKAS: Your Honor, I am going to move to admit Government's Exhibit 674 with no objection from defense.

THE COURT: All right, in evidence, with no objections at this time.

(Defense Exhibit 674 was received in evidence.)

(Exhibit published.)

(Continued on the following page.)

EXAMINATION BY
MS. BILINKAS:
(Continuing.)
Q Mr. Castro, is this a Chase bank account statement from your account?
A Yes.
Q And is this account ending in 9927?
A Yes.
Q Okay. If we could please go to the bottom of the page to the transaction detail. Second transaction from the bottom.
Mr. Castro is this a transaction from Boca Steakhouse in the Bronx on July 9th?
A Yes.
Q Had you ever gone out socially with your co-workers before?
A Yes.
Q Who coordinated this lunch?
A Anuli.
Q You can take this down for a second.
What was the purpose of the lunch?
A Outside from us spending time together, it was to talk about the PPP loan applications.
Q And who was at this lunch?
A Myself, Lenny, Charlene and Anuli.

Q Can you please pull up that exhibit one more time.
Can you take a look at the transaction above the Boca Steakhouse. Was there also a Zelle payment from Charlene Wint on July 13th?
A Yes.
Q And what was that payment for?
A As we always did, we split the bill.
Q Thank you. You can take that down.
During the lunch, Mr. Castro, did you learn whether PPP loans were forgivable?
A Yes.
Q From who?
A From Anuli.
Q And what, if anything, did Anuli say about loan forgiveness at that lunch?
A That the process of the PPP loan, the applicant didn't have to pay the loan back eventually because she would have to, like, she will be able to submit documentation to forgive the loan itself.
Q During this lunch, did you discuss whether anyone would be compensated for processing PPP loans?
A Yes.
Q Who discussed that?
A Anuli.
Q And can you tell us that conversation?

A So, knowing that the workload was going to increase and that clients were not obligated to pay the loan back, she referred that clients were going to bless us and compensate us.

Q And what did you take "bless us" to mean?

A That we were going to receive money for submitting the application.

Q Mr. Castro, as a bank employee, are you allowed to be compensated for processing loans to customers?

A No.

Q Prior to the PPP Program, had you ever been compensated for loans at Popular Bank from loan proceeds themselves?

A No.

Q At this lunch, and based on the conversations at this lunch, did you believe you were going to be processing legitimate PPP loan applications?

A No.

Q After this lunch, did you assist in preparing fraudulent PPP loan applications?

A Yes.

Q Mr. Castro, did Popular Bank require tax documents for the PPP loan applications?

A Yes.

Q And if an applicant didn't have taxes, what was your understanding of how PPP applicants were to get tax

documents?
A For the fraudulent applications, then we would refer the applicant to Hashim Campbell or to the African.
Q How were you introduced to Hashim Campbell?
A Hashim Campbell was someone who Anuli introduced early in my career at Popular. He was someone that would volunteer as a speaker t community events at the 125th site.
Q And had you met Hashim Campbell prior to PPP loans being offered at your bank?
A Yes.
Q Did Hashim Campbell ever in the branch in 2020 when the bank was offering PPP loans?
A Yes.
Q Did he ever work at the bank?
A Yes.
Q Where?
A At the conference room.
Q And to your knowledge, what, if anything, did he do in the conference room?
A He was assisting his clients with the PPP loan and tax documentations.
Q Mr. Castro, generally, what loan amount did Hashim Campbell's clients get at your branch?
A The max amount, 20,000.
Q What, if any, conversation did you have with Anuli

Okeke about Hashim Campbell's PPP client referrals at your branch?

A She would give me a heads up if an applicant or a client was to come in on the site just to be prepared so I could be aware to open the account that Hashim was sending a client over.

Q What type of occupations did Hashim Campbell's clients have?

A They were mainly hair dresser, cab driver, mechanic. Self-proprietorship.

Q Were those occupations truthful?

A No.

Q Were they made up?

A Yes.

Q How do you know they were made up?

A I was part of it and I knew that many of those clients did not have those professions.

Q Did you have any conversations with Anuli Okeke about these occupations?

A Yes.

Q Did you describe those conversations?

A She would tell me that if an applicant came in and needed, and we needed to input that information, those were the professions that we will mainly be using: Cab driver, mechanic, hair dresser.

Q Mr. Castro, did you start referring customers to the bank to apply for PPP loans?
A Yes.
Q And, to your knowledge, did other people outside of you and Hashim Campbell also refer applicants to your branch to apply for PPP loans?
A Yes.
Q Who?
A Charlene.
Q Who else?
A Lenny; my brother.
Q You mentioned your brother. Did you have family members who referred applicants to apply for PPP loans?
A Yes.
Q Do you also have a brother name Ariel?
A Yes.
Q Did he refer people to the bank?
A Yes.
Q Did the referrals from your family members have false information in the applications?
A Yes.
Q For the PPP loan applications that Hashim Campbell did referrals, did those loan application having false information?
A Yes.

Q How do you know that?
A Those are clients, once again, that needed to input those tax information, like, the amount and the profession. On many occasions, I contacted myself Hashim after communicating with Anuli on what the steps that needed to be made.
Q What does that mean, "communicated with Anuli" about the steps?
A So if the applicant came to open the checking account, I would ask Anuli, okay, so what is the next step? Who should we get this client to fill out those tax forms, either Hashim or the African.
Q Were you paid money for loans you assisted were brought in to the bank by Hashim Campbell?
A Yes.
Q Was Anuli Okeke paid money from Hashim Campbell's client referrals to the bank?
A Yes.
Q How do you know that?
A I, myself, when I did the withdrawals. On many occasions, I would put from the proceeds of the withdrawal, put money into the envelopes and cash envelopes and hand it into in to Anuli.
Q Did anyone else at the bank receive cash?
A Yes.

Q Who?
A Charlene Wint and Lenny.
Q Were you paid money for loans you assisted brought into the bank by other PPP loan referrals brought into your branch?
A Yes.
Q Was Anuli Okeke paid money for these other loan referrals?
A Yes.
Q And how do you know that?
A Once again, I would put the money in the envelopes myself, cash envelopes, and I would hand it in to Anuli after the withdrawal was being made.
Q Did people outside of the bank get paid for fraudulent PPP loan applications processed at your branch?
A Yes.
Q Who?
A The people that were referred the clients to go in as well.
Q What about the accountants?
A Yes.
Q I want to turn your attention to -- or just as an initial matter, Mr. Castro, did your branch process legitimate PPP loan applications?
A Yes.

Q Were you compensated for those loans?
A No.
Q To your knowledge, was Anuli compensated for the legitimate PPP loans?
A No.
Q For any PPP loan that was funded at 125th Street that you were paid for, did you assist with the withdrawal of the applicant's PPP funds?
A For a good number of applicants, yes.
Q Did Anuli Okeke make any of the withdrawals?
A No.
Q If you were paid after a PPP loan was successfully funded at your branch, were you paid out by the loan proceeds?
A At times, yes.
Q And in what form?
A Cash.
Q Was it always cash?
A Yes.
Q Can you tell us how the PPP money was withdrawn from the account?
A Once the account was funded, we would do the withdrawal slip or a bank check, a starter check, and we would use that to make the withdrawal. The withdrawal was either made in cash or we would split the transaction in cash and cashier's

checks depending on the amount that was being withdrawn.

Q How did you know what amount to withdraw?

A So depending again on how large the account was, and the withdrawal was being made, both Anuli and Charlene would tell us, the bankers or the teller, how they were going to proceeds and make that withdrawal and split it whether in cash or cashier's checks.

Q And who were the checks made out to?

A Those cashier's checks, they were made out to the business itself.

Q Were any checks ever made out to the bank employees?

MR. TALKIN: Objection to the leading, your Honor.

THE COURT: No. Overruled.

So, members of the jury, you may wonder what this means because, generally, you don't ask on direct examination what we call "leading questions." But I will allow some of it because maybe it's connected. And sometimes it makes good common sense to allow a brief leading question to lead into a subject matter and that's what's happening now. Okay?

Q Were the checks made out to any bank employees?

A No.

Q Why not?

A That would lead to a paper trail and we never wanted to make any cashier's check payable to one of us.

Q After a loan was deposited into an applicant's account, when would the checks be cashed?
A Periodically, we would cash it on the same day and weekly as well.
Q And why were checks cashed on the same day or weekly after the funds hit the account?
A To my understanding, it was that we needed to show a paper trail showing that the individual, the business itself, as his -- a payroll week. That's the whole purpose of the PPP loan, the cashier's check needed to cashed on weekly basis to front that whole process.
Q And, Mr. Castro, did you make these checks out for legitimate PPP loan applicants?
A No.
Q Were the checks signed at the time you withdrew the funds?
A Yes.
Q And who would sign the checks?
A The cashier's checks, they were signed by myself or the branch manager who authorized the transaction.
Q Were there instances where checks were signed before the loans were funded?
A The withdrawal slips, yes.
Q And can you explain why?
A If it was a starter check or a withdrawal slip for

certain applicants, we wanted to ensure that the applicant itself, once the account was being funded, that we would be able to make the withdrawal as soon as possible.

Q And when you say, "we wanted to ensure," who?

A Myself, Anuli.

Q What type of applicants did you do this with?

A The more on the table, we started receiving a few applicants that were not very stable. They were like more homeless. They looked more like not your typical 9 to 5 and we were not too sure about this new wave of clients that we were getting. So we started doing the withdrawal slips or the starter checks and get them signed during the account opening.

Q What was your understanding of how PPP loan funds were supposed to be used?

A It was supposed to be used for business purposes. Again, to maybe receive -- had any loss on your personal business for rent or for your payroll purpose.

Q And for PPP loans, where you in the bank received a portion, was anything written in the memo lines for the checks?

A Yes.

Q What?

A Anuli indicated for us to have the paper trail and on the memo to put weekly payroll or rent, basically,

indicating that the funds being withdrawn was for that particular purpose.
Q Were these descriptions in the memo lines made up?
A Yes.
Q What is an account hold at Popular Bank?
A That's when you place a hold on an account and no withdrawals can be made anywhere.
Q Were there any account holds in 2020 placed on borrowers who received PPP loans at the 125th Street branch?
A For some applicants, yes.
Q Like who?
A By management, Anuli or Charlene Wint.
Q And, to your knowledge, why were there account holds placed on some of the accounts?
A Similar to getting the withdrawal slips signed, it was just to ensure that the applicant wasn't going to any other branch to make the withdrawals; that they were solely only going to our site to make those withdrawals once the account was funded.
Q To your knowledge, Mr. Castro, did your branch place an account hold on applicants who received legitimate PPP loans?
A No.
Q Now, you mentioned other branches. Were applicants that you received money from allowed to go to a different

Popular Bank branch?
A Not necessarily, no.
Q Why not?
A For the fraudulent applications, we wanted the applicant to come back to us and make the withdrawals and avoid any red flags or any questions being asked at the other branch by a branch manager or branch teller.
Q Who made that limitation?
A Again, management. Anuli and Charlene.

THE COURT: Ms. Blinkas, I think I want to give the jurors a little break. Let me know when it's a good time to do that, all right?

MS. BILINKAS: We can take a break now, your Honor.

THE COURT: Okay. So members of the jury we'll take a midmorning break. Don't talk about the case and see you back here by 11:30.

COURTROOM DEPUTY: All rise.

(Jury exits courtroom at 11:48 a.m.)

COURTROOM DEPUTY: You can step down if you like.

(Witness leaves the witness stand.)

(A recess in the proceedings was taken.)

COURTROOM DEPUTY: All rise.

(Jury enters courtroom at 11:48 a.m.)

COURTROOM DEPUTY: You can all be seated.

(Witness takes the witness stand.)

THE COURT: The Ms. Bilinkas, you can continue with your direct examination.

MS. BILINKAS: Thank you, your Honor.

EXAMINATION BY

MS. BILINKAS:

(Continuing.)

Q Mr. Castro, before the break, we were discussing the location at which borrowers could withdraw their PPP loan proceeds.

How did borrowers know that they had to come back to the 125th Street branch?

A We would notify the client and the applicant that they, if they wanted to make any withdrawals, that they would have to come back into our location.

Q When you say "we," who is we?

A Myself, on some occasions. Anuli depending on who the applicant was.

Q And when in the process would you have this conversation?

A At the account opening.

Q And, to your knowledge, did legitimate PPP loan applicants have this limitation of coming back specifically to the 125th branch?

A No.

Q Are there other Popular Bank branches located in the New York area?
A Yes.
Q Are you familiar with the term "blind spot" as it relates to video surveillance?
A Yes.
Q And what does that mean?
A That is a spot where the cameras cannot reach and the camera can't record.
Q Were there any blind spots in the video surveillance in 2020 at the Popular Bank branch 125th Street location?
A Yes.
Q Mr. Castro, were blind spots utilized during the time PPP loans were being offered at the branch?
A Yes.
Q How?
A During the withdrawals, if the cash withdrawals -- once the account was being funded, we would go into those blind spots to hand out the cash that was placed in the cash envelopes.
Q When you say "we" who is we?
A Myself, Anuli, Charlene, Lenny.
Q Were there secured areas at the 125th Street branch?
A Excuse me, sorry.
Q Were there secured employee only areas at the 125th

Street branch?
A Yes.
Q Where?
A The back area, meaning, the teller and where the safe was. That was employees only.
Q Who had access to the video surveillance systems at the bank?
A Management, Anuli and Charlene.
Q Was there a conference room at the 125th Street branch?
A Yes.
Q And can you describe the physical layout of the conference room?
A So it was at the entrance of the building or the branch. It was glass so you could see through the conference room from outside. Also, the sidewalk you could see into the conference room.
Q Could you see into the conference room when you were inside the branch?
A Yes.
Q Did Anuli Okeke ever follow-up with you about money after a PPP loan was withdrawn?
MR. TALKIN: Your Honor, I object to the leading.
THE COURT: It is a leading question, I'll sustain that objection. But it's already been asked and answered so I'll let it stay right now.

