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

UNITED STATES OF AMERICA)
)
v.) CASE NO.
) 4:22-CR-00084-LGW-BWC-1
BERNARD OKOJIE,)
)
Defendant.)

JURY TRIAL
BEFORE THE HONORABLE LISA GODBEY WOOD
March 29, 2023; 9:02 a.m.
Brunswick, Georgia

APPEARANCES:

For the Government:
MATTHEW A. JOSEPHSON, Esq.
JENNIFER STANLEY, Esq.
U. S. Department of Justice
United States Attorney's Office
P. O. Box 8970
Savannah, Georgia 31401
(912) 652-4422
matthew.josephson@usdoj.gov
jennifer.stanley@usdoj.gov

For the Defendant:
JOHN J. OSSICK, JR., Esq.
John J. Ossick, Jr., PC
P. O. Box 1087
Kingsland, Georgia 31548-9190
912.729.5864
ossick@tds.net

Reported by:
Debbie Gilbert, RPR, CCR
Official Court Reporter
801 Gloucester Street
Post Office Box 1894
Brunswick, GA 31521-1894
(912) 262-2608 or (912) 266-6006
debra_gilbert@gas.uscourts.gov

- - -

I N D E X

E X H I B I T S

GOVERNMENT'S EXHIBITS	DESCRIPTION	I.D.'d	ADMITTED
No. 17A	Document Entitled "Account Information"	262	265
No. 17B	Document Entitled "Specific Transactions for INDPYMNT:SBA"	263	265
No. 17C	Document Entitled "Specific Transactions for Proceeds:SBA"	264	265
No. 17D	Document Entitled "SBA and Related Activity"	264	265
No. 18	Petition	283	284
No. 19	Photocopy of Notebook	290	291
No. 20	Stipulation	255	255

P R O C E E D I N G S

(Call to order at 9:02 a.m.)

THE COURT: Good morning, let's bring in the jury.

(The jury enters the courtroom.)

THE COURT: Good morning and welcome back, members of the jury. When we broke yesterday evening, we were making our way through the Government's witnesses.

Mr. Josephson, call your next.

MR. JOSEPHSON: Yes, Your Honor, the Government calls Anthony Judson.

ANTHONY JUDSON,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated. And if you will please state your full name and spell your last name.

THE WITNESS: Is it this?

THE CLERK: Yes.

THE WITNESS: Anthony Lamont Judson.

THE CLERK: If you will spell your last name.

THE WITNESS: J-u-d-s-o-n.

DIRECT EXAMINATION

BY MR. JOSEPHSON:

Q. Good morning, Mr. Judson. My name is Matt Josephson. Have we spoken on the phone before today?

A. Yes, sir.

Q. Have you met with law enforcement a couple of times about this case?
A. Somewhat, well, other than the phone call.
Q. Spoken with law enforcement on the phone about it?
A. Yes.
Q. What do you do for a living? Tell the jury.
A. I'm an independent truck driver, owner-operator.
Q. Do you know the defendant in this case, Bernard Okojie?
A. Yes, sir.
Q. What was the name that you generally knew him by?
A. He just went by Ben.
Q. And how did you meet Ben or Mr. Okojie?
A. Well, it was another driver up in Michigan. We were just talking about as far as credit goes trying to get some credit better and all that good stuff, and I was introduced to him, introduced by phone number to him for just credit enhancement or credit repair somewhat.
Q. Let me make sure I understood that. So you were looking to repair your credit?
A. Not really repair but I guess like trade lines or whatnot to try to get a better score, better Beacon score.
Q. And you heard that the defendant was someone who could help you with that?
A. Yes, sir.
Q. And you heard it from somebody at a truck stop?

A. Yes.
Q. And that truck stop was where?
A. It was a TA, TA up in Michigan.
Q. TA in Michigan?
A. Yes, sir.
Q. What did you do hear about the defendant's professional background?
MR. OSSICK: Objection, hearsay.
MR. JOSEPHSON: Not submitted for the truth, just how he knew him, background of how the witness is relevant.
THE COURT: Overruled. Proceed.
THE WITNESS: I didn't understand what he did professionally, to be honest. I just knew that it was introduced to, like I say, help my credit score, but as far as what he did for a living, I didn't have an idea what he did for a living.
Q. (By Mr. Josephson) To your knowledge, is the defendant a CPA of some kind?
A. To my knowledge, no, not to my knowledge.
Q. Does he have a financial advisory business of some kind?
A. I don't know about business but he had something about enhancement of credit.
Q. Does he have some kind of professional license to help people with finances?
A. Not to my knowledge, I can't say yes or no.

Q. Any professional certifications, to your knowledge?
A. No, sir.
Q. Just if I understand your testimony, somebody who generally helps people repair credit but you weren't aware of any specific training or licenses that the defendant had?
A. No, sir.
Q. Did you submit your own PPP and EIDL applications?
A. I did. I did initially, yes.
Q. And did you get loan money?
A. Yes, sir.
Q. How much money did you get?
A. I think a total I think 17, seven, I think it was 17 and 17, and then for economic disaster, I think they gave me like the advance that was, like I said, I guess it, I think that came to like 9999.00, I believe.
Q. Let me break that down. So how much, when you say 17, do you mean 17,000.00?
A. Yes, I'm sorry, 17,000.00.
Q. 17,000.00, was that a PPP loan?
A. I believe so, yes, sir.
Q. Did you get a $150,000.00 loan?
A. No.
Q. You did not?
A. No, sir.
Q. Did you get an EIDL loan as well?

A. Is that economic -- yeah, that was for the nine -- I think they advanced the $9,999.00.
Q. An EIDL advance, is that what you --
A. Yes, sir.
Q. And these were applications that you submitted yourself?
A. Yes, sir.
Q. Were those loan applications that you submitted accurate?
A. Yes, sir.
Q. Do you actually own your own trucking business?
A. Oh, yeah. Since November the 9th, 2011 I've been incorporated in the state of Georgia.
Q. Work a lot?
A. A whole lot.
Q. On the road a lot?
A. A whole lot.
Q. After you got those loans, did the defendant file loans on your behalf or attempt to do so?
A. Yes, sir, but for some reason, I don't think the system, whatever happened, the system really didn't like it so it booted them out.
Q. So they were rejected?
A. Yes, sir.
Q. Was this after you had already gotten loan money?
A. Yes, sir.
Q. Did you provide your personal information to the defendant

so he could submit loan applications on your behalf?
A. I think that was probably my name and social or my EIN number and address, I believe.
Q. Did you provide the gross revenue information, cost of goods sold information and employee information to the defendant?
A. Not to my knowledge -- no, not to my knowledge.
Q. Do you remember?
A. No, sir -- I mean, I don't believe I did.
Q. You don't think you did, okay.
Did you ever provide the defendant access to your e-mail account?
A. Not my direct e-mail, no, sir.
Q. Did he give you a log-in and password so you could access the SBA database?
A. I can't remember. I can't recall it. I don't remember. I can't remember if I had a log-in or not but I do remember calling them trying to see what was going on, but they couldn't really verify or tell me why it was rejected, though.
Q. Did the defendant know you had already received pandemic loan money when he filed the application?
A. I believe so, because I was trying -- I think what happened was I had qualified for that amount, but that amount was, I guess, ate up so fast by the business I asked him if there was any other way the business would qualify for the extra

funding, but it didn't. It didn't qualify for extra funding.
Q. If I understand your testimony, he was generally aware that you had applied and he was trying to get you more money?
A. Yeah. Yes, sir.
Q. Are you currently married to Ms. Ginell Adams?
A. I'm going through a divorce, but the decree hasn't been signed yet, so I guess under law I'm still married to her.
Q. Did you introduce Ms. Adams to the defendant?
A. Yes, I did.
Q. Why did you do that?
A. I know she had a hair care -- you know, she did cosmetology, hair business and whatnot, and I told her that, you know, she probably be able to get money through her business or EIDL or whatever she had going with her business.
Q. Did the defendant assist Ms. Adams with an EIDL loan?
A. As far as the EI -- I'm not sure. But I know the other one --
Q. A SBA loan?
A. Yes.
Q. Did you ever speak on the phone with the defendant and your wife about a SBA loan?
A. No. They -- I guess I gave her -- they had each other's number, and so they discussed whatever they had going on between each other.
Q. Are you aware of a phone call between the two of them

about a SBA loan?
A. Not so much. Like I said, I was on the road 10 to 14 days at a time, so I couldn't tell you what day or what time that they talked or not.
Q. Did you facilitate the exchange of information between Ms. Adams and the defendant?
A. As far as phone number?
Q. Yes.
A. Yes, sir, I provided her with his phone number.
Q. Did you facilitate the exchange of any loan information?
A. No, sir.
Q. Did your wife pay the defendant to submit her SBA loan?
A. To submit it, I'm not sure. I don't think so.
Q. To prepare it, was there an exchange of money between Ms. Adams and the defendant in connection with the loan?
A. I think after the approval, there was like a fee, but I'm not sure what percentage or what amount was exchanged. I think it was a percentage or whatever the approval was as a percent.
Q. When you say a fee, you mean a fee paid to the defendant?
A. Yes, sir.
Q. Was that a fee that he charged?
A. Yes, sir.
Q. And your understanding is that it was based on a percentage of the loan?
A. Yes, sir.

Q. Were you there when the money was exchanged between Ms. Adams and the defendant?
A. Yes, I was there.
Q. Where was that?
A. We were in the parking lot of Navy Federal in -- I think it's McDonough, Stockbridge, one of the two.
Q. Is that Navy Federal Credit Union?
A. Yes, sir.
Q. In McDonough?
A. McDonough, yeah.
Q. You were there?
A. Yes, sir.
Q. What was the nature of the payment, cash, check, crypto currency? What was the nature?
A. I think it was -- I think it was cash, I believe. I think it was cash.
Q. It was cash?
A. I think -- yeah, I think she had to go inside and get the money out of the bank to exchange as far as what fee.
Q. Was there ever a check or a cashier's check that was involved?
A. Not to my knowledge.
Q. Ms. Roper, could you display Government Exhibit 12D. Can we zoom in on the -- could we move to the second page, I believe. Zoom in on that check there from Navy Federal.

Do you recognize -- let me start by asking you: Who is the remitter there?
A. That's my wife.
Q. And what's the name of the company listed, the entity that received the check, above the remitter?
A. It's Regions Bank.
Q. That's the bank but it says "Pay to the Order of" --
A. "Pay to the order of Kojie9, LLC.
Q. Do you know what Kojie9, LLC is?
A. No, sir.
Q. Do you recognize this check?
A. It may have been, like I said, the fee probably that I'm thinking.
Q. Okay. The amount is 17,550.00?
A. Yes, sir.
Q. Does that ring a bell to you? Do you recall the amount that your wife paid?
A. Not the exact amount, but I mean, yeah, that's -- that's my wife. That's my wife's name on that check.
Q. Just so I'm clear, you remember being in the parking lot while the exchange happened; correct?
A. Yeah, but -- I was in the car but I don't know -- as far as the check go, I'm not sure. I'm not sure if it was cash or a check but -- on that amount, I'm not sure.
Q. Do you know Wanda Anderson and Charles Bey?

A. Yes, sir. That's my mother-in-law and that is her boyfriend.

Q. Your mother-in-law, is that Ms. Ginell Adams' mother?

A. Mother, yes, sir.

Q. And Mr. Charles Bey is her boyfriend?

A. Yes, sir.

Q. Do you know Ms. Katina Banks?

A. That is one of my ex-wife's clients/friends.

Q. And what kind of client was she?

A. She did her hair. She was a client where she did her hair for her.

Q. Did Ms. Adams cut hair for a living? Was she a beauty stylist?

A. As far as -- yeah, as far as I knew, yes, sir, she was a beautician or cosmetologist.

Q. To your knowledge, did your wife's business activities gross over $200,000.00 a year?

A. I -- I never seen it, you know, because we filed separate taxes, but I took care of truck, house, cars. Like that's why I was constantly on the road working to take care of everything. I was the sole, really the head of household and pretty much was never home because I was always working, but as far as that $230,000.00, that's not to my knowledge.

Q. Did you ever see employees associated with your wife's business?

A. No, sir.

MR. JOSEPHSON: No further questions, Your Honor.

THE COURT: Cross-examination?

MR. OSSICK: No questions.

THE COURT: Any objection to this witness being excused?

MR. JOSEPHSON: No, Your Honor.

THE COURT: Sir, you may step down and you're excused.

THE WITNESS: So I'm clear to leave?

THE COURT: Yes, sir, thank you.

MS. STANLEY: The Government calls Ginell Adams.

GINELL ADAMS,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated, and if you will please state your full name and spell your last name.

THE WITNESS: It's Ginell Adams, last name A-d-a-m-s.

DIRECT EXAMINATION

BY MS. STANLEY:

Q. Good morning, Ms. Adams.

A. Good morning.

Q. Where do you live generally?

A. In the Locust Grove area.

Q. Do you know the defendant, Bernard Okojie?

A. I don't know him personally.

Q. Have you ever spoken with him before?

A. Over the telephone.
Q. Did you ever meet him in person?
A. Once, but I didn't get out of the car to meet him.
Q. Would you recognize him?
A. Possibility, it's possible.
Q. Do you see him in this room this morning?
A. He looks familiar over there.
Q. At the table right behind me?
A. Yes.
Q. How did you meet Mr. Okojie?
A. Through my husband.
Q. Who is your husband?
A. Anthony Judson.
Q. Did Mr. Okojie fill out an application for a SBA loan for you in July of 2020?
A. Yes.
Q. Do you have a business?
A. I do.
Q. What kind of business?
A. Well, I have a few. I have a hair business. I also have a business where I fix up houses and I also do events and party planning.
Q. Do any of those businesses have names?
A. Well, I was GSH. That's the one that is registered with the State, but the one I do hair is Hair by Giselle, and the one

that -- the party planner, my sister-in-law and I, we have that and it's called -- what is it? -- Contrary Events. We do birthday parties.

Q. Which of these businesses was the SBA loan for?

A. I don't know which one he did. I never saw my application.

Q. Do you work anywhere else?

A. Currently, yes, I work.

Q. Where do you work?

A. I work at Witmark.

Q. Do you have a health services business?

A. No, I don't.

Q. Ms. Adams, let's talk about July of 2020. You said your husband introduced you to Mr. Okojie?

A. Yes.

Q. Did he introduce you on a phone call where all three of you were on the phone?

A. Right. It was through a phone call but he knew him prior.

Q. Okay.

A. So I -- of course, I didn't know him, but I knew his name because I heard my husband mention him before because he had worked with him before.

Q. During this phone call with Mr. Okojie and your husband, what did the three of you discuss?

A. He just asked for the information because my husband and I had already had a conversation prior about it. So when he and I were on the phone, it was a three-way -- well, not a three-way call. It was on speakerphone. He and Ben were on the phone. I was beside him. He just told me what information he needed so he and I never just held a conversation.

Q. What information did he tell you he needed?

A. My social, the correct spelling of my name and my address.

Q. Did he ask you if you had a business?

A. No.

Q. Did you tell him you had a business?

A. We never had a conversation.

Q. Do you have any employees?

A. No.

Q. Did Mr. Okojie ask you if you had any employees?

A. No, we never had a conversation.

Q. How much did you make approximately in the 12 months before January 31st of 2020?

A. I don't know.

Q. Can you give me an estimate?

A. I don't know. It was COVID. I really don't know.

Q. The year before COVID started, so about 2019?

A. With my hair business or just any business?

Q. Let's start with your hair business.

A. 2019, my hair business, I probably -- I guess maybe about 30.

Q. What about for the event-planning business? Was that operational in 2019?
A. We were doing --
THE COURT: When you said 30, do you mean 30,000.00?
THE WITNESS: Yes, ma'am, 30,000.00.
THE COURT: All right, continue.
Q. (By Ms. Stanley) Thank you, Your Honor.
What about your event-planning business? Was that in operation in 2019?
A. It was in operation, but it wasn't anything that we had -- we didn't have the LLC at the time. It was just something that we were doing.
Q. Were you making money?
A. Yes.
Q. About how much money in 2019?
A. Maybe about 10 or 15.
THE COURT: Again thousand?
THE WITNESS: Thousand, I'm sorry.
Q. (By Ms. Stanley) And what about the house-flipping business? Were you doing that in 2019?
A. Started it because we were working on a project of a house that we lived in in Macon, but it was my mom's house, but we were working on that.
Q. Did you sell that house in 2019?
A. It didn't get sold. It got rented, rented out.

Q. Okay. Did Mr. Okojie ask you how much you made in the 2019 period?
A. No.
Q. Did Mr. Okojie tell you that he was going to fill out the loan application for you?
A. Well, I knew that from the conversation with my husband. Again, when we -- it was a conference -- well, not the conference call, when he was on the phone and they were on the speaker phone, it wasn't a conversation being held. It was just like they had their conversation. I gave him the information. He and I never had spoke on the phone outside of my husband. It was always on the speakerphone. I gave the information that was needed, and that was it.
Q. Did he ask you to provide any documentation for a business?
A. No.
Q. Ms. Roper, will you please display Government's 2A Page 32. And can you zoom in on that column, the second from the right, please.
And let me ask you: Do you recognize that document, Ms. Adams?
A. No.
Q. Do you mind looking at this? I know the font is very small but can you tell the jury whether that's your information, your name, address, phone number, your personal information?

A. Yes, it is.
Q. Is that your e-mail address?
A. Yes, it is.
Q. Bank account -- I'm sorry, strike that.
Do you see that number, the $233,900.00 number?
A. I do.
Q. Did you provide that number to Mr. Okojie as the amount of money that you made at any point in time?
A. No, I didn't.
Q. Do you see down there at the bottom where it says 7?
A. Yes.
Q. Did you provide Mr. Okojie with seven employees as the number of people you employed at any point in time?
A. No.
Q. Will you zoom back out, please, Ms. Roper. Will you zoom in on the column on the left where it tells you what each line is, far left.
And Ms. Adams, do you see Line 14?
A. Yes.
Q. Does that say that it's asking for gross revenues for the 12-month period prior to January 31st of 2020?
A. Yes.
Q. And then Line 33, is that asking for the number of employees as of January 31st, 2020?
A. Yes.

Q. You can take that down, Ms. Roper.
Did Mr. Okojie tell you or your husband when the application had been submitted?
A. Yes.
Q. What happened next?
A. He told us -- well, told us over the phone that I needed to go on and sign, so it was on speakerphone so he walked me through to do the electronic signature and that was it.
Q. Okay, so how did that go? Did you get an e-mail from the SBA?
A. I believe so.
Q. And did you click on a link in that e-mail?
A. I'm -- I'm almost certain that I did. I don't quite remember but I'm sure I did.
Q. Whether you clicked on a link or not, did you end up on the SBA's Web site?
A. Yes.
Q. And did you log into that Web site?
A. I don't recall logging in. I just remember going into it and it was a signature, an electronic signature page, and all I remember is doing the e-signature.
Q. Okay. Do you remember if Mr. Okojie gave you a password to log in?
A. I don't remember.
Q. But you do remember digitally signing the document?

