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 30, 2023; 8:39 a.m.
Brunswick, Georgia

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I N D E X

P R O C E E D I N G S

(Call to order at 8:39 a.m.)

THE COURT: Good morning, counsel. Have a seat. This is our charge conference, and last night, I passed out a draft court's instructions to the jury and a draft verdict form. I want to start with the verdict form and tell you of two changes that I think need to be made to it. They are very minor and technical, but the title of it is called "Special Verdict Form" understandably because that's what it is. It does ask for certain options to be selected by the jury. I'd like to remove the word "special" because the jury doesn't understand that distinction, and I don't want them to be thinking "Wait, there's something special about this." Just removes a possible mystery for them.

So the only change from what you've been passed out is to remove the word "special" and then above the line where the foreperson signs at the very end of the verdict form, "so say we all" to emphasize that the whole thing must be unanimous.

With those two understandings, let me turn first to the United States, any suggestion or exceptions with regard to the verdict form?

MS. STANLEY: No, Your Honor.

THE COURT: On behalf of the Defense, Mr. Ossick?

MR. OSSICK: No, Your Honor.

THE COURT: Then, the verdict form as announced with those two changes, to remove the word "special" and to add at the end the phrase "so say we all."

Turning next to the proposed instructions to the jury, again, two items that I wanted to flag. With regard to a 404(b) instruction, I haven't included one here because I don't believe we heard any 404(b). We think it would, if anything, maybe flag an issue that the Defense wouldn't want them to be wondering about, and I didn't include a 404(b) in here. I wouldn't even know what alternative reason we would have selected from the drop-down menu to select for the accepted purposes of introducing some other act. So I didn't include it. I just wanted to highlight that for both sides.

And also, the order that I will read it to the jury is not in this order that you see. This is just in the order that you requested so that you could follow along better with what I have accepted, but, of course, I will give them the instructions about filling out the verdict and so forth at the end.

So with those two explanations -- and I will say I did receive from Ms. Sharp a note that the Government had something to say about "A financial institution this morning means an insured bank" but I will hear from you. Let me turn first to the United States.

MS. STANLEY: Thank you, Your Honor. Just starting from the beginning in the instructions, we do have a couple of changes that we would suggest or ask for.

On Page 12, these are instructions about Defendant making a statement or admission to someone after being arrested or detained, and I don't think there's been any evidence of that kind of statement here, and so we don't think it's necessary.

THE COURT: I thought that was requested perhaps with the telephone call, and, of course, that wasn't an arrest and detained, but then the border patrol incident, was he detained at the time he said some things to them?

MS. STANLEY: I think that gets into difficult questions of when someone is legally detained. I think I would say he was free to leave during that encounter under the legal definition of the law, under the legal definition. Your Honor, if you out of an abundance of caution would like to leave it in, we're fine with that.

THE COURT: Mr. Ossick, do you still request it?

MR. OSSICK: No. I also had thought we didn't need it based on the case.

THE COURT: Then I think it was borderline, and because both sides request that it be removed, then we will remove what appears on Page 12 in its entirety. All right.

MS. STANLEY: On Page 18, defining "wire fraud," Element 1 at the bottom of the page, "accomplish a common and unlawful plan to commit wire," it should say "to commit wire fraud."

THE COURT: I think that what you say is accurate. Mr. Ossick, any objection to adding the word "fraud"?

MR. OSSICK: No.

THE COURT: All right.

MS. STANLEY: And then that last line on the page, it says "unlawful plan or the names and identities all of the other alleged coconspirators," should say "of all."

THE COURT: The very last line on Page 18? Transpose "of" and "all," Mr. Ossick any objection to that?

MR. OSSICK: No, but on that same page or do you want me to wait?

THE COURT: Well, go ahead on that since we are on that page.

MR. OSSICK: Under paragraph, "The Government does not have to prove" it says "all of the people named." I think that's misleading. There's only one name in this indictment, and I think that would create confusion about, well, it's about him, so I don't believe that that's adjusted to what the evidence in this case or the indictment is. They would have to.

THE COURT: I think what they are referring to is they are named by, for example, Number 4, Number 5, Number 6; is that correct?

MS. STANLEY: That's correct, Your Honor.

THE COURT: All right. Mr. Ossick, I will overrule that suggestion to change that part of Page 18, but I do -- I understand what you're requesting. All right, continue, Ms. Stanley.

MS. STANLEY: Page 23, this is where we would add that definition of what a financial institution is. That is part of the pattern and was inadvertently excluded here, and per the pattern, that definition should be in between that first paragraph defining "monetary transaction" and the second defining "proceeds."

THE COURT: Tell me exactly what the language that you're requesting.

MS. STANLEY: I did put it in the e-mail to Ms. Sharp. It says "'financial institution' means an insured bank."

THE COURT: And with "financial institution" in quotes?

MS. STANLEY: Yes, Your Honor.

THE COURT: "A, quote, financial institution means an insured bank."

MS. STANLEY: Yes, Your Honor.

THE COURT: Mr. Ossick, any objection to that change?

MR. OSSICK: No.

THE COURT: Then we will make that as well on Page 23. That will follow the first full paragraph, that one sentence, "financial institution," in quotes, "means an insured bank," all right.

MS. STANLEY: On Page 24, the first full sentence at the top of the page, this is that sentence we had taken out of the conspiracy charge. It is pattern language but not for this statute, so just to keep it consistent with Count 1, that first full sentence, "The Government does not have to prove that the members planned together all the details of the plan," we would just take that out.

THE COURT: Mr. Ossick, any objection to that?

MR. OSSICK: No.

THE COURT: Then we will take that full sentence on Page 24 out, "The Government does not have to prove that the members planned together all the details of the plan." That will be removed.

MS. STANLEY: On Page 26, the instruction about a human conspiring with a corporation, there's been no evidence or argument about this, and so we would ask that The Court take it out.

THE COURT: Mr. Ossick?

MR. OSSICK: I think that it's needed because there are entities that are mentioned and someone could conclude that there's an entity that's a party to the conspiracy.

THE COURT: And Ms. Stanley, the reason I opted to include this is that, although understandably that's not your focus -- you're not contending that the conspiracy is Mr. Okojie and Kojie9, LLC -- we wouldn't want the jury, even though you didn't try to argue that, we wouldn't want the jury to think, "Oh, wait, I don't think he conspired with other humans but I think he conspired with Kojie9, LLC."

MS. STANLEY: Understand, Your Honor.

THE COURT: I understand it's not your focus but just to head off any misunderstanding, I think it's important to include. All right.

MS. STANLEY: And finally the last page, I think you did read this instruction at the beginning of trial. It makes reference to "I'll give you additional instructions at the end of trial." I think the substance of this last instruction is contained earlier.

THE COURT: Which page are you?

MS. STANLEY: 27, Your Honor.

THE COURT: And so your argument is?

MS. STANLEY: There are instructions to this point on Page, earlier in the charges, on Page 6.

THE COURT: Okay. Yes, this, actually 27 is taken from an in-trial instruction. Are you requesting that all of Page 27 be removed?

MS. STANLEY: I think it's fine to include it, Judge. I think it is unnecessary given what's contained earlier in the instructions, and if it is included, we would just ask that you tweak that language about additional instructions at the end of trial.

THE COURT: Yes. Mr. Ossick, what is your position?

MR. OSSICK: Just remove the last paragraph if we could.

THE COURT: Then if that's agreeable to both sides -- I understand that it is -- we will just remove the last paragraph of Page 27.

MS. STANLEY: That's fine, Your Honor. Nothing further.

THE COURT: All right, Mr. Ossick.

MR. OSSICK: The same objection I had about all of the people named also is on Page 23, I believe, when you're talking about the money-laundering conspiracy.

THE COURT: Yes, and for the same reasons I will overrule that exception and keep that as a part of the charge. Anything further, Mr. Ossick?

MR. OSSICK: No, ma'am.

THE COURT: Then, counsel, with those changes as discussed, that will be the charge to the jury. As I say, it will be in a little different order. So we've got our verdict form. We've got our charge. We will break until nine o'clock to allow for all our jurors to be present and I will look forward to hearing terrific closing arguments from both sides.

All right, we will be in recess.

(Recess from 8:52 a.m. to 9:10 a.m.)

THE COURT: Counsel, just before we bring the jury in, we did find one other passage that was repeated, and it is the definition of "proceeds" we were giving twice. And so we've removed one of those duplicate definitions, and it's right where we added the identification of a financial institution.

If you will look right where we added that on Page 23, we have the definition of "proceeds," but we also have that same definition on Page 22, and so we've removed one of those duplicates. Any objection to that on behalf of the Government?

MS. STANLEY: No, Your Honor.

THE COURT: On behalf of the Defense?

The other, I gave more thought to Mr. Ossick's objection about the phrase that appears twice in relation to the conspiracy charges about other individuals named in the indictment, and his concern is that there's no other names of individuals that appear, and so I'm going to overrule it in part and sustain it in part, and instead of using "other individuals named in the indictment" say "other individuals identified in the indictment" because he is correct that Mr. Okojie is the only conspirator who is given a name in the indictment, but there are others identified, and so I think that's a way to clear up his concerns and be more accurate but still retain the meaning conveyed in the pattern charge. So any objection to that change?

MS. STANLEY: No, Judge.

THE COURT: And Mr. Ossick, any objection to that change?

MR. OSSICK: No.

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

(The jury enters the courtroom.)

THE COURT: Good morning, ladies and gentlemen of the jury, and welcome back. As you recall from yesterday, this morning counsel at this stage will be making their final arguments to you. Counsel for the Government will have the opening argument followed by counsel for the defendant. Then in conclusion, counsel for the Government will have an opportunity to reply in rebuttal to the argument of counsel for the Defense.

This is in accord with the rules and proper because, as you've previously been instructed, it is the Government who has the burden of proving its case.

Now in making these arguments to you, counsel will be commenting on the testimony that you've heard and all the evidence that's been presented in the case. They as you will be recalling the evidence in the case. They will not intentionally try to mislead you. However, if their recollection of the case differs from your recollection of the case, it is your recollection of the case that controls.

These final arguments by counsel are not to be construed by you as evidence or as instructions on the law. They are simply designed to summarize what each party believes the evidence showed. They are important and it is important that you give them your full attention.

On behalf of the United States, Mr. Josephson.

MR. JOSEPHSON: Yes, Your Honor.

I want to start by thinking back to 2020. That's when COVID hit. We were all there. We know what it was like.

Schools were closing; businesses were closing. We didn't know how long the pandemic was going to last. We didn't know what it meant, can you visit your family, do you not, how far do you stand from someone, do you wear a mask, or not. Tremendous uncertainty. Tremendous.