Counsel knows about leading questions. When you're allowed some leading questions preliminary to go into different subject matter, and so, I will allow a little bit of it.

Go ahead, next question.

Q Mr. Castro, what, if any, conversations did you have with Anuli Okeke after funds were withdrawn?

A Conversations that once the funds were withdrawn ensured that the applicant was coming in to make the withdrawal and what basically the blessing or compensation was and where was her conversation after the withdrawal was being made.

Q Did you ever have conversations with borrowers about getting their loans forgiven?

A Yes.

Q And what conversations were those?

A We would tell the borrowers that they didn't have to pay the loan back. That Anuli, the manager, she would be submitting a forgiveness documentation so the applicants didn't have to pay the loan eventually.

Q When in the process did you have those conversations?

A During the account opening and the initial step of the submitting the application.

Q How much money, Mr. Castro, in commissions did you get from assisting with fraudulent PPP loans?

A As a whole, $15,000.
Q I want to turn to Hashim Campbell.
Did you communicate with Hashim Campbell about fraudulent PPP loans that were processed at your branch?
A Yes.
Q How did you communicate with him?
A Through text messages and e-mails.
MS. BILINKAS: At this time, for the witness's eyes only I would like to pull up Government's Exhibit 320.

(Continued on the next page.)

(Continuing.)

MS. BILINKAS: And if you can just scroll through.

THE COURT: So that's in evidence already, I believe?

MS. BILINKAS: Not in evidence, Your Honor.

THE COURT: Not yet.

BY MS. BILINKAS:

Q Mr. Castro, do you recognize Government's Exhibit 320?

A Yes.

Q And generally, what is it?

A My conversation with Hashim Campbell.

Q And is the phone number 7839, ending 7839, the phone number you had in 2020?

A Yes.

Q And do these messages fairly and accurately depict conversations you had with Hashim Campbell between June 9th of 2020 and August 15, 2020?

A Yes.

MS. BILINKAS: Your Honor, at this time the Government moves to admit Government's Exhibit 320.

THE COURT: Any objection?

MR. TALKIN: No, Your Honor.

THE COURT: In evidence at this time.

(Government's Exhibit 320 received in evidence.)

(Exhibit published.)

Q Looking at page 1 of Government Exhibit 320, Mr. Castro, what are we looking at?
A We're looking at the list of applicants that I am sending to Hashim so he could process their tax documents.
Q Did the tax documents contain false information for these applicants?
A Yes.
Q Where did you create this list?
A This was created at the computer at Popular at the 125th branch.
Q Why did you create this Lynch?
A To keep track of the clients, since the volume was increasing, it was Anuli informing me just to make sure that I had a track of who were the clients that Hashim needed to do the taxes for.
Q How many lists like this on page 1 did you create during the PPP loan program?
A About 30 lists.
Q Where did you get the information to create these lists?
A So the name, social, date of birth and address was provided by the applicant at the moment of opening the account. And the profession was initially conversation that I had myself with Anuli and she would tell me what kind of professions that we could put in for these applicants.

Q And what type of PPP loan were these applicants getting?
A The sole proprietorship.
Q And what is the maximum amount they could get?
A A little bit over 20,000.
Q Are the professions on your list here made up?
A Yes.
Q Is this your handwriting on these documents?
A The lower corner, yes.
Q On the middle and third page, is that also your handwriting?
A Yes.
Q Looking at the middle page at the top, what is the date listed there?
A July 16th of 2020.
Q Was that after your meeting in the Bronx at the Boca restaurant?
A Yes.
Q What is the handwriting at the bottom right?
A That's my handwriting, indicating up, like I said, other, the old list that we had, indicating those were already sent out to Hashim and if they had a checkmark, that meant that we already processed the PPP loan application.
Q And how did a borrower receive the maximum amount for a loan?

A The accountant, Hashim Campbell, he would inflate the numbers on the tax returns. And the larger amount that he reported on your taxes, that transpired to PPP loan receiving the $20,000 based on the formula that the PPP loan application had.
Q Did these individuals on this list receive PPP loans?
A Yes.
Q And did you take portions of the proceeds from those loans?
A Yes.
Q Did Anuli Okeke, to your knowledge, receive portions of loan proceeds?
A Yes.
Q How do you know that?
A I, myself, handed in cash envelopes to Anuli.
MS. BILINKAS: Can you please go to page 2?
Q Looking at these top messages, are you in the blue or the white text?
A The white.
Q Did Hashim Campbell provide you his e-mail address?
A Yes.
Q And is that the e-mail address listed on this page?
A Yes.
Q And did you communicate with him via e-mail?
A Yes.

Q About what?
A The taxes for the applicants.
MS. BILINKAS: Can you please go to page 5?
Q Looking at the middle section of this page, Mr. Campbell -- I'm sorry, Mr. Castro, what is the date of this text?
A July 9th.
Q Is that the same day you went to Boca restaurant in the Bronx with Anuli, Charlene, and Lenny?
A Not sure.
MS. BILINKAS: Can you please pull up Government Exhibit 674 already in evidence?
(Exhibit published.)
MS. BILINKAS: Can you please highlight, second from the bottom, the right side of "card purchases."
Q Mr. Castro, was this text the same day you went to the Boca restaurant in the Bronx?
A Yes.
Q Thank you.
Just focusing back on the 320 page. What did you tell Hashim Campbell that day?
A I was informing him that we needed to get the maximum for the three applicants that I was sending over.
MS. BILINKAS: Can you please go to page 6?
Q And looking at the top of this text, why are you

providing Hashim Campbell Jesse Scott Rolon's information?
A This was one of the applicants we were submitting fraudulent information and Hashim was going to be the one doing the taxes for this applicant.
Q The occupation, maintenance worker, was that a made-up profession?
A Yes.
Q Looking at the bottom of this page, did Hashim Campbell send e-mails to both your personal and work e-mails?
A Yes.
MS. BILINKAS: If you could please go to page 8.
Q Looking at the message, July 22, 2020, what did Hashim Campbell send you on this date?
A So this is a screen shot of his spreadsheet showing the applicants that he's working on and also the applicants that were already -- that he was probably submitting on that particular day.
MS. BILINKAS: Can you please go to page 9?
Q Mr. Castro, is the image at the top of this page the same image we looked at on page 1 of Government's Exhibit 320?
A Yes.
MS. BILINKAS: You can take that down.
Can you please go to the bottom?
Q What is Currentcarz?

A That was another e-mail that Hashim would send documentations from.

MS. BILINKAS: You could take that down.

If you could please go to page 10.

Q Mr. Castro, we talked about your family members before. Did your brothers also have clients that dealt with Hashim Campbell?

A Yes.

Q And what are we looking at in this message?

A So the first one is just the screen shot of the spreadsheet showing the ones that he's working on. He indicates that those are my brother's referrals and they completed them at his location, in his office. And it's just to let him know and communicate that it's all good.

Q Okay.

A And that the other ones are going to be completed afterwards.

MS. BILINKAS: If you can please go to page 11.

Q Can you please read the text message that you sent to Hashim that's on the screen.

A I said: Hey, good morning. Hensy, Pamela, Henry and Rubi are my other brother's accounts. Anuli submitted those apps already. One of them is about to get funded. Call me if you need anything else.

Q Can you read his response?

A Yeah, I'm all mixed up now. Just trying to get everything out to you.

MS. BILINKAS: You can pull that down. Thank you.

Q And on July 26th of 2020, can you please read this message that you sent to Hashim Campbell?

A Hey. Happy Sunday. Me and Anuli were wondering if you were going to work on that list today and have it ready by Monday 'cuz we're really behind with our clients. If we can't get this done, we need to know so we can look into other options, but we have to know what the deal is otherwise we are just stuck. And the clients are asking for the updates. Some of these clients open accounts two.

Q What did you mean by looking into other options?

A As I mentioned before, there was the other accountant, the African, that in the case that Hashim wasn't able to provide us with those tax documents, then we will get those tax documents with the applicant.

Q Can you please read the text message you sent at the top?

A The clients are asking for the updates. Some of these clients open accounts two weeks ago.

Q And how did Hashim respond?

A Working on it bro.

Q How did you respond?

A Thanks. Just keep me updated because I have Anuli, my brother and the clients on my back with this. So I have to kind of know what we doing.

Q What did you mean when you said Anuli, my brother and the clients are on your back?

A Being the banker that was opening all these accounts, so I had the pressure from Anuli. She wanted to make sure that I was reaching out to Hashim and get those tax information in so we could get the PPP loan application in. Also, the clients were asking where the money was and everyone that was referring those clients were asking me when is the money going to get funded. So I was getting pressure from different angles.

MS. BILINKAS: Thank you. You can take that down.

Q Looking at the bottom of this page, did you send Hashim Campbell a list of individuals?

A Yes.

Q And why did you send him these?

A Similar to the other list, just to keep track of the ones that we are working on and that are pending.

MS. BILINKAS: Thank you. You can go to the next page.

Q Mr. Castro, on July 30th of 2020, did you send Hashim Campbell information for your cousin?

A Yes.

Q And why did you send this information?

A To see if my cousin could get, before the PPP loan funds were exhausted, as it was almost to the end of the period, to get him a loan.
Q When you say "the end of the period," what does that mean?
A So at that time, towards August, the PPP loan was almost at the end of the funds were being exhausted. So we were getting notification, Anuli was telling us that we might not be able to submit any more applications.
Q And is the application for your cousin that you sent this information over looking at fraudulent information on the application?
A Yes.
Q Was this loan ultimately funded?
A No.
MS. BILINKAS: Can you please go to the next page?
Q And did you send Hashim on August 3rd a photo of a list of individuals?
A Yes.
Q And why did you send him this?
A Once again, it's just to ensure that he knew which applicants we are working on, the information, and to get updates from him.
MS. BILINKAS: Thank you. You can take that down.
Q And on August 4, 2020, can you please read these two

messages you send Hashim?
A Hey, good morning, bro. As you know we are close to the deadline. I know you are going to get a lot of calls today. Just wanted to let you know I couldn't find Genis Castro taxes. I don't think we going to have time for the new business account so let's just work on the ones we already have pending. Thanks.
MS. BILINKAS: Can you please go back to page 1 of this exhibit.
Q Mr. Castro, did there come a time when you assisted with the PPP loan application for an individual named Richard Pinero?
A Yes.
MS. BILINKAS: Now showing what's in evidence as Government's Exhibit 11.
(Exhibit published.)
Q Do you recognize this person?
A Yes.
Q And who is this?
A Richard Pinero.
MS. BILINKAS: You can take this down.
Q How did you meet Richard Pinero?
A He was referred to the branch and he came in to open up the checking account and to submit the PPP loan application.
Q Can you describe Mr. Pinero?

A Very unstable person. One could say homeless. Very erratic.

MS. BILINKAS: I want to pull up now what's already in evidence as Government's Exhibit 1029, page 23.

(Exhibit published.)

Q Mr. Castro, is this the PPP loan application you worked on at Popular Bank for Richard Pinero?

A Yes.

Q And how do you know that?

A Because I helped him fill out the application.

Q Is this your handwriting?

A Yes.

Q What type of PPP loan was this?

A This is sole proprietor.

Q So what was the maximum amount someone could get?

A A little bit over 20,000.

Q Was the information on this PPP loan application false?

A Yes.

Q How do you know that?

A This is one of the applications that we sent, or the applicants that we sent to Hashim to make the taxes so we could get the max amount.

MS. BILINKAS: I'm going to show the witness now what's already in evidence as Government Exhibit 1030.

(Exhibit published.)

Q Is this the tax document that was submitted with this PPP loan application?
A Yes.
Q And looking at number seven, gross income.
MS. BILINKAS: If you could highlight that, and then also A at the top.
Q What profession did you have on the application for Mr. Pinero?
A Janitor.
Q Did Mr. Pinero make $135,000 in 2019 as a janitor?
A No.
Q Was this number made up?
A Yes.
MS. BILINKAS: You can take that down. Thank you.
Q Did Popular Bank fund this loan?
A Yes.
MS. BILINKAS: Showing you what's already in evidence as Government's Exhibit 1046.
(Exhibit published.)
Q What is this document?
A That's a bank statement for Richard Pinero.
MS. BILINKAS: And if you could please go down to the transactions, specifically, the transaction on August 18th.
Q Mr. Castro, how much was Mr. Pinero's PPP loan funded

for?
A 20,590.
Q What was the beginning balance before the PPP loan hit his account?
A $5.
Q Did you get paid for processing this PPP loan?
A Yes.
Q Did Anuli Okeke get paid for this PPP loan application?
A Yes.
Q Looking at the transaction on August 27th, was there a $9,900 withdrawal made?
A Yes.
Q Why was this withdrawal made?
A That was the initial withdrawal that we made, and the amount we made it was under the $10,000 amount to avoid any CTRs.
Q You said CTR. What's a CTR?
A That's from banking, it's a Currency Transaction Report. Any transaction over $10,000 needs to be reported to the Government agencies. Anything under $10,000 doesn't need to be reported.
Q And then on September 11th, was there also a $1,000 withdraw made from this account?
A Yes.
MS. BILINKAS: Can you please pull up what's

already in evidence as Government's Exhibit 1067?

(Exhibit published.)

Q Mr. Castro, whose handwriting is on this check?

A On on the top is my handwriting and on the memo line.

Q Memo line states: Weekly payroll -- is that payment?

A Yes.

Q Why is that written there?

A That's, again, what we did to show that the payment or the withdrawal -- sorry, the withdrawal that we were making was indicating that was for that purpose.