A. Yes.
Q. Do you remember if it was one document or more than one document?
A. I recall one.
Q. Did you read that document?
A. It wasn't anything other than just a signature page, like an e-signature and that's all I did and that was it. That was the only time I went on the application, and it wasn't even an application signature page.
Q. After you digitally signed that document did you receive loan money from the SBA?
A. I did.
Q. How much?
A. It was 117,000.00.
Q. Was that deposited into your Navy Federal Credit Union account?
A. Right.
Q. Did you pay Mr. Okojie any of that money?
A. Yes, I did.
Q. How much?
A. It was 17,000.00. I don't remember the dollar amount but it was $17,000.00.
Q. What was that payment for?
A. The process of the application. That was his fee. It was a percentage that he mentioned that he charged, and that was the

percentage.
Q. Did you negotiate that fee at all?
A. No, I did not.
Q. How did you pay him?
A. Cashier's check, I went to my bank and got the cashier's check made out.
Q. Who was that check made out to?
A. I don't remember the company, but it was a company that he provided for me to get the cashier's check made out to, but it was a weird name. I don't remember exactly what it was.
Q. But he told you who to make the check out to?
A. Yes.
Q. Ms. Roper, will you pull up Government's Exhibit 12A, please, and will you go to the second page and zoom into that check. While they are pulling that up, Ms. Adams, did you know that this loan money was a business loan?
A. I did.
Q. And did you know that it was a loan that you had to pay back?
A. I did.
Q. When you went to the bank to get the cashier's check, was your husband with you?
A. I don't recall him being with me when I got the check but I know he was with me when I made the payment.
Q. When you gave the check to Mr. Okojie?

A. Right.
Q. Where did you meet Mr. Okojie to give him the check?
A. In the parking lot of Navy Federal.
Q. Did you do that on the same day you got the check?
A. I don't recall. I can't remember.
Q. And did you hand the check physically to Mr. Okojie?
A. No, my husband did.
Q. Okay, did you get out of the car?
A. No.
Q. All right, Ms. Adams, if you will look at the screen, will you let me know if you recognize this check?
A. Yes.
Q. And is that the check that you gave to Mr. Okojie?
A. Yes.
Q. Is it for $17,550.00?
A. Yes.
Q. Dated July 22nd, 2020?
A. Yes.
Q. Do you see who it's made payable to?
A. Right.
Q. Do you recognize that name?
A. I recognize it from getting the check made. That's the only time I've seen that name.
Q. Did you know what kind of business that was?
A. No.

Q. You can take that down, Ms. Roper.

After you paid Mr. Okojie his fee, what did you spend the rest of the loan money on?

A. I spent it on my business. I invested, I got a house with my other business when I told you I was flipping. I also helped my husband with his business because it was in the middle of COVID. No one was making money and whatever else I needed during that time.

Q. Other than purchasing the house, what kinds of things did you buy for your businesses or business?

A. Well, my event-planning business, I bought decorations, tablecloths, centerpieces, flowers because I did weddings. I did birthday parties. With my hair business, I bought product. I bought dryers. I bought stands. I bought things to decorate my area that I did hair in and things of that nature for my business.

Q. Ms. Roper, will you please pull up Government's Exhibit 11A and go to Page 16, please. Will you zoom in up there at the top.

Ms. Adams, these are the bank statements for your Navy Federal Credit Union account. Do these show that $117,000.00 SBA loan money coming into that account?

A. Yes.

Q. Is that $17,550.00 withdrawal the check that we've just talked about?

A. Yes.
Q. And is the date next to that check withdrawal July 21st, 2020?
A. That's what was on the check. I don't remember exact date, but, yes, that's the date that was on the check.
Q. Do you see that on this statement on the left-hand column?
A. Yes.
Q. Can we go to Page 19, please, Ms. Roper.
Ms. Adams, if you will look at this, do you see that withdrawal in the amount of $28,000.00?
A. Yes.
Q. On July 28th of 2020?
A. Yes.
Q. What was that?
A. A house that I purchased.
Q. Where was that house?
A. In Macon.
Q. Do you still own it?
A. I sold it. I fixed it and I sold it.
Q. How much did you sell it for?
A. I think 62,000.00.
Q. Are any of these other expenses on this page related to your businesses?
A. I'm just looking.
Q. Sure, take your time.

A. They are just all withdrawals and dentist appointments. It does show personal. Dr. -- Dentfirst, that's my dentist.
Q. Is that withdrawal on August 6th, America's Best, is that a hotel payment?
A. No.
Q. Do you know what that was for?
A. America's Best, those are glasses.
Q. Can you go to Page 22, Ms. Roper. That last $2,000.00 withdrawal on September 22nd, Ms. Adams, what was that for?
A. September 22nd?
Q. Yes, ma'am, the last one on that.
A. I purchased a toy poodle.
Q. A toy poodle?
A. I did. My mom and I went half on it. My dad had just died. I always wanted -- I already had a dog, and I wanted a toy poodle. She just had surgery, so on the way back from her house because she was living with me because she couldn't go upstairs. I went by the place. They had it. She asked did I want it. We went in -- well, I went inside. I couldn't make all the payment on one, so we -- we had to split it up. She had gave me cash so I had to put what I could on my card and then I paid the rest.
Q. Let me ask you about one more, Page 25, please, Ms. Roper.
Ms. Adams, the withdrawal for $2,000.00 on August 2nd, Maxie Price Chevro, what was that for?

A. Car for my son.
Q. You can take that down, Ms. Roper.
Ms. Adams, did you also receive a PPP loan?
A. I did.
Q. Do you remember when that was?
A. I don't.
Q. Does April 2021 sound correct?
A. I'm not sure.
Q. Do you have any reason to believe that's inaccurate?
A. No, I don't.
Q. Do you remember how much that loan was for?
A. I don't remember the dollar amount.
Q. Does about $20,000.00 sound accurate?
A. It sounds close.
Q. Which business is that for?
A. Should have been my hair business.
Q. Did you fill out that application?
A. No, I did not.
Q. Did someone else do it for you?
A. Yes.
Q. Who was that?
A. I just know Steve. That's all I know his name is Steve.
Q. Is he your tax preparer?
A. He has done tax work for myself and my family, yes.
Q. Do you remember submitting your driver's license to get

that loan?
A. Online, yes.
Q. Do you remember taking a selfie to verify your identification to get that loan?
A. I believe, yes, online.
Q. Did you make $97,000.00 in 2020?
A. No.
Q. Did you know that's what the tax documents submitted with that application said you made?
A. No, I did not.
Q. Did you pay Steve a fee?
A. I did.
Q. How much?
A. I don't remember the dollar amount.
Q. And what did you spend that loan money on?
A. Still my business.
Q. Ms. Roper, can you pull Government's Exhibit 12A back up and go to Page 50 -- I'm sorry, not 12A. 11, 11A go to Page 53, please. Can you zoom on that, please.
Ms. Adams, do you see a $20,227.00 deposit on May 18th entitled "PPP funding"?
A. Yes.
Q. Is this your Navy Federal Credit Union account?
A. It is.
Q. On May 20th, I guess let me ask you first: Are any of

those expenses immediately following, those withdrawals immediately following that deposit, were those related to your business?

A. No, but I also had money, so you act like I'm -- I can't spend the money that doesn't relate to my business, but if that's my account, you will see other things that I purchased, made purchases with, so, yes.

Q. Do you know this loan money, either the EIDL money or the PPP money, had to be used for your business?

A. Yes, it's used toward my business, yes.

Q. Is that payment, the 5/20 $50.00?

A. Which payment?

Q. The May 20th for $50.00, is that at a plastic surgeon's office?

A. That was a consultation fee.

Q. At a plastic surgeon's?

A. It was over the phone.

Q. All right, you can take that down, Ms. Roper.

Who is Wanda Anderson?

A. That's my mother.

Q. Who is Charles Bey?

A. That's my stepdad.

Q. Do you know Katina Banks?

A. Yes, I do, that's my friend.

Q. Did you refer Mr. Okojie to her or her to Mr. Okojie?

A. Yes, I did.
Q. And do you know Angela Lovelady?
A. That's her aunt, Katina's aunt.
Q. Have you ever spoken with her?
A. Spoken with who?
Q. Ms. Lovelady.
A. I've spoken with her before when I went to do a baby shower for them before because, as I say, I do parties.
Q. Did you put her in touch with Mr. Okojie?
A. No, I did not.
MS. STANLEY: Nothing further.
THE COURT: Cross-examination, Mr. Ossick.

CROSS-EXAMINATION

BY MR. OSSICK:
Q. Good morning.
A. Good morning.
Q. I represent Mr. Okojie. My name is John Ossick.
A. Okay, how are you?
Q. A couple of questions, Ms. Adams. You indicated that at some point you logged into a SBA Web site?
A. I indicated that I signed an electronic document, yes.
Q. And your recollection is the only page that was available to see when you did that was the signature page?
A. Yes.
Q. Do you recall being interviewed over the telephone or

getting a call in February 14th of last year by Agent Dye?
A. Yes.
Q. And do you recall at some point asking him do you need a lawyer?
A. Yes.
Q. And he told you he couldn't tell you whether you do or not?
A. Yes.
Q. And you asked "Where is this going" and you cut off the conversation and said "I've got to talk, see which of my lawyers I need to use"?
A. Correct.
MR. OSSICK: Thank you.
THE WITNESS: You're welcome.
THE COURT: Any redirect?
MS. STANLEY: No, Your Honor.
THE COURT: Any objection to excusing this witness?
MS. STANLEY: No, Your Honor. She may be excused.
THE COURT: All right. You may be excused. Call your next witness.
MS. STANLEY: The Government calls Wanda Anderson.

WANDA ANDERSON,

having been first duly sworn, was examined and testified as follows:
THE CLERK: Thank you. You may be seated. And if you

will please state your full name and then spell your last name.

THE WITNESS: Wanda Anderson. A-n-d-e-r-s-o-n.

DIRECT EXAMINATION

BY MS. STANLEY:

Q. Good morning, Ms. Anderson.

A. Good morning.

Q. Where do you live generally?

A. In Locust Grove, Georgia.

Q. Where do you work?

A. DaVita Dialysis.

Q. What do you do there?

A. I'm a dialysis nurse.

Q. Do you have a business?

A. Yes.

Q. What is it called?

A. Unique Pleasant & Smooth Souls.

Q. What kind of business is it?

A. Durable medical equipment business.

Q. What do you do?

A. We provide durable medical equipment such as diabetic shoes, arthritic supplies like back braces, knee braces, things like that.

Q. Do you know Charlie Bey or Charles Bey?

A. Yes.

Q. Who is that?

A. My partner.
Q. Do you live together?
A. Yes.
Q. Do you own and operate Unique Pleasant & Smooth Souls with him?
A. Yes.
Q. Do you have any other employees in this business besides you and Mr. Bey?
A. Just me and Mr. Bey.
Q. How much money would you estimate this business made in 2019?
A. I'm not sure, but it wasn't much. I'm not sure. I can't really estimate.
Q. Would you say less than $40,000.00?
A. I would say probably less than that.
Q. What's the most it ever made in one year?
A. I would just estimate probably about 30 or close to 40.
Q. Did you and your husband first apply for an EIDL loan for Unique Pleasant & Smooth Souls on your own?
A. Yes, I did.
Q. Did you get any money for that loan?
A. No.
Q. How did you find out about the EIDL loan program?
A. Heard it from, you know, it was advertised. I heard it on TV, Internet, about helping small businesses.

Q. Did you and your husband fill out that application together?
A. No. I filled it out.
Q. When was that?
A. I'm not sure what date it was.
Q. Does April of 2020 sound accurate?
A. I'm not sure.
Q. Was it earlier in the pandemic?
A. It was during that time that the pandemic. I'm not sure what date.
Q. Let me show you a document, Ms. Anderson, and let me ask if you recognize the information on that document. Is that your business name?
A. Yes.
Q. Is that your EIN?
A. I'm not sure if that's the correct number, but yes. I do have an EIN number. I don't know the number off the top of my head.
Q. And "Unique Pleasant & Smooth Souls, LLC"?
A. Yes.
Q. Is that your address?
A. Yes.
Q. Phone number?
A. Yes.
Q. e-mail address?

A. Yes.
Q. What number does it show for gross revenue in the 12 months prior to January 31st, 2020?
A. It's 38, 38,000.00.
Q. And seven dollars?
A. Yes.
Q. And how much, right below, does it show for the cost of goods sold during that same time period?
A. Cost of goods, the same amount, 38,007.00.
Q. Do you remember putting those numbers in the first EIDL application that you filled out?
A. I mean, I filled out the application. I don't know if this is what's on here. This is what I put in here.
Q. Are those numbers accurate for that time period? Did you essentially spend what you brought in?
A. Yes, because we didn't make any money during that time, so I put in what we made.
Q. Does it say you had two employees?
A. Yes.
Q. And that's accurate; right?
A. Yes.
Q. Do you have any other businesses besides Unique Pleasant & Smooth Souls?
A. I have a rental property business that I have.
Q. How many properties do you own?

A. One.
Q. Do you know the defendant, Bernard Okojie?
A. I don't know. I don't know that name.
Q. Do you know someone named Ben?
A. Yes.
Q. Did he fill out a SBA loan application for you in July of 2020?
A. I don't know what date it was, but, yes, he did.
Q. Does that sound approximately right, July 2020?
A. I'm not sure what date it was, ma'am. He filled out one.
Q. Okay. Did you ever meet him in person?
A. Yes.
Q. How many times?
A. One.
Q. Would you recognize him?
A. I'm not sure if I --
Q. Do you see anyone in this room today who looks like him?
A. No, I'm not sure --
Q. Okay.
A. -- if I can recognize him again.
Q. Did you initially speak to Ben on the telephone?
A. Yes, we talked on the phone.
Q. Did someone put you in touch with him?
A. Yes.
Q. Who was that?

A. My son-in-law.
Q. Who was that?
A. Tony Judson.
Q. And did you call Ben or did Ben call you?
A. I'm not sure. I believe that I called Ben.
Q. Was it just you on the phone with him?
A. Yes.
Q. And what did you two discuss?
A. We discussed about applying for the loan.
Q. Did Mr. Okojie ask you if you had a business?
A. Yes.
Q. What did you tell him?
A. Yes.
Q. Did you tell him about Unique Pleasant & Smooth Souls?
A. Yes.
Q. Did he ask you how many employees you had?
A. I can't recall if he asked me that.
Q. Would you have told him -- what would you have told him if he had asked?
A. Two.
Q. Did he ask you how much you made in the 12-month period before January 31st, 2020?
A. I can't recall if he asked me that.
Q. Would you have told him you made $248,800.00 during that period?

A. No.
Q. Did Ben tell you he was going to fill out the loan application for you?
A. Yes.
Q. Did he ask you to provide any documentation of your business?
A. He -- he asked for some documentation.
Q. Like what?
A. I believe it was my social security number, address, social security number, I believe.
Q. But he didn't ask you to provide any kind of tax document?
A. No.
Q. Any kind of license with the State?
A. No.
Q. Just your personal information?
A. Yes.
Q. Did you provide that to him?
A. Yes.
Q. On the phone?
A. Yes.
Q. Ms. Roper, will you pull up Government's 2B, Page 56. Can you zoom into that middle section, Ms. Roper, the whole, all the way across but just the middle row.
And I know this is very small, Ms. Anderson. Is this your personal information on this document?

A. That's my name.
Q. Is that your social security number?
A. Yes.
Q. Is that your address? You see the Macon, Georgia address?
A. Yes.
Q. Is that your rental property?
A. Yes.
Q. Why did you provide him with your rental property address?
A. I don't know if I gave him my rental property address.
Q. How else would he have gotten that address?
A. I don't know.
Q. Do you see where it says $242,000.00, $242,800.00 gross revenues?
A. Yes.
Q. You didn't provide him with that number?
A. No.
Q. And you did not have eight employees?
A. No.
Q. Do you see where it says eight, number of employees as of January 31st, the last line visible on the screen?
A. Yes.
Q. You can take that down, Ms. Roper.
Did he tell you when the application was done and had been submitted?
A. I just assumed that it was done. I can't recall if he

just told me that it was done. I gave him the information or whatever, so I can't say he called me and said it was done.
Q. All right, what happened next after you gave him this information?
A. He asked me to let him -- let him know when I got an e-mail.
Q. Did you get an e-mail from the Small Business Administration?
A. Yes.
Q. What did that e-mail say?
A. That it was approved.
Q. And did you click on a link in that e-mail address, I mean, in that e-mail, excuse me?
A. I'm not sure if I clicked on an e-mail, but I did let him know that I did get an e-mail saying that it was approved so ...
Q. Do you remember logging into the Small Business Administration Web site to sign something?
A. I'm not sure if I did that, no, ma'am.
Q. Did you meet with Special Agent Dye and Special Agent Lott, Mr. Josephson and myself prior to today?
A. Yes.
Q. And did you speak with Agent Dye on the phone before that?
A. Yes.
Q. Do you remember telling Agent Dye, telling us that you did sign something digitally?

A. I don't remember -- I don't remember saying that I did sign it.
Q. Okay. Do you remember if he gave you a password?
A. I don't remember if he gave me a password. I know that -- I think it was a password created. I'm not sure if I got the password.
Q. After the loan had been approved, did you get loan money deposited into your bank account?
A. Yes.
Q. How much?
A. It was 200 and something. I'm not sure the correct amount.
THE COURT: 200 and something dollars?
THE WITNESS: Thousand.
Q. (By Ms. Stanley) 200-something thousand dollars?
A. Yes.
Q. Ms. Roper, can you pull Government's 12E, please.
Is that your Cadence bank account there in the middle of the page?
A. Yes.
Q. Do you see that deposit for $121,300.00?
A. Yes.
Q. Does that sound like the amount of money that you got from the loan?
A. Yes, sorry, my correction.

Q. Did you withdraw that full amount in cash from the bank account?
A. Yes.
Q. Did you pay Ben any of that money?
A. Yes.
Q. How much?
A. I'm not sure the correct amount, but I think it was 20-something thousand. I'm not sure.
Q. How did you pay him?
A. Cashier check.
Q. Where?
A. He gave me directions of making a cashier check out to some trucking company.
Q. You don't remember what that was called?
A. No, I don't recall what the name of it is.
Q. Can we go to Page 2, please, Ms. Roper, and zoom in on that check.
Is this the cashier's check you gave Ben?
A. Yes.
Q. And it's in the amount of $18,210.00?
A. Okay.
Q. Is that what it says?
A. Yes.
Q. Does that sound like what you paid Ben for his fee?
A. Yes, if that was on here, yes.

Q. Did it seem weird to you that he was asking you to make this check payable to a freight company or a trucking company?
A. No, it didn't seem weird to me. This is what the man had requested that he wanted done so this is what I did. I didn't ask no questions, no.
Q. Do you see there on the left where it says "leasing payment," under the memo, "leasing payment"?
A. Yes.
Q. Did he tell you to put that on the cashier's check?
A. I can't recall if he told me to put "leasing payment." I can't recall if he said that.
Q. Why else would you have put it on the check?
A. Like I said, ma'am, I can't recall if he told me to put that on there.
THE COURT: She's asking you if you know of another reason why you would have done it.
THE WITNESS: No, I don't know of any other reason I would have done it unless it was told for me to do it.
Q. (By Ms. Stanley) But you knew this wasn't a leasing payment?
A. I don't know whether it was a leasing payment or not. No, I'm not sure.
Q. What was this check for?
A. To pay him.
Q. For what?