You had businesses that had to make decisions that were very difficult. Can I keep this person on payroll? You had employees who lost their jobs who had to go home to their families and say, "I don't know what we're going to do but I don't have a job; business shut down; they can't open."

These were all real challenges. They were real struggles for real people who had real businesses. Congress knew that and decided to do something about it. They passed the CARES Act. It was a bold piece of legislation. It was a big law, one of the biggest relief measures in the history of our country. It was a lot of money and a lot of funding, and it was designed to help those real people make it through, help them get through the pandemic so this virus does not cripple the American economy. That's what Congress did. They were trying to get real businesses through a crisis.

As in all crises, some people exploit them for their own personal purposes. They use that period of uncertainty and fear and anxiety to make money, to take money from a program that is well-intentioned and designed to get people through this period of time and they take it and they just put it in their pocket.

That's what happened in this case.

The defendant, Bernard Okojie, exploited a program designed to help people and he used it to help himself. Simple as that.

Now we're going to go through the evidence. I want to outline it. You're going to remember it. And we're going through why the defendant committed fraud and how he involved a lot of other people and a lot of loans to do it.

Make no mistake. This was not a one-person crime. This is not just the defendant. He played his part for sure. He's at the center of it, but he couldn't do all of this by himself. He needed some people to go along with it. He needed some people to give him their information. He needed some people to look the other way and ask no questions whatsoever when they got hundreds of thousands of dollars into their bank account, knowing that they don't have a business that ever made close to that amount. He had to find those people to go along with it. We're going to learn about that.

We're going to go through all of the evidence and talk about how this was a conspiracy, a conspiracy that was massive, that was orchestrated by the defendant but that involved a lot of people and a lot of loans and a lot of taxpayer money right out the door.

I want to start with the big picture. We showed you a lot of documents. We heard from a lot of witnesses. We're going to talk about some specific documents but first let's look at the big picture of this scheme. We're going to start by showing Government Exhibit 6 and you'll recall that Government Exhibit 6 was a summary chart.

Now a summary chart is a document that under the Federal Rules of Evidence comes into evidence. You can consider it as evidence, and it is used to collect lots of information and condense it to put it all in one place so you can make sense of it. We don't make you go through 30 boxes of financial records to see exactly how much money was on a particular form or how much money was in a particular bank account. All that work has been done ahead of time and it's been condensed for you in one sheet.

We're going to zoom out on the entire chart and we're going to look at all the information that's on there. Can we zoom in so it's a little easier to see? All right, I want to start by talking about the type of business industry or activity. And you'll recall that there's two sections here. The bottom is for the defendant. The top is for the conspirators who received loans with the assistance of the defendant, and let's just look at the industries that are represented on the defendant's application: Transportation, freight, business services, automotive sales and gas service station, transportation, health services, construction and contractors, automotive sales and gas stations, freight,

freight, food services, trucking, food services, real estate/property management and health services, all at the same time.

The contention was, the representation was "I do all of these businesses in 2019." That is quite a list. That's like taking all of your jobs, which we learned about when you were selected and qualified to serve on this jury, real jobs that you go to every day to support your family, if you combined all of them he's claiming to do all of them at one time in one year. That's fraud.

Now fraud in financial crimes is a little bit different than violent crimes. They are a lot different, in fact. They don't have, you don't have DNA or physical evidence that you often see on TV. But what you do have, we don't have fingerprint evidence. But what you do have are documents and I like to call them they're fingerprints of fraud because you see the documents and you see that these numbers don't make sense. These numbers are lies. They are misrepresentations. They are the fingerprints of fraud and we are going to go through all of those fingerprints today to show you that there is proof beyond a reasonable doubt that fraud was committed.

This is one fingerprint right here: All these industries in one year at the same time.

Now the next column I want to talk about is "Employees Claimed." We have 82 employees that the defendant claimed to employ in 2019. 82 people. You could fill this entire courtroom with 82 people. That's a lot of people. That's a big business, and you know what, none of them exist, made up, numbers on an application to get money.

There is no evidence whatsoever that any of those people exist, no taxes paid, no taxes withheld, no retirement records, no payroll records, nothing, numbers on a form made up to get money. 50 people that the loan conspirators went along with and claimed to get money, 50 people, and they all testified, everybody listed on this form that testified got up there and said, "That application is false; I don't own that business; I don't employ that number of people; I've never made close to those revenues; all false; he put that on this form."

He helps fill it out; he put it on this form; they got the money and then they paid him a kickback to do it. Everybody got up on that witness stand and said that. So you can go on this list. You can look at it. It's Government Exhibit 6. It lists all the people who got assistance from the defendant. Many of them testified. Some of them did not. Some of them did not for a variety of reasons. Some of them have passed away. Some of them are unavailable. There are reasons why you did not hear from witnesses. Don't think about the witnesses you didn't hear from. Think about the witnesses you did.

And everybody on the list -- if we could zoom out, Ms. Roper -- everybody in the top left-hand corner who testified

testified that those applications were false. And so employees claimed, that's another fingerprint of fraud.

Can we zoom in on the "Gross Revenues in One Year"? We have the defendant claiming to generate 2.4 millions dollars, $2,415,273.00 before the pandemic. That is not small business. That is not a little bit of money. That is a big lie. That is a lot of made-up money that didn't exist.

If you really made two million dollars, it would show up in a bank account. It would show up in financial records. It should show up somewhere. You would pay taxes on it. There is no evidence at all that the defendant made 2.4 million dollars.

Likewise, the people who went along with this scheme, who agreed to it, who got money that they didn't deserve, claimed a total of 2.1 million dollars. They got on the witness stand and said, "I didn't make $246,800.00 a year; $233,900.00 a year; $242,800.00 a year."

Nobody said that. They all said no. Most of those businesses either didn't exist at all or they were side businesses. It was a life coach business that was done on the side while somebody is working at NASA. It was a cookware business that somebody was doing to make some extra money, 10 or 15 thousand dollars a year.

And on their applications, they represent hundreds of thousands of dollars, all made up by the defendant to get money, taxpayer money.

Can we zoom in on "Gross Revenues in One Year"? One final point on this. The total there for the defendant is 2.4 million dollars. We just talked about it.

Can you show 5C2? And while she's pulling it up, I will tell you what you're about to see. 5C2 is the tax return for 2019. You know what's not on there? Two million dollars. What is on there is an adjusted gross revenue on Line 8B -- y'all pay taxes; you have to tell the United States Government how much money you make in a year -- on his tax form, we have an adjusted revenue on Line 8B of $17,914.00. The math tells the story. It doesn't add. Two million claimed in SBA applications, $17,914.00 from the IRS.

And you know what's even more interesting about this thing? Agent Dye testified that the 17,000.00, the defendant didn't even make it. It was his wife who works as a W-2 employee at McDonald's who is making the money. The defendant made no money at all in 2019. His wife did. $17,000.00 and he claimed millions of dollars in revenue. That's a lie and it's a fingerprint of fraud.

There's also not a single entity -- one last point with the tax return -- not a single entity, not one that's listed, Kojie9, LLC, B&K Freight, Kojie9 Plumbing, whatever business is added to Kojie and a number, none of those are listed on the tax return, none of them, not one.

They are made up to get pandemic money, but it's not documented with the IRS. It's another fingerprint of fraud.

These lies, too, those misrepresentations, they mattered. We heard from the SBA attorney, Mr. Raymond Brown. He explained the program, he explained what the SBA considers. We also got some testimony on that from Special Agent Lott and Special Agent Dye. These weren't representations on small trivial things. These were lies about central financial figures that directly affected how much money the SBA would pay out in loan monies.

In the law that means they are material, they matter. These lies directly affect the payment of money.

Ms. Roper, can we go back to Government 6 and I want to zoom in on approved loan amounts, so what was the consequence of all this? What happened? How much money did we as a country really lose because of all this? It depends how you look at it, but in terms of actual money, dollars that went out the door, 1.4 million dollars. None of that should have left the United States Treasury. None of that taxpayer money should have gone out to all these people, and we will talk in a minute about how it was spent. It wasn't spent on businesses. It was spent in a variety of other ways but that 1.4 million is real loss. That's real harm to a program designed to help people during a crisis.

Can we zoom in on the "Kickback" column, please. You learned about checks, checks written out to B&K Freight, Kojie9, LLC, text messages talking about "Just say it's for leasing if anybody asks." All those people paid, who got loans that they were not eligible to get, paid exorbitant kickbacks to get it. The fraud wasn't free. They paid for it, $18,000.00, $17,000.00, $30,000.00, 15,000.00, 14,000.00, 15,000.00, 18,000.00 for a total of $165,935.00 to the defendant for what? For filling out paperwork, for filling out a form and you heard Agent Dye testify that if you just penciled in a bunch of numbers, made them up, that's five minutes of work, nine forms, five minutes of work. That's less than an hour of time and you're paid $165,000.00.

There is not a legitimate job in the country that pays $165,000.00. That is massive fraud, and it's in the numbers, the fingerprint, fraud, his fingerprints, the defendant's.

To just drive the point home, if you got a mortgage, if you bought a house and the house cost a hundred thousand dollars and the bank said you owe me 20, like a down payment? No, no, 20 just to fill out the form; you would be like "No, it's a form, I will pay you a processing fee but not $20,000.00, not $18,000.00, not 30." It wouldn't make any sense because that's a legitimate financial transaction. This isn't. This is paying somebody to commit a crime. This is paying somebody to fill out a form, to make up numbers, to make up gross revenues. That's a kickback. That's not legitimate financial activity.

We saw a lot of fake documents in the case, a lot of fake documents, just made up, made up.

Let's first talk about 3A71. Looks like a real Schedule C. It has the name of the defendant on it at the top. Bernard Okojie. It's got food services. Of course, they completely leave off Line C. There's not even a business name that's listed, so when you really look at it, it's like they didn't even thoroughly fill this one out. Line C is empty. He submits this form to the SBA. He doesn't submit it to the IRS. So to get money, he submits the form. But when it comes to paying taxes on the money that you allegedly made, not submitted and it's not submitted because this document, fake, made up.

3C6, please. 3C6 is another profit and loss from a business Form Schedule C that is completely made up. The name at the top is the defendant's. He claims to be a used car dealer. B&K Automobile Sale, Incorporated is his company. You can zoom out and see that he claimed $181,222.00 in gross revenues. He submitted this form to get pandemic money, not submitted to the IRS. Nowhere in the tax return is this document. It's made up. It's fake.

3D101, I guess I could just leave that up because it would apply. 3D101, we have a PPP loan application submitted for Southern A1 Preservation claiming to -- claiming to have payroll, average payroll, of $41,167.00 seeking a loan of 102,917.00. This form also is based on fake documents.