Q When you say "we did," who is "we"?

A So I filled out that memo line, but that was indicated by Anuli to always put on the memo line what the purpose of the withdrawal was.

Q Going to page 2 of this exhibit, is this a $1,000 transaction on September 11th of 2020?

A Yes.

Q And does it also have a memo line for weekly payroll and payment?

A Yes.

Q And whose handwriting is this?

A Mine.

Q Mr. Castro, on September 11th of 2020, did you pick up Richard Pinero and bring him to the 125th Street branch?

A Yes.

Q Why?
A Richard Pinero went to another site in Sutphin Boulevard -- sorry, on 140 -- on Third Ave, in the Bronx. And he was trying to make a withdrawal and he was not allowed to make that withdrawal. Our branch received a call, Anuli received a call and Anuli told me that Richard Pinero was making a scene at the Third Avenue site and to reach out to him. He was not answering his phone, so she was like, well, try to go see if you can find him. Go over there right now.
Q Prior to September 11th of 2020, had you ever picked up a bank customer before?
A No.
Q Can you describe Mr. Pinero's demeanor that day?
A He was upset. He was confused. He was arguing.
Q Did he ultimately come to the 125th Street branch that day?
A Yes. I picked him up and I brought him into the branch.
Q And who did he speak with?
A After I brought him in, he went to speak to Anuli.
Q After he spoke with Anuli, did you withdraw $1,000 from his account that day and pay him?
A Yes.
MS. BILINKAS: I'm showing the witness what's

already in evidence as Government's Exhibit 508.

(Exhibit published.)

MS. BILINKAS: Would you please go to camera seven and go to minute 15:17:28? And you can hit play. Thank you.

(Video played; video paused.)

THE COURT: The jurors may be wondering what's happening now. We have a lot of young people coming into the courtroom. I will explain to them.

We are greeting a school of students who come to court, we were advised in advance they would be paying a visit and the courtroom is open to anybody. Periodically we do get visitors, we get students, we get a whole range of people coming in to see what goes on in the courtroom. There are students and teachers, I talk to them during the break, I welcome them and we try to extend what we call hospitality especially to the next generation of citizens and lawyers. So that's what's happening now.

Continue.

MS. BILINKAS: Thank you.

If you can continue playing this clip. And, sorry, are you able to back up?

(Video played; video paused.)

Q Mr. Castro, what are we looking at on this screen?

A This is the 125th branch main lobby.

(Video played.)

MS. BILINKAS: And if you can pause right here.

(Video paused.)

Q Is this video from September 11th of 2020?

A Yes.

Q And who was in the still that we just saw?

A That was myself walking through the lobby and Richard Pinero with the yellow shirt.

Q And where did you go when you walked through the lobby?

A To my cubicle.

Q Was Anuli there that day?

A Yes.

Q And who was that in the center of the screen now?

A Richard Pinero.

MS. BILINKAS: If you could please go to camera one, minute 15:17:33.

(Video played; video paused.)

Q And what are we looking at here?

A So at the front, we got Lenny at the teller area. And in the background, you have Anuli's cubicle, Richard Pinero on top, and then myself walking to my cubicle.

Q And is Anuli sitting in her cubicle?

A Yes.

MS. BILINKAS: You can press play.

(Video played; video paused.)

MS. BILINKAS: And you can pause.
Q Where is Mr. Pinero now in the branch?
A In Anuli's cubicle.
MS. BILINKAS: You can hit play.
(Video played; video paused.)
Q And where did you go at this point?
A To my cubicle.
MS. BILINKAS: If you could please go to camera seven, minute 15:26:39, and hit play.
(Video played.)
Q Mr. Castro, where were you going?
A To the conference room, I believe.
Q Who is in the screen now?
A Myself and Richard Pinero.
MS. BILINKAS: If you can please go to camera one, minute 15:49:48.
(Video played.)
MS. BILINKAS: Can you press pause?
(Video paused.)
Q Mr. Castro, what are we looking at now?
A So still Richard Pinero again. He is still upset. He tried to make a withdrawal, I believe, at the ATM, and he was not allowed to make the withdrawal so he's coming back to speak to Anuli to complain that he was not able to withdraw funds.

Q And are you by Anuli's cubicle at this point with Mr. Pinero?
A Yes.
MS. BILINKAS: You can press play.
(Video played; video paused.)
Q Mr. Castro, did Mr. Pinero get the $1,000 at the branch that day?
A Yes.
Q And why did he get a thousand dollars?
A To calm him down.
(Video played; video paused.)
MS. BILINKAS: Thank you, you can take this down.
Q We've talked about sole proprietor loans. I want to direct your attention to business PPP loans that you assisted with at Popular Bank in 2020.
Who at the bank handled PPP loan applications for businesses that had employees?
A Anuli.
Q Who met with those borrowers or applicants?
A Anuli.
Q What, if any, role did you have in any business PPP loan application that claimed employees at your branch?
A I had to ensure that the applicant had a business account established with Popular.
MS. BILINKAS: If you could please pull up

Government Exhibit 8.

(Exhibit published.)

Q Can you remind the jury who this is?

A That's one of the accountants. I knew him as the African.

Q How were you introduced to him?

A He went in one time at the branch with one of our business clients.

MS. BILINKAS: You can take that down.

Q And did this individual assist with business PPP loans at your branch in 2020?

A Yes.

Q How did he assist?

A He provided tax documentation.

Q Did the tax documentation contain false information?

A Yes.

MS. BILINKAS: Can you please pull up Government's Exhibit 4 already in evidence?

(Exhibit published.)

Q Do you recognize who is depicted here?

A Yes.

Q Who is this?

A Assana.

Q And how do you know Assana?

A She was one of the local business owners that had an account with us at 125th.

MS. BILINKAS: You can take that down. Thank you.

Q Did you assist with a PPP loan application for Assana's businesses at Popular Bank in 2020?

A Yes.

MS. BILINKAS: Can you please pull up what's already in evidence Government's Exhibit 700?

(Exhibit published.)

Q Who filled out this business application?

A Anuli.

Q Did this loan application contain false information?

A Yes.

MS. BILINKAS: Can you please pull up what's already in evidence as Government's Exhibit 701?

(Exhibit published.)

Q Was this the tax documents that were submitted, or a tax document submitted along with this application for Assana?

A Yes.

Q Did you have a conversation with Anuli Okeke about this loan application?

A Yes.

MS. BILINKAS: You can take this down.

Q And what, if anything, happened during that conversation?

A So my work was basically on that application, just to ensure that the account that Assana had was open and that documentations were scanned properly and she indicated that at the end of our workload, since we had a lot of applications, a lot of accounts, that we were going to be compensated by Assana and that she was going to bless us.
Q And at what point in the process did you have this conversation with Anuli Okeke?
A Very beginning.
Q Other than an account opening up, what, if anything else, did you do with this loan application?
A Did the withdrawals, just ensure that, again, scanning documents, and just make sure that everything was basically done correctly for the application.
Q Was this PPP loan funded?
A Yes.
MS. BILINKAS: Can you please pull up what's already in evidence as Government's Exhibit 786?
(Exhibit published.)
Q Mr. Castro, what are we looking at here?
A This is a bank statement for Assana's hair salon.
Q And going down to the daily activity, the transaction on July 9th of 2020, how much was the Assana Hair Salon PPP loan approved for?
A $75,000.

Q Were withdraws made after this loan was funded?
A Yes.
Q How much?
A The loan withdrawal was made for $19,500. And another withdrawal was made for $49,030.70.
MS. BILINKAS: You can take this down, thank you.
Q Did you end up getting paid for this loan?
A Yes.
Q And can you walk us through how that happened in this case?
A So after the withdrawal was made at the bank in the teller area, Anuli and Charlene walked in after all the checks were made and the cash was given to the applicant, Anuli and Charlene, they walk in and gave myself and Lenny an envelope with cash in it.
Q And when you say the back or teller area, was that a secure employee-only area?
A Yes.
Q And did Assana ever go back there?
A Yes.
Q Did there come a time where you assisted with the PPP loan application for an entity called Laser Cut Barber?
A Yes.
Q And whose business is that?
A That was my barber.

Q And how did your barber learn about a PPP loan program at Popular Bank?
A I told him initially about the loan itself.
Q And what was your barber's name?
A Leo.
Q Did Leo ever come to the 125th Street branch?
A Yes.
Q Did he meet with anyone?
A Yes.
Q Who?
A After he met with me, he met with Anuli Okeke.
Q And did Leo and Anuli Okeke have a conversation at the bank?
A Yes.
Q How do you know that?
A He went and sat down at her cubicle to have a conversation about the process of application.

MS. BILINKAS: I would like to pull up Government's Exhibit 760 already in evidence and go to page 24, please.

(Exhibit published.)

Q Is this the PPP loan application for your barber's Laser Cut Barbershop?
A Yes.
Q And how many employees were claimed?

A Thirteen.
Q And what was the average monthly payroll?
A $30,370.
Q What loan amount was requested for this application?
A $75,920.
Q Were tax documents required in order to submit this loan application?
A Yes.
MS. BILINKAS: If you could please pull up what's already in evidence as Government's Exhibits 757 and 759, side by side, please.
(Exhibits published.)
Q Were these the tax documents submitted for the Laser Cut Barber PPP loan application?
A Yes.
Q Did the tax documents contain false information?
A Yes.
Q How do you know that?
A I was aware that he did not have 13 employees, being myself, a customer, the barbers -- each barber that he had was a sole proprietor. They all got paid individually.
Q Did you have a conversation with Anuli Okeke about the employees listed on this application?
A Yes.
Q And what, if anything, was said during that

conversation?
A She was basically knowing that the barber, himself, was a sole proprietorship and that he didn't actually have 13 employees. In addition, we had the conversation about how much we were going to charge Leo for submitting his application.
MS. BILINKAS: You can take this down, thank you.
Q Do you remember how much you were to charge Leo for this $75,000 loan?
A A couple of thousands.
Q And did you get paid after this loan was funded?
A Yes.
Q And how did you get paid?
A After he made the initial withdrawal, when the account got funded, I took a cash envelope for myself and gave a cash envelope to Anuli.
Q Mr. Castro, how much would you typically get paid for for the sole proprietor loans?
A Anything between 20 to $150.
Q And did you have a higher amount of money paid to you for the Laser Cut Barber application?
A Yes.
Q Why was that?
A One, that was my first, you could call, business PPP loan, and that was the largest amount at the time that I

assisted with.

Q Did there come a time that you assisted with a PPP loan application for an entity called Car Expert Auto Group?

A Yes.

MS. BILINKAS: If you could please pull up what's already in evidence as Government's Exhibit 737, page 23.

(Exhibit published.)

Q Do you recognize this loan application?

A Yes.

Q And how do you recognize it?

A That's my handwriting.

Q What was your role in this loan application?

A Basically similar to Laser Cut, that it helped opening the business account, helping the client to submit all the documentations for the PPP loan.

Q And when you say the client, who was the borrower here?

A Israel Viloria.

Q And did Israel Viloria come to the bank branch?

A Yes.

Q And did Israel Viloria meet with anyone?

A Yes.

Q Who?

A After he met with me, he also met with Anuli.

Q Were you ever in a meeting together with Anuli and Israel?

A Yes.
Q Did this application contain false information?
A Yes.
Q What was false about it?
A Number of employees and the amount, the average monthly payroll amount.
MS. BILINKAS: You can take this down, thank you.
Q Mr. Castro, did you ever visit the business address for Car Expert Auto?
A Yes.
Q Why did you visit the business address?
A So it was part of, I guess, policy for Popular Bank to visit if we wanted to open a business account, to go and visit the location. It was for the manager to go and visit the physical location of the place. In this case, being that this was a new account, we -- Anuli needed to go and visit that location. Being that I was the one that had a car, she asked me to take her, for us to go and take pictures of the business.
Q And did you go with her to this address?
A Yes.
Q And what did you observe when you got to this address for Car Expert Auto?
A That it was a business, itself, it was a dealership, but it definitely didn't have the 13 or the number of

employees that they -- the 20 number of employees that they had.

Q Why do you say that?

A It was only probably two people working there.

Q Was the PPP loan application still processed at the 125th Street branch after this visit to the business address with Anuli Okeke?

A Yes.

Q Were tax documents provided with this loan application?

A Yes.

MS. BILINKAS: If you can please pull up what's already in evidence as Government's Exhibit 744 through 746.

(Exhibits published.)

Q Were these the tax documents, IRS tax documents 941 for the tax year 2019 that were submitted with the Car Expert Auto Group --

A Yes.

Q -- loan application?

And did these tax documents contain false information?

A Yes.

MS. BILINKAS: You can take this down.

Q Mr. Castro, was this loan application approved by Popular Bank with just these 941s?

A I believe that on top of the tax documents, the account document and those 941s, that's how the account was approved.

Q Did there --

A Sorry. And W-2 forms.

Q Did there come a point where W-2 forms were requested?

A Yes.

Q By who?

A So Anuli had direct conversations with the auditors, so anything that was needed from back office from the auditors, Anuli would communicate that to me to communicate then to the client.

Q Why were additional tax documents required for this application?

A So they were having issues of the auditors approving this loan and they were asking for more documentations as proof of -- to show evidence that these employees actually work at that location.

Q And were W-2s ultimately provided for this application?

A Yes.

MS. BILINKAS: If you could please pull up what's already in evidence as Government's Exhibit 738.

(Exhibit published.)

Q Are these --

MS. BILINKAS: If you could just scroll.