A. For doing the SBA loan for me.
Q. Why did you think that someone else would be able to get SBA loan money for you when you had been unsuccessful the first time?
A. Because I have a business as well as other people had business at that time, and we was not able to do any work because of the COVID. When I tried to do the SBA loan, I didn't get no -- no return or whether or not my application was approved or not.
So I don't know whether I had did it wrong or right, so I didn't get no comment from the SBA loan whether I got it, whether it was approved or not.
Q. Did you know this money was a business loan?
A. Yes.
Q. Did you know this money was to be used on business expenses?
A. Yes.
Q. Did you know it was a loan that you had to pay back?
A. Yes.
Q. After you paid Ben his fee, what did you spend the rest of the $121,000.00 on?
A. My business.
Q. Like what?
A. Business supplies, rent bills for the business.
Q. Did you spend it on personal bills?

A. No.
Q. Did you spend it on gas money?
A. I may have because that's business. We go out and see clients.
Q. Do you recall if you spent any of it on car payments?
A. Yes. We have a business car.
Q. Okay. Have you been making payments on the loan?
A. No, not yet.
Q. Did you later try to apply for a third EIDL loan in the name of Unique Pleasant & Smooth Souls?
A. I know I applied for another loan. You said a third loan. I didn't apply for a third loan. I applied for a second one because I didn't get no information or confirmation that I had -- that I was approved, so I didn't know whether I had put -- that I had did it wrong or whatever so I tried again.
Q. I'm sorry, I didn't mean to interrupt you.
This is the second application that you personally filled out?
A. Yes.
Q. And it was after you got the loan money through Ben?
A. I don't recall it being after I had got the money.
Q. Let me show you a document, Ms. Anderson. Can you confirm if that's your personal information on that document?
A. Yes.
Q. Does this document look like the one that we just had up

on the screen for the loan that Ben did for you?
A. Yes.
Q. And does it say at the top one of those first lines, that this was submitted in January of 2021?
A. Yes.
Q. Did you get any money from this attempt?
A. No.
Q. Why are those numbers for gross revenue and cost of goods sold different from the ones on the first EIDL application that you filled out?
A. The amount is lower.
Q. What are those numbers?
A. For the goods?
Q. Yes, ma'am.
A. $27,762.00, I believe.
Q. So it's different from the 38,000.00 that you put on your first loan application?
A. Yes.
Q. Did you also get a PPP loan?
A. Yes.
Q. When was that?
A. I don't recall the date, ma'am.
Q. Does May or June of 2021 --
A. I don't recall the date.
Q. Do you have any reason to believe that's wrong, May or

June of 2021?
A. I don't recall the date.
Q. How much money did you get from that loan?
A. I believe it was 20,000.00.
Q. Did you fill out and submit that application?
A. No, I did not.
Q. Who did?
A. My tax preparer.
Q. Who is that?
A. Steve Santos.
Q. Do you recall submitting your driver's license to get that loan? Maybe you gave it to Steve?
A. I'm not sure, ma'am.
Q. Do you recall taking a selfie to verify your identity to get that loan?
A. Yes, I do.
Q. Do you know what kind of business that application said you had?
A. No.
Q. Did you make $98,000.00 in 2020?
A. I'm not sure what I made. On my -- on my personal job, that's what you're asking me?
Q. How much did you personally make?
A. I'm not sure what I made, ma'am.
Q. Was it $98,000.00?

A. I'm not sure.
Q. Does that seem way high or way -- you don't remember?
A. I don't remember because I worked a lot of hours. I don't know.
Q. Did you work as a hair stylist at all in 2020?
A. No.
Q. Do you know that that's what the tax documents submitted with that application said you made?
A. No.
Q. And that's what you did?
A. No.
Q. And did you pay Steve a fee?
A. Yes.
Q. Do you remember how much?
A. I believe it was $2,000.00.
Q. And did you know that that money was a loan you had to pay back?
A. Yes.
Q. What did you spend that loan money on?
A. On my business as well.
Q. Have you been making payments on that loan?
A. I haven't made no payments.

MS. STANLEY: Nothing further.

THE COURT: Any cross-examination?

CROSS-EXAMINATION

BY MR. OSSICK:

Q. Good morning. I represent Mr. Okojie. My name is John Ossick.

Let me ask you: Do you know who John Lehman is?

A. My attorney.

Q. And did you have a meeting with the Agent Dye and your attorney and I believe Charles Bey in December of 2021?

A. I can't recall the date, but, yes, we did.

MR. OSSICK: Thank you.

THE COURT: Any redirect?

MS. STANLEY: No, Your Honor.

THE COURT: Any objection to this witness being excused?

MR. OSSICK: No.

MS. STANLEY: No, ma'am.

THE COURT: You're excused.

THE WITNESS: I'm excused to leave?

THE COURT: You are.

THE WITNESS: Thank you.

THE COURT: Go ahead and call your next witness.

MS. STANLEY: The Government calls Charles Bey.

Your Honor, may I approach and take those documents off the witness stand.

THE COURT: You may.

CHARLES BEY,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated and if you will please state your full name and spell your last name.

THE WITNESS: Yes, ma'am, Charles Bey.

DIRECT EXAMINATION

BY MS. STANLEY:

Q. Good morning, Mr. Bey.

A. Yes, ma'am.

Q. What area of Georgia do you live in generally?

A. Locust Grove.

Q. Where do you work?

A. I work at DaVita Dialysis, and I work for Southwest Atlanta Nephrology and Unique Pleasant & Smooth Souls and Penny Properties.

Q. What is Penny Properties?

A. Where I rehab houses. We call it fix and flip.

Q. I want to talk to you about Unique Pleasant & Smooth Souls. Do you operate that business with your partner, Wanda Anderson?

A. Yes, ma'am.

Q. Are you the only two employees?

A. Yes, ma'am.

Q. How much money would you estimate that business made in

2019?

A. '19, was that during the pandemic?

THE COURT: That was the year before.

THE WITNESS: Year before? If I'm not mistaken, maybe 40, 45, somewhere around there.

Q. (By Ms. Stanley) What's the most that business has ever made in one year?

A. I'm sorry?

Q. What is the most money that business has ever made in one year?

A. I think we did if I'm not mistaken no more than 60 so far.

Q. And did you and your wife or did your wife first apply for an EIDL loan for Unique Pleasant & Smooth Souls on her own?

A. Yes, ma'am.

Q. Was that early in the pandemic?

A. Yes, ma'am. It was during the pandemic, yes, ma'am. Yes.

Q. Does April of 2020 sound accurate as the date for when that application was submitted?

A. Yes, ma'am.

Q. Were you a part of that process at all?

A. Well, I thought she could do it herself at the time, so I kind of -- no, actually, no. But I knew it. I knew about it.

Q. Did you get any money from that loan application?

A. No.

Q. Do you know the defendant, Bernard Okojie?

A. I don't know by that name.
Q. Do you know someone who went by Ben?
A. Ben, yes, ma'am.
Q. Did he fill out and submit a Small Business Administration loan application for you in August of 2020?
A. Yes, ma'am.
Q. Before that, had he submitted a loan application for your wife -- excuse me, for your partner, Ms. Anderson?
A. Say that again.
Q. Before he filled out a SBA application for you, did he do one for Wanda Anderson?
A. Yes.
Q. Did she get money from that loan?
A. Yes, ma'am.
Q. Did you ever meet Ben in person?
A. Yes, ma'am.
Q. Would you recognize him?
A. Yes, ma'am.
Q. Is he sitting in this room today?
A. Yes, ma'am.
Q. Can you point him out? At the table right behind me?
A. Yes, ma'am.
Q. Who put you in touch with Ben?
A. Wanda's daughter's husband, Tony.
Q. Is that Anthony Judson?

A. Yes.
Q. Tony Judson?
A. Yes.
Q. Did you call Ben or did Ben call you?
A. I think Wanda had called him for me, if I'm not mistaken, because she wanted to go through the process. She wanted us to go through the process for the business so I think, if I'm not mistaken, I think we called him.
Q. Okay. After Wanda received her loan through him, did you have a call with Ben to ask about doing a loan for you?
A. I think it was almost during the same time, basically the two processes going on at the same time, but I think Wanda's was before mine.
Q. Did Mr. Okojie know about Unique Pleasant & Smooth Souls, LLC?
A. I had to give him that information. I think I did, yes, yes.
Q. Did you tell him what kind of business it was?
A. Yes, yes.
Q. Did he ask you how many employees you had?
A. I don't remember. No, I don't think so.
Q. What would you have told him if he had asked you?
A. Right.
Q. Would you have told him that you had two employees?
A. Yes.

Q. Did he ask how much money the business had made or how much you had made in the 12 months before January 31st, 2020?
A. I'm not sure.
Q. What would have told him if he had?
A. Whatever the -- whatever we had received on our taxes that year, whatever we made that year.
Q. Would that be the 40,000.00?
A. Yeah, somewhere around in there.
Q. Not over $200,000.00?
A. No.
Q. Did you provide Ben with any other information?
A. I think I had to give my driver's license information, social security, business information, whatever -- whatever was required for the business.
Q. Did he ask you to provide any documentation of the business, like tax documents, business licenses?
A. No, I didn't have to give that, no.
Q. Okay. And did Ben tell you he was going to fill out the loan application for you?
A. Yes, ma'am.
Q. Ms. Roper, will you please pull up Government's Exhibit 2H Page 52 and again will you zoom in on that middle section all the way across.
Mr. Bey, this is a summary of the loan application that was submitted in your name. Can you look at that column and

tell us if that is your personal information?
A. Yes.
Q. Neither you or Unique Pleasant & Smooth Souls made $238,000.00 in the year before January 31st, 2020; correct?
A. Correct.
Q. The business did not have six employees as is reflected on that last line in the bottom; correct?
A. Correct.
Q. You can take that down, Ms. Roper. Did Ben tell you when the application was done and submitted?
A. I think -- I'm not sure.
Q. Let me ask you this. After you spoke to him on the phone, you provided him with your information, what happened next?
A. I was supposed to wait for I guess the information was valid, I guess e-mail, so I guess, yeah, so I guess he had to give me some type information that the application was done.
Q. Did you receive an e-mail from the SBA saying that your loan had been approved?
A. I can't remember.
Q. Did you ever give Ben access to your e-mail account?
A. Yes, ma'am.
Q. To your e-mail address, like you gave him your user name and log-in for your e-mail account or did you just give him your e-mail address?
A. I believe it was the e-mail.

Q. Do you remember if he created a password for you to log into a Web site?
A. I believe there was a password but I can't remember what it was.
Q. Do you remember logging into the SBA's Web site to sign anything?
A. No, ma'am.
Q. Ms. Roper, can you pull up Government's Exhibit 2H again and go to Page 31, please.
Do you remember ever seeing this document?
A. No.
Q. Can you zoom out, Ms. Roper, and go forward a couple -- I think five pages. One more. Do you remember signing this document?
A. No, ma'am.
Q. After Ben completed the loan application for you, did you get loan money from the SBA?
A. I did.
Q. How much?
A. If I'm not mistaken I got 119, 119.
Q. $119,000.00?
A. Yes.
Q. Did you pay Ben any of that money?
A. Yes, ma'am.
Q. How much?

A. I believe it was 17,000.00.
Q. Was that his fee for filling out the loan application?
A. Yes, ma'am.
Q. Did you discuss that fee upfront?
A. I can't remember, but I thought -- I know that's what I had to pay.
Q. Okay. You can take that down, Ms. Roper.
Mr. Bey, how did you pay Ben?
A. Cashier's check.
Q. Who was that made out to?
A. I can't remember exactly the company. I can't remember exactly the company offhand.
Q. Did Ben tell you who to make it out to?
A. Yes, ma'am.
Q. Did you, was your understanding that it was his company?
A. Yes.
Q. Ms. Roper, can you pull up Government's Exhibit 12K, please. And if you will go to the second page and zoom in on the check.
Mr. Bey, do you recognize this check?
A. Yes, ma'am.
Q. Is that the check that you gave to Ben?
A. Yes.
Q. Is it made out to Kojie9, LLC?
A. Yes.

Q. Where did you give him this check?
A. I met him and gave it to him.
Q. Where?
A. Right off of Highway 85.
Q. Where are you talking about?
A. It was right in front of a restaurant, Pleasant Hill, Pleasant Hill Road.
Q. Like a parking lot?
A. Parking lot.
Q. Did it strike you as odd at all that he asked you to meet him there?
A. No, not really, not to me, no.
Q. Do you know if he had an office?
A. No.
Q. You don't know or he did not?
A. Right. I don't know. I don't know about an office, no.
Q. It was your understanding, was it your understanding that this loan money was to be used for Unique Pleasant & Smooth Souls, LLC?
A. Yes.
Q. And did you think it was strange at all that -- did you believe that your wife's loan through him was also for Unique Pleasant & Smooth Souls, LLC?
A. Yes.
Q. Did you know the money could only be used for business

expenses?
A. Yes.
Q. Do you think it was at all strange that you were together able to get a total of $230,000.00 for a business that had never made more than $60,000.00?
A. At the time, I was -- we was drowning and I didn't even think about it, to be honest with you. I just wanted the business to be able to survive. I wasn't sure how much we was able to get, to be honest with you. If he had -- at first, like when we weren't able to get anything, so at that time I really didn't even think about it.
Q. Did the loan amount seem high to you?
A. I mean, it was high. It was high, yes, definitely, but I was -- I was just thankful we got it.
Q. After you paid Ben his fee, what did you spend the remainder of the money on?
A. Just the business. I have no track record of buying no cars, no jewelry or anything like that. So we basically spent it on the business.
Q. What kinds of things for the business?
A. Bills. We have a car that's in the business name. Takes gas, car payment, insurance, rent, Internet, just about everything.
Q. So you put that, together you and Ms. Anderson put about $200,000.00 into the business in 2020?

A. No. We -- well, we put the money into the business but we didn't put $200,000.00 into the business to pay bills.
Q. So do you have some of the money remaining?
A. Yes.
Q. Have you been making payments on the loan?
A. Not yet.
Q. Mr. Bey, did you also get a PPP loan?
A. Yes.
Q. When was that? Does 2021 sound accurate?
A. Yes, somewhere around there.
Q. Do you remember how much money that loan was?
A. I believe it was 30-something thousand, maybe 30-something thousand.
Q. $20,000.00?
A. Something around there, close.
Q. Did you fill out and submit that application?
A. No.
Q. Who did?
A. An accountant, another gentleman.
Q. Did he also apply for a PPP loan for your wife?
A. Yes.
Q. For Ms. Anderson. Do you recall submitting your driver's license and a selfie to verify your identity to get that loan?
A. I think so. I'm not sure. I think so.
Q. Do you know what kind of business that application said

you had?
A. No.
Q. Did you make $98,000.00 in 2020?
A. How much?
Q. $98,000.00?
A. No.
Q. Did you work as a barber in 2020?
A. No.
Q. Did you know that's what the tax document submitted with that application said that you made and what you did?
A. Now I do.
Q. Did you pay this preparer or accountant a fee?
A. I believe I did.
Q. Do you remember how much?
A. No.
Q. Did you know this PPP loan was a loan that you had to pay back?
A. Oh, yes, definitely.
Q. Have you been making payments on that loan?
A. Not yet.
Q. What did you spend that money on?
A. I put everything into the business, nothing extravagant. Everything went to the business.
MS. STANLEY: Nothing further, Your Honor.
THE COURT: Cross-examination, Mr. Ossick.

CROSS-EXAMINATION

BY MR. OSSICK:

Q. Good morning, Mr. Bey.

A. Good morning.

Q. Couple of questions. Do you recall a telephone interview in December of 21 with Agents Lott and Dye?

A. Yes.

Q. Have you met Agents Lott and Dye?

A. Yes.

Q. Had you met them in December of 2021?

A. I believe it was around that time.

Q. But you had met them in person before this telephone interview?

A. No, not in person. On the phone, I believe on the phone, we had a telephone ...

Q. Have you met them since then?

A. Yes.

Q. In person?

A. Yes.

Q. Talked with them?

A. Yes.

Q. Get ready for your court, talk with them?

A. Yes, sir.

Q. At that meeting, telephone conference in '21, December, was an attorney on the line with you?

A. Yes.
Q. And he was representing you and Ms. Anderson?
A. Yes.
Q. Did he ask them if you-all were targets?
A. I believe so.
Q. Do you recall what they said?
A. No.
Q. This other loan, this other person that helped you apply for the other loan you referred to as an accountant, I believe?
A. Yes.
Q. Is his name Steve Santos?
A. Yes.
Q. How did you know him?
A. He had been doing my taxes.

MR. OSSICK: Thank you. That's all.

THE COURT: Any brief redirect?

MS. STANLEY: No, Your Honor.

THE COURT: Any objection to this witness being excused?

MS. STANLEY: No, Your Honor.

THE COURT: You may step down and you're excused.

THE WITNESS: Thank you.

THE COURT: Ladies and gentlemen of the jury, it's just about exactly 10:30, so it's time for our mid-morning break so we will break until approximately 10:45. Remember during this and every other break, don't discuss the case, don't make up your mind.

We will be in recess until 10:45. Let's rise for this jury.

(The jury exits the courtroom.)

THE COURT: Counsel, without pinning you down on the exact number, approximately how many more witnesses in your case in chief?

MR. JOSEPHSON: Approximately eight.

THE COURT: We will be in recess until 10:45.

(Recess from 10:26 a.m. to 10:47 a.m.)

THE COURT: Let's bring in the jury.

(The jury enters the courtroom.)

THE COURT: Members of the jury, welcome back. We will continue with the Government's witnesses.

Mr. Josephson, call your next.

MR. JOSEPHSON: The Government calls Katina Banks.

KATINA BANKS,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated and if you will please state your full name and spell your last name.

THE WITNESS: Katina Banks, B-a-n-k-s.

DIRECT EXAMINATION

BY MR. JOSEPHSON:

Q. Good morning, Ms. Banks.

A. Good morning.
Q. Do you know the defendant, Bernard Okojie?
A. I know of him.
Q. How do you know of him?
A. I was introduced -- he was introduced to me as a financial adviser.
Q. Who introduced him to you?
A. Ginell Adams.
Q. How do you know Ginell Adams?
A. She is my hair stylist.
Q. Have you met the defendant in person, Bernard Okojie?
A. In person, when I met him to give him the 15 percent.
Q. And when you say 15 percent, 15 percent of what?
A. Of the SBA loan that he prepared.
Q. Do you know what he looks like?
A. Vaguely.
Q. Do you see anyone in this room that looks like the man you dropped the check off with?
THE COURT: Do you need to stand up?
THE WITNESS: Yeah, because I am a little short. Not that I can recall, no.
Q. (By Mr. Josephson) So just I'm going to direct your attention --
A. Yeah, I figured, you know, after I seen them. I actually do not recall.