3E61, please. Another Form Schedule C, not submitted to the IRS, submitted to get pandemic loan money. At the top we have the defendant's wife, Shekitha Okojie, food services business. Ms. Okojie is the general manager of McDonald's and she claims to have $100,000.00 in gross revenues. This document is also fake.

And it wasn't just the tax records. 3B21. Fake payroll records. So this would be what you would submit. It looks a little bit like what you would submit if you had a real business. This is a purported payroll report for Kojie9, LLC, and the defendant claims to be an employee of this business. We have "hours worked," pay period there is December the 1st, 2019 through December 31st, 2019. We've got 160 hours, 15,000.00 in earnings. We've got 401(k) withholdings of 300.00 and insurance withholdings on 108.00. We have representations that employee taxes were withheld. We have representations that employer taxes were paid and withheld. We've got employer contributions for 401(k) match and then direct deposit numbers.

What's interesting about this document is, first, Kojie9, LLC, which is listed at the top here is not listed in any tax return and let's display 5E, just to see the point.

In order to prove the lack of records, you have to ask whatever entity would normally have those records if they, in fact, have them, and what they provided is a certification of lack of records and what it says is, "We understand that you've requested these records but we don't have them; we've looked for them; they don't exist; they're not in our files." This is a certification of a lack of records of Kojie9, LLC from the Internal Revenue Service saying they do not have any tax records for Kojie9, LLC.

Can we go back to 3B21, please, and, of course, the defendant says otherwise and makes up documents in order to get loan money. Taxes represented, all kinds of business information that is not submitted to the IRS at all. And we also have Georgia Department of Labor records showing that this is false.

3B21 shows that Georgia state unemployment taxes were paid at the bottom, the bottom right-hand corner, but, of course, the GDL, when you ask them, "Hey, are there any unemployment taxes that Kojie9 paid," they provided a certification of no records as well.

Can we pull up Government Exhibit 7? Employer taxes at the bottom we have Georgia state unemployment insurance. You heard from Agent Dye about the documents that the GDOL generally requires. We asked the Georgia Department of Labor, "We see payrolls that the SBA has that the defendant submitted that says that there are a lot of employees; do you have any records of that?" No, none, no records at all for Kojie9, LLC; Kojie Home Care; Kojie9 Plumbing; B&K Automobile; B&K Freight. No records from the GDOL, they don't have any records because that record is completely made up. It's fake.

I want to talk about kickbacks again. The kickbacks, Agent Lott meticulously traced the money in this case along with Kim Johnson from the FBI and the pattern that was displayed is that the defendant fills out false loan information. He gets information from some of the people, their personal information, social security number, name, address, submits the application. They often text about it. And the person pays a cashier's check to him.

Well, the check is always -- it's never made out to the defendant in his personal name and it's never made out to a financial brokerage or a legitimate financial entity. It's made out to Kojie9, LLC and B&K Freight, LLC every single time, and you can see all of these checks. It's in Exhibit 12A through 12L.

I'm not going to go through every single check but I am going to go through a few highlights. Can we display 12E2, 12E, E2, sorry.

12E2 is a check made out to B&K Freight, LLC. Can we zoom in on the top of the cashier's check there, the whole check, please.

And this is the front of the check, and as that's being pulled up, I want you to focus on two things. One, it's B&K Freight. B&K Freight is the entity that this is made out to. Everybody that wrote these checks testified, "The defendant told me to do that; he told me to write the check in that name." They didn't make it up themselves. They didn't come up with B&K

Freight. They were specifically directed by the defendant to put that company name. They were specifically directed and they went along with this to write a freight company a check for $18,000.00 for preparing a loan.

And not only that, in the memo line -- can we zoom in on "leasing payment" on the memo line? "Leasing payment." That money is not for a leasing payment. That money is illegal money paid for an illegal loan and this is another fingerprint of fraud.

There is no reason to put "leasing payment." That's a lie. That is deceptive. It's designed to conceal the payment, and the person who made it knows that. The defendant certainly knows that, and he directed them to do it.

Can we see 16C6? 16C6 is a text message between Angela Lovelady and Bernard Okojie, and we have yet another example, they are discussing how he was going to be paid and we have a specific text message that says that "The cashier's check should be made out to B&K Freight, LLC, and if they ask for the purposes, just tell them it's for truck leasing." There is nothing legitimate about that text message at all. "Just tell them it's for truck leasing." That's designed to hide the fact that the payment is illegitimate. And everybody knows it's not for truck leasing. Everybody knows that. No one is confused, nobody got up there and said "I really thought it was for truck leasing; I thought I was paying for that." No, they knew exactly what they were paying for. They went along with it, they participated in the conspiracy, by agreeing to conceal the nature of their payment, which was exorbitant. That's conspiring to commit fraud.

Kim Johnson from the FBI conducted an extensive financial analysis. You heard from Ms. Johnson and she put together some charts. She analyzed a lot of financial records and she made it look real simple.

I want to pull up 710D. 17D is a chart that she prepared and the key takeaway from the chart is when the defendant got all this money from people illegitimately, did he announce it to the world? Did he say "Look how much money they paid me for filling out these loans"? Did he withdraw all of it at one time?

Answer, no. He didn't because if he did that, that withdrawal would be reported to the Government and would create an investigation, which is ultimately what happened anyway, but that was the attempt, to try to hide the money that he illegitimately made when he was withdrawing it.

Let's go through the pattern here. Ms. Johnson traces deposits and withdrawals over and over and over and what do we see? We saw -- actually can we zoom back out, please?

We saw a pattern where the money would be withdrawn in increments that were carefully designed to be under $10,000.00 so when you look at this chart and you go back to the jury room you will see, man, over and over and over, he just withdrew the money just under 10,000.00 or around $10,000.00 on the same day. If you wanted to withdraw money, if you wanted to withdraw $10,000.00 or more and it's legitimate, you just do it. You just do it because you're not worried about where it came from and you withdraw the money at one time. You don't go to the ATM, withdraw $6,000.00 and then wait, walk inside to the bank ask them to draw out another 2,000.00, wait a couple of hours and withdraw another 1,000.00.

You can see the pattern and the numbers, but it's clear that there is an intent to stay under $10,000.00 in order to withdraw out the $160,000.00 that he illegitimately made.

That is structuring transactions in order to avoid a federal reporting requirement. It is an intent to conceal the money.

You heard from some CBP officers and I will give you the big takeaway on the CBP officers. The first is the concealment of the money started with the checks. It started with the people going along with the truck leasing. B&K Freight, Kojie, LLC, checks written out for loan preparation services to a trucking company. That's where it started, right?

But the layers of concealment kept going, so it starts there. What's the next step? Well, now I have the cash but I can't report this to the Government so let's carefully withdraw it under the 10,000.00. Now I have the cash but I want to leave the country. I can't declare it with the CBP because then they will ask where I got it from, so I'm just going to put it in a suitcase and go to Nigeria, try to hide it. That's another layer of concealment.

CBP takes the cash, and you would think once that happened someone would just give up, like "They got me; they took the cash; let it go." He doubles down on the fraud, tries to get it back, files a petition, all in evidence, with the CBP under oath and says, "This money you took, give it back; it's all legitimate," and attaches two checks, kickback checks, from the fraud as evidence that he legitimately made the money.

That is stunning, to lie again to the CBP about the source of the funds under oath in a notarized document, under penalty of perjury. The lies continued throughout the trail.

That's the big takeaway from Officer Matheson and Ms. Kassandra Haley-Fields. They seized $40,000.00. He didn't declare it. He's then caught and doubles down on the fraud and tries to get it back and says, "You guys shouldn't have taken it; it's all legit money," knowing it wasn't, knowing that the checks that he attached were part of a fraud scheme.

The second part with the CBP witnesses, there was a trip later, another encounter, also between Atlanta and Nigeria where CBP encounters the defendant and they interview him, and they find a notebook in his pocket, and the notebook, the officer read it out, but you'll see it. It's Exhibit 19. It looks like this. It's a copy of a notebook. This was seized from the defendant's pocket and it's a list of basically financial prayers, and it's relevant for these reasons. It goes to show the state of mind of the defendant.

There was an extreme obsession with -- there is an extreme obsession with money, like getting money however you can get it, and you see it on the list. "Make me a million dollars. Give my wife a business that gives her income." This goes to his intent to commit fraud to steal money if given the opportunity.

It's very rare that you have someone's thoughts written out on a page, but you do in this case. It's laid out.

It's also relevant for this reason. There are several lines in here that completely contradict what he told the SBA. "Lord, make me a million dollars in 2021." You just said you made millions of dollars in 2021 to the SBA in order to get loans, but in personal thoughts, you're actually asking for the money, direct contradiction.

There is also loan application after loan application for his wife's purported businesses and then there's a request to help her start a business. Like you just said she has one and now the notebook, the private thought notebook, says you don't. It's one of the clearest indications of fraud you could get.

I also want to talk briefly about what we didn't hear, what documents we didn't see. We didn't hear anybody get up on that witness stand and tell a legitimate story of financial struggle during the pandemic. Not one.

Some people mentioned it. "Oh, yeah, COVID was hard." You didn't hear anybody say "couldn't open up; forced closure; had to lay off people; had to tell them 'I don't have any money; I can't pay you'."

Nobody got up there telling about how they got laid off. Had to tell their family "I don't know what we're going to do but I don't have a job." Didn't hear any of that.

That's why the law exists. It's why it was passed, for those people that we all agree needed help during a pandemic that we were all confused about, how long it's going to last, what it means, can I open up?

Not one person got up there and told a legitimate story about needing the money, about truly struggling, not one person. It was -- what do we hear? I remember hearing Ginell Adams testify that she spent the money on a house. Plastic surgery consultations. Car for her son. A toy poodle. A toy poodle.

I love dogs. Love them. That is not a business expense. We can all agree that is not a business expense, and you know when you're spending thousands of dollars on a dog you're not doing the right thing, not spending loan money appropriately.

I didn't hear any true story of struggle at all. I heard Wanda Adams testify that she spent pandemic money on a car. I heard Angela Lovelady testify that she spent money on a car. I heard her testify that she was taking a salary from the loan money while she worked at NASA. That's a job. That's a good job. Didn't need this. Didn't need it at all.

I heard Katina Banks testify that she spent the money on a car, credit cards, rent. None of those people went through real financial struggles during the pandemic. None of them, and they may claim not to know certain things. They may claim that they weren't aware exactly what was on the form. But they knew they didn't have these businesses and they knew they weren't going through the real financial struggles that this loan program was designed to address. They knew that.

They took the money. Took a lot of money. It wasn't a small amount of money. Hundreds of thousands of dollars that they took knowing that they don't have businesses that would justify those loan proceeds. They didn't give the money back. No one gave the money back. They all kept it. Spent it, cars. Dogs.