Q Are these the W-2s that were included with the

application?
A Yes.
Q Did the W-2s have false information in them?
A Yes.
Q Was this the only time W-2s were submitted with this application?
A No.
Q What does that mean?
A This is probably the second -- the second time that W-2s were submitted by the applicant, himself. He initially came with -- show us the numbers that he was going to input on those wages and the numbers that he input in those wages were not realistic-looking numbers.
Q What does that mean, not realistic-looking numbers?
A They were mainly whole numbers. Every employee was showing 60,000, 40,000, 30,000. So it was even numbers. And as we all know, it's just employees or workers, they have cents, they have different numbers, because it adds up through the whole year. So his numbers were not realistic for us to submit to the auditors. It was going to bring red flags.
Q You said "us." Who is "us"?
A Anuli and myself.
Q Did this loan --
MS. BILINKAS: You can take that down, thank you.

Q Did this loan ultimately get approved?
A Yes.
MS. BILINKAS: I am showing the witness what's already in evidence as Government's Exhibit 789.
(Exhibit published.)
Q What is this document, Mr. Castro?
A It's a bank statement for Car Expert.
MS. BILINKAS: And if you could please go down to the activity, to the August 18th.
Q How much was this loan funded for?
A $250,000.
Q Now, the date is August 18th. What was the status of PPP loan funding at that point in August of 2020?
A It was towards the end.
Q And what, if any, conversations did you have with Anuli about the timing of this loan application?
A That that was perhaps the last application because the funds and the Government was cutting funding for PPP loans.
Q After the PPP funds went into this bank account, were there withdraws made from this account?
A Yes.
Q And sorry, before we get to that, what was the beginning balance for this entity prior to the money hitting the account?
A Zero.

Q And then looking at the two transactions on August 19th and August 28th, how much in withdraws were made from this account?
A The initial withdrawal was for $150,000. The second withdrawal was for $50,000.
Q Were you allowed to withdraw this amount of money in your role as a personal banker?
A No.
Q How were you able to withdraw this amount?
A In order to make a withdrawal of $150,000, I would need what we call an override.
Q And who was authorized to make an override?
A Anuli or Charlene.
MS. BILINKAS: I would like to show the witness now what's already in evidence as Government Exhibit 806.
(Exhibit published.)
MS. BILINKAS: And if you could please pull up the checks side by side.
(Exhibit published.)
Q Mr. Castro, are these the two checks we just looked at from the account statement for Car Expert Auto?
A Yes.
Q Whose handwriting is this?
A My handwriting.
Q Are these checks dated August 19th and August 28th of

2020?

A Yes.

Q And why did you fill out these dates this way?

A So it was again to show and confirm that it was a weekly period to pay out the employees and have the paper trail to show that the person is making those weekly withdrawals.

MS. BILINKAS: If you could please highlight the memo lines.

Q Did you write this these memo lines?

A Yes.

Q Were these memo lines made up?

A Yes.

MS. BILINKAS: You can take that down, thank you.

Q Did you receive a portion of these loan proceeds, Mr. Castro?

A Yes.

Q Did Anuli Okeke receive a portion of these loan proceeds?

A Yes.

Q How do you know that?

A I did partial withdrawals. I handed myself a cash envelope and I handed Anuli a cash envelope from those withdrawals.

Q Mr. Castro, earlier you testified that you pleaded

guilty. Did you plead guilty pursuant to a cooperation agreement?
A Yes.
Q Did you review and sign that agreement before you entered into it?
A Yes.
Q What is your understanding of what your obligations are under this cooperation agreement?
A To tell the truth.
Q Did you meet with law enforcement as part of this process?
A Yes.
Q Have you met with the Government a number of times in connection with this case?
A Yes.
Q Under your plea agreement, what is the maximum term of imprisonment you can receive?
A Thirty years.
Q What do you hope to receive from the Government if you meet all of your obligations under the cooperation agreement?
A Lenient sentencing.
Q Do you know what a 5K letter is?
A Yes.
Q Who writes the 5K letter?

A The prosecutors.
Q And generally, what is in that 5K letter?
A It basically explains the things that I did during the scheme. Also my cooperation with the Government.
Q And who does Government send this letter to?
A To the judge.
Q And what do you hope the 5K letter will get you?
A A lenient sentence.
Q Does the 5K letter require the sentencing judge to give you a specific sentence?
A No.
Q Can the judge still sentence you up to the maximum amount of time that we discussed?
A Yes.
Q Will the Government recommend a specific sentence for you?
A No.
Q Can the Government promise you a specific sentence?
A No.
Q Ultimately, Mr. Castro, who decides your sentence in this case?
A The judge.
Q And sitting here today, do you have any idea what your sentence is going to be?
A No.

Q What happens if you don't tell the truth here today in court?
A I will be breaking my deal.
Q What do you mean by breaking your deal?
A I would be committing perjury and not telling the truth, breaking the deal.
Q Would the Government be obligated to write a 5K letter for you?
A No.
Q Would you be stuck with your guilty plea in that scenario?
A Yes.
Q Has anyone from the Government promised you anything other than what's in your cooperation agreement?
A No.
Q Finally, Mr. Castro, as part of your guilty plea, did you also plead guilty to getting an Economic Injury Disaster Loan?
A Yes.
Q And how did you first find out about this loan program?
A In a staff meeting, a group meeting with myself, Lenny, Anuli, and Charlene.
Q Did you have a business in 2020?
A No.
MS. BILINKAS: At this time, Your Honor, the

Government moves to admit Government Exhibits 368 and 369.

THE COURT: Any objection?

MR. TALKIN: No, Your Honor.

THE COURT: 368 and 369 are in evidence at this time.

(Government's Exhibit 368, 369 received in evidence.)

MS. BILINKAS: If you could please pull up Government's Exhibit 368.

(Exhibit published.)

MS. BILINKAS: And go to page 13. And if you could highlight the top quarter of the page.

Q Mr. Castro, how much of an EIDL loan did you receive in 2020?

A 16,500.

Q And what was the date you received this EIDL loan?

A July 2nd, 2020.

Q And can you tell us what happened at this staff meeting you referred to?

A Anuli gave us instructions on how can we submit that application for an SBA loan.

Q And was this loan funded approximately a week before your meeting with Anuli, Lenny, and Charlene at the Boca restaurant in the Bronx?

A Yes.

Q Did you receive EIDL loan proceeds in your account?
A Yes.
MS. BILINKAS: Can you please pull up Government's Exhibit 369?
(Exhibit published.)
MS. BILINKAS: Can you go down to the bottom right area?
Q Mr. Castro, for an EIDL application, did you need to list your gross revenues and cost of goods sold for the 12 months prior to the disaster?
A Yes.
Q Where did you get these numbers?
A Again, that was part of the conversation in the meeting and Anuli telling us what information -- what each question meant and what information to put in.
THE COURT: What exhibit number is that again?
MS. BILINKAS: 369.
THE COURT: 369.
Q To be clear, Mr. Castro, did you have cost of goods sold at any point in 2019?
A No.
Q Did you have gross revenues in 2019?
A No.
Q Were these numbers made up on this application?
A Yes.

MS. BILINKAS: You can take that down.
Q After you received $16,500, did you pay anyone the EIDL proceeds?
A Yes.
Q Who?
A I gave some of the proceeds to Anuli.
Q Approximately how much?
A $200.
MS. BILINKAS: One moment, Your Honor.
THE COURT: Let me know whether you think it's a good time, because I want to talk to the students a little bit while they are here. Are you finished with your direct examination?
MS. BILINKAS: Yes, I'm done, Your Honor.
THE COURT: So this is a good time to finish, if you are finished with your direct?
MS. BILINKAS: Yes.
THE COURT: Members of the jury, we are going to take our lunch break now. Let's come back at 2 o'clock. I am going to talk to the students a little bit. Enjoy the weather, and we will see you at 2 o'clock. Don't talk to anyone about the case.
(Jury exits.)
THE COURTROOM DEPUTY: You can all be seated.
THE COURT: The jury is out of the courtroom.

Mr. Witness, you have to come back at 2 o'clock. Obviously, you will be subject to cross-examination. It would be best if you didn't speak to any Government lawyers during this time. Okay?

See you at 2 o'clock.

(Witness steps off the stand.)

(Luncheon recess taken.)

(Continued on the following page.)

AFTERNOON SESSION

(In open court - jury not present.)

(Witness entered the courtroom and resumed the stand.)

(Judge FREDERIC BLOCK entered the courtroom.)

THE COURT: Stay seated.

THE COURTROOM DEPUTY: Great. I'll bring the jury in?

THE COURT: Yes.

Who is going to do the cross, Mr. Talkin?

MR. TALKIN: I am.

THE COURT: All right.

(Pause.)

THE COURTROOM DEPUTY: All rise.

(Jury enters.)

THE COURTROOM DEPUTY: You can all be seated.

THE COURT: Folks, as I told you, after the direct examination, you just saw a good example of what direct examination is, then the other party can have cross-examination, and that's what is going to be happening right now. All right.

Okay. So I understand Mr. Talkin is going to be directing the cross.

MR. TALKIN: Thank you, Your Honor.

(Continued on the following page.)

ANTHONY CASTRO,
having been previously called and sworn/affirmed, was examined and testified further as follows:
CROSS-EXAMINATION
BY MR. TALKIN:
Q Good afternoon, Mr. Castro.
A Good afternoon.
Q Hashim Campbell is someone you identified as -- you called him one of the accountants?
A Yes.
Q And you have known him for some time because he did events at the bank, at the 125th Street bank?
A Yes.
Q But you weren't personal friends with him, were you?
A No.
Q And you didn't keep in touch with him, did you?
A No.
Q And your next contact with him after doing the charity events at the 125th Street was -- would be in 2020 dealing with PPP, right?
A Yes.
Q I want to talk to you about -- you described on direct examination there was a meeting at a Boca Restaurant.
Do you remember that?
A Yes.

Q And I think we established, I know it was hard to remember four years ago, but I think when you saw your own records, you realized it happened on July 9th?
A Yes.
Q And so, we're accurate about that?
A Yes.
Q Now, you said -- you described for the jury what was said during that July 9th meeting, but really the heart of it was you left that meeting understanding now that the PPP loans that you were going to do at the 125th Street were going to be fraudulent loans, right?
A Correct.
Q And before that you didn't think that, but -- before the meeting that really wasn't clear to you, but it was crystal clear to you after that July 9th, 2020 meeting?
A Yes.
Q And as a matter of fact, at the beginning you thought the PPP loans were legitimate?
A For the most part, yes.
Q And July 9th changed that for you?
A Yes.
Q And when you say "for the most part," are you saying that you knew there were illegitimate loans before July 9th?
A I was suspicious, being that the number of clients that we were getting was increasing at the branch. We were getting

more referrals from the branch -- from the Bronx. So, there was conversations already being had, and that we had at the branch level.

Q So, you were kind of figuring it out on your own something was up, but you didn't know what was up until after the meeting?

A Yes. Correct.

Q Now, when you say people from the Bronx, I forgot, did you say -- are you originally -- you said, I'm originally from the Bronx?

A Yes.

Q Your brother Leo lives in the Bronx?

A Um --

Q Did -- I'm sorry.

In 2020, your brother Leo lived in the Bronx?

A I'm not sure.

Q Did he live with you in 2020?

A At one point he did, yes.

Q And when did he stop living with you?

A He stopped living around 2021.

Q Okay. So during COVID and during 2020, he was living with you?

A At some point, yes.

Q And at some point -- in all of 2020, or in part of 2020?

A Partially. He would be in and out. He stayed in my

house for -- for some time. So, yes.
Q And this was during COVID?
A Yes.
Q Your brother Leo submitted a PPP loan, correct?
A Yes.
Q And it was a fraudulent loan?
A Yes.
Q The taxes came from Hashim?
A Correct.
Q And that loan was submitted in June of 2020?
A Don't know the exact date, but it was submitted.
Q It was submitted prior to the meeting on July 9th of 2020?
A I don't recall the date. Like I said, it was submitted, yes.

MR. TALKIN: I am going to ask that the witness only be shown Defense D-29.

BY MR. TALKIN:
Q I am just going to ask you to look at that and just tell me if you recognize what it is.

Don't read out loud to the jury, just tell me if you recognize what it is, please.
A Yes.
Q And that is Leonard Castro's, your brother's, PPP application, correct?

A Correct.

MR. TALKIN: Go to page 2, Mr. Turner, please. Thank you.

(Pause.)

MR. TALKIN: Your Honor, may I approach the witness--

THE COURT: You may.

MR. TALKIN: -- give him a copy of the same?

This is just a hard copy of the same thing.

BY MR. TALKIN:

Q If you go to page 2 of that, does that help you remember when your brother Leo's fraudulent PPP application was filed?

A Yes.

Q And that was June 15th of 2020?

A Correct.

Q So that's well before the July 9th meeting?

A Yes.

Q Now, when you were -- before you testified -- on direct examination you said you spoke to the Government before you testified, correct?

A Say that again. Sorry.

Q I'll slow it down.

A Yes, please.

Q Prior to testifying today, on numerous occasions you've met with the Government and talked to them about this case?

A Yes.
Q And you practiced your testimony as it got closer to trial?
A Yes.
Q And prior to that, you would meet with investigators from the Government?
A Correct.
Q And there were a lot of meetings, right?
A Yes.
Q And you were asked questions, some the same, some different, but the same ones you were asked over and over, right?
A Correct.
Q And you answered them honestly?
A Yes.
Q And to the best of your ability, right?
A Yes.
Q On June 20 -- excuse me.
On August 7th of 2023, do you remember being interviewed by a group of individuals from the United States Attorney's Office and the Government?
A Now that you mention it, we had meetings. The date, I don't recall the date exactly.
Q You don't, but do you remember sometime in the summer of 2023, meeting with them?

A We had several meetings.
Q Did any of them take place in the summer of 2023?
A I don't know.
Q If I show you a report from an interview on that day, would that help you remember?
A Sure.
Q Okay.

MR. TALKIN: I am going to ask that just for the witness, that AC-126 be shown.

