

MARDILO1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

21 Cr. 746 (MKV)

5 ADEDAYO ILORI,

6 Defendant.

Jury Trial

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7
8 New York, N.Y.
9 October 27, 2022
9:30 a.m.

10 Before:

11 HON. MARY KAY VYSKOCIL,

12 District Judge

13 APPEARANCES

14 DAMIAN WILLIAMS

15 United States Attorney for the
Southern District of New York

16 BY: JULIANA N. MURRAY, ESQ.

DAVID R. FELTON, ESQ.

17 Assistant United States Attorneys

18 BRILL LEGAL GROUP, P.C.

Attorneys for Defendant

19 BY: PETER E. BRILL, ESQ.

20 ALSO PRESENT: ISABEL LOFTUS, Paralegal Specialist, USAO

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(Case called; appearances noted)

THE COURT: I am told one of our jurors just arrived. It is the same juror who was late yesterday, so I will again admonish them. And another juror called and is en route having train issues, so as soon as they get here, we'll get going. But I thought, first, let me just check, is there anything new this morning?

MS. MURRAY: No, your Honor.

THE COURT: Is there an update about Mr. Recaimer?

MS. MURRAY: Yes. The Marshals have confirmed he is all set to be produced tomorrow.

THE COURT: Okay. So we were told, we got a call late yesterday that some kind of order from the Court was required.

MS. MURRAY: Yes, your Honor. My understanding from speaking with the Marshals and speaking with our office is that there was some disconnect between the Marshal's office and the Bureau of Prisons with respect to whether Mr. Recaimer was a government witness or a defense witness. Also, an issue with respect to a separation order --

THE COURT: Yes.

MS. MURRAY: -- and just how the different facilities transport individuals.

THE COURT: Are they in the same facility now?

MS. MURRAY: They are, and they're under a separation order, so the Marshals have arranged so they are on a separate

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1 transport so they are not on the same transport back from the
2 court, so we're all set for tomorrow.

3 THE COURT: And the order was entered by whom?

4 MS. MURRAY: It is a request from our office, and
5 formally approved from the Marshals.

6 THE COURT: Okay. The suggestion we got last night
7 was someone from your office said that I had to enter an order.

8 MS. MURRAY: I understand there was a disconnect, and
9 I will get back --

10 THE COURT: As long as it's all worked out.

11 MS. MURRAY: Yes.

12 THE COURT: Mr. Brill, you are comfortable with this?

13 MR. BRILL: Yes, your Honor.

14 Mr. Greenwald is available tomorrow. He said if there
15 was a mistake, he would be okay today, but that doesn't seem to
16 be the case. So -- but as the day goes on, if I can give him a
17 more specific timeframe --

18 THE COURT: It's really a question of when the
19 Marshals get him here. If the Marshals get him here first
20 thing, we can tell the jurors and they can be a little later
21 tomorrow.

22 So we'll see how it progresses, but I don't know how
23 soon the Marshals are going to get him here. Like, is he
24 coming in the morning?

25 MS. MURRAY: I believe so. If I may have a moment,

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1 Your Honor.

2 THE COURT: Sure. Yes.

3 MS. MURRAY: Yes, your Honor. We expect that he will
4 be here around the normal 9:00 a.m. time. That's what time we
5 asked for him to be produced. So in the normal course.

6 THE COURT: Okay. So that might make sense then that
7 Mr. Greenwald come first thing in the morning, and we'll tell
8 the jurors 9:45 or something like that. I don't want to tell
9 them too much later because they're taking the liberty of being
10 late anyway.

11 MS. MURRAY: On the timing point, your Honor, if we
12 can check in at the end of the day so, to the extent we can
13 check in with Mr. Greenwald, and Mr. Recamier is testifying, we
14 would prefer to have that -- the government's case in order.

15 THE COURT: Yes. So on timing, I was under the
16 impression Special Agent Lidsky was your last witness, but you
17 have six more witnesses after that. So can you give me
18 estimates on those witnesses?

19 MS. MURRAY: Yes, your Honor.

20 THE COURT: Is next Elizabeth Palmer?

21 MS. MURRAY: Yes, that's correct.

22 THE COURT: How long are you estimating?

23 MS. MURRAY: Estimating about an hour for her.

24 THE COURT: Samantha Aaron?

25 MS. MURRAY: About 20 minutes.

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1 THE COURT: Thank you.

2 Who is Elizabeth Palmer?

3 MS. MURRAY: Elizabeth Palmer is a forensic analyst
4 who is going to be doing financial analysis.

5 THE COURT: Samantha Aaron?

6 MS. MURRAY: Samantha Aaron is an employee at M&T
7 Bank.

8 THE COURT: Randy Martin, how long?

9 MS. MURRAY: Around 15 to 20 minutes, also an employee
10 at M&T Bank.

11 THE COURT: And Robert Bateman?

12 MS. MURRAY: About 15 to 20 minutes. He's a real
13 estate agent.

14 THE COURT: Okay. Jamieson, William Jamieson?

15 MS. MURRAY: Around 15 minutes. He is another
16 identity theft victim.

17 THE COURT: Damjan Hezir?

18 MS. MURRAY: He's a witness -- he is going to be
19 testifying in brief about the searches and arrest, but
20 otherwise he will bring in the bulk of our electronic evidence,
21 so we expect his direct to go two to three hours. He's our
22 final witness.

23 THE COURT: So you're clearly going to spill over into
24 Monday.

25 MS. MURRAY: I believe the government's case in chief

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1 will be finished tomorrow, subject to cross of course and the
2 length of cross.

3 THE COURT: All right. Subject to cross, then I'm
4 going to hold you to finishing tomorrow, because I told a
5 number of these jurors that this wasn't going to spill into
6 next week, so you need to keep things moving.

7 MS. MURRAY: If I may clarify, your Honor, when you
8 say finish tomorrow, I think there was a misunderstanding on
9 the government's part. We understood you to be asking when we
10 would finish our case in chief, not when --

11 THE COURT: I mean your case in chief.

12 MS. MURRAY: Yes, your Honor. We certainly believe we
13 will be in a position to rest tomorrow.

14 THE COURT: Okay. Anything from you, Mr. Brill?

15 MR. BRILL: No. Thank you, your Honor.

16 THE COURT: Then we're just waiting for our last juror
17 and I'll be back when we have everybody. Okay.

18 MS. MURRAY: Just one more point of clarification.
19 That assumes of course no unexpected juror delays.

20 THE COURT: I understand.

21 MS. MURRAY: But if it's 30 to 45 minutes --

22 THE COURT: No, that's out of everybody's control.

23 MS. MURRAY: Thank you.

24 THE COURT: Thank you.

25 All right. Ms. Dempsey, you'll let me know when we're

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1 ready.

2 I'm sorry. I did think of one more thing, but
3 Ms. Dempsey can check anyway and let us know where we're at.

4 You can sit. You can sit.

5 So let me just mention what the issue is. I just want
6 to confirm everybody's on the same page here with respect to
7 Mr. Recamier. We're going to call him outside the presence of
8 the jury obviously. You'll put whatever questions you want to
9 put, and he or Mr. Greenwald will tell us if he's invoking.
10 And then depending on the questioning and all, I'll rule on
11 whether I'm going to compel him.