Q. This is a specific question. Is the man seated at the table here the man that you dropped the check off with, do you know?
A. I don't recall. He -- can I --
THE COURT: You can.
THE WITNESS: Because the computer is kind of cutting him off. Yes.
MR. JOSEPHSON: Please let the record reflect that the witness has identified the defendant.
THE COURT: It will so reflect.
Q. (By Mr. Josephson) Ms. Banks, where do you currently work?
A. 360care.
Q. What is 360care?
A. It's a mobile clinical service.
Q. And what type of service does the business provide?
A. Podiatry, dental, audiology and podiatry.
Q. Various medical services --
A. Yes.
Q. -- sounds like. Do you have a side job?
A. I have a -- Princess House, I am a consultant for Princess House.
Q. What is Princess House?
A. Cookware/dinnerware sales.
Q. Would it be accurate if someone said you sell these items

on the side, a side job of some kind?
A. It's a part-time.
Q. Part-time job?
A. Yes.
Q. How much money, is that your main source of income?
A. No. 360care is my main source of income.
Q. How much money do you make at 360?
A. Right at 60.
Q. How much money do you make -- actually with the $60,000.00 that you make at 360care, do you receive a W-2 for that?
A. Correct.
Q. Does that mean that you're an employee of that business?
A. Correct.
Q. Princess House, how much money do you make doing cookware and dinnerware through Princess House?
A. It varies. In the beginning it was a good bit, but now it's anywhere from five to ten.
Q. When you say five to ten --
A. Thousand.
Q. Five to ten thousand dollars?
A. Uh-huh.
Q. Did the defendant help you fill out and submit a SBA loan?
A. He did the total loan. He just asked me for my information.
Q. Okay. I want to break that down a little bit. How did

that come about? How did he come to file and help you with an SBA loan?

A. Well, like I said, he was introduced as a financial advisor, that he have a couple of other businesses helping people get a small business, recover credit, so forth. I was introduced to him by Ginell, and she gave him my number and I reached out to him and I pretty much asked him if he was helping people during the pandemic, during the pandemic to get loans to help small business. I considered Princess House my small business as, you know, being a consultant, and he asked me for my information, name, date of birth, social, address. That was it.

Q. You mentioned that the defendant was introduced as a financial adviser; is that correct?

A. Correct, correct.

Q. Did you ever see any licenses or certifications of the defendant --

A. I didn't.

Q. -- that would show he is, in fact, a financial adviser?

A. I didn't. I trusted Ginell's judgment.

Q. Was that information that Ginell just told you?

A. Correct.

Q. You mentioned that you considered Princess House your business? Do you receive a Form 1099?

A. 1099.

Q. And is Form 1099 a form that's issued to independent contractors?
A. Correct.
Q. Not business owners?
A. No.
Q. Ms. Roper, can you display Government 2D, and can we zoom in on the top row, "General Company Information."
Ms. Banks, is that your name next to the field "Legal Name"?
A. Yes.
Q. I want to start by identifying the document which has been entered into evidence. This is a certified copy of your SBA loan files.
A. Okay.
Q. I'm going to be asking you some questions about what's on this document. Is this your business address next to the "Business Full Address" field?
A. That was home, yes.
Q. And is the address 653 Little Neck Road, Apartment 2302, Savannah, Georgia 31419?
A. Yes, it was at that time.
Q. Did you reside in Savannah while the application process was going on?
A. Yes.
Q. Is that your e-mail, phone number on the right-hand side

there?

A. Yes, it is.

Q. 2D2, please, Ms. Roper. Can we zoom in on 2D2, the amount of the loan.

Ms. Banks, if you could read out the number next to amount in the "Loan Info" row?

A. $123,400.00.

Q. Is that the amount of money that you received from the Small Business Administration?

A. Yes, before the 15 percent.

Q. And again, what is the 15 percent, the amount that you paid --

A. Of the total that was paid to Ben.

Q. Was this amount of money surprising to you?

A. In the beginning, yes, it was.

Q. How much money did you say you made from Princess House?

A. Five to ten.

Q. Five to ten thousand dollars?

A. Yes.

Q. And you got $123,400.00 from the SBA?

A. It was a surprise, but it was during the pandemic. I wasn't sure what the guidelines and all that was. I didn't know what the payout was really going to be.

Q. Did you ask any questions about that, about whether the amount was correct?

A. I did in the beginning when it first hit because he was keeping me posted of when it's to be expected and when it actually was deposited.
Q. Did you ask him, "Hey, 123 looks too high"?
A. I didn't say it was too high. I just said, "Wow, how did you get that much?"
Q. Did you have any discussion about giving the money back?
A. To be honest with you, no, in the pandemic ...
Q. 2D55, please. If we could scroll to the "Business/ Industry," Line 31.
Ms. Banks on Line 31, it says "Business Activity"?
A. Uh-huh.
Q. And what is the activity that's listed there?
A. It says health services.
Q. Do you have a health services business?
A. I do not.
Q. So that would be inaccurate?
A. Correct.
Q. Can we zoom in on Line 14, Ms. Roper. I'm reading Line 14 that says "Gross Revenues for the 12 Months Prior to the Day of the Disaster," COVID-19, in this case, January 31st, 2020. How much money does this form say that you made in gross revenues in the year prior to the pandemic?
A. $246,800.00, which is definitely incorrect.
Q. Definitely incorrect?

A. Correct.
Q. Did you say that you sell cookware and dinnerware as a part of your Princess House?
A. Yeah. He did ask him the business name, and I told him Princess House and I'm a consultant and what the items were.
Q. To make $246,800.00 in gross revenue you would have to sell a lot of cookware and dinnerware; correct?
A. Yes. I mean, there are $150.00 or $200.00 pots, but still ... but that's extreme.
Q. That's a lot of pots?
A. Yes.
Q. Did you do that?
A. No.
Q. Can we zoom in on Line 33, "Number of Employees," Ms. Roper.
Ms. Banks, how many employees does your SBA application represent that you employed as of January 31st, 2020?
A. It said seven. I had no employees. It's just me.
Q. You had zero employees?
A. Yes.
Q. So seven would be inaccurate?
A. Yes.
Q. Did you tell Bernard Okojie that you had seven employees?
A. No.
Q. Did you tell him that you made $246,800.00?

A. Absolutely not.
Q. Did you tell him that you employed seven people?
A. No.
Q. What did you tell him?
A. I told him that I was a consultant for Princess House and the type product that I did sell. That was it. He didn't ask me nothing about employees.
Q. Did you give him your personal information?
A. Yes.
Q. And what type of information did you provide?
A. That I can recall, it was the name, of course, the address, date of birth, social security number, Princess House title consultant. That was it.
Q. Please display Government's 12G, Ms. Roper, 12G.
Ms. Banks, did you pay the defendant for completing the application we just discussed?
A. Yes.
Q. Was that a percentage of the loan?
A. Correct.
Q. Do you recognize the bank statement that is excerpted on Government 12G?
A. Yes.
Q. Is that your bank statement?
A. It is my bank statement.
Q. And on this bank statement, there is an entry on July the

27th that says $123,300.00 with some fees was deposited into your account?

A. Correct.

Q. Are these the loan proceeds?

A. Yes.

Q. You received these?

A. Correct.

Q. Can we move to 12G2? Zoom in on the check at the top of the page.

Ms. Banks, do you recognize this check?

A. Yes.

Q. And what is the date of that check at the top right-hand corner?

A. July 29th of 2020.

Q. And the amount?

A. $18,495.00.

Q. And is your name Katina L. Banks?

A. Correct.

Q. And this is your bank account?

A. Yes.

Q. Who is this check made out? Who is the entity next to --

A. B&K Freight, LLC.

Q. Why did you make this check out to B&K Freight, LLC?

A. That's who he told me to make it out.

Q. Who is "he"?

A. Ben, that's who Ben told me to make it out to. I didn't question it because he had multiple businesses. It wasn't -- and I trusted him.
Q. Do you know the defendant as Ben?
A. Ben, yes.
Q. Was it strange to you that you paid for loan processing fees to a freight company?
A. Like I said, it wasn't strange to me at that time because I knew he had multiple businesses. I just thought he was choosing to put that funds somewhere else -- somewhere, wherever he wanted it to be put.
Q. $18,000.00, $18,495.00 as a processing fee, does that seem high to you?
A. That is high.
Q. Had you ever paid a financial fee that high in your life?
A. No.
Q. Please display Government 16B. If you could, Ms. Banks, let me start by asking you, have you been interviewed in this case by the agents?
A. Correct.
Q. And have you provided some of the text messages between you and the defendant?
A. Correct.
Q. Do you recognize this text message excerpt in Government 16B?

A. Yes.
Q. Let's start at the top. What does it say at the top of the text message in terms of who it is from?
A. "SBA Ben ATL."
Q. Is that how he was saved in your phone?
A. Yes.
Q. Why did you save him as "SBA Ben ATL"?
A. Because he had told me that he was from Atlanta and that he was -- you know, he was doing the SBA, he was helping people with the SBA loans.
Q. Did he represent or hold himself out as being affiliated with the SBA?
A. No.
Q. Did you just associate with him --
A. Correct.
Q. -- because he was processing loans?
A. Correct.
Q. Could you read the text message?
A. "Hey beautiful sorry delayed response. Been a very busy day for me all day. I can't really remember because I don't have your information anymore but you can log in yourself and see and I'm also positive I used sole proprietor I use to apply for you. Go back to the e-mail where they said create an account when I was doing the loan. Click on it where it says log in, put your e-mail as user name, then used this as password

and then 654321Ab. It should take you into your account and there will be -- there will see the information you are asking about."

Q. In general, is this a conversation between you and the defendant discussing how to get information about your application --

A. Correct.

Q. -- from the portal? What were you trying to get, what information?

A. I wanted to see what exactly he put on that application because it hit me after the fact that this was a lot. I was curious to know what did this man put on my application, and that's when I reached out to him and that was my question, "Do you have a copy of my application?"

Q. Okay, and then --

A. This is my -- this is the reply I got.

Q. From him?

A. To pretty much look in it, go into it myself.

Q. This is after you paid him $18,000.00?

A. Yes.

Q. And he told you basically "Figure it out yourself; this is your information"?

A. Yes.

Q. In terms of the information he provides a password?

A. Correct.

Q. What's the password that's listed there?
A. 654321Ab.
Q. And what does he direct you to use for the user name?
A. My e-mail address.
Q. Did you use that user name and password to log into the SBA account?
A. Yes, because that's what he gave me. He gave me the information to be able to get into the account. I was told not to touch the account, not to touch anything in there until it gets approved.
Q. Do you recall signing any documents when you logged into the account?
A. When he told me to go in, yes, I did. I did a digital type signature.
Q. In order to get the loan money, you had to sign something?
A. Correct.
Q. Did you read any of those documents?
A. No, I didn't.
Q. Did the defendant ever ask you for the names of other people who might be good SBA loan customers?
A. He did ask me if I had anyone else that would be interested in a Small -- an SBA loan that have a small business, yes.
Q. And did you make any referrals or recommend any names?
A. I did.

Q. Who did you recommend?
A. My aunt, Angela Lovelady, and I did mention Kelvin Fletcher.
Q. We talked about how you got $123,400.00 in the loan?
A. Uh-huh.
Q. Did you spend any of that money on personal expenses?
A. Credit cards. I paid off credit cards.
Q. Did you use it to pay off a car?
A. Yes.
Q. And did you use it occasionally for rent money?
A. Yes.

MR. JOSEPHSON: No further questions, Your Honor.

THE COURT: Cross-examination, Mr. Ossick.

EXAMINATION

BY MR. OSSICK:

Q. Ms. Banks, you indicated that you had some conversations with Agent Dye; is that correct?
A. Correct.
Q. And some were over the phone and some were in person?
A. Correct.
Q. When did you most recently talk with him?
A. I believe it was last week around pretrial kind of.
Q. Getting ready for?
A. Yes.
Q. Do you recall how many times you've talked with him?

A. At least -- at least three total after I met with him.
Q. Three after you met with him?
A. Uh-huh.
Q. And you met him with at your house; is that correct?
A. Initially, yes.
Q. And that was in July of 2021?
A. Correct.
Q. And he interviewed you at that time?
A. Correct.
Q. In that meeting, do you recall him telling you that "You know any loans that you were getting, that were received with false statements or misrepresentations is a federal crime"?
A. Yes.
Q. Do you recall him telling you that "Right now you need to think about yourself, that you may be able to help yourself"?
A. Yes.
Q. Told you he couldn't promise anything but maybe there's an opportunity for you to help them out and provide things to them; is that correct?
A. That's correct.
Q. And so you provided things; is that right?
A. That's right.
Q. And that's like this text that you did?
A. Correct.
Q. And you continued to talk, he continued to talk with you

about how that could help you out -- is that true -- during that meeting?

A. Correct.

Q. And he told you, didn't he, that "If you are going to help us, it has to be the way we say to do it; do you understand that"? Do you recall him telling you something of that nature?

A. I don't recall that. I don't recall that.

Q. Do you recall him telling you about who you could or couldn't discuss something with?

A. Yes.

Q. Did he tell you that if you didn't do it that you could lose the opportunity to help yourself?

A. No, it was not -- no, I did it because I wanted to do what was right.

Q. Not to help yourself?

A. Of course, I want to help myself, yeah.

MR. OSSICK: Okay, thank you.

THE COURT: Any brief redirect?

MR. JOSEPHSON: Brief redirect, Your Honor.

REDIRECT EXAMINATION

BY MR. JOSEPHSON:

Q. Ms. Banks, are you here today to tell the truth?

A. Yes.

Q. Are you here today just to say whatever you think the Government wants you to hear -- let me ask that again. Are you here today to testify to facts just because the Government wants you to say something?

A. No.

Q. Has anybody from the United States Government, Agent Dye, Ms. Stanley, Agent Lott has anybody ever promised you anything with respect to this investigation?

A. No.

MR. JOSEPHSON: No further questions, Your Honor.

THE COURT: Any objection to this witness being excused?

MS. STANLEY: No, Your Honor.

MR. OSSICK: No.

THE COURT: Ms. Banks, you may be excused.

Call your next witness.

MS. STANLEY: The Government calls Angela Lovelady.

ANGELA LOVELADY,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated.

MS. STANLEY: Good morning, Ms. Lovelady.

THE CLERK: If you will please state your full name and spell your last name.

THE WITNESS: Okay, my name is Angela Lovelady. L-o-v-e-l-a-d-y.

DIRECT EXAMINATION

BY MS. STANLEY:

Q. Ms. Lovelady, in what city and state do you live?
A. I live in Huntsville, Alabama.
Q. Where do you work?
A. My full time job, I work at NASA.
Q. And what do you do at NASA?
A. I am a program analyst, budget analyst at NASA.
Q. You work with finances?
A. Yes, ma'am. Yes, ma'am.
Q. Do you also have a business?
A. Yes, ma'am.
Q. What kind of business is that?
A. It is a professional vocational business, coaching, event coordinating, event planning and things like that, coaching.
Q. What's it -- go ahead, I'm sorry.
A. It's, like I said, coaching, event planning, event coordinating, just, you know, doing things in the community to help people plan events and things.
THE COURT: What do you coach?
THE WITNESS: It's people. It's a life coach, coaching destiny, destiny life coach. The name of the business is Inspired By A Lovelady.
Q. (By Ms. Stanley) Do you have a health services business?
A. No, ma'am.
Q. Do you know Bernard Okojie?
A. Yes, ma'am.

Q. Do you know him by another name?
A. Ben.
Q. Have you met with Ben before?
A. One time.
Q. Would you recognize him?
A. I would -- I would say so.
Q. Do you see him in this room? Let me ask you this: Is the individual sitting at the table to my left, is this the man that you know as Ben?
A. Can I stand up?
THE COURT: Yes.
THE WITNESS: Okay, thank you. Yes, ma'am.
MS. STANLEY: And let the record reflect that the witness has identified the defendant.
THE COURT: It will so reflect.
Q. (By Ms. Stanley) How do you meet Ben, Ms. Lovelady?
A. My niece, she contacted me and told me about Mr. Ben's services and what he was providing as far as, you know, being a financial adviser, instructor, and so I met him through my niece. That's how I contacted him.
Q. Who is your niece?
A. Katina Banks.
Q. Do you know if Ben had gotten an SBA loan for her?
A. Yes, ma'am.
Q. Did Ben fill out an application for an SBA loan for you in

August of 2020?
A. Yes, ma'am.
Q. Did you speak with him on the phone around that time?
A. Yes, ma'am.
Q. Did you call him or did he call you?
A. I called him.
Q. Did Ben ask you if you had a business?
A. Yes, ma'am.
Q. What did you tell him?
A. Yes, ma'am.
Q. And what did you tell him about your business?
A. You know, I told him that, you know, I did coaching or whatever, but we didn't really talk about the business much. It was mainly, you know, trying to establish that I did have a business.
Q. Did you give him your personal information?
A. I did.
Q. Do you remember which pieces of personal information you gave him?
A. Whew. Of course.
Q. Your name?
A. Yes.
Q. Social security number?
A. Yes.
Q. How about your date of birth?

A. Date of birth, e-mail address, telephone number.
Q. Bank account information?
A. Bank account information.
Q. Did Mr. Okojie or Ben ask you if the business had any employees?
A. I don't remember us talking about employees. I don't remember that conversation.
Q. Does the business Inspired By A Lovelady have any employees besides you?
A. No, ma'am.
Q. How much did that business make in the 12 months before January 31st, 2020, so basically 2019?
A. It was under -- I don't know the exact amount but I know it was under $10,000.00.
Q. Has the business ever made more than that in a year?
A. No, ma'am.
Q. Did Mr. Okojie ask how much the business made during that same time period?
A. He did not ask -- he did not ask -- he just said what was the income of that business and I told him it was under 10K.
Q. Did Ben tell you that he was going to fill out the loan application for you?
A. Yes, ma'am.
Q. Did he ask you to provide any documentation about the business?

A. No, ma'am, just the business bank account, that it was a business bank account.
Q. Which bank account did you give him the information for?
A. It was a Regions Bank for the Inspired By A Lovelady business.
Q. Ms. Roper, will you please pull up Government's Exhibit 2I and go to Page 71 and zoom in on that middle section, please.
And I know the font is small, Ms. Lovelady. Looking at Line 8, does it say Inspired By A Lovelady?
A. Yes.
Q. That's the name of your business?
A. Yes.
Q. Looking at Line 14 where it says gross revenues for the 12 months prior to the date of the disaster, January 31st, 2020, what number is on that line?
A. $246,000.00.
Q. Is that how much money the business made during that time period?
A. No, ma'am.
Q. And is that your address?
A. Yes, ma'am, it is.
Q. Is that your phone number?
A. Yes, ma'am.
Q. And is that your e-mail address?
A. Yes, ma'am.