And the defendant, we heard about his spending. Versace trips, a Mercedes Benz, Escalade in the driveway when Agent Dye starts asking questions. $850.00 moccasins.

I mean, it's not against the law to like nice things. It's not, but you have to earn the money to pay for it. You guys know that. $850.00 shoes that you didn't earn, you didn't work for. Robinhood investments in stock and crypto currency, throwing the money in crypto. Only Fans payments. All in evidence, definitely not struggling during COVID, definitely not laying people off, definitely not going to foreclosure, definitely not telling people, "I'm sorry, I just can't pay you."

None of that, taking the money and spending it on himself, and the painful part of this is there were real people that actually needed it, and the money ran out. It wasn't there.

Raymond Brown testified that that money that people desperately needed wasn't there because you had this fraud going on. You had people just taking anything they could get during a crisis knowing that the Government can't check everything like they normally do, exploiting a crisis for yourself.

I also didn't hear anything that resembled hard work. People got a bunch of money, and I heard no one say, "Man, I worked some long hours; really wish I could have gone to my kid's softball game," sacrifices that it takes to make ends meet. You get up every day to work to provide for your family. None of that.

It was all easy money. Fill out a form, get money from the Government. And in the United States of America, we work. We work. We are known for our hard work and making a better life for ourselves and our families, not filling out paperwork to get cash.

Rita Addo-Minta, Brandon Richardson, you may be wondering how do they fit in. Here's how they fit in. The primary fraud scheme involves the defendant and the people who paid these kickbacks. Rita and the defendant were romantically involved. Ms. Addo-Minta introduces Mr. Okojie to Brandon Richardson.

Brandon Richardson himself, we've learned through the SBA analyst, has submitted SBA loan applications. Ms. Minta has as well. Ms. Minta -- loan applications, a lot of them all in evidence, all in the testimony -- introduces the defendant to Brandon Richardson. We know the defendant got a lot of loan money.

We also heard from Ms. Dedra from the SBA that those loan applications associated with Brandon Richardson have tons of IP addresses, so the applications were filled out at different computer locations, Internet protocol locations all over, hundreds.

It's relevant in this sense. This isn't a one-person crime. This isn't one person, one loan. "It's just me; I'm not agreeing or involving anybody." This is one guy at the center, but a bunch of people connected.

It's a conspiracy, and you're going to be instructed on some of the law on that, but that's the general idea. There's a lot going on outside of the defendant. He can't do all of this by himself. He's got to get people to go along with it.

I want to end by talking about the charges and the verdict form. After you're done hearing from the attorneys, you're going to go back to the jury room. You're going to deliberate and you're doing to have the indictment. You're going to have a verdict form and you're going to see three charges, and I just want to go through the charges that you're going to be discussing, and I want to start with Count 2.

I'm starting with Count 2 because that's the substantive wire-fraud count involving the Katina Banks application. You will see in the indictment there are various individuals listed. They are listed by Individual 1, Individual 2, Individual 3.

That's done to protect certain names from being on a public docket, but you will find all of those people identified in Exhibit 17. Actually let me check the number.

You will find all of these people identified in Exhibit 12, the flow of money charts that Agent Lott did. You will see at the top there the indictment number and the paragraph of each person is listed.

So Paragraph 2, what does it allege? It alleges that the defendant filed a false application for Katina Banks. Katina Banks testified. I asked her a bunch of questions about her application. I asked her, "Did you make that gross revenue?" She said no. "Did you employ all those people?" She said no. "Did you spend the money on legitimate things?" No.

Credit cards, personal spending.

Count 2 is just her application. Count 2 is a stand-alone count. It doesn't require you to consider the sort of agreements that were surrounding the application. It's just hers. Did the defendant submit a false application for Katina Banks? That's it. That's Count 2. He absolutely did. The application is false. She said he submitted it. The application is in the records. We have proven that beyond a reasonable doubt, that Katina Banks' application was submitted by the defendant; it's false and loan money was disbursed as a result.

The charge also requires the interstate wire. That just means that there was an interstate transmission, wire transmission, as a part of the scheme. There's a stipulation that we've entered into the record regarding PPP loans. You also heard some testimony from the SBA regarding Mr. Brown, testified that the EIDL applications bounced around servers from multiple states, Colorado, Texas, Kansas City, makes their way from the applicant to all these states in order to be processed.

That triggers the interstate wire. That meets the interstate wire requirement. It's not really disputed in this case. We have submitted evidence to meet that element. That's Count 2, Katina Banks received a false EIDL application that was filed by the defendant.

Count 1 is a conspiracy count. What that means is that other people agreed to commit fraud. We've talked a lot about how this was not a one-person operation. There were kickbacks, lots of loans, money that was being hidden deceptively, money that was misspent by the people who got it.

It's a large agreement to commit a crime. You will get instructions on this. It's not required under the law that someone knows all aspects of the scheme. It's often the case that people don't, but they know enough to know that this is an unlawful agreement. We've shown that. We've shown evidence that there was a conspiracy to commit wire fraud. There may be certain things that people didn't know, but they certainly knew that they didn't have businesses that grossed these type of revenues and employed these amounts of people.

Count 1 is the conspiracy count. We're going to ask you to return a verdict of guilty on that count. Count 3 alleges conspiracy to commit wire fraud. I'm sorry, Count 3 alleges conspiracy to commit money laundering.

Money laundering is a legal term that means somebody is trying to hide the proceeds of the crime. They are trying to conceal it and we talked about the layers of concealment.

From the beginning, there were companies that were set up that were fake that were used to filter the money, checks are coming in not to the defendant personally, not to financial brokerage firms, but to made-up companies that are designed to conceal that transaction and it's purposeful.

It's purposeful. You have text messages that show he was intending to direct that. You also have the checks themselves that show in the memo line the purpose for it. That is an agreement to conceal or disguise the nature or control the proceeds of fraud.

There is also a type of money laundering that involves transactions of fraudulent proceeds over $10,000.00, so if there's a transaction of more than $10,000.00 and it involves fraudulent proceeds, that can be a separate crime. That is also alleged as an object of the conspiracy.

There's two boxes, and I'm going to show you on the verdict form. There's two boxes that you will see for that. I'm going to ask you to check both boxes because he did both conceal the nature and source of the funds and the monetary transactions all exceeded $10,000.00, checks that people wrote all over $10,000.00.

You will see that on the financial chart. You will see it on the checks themselves that they are over $10,000.00.

You will have a verdict form. After you deliberate, you will come to a verdict. I'm asking that you return a verdict of guilty because that's the evidence. That's what the evidence shows; that's what it requires. I'm not asking you to do it because I'm saying it.

I'm asking because the evidence shows the defendant committed these crimes, so when you go back there, you're going to fill out this form. You're going to write "guilty" on Count 1; Count 2, the Katina Banks application, I'm going to ask that you write "guilty" in that box; and Count 3, I'm going to ask that you find that the defendant concealed the money and engaged in transactions more than $10,000.00, and I'm going to ask that you write "guilty."

Thank you for your attention in this case. Thank you for your time. Thank you for your service.

THE COURT: Mr. Ossick, on behalf of the defendant?

MR. OSSICK: If it please The Court, Your Honor.

Good morning. When I made a few remarks to you in opening, I said that the Government in the indictment hadn't named anyone as a coconspirator and I said that it would be interesting to see perhaps why that was. Well, that probably didn't mean a whole lot because you hadn't seen the indictment and you hadn't read it and you still haven't, but you will have it when you begin your deliberations, and as The Court instructed, it's not evidence but it is the way in which the Government frames the charge that you're called upon to decide.

Now, when you start to make those decisions, you're using what The Court gives you as the legal standards to sort of the questions that are formed by the indictment.

In this particular indictment, as Mr. Josephson indicated, Counts 1 and 3 are conspiracy charges. 2 is what is known, as indicated, as the substantive offense, so wire fraud.

It's important that you distinguish between what they are because the legal requirements that you have to comply with to determine the correct verdict to each varies.

The conspiracy is something that requires in addition to a substantive crime an agreement by the defendant with someone else who is knowledgeable of what that unlawful objective is and some actions in furtherance of it.

It's not and doesn't include things where people may just work together, each having a separate agenda unless they are knowledgeable of the other's plans. Whether their objectives individually are appropriate or not is not what determines it.

Similarly a conspiracy is not like a collection of substantive offenses. For instance, as I think he explained very well, Count 2 is were these documents that were sent false. The Government could have brought a charge like that if they wanted to for every document that was sent that they think the evidence is going to show is false.

That would be a series of various counts of substantive charges, and then that's under the context of this, the various wire fraud counts, but conspiracy is not a collection of counts.

Again, the conspiracy is whether or not there is an agreement between people in this case, between people, knowing what they are doing to commit the substantive offense.

Now, when you're trying to decide, well, you know, did they just happen to act in a way that furthered the objectives or were they knowledgeable of each other's plan and wanted to be part of the plan, because it's like a partnership in crime. You're doing it together and you know you're doing it together. Not that it just helps my own separate plan or not. That's not the conspiracy.

But let's look at what sort of factors we should consider to try to determine whether or not we're comfortable in saying there was a knowing agreement to an unlawful plan.

I mean, you use the same sort of things. You look, you know, in life, I mean, how well do you know each other, how long have you known each other, how much do you communicate with one another, you know, what are the sort of real facts you can kind of look at and say, "Am I comfortable deducing from this?"

You know, I think there was reference that, well, for instance, there's checks made to a trucking company. That suggests that they somehow know something is going on.

Well, it suggests that they don't care perhaps, but it doesn't say that "Oh, well, geez, because I'm directed to write something a particular way that means that I know what the other's plan is, that I know that there's some plan about hiding money"?

You know, you look, look at the things that, just think about what the witness could tell us on this. I think all of them at one point indicated that they met him generally only when payment was being made.

Some said that they talked to him -- really didn't even have a conversation with him on the phone. The husband I believe was on the phone, and they said, "Well, my social security number is" or "my address is."

I mean, that's the extent of the conversation that the evidence is showing you some of these people had -- some testified -- and I'm sure collectively I know you're going to remember the evidence way better than I did. Some said there might have been two calls; there might have been one. They didn't know each other ahead of time; they didn't go to school together; didn't grow up together; didn't ever work somewhere together.

Mr. Okojie's name came up because of another person at a truck stop knew of what he does. The Government wants you to believe, well, these people knew and joined in, knowing that, when the evidence about all the kind of factors -- and I know you will have your own and you will decide whether or not, you know, what would it take for someone to decide to take a chance involving an unlawful agreement and I want to be part of it.