12 The government has said you're not going to immunize
13 him, right?

14 MS. MURRAY: That is correct.

15 THE COURT: I just want to be clear, we're all in
16 agreement the jury does not learn that you wished to call
17 Mr. Recamier.

18 MR. BRILL: Yes, your Honor.

19 One thing I'm not clear on, I've never been in a
20 situation where counsel is allowed to invoke on behalf of the
21 person testifying.

22 THE COURT: He can say it, but, I mean, his counsel's
23 going to say it, and he's going to agree presumably.

24 MR. BRILL: Right. I was hoping to at least hear it
25 from him.

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1 THE COURT: But you agree the jury does not learn you
2 wished to call him?

3 MR. BRILL: That's the rules.

4 THE COURT: It is the rule, but I just wanted to
5 confirm it on the record.

6 MR. BRILL: Yes, your Honor.

7 MS. MURRAY: It's confirmed by the government as well.

8 THE COURT: All right. I'm told the juror is present,
9 so Ms. Dempsey will bring the jury out. Thank you.

10 (Continued on next page)

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1 (Jury present)

2 THE COURT: Please be seated, everyone.

3 All right. Ladies and gentlemen, good morning. Thank
4 you for being here. For those of you who were late, I have to
5 ask you, please, you need to do better.

6 I promised people we were going to work through to try
7 to complete the trial as quickly as possible, and the delays
8 that we've had are going to create issues. So you need to do
9 better, please. All right?

10 I'm trying to keep things to a relatively short time
11 frame, and it's just not fair to your fellow jurors or to the
12 parties, all right?

13 So enough said on that front.

14 Ms. Murray.

15 MS. MURRAY: Yes. Thank you, your Honor.

16 The government calls Special Agent Lidsky to continue
17 his testimony.

18 HARRY LIDSKY, resumed.

19 DIRECT EXAMINATION

20 THE COURT: Good morning, Special Agent Lidsky.

21 THE WITNESS: Good morning, Your Honor.

22 THE COURT: All right. Sir, and I remind you that you
23 remain under oath.

24 THE WITNESS: Thank you, your Honor.

25 THE COURT: If you would please have a seat.

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1 Ms. Murray.

2 MS. MURRAY: Thank you, your Honor.

3 BY MS. MURRAY:

4 Q. Good morning, Special Agent Lidsky.

5 A. Good morning.

6 Q. Where we left off yesterday we were talking about some data
7 reflecting the location of the 0642 cell phone. I'm going to
8 pick up there.

9 MS. MURRAY: Ms. Loftus, if you could please publish
10 what's in evidence as Government Exhibit 571.

11 Q. Special Agent Lidsky, this is a map on which you --

12 MS. MURRAY: Can the jury see it?

13 JUROR: No.

14 A. I don't have it yet either.

15 Q. This is a map on which is plotted the location information
16 for the 0642 phone between the hours of midnight and 5:00 AM.

17 And when we left off, you were telling us, based on
18 your training and experience, what, if anything, the location
19 of the phone at 5:00 AM indicates to you.

20 A. For me, at least a majority of investigations, this would
21 reveal the place where somebody is sleeping, possibly somewhere
22 they live, but where the phone is each and every evening.

23 Q. Did there come a time during your investigation when you
24 pursued any additional electronic surveillance on the 0642
25 phone other than the GPS warrant we've discussed?

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1 A. Yes.

2 Q. What additional type of electronic surveillance technique
3 did you pursue?

4 A. So in addition to the GPS data, cell tower location data,
5 and eventually advanced to what's known as a cell site
6 simulator location based tracking tool as an investigative step
7 as well.

8 Q. And is that an investigative technique that you pursued
9 subject to warrant?

10 A. Yes. That also requires a search warrant.

11 Q. Can you explain what a cell site simulator is?

12 A. So it's a device that is capable of -- it's a tool that's
13 capable of identifying a much more precise location of a mobile
14 device, of a mobile phone in this case. So where this circle
15 that we see on the map in St. Albans, it may give us a five to
16 15 block radius as a search area. As you know, in New York,
17 that's a lot of people.

18 It gives us an area, but it doesn't get granular
19 enough where we can identify a house. And since I'm chasing a
20 phone to try to identify whose pocket it's in, I need more
21 precise data in order to be successful. The cell site
22 simulator is a tool that can identify in good conditions a
23 house or a building or a -- you know, a row of houses, if
24 they're connected.

25 Q. And did there come a time when you activated or deployed

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1 the cell site simulator?

2 A. Yes, we did.

3 Q. What geographic area were you in approximately when you
4 deployed that tool?

5 A. We used the range here on the map as our -- as our initial
6 guidance. We also had the service provider in this case.

7 T-Mobile is able to provide some more -- it's more precise than
8 what we see here on the map, but it's not precise enough to
9 identify a house. But with that additional data that has the
10 more precise figures, that is what the cell site simulators use
11 to really pinpoint their search. So that gave them a
12 three-to-four block radius to start in, and from there they
13 just dial it in.

14 Well, I can get into how the tool works from a
15 layman's perspective, which is all I am on this, but --

16 Q. First, when did you perform the cell site simulator?

17 A. Very early morning hours of September 8th, 2021.

18 Q. And why at all did you deploy the tool at that time in the
19 very early morning hours?

20 A. Well, for one, as you see on the map, we know the phone or
21 we had reasonable likelihood to believe that the phone would be
22 present between the hours of 12:00 a.m. and 5:00 a.m.

23 Number two, it's a lot easier for us as law
24 enforcement to perform surveillance like this, both electronic
25 and physical at a time when people are asleep. It allows us to

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1 go undetected, which is what we try to do in a covert
2 investigation. And, at the time, we were still covert on this.

3 Q. What, if anything, did you learn from the cell site
4 simulator tool?

5 A. We were able to identify a range of houses where we believe
6 the phone was located.

7 Q. And what happened next?

8 A. After that, we performed additional investigative
9 techniques to confirm our -- you know, what we had found, what
10 the tool directed us, to include additional physical
11 surveillance, writing down license plates of the cars that were
12 in the driveways of the residence or, in this case, residences,
13 because it was primarily two, but could also be one on either
14 end of that. So it ended up being four addresses.

15 So, took the license plates down, and I went from
16 there. Also, conducted research on the house the same way that
17 I conducted research at the front end on the real John Herttua
18 and determined, based on what I was finding, that I didn't
19 think he was involved.

20 I did similar type research on these residences, see
21 who lives there, who might stay there, who owns the residence,
22 things like that.

23 MS. MURRAY: Your Honor, at this time I'd like to pass
24 out a binder to the Court, the defense, and Special Agent
25 Lidsky.

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1 THE COURT: Thank you, Ms. Murray.

2 A. Thank you.

3 THE COURT: Thank you.

4 Q. Special Agent Lidsky, that binder has a number of
5 government exhibits in it. If you can please turn to what's
6 been marked for identification as Government Exhibits 500
7 through 502. Look through those exhibits, and then look at me
8 when you're finished.