Q. Line 31, business activity, does that say that this is a health services business?
A. That's what this says.
Q. And that is incorrect?
A. That's incorrect.
Q. Lastly the last line on the page, 33, how many employees does it say that your business had?
A. Four.
Q. That is incorrect?
A. That's incorrect.
Q. Thank you. Ms. Roper, you can take that down.
Ms. Lovelady, when Ben had finished filling out the application, did he tell you when it was done?
A. Yes.
Q. And what happened next in the process?
A. Okay, from what I can recall. When the information -- when he, you know, replied and said that "The information is in, you can expect" -- well, I think when the information was in, I had to, the document came, the promissory note, I guess you could call it, it came where I would agree to pay for the, you know, borrow the money, and I did sign that I would borrow the money.
Q. Do you remember if Ben created a password for you to log into a Web site?
A. Yes, ma'am, I believe -- yes, ma'am.

Q. Is that how you logged into the SBA Web site to sign the promissory note?
A. Yes, ma'am.
Q. Did you ultimately get loan money from the SBA?
A. Yes, ma'am.
Q. How much?
A. 123,000.00.
Q. Was that deposited into your Regions Bank account?
A. Yes, ma'am.
Q. Did you pay Ben any of that money?
A. Yes, ma'am.
Q. How much?
A. It was around 18, it was more than 18,000.00. Maybe 18,243.00 or something like that, 18,000.00.
Q. Was that his fee for filling out the loan application?
A. Yes, ma'am.
Q. Did he tell you that it was a percentage of the loan amount?
A. Yes, ma'am.
Q. And did he tell you what that percentage was upfront?
A. Yes, ma'am, I knew it upfront, yes, ma'am.
Q. Did that seem high?
A. I never -- I never had, you know, asked for services, you know, before, so I thought that that was, you know -- that was the fee and I -- you know, I agreed to pay the fee.

Q. Did that loan amount seem high to you for a business that had never made more than $10,000.00?

A. Well, I didn't know -- I paid for his services because I knew he knew more than me. He knew, you know, maybe the allowances, the special provisions and things like that, so I actually thought that that was like the maximum amount that I could borrow, so I agreed to pay the maximum amount to borrow. That's, you know, so that's -- that's where I was. You know, I thought that was the maximum amount that I could borrow.

Q. Ms. Roper, will you please put Government's Exhibit 12L and go to Page 2.

Ms. Lovelady, how did you pay Ben for his fee?

A. It was a cashier's check.

Q. Is this that check?

A. Yes, ma'am.

Q. Who is it made out to?

A. It is made out to B&K Freight, LLC.

Q. Did you know what that business was?

A. No, ma'am. It was -- you know, it was his business, you know. Like I said, I -- that's what he -- I asked, "Who do I make the check out to?" That's what he said so that's what I did.

Q. Let me direct your attention, do you see where that red box is under the check number at the top?

A. Yes, ma'am.

Q. What does that say after your name?
A. "Truck leasing."
Q. Did you put that on the cashier's check?
A. Yes, ma'am.
Q. Did he tell you to do that?
A. Yes, ma'am.
Q. Did that seem strange to you?
A. No, ma'am.
Q. You knew this check wasn't for truck leasing?
A. Yes, ma'am. I mean, I didn't -- I did what he asked me to do, so I thought that was the -- since he was a financial wizard, if I may say that, I thought that that's what he wanted this money to go, that's how he wanted it categorized for his, you know -- where he wanted the check to go. That's what I ...
Q. Where did you meet him to give him this check?
A. I met him in -- in Tennessee. Chattanooga, Tennessee.
Q. About how far is that from your home?
A. It's probably about hour and a half maybe or so.
Q. Where did you meet him in Chattanooga?
A. It was like on the main street, Broad Street, so it's kind of like the Chattanooga hotel. I was just trying to find a place to meet him that was, you know, that was easy to find.
Q. Did you know where he was living at the time?
A. I was told he lived in Atlanta.
Q. Did it seem strange to you -- did he -- let me back up.

Did he ask to meet in Chattanooga or how did y'all decide to meet in Chattanooga?

A. No. I asked could I meet him in Chattanooga because I was going to be en route stopping at this place. So I thought that would be -- that would be fair to get a halfway point especially since I was already, you know, going to be out, so I did choose the place.

Q. Where did y'all meet in Chattanooga?

A. It was --

Q. What establishment were you at?

A. It was the Chattanooga hotel. I can't remember the exact name, but it was the main hotel in that area on Broad Street.

Q. Do you go into the hotel?

A. No, ma'am.

Q. You met in the parking lot?

A. Yes, ma'am, basically.

Q. Ms. Roper, will you please pull up Government's 16C and go to Page 6.

Ms. Lovelady, did you provide the Government with some text messages between you and Ben?

A. Yes, ma'am.

Q. Are these those text messages?

A. Yes, ma'am.

Q. At the top where it says "SBA loan officer," is that how you identified Ben in your phone?

A. That's how I identified him in my phone because I knew it was an SBA loan that I was trying to acquire, so I wanted to make sure that I knew that that was -- that conversation.
Q. Did he tell you that he worked for the Small Business Administration?
A. He did not.
Q. Did he tell you that he had a financial advisory company?
A. He did not tell me, but that's what I was told, that he was, you know, a financial adviser.
Q. That's what your niece told you?
A. Yes, ma'am.
Q. Did he ever provide you with any kind of licenses or any other indication of a financial business?
A. No, ma'am.
Q. Let me direct your attention, Ms. Lovelady, to that text at the bottom of the page. I know it's kind of small.
Do you see where it says end of the sentence "fine," can you read that next line for me, please?
A. "Cashier check should be B&K Freight, LLC."
Q. What about the text below that?
A. "If they ask purposes just tell them for truck leasing."
Q. Who is sending those text messages?
A. Ben.
Q. And did you respond to that?
A. "Okay, will do, thanks."

Q. And was this the discussion of how to address the cashier's check that you gave to Ben?
A. Yes, ma'am.
Q. You can take that down, Ms. Roper.
Ms. Lovelady, did you know that this money was a business loan?
A. Yes, ma'am.
Q. And did you know that the money was to be used on business expenses?
A. Yes, ma'am.
Q. Did you know this money was a loan that you had to pay back?
A. Yes, ma'am.
Q. After you paid Ben his fee, what did you spend the rest of the loan money on?
A. I made payments to the SBA. Bought, of course, supplies and materials and some equipment for the business. I bought a company vehicle.
Q. About how much did you spend on that vehicle, do you remember?
A. It was around 40, about 45, 46K is how much the vehicle cost.
Q. And did you treat some of the money as salary?
A. Yes -- I would say, yes, ma'am, because I used that to survive during the pandemic to help support my family.

MS. STANLEY: No further questions, Your Honor.

THE COURT: Cross-examination?

MR. OSSICK: No questions.

THE COURT: Any objection to this witness being excused?

MS. STANLEY: No, ma'am.

THE COURT: You may step down.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

MS. STANLEY: The Government calls Princewill Moneme.

PRINCEWILL MONEME,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated.

SPEAKER: Your Honor, I just wanted to note this.

THE COURT: Continue, counsel.

THE CLERK: You may be seated.

And, sir, if you will please state your full name and spell your last name.

THE WITNESS: Princewill Moneme. M-o-n-e-m-e, my last name.

DIRECT EXAMINATION

BY MS. STANLEY:

Q. Where do you live?

A. I live at 7545 Tyler Road, Jonesboro, Georgia.

Q. Can I ask you to lean forward a little closer to the mike so we can all hear you and speak up as best you can. Thank you.

What do you do for a living, Mr. Moneme?

A. Transportation. I drive Uber. I drive Lyft. I drive -- I'm a truck driver as well.

Q. Do you know the defendant, Bernard Okojie?

A. I've met him before.

Q. Would you recognize him?

A. Yes.

Q. Do you see him in the room this morning?

A. Yes.

Q. Can you identify him, where he is?

A. Right there.

MS. STANLEY: Let the record reflect that the witness has identified the defendant.

THE COURT: It will so reflect.

Q. (By Ms. Stanley) How did you meet Mr. Okojie?

A. A friend of mine referred him to me.

Q. Why did he refer you to him?

A. I met him, he referred me to him prior to when I was looking for a facilitator.

Q. A what?

A. A credit facilitator like a loan.

Q. A loan?

A. Yes, ma'am.

Q. Did he help you with your credit in any way, with your

credit score?
A. My credit score?
Q. Yes.
A. No.
Q. Did Mr. Okojie apply for an SBA loan for you?
A. Yes, he did.
Q. In July 2020?
A. I can't be exact with the date but in 2020.
Q. And a mutual friend put you in touch with him; correct?
A. My friend that referred him to him, to Mr. Ben?
Q. Yeah. Is that what happened? I believe you said a mutual friend connected the two of you.
A. Yes, ma'am.
Q. And were you interested in getting an SBA loan? Did you tell your mutual friend that?
A. No.
Q. Your friend mentioned that he was doing SBA loans?
A. He didn't mention it was an SBA. I told him I was looking for a credit facility or a loan because I had an issue, so in the course of discussion with my friend, he said, oh, he knows one Ben that can help me to get a loan, so he give me his -- his contact.
Q. Did you call him?
A. I did call him.
Q. And what did he tell you during that phone call?

A. When I called him, I said, "My friend referred me to you to assist with the loan application or to get a loan, so what are the requirements?" That is what I asked him so he said he was going to send me the requirements and that was the conversation we had.

Q. Did he ask you if you had a business?

A. No.

Q. Do you have a business?

A. I drive for myself, and I have a 1099, so I'm an independent contractor.

Q. Do you have any employees?

A. No.

Q. So he didn't ask you if you had any employees?

A. No, he just send me a template on WhatsApp on what it was I should give him, which includes just my name, phone number, address, my account details, my e-mail. That was all.

Q. Ms. Roper, can you please pull up Government's Exhibit 16A and go to Page 2.

Mr. Moneme, you mentioned that -- let me back up. Can you identify this?

A. Yes.

Q. What is this?

A. So this was the -- the -- like the WhatsApp conversation between the two of us after I called him. I said, "What are the requirements," so he said he's going to send it to me so he sends the things needed to me, which include my name, address, county where I live, date of birth, my basic information, so I sent it to him.

Q. And was this the only information you provided to him?

A. Perfect.

Q. He didn't ask you about how much money you had made?

A. No. Just after this conversation, that was it.

Q. After this, did he fill out a loan application for you?

A. Whatever he did afterwards it was not privileged to me because all he asked me, I asked him what are the requirements. He sent this and this was my response to it and that was the only thing I know of behind that.

Q. Did you receive an SBA loan?

A. I received a loan. At the time I received it, I didn't know the source but it was credited to my account.

Q. Do you know where that loan was from?

A. Yes.

Q. Was it from the Small Business Administration?

A. Yes, ma'am.

Q. Did you give Mr. Okojie access to your e-mail account?

A. Yes. Because after I did, so he asked for my -- my log-in details so that he can be able to follow up with whatever it is, the requirements are, because I drive most of the time. I can't be able to check real time online on my phone so I gave him everything that he needed.

Q. So if the SBA sent you e-mails, would he have been able to access those?
A. Yes.
Q. Ms. Roper, can you please pull up Government's Exhibit 2C and go to Page 56. Will you zoom in on that middle section all the way across, please.
Mr. Moneme, looking at the top of this section, Line 8 where it says "Business Legal Name," is that your name?
A. That was my name.
Q. Line Number 10, is that your social security number?
A. Yes, ma'am.
Q. Line Number 14 where it says "Gross Revenues for the 12-Month Prior to the Date of the Disaster, January 31st, 2020," do you see that number?
A. Yes.
Q. What number is that?
A. $234,000.00.
Q. Did you make that much money in that period?
A. No.
Q. Did you tell Mr. Okojie you made that much money?
A. No.
Q. Is that your address, looking a little further down on the page, in Jonesboro?
A. Yes, ma'am.
Q. Is that your telephone number?

A. Yes, ma'am.
Q. Is that your e-mail address?
A. Yes, ma'am.
Q. Looking at the last line on the page, Number 3, "Number of Employees as of January 31st of 2020," what number is in that line?
A. Four.
Q. And you previously stated you don't have any employees; correct?
A. Yes.
Q. You can take that down, Ms. Roper.
So you did not sign any documents to get this loan?
A. I did not.
Q. Is that correct?
A. I did not.
Q. Was that loan money from the SBA deposited into your bank account?
A. Yes.
Q. Is that a Bank of America bank account?
A. Yes, ma'am.
Q. Did you pay Ben any of that money?
A. Yeah. He took 12 percent of the -- of the amount.
Q. Did you negotiate that fee?
A. Yeah, because I -- when he only told me about the fee, I was like "20 percent is a whole lot because this is a loan I'm

applying for and I have to pay it," so I told him no, so had to kind of back and forth because he presented himself as "This is what I do for a living," so I said okay, and we arrive at 12 percent.

Q. He initially asked you for 20 percent?

A. Yes, ma'am.

Q. How did you pay him?

A. When the money got credited to the account, we went to the bank together so I got a cashier's check from the bank and gave it to him.

Q. Did he go into the bank with you?

A. No. He was in the parking lot but I got the cashier's check from the cashier in the bank. I came out of the banking premises. I met him in the parking lot and I gave him the check.

Q. Where was the bank?

A. Somewhere in Riverdale.

Q. In Georgia?

A. Yes, ma'am.

Q. Ms. Roper, will you please pull up Government's Exhibit 12F and go to the second page of that document. Will you zoom in on the check at the bottom.

Is this the check that you gave Ben?

A. I didn't have a clear look at the check, so I can't be able to say if it is yes or no.

Q. Let me ask you this: I know it's a little unclear, but do you see where it says "Remitter Purchased By"?
A. Do what?
Q. Can you read this, please?
A. "Remitter Purchased by Princewill Moneme."
Q. And this check is from Bank of America; is that correct?
A. Yes, ma'am.
Q. That's where you went to check get the cashier's check?
A. Yes.
Q. And what's the amount of this check?
A. $14,040.00.
Q. Did Mr. Okojie tell you who to make this check out to?
A. He gave me his company name.
Q. Is that what's reflected on this check?
A. Yes, ma'am.
Q. What's the name of that company?
A. B&K Freight, LLC.
Q. Did you think it was odd that you were paying this fee for a financial service to a freight company?
A. No. Say that again.
Q. Do you know what a freight company is?
A. No.
Q. Did you ask him any questions about what this business was?
A. No. He -- he just made himself look like "This is my

business and this is the business name," so I don't need to start asking him what is the business for.

Q. Mr. Moneme, did you know that this was a business loan?

A. No. I applied for a personal loan with my personal name. My name is Princewill Moneme, and when I met him for this loan, I asked for a personal loan with my name and my social security number. So that was all I know about it.

Q. Did you know that it was a loan that you had to pay back?

A. I apply for a loan to pay back, so I assumed that was a loan to pay back and I've been paying my money.

MS. STANLEY: You can take that down, Ms. Roper. Nothing further.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. OSSICK:

Q. Do you know Mrs. Okojie?

A. Mr. Okojie or Mrs. Okojie?

Q. Mrs., his wife.

A. I can't recognize her.

Q. You can't remember if you know her?

A. I can't recognize if I see her.

Q. You haven't seen her recently that you know of, then?

A. I haven't seen her recently.

Q. How many times have you talked with Agent Dye, FBI Agent Dye? Have you ever talked with him? Let me start there, I

guess.
A. He called me sometime last year. I spoke with him last year.
Q. So you've only had the one conversation with him?
A. No. Then he was the one that called me again that I've been subpoenaed to come and testify for this.
Q. And when was that?
A. I can't be exact with dates, but it's like two or three, four weeks, two or three weeks ago.
Q. Now the conversation, the first one you had with him was a telephone conversation; is that correct?
A. Yes, sir.
Q. Does November the 2nd of 2022 sound about right for when that took place?
A. I can't be exact with the date.
Q. You just don't know?
A. I can't be exact the date I had the conversation with him.
Q. Well, do you recall in that Agent Dye asking you, "Did you make anywhere near $234,000.00 in the year 2019?" Do you recall answering it and telling him most likely?
A. No.
Q. You didn't do that?
A. I can't recall.
MR. OSSICK: Okay, thank you. That's all.
THE COURT: Any brief redirect?

REDIRECT EXAMINATION

BY MS. STANLEY:

Q. Briefly, Your Honor. Mr. Moneme, do you have any estimate of how much money you did make in the 2019 period?

A. Did I do what?

Q. How much money did you make in 2019? Do you have an estimate?

A. I can't recall.

Q. Was it more than $200,000.00?

A. No.

MS. STANLEY: Nothing further.

THE COURT: Any objection to this witness being excused?

MS. STANLEY: No, Your Honor.

THE COURT: Sir, you may step down and you're excused.

THE WITNESS: Okay. Thank you, ma'am.

THE COURT: Yes. All right, counsel, call your next witness.

MS. STANLEY: The Government calls Rita Addo-Minta.

RITA ADDO-MINTA,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated and if you will please state your full name and spell your last name.

THE WITNESS: Rita Addo-Minta, last name A-d-d-o hyphen M-i-n-t-a.

DIRECT EXAMINATION

BY MS. STANLEY:

Q. Good morning, Ms. Addo-Minta.
A. Good morning.
Q. Where do you live?
A. 125 Brush Hollow Court, Fayetteville, Georgia.
Q. Where do you work?
A. Little Angels Academy and New Beginnings Academy.
Q. What are they?
A. They are both in Riverdale, Georgia.
Q. And what are they?
A. I have childcare centers.
Q. Do you know the defendant, Bernard Okojie?
A. Yes, ma'am.
Q. How did you meet him?
A. I met him at my former business in the mall, Southlake Mall.
Q. What was that former business?
A. It was a line of cosmetics.
Q. So did you have a store at the mall?
A. Yes, ma'am.
Q. Did he stop by that store?
A. Yes, ma'am.
Q. Were you romantically involved with the defendant?
A. Yes, ma'am.

Q. When was that?
A. About two years ago.
Q. 2021?
A. Around there.
Q. What about in 2020?
A. 2020? Yeah, it was around 2020, around there.
Q. Are you involved with credit boosting?
A. No, ma'am.
Q. What is that, do you know what that is?
A. Credit boosting?
Q. Or credit repair.
A. Credit repair? No.
Q. Do you know what that is?
A. I know credit repair but ...
Q. You're not personally involved in doing credit repair?
A. No, ma'am.
Q. Do you know whether the defendant, Mr. Okojie, was involved in credit repair?
A. No, ma'am.
Q. He was not or you don't know?
A. I don't know. I don't know if he was involved in credit repair.
Q. Do you know a man named Brandon Richardson?
A. Yes, ma'am.
Q. How do you know him?

A. Brandon does credit repair.
Q. And do you know what the purpose of credit repair is?
A. It's to fix your credit.
Q. Is that so that you can borrow more money?
A. Yeah.
Q. To increase your credit score?
A. It's to increase your credit score.
Q. Did you introduce Mr. Okojie to Brandon Richardson?
A. Yes, ma'am.
Q. How did you introduce them?
A. Mr. Okojie took Brandon's card -- Mr. Okojie took -- tried to call Brandon.
Q. So you gave Mr. Okojie Brandon's card?
A. Not physically give him the card but he took the card to call him.
Q. So did you give Mr. Okojie Brandon Richardson's phone number?
A. I don't understand that statement.
Q. Let me back up. So you testified that you introduced, connected Mr. Okojie and Brandon Richardson; is that accurate?
A. Yes.
Q. How did you do that?
A. He took his business card and he called him.
Q. He took his business card from you?
A. Yes.