THE COURT: This is not in evidence, I take it?

MR. TALKIN: It is not, Your Honor.

(Pause.)

BY MR. TALKIN:

Q Take a look at the very top of that and let me know if that helps you remember the date --
A Yes.
Q -- or at least when it happened.

So, it happened sometime in August of 2023, you'll agree with me on that?
A Yes.
Q And during that meeting, you -- you talked to them about the lunch meeting that the group from the 125th Street had at Boca Restaurant.

Do you remember that?
A Yes.

Q And during that meeting, you told the investigators that Ms. Okeke provided the details of the PPP program.

Do you remember that?

A Yes.

Q And she outlined how it worked?

A Correct.

Q And she said that she wanted the PPP at Popular Bank -- if an individual did not have a Popular Bank account, they would have to open one?

A Yes.

Q And she didn't mention anything -- you didn't mention anything during that meeting about -- talking about using accountants, did you?

A Say that -- about the what? Sorry.

Q Using accountants for fraudulent documents.

A No.

Q So, you described the same meeting in a very different way in August of 2023 than you did here before the jury, correct?

A Correct.

Q And you also had another meeting on January 25th of this year.

Do you remember that?

A Again, I don't remember all the dates.

Q If I show you a report, would that help you remember?

A Yes.

MR. TALKIN: Can we please show the witness only AC-128.

BY MR. TALKIN:

Q If you just look at the top, does that help you remember --

A Yes.

Q -- the date of the meeting?

So, the meeting happened in January of 2024, this year.

Do you remember that?

A Yes.

Q And at that meeting, you also described this lunch meeting at the Boca Restaurant, correct?

A Correct.

Q And during that time, you told the investigators that that meeting took place at the midpoint of the first wave.

Do you remember that?

A Yes.

Q And you told them that that was when there was a slight uptick in the customers?

A Yes.

Q And that you -- that Okeke told everyone she wanted the employees to spread the word about loans that might not have to be paid back?

A Correct.
Q And she wanted 125th Street to be better than the other branches at bringing in PPP loans?
A Yes.
Q And also she said there that, you know what, to you all, if you open accounts, you can get bonuses; she informed you of that, right?
A Yes.
Q And that's true, by opening more accounts it helps you get a bonus as an employee of the bank?
A That wasn't what I was referring to.
Q I'm asking you: At the bank, opening loans — I know it's not a big bonus — but it's a way that you can get a bonus; correct?
A You could get compensated for opening accounts, yes.
Q And, again, during this meeting in this year you didn't mention anything about fraudulent documents, did you?
A (No response.)
Q Let me ask the question again.
At this meeting, at this discussion with the Government, talking about January of 2024, when you're explaining what happened on the July 9th, 2020 meeting, you did not mention anything about fraudulent documents, did you?
A I don't believe I did, but I -- not necessarily because I did expand on everything that was transpiring.

Q Well, let's go --
A I explain everything that was being transpired.
Q Okay. So, are you saying you don't remember exactly what you said that day?
A Yes.
MR. TALKIN: Can we please show the witness 128, page 2 of 6.
And then to save time, can we please highlight A, that whole paragraph.
BY MR. TALKIN:
Q Take a minute and read it to yourself and see if that helps you remember.
(Pause.)
Q I am going to ask you the question again.
In January of 2024, when you explained this meeting, you did not say anything about fraudulent documents, did you?
A No.
Q You didn't say anything about accountants creating them, did you?
A Not at that moment, no.
Q You talked about how Okeke explained the program and how she wanted 125th to have the most loans, correct?
A Yes.
MR. TALKIN: Can we pull up 320, please, Government's Exhibit.

BY MR. TALKIN:
Q Looking at page 1, and including the names written down the right-hand side -- first, the names written down the right-hand side, is that your handwriting?
A Yes, it is.
Q All of those names are clients that came or were referred to the bank by your brother Leo, correct?
A I want to say the majority or all of them, yes.
Q As a matter of fact, you had a pretty good feel for Leo's clients, correct?
A Yes.
Q And as a matter of fact, at one point in time when you were speaking with the agents from the Government, they gave you a long list, and you were -- they asked you to identify all of Leo's clients.
Do you remember that?
A To identify, yes.
Q And you actually made a check mark on the list to show that?
A Yes.
Q And it turned out to be somewhere between 25 to 30 individuals?
A I don't know the exact number.
MR. TALKIN: Oh, yes. I'm sorry. 320 is in evidence.

So, can we please show it to the jury.

Thanks, Mr. Innelli.

(Exhibit published.)

BY MR. TALKIN:

Q Let me ask the last question again. I'm sorry.

You said it's somewhere between 25 and 30 people that Leo brought?

A I don't know the exact number, to be honest.

Q It's a lot, though, right?

A I was a number, but I don't remember how many.

Q It was a high number, right? Yes? Correct or incorrect?

A I don't remember the number of exactly. If you show me, but I don't know the exact number of applicants that went in.

Q Sure. I am going to ask you to take a look, just for identification, at Defense 30-D.

(Pause.)

Q Do you recognize that piece of paper?

A Yes.

Q Does that help you remember?

A Yes.

Q And it's quite a few that you were able to identify?

A Correct.

Q And it's a large number, you'll agree with me on that?

A Yes.

Q And you were able to do that off the top of your head

during that meeting, correct?
A Correct.
Q Because you were very involved in the loans from your brother Leo?
A I wasn't involved in all of it.
Q But focusing on the loans that your brother Leo referred, you were very involved in those?
A I was the only banker there. I was involved in everything.
Q Going to page 2 of 320, if you just look at that.
The first entry is June 9th of 2020, correct?
A Correct.
Q And that's you getting -- I think that's Hashim sending you his e-mail?
A Correct.
Q Directly from him to you?
A Yes.
Q And that June 9th is actually in exactly a month prior than July 9th, we can agree on that, right?
A Correct.
Q And then below that, it says -- he says to you on July 1st, also before July 9th: Hey, it's Hashim.
And you say: Hey, sir.
He says: Call you in 15.
And you say: No problem.

Right?
A Right.
Q So, you're in communication with Hashim before July 9th of --
A Yes.
Q -- of 2020?
And you're in touch with him about taxes, right?
A Correct.
Q You're in touch with him about fraudulent taxes, correct?
A About taxes, yes.
Q Are you telling me that this communication between you and him is not in reference to fraudulent taxes?
A I can't recall if this is a conversation that --
Q Tell me what real tax that this was in -- was about. Just one.
A All right. Okay. This transaction -- I mean this text message at that time, don't recall if that's exactly when everything started between us three.
Q "Us three" meaning you, him, and my client?
A Yes.
Q Okay. So, you don't know whether a month before July 9th, when this big meeting happened, is -- you were involved with this communication with Hashim, is that what you're saying?
A We already were receiving clients coming into the site

prior to the lunch. The lunch was more of a detailed conversation, but I already was in communication with Hashim.
Q So, just so we're clear, your testimony now is that you knew that Hashim was making fraudulent documents prior to July 9th?
A Not necessarily. Like I said, I didn't know in details the whole operation. But I was in communication with Hashim.
Q You knew the details of your brother's application, didn't you?
A I know that my brother submitted a loan prior to our meeting, yes.
Q And you filled out that loan application --
A Yes.
Q -- for him?
A I helped him, yes.
Q You helped him.
It's your handwriting on there, correct?
A Yes.
Q And you also helped him obtain taxes?
A Yes.
Q And you got those taxes from Hashim?
A Yes.
Q Those taxes from Hashim were fake?
A At the time, that was not what was said to us.
Q Oh. So, what you're saying is that because Hashim didn't

tell Leo that his own taxes are false, there's no way he would have known they were false, is that what you're telling the jury?
A No. It wasn't Hashim that communicated with my brother and I.
Q It was Hashim who created the taxes, right?
A We were referred to Hashim.
Q And when -- you were referred to Hashim, but Hashim gave you the taxes?
A Ultimately, yes, he did. He's the tax preparer person.
Q Correct.
And the taxes he gave you, you knew they were fake?
A That's not what the conversation was.
Q I'm asking you not what the conversation was.
A Yes.
Q I'm asking you that when you looked at those taxes that you put into the application for your brother, who was living with you, you knew whether or not they were fake?
A So, he was not working. So, he was reporting what was said to him was that he was gonna have to pay those taxes based on what he reported on those taxes.
Q Okay.
MR. TALKIN: May I approach the witness, Your Honor, just to get the document back?
THE COURT: You may.

MR. TALKIN: Can we pull up D-29.

Your Honor, at this time, I'm going to offer D-29 into evidence.

MS. BILINKAS: No objection.

THE COURT: Admitted.

(Defense Exhibit D-029 was received in evidence.)

MR. TALKIN: Can we display it, please.

(Exhibit published.)

THE COURT: Let me just mark this. Will you give me a second. This is Defendant's exhibit?

MR. TALKIN: Yes, Your Honor, D-029.

THE COURT: 029?

MR. TALKIN: Correct, Your Honor.

THE COURT: All right, in evidence.

MR. TALKIN: Can we highlight the top portion that has the income.

BY MR. TALKIN:

Q So on D-029, that's your handwriting, correct?

A Correct.

Q And you filled out the portion that says "Average Monthly Payroll"?

A Correct.

Q And that says "$7,912.25," correct?

A Correct.

Q This is the time that your brother was living with you on

and off when he was homeless, correct?
A Yes.
Q So, you know that the average monthly payroll for him of $7,912.25 is a lie?
A Correct.
Q So, when you just told the jury that you didn't really know what was going on, that somebody said this, you were not telling the truth, were you?
A Incorrect.
Q The fact of the matter is, when you filled out this application, you knew that that average monthly payroll number was incorrect?
A We were going based on the numbers on his taxes, correct.
Q Correct.
And those taxes, when you say "his," they're your brother's, correct?
A Correct.
Q He's living with you, correct?
A Yes.
Q And you know that your bother wasn't making -- didn't have a payroll of over almost $8,000 a month?
A What my brother was doing outside my home was his personal business. This is my brother --
Q So, just so we're clear.
A Yes.

Q What you want the jury to believe is that you didn't know what your brother was up to, and that's the reason that you don't know that $8,000 a month of payroll for him is incorrect, is that what you're saying?
A No.
Q I didn't think so.
Your brother didn't have a business at that time, correct?
A No.
Q So, he couldn't have had a payroll?
A No.
Q Now, early on in your meetings with the Government — and when I say "the Government," I mean not just the Assistant United States Attorneys, I mean many investigators — there's many individuals you met with, correct?
A Correct.
Q Early on you were questioned about how your brother got to Hashim, right?
A Yes.
Q And you told them the reason they got to Hashim was because you referred him to them?
A Yes.
Q And the reason you referred him, you told the Government at that time that you referred your brother was you were trying to get his life back together, so you wanted him to

fill out the last four years of taxes.

Do you remember telling them that?

A Not the part of the life back together, but that he needed to do his taxes 'cause he didn't have his taxes done for prior years, yes.

Q And that was all before July 9th of 2020, correct?

A I believe.

Q So, Leo's referrals to you, he got money from those referrals, correct?

A Yes.

Q And he got a lot of money from those referrals, didn't he?

A I don't know what the amount -- the exact amount that he got from it.

Q Can we agree it was a lot?

A I don't know the exact amount, but it was a certain amount, yes. It could be a lot for -- yeah.

Q And Leo brought a lot of customers in that fit the category, I think you said on direct examination, that seemed, like, homeless or didn't seem to be, like, credible as having a job?

A Yes.

Q And that was kind of his clientele, correct?

A For the most part.

Q And when you said before that you wanted to have them

sign checks before they left, that was so that you could control the money when it got funded, correct?
A Not for all the applicants.
Q I'm talking about for Leo's, the ones you described as looking as homeless.
You said that's the group that you did that for, right?
A And like I said, not for all of that. There was a specific number of those applicants that we would do that for, as directed by Anuli.
Q And there was another group of applicants that you actually took starter checks and you forged their signatures, isn't that correct?
A Correct.
Q And you did that a lot?
A Quite -- sometimes, yes.
Q And you did that for your brother Leo's cases, correct?
A For some of the applicants, yes.
Q But the forgeries were all for Leo's applicants, right?
A Don't recall it was for all of them -- for Leo's and only for Leo's, but we did like that at sometimes, yes.
Q A major portion of the forgeries were for Leo's customers, correct?
A Some of them, yes.
Q And after you forged documents, you would pull out the

cash, correct?
A Correct.
Q So, you would write the check, correct?
A Yes.
Q You would forge the signature?
A Yes.
Q And then you would cash the check?
A At times I would cash the check, and other times would be another teller, Lenny.
Q Okay. So, either you or Lenny would cash the check?
A Yes.
Q And when Lenny did it, it's because you asked him to do it?
A Because we were the only two bankers. We were the only two people that were able to cash the checks.
Q Right. But he didn't do it on his own, you had the check in your hand, you wrote it, and you gave it to him to cash?
A Correct.
Q And after the check was cashed, the money was given to you?
A Yes.
Q And then you gave the money to Leo?
A At times, to Leo. At times, to the client.
Q And a lot of the times you gave it to Leo, correct?
A At times, to Leo. At times, to the client, yes.

Q And when you gave it to Leo, you knew it wasn't going to go to the client, didn't you?
A No, I didn't know that.
Q You didn't know that?
A No.
Q You believed that he was going to actually give it to the client?
A I wouldn't know. He was the one that referred the client. He was the one that had the direct connection with the client.
Q So, Leo doesn't work at the bank?
A No.
Q Leo has a criminal background, right?
A Correct.
Q Leo is down and out as far as money, as far as you're concerned, because he's living with you, right?
A Not necessarily.
Q Well, his fortunes got better once you all started cashing checks together, right?
A No.
Q Okay. And you would give him the money, and your belief was that he was going to actually go take it to the borrower?
A Yes.
Q You talked about Richard Pinero, correct?
A Correct.