9 Do you recognize Government Exhibits 500 through 502?

10 A. I do.

11 Q. What are they?

12 A. These are photographs.

13 Q. Are those photographs fair and accurate representations of
14 locations that were relevant to your investigation?

15 A. Yes, they are.

16 MS. MURRAY: Your Honor, the government offers
17 Government Exhibits 500, 501, and 502.

18 MR. BRILL: No objection.

19 THE COURT: They'll be admitted.

20 (Government's Exhibits 500, 501, and 502 received in
21 evidence)

22 MS. MURRAY: Ms. Loftus, can you please publish
23 Government Exhibit 501.

24 Q. Special Agent Lidsky, what is shown in this photograph?

25 A. These are the residences where the cell site simulator

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1 indicated the phone was most likely contained.

2 Q. And you mentioned that you conducted additional
3 surveillance in this approximate location?

4 A. Yes. So once we had these addresses identified, or the
5 series of addresses, immediately after we were done using the
6 tool, around 2:00 a.m., I came through and wrote down the
7 license plate numbers of the cars that were in the driveways
8 here or parked immediately out in front, just hoping one would
9 be associated.

10 Q. Did there come a time when any of the vehicles you recorded
11 license plate information for in St. Albans on September 8,
12 2021 became relevant to your investigation?

13 A. Yes.

14 Q. What kind of vehicle or vehicles that you recorded the
15 license plate information for became relevant?

16 A. There was a black Mitsubishi Outlander SUV.

17 Q. So we'll comment back to that car in a moment.

18 MS. MURRAY: Ms. Loftus, you can take it down, please.

19 Q. Turning your attention to September 8th, 2021, but now
20 several hours after you employed the cell site simulator tool.
21 What were you doing that was relevant to your investigation
22 that day?

23 A. I was back out in the area of St. Albans conducting
24 physical surveillance.

25 Q. And you mentioned surveillance, can you describe what you

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1 mean by physical surveillance?

2 A. Physical surveillance is what we refer to as activity that
3 involves you going out and looking for actual events or things
4 of relevancy to the investigation. So the electronic
5 surveillance tools are helpful. In this case, they told me the
6 phone was in St. Albans, but until I see somebody with a phone
7 or if I'm looking for a car, until I see the car, the
8 electronic tools are only so good. So surveillance needs to be
9 combined.

10 The electronic surveillance is a tool, an aid, it
11 helps guide where we conduct physical surveillance, but from a
12 law enforcement perspective, we need to see what's happening.
13 It gives us leads. If we see a target go into a store,
14 logically we might go into a store and try to get records
15 afterwards. So it's a necessary component that involves the
16 human, just good old police work.

17 Q. And at that time on September 8, 2021, where did you
18 establish your surveillance?

19 A. In the area of St. Albans Greens, but now focusing on the
20 street address that we had generated from using the cell site
21 simulator.

22 Q. And what, if anything, do you recall from your surveillance
23 in St. Albans that day?

24 A. I saw a car which stuck out to me.

25 Q. Why, if at all, did you notice that particular car?

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1 A. So it was a white Jeep Grand Cherokee with Maryland tags,
2 and the reason it stuck out to me was I have a white Jeep Grand
3 Cherokee personally, and I'm from Virginia. So, like, if you
4 see someone on the street wearing the same sweater or tie you
5 have, you kind of just recognize it that, oh, yeah, I've got
6 that. That's the only reason it stuck out.

7 Q. Did there come a time when a white Jeep Grand Cherokee
8 became relevant to your investigation?

9 A. There did.

10 Q. When was that?

11 A. Later that day on September 8, 2021.

12 Q. And at that later time on September 8, 2021, what were you
13 doing?

14 A. Again, conducting physical surveillance in conjunction with
15 the ongoing electronic surveillance.

16 Q. And in that later time in the day where were you conducting
17 that physical surveillance?

18 A. This was in lower Manhattan on Eighth Street.

19 Q. Why were you in that location?

20 A. The phone was pinging in that location. The most current
21 GPS points we had received from T-Mobile showed that vehicle --
22 or the phone, rather, located on Eighth Street somewhere
23 between Lafayette and Broadway.

24 Q. That's the 0642 phone, correct?

25 A. Correct.

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1 Q. How did a white Jeep Grand Cherokee become relevant as you
2 were conducting physical surveillance that day?

3 A. So as I -- my partner and I were on foot. We were walking
4 towards the area where the ping location was. And as we turned
5 from Lafayette on Eighth Street towards Broadway, I observed a
6 white Jeep Grand Cherokee with Maryland tags parked on the
7 north side of Eighth Street. And I remarked to my colleague,
8 wow, that's the second time I have seen a white Jeep Grand
9 Cherokee with Maryland tags in New York today.

10 Q. What did you observe next, if anything, that was relevant
11 to your investigation.

12 A. We continued walking on Eighth Street towards Broadway.
13 We got to the corner of Broadway. We checked the location
14 data, and waited for another ping to come in from T-Mobile.
15 They come every 15 minutes. And a ping showed that the phone
16 was still right around us, right on the area of Eighth Street,
17 so we were standing on the corner looking, and we observed an
18 individual that I recognized from the investigation.

19 Q. How did you recognize that individual from the
20 investigation?

21 A. Based on the photos we'd received, particularly the ones
22 from Coinbase that we looked at earlier, or yesterday rather, I
23 saw an individual that matches that person who I thought was
24 the same person.

25 Q. Now, at that point in your investigation, did you have an

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1 understanding of the identity of the individual from the
2 Coinbase photos?

3 A. I did not.

4 Q. And at that point in your investigation, did you have an
5 understanding of the identity of the individual you observed
6 during surveillance who appeared to match the individual from
7 the Coinbase photos?

8 A. I did not.

9 Q. At that point in your investigation, was the individual
10 depicted in the Coinbase photos a target of your investigation?

11 A. Yes, he was.

12 Q. So on that day, what, if anything, did you see that
13 individual do?

14 A. So we -- after observing the individual, we watched him.
15 He proceeded to walk eastbound on Eighth Street from Broadway,
16 across Broadway on Eighth towards Lafayette, and he got into
17 the front passenger seat of the white Jeep Grand Cherokee that
18 I had noted as we walked by it.

19 Q. How, if at all, was it relevant to your investigation that
20 that individual got into the front passenger seat of that white
21 Jeep Grand Cherokee?

22 A. Well, so for a couple of reasons. After he did, the brake
23 lights came on. So immediately I recognize there's at least
24 one other person in the car. Somebody has to be behind the
25 wheel.

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1 Just also, you know, just sort of mental processing,
2 it doesn't strike me as maybe like an Uber or a Lyft or a taxi,
3 because he's getting into the front seat. So, you know, my
4 initial reaction is, hey, this is another potential lead. The
5 car may be important. The second person in the car may be
6 important.

7 You know, we don't know what's going on completely
8 yet, and investigations, you know, at this stage, or early on,
9 they're kind of like a funnel, right. So at the beginning, the
10 top layer, it's wide. Every -- we're out to collect every bit
11 of information we possibly can, and then filter that to what's
12 important.

13 And so at this stage, we're still looking for all of
14 the information, any lead. Any possible event that might take
15 us further is what we were after. So that was my initial
16 reaction, and that's a standard move in investigations. And so
17 it became important to us.