Q. And why did you give Mr. Okojie his business card?
A. He was looking to -- someone to repair credit, so that's how come I give it to him.
Q. You knew that Mr. Richardson did credit repair?
A. Yes, that's his business.
Q. Did you ever talk about SBA loans with Brandon Richardson?
A. Brandon Richardson? Yes.
Q. Did you know that he was filling out SBA loan applications for other people?
A. No.
Q. You did not know that?
A. No, ma'am.
Q. So what was the substance, what was your conversation with him about SBA loans?
A. He asked me if I was going to apply for my business, and I said yes and he said he was also. That was it.
Q. That was it?
A. Yes.
Q. Where did that conversation take place?
A. We spoke on the phone.
Q. Do you remember when that was?
A. I don't recall.
Q. Was it 2020? Does that sound accurate?
A. I don't remember.
Q. Was it after COVID-19 had started?

A. It was after COVID-19 started.
Q. Did Mr. Richardson ever come to your house?
A. Yes, he did.
Q. And about how many times?
A. One time for barbecue.
Q. Is that when you gave him, is that when you had the conversation about SBA loans?
A. No.
Q. That was on the phone?
A. That was on the phone.
Q. Later, at a later time?
A. I don't recall.
Q. You said that you were going to apply for SBA loans for your businesses?
A. Yes, ma'am.
Q. Did you apply for SBA loans for your businesses?
A. Yes, ma'am.
Q. How many loans did you apply for?
A. One for each of my business.
Q. So two?
A. For my -- for my -- for all my businesses I had, I have.
Q. Do you have more than two businesses?
A. I have a cosmetic line also.
Q. Okay. Is there anything else?
A. That's it.

Q. So you applied for three SBA loans?
A. Yes.
Q. And did you receive money from those loans?
A. Yes.
Q. About how much?
A. I don't recall.
Q. More than a hundred thousand dollars?
A. For my -- for my day care, yes.
Q. Total, would it be more than $500,000.00?
A. No.
Q. It was somewhere in between 100 thousand and 500 thousand dollars total?
A. Yes.
Q. Did you ever talk about SBA loans with Bernard Okojie?
A. No.
Q. Never?
A. Never.
Q. Did you know that he was preparing SBA loans?
A. Never.
Q. So neither Brandon or Mr. Okojie filled out an SBA loan application for you?
A. No, ma'am.
Q. Did anyone else help you with your loan application?
A. No, ma'am.

MS. STANLEY: One moment, Your Honor. Nothing further, Your Honor.

THE COURT: Cross-examination, Mr. Ossick.

MR. OSSICK: None.

THE COURT: Any objection to this witness being excused?

MS. STANLEY: No, Your Honor.

THE COURT: Ma'am, you may step down and be excused.

THE WITNESS: Thank you.

THE COURT: And ladies and gentlemen of the jury, it is just about noon. So it's time for us to break for lunch. So we will be on our lunch break from 12:00 until 1:15, so be in your jury room in time for us to start promptly at 1:15.

Remember as we go out into the larger world, don't talk about the case, don't make up your mind, don't do any research, don't consume any media about the case.

With that, let's rise for the jury.

(The jury exits the courtroom.)

THE COURT: Counsel, we will be in recess until 1:15.

(Recess from 11:56 a.m. to a 1:24 p.m.)

THE COURT: Before we bring the jury in, I want to go on the record and explain that, as we started to get back in session after the lunch break, there's been some sort of a power problem here. And Ms. Sharp, what does it affect as far as your systems go?

THE CLERK: Judge, I don't believe -- it is not back on. I'm running on battery power. This system is running through a hard power on the third floor, but I don't believe the Government's table has power nor Defense nor the law clerks' table or the jury box. So displaying evidence might be an issue in here unless you wanted to test and see if we can display --

THE COURT: We have a courtroom on the third floor that has a jury box in it. It's going to be an effort for all of you to take everything up there and I assume we will have the ability to do all the electronics that we need up there.

THE CLERK: We should.

THE COURT: Including show the parties, they will be able to show electronically their evidence?

THE CLERK: Yes, Your Honor.

THE COURT: We will have to do that, at least for this session, from now until our afternoon break. They apparently they have no idea what causes it. We've never had it happen before. And we will have to just change courtrooms up to the third floor.

As far as the jury room, we can use the visiting judge's chambers sort of like we did for our large trial. And when we do recess or ask them to step out, we will escort them there. There's restrooms and space and so forth in that room, and meanwhile our IT people, Jeff, are you able to detect?

MR. MORGAN: I don't see any breakers so I'm going to start at the source and work my way back.

THE COURT: Let's bring in the jury. Counsel, any objection to using the other courtroom?

MR. JOSEPHSON: No, Your Honor.

MR. OSSICK: No.

THE COURT: Let's bring in the jury.

(The jury enters the courtroom.)

THE COURT: Members of the jury, welcome back. While we were at lunch, we had a systems failure in the courtroom electronically, and as a result there are certain whole panels of electricity that are not working. Rather than keep you waiting while the IT people and the electrical experts try to fix it, we do have a smaller courtroom available up on the third floor that will accommodate everybody and allows what we need to do while they try to fix whatever happened in this courtroom.

So in just a moment we're going to take a break just to reposition ourselves and so the marshal will take you back into your break room just very briefly. All of our exhibits -- Ms. Sharp, is it coming up?

THE CLERK: Your Honor, I don't believe so.

THE COURT: Hope springs eternal. We're going to take all of our exhibits and so forth up to the third floor and we will proceed trying the case. All of the preliminary instructions and other instructions that I've given you will, of course, apply.

The only thing that is changing is we're going to continue with the trial in a smaller courtroom on the third floor.

The good news for you is you will have a larger jury room because we will set you up in a larger facility up there if we're still trying the case when we come to our next break, and as I say, if we do get the electrical panels repaired down here, we will repair back here because it is a larger courtroom.

So all of the previous admonitions still apply and, marshal, when we break in just a moment, if you will get them comfortable in the jury room and then we will take them back up and you will get a tour of more of our courtrooms.

All right, let's rise for the jury.

(The jury exits the courtroom.)

(Recess from 1:30 p.m. to 2:05 p.m.)

THE COURT: All right, let's bring in the jury.

Counsel, for the United States, are you situated properly to proceed?

MR. JOSEPHSON: We are, Your Honor. We do have a stipulation we would like to read into the record at this time.

THE COURT: When the jury comes in, we will start there, and counsel for the Defense, are you situated properly to proceed?

MR. OSSICK: Fine, Your Honor, thank you.

THE COURT: All right, my law clerk is fine. We had the EMT's come out but she's going to stay in chambers with Lori.

(The jury enters the courtroom.)

THE COURT: All right, welcome back, members of the jury. As I said, it's a little smaller setting but it has everything we need and the parties are ready to proceed. So call your next witness.

MR. JOSEPHSON: Your Honor, at this time we would like to read a stipulation between the parties into evidence.

THE COURT: Proceed.

Ladies and gentlemen, at times the parties can agree on certain facts. The parties in this case, both the Defense and the Government, have agreed that certain facts are true. Those facts are stated in what's called a stipulation, which Mr. Josephson is about to read aloud to you. You may accept those facts as set forth in the stipulation as proven in the case.

Proceed.

MR. JOSEPHSON: Following stipulation is marked as Government Exhibit 20. It reads as follows.

PPP Round 3 applications, applications submitted after January the 11th, 2021 were received through the Summit platform, a cloud-based platform, utilizing AWS gov cloud servers located in Oregon. The Summit platform performed an initial screen of the loan applications and sent the loan details to Etran servers, which are in Sterling, Virginia. Etran conducts additional validation and, if appropriate, the application was processed into an SBA loan, creating a loan number. The Etran server would transmit back to the Summit platform underwriting results for Summit to transmit the loan number or other decision back to the lender. Once the lender received the SBA loan number, the lender processed the closing loan documents, and PPP lender disbursed the funds to the borrower. PPP lenders submitted disbursement details into the SBA Etran system in Sterling, Virginia. Tran transmitted the PPP processing to the lender through the FMS system to the Treasury. The primary server for FMS system was in Sterling, Virginia.

That is the stipulation. It is signed by myself, Jennifer Stanley, my cocounsel in the case, as well the defendant and his attorney.

THE COURT: All right, and Mr. Ossick, was that stipulation accurately read?

MR. OSSICK: Yes.

THE COURT: With that, call your next witness.

MR. JOSEPHSON: The Government calls Maria Pagan, staff operation specialist for the FBI.

MARIA PAGAN,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated. And if you will please state your full name, spell your last, state your occupation and your business address.

THE WITNESS: Maria Pagan, last name, P-a-g-a-n. I am a tactical specialist with the FBI.

DIRECT EXAMINATION

BY MR. JOSEPHSON:

Q. Good afternoon, Ms. Pagan. What are some of your job responsibilities as a staff operations specialist with the FBI?

A. I conduct analysis, research, on a daily basis in support of investigations.

Q. Have you conducted a toll analysis in this case?

A. Yes, I have.

Q. What is a toll analysis, generally speaking?

A. It's basically summation of phone records, contacts, between different phones.

Q. Were you able to analyze the contacts between the defendant's phone and an individual named Brandon Richardson?

A. I did, yes.

Q. And what contacts did you see?

A. I saw two different contacts with the toll period that we obtained.

Q. And what, when did those contacts take place?

A. Both contacts occurred in the same day and both were on May 6th of 2021.

MR. JOSEPHSON: Okay, no further questions, Your Honor.

THE COURT: Any cross-examination, Mr. Ossick?

MR. OSSICK: No.

THE COURT: Any objection to this witness being excused?

MR. JOSEPHSON: No, Your Honor.

THE COURT: Ma'am, you may step down and you're excused. Call your next witness.

MS. STANLEY: Government calls SBA investigative analyst Dedra Williams.

DEDRA WILLIAMS,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated and if you will please state your full name, spell your last, state your occupation and your business address.

THE WITNESS: My name is Dedra Williams, W-i-l-l-i-a-m-s. I am with the US Small Business Administration Office of Inspector General. I do not know the business address.

DIRECT EXAMINATION

BY MS. STANLEY:

Q. Ms. Williams, how long have you worked at the SBA OIG?

A. It will be approximately three years in July of this year.

Q. What are your responsibilities as an investigative analyst for the SBA?

A. As an analyst, I assist the agents. What that looks like can vary depending on where an agent is in his or her case. It could be anything from researching information, preliminary information on the background of subjects. It could also be

something like analyzing bank statements that are tied to a case.
Q. Is one of your responsibilities identifying connections between different SBA loans?
A. Yes.
Q. In December of 2021, were you asked to identify EIDL and PPP loan applications linked to Bernard Okojie?
A. Yes.
Q. About how many applications did you identify that were linked to Mr. Okojie?
A. About 42.
Q. How did you identify those as being linked to him?
A. There was some preliminary information provided by Agent Justin Lott to include the social security for Mr. Okojie, and that was bumped against the EIDL and PPP data that we have. In addition, there were some related applications that were identified.
Q. And when you say they were related, what kinds of things were related or connected among those applications?
A. So, for example, if there was an Okojie application, meaning that application was connected to his name as a contact. There could have been also other applications that matched either by EIN. You may search by the EIN number. You could search by the address, the business address, mobile phone number, e-mail addresses and bank accounts.

Q. Were some of these application linked by IP address?
A. Yes.
Q. And would that be a IP address associated with the application in some form or fashion?
A. Yes.
Q. You mentioned bumping Mr. Okojie's information against the PPP loan database as well; is that correct?
A. Yes, that's correct.
Q. Did you check to see if any of those EIDLs that you just talked about were connected to any PPP loan applications?
A. Yes. So the social security numbers that were identified in the 42 that were tied to EIDL were bumped against the PPP files, and that identified an additional 16 PPP loans.
Q. Do you know about how much money was disbursed as a result of those 58 applications?
A. About 1.5 million.
Q. In March of this year, were you asked to identify EIDL loan applications linked to Brandon Richardson?
A. Yes.
Q. Was there an EIDL loan in the name of Credit Achieved, LLC associated with Mr. Richardson?
A. I believe so, yes.
Q. Approximately how many EIDL applications did you identify that were linked to Mr. Richardson?
A. So there was one application that bore his name. The IP

address that was tied to that application was then bumped against the EIDL database to identify any additional applications, and there were hundreds that were tied to that IP address.

Q. Is that IP address -- do you know whether that means that those applications were submitted from that IP address?

A. I'm not sure I can answer that question. I'm not sure.

Q. Might there be numerous IP addresses associated with a single loan file?

A. There could be, yes.

Q. But you can say that the one IP address linked to Mr. Richardson's loan file was in some way associated with hundreds of other EIDL loan applications?

A. Yes.

MS. STANLEY: Nothing else, Your Honor.

MR. OSSICK: Nothing.

THE COURT: Any objection to this witness being excused?

MS. STANLEY: No, Your Honor.

MR. JOSEPHSON: The Government calls forensic accountant Kim Johnson with the FBI.

KIMBERLY JOHNSON,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated. If you will please state your full name, spell your last, state your occupation and your business address.

THE WITNESS: Kimberly Johnson, J-o-h-n-s-o-n. I'm a forensic accountant for the Federal Bureau of Investigation, 2003 Chatham Center Drive, Savannah.

DIRECT EXAMINATION

BY MR. JOSEPHSON:

Q. Good afternoon, Ms. Johnson.

A. Good afternoon.

Q. Could you tell the jury a little bit about some of your job responsibilities as a forensic accountant?

A. I basically review financial records mainly and follow financial transactions.

Q. Did you conduct a financial analysis in this particular case?

A. I did.

Q. How long have you been a forensic accountant?

A. 25 years as a forensic accountant, and before that, I was an internal auditor for the IRS.

Q. Have you received various trainings and certifications in order to become a forensic accountant?

A. Yes. I'm a certified fraud examiner. I am also a CPA and CIA.

Q. Can we display 7A just for the witness, Ms. Roper, for identification. I meant 17A. If I said 7, I misspoke. 17A, is that exhibit pulling up?

THE CLERK: I think it's just for the witness, can you see it, Mr. Josephson?

MR. JOSEPHSON: I see 17A.

Q. (By Mr. Josephson) Ms. Johnson, do you recognize 17A?

A. I do.

Q. What is it?

A. It is a list of bank accounts that I reviewed for this case.

Q. Does it summarize the type of bank account, the number, the holder, the name on the account, the taxpayer identification number, the signer, the bank and the date range of the financial record?

A. Yes, it does.

Q. Who did those bank accounts belong to? Who is the name of the holder on these accounts?

A. The holders are businesses and then Mr. Okojie all under the control of Mr. Okojie.

Q. Can we display 17B for the witness for identification. Ms. Johnson, do you recognize 17B?

A. I do.

Q. What is 17B?

A. It is a list of deposits into Mr. Okojie's accounts from various individuals.

Q. Does this chart encapsulate the date of specific deposits, the account to which the money was deposited, check numbers, names of the person making the deposit as well the memo line and comments on the check?

A. Yes, it does.

Q. Have you conducted an analysis of the financial accounts that were listed in 17A and 17B?

A. Yes.

Q. Do these records involve multiple bank accounts?

A. Yes.

Q. Multiple people?

A. Yes.

Q. Do they capture multiple months of financial activity?

A. Yes.

Q. Are they generally high in volume?

A. Yes.

Q. Have you created summary charts that would condense that information in a way that would relieve the jury of having to go through boxes and boxes of financial records?

A. Yes.

Q. Do those charts -- Your Honor, at this time I would like to enter into evidence Government Exhibit 17A through 17D. 17A and B have been shown to the witness. C and D are summaries of the information on those two.

THE COURT: So you're saying 17, B, C and D?

MR. JOSEPHSON: That's correct.

THE COURT: Any objection?

MR. OSSICK: No.

THE COURT: Admitted without objection.

Q. (By Mr. Josephson) Can we publish 17A for the jury, Ms. Roper.

Ms. Johnson, what does 17A show?

A. It's a listing of all the accounts that I reviewed for this investigation for Mr. Okojie.

Q. What does that column "Holder" mean?

A. That is the name that's listed on account based on the signature cards.

Q. Can you read out the names of the accounts for the jury?

THE COURT: Let me pause you right there. I want to make sure there's only two monitors that work at the box, but there is the large screen that also shows it. Raise your hand if you are on the jury and can't see the exhibits that are being displayed. Is anybody not able to see them? Okay, everybody can see them. Please proceed.

Q. (By Mr. Josephson) Ms. Roper, can we zoom back to the entire exhibit. Now let's zoom in on the "Holder" column again.

Ms. Johnson, could you read out the names of the entities or individuals on the accounts?

A. B&K Automobile Sales, Inc., B&K Freight, LLC, Bernard Okojie and Kojie9, LLC.

Q. Can we zoom out now on 17A. There's a column here that

says "Signers." What does this column represent?
A. That is all individuals that are signers on the account so the signatures actually on the signature card for the bank.
Q. Is the signer generally the person who has the authority to withdraw money from the account?
A. Yes.
Q. Who is listed as the signer on every single account in this chart?
A. Bernard Okojie.
Q. Please publish 17B. Ms. Johnson, what does 17B show?
A. It is a listing of deposits that went into Mr. Okojie's accounts from various individuals.
Q. What does the column "Source and Description" mean?
A. The source is who the deposit came from and the description is what was probably on the bank statement that came in with the records.
Q. Can you read just the names that are listed there in the "Source and Description" column?
A. Princewill Moneme, Ardell Chatman, Frentres Winding, Katina Banks, Lenora Johnson, Angela Lovelady, Ginell Adams Judson, Charlie Bey and Wanda Anderson.
Q. Will you zoom back out on 17B.
The column "Deposit," does that list the amount of the deposit?
A. Yes, that's the amount that was deposited into the

account.
Q. Are the amounts deposited all above $10,000.00?
A. Yes, they are.
Q. In addition to the deposits made by the people on Chart 17B, did you analyze the deposit of money that the defendant received from the SBA?
A. I did.
Q. Please publish 17C. What does 17C show?
A. It lists the money received directly by Mr. Okojie or his entities.
Q. What is the total amount of money that was deposited from the SBA as reflected on this chart?
A. $202,033.00.
Q. Did you analyze the withdrawal of money listed on 17B and 17C? Let me ask the question a little differently. Did you analyze the withdrawal of funds that made their way into Mr. Okojie's bank accounts?
A. That left his account?
Q. Yes. Did you analyze withdrawals as part of your analysis?
A. I did. I did.
Q. Will you publish 17D. All right, Ms. Johnson, what does 17D show?
A. It's basically consolidating SBA money received by Mr. Okojie, the money received from the individuals in the prior

schedule, and then the cash withdrawals.
Q. Okay, does this chart essentially combine the charts we just discussed?
A. It does.
Q. Okay, did you notice any pattern with respect to withdrawals in your chart?
A. Normally, there was a high amount of withdrawals after receiving money either from individuals or from the SBA.
Q. Were there any instances where the defendant made two withdrawals either on the same day or near the same day in amounts that would have exceeded $10,000.00?
A. Yes, there were some occurrences of that.
Q. Are you familiar with any banking regulations or requirements regarding withdrawals that exceed $10,000.00?
A. Yes. If you have any cash transaction at a bank over $10,000.00 a report must be filed.
Q. If a transaction is structured in a way to be below $10,000.00, would that be reported to the federal government?
A. Yes. If a teller or a bank person picks up on that or feels like that's happening, they would also have to file a report.
Q. If they catch it?
A. If they realize what's going on, yes.
Q. If they didn't realize what was going on, would that avoid the reporting requirement? Could it be --

A. It avoids the reporting. It should still be reported but it may not be reported if somebody doesn't catch it.
Q. All right, can we move to the bottom of the chart, the last page for this chart. What is the total amount of money that's listed in the withdrawal section in this chart?
A. $178,116.12.
Q. Was this the total amount of money -- what does this figure reflects?
A. It reflects the withdrawals that are listed here, which are those that appear to be questionable as to that $10,000.00 amount. It does not cover all cash withdrawals out of the account.
Q. Okay. These are just the ones that involved the $10,000.00 threshold amount?
A. On their face appear to be trying to elude that $10,000.00.
Q. I want to walk through a few examples --
A. Okay.
Q. -- for the jury. Let's move back to Page 1 of the chart. Actually let's go to Page 2, August 24th, 2020. Page 3, I'm sorry, August 24th.
All right, Ms. Johnson, what happened on August the 24th, 2020?
A. The first thing that happened is a deposit from Wanda Anderson for $18,210.00 into B&K account ending in 4728 and

then, I'm sorry --

Q. Keep going.

A. You see withdrawals on 8/24 for $750.00 and $9,000.00, but that's from a different account, but on 8/25, you see the same thing, $750.00 cash withdrawal and a $9,000.00 cash withdrawal from the same account that Ms. Anderson's funds were deposited into.