Well, that's what's required for you to be able to find that there is a conspiracy. Look at things that even sort of show contract, Ms. Lovelady's text, you know, after the fact, what do you even put down? Does that sound like somebody who is familiar with the plan and knows it and joined it; look at how did the Government treat these people? Did they make these coconspirators, codefendants, list them in the indictment, say, "Look, it's part of this; we will prove it."

They are not even named in the indictment. There is a section that names unidentified individuals, but it doesn't even tell you there that there are unindicted coconspirators, which they can do.

The Government can, you know -- I also mentioned in the opening about look at what some of the witnesses' own concerns are; they have their own concerns and should. They may well have had their own plans, and the Government has got ways to deal with that.

It's completely appropriate under the law. The law specifically authorizes that you can make agreements with people who have committed offenses and give them, you know, immunity, which is an agreement never to prosecute them, make deals with them and have them testify, when they have immunity, compel them to testify, and if they are -- and say, you know, this is what it was and they can also choose not to prosecute someone, but what they have to do when they want to convict somebody of a conspiracy is to have sufficient proof that there was a knowing agreement with someone else, and that's just not present when you look at the kind of factors that are involved here.

Who had any idea as a witness that Mr. Okojie would go to Nigeria with currency? Who had any idea, when you're talking about -- money laundering is the same. It's not just about Count 1 but Count 3. It's also a conspiracy. Who had any idea about how, after being paid, he would make withdrawals in cash from various accounts or even what accounts he might have or when he was going to do it over the weekend or close together to be some sort of structuring.

Now you don't have to know all the details and everything about a plan in a conspiracy to be part of it, but you have to be knowledgeable of its unlawful purpose and intentionally want to be part of that, become a partner.

When you look at these, whether or not -- it takes coordination and communication. It takes some sort of understanding to be reached and it's got to be reached in advance and it's not just because you have your own agenda, and I don't believe that you see evidence at all here sufficient to show that there is ever an agreement to be part of a plan. No witnesses said they were.

No witnesses were treated like they -- if they had some sort of agreement or benefit with the Government, they would have had to say that in connection with giving testimony because that's something that would affect their credibility. That's one of the factors just like all the others about them and how they handled themselves and what they did with the money that you can look at and see.

Maybe they had their own problems. Maybe they have their own problems, but how is that evidence of the plan? It's not. And it's not evidence of their knowingly joining.

You know, I would think for most of you probably that the wire fraud in Count 2, that when you're deciding that, that's an easy decision. You know, if you think that there was fraudulent documents submitted, that may be an easy decision for you. That's the kind of decision that you make probably without hesitation, and that's what proof beyond a reasonable doubt is. You know, it's without hesitation; you know it immediately, you know, when you think about it. But Counts 1 and 3, I venture to say that each of those which require this common plan that you know and join that everybody feels a bit of hesitation and you'll need to talk about it.

Well, that's what you're supposed to do, but that hesitation, that's exactly what reasonable doubt means, and when you have that, you are supposed to, in accordance with the duty the law imposes upon you in your service as a juror, to find not guilty as to those counts where you have that hesitation and doubt.

Reasonable doubt will be defined by The Court but an easy way to think about it is when you're handling the most serious of your own affairs what kind of certainty would you need before you make big life decisions? Well, that's the kind of certainty that's required in order to convict and we believe it's clear as to Counts 1 and 3 that those are hesitations, those are without sufficient evidence to support and ask you to return verdicts of not guilty as to those.

Thank you, Your Honor.

THE COURT: Rebuttal closing, Mr. Josephson?

MR. JOSEPHSON: Yes, Your Honor.

The defense that I just heard was that the defendant may have committed all that fraud, may have falsified documents, may have filled out false applications, may have gotten hundreds of thousands of dollars himself after falsely representing that he made millions of dollars, the defendant may have received kickbacks and laundered money and tried to leave the country with it and then lie to the Customs and Border Protection to get it back, he may have done all of that, but don't worry about any of that that he did, that he's here today to be held accountable for and find him not guilty because the other people didn't really know what was going on. That's the defense I just heard.

Here's a response. First, they did know what was going on. They did. They reached out to him. Nobody forced these loans on them. Nobody said, "You must have an SBA EIDL loan."

They reached out to him. It was word of mouth. It started at a truck stop and they didn't -- they got no assurances at all that this person knew what they were doing, no certifications, no trainings. They take word of mouth from a friend that so-and-so can get you money from the Government and they go along with it.

Second, they knew it was a business loan. They signed paperwork. They log in and sign loan authorization agreements. Now they may not read it and we will get to the jury instructions in a minute -- because I think it's important -- you can't turn a blind eye to a fact to avoid knowing it. You can't just deliberately decide "Oh, well, I'm not going to care that this person has no credentials; I'm not going to care to look at the documents; I don't know anything; I don't know; it's legitimate to me." You can't make a decision after decision after decision to not know things. You have to take responsibility as an adult to realize that people will commit fraud and you will be part of it and benefit from it.

They knew it was a business loan, and they didn't have a business. Ginell Adams is a hair stylist. She doesn't own a salon that grosses 200K. She's a hairstylist. She makes a modest income. May not be living on it, but makes a modest income.

Wanda Anderson and her boyfriend, Charlie Bey, they work at DaVita Dialysis. They are employees of DaVita Dialysis, and they sell medical equipment on the side, but those sales were nowhere near 200K. It's not a surprise to them. They know this. They know how much money they make and they know how much money they are getting.

Katina Banks works in a medical service company as well and she sells pots and pans on the side. Makes $10,000.00 a year doing it. And she gets a hundred-thousand-dollar loan from the SBA after talking to a guy she's never met, she doesn't know. She's deciding to take that loan. No one is forcing her to do it. She is, under these circumstances, and they all write checks, massive checks that we talked about, 18, 20, 30 thousand dollars that they have never written before for any financial service in their life. They knew what was going on or they at least deliberately tried to close their eyes to what was going on. They asked no questions, none, and they took the money. That's what happened.

Charlie and Wanda filed four loan applications for the same business, four applications for the same business that was not making much money. You don't think that they knew something was going on? You have people buying dogs and paying for cars with loan money. You don't think that they knew "This isn't right; I'm trying to get one over on the Government to make some extra money"?

That's what they were doing and they knew it. They knew it. None of them thought they would ever have to be sitting in a federal court but they knew it. Are they as culpable of the defendant? No. Do they have to be conspire? No.

They can play a minor role in the conspiracy. They can be less culpable, but they are part of it. It doesn't work without them. When you look at that chart, you have the part with the defendant and it is a huge part, but it's not the only part. You've got tentacles to this thing that go out to lots of people, lots of loans, and it's probably still going out. We're probably still -- there's probably still people out there who got loans that could be traced, but what we know is that the evidence shows that the people that testified did and they knew what was going on.

Now I want to read a couple jury instructions for you. The Court is going to instruct you on the law. You'll have a copy of the jury instructions. Obviously, listen to what the Judge tells you, but this is what you're going to hear. You may find that a conspirator knew about the unlawful purpose of a plan if you determine beyond a reasonable doubt that the conspirator, Number 1, actually knew about the unlawful purpose of the plan or, 2, had every reason to know but deliberately closed his or her eyes.

That's what happened. I think they knew. I think they knew because I don't think you engage in that kind of spending and take that kind of money without knowing "I don't really have a business loan; I hope nobody asks any questions."

I think they knew. But at a minimum they asked no questions. They deliberately closed their eyes and they took money they weren't entitled to.

You're also going to be instructed with respect to a conspiracy that the Government does not have to prove that all the people named in the indictment were members of the plan, okay. So it's not necessary that you go back there and decide that absolutely everybody involved knew. You don't have to decide that to convict. All you have to decide is there was at least one. Just one. It wasn't him alone. It was at least one person that agreed to participate in this conspiracy to make it work. That's it. You will be instructed by the Judge with respect to that key conspiracy point.

Defense counsel also mentioned that, well, the Government hasn't charged certain people in this case; they are not in this indictment. You're going to receive this instruction. The evidence may show that some of the people alleged in the conspiracy are not on trial. There is no requirement that all members of the conspiracy be charged or tried together in one proceeding. There is one defendant in this case. There is one defendant that you have to decide whether he committed the crimes alleged in the indictment. You don't have to decide whether all the other people committed various crimes that haven't been charged yet. That is a different question for a different jury for a different day.

It's not something you have to decide. So it's irrelevant. You will be instructed that that's not going to be the focus of your deliberations.

A lot of lies in this case, a lot of them, lies to the SBA, lies to Customs and Border Patrol, lies to the IRS, the Georgia Department of Labor. Deception all over the place. But you can't lie in this room. They can't lie to you because there's evidence before you that says, "The scam is up; the scam is over; you're caught."

The documents are what they are. The testimony is what it is. The lie stops here. That's why we're going to ask you to return a verdict of guilty on every single count in that indictment.

Thank you.

THE COURT: All right, ladies and gentlemen of the jury, it is time for our mid-morning break. We really only have one piece left until you retire finally to deliberate.

On this last mid-morning break here today, don't yet make up your mind. Don't yet discuss the case. It is 10:35. We will be in recess for about 15 minutes. When you return, I will give you instructions on the law.

From time to time during the case the attorneys may have said "I think this about the evidence, I think that about the evidence." You will recall what matters is your recollection of the evidence and not what either me as the Judge or either attorney might think. It's your recollection of the evidence that matters.

With that, let's rise for the jury.

(The jury exits the courtroom.)

THE COURT: All right, counsel, excellent closing arguments. I thought I may have heard something close to vouching, and so I just wanted to make sure they recalled that it is their impression of the evidence that matters.

With that, we will be in recess for 15 minutes.

(Recess from 10:34 a.m. to 10:58 a.m.)

THE COURT: Let's bring in the jury.

(The jury enters the courtroom.)

THE COURT: Members of the jury, it's now my duty to instruct you on the rules of law that you must use in deciding this case. After I've completed these instructions, you will go to your jury room and begin your discussions, what we call your deliberations.

Let me say in advance that each of you will receive a written copy of these instructions for you to use during your deliberations so you don't have to memorize what I'm saying as I say it.

You must decide whether the Government has proved the specific facts necessary to find the defendant guilty beyond a reasonable doubt. Your decision must be based only on the evidence presented during the trial. You must not be influenced in any way by either sympathy for or prejudice against the defendant or the Government. You must follow the law as I explain it, even if you don't agree with the law and you must follow all of my instructions as a whole. You must not single out or disregard any of The Court's instructions on the law.

Now the indictment or formal charge against the defendant is not evidence of guilt. The law presumes every defendant is innocent. The defendant does not have to prove his innocence or produce any evidence at all. A defendant does not have to testify, and if the defendant chose not to testify, you cannot consider that in any way while making your decision.