18 Q. After you observed the individual get in the passenger seat
19 and the brake lights come on, what happened next?

20 A. So because we were on foot, it was just my partner and I,
21 we kind of came up with a quick plan. I was going to write
22 down the license plate number. My partner was going to walk
23 towards it and past it with the hopes of getting a look at the
24 driver.

25 Q. On that day, did you observe the driver of the Jeep Grand

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1 Cherokee?

2 A. I did not.

3 Q. What additional investigative steps, if any, did you take
4 with respect to that white Jeep Grand Cherokee?

5 A. So after I write down the license plate, I ran down to my
6 car, which was down around Fourth Street. And once there, I
7 opened up my laptop and I was able to check the registration
8 information through the Maryland Department of Motor Vehicles.

9 Q. What, if anything, did you learn about that Jeep?

10 A. I learned it was an Avis rental car.

11 Q. Did there come a time you requested records relating to a
12 white Jeep Grand Cherokee from Avis?

13 A. I did.

14 Q. Did you receive records in response?

15 A. I did.

16 Q. What, if anything, did you learn from those records about
17 that white Jeep Grand Cherokee relevant to your investigation?

18 A. The rental car was overdue for return by a period of weeks
19 I think or a week. The -- part of the records that was
20 recorded by Avis or Avis Budget Group included the renter's
21 information, including a driver's license number.

22 So given this was an identity fraud case, I ran that
23 license number through -- I believe it was a Pennsylvania
24 license. I ran that through the Pennsylvania Department Motor
25 Vehicles system and found out it was a fake license.

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1 So after that, I researched the real individual
2 through -- who happened to be from Pennsylvania as well, found
3 his real license, his real license photo, and, you know,
4 identified him as another potential identity theft victim or
5 likely identity theft victim.

6 Q. And just to clarify, when you say you ran the license
7 number listed in those records and determined it was a fake
8 license, what do you mean by that? What do you mean by fake
9 license based on running that information?

10 A. So just not real, not issued from the Commonwealth of
11 Pennsylvania. The DMV websites, we all, for all of our IDs,
12 licenses, if you put in a number, even if it's an old license
13 that's expired, it will come up. They will show a record of
14 it.

15 If they don't have it on file at all, it means it was
16 never issued. It's not legitimate from -- you know, from that
17 Department of Motor Vehicles. So, you know, whatever it is,
18 it's not what it purports to be.

19 Q. When you say that you identified the true individual who
20 you believe to be another potential victim of identity theft,
21 who are you referring to there?

22 A. Mr. Gerald Brown.

23 Q. And was that the named renter of the white Jeep Grand
24 Cherokee in the Avis records?

25 A. It was.

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1 MS. MURRAY: Ms. Loftus, if you could please publish
2 again what's in evidence as Government Exhibit 501.

3 Q. Special Agent Lidsky, this is, again, the approximate
4 location in St. Albans that you identified through various
5 methods, including the use of the cell site simulator. And you
6 mentioned a vehicle from your St. Albans surveillance at this
7 approximate location became relevant to your investigation.
8 Around when was that?

9 A. Around September 20, 2021.

10 Q. Now, turning your attention to that week of September 20,
11 2021, did you take any investigative steps that week?

12 A. Yes, we did.

13 MS. MURRAY: Thank you, Ms. Loftus. You can take that
14 down.

15 Q. Focusing on September 20, 2021, what happened that day?

16 A. So I had brought in a number of additional agents from some
17 of my offices around the country, and the goal that week was to
18 intensify our physical surveillance, try to get in a position
19 where we could observe some of the activity going on with debit
20 cards or financial transactions associated with the stolen
21 money or the fraudulently obtained money using the tools we
22 had, the tracking of the phone, the GPS ping, so that we, you
23 know, use that, put ourselves in a position and try to observe
24 something.

25 We did it on September 8. My partner and I, we were

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1 able to see the person we were looking for from the Coinbase
2 photos. So we wanted to repeat that with more people so we
3 were in maybe a better position to follow this car that we've
4 now identified or expanded it beyond just writing down a
5 license number.

6 Q. And on September 20, 2021, where were you?

7 A. So we arrived -- we had traveled up from Washington, D.C.
8 in the morning, around midday. So it was later in the
9 afternoon. So my surveillance team members, most of them were
10 from out of town. They weren't familiar with the area. Some
11 had never been in the New York subway.

12 So I took them all up to the area -- we traveled up
13 from downtown, went in subway and came up from Eighth Street.
14 My goal was to show everybody where we had observed the car,
15 where we had observed the target of our investigation, explain
16 to them -- you know, show them the area we would be working in
17 that week.

18 And so as we're on Eighth Street and I'm explaining
19 all of it to them, and this is where we saw the car, and this
20 is the direction from which we saw the individual walking, I
21 observed a black Mitsubishi Outlander parked on the curb on
22 Eight Street, just west of Broadway a few -- you know, sort of
23 the mid block, sort of double parked or on the side of the
24 road.

25 Q. And once you observed that Mitsubishi, what investigative

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1 steps did you take, if any?

2 A. So I checked my phone for the late tested T-Mobile ping,
3 and I saw the ping was close to our area. And this wasn't
4 intended to actually be surveillance, I was merely trying to
5 give my out-of-town team members a bit of area familiarization.

6 And so I had not intended to, you know, conduct
7 surveillance. So my plan quickly was, okay, let's -- you know,
8 there were like seven of us. We were not dressed
9 appropriately. We didn't have communications. We didn't have
10 a vehicle. And by not dressed appropriately, I mean we
11 probably look like cops, and I don't want to be spotted when
12 I'm conducting surveillance.

13 So I quickly said, okay, we're going to exit back into
14 the subway. We're going to go across the street. We're going
15 to cross Broadway and kind of do a right little button hook
16 down the steps into the subway.

17 In doing so, it allowed me to get close enough to see
18 the license plate of the vehicle and confirm that it was the
19 same Mitsubishi Outlander that I had observed on Dunlop Avenue
20 the very early morning of September 8.

21 Q. And to be clear, when you refer to the Dunlop area, are you
22 referring to the area of St. Albans that we've been discussing?

23 A. That's correct.

24 The black Mitsubishi was parked in the driveway of
25 18326 Dunlop Avenue, in St. Albans and Queens, New York.

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1 Q. And focusing again on September 20, 2021, when you passed
2 the Mitsubishi on your way to the subway, were you able to look
3 into the Mitsubishi?

4 A. Again, not trying to -- you know, when I see somebody on
5 surveillance, there's always a chance if I can see them, they
6 can see me. And I'm pretty conservative.

7 In this investigation especially, I'm chasing ghosts.
8 I have very limited opportunities to follow these, you know,
9 tenuous tracks at best, you know, this phone, following the
10 money, the debit card, things like that. So I don't risk
11 anything.

12 So I kind of -- you know, with a hat on probably or
13 with my hat down low I could maybe do glancing observation,
14 just to see what I can. I focused on confirming the license
15 plate of course, and I did get a chance to scan into the
16 vehicle just briefly. And I do recall seeing just a man in the
17 passenger seat, front passenger seat of the car.

18 Q. Based on your observation that day, were you able to
19 determine the identity of the individual in the front passenger
20 seat of that Mitsubishi?