Q. Is that amount, $9,000.00 and 750.00, is that just under the $10,000.00 reporting requirement?

A. $250.00 short of the reporting requirement.

Q. I want ask you now some questions about July the 31st, 2020. If we could move to July the 31st, 2020. What happened on July 31st, 2020?

A. There were two deposits made, one from Katina Banks for 18,495.00 into B&K Freight 4728 and a deposit made into Kojie9 from Ms. Winding for $15,510.00, and then you start to see withdrawals out of the B&K Freight account, one for $6,000.00 and one for $2200.00 on the 31st, the same as the deposit, and then on the 3rd, you see another $9500.00 and $750.00 withdrawn on the 3rd of August.

Q. Was the 3rd of August a Monday?

A. Yes. The 31st was a Friday and the 3rd is on Monday.

Q. So that was the next banking day?

A. Yes.

Q. How about the next two days on August the 4th and 5th?

Did that withdrawal pattern continue?

A. Yes. On the 4th, you see $9500.00 and then the 5th you see $750.00 cash, and then on the 7th, it's $7,000.00 and $3,000.00 both on the 7th.

Q. So generally speaking, did you observe two amounts, for example, $9500.00 and $750.00 that were separated out in terms of withdrawing the money?

A. Yes.

Q. And did that repeat itself over and over and over?

A. It did.

Q. If we could move to the last page again, Ms. Roper.

The total amount of money that exhibited this pattern was what? The withdrawal, the amount withdrawn in that type of pattern was what?

A. $178,116.12.

Q. The jury has heard a fair amount of evidence about the defendant's finances in this case. I want to ask you: Did you in this case see any evidence that four million dollars in gross revenues made their way into the defendant's account or the people who deposited checks into the defendant's accounts?

A. I did not. I think the total activity I reviewed and the accounts I reviewed was less than a million dollars.

MR. JOSEPHSON: No further questions, Your Honor.

THE COURT: Cross-examination, Mr. Ossick.

CROSS-EXAMINATION

BY MR. OSSICK:

Q. Just a couple of questions. So you've analyzed withdrawals; is that correct?

A. Withdrawals and deposits.

Q. So the currency, that's on the withdrawal side; right? In other words, that's what you're withdrawing, cash?

A. Correct.

Q. So the banking records reflect the source of the funds; right?

A. Meaning the deposits coming in from the individuals; is that what you mean?

Q. Right. The source of the funds into the account.

A. Yes.

Q. There's a check?

A. Yes.

Q. The record shows you who it's from?

A. That's correct.

Q. Shows you how much?

A. That's correct.

Q. So this isn't anything about explaining where money came from, is it?

A. No. It's very clear where the money came from.

Q. This is strictly there are withdrawals that are below a reporting limit?

A. Correct.

Q. But if you add them together, they might exceed it?
A. That's correct.
Q. But you can tell where every dollar came from that is eventually withdrawn as currency?
A. That is correct.

MR. OSSICK: Thank you.

THE COURT: Any redirect?

MR. JOSEPHSON: No, Your Honor.

THE COURT: Any objection to this witness being excused?

MR. JOSEPHSON: No, Your Honor.

THE COURT: Ma'am, you may step down, and you're excused.

Ms. Stanley, your next witness.

MS. STANLEY: The Government calls Customs and Border Patrol Officer Ronnie Matheson.

RONNIE MATHESON,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated. And if you will please state your full name, spell your last, state your occupation and your business address.

THE WITNESS: My name is Ronnie Lloyd Matheson. Last name is spelled M-a-t-h-e-s-o-n. I am a first-line supervisor for Homeland Security, which is Customs and Border Protection out of the port of Atlanta.

DIRECT EXAMINATION

BY MS. STANLEY:

Q. Good afternoon, Officer Matheson. How long have you worked with Customs and Border Patrol?

A. 21 years.

Q. What are some of your responsibilities as a CBP officer?

A. Most of my career has been as an enforcement supervisor or ATCF team and port team.

Q. What does that entail on a day-to-day basis?

A. Basically we are in a port team where we have a variety of jobs that we do. We do inbound flights where we target the flights. We examine the flights with x-ray machines. We work outbound flights as far as outbound currency. We do NCIC's with the cargo exams so we have a variety of jobs we do.

Q. Is one of your responsibilities enforcing the laws that require people to declare large amounts of cash when they travel?

A. Yes, ma'am.

Q. What are the requirements for declaring cash or currency when you travel international?

A. International, if you travel inbound or outbound, anything over $10,000.00 you must declare.

Q. Is there a form that you have to fill out to do that?

A. Actually, back in the old customs days, it actually was the declaration you got on the plane and the first question asked is: Are you carrying more than $10,000.00? If you are a global entry person, the first question you answer is: Are you carrying more than $10,000.00? So there are forms that we used to use. Everything is automated how.

Q. Is there something electronic that you use now?

A. We -- yes, everything -- everything has gone to, you know, the computer system, but when we work outbound flights, when we interact with people, we actually give them a pamphlet to report the reporting requirements, and we explain to them why we're stopping them and interviewing them at that time.

Q. Is that a routine process that you and other CBP officers engage in is speaking with people on outbound flights?

A. Yes, ma'am, it's one of our jobs that we do.

Q. Do you remember seizing approximately $40,000.00 in cash from an individual by the name of Bernard Okojie?

A. Yes, ma'am.

Q. Was that on or about December 28th of 2020?

A. Yes, ma'am.

Q. How did CBP come into contact with Mr. Okojie?

A. We -- that day we selected to work a couple of outbound flights, one of them being Delta 54, so I sent my officers up there to work the flight.

Q. And when you say Delta 54, is that a particular -- does that flight number, is that flight number assigned to a particular route?

A. Yes, ma'am, it's an outbound Lagos flight.
Q. So from Atlanta to Nigeria?
A. Yes, ma'am.
Q. So on that day, what were your officers doing as far as interacting with the passengers who were boarding that flight?
A. They were up there conducting an outbound enforcement operation, doing outboard currency, and basically what they do is they go up the jetway, and as people come through, they stop and interact with every person coming through and they ask them, you know, the reason for the travel and if they are carrying more than $10,000.00.
Q. And did Mr. Okojie say that he was carrying more than $10,000.00 in cash?
A. Yes, he did. He declared, yes.
Q. Did the CBP officers start the process of having him fill out a form to declare that money?
A. They, they give him the 503 form, which is the reporting requirements as far as the rules and regulations, and they have, if they give you that form, they have you read the form and ask you how much cash you're carrying and then they have the person fill out the back of it and initial it.
Q. And so did Mr. Okojie fill out that form?
A. Yes, ma'am.
Q. Did the officers physically start counting the money that he had with him?

A. Yes, ma'am.
Q. Was there a discrepancy between how much he said he had with him and how much the officers were counting?
A. Yes, ma'am.
Q. Did you become involved at this point?
A. I become involved after I was notified the officers had stopped the subject. He first declared 34,000.00, and they were up to almost 39,000.00. I asked them had they -- had they -- when we stop people and have that happen, I always make my officers call out PE officers, who is our financial crimes police, and run a check on the person to see if they have got previous FinCEN's on file, which is where they had filed previously. He had, so I told them to go ahead and stop the inspection and bring him down to the F concourse, take his bags off the plane, bring all his luggage and go ahead and do a thorough exam at that point.
Q. I want to ask you to elaborate on something you mentioned. You said he had previously had a FinCEN?
A. Yes, ma'am.
Q. Can you explain to the jury what that means?
A. Basically what happens with a previous FinCEN means, if you travel and you have more than $10,000.00 that you know the reporting requirements; you saw the form yourself and turned it in or you declare the money and fill the form out.
Q. At some point, was Mr. Okojie asked whether he was

familiar with the laws requiring a person to declare cash when traveling internationally?

A. I can't answer that for myself, but he did have a previous FinCEN on file.

Q. So did that indicate to you that he was aware of the reporting requirements?

A. It's common knowledge, yes, ma'am.

Q. Was Mr. Okojie transported to the F concourse with his luggage at this point?

A. He was brought to the F concourse to our baggage inspection area.

Q. And what happened there?

A. I had my officers go ahead and do a thorough exam of his checked luggage, go ahead -- go ahead and complete all the money count there, and once we figured how much money we had, which I was there present when they did the money count, I go ahead and get notification to seize the money because he failed to declare.

Q. And how much money in total was seized?

A. 39/7, $39,700.00.

Q. What did CBP do with the seized money at that point?

A. Once the money was seized, we automatically take it to our seized property people, which they in turn take possession of it and end up depositing it.

MS. STANLEY: Nothing further.

THE COURT: Mr. Ossick, cross-examination.

CROSS-EXAMINATION

BY MR. OSSICK:

Q. Just a couple of questions. I guess I'm not clear. That first part you told about where he was first stopped and asked to be -- asked did he have money, you were there for that?

A. No, sir.

Q. You're telling us what somebody told you?

A. That is what the officer reported to me.

Q. And they told you that when they asked him are you carrying money in excess of $10,000.00, is that what they told you they asked him?

A. That's what they always ask them, sir.

Q. And what did he tell them?

A. He said he had 34,000.00.

Q. So he told them about it?

A. Uh-huh.

Q. Then you seized it anyway, even though he declared it then?

A. No, sir. We seized it after we found out he had $39,700.00, which he failed to declare the total amount.

Q. So rather than the amount that he left out, you take the whole 39?

A. Yes, sir.

MR. OSSICK: Okay, thank you.

THE COURT: Any brief redirect?

MS. STANLEY: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. STANLEY:

Q. Officer Matheson, Mr. Okojie had not initially declared any of the cash he was carrying with him; is that correct?

A. Yes, ma'am, he did not.

Q. And was part of your decision to seize this money based on the fact that he had a previous violation of the declaration requirement?

A. That was part of it because he would have had a previous FinCEN on file. He knew the reporting requirements and it wasn't at the time that we -- he declared 34 he actually had 39/7 on him. That's why we decided to seize his money.

MS. STANLEY: That's all I have, Your Honor.

THE COURT: Any objection to this witness being excused?

MS. STANLEY: No, Your Honor.

THE COURT: You may step down. You're excused.

Mr. Josephson, call your next witness.

MS. STANLEY: The Government calls Kassandra Haley-Fields, who is an FN&P officer with the Customs and Border Patrol.

KASSANDRA HALEY-FIELDS,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated. And if you will please state your full name, spell your last, state your occupation and your business address.

THE WITNESS: Kassandra Shamine Haley-Fields, H-a-l-e-y hyphen F-i-e-l-d-s, and my occupation is fines, penalties and forfeitures officer.

DIRECT EXAMINATION

BY MS. STANLEY:

Q. Ms. Haley-Fields, is that the position that you hold with the Customs and Border Patrol?

A. Yes.

Q. And are you assigned to a particular location?

A. Yes, the Atlanta port office.

Q. How long have you worked for CBP?

A. Over 20 years.

Q. What are your responsibilities as a fines, penalties and forfeitures officer?

A. As the fines, penalty and forfeiture officers, I adjudicate liquidated damages, penalties and seizure cases.

Q. When you say seizure cases, does that mean seizures of currency?

A. Yes, ma'am.

Q. Can you tell the jury what happens generally after cash is seized by Customs and Border Patrol?

A. When currency is seized by US Customs and Border

Protection, this currency is transported over and that's another area that I manage, the security of the seized property until it is adjudicated, and we send out a note, what we call a notice of seizure, and that's notifying the claimant that we have seized their property and therefore they will get a notification what that amount is of the currency. If it is foreign currency as well as US currency, we will identify that, and we will also give them an election of proceedings form and a seized asset claim form, and the notice will also give them instructions on how they can claim the return of their seized property.

The election proceedings form is where they can make a choice for how they would like to proceed and the seized asset claim form is what we use if they choose to go to court.

Q. Did you and your office oversee and process a petition from Bernard Okojie to recover cash that had been seized from him by CBP?

A. Yes, ma'am, we did.

Q. Was that about $39,700.00 in US dollars?

A. Yes, ma'am.

Q. Was Mr. Okojie sent an initial letter setting out his options like the one that you just described?

A. Yes. The -- the letter is the notice of seizure and then we have election of proceedings which determines, they have four options or you can have the fourth one is where you have the seized asset claim form if you want to go to court that you would complete.

Q. Did he respond to that letter?

A. Yes, he did. He responded that he would like to -- he responded -- initially he responded that he wanted to do a petition administratively, and then he also submitted another form in regards to going to court, and what we do, if we get where a person completes both forms, we will send back another letter and what we call a dual response letter and let them know that they responded in two ways and that for them to make a choice on how they would like to proceed.

Q. Ms. Roper, can you please pull up Government Exhibit 18 and show it to the witness only.

Can you see that, Ms. Haley-Fields?

A. Yes.

Q. It's just showing me and the witness. Do you recognize the first page that you're looking at on the screen?

A. Yes, ma'am.

Q. Ms. Roper, can you flip through the next few pages, please, so the witness can review them. Thank you, Ms. Roper.

Ms. Haley-Fields, do you recognize these documents?

A. Yes, ma'am, I do.

Q. Can you briefly tell the jury what they are?

A. What it is is that it's a submission of what we would call a petition, and that's when I said they did the dual and we had election of proceedings. And on the election of proceedings, you have four choices: One, a petition for it to be processed administratively; two, you can submit an offer in compromise and it would be processed administratively; three, you can outright abandon the property and there would be no further action; and four is where you would have the -- you would do a -- submit a seized asset claim form, and that's where you have the choice to go to court.

Q. Do these documents reflect that Mr. Okojie petitioned to have his funds returned to him via administrative procedure?

A. Yes. This is where he had completed an election of proceeding CAFRA form where he had requested the petition and where he had requested the seized asset claim, and he responded back to us with another one and said that he wanted to do the election of proceedings petition.

MS. STANLEY: At this time we would move to admit Government's Exhibit 18.

THE COURT: Any objection?

MR. OSSICK: No.

THE COURT: Admitted without objection.

MS. STANLEY: Would you please publish this? Publish this to the jury.

Q. (By Ms. Stanley) Ms. Roper, would you go to Page 3, please.

Ms. Haley-Fields, this is the petition that Mr. Okojie submitted to get his money back?

A. Yes, ma'am.
Q. Do you know if that was in February of 2021? Do you know the date of this?
A. It was February when he submitted it to our office. It would have been February the 24th.
Q. And briefly what did Mr. Okojie say in this petition?
A. Briefly he was stating that the -- in that petition that it was his money and that his source was a valid source of income and from his employment.
Q. Did he attach two checks to his petition that he claimed were the source of these funds?
A. Yes, two checks, one from a Lenora Johnson, home and healthcare, and another one from Angela Lovelady and they both were made out to the company B&K Freight, LLC.
Q. Ms. Roper, will you go to Page I believe it's 10. Are you able to rotate that?
Okay, is this the check from Lenora Johnson?
A. Yes.
Q. Can you read it? I know it's upside down. Can you read for the jury the amount of this check?
A. $15,375.00.
Q. Can you go to Page 11?
Is this the other check that you mentioned, Ms. Haley-Fields?
A. Yes.

Q. Who is this one made out to?
A. This is made out to B&K Freight, LLC as well.
Q. Is this the one from Angela Lovelady?
A. Yes.
Q. What's the amount of that check?
A. $18,435.00.
Q. Did your office make a decision to return this money to Mr. Okojie?
A. Yes, we did based on the information.
Q. Minus a penalty?
A. Yes. What we have is that, what we call a monetary penalty, and that is supported by our mitigation guidelines, and in the mitigation guidelines, we have what we call a currency and monetary -- currency and monetary instrument report remission table, and that table has a range where we have a standard amount of what our penalty amount would be, and for the range, anything over the range of $25,001.00 to $40,000.00, we have a standard amount of $2500.00 that we would deduct from the seized amount.
Q. Do you know approximately when this money was returned to Mr. Okojie?
A. It was approved on -- the refund was approved on October 14th, 2022.
Q. Was the refund amount then approximately $36,900.00?
A. Yes.

MS. STANLEY: Nothing further.

THE COURT: Cross-examination, Mr. Ossick?

MR. OSSICK: No questions.

THE COURT: Any objection to this witness being excused?

MS. STANLEY: No, Your Honor.

THE COURT: You may step down and you're excused.

THE WITNESS: Thank you.

THE COURT: Any other witnesses?

MR. JOSEPHSON: The Government calls Customs and Border Protection Officer Brian Coder.

OFFICER BRIAN CODER,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated. And if you will please state your full name, spell your last name, state your occupation and your business address.

THE WITNESS: Brian Patrick Coder, C-o-d-e-r. I am an officer with the US Customs and Border Protection and I didn't catch what was the last thing.

THE CLERK: Your business address.

THE WITNESS: Atlanta Hartsfield airport.

DIRECT EXAMINATION

BY MR. JOSEPHSON:

Q. Officer Coder, can you tell the jury what are some of your job responsibilities as an officer with CBP?

A. Inspecting passengers and goods entering and exiting the country, looking for immigration violations to commerce violations, whether it's narcotics, fraud, all kind of different things, very large umbrella.
Q. Do you work at the Atlanta airport?
A. Yes.
Q. Are you part of the TTRT team?
A. I was at the time, yeah.
Q. What is TTRT team?
A. It was the tactical terrorism response team is what the title stood for, and it was more of a -- an enhanced training for interview techniques and search techniques that we would go through.
Q. As part of your duties, do you conduct border searches?
A. Yes.
Q. Do you conduct interviews at the airport?
A. Yes.
Q. Do you execute warrants on occasion?
A. Yes.
Q. Did you interview the defendant, Bernard Okojie, at the Atlanta airport on June the 19th of 2021?
A. Yes.
Q. Was he arriving in Atlanta or leaving Atlanta?
A. He was arriving from Lagos, Nigeria.
Q. Is that Flight DL55?