The Government must prove guilt beyond a reasonable doubt. If it fails to do so, you must find the defendant not guilty. The Government's burden of proof is heavy, but it doesn't have to prove a defendant's guilt beyond all possible doubt. The Government's proof only has to exclude any reasonable doubt concerning the defendant's guilt.

A reasonable doubt is a real doubt based on your reason and common sense after you've carefully and impartially considered all the evidence in the case. Proof beyond a reasonable doubt is proof so convincing that you would be willing to rely and act on it without hesitation in the most important of your own affairs. If you're convinced that the defendant has been proved guilty beyond a reasonable doubt, say so. If you are not convinced, say so.

As I said before, you must consider only the evidence that I've admitted in the case. That evidence includes the testimony of witnesses and the exhibits that have been admitted, but anything the lawyers say is not evidence and isn't binding on you. You shouldn't assume from anything I've said that I have any opinion about any factual issue in the case. Except for my instructions to you on the law, you should disregard anything I may have said during the trial in arriving at your own decision about the facts. Your own recollection and interpretation of the evidence is what matters.

Now, in considering the evidence, you may use reasoning and common sense to make deductions and reach conclusions and you shouldn't be concerned about whether the evidence is direct or circumstantial.

Direct evidence is the testimony of a person who asserts that he or she has actual knowledge of a fact such as an eyewitness. Circumstantial evidence is proof of a chain of facts and circumstances that tend to prove or disprove a fact. There is no legal difference in the weight you may give to either direct or circumstantial evidence.

When I say you must consider all the evidence, I don't mean that you must accept all the evidence as true or accurate. You should decide whether you believe what each witness had to say and how important that testimony was. In making that decision, you may believe or disbelieve any witness in whole or in part. The number of witnesses testifying concerning a particular point doesn't necessarily matter.

Now, to decide whether you believe any witness, I suggest you ask yourself a few questions. Did the witness impress you as one who was telling the truth? Did the witness have any particular reason not to tell the truth? Did the witness have a personal interest in the outcome of the case? Did the witness seem to have a good memory? Did the witness have the opportunity and ability to accurately observe the things he or she testified about? Did the witness appear to understand the questions clearly and answer them directly? Did the witness' testimony differ from other testimony or other evidence?

You should also ask yourself whether there was evidence that a witness testified falsely about an important fact and ask whether there was evidence that at some other time a witness said or did something or didn't say or do something that was different from the testimony the witness gave during the trial.

But keep in mind that a simple mistake doesn't mean a witness wasn't telling the truth as he or she remembers it. People naturally forget or tend to forget some things or remember them inaccurately, so if a witness misstated something, you must decide whether it was because of an innocent lapse in memory or rather an intentional deception, and the significance of your decision may depend on whether that misstatement is about an important fact or an unimportant detail.

Now each count of the indictment charges a separate crime. You must consider each crime and the evidence relating to it separately. If you find the defendant guilty or not guilty of one crime, that must not affect your verdict for any other crime.

I caution you that the defendant is on trial only for the specific crimes charged in the indictment. You're here to determine from the evidence in this case whether the defendant is guilty or not guilty of those specific crimes.

You must never consider punishment in any way to decide whether the defendant is guilty. If you find the defendant guilty, the punishment will be for me to decide alone later.

As I said, the indictment charges three separate crimes called counts against the defendant. Each count has a number and you will be given a copy of that indictment to refer to during your deliberations.

Count 1 charges that the defendant knowingly and willfully conspired to commit wire fraud. Count 2 charges that the defendant committed what is called a substantive offense, specifically wire fraud. I will explain the law governing that substantive offense in just a minute.

Count 3 charges that the witness willfully and knowingly conspired to commit money laundering. Please note the defendant is not charged in Counts 1 and 3 with committing a substantive offense. He is charged with conspiring to commit that offense, and I will also give you specific instructions on conspiracy.

So, it is a federal crime to use interstate, wire, radio or television communications to carry out a scheme to defraud someone else.

The defendant can be found guilty of this crime only if all of the following facts are proved beyond a reasonable doubt: First, that the defendant knowingly devised or participated in a scheme to defraud somebody by using false or fraudulent pretenses, representations or promises; second, that the false pretenses, representations or promises were about a material fact; third, that the defendant acted with the intent to defraud; and fourth, that the defendant transmitted or caused to be transmitted by wire some communication in interstate commerce to help carry out the scheme to defraud.

Now, a scheme to defraud means any plan or course of action intended to deceive or cheat someone out of money or property by using false or fraudulent pretenses, representations or promises.

A statement or representation is false or fraudulent if it's about a material fact that the speaker knows is untrue or makes with reckless indifference to the truth and makes with the intent to defraud.

A statement or representation may be false or fraudulent when it is a half-truth or effectively conceals a material fact and is made with the intent to defraud.

A material fact is an important fact that a reasonable person would use to decide whether to do something or not. A fact is material if it has the capacity or natural tendency to influence a person's decision. It doesn't matter whether the decisionmaker actually relied on the statement or knew or should have known that the statement was false.

To act with the intent to defraud means to act knowingly and with the specific intent to use false or fraudulent pretenses, representations or promises to cause loss or injury. Proving intent to deceive alone without the intent to cause loss or injury is not sufficient to prove intent to defraud.

The Government does not have to prove all the details alleged in the indictment about the precise nature and purpose of the scheme. It also doesn't have to prove that the material transmitted by interstate wire was itself false or fraudulent or that using the wire was intended as the specific or exclusive means of carrying out the alleged fraud or that the defendant personally made the transmission over the wire, and it doesn't have to prove that the alleged scheme actually succeeded in defrauding anyone.

To use interstate wire communications is to act so that something would normally be sent through wire, radio or television communications in the normal course of business. Each separate use of the interstate wire communications as part of the scheme to defraud is a separate crime.

It's a federal crime to knowingly and willfully conspire or agree with somebody to do something that if actually carried out would result in the crime of wire fraud.

A conspiracy is an agreement by two or more persons to commit an unlawful act. In other words, it's a kind of partnership for criminal purposes. Every member of the conspiracy becomes the agent or partner of every other member. The Government does not have to prove that all the people identified in the indictment were members of the plan or that those who were members made any kind of formal agreement. The heart of the conspiracy is the making of the unlawful plan itself, so the Government does not have to prove that the conspirators succeeded in carrying out the plan.

The defendant can be found guilty of the conspiracy offense only if all the following facts are proved beyond a reasonable doubt: Number 1, that two or more persons in some way or manner agreed to try to accomplish a common and unlawful plan to commit wire fraud as charged in the indictment; and second, that the defendant knew the unlawful purpose of the plan and willfully joined in it.

A person may be a conspirator even without knowing all the details of the unlawful plan or the names and identities of all the other alleged conspirators. If the defendant played only a minor part in the plan but had a general understanding of the unlawful purpose of the plan and willfully joined in the plan on at least one occasion, that is sufficient for you to find the defendant guilty, but simply being present at the scene of an event or merely associating with certain people and discussing common goals and interests doesn't establish proof of a conspiracy.

Also a person who doesn't know about a conspiracy but happens to act in a way that advances some purpose of one doesn't automatically become a conspirator.

Now, it is a federal crime to conspire to engage in money laundering or transactions involving the proceeds of specified unlawful activity that violates certain statutes, Title 18 United States Code Section 1956 and 1957.

While it's not necessary for you to find the defendant conspired to commit both of the offenses alleged to be objects of the conspiracy, it is necessary that your vote be unanimous that at least one of such intended offenses was the object of the conspiracy.

It's a federal crime to knowingly engage in certain kinds of financial transactions commonly known as money laundering under 18 USC Section, that is, United States Code Section 1956 as follows.

The defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt: First, that the defendant knowingly conducted or tried to conduct financial transactions; second, that the defendant knew the money or property involved in the transaction were the proceeds of some kind of unlawful activity; third, the money or property did come from unlawful activity, specifically, the wire fraud scheme charged in Counts 1 and 2 of the indictment; and four, the defendant knew that the transaction was designed in whole or in part to conceal or disguise the nature, location, source, ownership or the control of the proceeds.

It's also a federal crime for anyone to engage in certain kinds of financial transactions commonly known as money laundering under 18 United States Code Section 1957 as follows. The defendant can be found guilty of this offense only if all of the following are proved beyond a reasonable doubt: First, the defendant knowingly engaged or attempted to engage in a monetary transaction; second, the defendant knew the transaction involved property or funds that were the proceeds of some criminal activity; third, the property had a value of more than $10,000.00; and fourth, the property was, in fact, proceeds of fraud, schemes involving COVID-19 stimulus funds including EIDL funds and PPP funds, and that the transaction took place in the United States.

To conduct a transaction means to start or finish a transaction or to participate in a transaction at any point. A transaction means a purchase, sale, loan, gift, promise, transfer or delivery or other disposition of money or property.

A transaction with a financial institution also includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, use of safe deposit box or purchase or sale of any stock, bonds, certificate of deposit or other monetary instrument.

A financial transaction means a transaction that in any way or to any degree affects interstate or foreign commerce by sending or moving money by wire or other means or a transaction that in any way or to any degree affects interstate or foreign commerce by involving one or more monetary instruments.

The phrase "monetary instruments" includes coins or currency of any country, travelers or personal checks, bank checks or money orders or investment securities or negotiable instruments in a form that allows ownership to transfer on delivery.

Interstate or foreign commerce means trade or other business activity between people or businesses in at least two states or between people or businesses in the United States and people or businesses outside the United States.

To know that the money or property involved in the transaction came from some kind of unlawful activity is to know that the money or property came from an activity that's a felony under state, federal or foreign law.

The term "proceeds" means any property derived from or obtained or retained directly or indirectly through some form of unlawful activity including the gross receipts of the activity.

The phrase "specified unlawful activity" means the wire fraud schemes charged in Counts 1 and 2 of the indictment. The term "monetary transactions" means the deposit, withdrawal, transfer or exchange of funds or monetary instrument by, through or to a financial institute in a way that affects interstate commerce. A financial institute means an insured bank.

It doesn't matter whether the defendant knew the precise nature of the crime or that the property came from committing fraud schemes involving COVID-19 stimulus funds including EIDL funds and PPP funds, but the Government must prove that the defendant knew that the property involved in the monetary transaction was obtained or derived from committing some crime. Also it doesn't matter whether all the property involved was derived from a crime. The Government only has to prove that $10,000.00 worth of the property was obtained or derived from committing a crime.

A conspiracy, as you've heard, is an agreement by two or more people to commit an unlawful act. In other words, it is a kind of partnership for criminal purposes. Every member of the conspiracy becomes the agent of every other member. And the Government does not have to prove that all the people identified in the indictment were members of the plan or that those who were members made any kind of formal agreement.