21 A. I was not. Just an adult white male.

22 Q. Were you able to determine anyone in the front driver's
23 seat of that car?

24 A. I don't recall seeing anyone in the front driver's seat.
25 It's possible there was. Again, with my quick view, with my

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1 focus on the license plate, you know, everything else was kind
2 of a bonus I could see, so I don't recall seeing anybody in the
3 driver's seat.

4 Q. I want to focus now on September 22, 2021.

5 What happened that day that was relevant to your
6 investigation?

7 A. So we were again conducting physical surveillance, combined
8 with the electronic surveillance, with the goal to hopefully
9 observe something relevant.

10 MS. MURRAY: Ms. Loftus, can you please publish what's
11 in evidence as Government Exhibit 500.

12 Q. Special Agent Lidsky, what is reflected in Government
13 Exhibit 500?

14 A. This is a street view photograph of La Colombe Coffee Shop
15 or cafe on Fourth and Lafayette here in lower Manhattan.

16 Q. How, if at all, was this location relevant to your
17 investigation?

18 A. So we had -- through the course of our investigation, we
19 were analyzing lots of records in addition to all of this
20 surveillance activity. The financial records from the account
21 that received the fraudulently obtained PPP loan, the
22 transaction records showed a number of transactions at this
23 establishment, sometimes multiple times per week, almost daily.
24 But almost weekly we saw transactions at this coffee shop.

25 Q. Let's take a look at some of those transactions.

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1 MS. MURRAY: Ms. Loftus, can you please publish
2 Government Exhibit 102, which is in evidence.

3 Q. Special Agent Lidsky, what is this?

4 A. This is an account information sheet provided by Capital
5 One.

6 Q. What is the name of the account holder?

7 A. Jonathan A. Herttua and BRS Consulting Corp.

8 Q. And is this the account that received the BRS Consulting
9 Corp PPP funds?

10 A. It is.

11 Q. Can you read the last four digits of the debit card
12 associated with this account?

13 A. 5953.

14 MS. MURRAY: Ms. Loftus, can you please turn to page
15 50. This is an account statement for that account for the
16 period of May 1st, 2021, to May 28, 2021. And if we could
17 please zoom in on the transactions on May 19th. There are two.

18 Q. Special Agent Lidsky, can you please read the transactions
19 reported in this account on May 19?

20 A. A deposit of \$531,218.

21 Q. What was the source of that deposit?

22 A. SBA PPP loan.

23 Q. In the name of what entity or person?

24 A. BRS Consulting Corp.

25 Q. And then looking at the next entry in this account

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1 statement, what does that reflect?

2 A. That reflects a withdrawal of \$25,000 to Coinbase.

3 Q. And in what name?

4 A. Jonathan Herttua.

5 MS. MURRAY: Ms. Loftus, please turn to page 62.

6 Q. This is an account statement for the same account for July
7 of 2021.

8 Do you see any purchases on this account statement
9 that you were aware of from your investigation?

10 A. I do.

11 MS. MURRAY: And, Ms. Loftus, if we could please zoom
12 in on the top half or so of this account statement.

13 Q. Looking at the first entry on July 23, can you please read
14 that?

15 A. Debit card purchase at La Colombe, NoHo, New York, New
16 York.

17 MS. MURRAY: And, Ms. Loftus, if you could zoom out
18 and then zoom in on the bottom portion of this account
19 statement, please.

20 Q. The second to last entry here on -- the first entry on
21 7-30, what does that transaction reflect?

22 A. A deposit from Coinbase I think in the name of Jonathan
23 Herttua.

24 MS. MURRAY: Thank you, Ms. Loftus. You can take that
25 down.

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1 Q. So turning again to September 22, 2021, did you conduct
2 physical surveillance of La Colombe Coffee Shop on that day?

3 A. I did.

4 Q. Why did you conduct surveillance at that location?

5 A. So, again, based on our analysis of the material that we
6 had, you know, the September -- started in July, so we had
7 roughly a month and a half, two months' of data, and if I see
8 weekly if not multi times during the week transactions at La
9 Colombe on Fourth and Lafayette -- you know, people are
10 creatures of habit, right, so I figure if I have a week of
11 surveillance and I focus on this coffee shop, odds are in my
12 favor that I'll get lucky and one of these days the person
13 holding this debit card and making these transactions will come
14 up into the coffee shop.

15 Q. And, at this point, were you continuing to combine your
16 physical surveillance with electronic surveillance of the 0642
17 phone?

18 A. We were. Electronic surveillance ran throughout the
19 investigation.

20 Q. On September 22, did there come a time you were able to
21 identify anything relevant to your investigation during your
22 surveillance?

23 A. Yes.

24 Q. What was that?

25 A. So, again, with the benefit of knowing the times the person

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1 comes in, we can see when the phone leaves the house, so we do
2 have a leg up. It's, you know, not like we are sitting in
3 coffee shops for 12 hours a day just hoping to get lucky.

4 So knowing the time frame, looking at the history and
5 the pattern, we set up surveillance inside the coffee shop and
6 around the coffee shop on the morning of September 22, and we
7 let things sort of play out.

8 MS. MURRAY: Your Honor, at this time the government
9 would like to offer two stipulations between the parties.

10 THE COURT: Go ahead.

11 MS. MURRAY: The first is marked for identification as
12 Government Exhibit 7. It reads: It is hereby stipulated and
13 agreed by and between the United States of America by Damian
14 Williams, United States Attorney for the Southern District of
15 New York, Juliana N. Murray and David R. Felton, Assistant
16 United States Attorneys, and Adedayo Ilori by his attorney,
17 Peter Brill, that on or about March 4, 2020, Adedayo Ilori was
18 arrested and was charged in the Southern District of New York
19 with conspiracy to commit wire fraud, wire fraud, aggravated
20 identity theft, and conspiracy to commit money laundering, the,
21 quote, 2020 case.

22 The charges in the 2020 case involved Adedayo Ilori's
23 participation in a scheme to submit fraudulent applications to
24 obtain bank loans. These applications used the stolen
25 identities of companies and individuals, and involved falsified

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1 financial statements.

2 On or about April 8, 2021, Adedayo Ilori pleaded
3 guilty in a 2020 case, and during a plea of guilty to the
4 charge of conspiring to commit wire fraud. Your Honor, the
5 government offers Government Exhibit 7 into evidence.

6 THE COURT: All right. It will be received in
7 evidence.

8 (Government Exhibit 7 received in evidence)

9 So remember, ladies and gentlemen, I told you that a
10 stipulation between the parties is evidence, and the facts to
11 which they have stipulated are agreed by the parties to be
12 true.

13 MS. MURRAY: And, your Honor, I'd like to offer an
14 additional stipulation at this time.

15 THE COURT: All right. Thank you.

16 MS. MURRAY: This is marked for identification
17 Government Exhibit 8.

18 It is hereby stipulated and agreed by and between the
19 United States of America, by Damian Williams, United States
20 Attorney for the Southern District of New York, Juliana N.
21 Murray and David R. Felton, Assistant United States Attorneys,
22 Adedayo Ilori, by his attorney Peter Brill, that if called as a
23 witness, a custodian of records at the office of the Clerk of
24 Court for the United States District Court for the Southern
25 District of New York, the, quote, Clerk's Office would state as

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1 follows: The custodian of records is familiar with the record
2 keeping practices of the clerk's office, which is located in
3 Manhattan. Government Exhibit 70 is a true and correct copy of
4 an appearance bond issued in case *United States v. Adedayo*
5 *Ilori*, 20 MAG 2482 on or about March 6, 2020, the, quote,
6 appearance bond. The appearance bond, which includes an order
7 setting conditions of release and advice of penalties and
8 sanctions is signed by Adedayo Ilori, the defendant.