Q Richard Pinero is one of the individuals who you forged the signature, correct?
A No, don't recall. His signature was the one in the withdrawal and the applications.
Q I'm sorry. I wasn't clear to you.
You forged his signature on the check, the withdrawal check, the first one?
A Don't recall.
Q Do you remember meeting with the Government on November 3rd of 2020, and telling one of the investigators that you forged Pinero's check?
A Don't recall again.
MR. TALKIN: I'm going to ask that the witness be shown -- the witness only be shown AC-005.
And if we could highlight for him H, which is on -- which is on page 10 of that document at the very bottom. And that's Number 12 there.
THE COURT: This is not in evidence, is it?
MR. TALKIN: It's not.
Your Honor, may I approach the witness? We're just having some technical difficulties.
THE COURT: Do you plan to offer that into evidence?
MR. TALKIN: No, I don't.
THE COURT: Okay.
(Pause.)

THE COURT: What's your question?

BY MR. TALKIN:

Q Sir, isn't it a fact that during that interview you admitted that you forged Pinero's signature?

A It seems like I said that at the time.

Q Did you or did you not say that at the time?

A Yes.

Q Yes, you did?

A I did.

MR. TALKIN: And I will now ask that we show -- well, Your Honor, at this time, I am going to offer into evidence D-17, which is a subset -- I think it's already in evidence as 1029, it's the actual -- it's just a portion of it.

THE COURT: Just a second.

MR. TALKIN: It's Government's 1029.

THE COURT: Government's 1029.

MR. TALKIN: I am offering D-17, which is just a subset of that, because that's a bulky document.

MS. BILINKAS: No objection.

THE COURT: Okay. Go ahead.

(Defense Exhibit D-17 was received in evidence.)

(Exhibit published.)

BY MR. TALKIN:

Q I want you to take a look at the -- D-17, the first page of it.

MR. TALKIN: Can we show it to the jury, please.

(Exhibit published.)

Q That's your handwriting, correct?

A Correct.

Q You got those, I guess -- interesting, you dot the i sometimes with a circle?

A Sometimes.

Q Not always, but sometimes?

A Not all the time.

Q It's pretty distinctive, though, when you do, right?

A Yes.

MR. TALKIN: And then if we can go to page 3 of that document.

(Exhibit published.)

BY MR. TALKIN:

Q That's the check that you forged, correct?

A So, yes, this is perfect. That's not my signature. I didn't forge that.

Q But there was two -- there was a total of two checks from Richard Pinero, correct?

A Yes.

Q And the signature there is not the one you forged?

A No.

MR. TALKIN: Can we go to the next page.

(Exhibit published.)
Q The signature there, is that the one you forged?
A No.
MR. TALKIN: Can we go to the next page.
(Exhibit published.)
BY MR. TALKIN:
Q The signature there, is that the one you forged?
A No.
Q So --
A I'm looking at the same....
Q So, neither one of those two -- you -- you're saying that neither one of those two checks you forged?
A Can I see the one before again?
Q Yes, please. Take your time.
MR. TALKIN: So, if we could show him the third page.
(Exhibit published.)
A I'm not sure if I -- I'm not sure, to be honest.
MR. TALKIN: Let's put up the second page of the document next to the third page -- excuse me, the fourth page of the document, if that's possible, Mr. Turner, please.
(Pause.)
THE COURT: Do you have a question?
MR. TALKIN: I'm waiting for the document. I'm still waiting for the document to get up.

Thank you, now.

On the left, can we have the second page, please.

I apologize for the technical difficulty, Your Honor.

And now the check also next to that, which is the third page. Can we have the third page, not the fourth page.

Okay. Thank you.

(Pause.)

MR. TALKIN: Your Honor, can we take a five-minute recess just to sort this out, so we don't waste the jury's time.

THE COURT: You want the jurors to stay here while you do that or do you want to --

MR. TALKIN: I guess if they want a bathroom break, that's fine. If not...

THE COURT: Okay, take ten minutes. Okay. Don't talk about the case.

THE COURTROOM DEPUTY: All rise.

MR. TALKIN: Thank you, Your Honor.

(Jury enters.)

THE COURTROOM DEPUTY: You can all be seated.

(Recess taken.)

(Continued on the following page.)

COURTROOM DEPUTY: All rise.

(Jury enters courtroom at 2:50 p.m.)

COURTROOM DEPUTY: You can all be seated.

THE COURT: Mr. Talkin, are you ready to proceed?

MR. TALKIN: Yes. Thank you, your Honor.

EXAMINATION BY

MR. TALKIN:

(Continuing.)

Q Mr. Castro, I apologize we corrected our technical difficulties.

So now I'm going to ask you to take a look at what you see in front of you which is from Defendant's D-17.

And if you look at the signature on the application and the signature on the check, they appear to be the same; correct?

A Yes.

Q And you had Mr. Pinero actually sign the application, correct?

A Correct.

Q So it's fair to say that the thousand dollar check is not the forged check, correct?

A Correct.

Q Now, let's take a look at the other page, the other check.

Now, when we look at those together, those look very

different; correct?
A They look different, yes.
Q So it's fair to say that's the forged check?
A That's the thing, I'm not sure, but -- I'm not sure.
Q We agree you forged one of the two checks, right?
A Yes.
Q And we just agreed that the $1,000 check doesn't look forged?
A Yes.
Q And we know that on September 11th of 2020, Mr. Pinero was actually in the branch?
A Yes.
Q So it makes sense that he actually signed the check?
A Yes.
Q So the thousand dollars that you said that Anuli was able to give to Mr. Pinero was using his own signature, correct?
A Yes.
Q And then here in front of you this $9,900 that's the forged check?
A I believe.
Q And that's the one where you took the money and you gave it to your brother not to Mr. Pinero?
A Yes, correct.
MR. TALKIN: And, your Honor, I think I need to

make a correction. I believe that I said the subset for Mr. Pinero was D-3026. I just want to make sure the subset is D-017.

THE COURT: I have D-17.

MR. TALKIN: Great. Thank you.

Q So now, I'm going to ask you about someone named Eduardo Vasquez.

Do you recognize that name?

A No.

MR. TALKIN: I'm going to ask that the witness only be shown D-026.

Q Do you recognize your handwriting?

A Yes.

Q And that you filled out that application?

A Yes, correct.

Q Going to Page 2. You see the signature there?

A Yes.

Q And then if we go to Page 3, you see a signature that's very different than the signature on the application; correct?

A Correct.

Q So does that lead you to believe that this is one of the forgeries you committed in relation to Leo's cases?

A Not sure.

Q Okay. Is it a possibility?

A Yes.
Q You said that you did forge numerous checks for Leo?
A Correct.
Q Can we go to the next check, please.
That check is also a forgery?
A Not sure.
Q If we can put the page of D-6 and Page 2 next to any one of the two checks, see if that helps you remember.
Does that help you remember if that's one of the forged checks that was done?
A Still, it's a different signature but I'm not sure if I was the one that was responsible for that particular withdrawal.
Q So it was a forgery, you're just not sure if you're the one; right?
A Correct.
Q As a matter of fact, it could have been Leo who did the forgery?
A It could have been anyone to be honest, yes.
Q Let's focus, let's take anyone out of it. Let's talk about who had access to the check.
You're saying to could have been Leo because he had access to the check?
A In some cases, yes.
Q He did.

As a matter of fact, the Government asked you specifically about the check; do you remember that?

A No.

Q If we could show the witness EV-009. I'm sorry EC-009. And if we could show him only around J.

Does looking at the second sentence there, does that help you remember? You could highlight the second sentence?

A Yes.

Q Do you remember telling the investigator on that date that it could either have been -- you wrote the check you admitted to that, right?

A Yes.

Q And then they asked you who forged it and you said it was either you or Leo?

A Yeah, that was unsure. Like I said earlier.

Q That was, I didn't hear what you said?

A That was unsure. Just like I said a few minutes earlier.

Q I understand. Unsure, but we can narrow it down not to anybody. It's either you or Leo?

A Yes.

Q Okay. You talked about your cooperation agreement that you have with the Government.

Obviously, you're hoping for the most lenient sentence, right?

A Correct.
Q And your decision was led by testifying at this trial, that's probably the best way for you to get the most lenient sentence?
A Correct.
Q And you're hoping that you don't get any jail time, that's your hope?
A The most lenient sentence.
Q Okay. No one has made you any promise as to what sentences you would get?
A No.
Q By testifying, and going into a cooperation agreement, that's your best chance in getting no jail time. We can agree on that, right?
A That's my hope, yes.
Q During the meetings with the Government and the Government officials, they often asked you if you knew Leo's whereabouts, didn't they?
A Yes.
Q And you told them you didn't know?
A At the time, I didn't.
Q Do you know now?
A We in communication but I don't know exactly where his location is.
Q Have you given the Government the information to the

best of your ability as to where his location is?
A When I'm asked, yes.
Q But they haven't been able to locate him, correct?
A I don't know.
Q You would know if your brother got arrested, wouldn't you?
A Yes.
Q And you understand that as part of your cooperation agreement you have to give them truthful information, correct?
A When asked, yes.
Q Well, you also can't lie by omission either. You know what that means, right?
A Correct.
Q And you can't do that. You can't lie by omission, can you?
A No.
Q And to do so would violate your cooperation agreement?
A Correct.
MR. TALKIN: One second, your Honor, I think I'm done.
(A brief pause in the proceedings was held.)
MR. TALKIN: Nothing further. Thank you.
THE COURT: All right.
MS. BILINKAS: Brief redirect, your Honor.

THE COURT: Go ahead.

Ms. Ausbrooks, can pull up 1067, Page 2. I'm sorry, maybe it's Page 1.

REDIRECT EXAMINATION

BY MS. BILINKAS:

Q Mr. Castro, do you remember defense's questions about this check for $9,900?

A Yes.

Q Okay. And you were asked whether you gave the money to Leo for this check, do you remember that?

A Correct, yes.

Q Out of this $9,900, you received a portion of this, correct?

A Yes.

Q And out of this $9,900, Anuli Okeke also received a portion of this, correct?

A Yes.

Q And what was the date of this check?

A August 27, 2020.

Q And defense showed you their own exhibit, I believe it was Defense 26.

MS. BILINKAS: Mr. Turner, is it possible to pull that up on your end, please.

D-26. Is that the only page?

MR. TURNER: No. You want the check?

MS. BILINKAS: Yes, please. Thank you.
Q Defense showed you this check as well, correct?
A Correct.
Q Is this also dated August 27th of 2020?
A Yes.
Q Is this check also for $9,900?
A Yes.
Q Why was this check written out for $9,900?
A To do --
MR. TALKIN: Objections beyond the scope of cross.
THE COURT: I'll allow it.
Q Why was this check also written out for $9,900?
A To be beyond the $10,000 ratio of the CTR.
Q And why did you have checks written out under CTR?
A To avoid any red flags from auditors and from Popular itself. Popular Bank.
Q And did you have any conversations with Anuli Okeke about writing checks without detecting CTR?
A Yes.
MS. BILINKAS: No further questions.
MR. TALKIN: May I?
THE COURT: You have some questions.
RECROSS-EXAMINATION
BY MR. TALKIN:
Q Mr. Castro, the filing of a CTR for any transaction

over $10,000 is very well known by anybody who works at a bank, right?

A Correct.

Q It's obvious that to anybody whose ever worked at a bank and probably people who haven't, if you do a transaction for cash for over $10,000 that a CTR has to be filed, correct?

A Correct.

Q And it's obvious that a CTR creates a paper trail, correct?

A Yes.

MR. TALKIN: Nothing further.

THE COURT: Anything further?

MR. TALKIN: No.

THE COURT: You may step down. Thank you.

(Witness leaves the witness stand.)

THE COURT: Next witness.

MR. AMIR: The Government calls Shelley Zielinski.

THE COURT: While the next witness is coming in, I'm going to give you folks a day off on Friday. Let me tell you what's going on. One of you folks has an important day, I understand anyway. But we're going to be making a lot of progress, I think, through Thursday afternoon and I think you deserve the day off. We'll probably be wrapping up the trial on Monday, Tuesday or Wednesday, middle of next week in all probability so you can plan on that type of dynamic, okay? But Friday, take a day off and attend to your personal affairs, you can do that.

COURTROOM DEPUTY: Good afternoon, Ms. Zielinski. Can you take the witness stand, please.

THE WITNESS: Yes.

COURTROOM DEPUTY: Remain standing and raise your right hand.

Do you solemnly swear or affirm that the answers and the testimony that you are about to give to the Court will be the truth, the whole truth, and nothing but the truth.

SHELLEY ZIELINSKI, called by the Government, having been first duly sworn, was examined and testified as follows:

THE COURT: Have a seat. State your full name and spell it for the record.

THE WITNESS: Shelley, S-h-e-l-l-e-y. Zielinski, Z-i-e-l-i-n-s-k-i.

COURTROOM DEPUTY: Thank you.

THE COURT: Your witness.

MR. AMIR: Thank you, Judge.

DIRECT EXAMINATION

BY MR. AMIR:

Q What city do you live in?

A Chicago.

Q How far have you gone in school?
A I have an associate in applied science.
Q Where do you work?
A Popular Bank.
Q Is that where you worked in the summer of 2020?
A Yes.
Q And what is your position at Popular Bank?
A I am a vice president, manager of branch administration.
Q And how long have you held that position?
A Almost nine and a half years at this point.
Q Can you describe your duties and responsibilities in that position?
A Duties and responsibilities include branch procedures, branch communications that we do regularly to the branch units. Anything that touches a branch sort of goes through our team, meaning, systems, software, testing, upgrades. We also manage the money desk which is the ordering of cash for the vaults for our U.S. operations. Methods and procedures for the Popular Bank unit, so not Puerto Rico just the U.S. Forms, we have the forms repository for the U.S. bank and then we also have consumer lending, errors and adjustments.
Q Are you familiar with Popular Bank's operations at the branch level?
A Yes.