The heart of the conspiracy is the making of the unlawful plan itself. So the Government does not have to prove that the conspirators succeeded in carrying out the plan.

The defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt: Number 1, two or more people agreed to try to accomplish a common and unlawful plan to violate 18 United States Code

Sections 1956 and 1957; and second, the defendant knew about the plan's unlawful purpose and voluntarily joined in it.

A person may be a conspirator even without knowing all the details of the unlawful plan or the names and identities of all the other alleged conspirators. If the defendant played only a minor part in the plan but had a general understanding of the unlawful purpose of the plan and voluntarily joined in the plan on at least one occasion, that's sufficient for you to find the defendant guilty, but simply being present at the scene of an event or merely associating with certain people and discussing common goals and interests does not establish proof of a conspiracy. Also, a person who doesn't know about a conspiracy but happens to act in a way that advances some purpose of one doesn't automatically become a conspirator.

The evidence may show that some of the persons involved in the alleged conspiracy are not on trial. There is no requirement that all members of a conspiracy be charged or tried together in one proceeding.

A single human cannot be convicted of a conspiracy involving only that one human and corporate entities he controls. To be convicted of a conspiracy, one human must conspire with another human or with an entity which he does not control.

If a conspirator's knowledge of a fact is an essential part of a crime, it's enough that the conspiracy was aware of a high probability that the fact existed unless the conspirator actually believed the fact didn't exist.

Deliberate avoidance of a positive knowledge, which is the equivalent of knowledge, occurs, for example, if a witness possesses a package and believes it contains a controlled substance but deliberately avoids learning that it contains a controlled substance so that he or she can deny knowledge of the controlled substance.

So you may find the conspirator knew about the unlawful purpose of the plan if you determine beyond a reasonable doubt that the conspirator, one, actually knew about the unlawful purpose of the plan; or, two, had every reason to know but deliberately closed his eyes, but I must emphasize that negligence, carelessness or foolishness isn't enough to prove that the conspirator knew about the unlawful purpose of the plan.

Good faith is a complete defense to a charge that requires intent to defraud. A defendant isn't required to prove good faith. The Government must prove intent to defraud beyond a reasonable doubt.

An honestly held opinion or an honestly formed belief cannot be fraudulent intent even if the opinion or belief is mistaken. Similarly, evidence of a mistake in judgment, an error in management or carelessness can't establish fraudulent intent.

But an honest belief that a business venture would ultimately succeed doesn't constitute good faith if the defendant intended to deceive others by making representations the defendant knew to be false or fraudulent.

You will see that the indictment charges that a crime was committed on or about a certain date. The Government doesn't have to prove that the crime occurred on an exact date. The Government only has to prove beyond a reasonable doubt that the crime was committed on a date reasonably close to the date alleged.

The word "knowingly," that means that an act was done voluntarily and intentionally and not because of a mistake or an accident.

The word "willfully" means that the act was committed voluntarily and purposely with the intent to do something the law forbids, that is, with the bad purpose to disobey or disregard the law.

While a person must have acted with the intent to do something the law forbids, before you can find the person acted willfully, the person need not be aware of the specific law or rule his conduct may be violating.

If a witness is questioned about earlier statements or testimony the witness made, the questioning is permitted to aid you in evaluating the truth or accuracy of the witness' testimony at this trial. A witness' earlier testimony or statements are not ordinarily offered or received as evidence of their truth or accuracy. They are pointed out to give you a comparison and to help you decide whether you believe the witness' testimony, and whether those prior statements are consistent or inconsistent with the witness' trial testimony is entirely up to you.

You've been permitted to take notes during the trial, and some of you, perhaps most of you, have taken advantage of that opportunity. Recall that you must use your notes only as a memory aid during deliberations. You must not give your notes priority over your independent recollection of the evidence.

And you must not allow yourself to be unduly influenced by the notes of other jurors. I emphasize that notes are not entitled to any greater weight than your memories or impressions about the testimony.

Now your verdict, whether guilty or not guilty, must be unanimous. In other words, you must all agree. Your deliberations are secret and you will never have to explain your verdict to anyone.

Each of you must decide the case for yourself but only after fully considering the evidence with the other jurors. So you must discuss the case with one another and try to reach an agreement.

While you're discussing the case, don't hesitate to reexamine your own opinion and change your mind if you become convinced that you're wrong but don't give up your honest beliefs just because others think differently or because you simply want to get the case over with.

Remember that, in a very real way, you're judges. You're judges of the facts. Your only interest is to seek the truth from the evidence in the case.

When you get to the jury room, choose one of your members to act as a foreperson. Your foreperson will direct your deliberations and will speak for you in court.

As you've heard, there is a verdict form that has been prepared for your convenience, and each of you will likewise get a copy of the verdict form. It leads you through consideration of each of the three counts. It gives you the option of deciding whether the defendant is either guilty or not guilty as to Count 1, whether the defendant is either guilty or not guilty as to Count 2, and as to Count 3, it likewise gives you the option of finding whether the defendant is guilty or not guilty of that count.

If you were to find that the defendant was not guilty of Count 3, that would complete your consideration of that count. If you find that the defendant is guilty of Count 3, then there is a further consideration and they ask you to check boxes that apply.

Once you have reached a unanimous verdict, your foreperson will fill out the verdict form according to that unanimous verdict. That foreperson will sign and date the form and you will let the marshal know that you've reached a verdict.

At that point you will be returned to the courtroom so that we can hear the verdict.

Counsel, to sidebar very quickly.

(The following occurred at sidebar.)

THE COURT: My question to you is simply: Did I read that correctly?

MR. OSSICK: Yes.

THE COURT: All right, thank you.

(The following occurred in open court.)

THE COURT: Mr. Tiller, Juror Number 52, and Mr. Scherrer, Juror Number 47, you are our alternates, and so during the deliberation, I'm going to ask the marshal to keep you in a separate area.

As for the remaining 12, it is now time to discuss the case with one another to reach a verdict.

Let's rise for this jury.

(The jury exits the courtroom.)

THE COURT: Counsel, two points, I do require that you remain in the courthouse until we receive a verdict or if we get any questions. There will come a point where, if we've gone a certain distance, I will excuse you for lunch for a certain amount of time. I'm not going to do that just yet.

Second point is I need you when we recess to approach

Ms. Sharp and together confirm on the record that the evidence we have to send back to the jury room is all the evidence and only the evidence that they should be considering during their deliberations, so I will have you take a look at that, confirm on the record that we have the right evidence going back.

With that, we will be in recess pending receipt of a verdict or a question by the jury.

(Honorable Lisa Godbey Wood exits the courtroom.)

THE CLERK: Ms. Gilbert, I'm going to try to go in order. So let's start with -- I'm going to stand in between you. Will that work? And then you can look.

So as I will just flip through the each exhibit, the tag on the front, I will go through and call them out by number. If there's a mistake or if there's a wrong one, if you will please say, "That's the wrong one." If not, if you don't say anything I'm going to assume it is the correct one.

MS. STANLEY: Okay.

THE CLERK: We will start with Government's Exhibit 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 2A, 2B, 2C. Is that correct for the first notebook?

MR. OSSICK: Yes.

THE CLERK: Yes for the Defense?

MR. OSSICK: Yes.

THE CLERK: Yes for the Government?

MS. STANLEY: Yes.

THE CLERK: So we will pick up with Government's 2D, 2E, 2F, 2G, 2H, 2I, and 2J. Is that correct, for the second notebook for the Defense?

MR. OSSICK: Yes.

THE CLERK: For the Government?

MS. STANLEY: Yes.

THE CLERK: So we will pick up with Government's 3A, 3B, 3C, 3D, and if you need to --

MR. OSSICK: No.

THE CLERK: If either one of you -- 3E, 4A, 4B, that concludes this notebook; is that correct, for the Defense?

MR. OSSICK: Yes.

THE CLERK: Correct for the Government?

MS. STANLEY: Yes.

THE CLERK: This is Government's 5A, 5B, 5C, 5D, 5E, 5F. That doesn't have a tag. This is Government's 5E. No, that's 5F. Back up, 5E, and this is 5F so Government's 6. Good?

MR. JOSEPHSON: Yeah.

THE CLERK: Government 7.

MS. STANLEY: Yeah.

THE CLERK: Government 8, which will go back in electronic form.

MS. STANLEY: Where is the signed one? This is only actually entered but it's the same thing.

THE CLERK: Okay. Good?

MS. STANLEY: Yes.

THE CLERK: We move on to Government's 10, 11A, 11B, 11C, 11D, 11E, and 11F.

MR. OSSICK: Okay.

THE CLERK: That concludes this notebook; is that correct, for the Defense?

MR. OSSICK: Yes.

THE CLERK: Correct for the Government?

MS. STANLEY: Yes.

THE CLERK: Next to the last one. The last notebook, so we will start with Government's 11G, 11H, 12A, 12B, 12C, 12D, 12E, 12F, 12G, 12H, 12I, 12J, 12K, 12L, 13, 14, 15, which is electronic evidence only, not in the notebook.

MS. STANLEY: I'm so sorry, that signed disk is 15, not 8.

THE CLERK: That's my disk, I'm going to put that there.

MS. STANLEY: I apologize. I'm confusing them.

THE CLERK: This one is marked 15.

MS. STANLEY: Yes.

THE CLERK: Has a tag on the back.

Government's 16A, 16B, 16C, 17A, 17B, 17C, 17D, 18, 19 and 20.

MR. OSSICK: Okay, yes.

THE CLERK: Correct for the Defense?

MR. OSSICK: Correct.

THE CLERK: Correct for the Government?

MS. STANLEY: Yes.

THE CLERK: One last thing, I will have you look at this form of the indictment and confirm that is the correct one to go back to the jury.

MR. OSSICK: No, it is not.

MS. STANLEY: It should be the clean copy.

THE CLERK: I will forward it to you, although I think I already have it.

MS. STANLEY: That's the one that goes with the set, John.

(Off the record.)

THE CLERK: If you will all take a look at that.

MR. OSSICK: You check it.

THE CLERK: Please make sure to go page by page.

MS. STANLEY: Okay, it's fine with us.

MR. OSSICK: I'm good. It was right.

MS. STANLEY: It was right. The bank fraud.

THE CLERK: Mr. Ossick, if you will look over it to confirm on the record that is the correct indictment to go back to the jury.

MR. OSSICK: Yes.

THE CLERK: This is the correct copy. All right, thank you-all.

(Recess from 11:57 a.m. to 12:18 p.m.)