9 It is further stipulated and agreed that between in or
10 about March, 2020, and in or about October, 2021, Adedayo
11 Ilori, the defendant, was released under conditions of bail
12 imposed pursuant to Title 18, United States Code chapter 207.
13 It is further stipulated and agreed that this stipulation,
14 which is marked as Government Exhibit 8, and Government Exhibit
15 70 may be received into evidence as government exhibits at
16 trial.

17 Your Honor, the government offers Government Exhibits
18 8 and 70.

19 THE COURT: Mr. Brill? Nothing?

20 MR. BRILL: No, your Honor.

21 THE COURT: All right. So the stipulation will be
22 received, as will Exhibit Number 70, which the parties have
23 stipulated is admissible.

24 (Government Exhibit 70 received in evidence)

25 MS. MURRAY: Ms. Loftus, can you please publish

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1 Government Exhibit 70.

2 Q. Special Agent Lidsky, this is an appearance bond that I was
3 just talking about.

4 Can you read for us who is listed on this appearance
5 bond as the defendant?

6 A. Adedayo Ilori.

7 MS. MURRAY: And if we could zoom in on the second
8 page beginning with the portion "I the defendant" through to
9 that signature.

10 Q. Do you see a signature on this page, Special Agent Lidsky?

11 A. I do.

12 Q. What is the name that is indicated under the signature?

13 A. Adedayo Ilori.

14 Q. And on what date was this bond signed?

15 A. March 6, 2020.

16 MS. MURRAY: Thank you, Ms. Loftus. You can take that
17 down.

18 Q. Returning to September 22, 2021, when you were conducting
19 electronic and physical surveillance at the La Colombe
20 location, what, if anything, did you observe relating to that
21 location that was relevant to your investigation?

22 A. So the -- the T-Mobile ping of the phone had been tracking
23 from St. Albans towards lower Manhattan, and, again, with the
24 15-minute increments, you know, a vehicle in good condition at
25 least can travel pretty far in 15 minutes. So I think the last

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1 thing we had was on or about one of the bridges here in Lower
2 Manhattan. I don't recall if it was the Manhattan Bridge or
3 Williamsburg, but it appeared the phone was heading into Lower
4 Manhattan.

5 So I advised the team that was the latest ping. It
6 could probably get to where we were around La Colombe before
7 the next ping came in, so, you know, now would be a good time
8 to pay attention, take your last restroom break, and get your
9 eyes up on what we're looking for.

10 Q. And did there come a time on that day during your
11 surveillance when you observed any individual relevant to your
12 investigation as a target or person of interest?

13 A. Yes.

14 Q. Can you describe what happened?

15 A. So at -- because we had seen the black Mitsubishi, we knew
16 -- obviously we knew the license plate number, because that had
17 given us a -- we had a residence in part because of the cell
18 site simulator, and now even further reduced because we had
19 another vehicle of interest, so we had -- we -- you know, we
20 sort of knew what we were looking for at this point.

21 At about the time I think a ping came in that showed
22 it right around the coffee shop. My surveillance material
23 member from inside advised there is a black Mitsubishi at the
24 light. It's now parking on Lafayette, and there's an
25 individual now walking towards La Colombe and entering the

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1 store.

2 Q. Did there come a time you collected records from that La
3 Colombe location in furtherance of your investigative systems?

4 A. Yes. Immediately after we observed the occupant of the
5 black Mitsubishi Outlander make a purchase and leave.

6 MS. MURRAY: Ms. Loftus, can you publish what is in
7 evidence as Government Exhibit 291 and turn to page 7.

8 Q. Special Agent Lidsky, do you recognize this?

9 A. I do.

10 Q. What is it?

11 A. This is a payment receipt or a summary of a purchase from
12 the La Colombe Coffee Shop or cafe at Fourth and Lafayette.

13 Q. And looking at the date and time of the transaction
14 reflected in this receipt, was that the approximate date and
15 time of your surveillance on that day, September 22, 2021?

16 A. Yes, it was.

17 Q. What is the name of the person on the bank card that was
18 used for this transaction?

19 A. Jonathan Herttua.

20 Q. And what are the last four digits of the card that was used
21 for this transaction?

22 A. 5953.

23 Q. During your investigation, did there come a time you
24 identified the bank account associated with this card?

25 A. Yes.

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1 Q. And is that the bank account we've already discussed, the
2 one that received the PPP loan funds for BRS Consulting Corp?

3 A. It is.

4 MS. MURRAY: Ms. Loftus, if you could publish
5 Government Exhibit 102 that's in evidence.

6 Q. Again, Special Agent Lidsky, can you read the debit card
7 number?

8 A. The whole thing or the last four?

9 Q. The last four. Thank you.

10 A. 5953.

11 Q. Thank you.

12 MS. MURRAY: Ms. Loftus, you can take that down.

13 If we could please publish Government Exhibit 292,
14 which is also in evidence.

15 Q. Special Agent Lidsky, this is another La Colombe record.
16 This reflects certain transactions --

17 MS. MURRAY: Ms. Loftus, if you could go to page 3.

18 Q. In the last column on this page do you see the last four
19 digits of a card reflected?

20 A. I do.

21 Q. What are those digits?

22 A. 5953.

23 Q. Is this the same card we've been discussing associated with
24 the BRS Consulting Chase account?

25 A. It is.

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1 MS. MURRAY: Ms. Loftus, if we could please go to the
2 first page again, please.

3 Q. For the transactions made at La Colombe using that
4 particular card, what was the approximate date range of those
5 transactions reflected in that regard?

6 A. From on or about May 21, 2021, to 9-22-2021.

7 Q. And just looking at the top three, what concentration is
8 that of transactions or visits to La Colombe during that time
9 period?

10 A. During that week, it was every day at that point.

11 MS. MURRAY: Ms. Loftus, please publish Government
12 298, which is in evidence. This is a video clip from La
13 Colombe records.

14 (Video played)

15 Q. Special Agent Lidsky, looking at this video clip, do you
16 see anyone depicted in this video who was or became relevant to
17 your investigation?

18 A. I do.

19 Q. Who is that?

20 A. Adedayo Ilori.

21 Q. And where is he at present in this clip?

22 A. He's second in line near the register, with the associate
23 wearing a yellow head scarf or bandanna, something.

24 Q. And can you describe what he appears to be doing as we're
25 watching this clip progress?

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1 A. Now he's just waiting, kind of looking around. He's looked
2 outside a couple of times.

3 Q. And now he's approaching the cash register, correct?

4 A. That is correct. He is at the cash register right now.

5 Q. Can you describe what appears to be in his hand and what he
6 appears to be doing?

7 A. His right hand is just waiting by the register or the
8 customer facing piece, and now it looks like he's just inserted
9 a card into a payment machine. And now he's just removed it.