Q Are you also familiar with thor Paycheck Protection Program or PPP?
A Yes.
Q Do you know if PPP Loans were issued at Popular Bank?
A Yes, they were.
Q What, if any, was the role of branches regarding PPP Loans?
A Branch management would have been the part of the branch that would have been accepting loans. So it would have been loan applications, and then once they were approved they would do the closing or the booking of the loans.
Q And what were branch manager's duties vis-à-vis accepting those loans?
A Branch management is the only level that can take consumer, I'm sorry, commercial loan applications. So they would be the ones I.D.ing the customer, doing the CYC, Know Your Customer identification; collecting any documents from the customer to prove their identity, and then they would input the application and then await for next steps stipulations or closing.
Q Who, if anyone, in the branch is responsible for ensuring compliance with Popular Bank programs and policies regarding the PPP Loans?
A That would have been branch management.

Q Did Popular Bank maintain a branch at 125th Street in Manhattan?
A Yes, we did.
Q Is that location open today?
A It is not.
Q Why was the 125th Street branch closed?
A It was part of closures of multiple locations in 2021, February 1st of 2021.
Q Do you know why the closed locations were selected for closure?
A All of the locations that were selected for closure were either up for lease renewal or closed due to consolidations because they have branches near them or close to them and they were not profitable.
Q Did the 125th Street branch give out PPP Loans in the summer of 2020?
A Yes, they would.
Q At a high level, do you know the policies and procedures that apply to the branches?
A Yes.
Q Could you briefly describe them?
A So we have lots of procedures for branches. But high level, you got anything from transaction monitoring, transaction completion, approvals, Know Your Customer, CYC, customer identification, new account opening, new account or

existing account maintenance all the way through loan applications and loan bookings.

Q Do employees receive training on these topics?

A Yes, they do.

Q When do they receive those trainings?

A So all new hires get specific training related to their roles. So a teller would go through teller training. A banker would go through -- we have dual banker roles, so they're a teller and a banker. So they would go through both the teller and the banker trainings. And management would go through those same dual, both the teller and the banker, trainings.

Q Apart from trainings and onboarding, are some trainings give on a regular or recurring basis?

A Yes. So we have online courses that are applied throughout the year regularly to all employees.

Q And are the ethics and anti-money laundering policies some of those regular trainings?

A Yes, they are.

Q Have you taken those trainings?

A Yes.

Q And were branch managers required to take such trainings?

A Absolutely.

Q Did those policies and trainings apply to the

PPP Program as well?
A Yes.
Q So I'd like to show you one of those trainings.
Showing the witness only what's marked for identification as Government Exhibit 1130.
Do you see that, Ms. Zielinski?
A No, there is nothing on the screen.
Q Do you see that now?
A Yes.
Q Do you recognize this?
A These are screenshots of our money laundering, anti-money laundering training.
MR. AMIR: Government offers Exhibit 1130 into evidence.
MR. TALKIN: No objection.
THE COURT: No objection. 1130 in evidence.
(Government's Exhibit 1130 was marked in evidence.)
Q Turning to Page 4 of this document. Can we zoom into the second paragraph from the bottom.
Could you read the second paragraph from the bottom that's been zoomed in?
A Money laundering involves three steps: Placement of funds, introducing illegal funds into the financial system by different means, structuring, dividing illegal funds into

many financial transactions to disguise the cash source, and integration -- legitimatizing illegal wealth by reinserting it into the economy.

Q Why does the bank provide trainings on money laundering?

A This is done to ensure that everybody's aware of what to look for that could be a red flag or an alert that would need to be escalated.

Q Thank you. Can we turn to Page 15. And can we zoom into the notes. Thank you.

Ms. Zielinski, could I ask you to read the bottom paragraph starting with "for corporations"?

A Yes. For corporations such as associations and trusts, we need to identify the business's main location, the local office or other physical locations. The minimum requirements for these are I.D. number which could be the employer tax I.D. number in the U.S. or its equivalent for foreign companies, incorporation documents, ultimate beneficiary, owner certification among others.

Q And, Ms. Zielinski, why does the bank provide trainings on knowing the identity and location of business corporations?

A So this is standard Know Your Customer. Regulatory requirements of the PIP. It's to know who the business is, who the people that are part of the business are, and to ensure we're properly I.D.ing who we're onboarding.

Q And I'd like to now show the witness what's been marked for identification as Government Exhibit 1132.

Do you recognize this document?

A Yes.

Q What is this?

A This is our ethics training online.

MR. AMIR: Government offers Exhibit 1132 into evidence.

THE COURT: Any objection?

MR. GREENSPAN: No objection.

THE COURT: In evidence.

(Government's Exhibit 1132 was marked in evidence.)

Q Can we zoom into the text on the first page.

Could I ask you to read the text beginning, "It is important."

A It is important that you complete the training within the required timeframe. Otherwise, your participation will be cancelled and you will have to take it again. Failure to take the training within the deadline provided and in full may result in disciplinary measures.

Q And can we now move to Page 50 of this document.

Ms. Zielinski, could you please read the first bullet on this page.

A Popular employees cannot create or allow others to create false, inaccurate, or misleading records or conceal anything that is improper.

Q And why does the bank train its employees not to create false records?

A This is standard regulatory requirements as working in any banking environment. You got to have real documents, you can't create or falsify anything.

Q And can we please turn to Page 83 of this document.

And, generally speaking, what is this slide, please, scroll up.

What is this slide about?

A This is basically the recap of our duty to consult and report any ethical violations or concerns that you may have. So we have an ethics point channel that we can submit that through at work and that's part of all of our trainings. It could be anonymous, we have a phone number or via website.

Q But fair to say, employees at the bank are required to disclose ethical violations if they see them?

A A hundred percent.

Q You can take this down.

I'd like to show you now what is in evidence as Government Exhibit 719. Make that a little larger.

And can we move to Page 11.

Ms. Zielinski, do you recognize this as a Popular Bank

document?
A Yes.
Q What kind of document is this?
A This is a counter checking withdrawal form.
Q And what is being requested, if anything, by this document?
A So this is a client coming in and requesting a withdrawal from a checking account product.
Q And scrolling up slightly. Do you see a sequence number at the top?
A Yes.
Q What's the purpose of a sequence number?
A So the sequence number is basically internal tracking for each transaction. It goes up in sequence by ten. So it will be 740, the next would be 750, 760 and so on.
Q And what date is this slip dated?
A So this is August 21st of 2020.
Q Can we move to Page 10 of this document. Is this a Popular Bank document?
A Yes. So this is a virtual document, meaning, this is a document created by the system. This particular document is a DBA credit for the credit copy for the purchase of a cashier's check. You will see on the top left it will tell you the account number of the person purchasing the item, the name of who the person purchasing it, the remitter; who

the pay to the order of the check is. Bottom left, you'll see the cash drawer and the user number, the date. And then on the bottom, you'll see numbers on the very bottom and the one that starts with triple zero, nine, four zeroes, 38 that's our cashier's checking account number.
Q That's how you can tell that's a cashier's check?
A Yes.
Q Looking at the date and the sequence number of this document, do you see those?
A Yes.
Q Are you able to determine if there's any relationship with this document and the withdrawal slip we just saw?
A So your sequences are off by ten. So the previous one under ender ending in 740, this one ends in 730. So this would be tied with that checking withdrawal would be used to purchase this cashier's check and other transactions.
Q And we see two, what look like two checks on the screen. Is this meant to represent two different checks?
A No. So this is a single item. So when we have a virtual document, the front and the back, there is above where it says "DBA credit" one says front, one says back. It's front and the back, it's just a duplication of the same information on the back side.
Q Can we scroll up to Page 9, please.
Ms. Zielinski, is this another virtual cashier's check?

A Yes, it is.
Q And looking at the sequence and date of this check, are you able to tell the relationship between this and the withdrawal slip we saw?
A Yes, it's on the same date and the sequence is off by ten digits so it would be the same.
Q Was this also a cashier's check funded by the withdrawal slip?
A Yes.
Q We can take this down.
I'd like to show you what's been marked for identification as Government Exhibit 716, witness only.
Do you recognize this as a Popular Bank document?
A Yes.
Q What kind?
A So this is the actual cashier's check, customer copy.
MR. AMIR: Government offers Exhibit 716 into evidence.
THE COURT: No objection, in evidence.
MR. GREENSPAN: No objection.
(Government's Exhibit 716 was marked in evidence.)
Q So you mentioned that this was a check, a cashier's check?
A Yes.
Q And is this the cashier's check that actually would

have been given to a customer?

A Yes. So this is the actual copy of the check itself that would be handed to a client when they purchase it.

Q And how does this differ from the other cashier's checks that we saw?

A So the other ones were the bank copy or the credit copies, so this is the debit copy. So what would be paid through the account. The credit copy is the purchasers copy, meaning, the bank's copy.

Q How does a customer purchase a cashier's check at Popular Bank?

A So they can do it by doing a withdrawal from an account with us or with purchase of cash.

Q Thank you. We can take this down. Can you please pull up what's in evidence as Government Exhibit 1067.

Ms. Zielinski, do you recognize this as a Popular Bank document?

A Yes.

Q What kind of financial document is this?

A So this is a check that would be from a new account kit.

Q And how can you tell?

A So you can tell this because there's no name or address on the top-left corner like a normal check would have, and there's no check number. However, you do have the routing number and the account number at the bottom of the check.

Q And how does a customer get a check from an account starting kit?

A So a new account or starter kit would be given to a client at the time they were opening an account.

Q Are these kinds of checks still issued by the bank?

A They are not.

Q Why not?

A So we discontinued starter kits in April of 2021 and we moved to what's called "Account Number Generator." So the system actually populates the new account number in the session for the actual bankers. So there's no longer a need to keep new account kits.

Q We can take this down. I'd like to show you what's in evidence as actually, yes, Government Exhibit 1067 at Page 2, please. One moment. Can we go to Page 2 of 1067, please.

Do you recognize this type of check?

A Yes.

Q What kind of check is this?

A So this is a counter or temporary check. So this would be a check that would be provided at our teller line if somebody didn't receive their official check order yet.

Q And how does this differ from the prior starter kit check we just looked at?

A So you'll see there's no account number in the maker line at the bottom. It's just the routing number and the check number. In the top left corner, you'll have the name and account number that has to be manually filled in.
Q Does the bank still provide counter checks?
A Yes, we do.
Q Looking at the field in the bottom left where it says "memo." What's the purpose of that field on a check?
A So the memo field is a place for the customer to write the purpose of why they're writing the checks or where it's being directed.
Q We can take this down.
Ms. Zielinski, is it appropriate far a bank employee to instruct a customer to pre-sign a starter check when they apply for a loan?
A Never.
Q When customers open accounts at Popular Bank, are they able to use the bank's services at all its branches?
A Yes.
Q And is it appropriate for an employee to instruct customers to use only a specific branch?
A Never.
Q Is it appropriate for a bank employee to request payment from a PPP applicant?
A Absolutely not.

Q Are employees permitted to receive cash gifts from customers?
A No.
Q Under bank policies, are employees allowed to open an account they knew is based on false information?
A No.
Q I'd like to show you what's in evidence as Government Exhibit 519. Zoom into the photo.
Do you recognize this as a layout of a Popular Bank branch?
A Yes.
Q What kind of branch layout is this?
A So this is what's considered a "Bandit Carrier" or an enclosed teller line which has bulletproof glass around the front and it would be sealed in with access via a door with a key code or a card.
Q In such a format, are customers permitted to go behind the teller desk area?
A Never.
Q What about the safe or vault area, is a customer permitted to go there?
A No.
Q Is it appropriate for bank employees to conduct bank business using personal messaging apps on a personal phone?
A No.

MR. AMIR: Thank you. No further questions.

THE COURT: Any cross-examination?

MR. GREENSPAN: Yes, Your Honor, briefly.

CROSS-EXAMINATION

BY MR. GREENSPAN:

Q Good afternoon, Ms. Zielinski.

A Good afternoon.

Q In your role as the VP of Branch Administration, did you oversee the preservation of surveillance videos from the bank branches?

A No.

Q Do you know the policy surrounding the preservation of surveillance videos?

A No, I do not.

Q And who would have overseen that and who would know about those policies?

A That would be our security officer.

Q You talked about account openings which I believe did fall within your purview, right?

A Correct.

Q Is it fair to say any banker could open an account?

A If you could clarify the question.

Q Sure. Could any banker at a branch open a new account for a customer?

A Depends on the type of account. (Continued, next page.)

CROSS-EXAMINATION

BY MR. GREENSPAN (ctd):

Q Could they open a business account for a customer?

A So generally, business accounts are opened by branch management or a seasoned banker, but a new banker generally would not open a new business account without management also assisting.

Q You say "a seasoned." Is there a policy that says who's seasoned and who is not in terms of who can open an account?

A There is not.

Q At the very end, you talked about the fact that it would be inappropriate to use personal communication Absen devices to communicate with customers, correct?

A That's correct.

Q So fair to say that communication with customers should go through bank e-mail addresses?

A Correct.

Q You talked about placing holds on accounts. Who can place a hold on an account?

A If you can clarify? Because I did not -- I don't remember responding about placing holds.

Q Let me ask you this: Do you know what a hold is?

A Yes.

MR. AMIR: Objection, scope.