A. Yes.
Q. When you interviewed Mr. Okojie, were you aware of any other prior encounter with CBP?
A. Once I first got ahold or met him, I had a query where I would query the systems, and I could see that he had a prior money seizure going outbound, I think it was a year or so ahead of time.
Q. Do you recall the approximate amount of the money seizure?
A. 39,000.00 and change.
Q. All right, during your interview with the defendant, did he identify how he earned his income?
A. Yeah. I asked him how he earned it and there was a couple of different scenarios that he proposed where he did crypto currency trading and then he owns I think it was a logistics box truck company and then he earned money helping people acquire some loans and then some kind of credit boosting service that he offered.
Q. Was there a variety of explanations for how he earned his income?
A. Yes.
Q. Did he mention the helping individuals file SBA loan applications?
A. Yes.
Q. And did he suggest that that was a legitimate way he made money?

A. Yeah.
Q. During your interview, did you obtain any documents from the defendant's pocket?
A. Yeah. During the interview, we did a copy of pocket trash or pocket litter which includes like credit cards, business cards, copies of notebooks, different things like that, yes.
Q. I'd like to display for the witness only Government Exhibit 19 for identification if you could, Ms. Roper. Flip through Government 19 so the witness can become familiar with that document.
Officer Coder, are you familiar with Government Exhibit 19?
A. As far as the copies of the notebook, yes.
Q. What is it?
A. It was just a ledger book that he had in his possession. As far as what was in it, I couldn't tell you exactly because it really didn't pertain to my current inspection but ...
Q. Is this a copy of the notebook that you pulled from the defendant's pocket?
A. Yeah, I think it was in a backpack. I can't ...
Q. Was it on his person or his personal belongings?
A. It was on his personal belongings.
Q. Did you upload this pdf to, this copy to a file in this case?
A. Yes.

Q. Is the copy an accurate copy of what was reflected in the notebook itself?
A. Yes.
Q. Was it altered in any way by you or anybody at CBP?
A. No.
MR. JOSEPHSON: Your Honor, at this time we would like to move to admit Government Exhibit 19.
THE COURT: Any objections?
MR. OSSICK: No.
THE COURT: Admitted without objection.
Q. (By Mr. Josephson) All right, Ms. Roper, if you could flip to Number 10 in the notebook. There's a list at Number 10. Start on Page 1 and work forward.
Start, if you could, Officer Coder, read -- at the outset I want to ask you, this was a notebook on the defendant's person; correct?
A. Yes.
Q. If you could start and read Number 10.
A. Number 10, "Lord, protect me from police problem, court problem. I will not be implicated for what I did not know."
Q. Number 11, please.
A. "Lord, give me victory on this matter with customs and DHS and let all my money and phones be returned."
Q. Number 14, please. It's right after 13?
A. I see it. It looks like a 12. "Lord, make me a million

in dollars in 2021."
Q. Number 16, please.
A. "Lord, help me in 2021 to set up a business that will bring me an income every day."
Q. Number 17.
A. "Lord, help me to" -- is that -- "own a fast food chain, open a fast food chain."
Q. Next page, Ms. Roper, Number 18.
A. "Lord, help me to open a gas company in Nigeria, connect me to the" -- I can't make that out -- "oil and gas industry in Nigeria."
Q. 19.
A. "Lord, help my wife to start up a business she desire."
Q. 20.
A. "Lord, help me to acquire more" something "properties in America and Nigeria."
MR. JOSEPHSON: I have no further questions, Your Honor.
THE COURT: Cross-examination, Mr. Ossick?
MR. OSSICK: No questions.
THE COURT: Any objections to this witness being excused?
MR. JOSEPHSON: No, Your Honor.
THE COURT: Then you may be excused. Thank you.
THE WITNESS: Thank you.
THE COURT: On behalf of the prosecution, any additional

witnesses?

MS. STANLEY: No, Your Honor.

THE COURT: Do you rest your case?

MS. STANLEY: We do.

THE COURT: If you will call out by number each exhibit that you have had introduced and admitted in this case.

MS. STANLEY: The exhibit number and the exhibit title or just the numbers?

THE COURT: Yes.

MS. STANLEY: 1A is the EIDL loan file ending in --

THE COURT: You don't need to say what they are, just the numbers so we make sure.

MS. STANLEY: Okay. Exhibit 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 3A, 3B, 3C, 3D, 3E, 4A, 4B, 4C, 4E, 4F, 4G, 4I, 5A, 5B, 5C, 5D, 5E, 5F, 6, 7, 8, 10, 11A, 11B, 11C, 11D, 11E, 11F, 11G, 11H, 12A, 12B, 12C, 12D, 12E, 12F, 12G, 12H, 12I, 12J, 12K, 12L, 13, 14, 15, 16A, 16B, 16C, 17A, 17B, 17C, 17D, 18, 19 and 20.

THE COURT: All right, and with that, you rest your case in chief?

MS. STANLEY: Yes, Your Honor, we do.

THE COURT: Ladies and gentlemen of the jury, the Government has completed its case in chief and it is time for our mid-afternoon break, so we will break. It is actually about 10 after 3:00, so we will be in recess until 3:25. If you will take the jury to the large jury room here on the third floor.

I've received communications while we've been in session that they have fixed my courtroom downstairs, all the power. We are probably going to stay here because I'm going to have them make sure and so we will probably stay up here for the balance of the afternoon.

Remember, don't talk about the case. Don't make up your mind. Let's rise for this jury.

You can leave your amenities pack in your chair because we will be coming back here this afternoon.

(The jury exits the courtroom.)

THE COURT: Counsel, have a seat, just a few housekeeping matters to go through with you.

Mr. Ossick, do you anticipate putting on any witnesses?

MR. OSSICK: No.

THE COURT: All right, when we do return from break, I will have you, call on you to present anything and you can say that on the record. And in that case we won't utilize rebuttal either. As far as closings go, approximately how long do you anticipate needing for closings?

MR. JOSEPHSON: I anticipate about 20 minutes, maybe 25 minutes, and I would like if I could reserve some time for rebuttal.

THE COURT: And you do, of course, have opening and closing arguments, and if you wanted to split that up, that's fine or one person can do both.

Mr. Ossick, approximately how long do you think?

MR. OSSICK: No more than that, less probably.

THE COURT: Well, I will, you know, just so long as each side keeps it under 45 minutes, that's going to be -- we won't stop you before then, but 45 minutes a side should be plenty.

Mr. Ossick, do you have any motions to make at this point?

MR. OSSICK: We would like to make a Rule 29 motion on Counts 1 and 3 on sufficiency basis.

THE COURT: What --

MR. OSSICK: Those are the conspiracy counts, Your Honor.

THE COURT: Yes.

MR. OSSICK: While there's been a lot of evidence as to substantive violations, in terms of showing any evidence sufficient to show an agreement with some other party or person, I don't believe there's been sufficient evidence of that whatsoever to show anybody else in common agreement knowingly and joining for the same purpose, someone -- of course, I'm not going to -- The Court knows -- just who unwittingly acts in furtherance of or just acts in the same way but without joining any agreement, that's the crux of it, with knowledge of the unlawful objective of the agreement.

There's been a lot of people who have participated in various actions but none of which have said they were in agreement with anything in an unlawful way and joined with that.

So I don't believe there's been any, especially as to the money-laundering charges, there has been nothing to suggest anyone's participation in what would be that substantive offense and he's charged not with money laundering but with conspiracy to commit money laundering, and the same is true -- and I understand we're down to, in Count 1, only the wire fraud, and while they may well could have done nine more substantive wire fraud counts, perhaps very compellingly, from the various individuals, they haven't had one that showed that there is someone in agreement, and to the extent you look at the evidence concerning the owned entities of him, it's sole, no showing that any person other than him had complete control, and you can't be a coconspirator with an entity that you solely own and control, so I don't believe there has been sufficient evidence for the jury to go as to Counts 1 and 3.

THE COURT: On behalf of the United States, your response.

MR. JOSEPHSON: Yes, Your Honor. That motion should be denied. There is overwhelming evidence of a crime as alleged in all three counts. With respect to Count 1, the conspiracy to commit wire fraud, there's a massive fraudulent scheme that has been perpetrated in this case. It involves the defendant. It also involves the people who received kickbacks for getting the fraudulent loan.

As The Court is well aware, a conspiracy can be proven through conduct. It can be proven in indirect ways. It doesn't require a formal agreement.

You have a situation here where lots of people received fraudulent loans. They paid inflated fees, extensive fees that were itself a percentage of the loan.

The checks were dropped off in various ways, anything from a hotel in Chattanooga to off the highway at a gas station. The defendant had no, no financial background at all in terms of the ability to process loans or provide financial advice.

We've submitted significant statistical evidence, significant financial record evidence, significant loan record evidence. We've summarized that in charts. We've shown that the gross revenues for the defendant's loans as well as the people who paid the defendant to assist them with the loans were staggering, like astronomical numbers, four million in gross revenues, 132 people that the evidence shows the overwhelming number of whom didn't exist at all.

We've shown the loan amounts also were fraudulent. The approved amounts, we have over 1.4 million dollars that the United States Government paid out as part of the fraudulent scheme.

The kickbacks paid, $165,000.00 for nine applications. There's evidence in the record that those applications were filled in fraudulently, which, if supported, would take no more than five minutes or so.

THE COURT: Just to sort of focus to the precise point Mr. Ossick is arguing is that even if one were to concede that there's massive evidence of fraud, what is the evidence of the conspiracy, the agreement with another human?

MR. JOSEPHSON: Yes, Your Honor. There is evidence of an agreement. I would point out first that the checks themselves that the individuals are writing are made out to fake businesses for loan preparation. You have B&K Freight, Kojie9 that is being put on the check at the direction of the defendant. You have every single person going along with that. You have some people that deny certain knowledge, looking the other way. We are going to request a deliberate ignorance instruction, but they all admitted to writing checks that were itself the proceeds of a fraudulent loan, and they did so knowing that the check they wrote was not to him, not to a financial services company, not to a brokerage. They knew that they were writing it to an entity for a purpose that made no sense.

So we do think there is an agreement based on the checks and the kickbacks. I also think that that plays both for Count 1 and Count 3. I know counsel has moved on both counts. The concealment, the conspiracy to conceal, that is an act of concealment to write out checks in payment for the fraudulent loan in the name of a shell company that has nothing to do with loan preparation. That is an act in furtherance. There are, of course, other acts that the defendant engaged in to further conceal down the chain.

THE COURT: You're saying because there's evidence that checks were made out that said like "for truck leasing" and to B&K Transport and things of that nature?

MR. JOSEPHSON: That's correct, and then that money is structured out by the defendant and stuffed in a suitcase and taken to, an attempt to take to Nigeria, so we do ask that The Court deny the motion.

I would also point out there's multiple-object conspiracy alleged in Count 3. There is a 1957 part to it, too. The proceeds of the money laundering are above $10,000.00. Every single check that each person wrote is over $10,000.00, and it is the direct proceeds of the fraud, so that is an object of the conspiracy in addition to the concealment, so we would ask that The Court deny for that basis, too.

THE COURT: All right, I am not going to grant that motion at this point, so we will send the case on to the jury for the jury's consideration.

Let me take up with you, I did notice that apparently the parties have agreed on some cleaning up of the indictment and I do want to confirm on the record that both sides agree to that; is that correct, Mr. Josephson?

MR. JOSEPHSON: That's correct, Your Honor. We have agreed to drop the bank fraud object of the conspiracy alleged in Count 1. We've also agreed to drop the object of the conspiracy in Count 3 regarding the transaction-reporting requirement.

We are moving forward on other two objects of the conspiracy, namely proceeds exceeding $10,000.00 and concealment. We've dropped two objects of the conspiracy in 1 and 3, and we have conferred with counsel, and we are in agreement that that makes sense to present a cleaned-up indictment for the jury's roadmap.

THE COURT: And I assume you would not object to dropping those parts from the indictment?

MR. OSSICK: No. We're in agreement, and it did not change any of the other language, so it just took out an underlying offense, basically.

THE COURT: And so it will be that version that counsel has during trial agreed to that we will send back to the jury during deliberations because I do let them have a copy of the indictment, so we will utilize the one that both have agreed to. Does that also clear up some of the few disagreements regarding the charge?

MR. OSSICK: Can I ask, are we going to have a charge conference?

THE COURT: Well, we are, but I want to --

MR. OSSICK: It cleared up -- that's what I was trying --

THE COURT: It cleared up one of yours; right?

MR. OSSICK: Yes, it cleared up a lot of -- because the bank fraud is not in it now.

THE COURT: Right.

MR. OSSICK: So it does change.

THE COURT: Because you had asked for a substantive bank fraud to be at least added into the conspiracy part.

MR. OSSICK: So that there would be an underlying offense.

THE COURT: So they would know what bank fraud was, but there is no need for that because they are dropping that from Count 1.

MR. OSSICK: Correct, but we want to be able to confer about the charge but nothing to do with banking.

THE COURT: We have to do that, according to the rules.

So the verdict form, I saw there was a cleaned-up submission with regard to the verdict form. Is that agreed to now or is that something we still have to take up?

MR. OSSICK: I don't believe I've seen --

MS. STANLEY: We've e-mailed it out over the lunch break. We did copy you. I think we have a copy here that we can provide to the Defense before the charge conference.

THE COURT: What we're going to do in just a moment, we will bring the jury back in. We will confirm on the record that the Defense is resting their case.

At that point I'm going to let the jury know that we have some housekeeping business to take up with y'all. We will go ahead and get a draft of the proposed charge and the verdict form for y'all to take home, and first thing tomorrow morning, we will meet outside the presence of the jury to hear any objections or exceptions that y'all have to the proposed charge.

I do want you to be very careful, look at the draft very carefully tonight. It's an important part of the case, and we will meet at 8:30 tomorrow on the second floor in that courtroom to have the charge conference and review the charge and the verdict form, and then at nine o'clock we will have the jury join us and we will start with closing arguments and charge and then get the case to the jury.

If the defendant were to be convicted, are you going to request that the jury be retained for forfeiture purposes or do you waive that?

MR. OSSICK: Are you asking the Government are they moving forward with it?

THE COURT: There was a forfeiture count in the indictment.

MR. JOSEPHSON: There is a forfeiture count in the indictment. If I could consult with the agencies. I'm not sure we have anything identified.

THE COURT: You're not going to go forward?

MR. JOSEPHSON: I don't think so. If I could confer with them to get that final, because there's administrative forfeiture as well as --

THE COURT: Well, do that right now.

MR. JOSEPHSON: Okay. We're not moving forward.

THE COURT: Then I have the requested charges from each of you based on how the trial actually played out. Are there any additional charges that either side wishes to add?

MS. STANLEY: Your Honor, we did make some changes to the request to charge and we forwarded a copy to Ms. Sharp a few hours ago. We're happy to file that on the record as well.

THE COURT: What were the nature of the changes?

MS. STANLEY: They were only to the substantive offense instructions. As to the conspiracy, we took out references to bank fraud. There was also one sentence that was taken from another Eleventh Circuit pattern that we removed. We just kept it strictly within the 1349 pattern instruction, and then as to the money laundering, we removed a reference to the object of the conspiracy that we removed and just moved a couple things around to make it a cleaner, same language.

THE COURT: And have you provided that to Mr. Ossick?

MS. STANLEY: Yes, Your Honor.

THE COURT: Other than that, there's no additional charges other than those revisions that you've -- okay.

MS. STANLEY: No, Your Honor.

THE COURT: On behalf of the Defense, I have the ones that you requested before trial. Are there any additions that you would like to request?

MR. OSSICK: Your Honor, I'm not sure if I included the part about how a person can act in furtherance unless they've actually joined in or not a member --

THE COURT: You requested that in your initial round. Wait, you requested that it has to be another human.

MR. OSSICK: And I'm not sure that I had that other part and I think I would be wanting that if I haven't. But it may be in the pattern. I can't recall.

THE COURT: Well, look at that tonight because --

MR. OSSICK: I will.

THE COURT: Is there any other additional request that the defendant wishes based on what actually transpired during the trial?

MR. OSSICK: I don't believe so, Your Honor.

THE COURT: All right. Then we will break for just a little bit and then do as I say, but I need for the parties to either come back or send somebody back to pick up from Ms. Sharp at about 4:30 the proposed charge so that you can take your time with it tonight and see any suggestions, corrections or objections that you'll have and then we will meet at 8:30. All right, let's take our brief break. We will be in recess.

(Recess from 3:26 p.m. to 3:39 p.m.)

THE COURT: Let's bring in the jury.

(The jury enters the courtroom.)

THE COURT: Ladies and gentlemen, welcome back. When we broke, we had completed the Government's case in chief. We will turn to the Defense. Recall that the defendant does not have to put up any evidence or any witnesses or prove anything. With that, Mr. Ossick, any witnesses that you would like to call?

MR. OSSICK: No, and we would rest at this time, Your Honor.

THE COURT: All right, ladies and gentlemen of the jury, that means that you have heard all of the evidence that you will hear in the case.

I will tell you that we're progressing a little bit ahead of time. I have some significant housekeeping issues that I need to cover with the attorneys that will require some time so I'm going to excuse you early for the day.

I'll have you come back just as you did today by nine o'clock to be in your jury room so we can start promptly at 9:00 tomorrow. When we do start at 9:00 tomorrow -- and I see hand signals from a gentleman on the front. All I'm hearing is that they have everything fixed in my courtroom, so we should be on the second floor tomorrow, but the marshals will have up-to-date information in the morning, but we do anticipate being back on the second floor tomorrow.

So when we do begin tomorrow at 9:00, we will begin with the closing arguments from each side in which they will be summarizing and recalling the evidence as they believe that it went in. After that, I'll give you the charge on the law that you will use in deciding the case in reaching your verdict and at last at that point you will retire to the jury room to reach your verdict.

So as we leave the courthouse for the evening, remember the familiar admonition: Don't make up your mind; don't talk about the case; don't do any research; don't consume any media about the case.

With that, let's rise for the jury.

(The jury exits the courtroom.)

THE COURT: All right, counsel, we will proceed then as discussed during your previous break. The only slight alteration is if you will make arrangements with Ms. Sharp to receive those charges, I think they will be ready right at about five o'clock so if you want to get them electronically or stay here, either way, but when I step off, if you will just make those arrangements with Ms. Sharp and then I will look forward to seeing you what we believe to be on the second floor tomorrow at 8:30 for our charge conference.

All right, we will be in recess.

(Proceeding concluded at 3:44 p.m.)

CERTIFICATION

I certify that the foregoing is a true and correct transcript of the stenographic record of the above-mentioned matter.

__________________________________ 04/24/2023

Debra Gilbert, Court Reporter Date