10 Q. Thank you.

11 MS. MURRAY: Ms. Loftus, we can take that down.

12 Ms. Loftus, can you please publish what is in evidence
13 as Government Exhibit 570.

14 This is the map of location data for the 0426 phone.

15 Q. When we looked at this yesterday, Special Agent Lidsky, you
16 had identified specific special high frequently areas for the
17 location data of the 0426 phone. I want to focus on the area
18 that is depicted near the top left of the map. It's near an
19 annotation that says, MomaPS1.

20 Do you see that?

21 A. I do.

22 Q. Can you circle that area, pleas, for the jury so we can all
23 focus on the right area of the map.

24 During your investigation, did you conduct any
25 investigation in this area that is depicted in this map and

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1 appears to be a high frequency area for the 0426 phone?

2 A. I did.

3 Q. What area of New York is reflected in that portion of the
4 map?

5 A. Long Island City.

6 Q. Aside from the 0642 ping location, what additional
7 evidence, if any, did you identify during your investigation
8 that pointed you to Long Island City?

9 A. There were a number of debit card transactions for parking
10 meters in this area, and also we had learned of an IP address
11 as well that brought us in this area.

12 Q. What is an IP address?

13 A. IP stands for internet protocol address, and that is a
14 unique address, at least for a time, that's assigned to every
15 device connected to the internet. So all of our phones, all of
16 our computers, anything that connects to the internet at the
17 instant it connects gets a unique IP assigned for -- you know,
18 for whatever you want to do on the internet.

19 Q. What records, if anything, did you identify during your
20 investigation that contained an IP address that appeared to
21 relate to your investigation?

22 A. So, as we were obtaining various financial records, as the
23 money flowed laterally, as I talked about yesterday, and went
24 to different accounts or investment places, a lot of those,
25 especially the online institutions, capture the IP address of

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1 users when they engage in part to prevent fraud and track
2 various things. So we did see this IP address pop up with one
3 or more accounts.

4 MS. MURRAY: Ms. Loftus, if we could please take this
5 down and now publish Government Exhibit 351, which is in
6 evidence.

7 This is a Robinhood record. Zooming in on the bottom
8 portion, please, the very bottom portion --

9 Q. What is the name of the customer on this Robinhood account?

10 A. Jonathan Herttua.

11 Q. And what phone number was provided for Jonathan Herttua?

12 A. 646-575-0642.

13 MS. MURRAY: Ms. Loftus, if we could now please
14 publish Exhibit 354(a), which is data from the Robinhood
15 records that are in evidence as Government Exhibit 354. This
16 reflects data that has been filtered by a certain client IP
17 address.

18 Q. Special Agent Lidsky, can you read the IP reflected?

19 A. 67.245.59.23.

20 Q. Can you read the city name associated with that address?

21 A. Queens.

22 Q. What is the time stamp and the date range of these IP
23 connections as reflected in the Robinhood records?

24 A. June 12, 2021, between 22:55, or 10:55 p.m., and 10:56 p.m.

25 Q. And based on your review of the Robinhood records, are you

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1 aware whether those time stamps are in Eastern Time or a
2 different time zone?

3 A. I believe UTC time.

4 Q. Can you describe what that is?

5 A. Universal coordinated time is sort of like Greenwich Mean
6 Time or Zulu Time in the military, just what the world I guess
7 has adopted from the same zone to which we all adjust to or
8 from. Here in the west coast we're either four hours behind it
9 or four, five hours behind depending on if we've fallen back or
10 sprung ahead.

11 MS. MURRAY: Ms. Loftus, 344-B, which again is
12 additional date from Robinhood records in evidence as
13 Government Exhibit 354 that has been filtered for the same IP
14 address.

15 Q. Special Agent Lidsky, what are the date and time ranges
16 reflected for these IP connections to the Robinhood account
17 from the IP address?

18 A. These run from June 26 to June 29, 2021.

19 Q. Did you observe additional connections to that 76 --
20 67.245.59.23 IP address in the Robinhood account beyond those
21 that we've reviewed?

22 A. I believe we may have.

23 MS. MURRAY: Ms. Loftus, can you please publish
24 Government Exhibit 241, which is in evidence. This is a
25 Charter Communications record. If we could Zoom in on the

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1 content. Thank you.

2 Q. Focusing on the top, Special Agent Lidsky, what is the IP
3 address listed as the target for the records request here?

4 A. 67.245.59.23.

5 Q. Who is the listed subscriber for that IP address?

6 A. Mark Heffron.

7 Q. And what is the service address?

8 A. 4441 Purves, or Purves Street, apartment 1805, Long Island
9 City, New York 11101.

10 Q. And the user name?

11 A. MarkHeffron92@gmail.com.

12 Q. Looking down at the method of payment --

13 MS. MURRAY: And, Ms. Loftus, if we could zoom in on
14 this portion. Ms. Loftus, through to the end of the document.

15 Q. Focusing on the method of payment, there are three items
16 listed. Can you identify for us the second method of payment
17 listed here for this particular IP account or IP address?

18 A. It's listed as CC, which I assume is an abbreviation for
19 credit card, with the last four numbers of 5953.

20 Q. And then looking at the other detail section IP history,
21 the third line from the bottom -- bottom, do you see this
22 target IP address we've been discussing?

23 A. I do.

24 Q. What was the date range that this IP address was subscribed
25 to this particular subscriber?

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1 A. It was first assigned on May 7, 2021, at 2:22 a.m. I don't
2 know if that's eastern coast or UTC. And it ended on July 27,
3 2021, at 12:05.

4 MS. MURRAY: Thank you, Ms. Loftus. You can take that
5 down.

6 Q. Special Agent Lidsky, aside from IP records, did there come
7 a time where you identified 4441 Purves Street as a potential
8 area of interest in your investigation?

9 A. Yes.

10 Q. When was that?

11 A. Starting the same week of the surveillance, September 22.

12 Q. Did there come a time when you requested records relating
13 to that location and specifically to apartment 1805, which we
14 just saw on that IP subscriber record?

15 A. Yes.

16 Q. What kind of records did you suggest relating to that
17 apartment?

18 A. All the records associated with the lease, to include lease
19 documents, payment information, background records, anything,
20 anything they had related to the lease of that apartment.

21 MS. MURRAY: Ms. Loftus, can you please publish
22 Government Exhibit 301, which is in evidence. And if we could
23 zoom in on the top portion, please. These are tenant and
24 landlord records.

25 Q. Special Agent Lidsky, what is the date of this lease?

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1 A. April 28, 2021.

2 Q. And looking down at the address, and then further below
3 that apartment and use --

4 MS. MURRAY: The next address, please, Ms. Loftus.
5 Thank you.

6 Q. And then the apartment below that, what location does this
7 lease relate to?

8 A. 4441 Purves Street, Long Island City, New York, apartment
9 1805.

10 Q. Who is listed as the purported tenant of that apartment?

11 A. Mark S. Heffron.

12 MS. MURRAY: Ms. Loftus, if we could please turn to
13 page 40 and focus on the larger block of text, please.

14 Q. Special Agent Lidsky, what date was the person purporting
15 to be Mark Heffron authorized to occupy the apartment 1805
16 under this lease?

17 A. May 1st, 2021.

18 MS. MURRAY: And, Ms. Loftus, if you could please turn
19 to the next page and zoom in on the driver's license that we
20 see in this photograph.