THE COURT: Overruled.
Q What is a hold on an account?
A A hold is a temporary placement of -- against funds in an account that's in the system with an expiration date.
Q And can bankers put holds on accounts?
A Yes.
Q Bankers in the branch?
A Yes.
Q And who among the branch bankers, what levels of employees at the branch can put a hold on an account?
A All employees will be able to place a hold because doing a transaction will place a hold on an account.
Q So not really branch managers or supervisors, right?
A Correct.
Q And is there a system that logs who puts a hold on an account?
A Yes.
Q And what system is that?
A That would be our core system, which is considered FIS.
Q FIS?
A Correct.
Q Does the FIS system retain that information over a certain period of time?
A Yes.
Q Would that FIS system continue to retain that

information for any hold placed in 2020?

A Yes, it should.

MR. GREENSPAN: No further questions.

THE COURT: Any redirect?

MR. AMIR: No, Your Honor.

THE COURT: You may step down.

(Witness excused.)

THE COURT: Let's take our afternoon break. 15 minutes. Come back at quarter to.

THE COURTROOM DEPUTY: All rise.

(Jury exits.)

(Recess taken.)

(Jury enters.)

THE COURTROOM DEPUTY: You can all be seated.

THE COURT: So folks, you are getting a real live example of how a trial unfolds. Like no commercials, right? We don't know for sure exactly how the case is going to happen; it depends on how long the case, the cross-examination, you never have a crystal ball, but you see it in real life now. We are doing fine. And sometimes we have loopholes and things of that nature, but I think we have been going consistently. You are doing great.

I am advised by the Government that we have a stipulation and then one witness that may which may not take that long, so I may let you go a little bit early again today, but you are doing fine.

And then tomorrow, we will start at 10 o'clock and hopefully have a full day. And I will know at the end of tomorrow pretty much where we stand in terms of when it's likely that the case will be sent to you folks determination, maybe sometime next week.

Go ahead, stipulation.

MR. EDWARDS-BALFOUR: Yes, we have two stipulations, Your Honor. The first one is *United States of America against Anuli Okeke*. It is here by stipulated and agreed --

THE COURT: Let me interrupt you. Do you have an exhibit number for them?

MR. EDWARDS-BALFOUR: Yes. I am going to read the exhibits at the end, but do you want them now?

THE COURT: Whatever you want.

MR. EDWARDS-BALFOUR: It is hereby estimated and agreed by and between the United States of America by Assistant United States Attorneys Chand W. Edwards-Balfour and Adam Amir, and Department of Justice Trial Attorney Jennifer Bilinkas, and the Defendant Anuli Okeke, by her attorneys Sam Talkin and Noam Greenspan that: If an individual from Popular Bank with knowledge of Popular Bank's funds transfer records were called to testify, this individual would testify that:

The Popular Bank computer server that maintained the money disbursed into any customer's account was located in Brown Deer, Wisconsin;

If a customer checked their Popular Bank account balance at an ATM, there would be an electronic communication from the ATM to the Popular Bank server in Brown Deer, Wisconsin, and then back to the ATM, relaying that relevant information about the customer's Popular Bank account;

The bank statements for Popular Bank account ending in 6968 for R.R. Franklyn Ave Inc., admitted into evidence as Government's Exhibit 795, reflect that on August 18, 2020, an individual checked that account's balance at an ATM located at 1528 Sheepshead Bay Road in Brooklyn, New York. When this balance inquiry occurred, an electronic communication would have been caused to be sent from the ATM in Brooklyn, New York, and would have been received at Popular Bank's server in Brown Deer, Wisconsin, and then a return communication would have been sent from Popular Bank's server in Brown Deer, Wisconsin and would have been received in Brooklyn, New York, where the records indicate the ATM was located.

This stipulation is admissible in evidence as Government Exhibit 300-B. So stipulated.

THE COURT: 300 what?

MR. EDWARDS-BALFOUR: 300-B, as in boy. I move to admit that into evidence, Your Honor.

THE COURT: So 300-B is in evidence pursuant to stipulation.

(Government's Exhibit 300-B received in evidence.)

MR. EDWARDS-BALFOUR: The next stipulation, *United States of America against Anuli Okeke*. It is hereby stipulated and agreed by and between the United States of America, by Assistant United States Attorneys Chand W. Edwards-Balfour and Adam Amir, and Department of Justice Trial Attorney Jennifer Bilinkas, and the Defendant Anuli Okeke, by her attorneys Sam Talkin and Noam Greenspan that:

Between May 1, 2020, and December 1, 2020, the defendant's mobile telephone number was (917)607-6862.

This stipulation is admissible in evidence as Government Exhibit 300-D. So stipulated.

The Government moves to admit Government Exhibit 300-D into evidence, Your Honor.

THE COURT: So you have B and D, right?

MR. EDWARDS-BALFOUR: B, as in boy. D, as in Daniel.

THE COURT: Both in evidence at this time.

(Government's Exhibit 300-D received in evidence.)

MR. EDWARDS-BALFOUR: There are a couple of other exhibits that we are both going to admit that the parties have agreed on without objection. Are you ready for them, Your Honor?

THE COURT: Go ahead.

MR. EDWARDS-BALFOUR: Government Exhibits 995 through 1000. 1007 to 1008. 1010 to 1018. 1020, 1023 to 1028. 1033 to 1035. 1037 to 1038. 1040 to 1045. 1047 to 1049. 1051. 1054 to 1061. 1063, 1070 to 1073. 1077 to 1087. 1090 to 1091. 1095 to 1096. 1098. 1101. 1106 and 1121. The Government moves them all into evidence, Your Honor.

THE COURT: These are all documents, and it's great that we have the parties agreeing to it because there is no question about the authenticity of these documents, by and large, so they are all in evidence and entered into stipulation.

(Government's Exhibits 995 through 1000. 1007 to 1008, 1010 to 1018, 1020, 1023 to 1028, 1033 to 1035, 1037 to 1038, 1040 to 1045, 1047 to 1049, 1051, 1054 to 1061, 1063, 1070 to 1073, 1077 to 1087, 1090 to 1091, 1095 to 1096, 1098, 1101, 1106 and 1121 were received in evidence.)

THE COURT: Next witness?

MR. EDWARDS-BALFOUR: The Government calls Mark Balsam.

(Witness takes the stand.)

THE COURTROOM DEPUTY: Good afternoon, Mr. Balsam.

THE WITNESS: Good afternoon.

THE COURTROOM DEPUTY: I ask that you remain standing and raise your right hand.

(Witness sworn.)

THE WITNESS: I do.

THE COURTROOM DEPUTY: Please state and spell your name and keep your voice up.

THE WITNESS: It's Mark Paul Balsam, Jr. That's M-A-R-K, P-A-U-L, B-A-L-S-A-M, J-R.

THE COURTROOM DEPUTY: Thank you.

MARK PAUL BALSAM, JR.,

called as a witness, having been first duly sworn/affirmed, was examined and testified as follows:

THE COURT: You sound like a Special Agent. Anything who says "Paul" and "Junior" has got to be working for the Government.

Your witness.

DIRECT EXAMINATION

BY MS. BILINKAS:

Q Where do you work?

A The Social Security Administration, Office of Inspector General.

Q How long have you worked at the Social Security Administration?

A A little over five years.
Q What is your position at the Social Security Administration?
A Special Agent.
Q Can you describe your responsibilities as a Special Agent for the Social Security Administration?
A It's to investigate fraud and abuse of the Social Security programs and the misuse of the Social Security number.
Q Can you describe your training as a Special Agent with the Social Security Administration?
A When I was hired as a Special Agent, I spent three months at the federal law enforcement training center in Georgia and several months of on-the-job training afterwards.
Q Based on your training and experience, what information does the Social Security Administration gather from businesses?
A Businesses are required to submit W-2s and W-3s on an annual basis.
Q And why does the Social Security Administration gather this information from businesses?
A They use that information to properly distribute retirement, survivors and disability benefits.
THE COURT: Sorry to interrupt. I have been doing

this for a long time. The Government always asks why are you called a Special Agent? So the jury hears "Special Agent." How does that differ from a regular agent? So this is an opportunity for you to explain why you are a special agent. I am not a special judge; you are a special agent.

THE WITNESS: It's just a title I am given, Your Honor.

THE COURT: Do you know where that came from?

THE WITNESS: No, I don't.

THE COURT: I think it came from Edgar Hoover way back when, when he became the director of the FBI and he wanted to make a statement that his agents were going to be really special and I think that's really in the history of it. And I may be wrong, but that's my sense. All agents for the Government are called special agents. And so, you know, I just have to tell you that because I have been doing that for 28 years, right, they haven't called me a special judge yet. Do you think I should be called a special judge?

Next question.

MS. BILINKAS: Thank you, Your Honor.

Q What is the W-2?

A A W-2 is a summary of wages and taxes given -- or paid by an employer to an employee for a given year.

Q And what is a W-3?

A A W-3 is a summary of all wages paid out for that given year to the employees.

Q Do W-2s and W-3s contain all the wage data for businesses?

A Yes.

Q And in the course of your employment at the Social Security Administration, have you become familiar with how the Social Security Administration gathers wage information from businesses?

A Yes.

Q Does the Social Security Administration have requirements for what businesses must submit to the agency?

A Yes. They must submit the W-2s and the W-3 is on a daily -- on an annual basis.

Q Are businesses that have employees required to file W-2s and W-3s with the Social Security Administration?

A Yes.

Q If a business paid wages to employees in 2019, would its W-2s and W-3s -- when would its W-2s and W-3s have need to be submitted to the Social Security Administration?

A If the wages were paid out in 2019, the forms would have to be submitted by January 31st of 2020, which would be the following year.

Q And if a business does not file W-2s or W-3s for a particular year, what does that tell you about whether or not the business paid wages to employees that year?

A It would indicate the businesses have zero employees, the businesses do not exist, or the business is violating the law by not submitting those forms.
Q Special Agent Balsam, as part of your role, did you review Social Security Administration records and databases that contain wage information reported for businesses?
A Yes, I did.
Q And in advance of coming here today, did you review these Social Security Administration databases for certain businesses?
A Yes, I did.
Q Did you review wage data for the entity called Laser Cut Barber Shop, with an EIN number ending 7324?
A Yes.
Q Did you review wage data for a business called Ni Global, with an EIN ending 8422?
A Yes.
Q Did you review wage data for Hot Spot Clothing, with an EIN 2211?
A Yes.
Q Did you review for Assana Hair Braiding, EIN ending 4217?
A Yes.
Q Did you review Fatim's Hair Braiding, with an EIN ending 9848?

A Yes.
Q Did you review for Benne Hair Braiding, EIN, ending 1485?
A Yes.
Q Did you review for R.R. Franklyn, EIN ending 8884?
A Yes.
Q Did you review for AutoNext, EIN ending 8015?
A Yes.
Q And did you review finally for Car Expert Auto Group, EIN ending 5657?
A Yes.
Q Special Agent Balsam, for the entities I just listed, was there any W-2 submitted to the Social Security Administration for the tax years 2019 through 2021?
A No.
Q And what does that tell you if these entities did not have any wage data for those tax years with the Social Security Administration?
A It would tell me that the businesses did not exist or they had no employees.
Q I have two other entities I want to talk about. Did you review wage data for the entity Sorayas House of Beauty, EIN ending 5364?
A Yes.
Q And for the tax years of 2019 and 2020, were any W-2s

on file at the Social Security Administration?
A No.
Q Did you review wage information for Mommy's African Hair Braiding, with EIN number 5906?
A Yes.
Q And were W-2s submitted for the tax years 2019 and 2021?
A Yes. For 2021.
Q Sorry, for tax years 2019 and 2021 --
A Oh, sorry.
Q -- were W-2s submitted with the Social Security Administration?
A No, they were not.
Q Was there a W-2 submitted for the 2020 tax year?
A Yes, there was.
Q How many?
A One.
Q And what were the wages reported for that one W-2?
A $1,500.
Q And for the tax years that the Social Security Administration does not have for those two entities that we discussed, what does that mean as to the business's operations for those years?
A Either the businesses weren't in business those years, or there was zero employees for those years.

MS. BILINKAS: I have no further questions.

THE COURT: Any cross-examination?

MR. GREENSPAN: Very briefly, Your Honor.

CROSS-EXAMINATION

BY MR. GREENSPAN:

Q Good afternoon, Agent Balsam.

A Good afternoon.

Q Initially you were asked, just generally, this is on direct examination, if a business didn't submit W-2s or W-3s for a year, and you said they either weren't in business, didn't have employees, and then you gave a third option, which was they violated the law, right?

A That is correct.

Q And then when you were asked about specific companies who didn't have W-2s and W-3s, you just said they didn't have any employees, but you didn't say they could have violated the law, right?

A That's what I said, yes.

Q But they could have had employees and they could have violated the law, right?

A Yeah, it's possible, yes.

Q You don't know one way or the other?

A I don't know.

Q They could have paid their employees in cash and not reported it to the Government the way they were supposed to?

A I don't know.
Q When you looked for information about these companies, where did you check?
A In the Social Security databases.
Q Do civilians who don't work for the Social Security Administration have access to that database?
A No, they do not.

MR. EDWARDS-BALFOUR: No further questions.

THE COURT: Any further questions?

MS. BILINKAS: No, Your Honor.

THE COURT: Thank you very much. You may step down.

(Witness excused.)

THE COURT: I guess we can leave a little early today. See you at 10 o'clock. Don't talk about the case. We are making progress. See you then.

(Jury exits.)

THE COURTROOM DEPUTY: You can all be seated.

THE COURT: Okay. See you all tomorrow, 10 o'clock. Anything else today?

MR. EDWARDS-BALFOUR: Nothing further from the Government. Thanks, Your Honor.

(Matter adjourned to Wednesday, June 12, 2024, 10 a.m.)

* * * *

I N D E X

E X H I B I T S

E X H I B I T S