THE COURT: Counsel, the jury has reached a verdict. One thing I will say before we have them come in, I want to again commend all the attorneys for an excellent job. Mr. Ossick and Mr. Josephson have tried cases before me before and so I knew they would be their customary excellent advocate, but Ms. Stanley, it's her first time in my court and you have done a very professional and impressive job, and so I commend all three attorneys.

With that, let's bring in the jury.

(The jury enters the courtroom.)

THE COURT: Good afternoon, members of the jury.

Mr. Foreperson, has the jury reached a verdict?

JUROR NUMBER 32: We have, Your Honor.

THE COURT: Is it unanimous?

JUROR NUMBER 32: It is, Your Honor.

THE COURT: If you will hand the verdict sheet to the marshal. Ms. Sharp, publish the verdict.

THE CLERK: In the United States District Court for the Southern District of Georgia Savannah Division, United States of America versus Bernard Okojie, 4:22-CR-84, verdict form.

Count 1, conspiracy to commit wire fraud, 18 USC Section 1349. We the jury find the defendant Bernard Okojie guilty as charged in Count 1.

Count 2, wire fraud, 18 USC Section 1343 and 2. We the jury find the defendant Bernard Okojie guilty as charged in

Count 2.

Count 3, conspiracy to commit money laundering, 18 USC Section 1956(h). We the jury find the defendant Bernard Okojie guilty as charged in Count 3. We the jury, having found the defendant Bernard Okojie guilty of the offense charged in Count 3, further find with respect to Count 3 that the objects of the conspiracy were to conceal or disguise the nature, location, source, ownership or the control of the proceeds of fraud schemes involving COVID-19 programs, to engage in monetary transactions with a financial institution and proceeds of fraud, schemes involving COVID-19 program in the amount of more than $10,000.00. So say we all, signed this date by the foreperson.

THE COURT: Ms. Sharp, if you will poll the jurors.

THE CLERK: As your name is read, if you will please stand and answer the questions that shall be asked of you.

Denise Carter, is the verdict as read and published still your verdict?

JUROR NUMBER 11: Yes.

THE CLERK: Was it freely and voluntarily given?

JUROR NUMBER 11: Yes.

THE CLERK: Thank you. You may be seated. Heather Stanley, is the verdict as read and published still your verdict?

JUROR NUMBER 50: Yes.

THE CLERK: Was it freely and voluntarily given?

JUROR NUMBER 50: Yes.

THE CLERK: Thank you.

Chelsea Boone, is the verdict as read and published still your verdict?

JUROR NUMBER 5: Yes.

THE CLERK: Was it freely and voluntarily given?

JUROR NUMBER 5: Yes.

THE CLERK: Gregory Skipper, is the verdict as read and published still your verdict?

JUROR NUMBER 48: Yes.

THE CLERK: Was it freely and voluntarily given?

JUROR NUMBER 48: Yes.

THE CLERK: Thank you.

Michael Norris, is the verdict as read and published still your verdict?

JUROR NUMBER 39: Yes.

THE CLERK: Was it freely and voluntarily given?

JUROR NUMBER 39: Yes.

THE CLERK: Honey Hall, is the verdict as read and published still your verdict?

JUROR NUMBER 23: Yes.

THE CLERK: Was it freely and voluntarily given?

JUROR NUMBER 23: Yes.

THE CLERK: Thank you.

Christopher Long, is the verdict as read and published still your verdict?

JUROR NUMBER 32: Yes.

THE CLERK: Was it freely and voluntarily given?

JUROR NUMBER 32: Yes, ma'am.

THE CLERK: Patrick Dempsey, is the verdict as read and published still your verdict?

JUROR NUMBER 18: Yes.

THE CLERK: Was it freely and voluntarily given?

JUROR NUMBER 18: Yes, ma'am.

THE CLERK: Travis Cristobal, is the verdict as read and published still your verdict?

JUROR NUMBER 16: Yes.

THE CLERK: Was it freely and voluntarily given?

JUROR NUMBER 16: Yes.

THE CLERK: Leonard Hepburn, is the verdict as read and published still your verdict?

JUROR NUMBER 25: Yes.

THE CLERK: Was it freely and voluntarily given?

JUROR NUMBER 25: Yes.

THE CLERK: Anthony Berry, is the verdict as read and published still your verdict?

JUROR NUMBER 3: Yes.

THE CLERK: Was it freely and voluntarily given?

JUROR NUMBER 3: Yes.

THE CLERK: Thank you.

Alexander McIntosh, is the verdict as read and published still your verdict?

JUROR NUMBER 37: Yes.

THE CLERK: Was it freely and voluntarily given?

JUROR NUMBER 37: Yes.

THE COURT: Ladies and gentlemen of the jury, I can excuse you and I will excuse you with the sincere thanks of the court, not for a particular verdict because that's entirely your province, but for your sustained professionalism, attention, punctuality. It was clear that you listened carefully by your actions there in the jury box. All of you were on time at each appointed occasion. No one will have to ask whether you will perform your civic duty when called upon because you have done so this week.

Let's rise for this jury.

(The jury exits the courtroom.)

THE COURT: Mr. Ossick and Mr. Okojie, if you will approach the lectern.

Mr. Okojie, as you've heard, the jury has found you guilty as to Counts 1, 2 and 3 of the indictment. Their verdict will be made the judgment of The Court. You have a period of 14 days from today's date in which to file any motion such as a motion for new trial or a motion for judgment of acquittal. Should you desire to do that, you're entitled to an attorney to help you make that, any such motion, at no charge to you if you can't afford one. Mr. Ossick, you are to continue in your role. I understand you're appointed; is that correct?

MR. OSSICK: Yes.

THE COURT: So you're instructed to continue in your role as Mr. Okojie's appointed counsel to help him with any such motion.

At some time in the future, Mr. Okojie, you will meet with the presentence investigating officer who will conduct a report and issue a report to the Defense and to the Government, and at some point thereafter, after you've had a chance to discuss it with Mr. Ossick and make any objections that you see fit, we will meet again to have your sentencing.

After sentence is pronounced, if you are dissatisfied with your conviction, you will have a period of 14 days from the date of your sentencing to file a notice of appeal, and again if you do want to file an appeal, you're entitled to make one with the assistance of an attorney if you can't afford one, and Mr. Ossick, you are instructed to remain as his appointed attorney to assist him with any appeal; understand?

THE DEFENDANT: Yes, ma'am.

THE COURT: Any questions about that?

THE DEFENDANT: No.

THE COURT: Let me hear from all concerned regarding custody status beginning with you, Mr. Riggs?

MR. RIGGS: Your Honor, Mr. Okojie resides in McDonough, and he is actually under supervision in the Northern District of Georgia. His bond is $10,000.00 secured by a third-party surety, Mr. McAlpin of Lithonia. I don't know the relationship between Mr. Okojie and Mr. McAlpin, whether he's a family member or some other relationship. There have been no bond violations. We do have his passports so we would recommend that he be allowed to remain on bond.

THE COURT: You spoke in the plural. Is there a Nigerian and American passport?

PROBATION OFFICER RIGGS: There are, Your Honor.

THE COURT: And you have both?

PROBATION OFFICER RIGGS: Yes, Your Honor.

THE COURT: Are there any aliases that are --

MR. RIGGS: Not that I am aware of.

THE COURT: Mr. Josephson?

MR. JOSEPHSON: Your Honor, Ms. Stanley is going to address that.

MS. STANLEY: Your Honor, we would request that the defendant be remanded. He is most seriously a risk of flight. He possesses I believe a US passport and a Nigerian passport.

THE COURT: Let me ask you, though, because I've just heard that, although those have been issued to him, they are no longer in his possession.

MS. STANLEY: Okay, I apologize, I misunderstood.

THE COURT: They are in the possession of Probation.

MR. RIGGS: That's the representation I've been given from the Northern District of Georgia Probation Office.

MR. OSSICK: My understanding is that was done in connection with the transfer of the case or the appearance in the district following transfer.

THE COURT: And Mr. Okojie, is that your understanding?

THE DEFENDANT: Yes, ma'am.

THE COURT: Do you have any passports?

THE DEFENDANT: No, ma'am.

THE COURT: You only have the two and those are in their possession?

THE DEFENDANT: Yes, ma'am.

THE COURT: Given that, Ms. Stanley, what is the Government's position?

MS. STANLEY: We would still ask that he be remanded. I believe he is still a flight risk, Your Honor. The testimony we've heard at trial and the evidence shows he's adept at making fake documents, and I think that is relevant in considering whether he might have other means to flee either this district or the country.

THE COURT: And Mr. Ossick, what is your position?

MR. OSSICK: We would, of course, ask that he be allowed to remain on the conditions that have been imposed. He's been in full compliance and I would expect him to continue to do so. Ask that you do so.

THE COURT: Mr. Riggs, is it possible to add with his situation an ankle monitor?

MR. RIGGS: Sure, yes, Your Honor.

THE COURT: Okay. Well, having heard from everyone, pursuant to 18 USC Section 3143(a), I do find by clear and convincing evidence that with the introduction and utilization of an ankle monitor that Mr. Okojie can remain on bond pending sentencing. With that additional condition, I find that it will be appropriate. I don't find that there's a risk or a danger of safety to anyone.

I am for the reasons identified by Ms. Stanley alert to the possibility of flight, but I am convinced that with ankle monitoring that can be ameliorated.

MR. RIGGS: Your Honor, just to clarify, the level of restriction, The Court intends home incarceration such that he not leave or home detention such that he's able to leave with the appropriate permission from the probation officer?

THE COURT: The latter, that he be allowed to leave his home with the permission of Probation.

MR. RIGGS: Yes, Your Honor.

THE COURT: All right. Any objection to proceeding in that fashion on behalf of the United States?

MS. STANLEY: No, Your Honor.

THE COURT: On behalf of the Defense?

MR. OSSICK: No.

THE COURT: Mr. Okojie, you understand, I am going to allow you to remain under the conditions of your bond pending sentence. I want to tell you personally that the worst thing you could do at this point is to violate the conditions of bond.

THE DEFENDANT: Yes, ma'am.

THE COURT: The repercussions would be horrific for you; understand?

THE DEFENDANT: Yes, ma'am.

THE COURT: They would result not only in you being apprehended immediately by the marshals but it would open up a whole new level of culpability for you; understand?

THE DEFENDANT: Yes, ma'am.

THE COURT: With that understanding, then I want you to visit with Probation before you leave the courthouse so that we can implement those conditions of bond, and with that, before I say we're in recess, I want to specifically thank our two alternate jurors who were with us throughout the whole trial except for the last part. You served as well, and I can excuse you with the thanks of The Court.

All right, with that, we will be in recess.

(Proceeding concluded at 12:32 p.m.)

CERTIFICATION

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

Debra D Gilbert

___________________________________ 04/28/2023

Debra Gilbert, Court Reporter Date