21 Q. Special Agent Lidsky, what is the name of the person on
22 this New York driver's license which was in the tenant records
23 for 1805?

24 A. Mark S. Heffron.

25 Q. At this time in the investigations, what did you think

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1 about this individual depicted in this driver's license scan or
2 photo was, in fact, Mark Heffron?

3 A. I was highly suspect that this was Mark S. Heffron.

4 Q. Why is that?

5 A. Because this is the same individual I had seen as Jonathan
6 Herttua at Coinbase, so I assumed and was later confirmed that
7 this was not Mark S. Heffron.

8 Q. What investigative steps did you take, if any, regarding
9 the identity information reflected on this purported New York
10 state driver's license?

11 A. So I ran this ID no. 492330086 through New York Department
12 of Motor Vehicles, was not surprised to learn that this was a
13 not valid, not issued license from New York. Then I located
14 the real Mark S. Heffron, pulled up his DMV photo, and
15 confirmed yet another identity theft victim.

16 MS. MURRAY: Ms. Loftus, you can take that down.
17 Thank you.

18 Q. Did you also obtain video surveillance from the 4441 Purves
19 Street building?

20 A. I did.

21 Q. Did you request video surveillance for any dates or times
22 in particular?

23 A. Yes. But also, as much -- pulling video can be a bit much,
24 and it's large for volume on a disc, so we try to narrow it
25 down as best as possible.

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1 So we did try to coordinate through certain dates,
2 events, things like that, and only request the video so we can
3 be least intrusive on the management there by filtering it to
4 pertinent dates and times.

5 Q. Now, if at all, did you identify what could have been
6 pertinent dates or times?

7 A. Based on surveillance activity, based on the phone pinging
8 in the area, based on some event-driven data.

9 MS. MURRAY: Your Honor, the government would like to
10 offer at this time a stipulation between the parties.

11 THE COURT: You may proceed.

12 MS. MURRAY: This is marked for identification as
13 Government Exhibit 4. It is hereby stipulated and agreed by
14 and between the United States of America by Damian Williams,
15 United States Attorney for the Southern District of New York,
16 Juliana N. Murray and David R. Felton, Assistant United States
17 Attorneys, and Adedayo Ilori, by his attorney, Peter Brill,
18 that, if called as a witness, a custodian of records at
19 ManageGo, LLC, ManageGo, would state as follows:

20 The custodian of records is familiar with the record
21 keeping practices of ManageGo, which is a software platform for
22 property managers that integrates services, including payments,
23 maintenance, concierge services, leasing and rental screening
24 and security.

25 Government Exhibit 304 through 328 consists of true

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1 and correct copies of surveillance video taken in a hallway on
2 the 18th floor of a rental property located at Halo LIC, 4441
3 Purves Street, Long Island City, 11101. The surveillance video
4 was recorded and coordinated universal time, UTC, which was
5 four hours ahead of Eastern Daylight Time, EDT, which was the
6 local time zone in New York City from March 14, 2021, at 2:00
7 a.m. EDT to November 7, 2021, at 2:00 a.m. EDT.

8 Accordingly, the surveillance video was taken on the
9 following dates and times. I'm now going to read in the
10 government exhibit and the corresponding date and time range of
11 that video surveillance.

12 Government Exhibit 304, Friday, May 7, 2021, 3:45:04
13 p.m. to 3:46:20 p.m.

14 Government Exhibit 305, Friday, May 7, 2021, 5:01:57
15 p.m. to 5:05:42 p.m.

16 Government Exhibit 306, Saturday, June 26, 2021,
17 5:41:00 p.m. to 5:41:35 p.m.

18 And for the court reporter, these are all Eastern
19 Daylight Time.

20 Government Exhibit 307, Saturday, June 26, 2021,
21 5:58:48 p.m. to 6:00:05 p.m. EDT.

22 Government Exhibit 308, Saturday, June 26, 2021, from
23 6:22:50 p.m. to 6:23:17 p.m. EDT.

24 Government Exhibit 309, Saturday, June 26, 2021, from
25 7:48:23 p.m. to 7:48:35 p.m. EDT.

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1 Government Exhibit 310, Saturday, June 26, 2021, from
2 9:43:35 p.m. to 9:50:46 p.m. EDT.

3 Government Exhibit 311, Wednesday, July 7, 2021, from
4 3:33:18 p.m. to 3:33:49 p.m. EDT.

5 Government Exhibit 312, Wednesday, July 7, 2021, from
6 5:00:35 p.m. to 5:00:53 p.m. EDT.

7 Government Exhibit 313, Wednesday, July 7, 2021,
8 5:26:57 p.m. to 5:28:10 p.m. EDT.

9 Government Exhibit 314, Wednesday, July 7, 2021, from
10 5:44:32 p.m. to 5:45:01 p.m. EDT.

11 Government Exhibit 315, Wednesday, July 7, 2021, from
12 8:22:32 p.m. to 8:22:50 p.m. EDT.

13 Government Exhibit 316, Wednesday, July 14, 2021, from
14 6:23:35 p.m. to 6:24:06 p.m. EDT.

15 Government Exhibit 317, Wednesday, July 14, 2021, from
16 6:30:14 p.m. to 6:31:01 p.m. EDT.

17 Government Exhibit 318, Wednesday July 14, 2021, from
18 6:42:37 p.m. to 6:42:48 p.m. EDT.

19 Government Exhibit 319, Wednesday, July 14, 2021, from
20 7:22:52 p.m. to 7:23:25 p.m. EDT.

21 Government Exhibit 320, Wednesday, July 14, 2021, from
22 9:10:30 p.m. to 9:11:01 p.m. EDT.

23 Government Exhibit 321, Wednesday, July 21st, 2021,
24 from 3:30:45 p.m. to 3:35:33 p.m. EDT.

25 Government Exhibit 322, Wednesday July 21st, 2021,

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1 from 3:51:14 p.m. to 3:51:45 p.m. EDT.

2 Government Exhibit 323, Wednesday, July 21, 2021, from
3 6:19:25 p.m. to 6:19:49 p.m. EDT.

4 Government Exhibit 324, Wednesday, July 21, 2021, from
5 7:19:47 p.m. to 7:20:12 p.m. EDT.

6 Government Exhibit 325, Wednesday, July 21, 2021, from
7 9:10:02 p.m. to 9:10:28 p.m. EDT.

8 Government Exhibit 326, Wednesday, August 11, 2021,
9 from 8:36:14 p.m. to 8:37:09 p.m. EDT.

10 Government Exhibit 327, Wednesday, September 15, 2021,
11 from 7:11:20 p.m. to 7:11:37 p.m. EDT.

12 And Government Exhibit 328, Thursday, September 23rd,
13 2021, from 7:46:34 p.m. to 7:46:59 p.m. EDT.

14 Your Honor, the government offers this stipulation,
15 Government Exhibit 4, into evidence. The underlying records
16 referenced have already been admitted.

17 THE COURT: All right. May I please see the first
18 page?

19 MS. MURRAY: Yes, your Honor.

20 THE COURT: All right. It will be received.

21 I assume no objection, Mr. Brill?

22 MR. BRILL: No objection.

23 (Government Exhibit 4 received in evidence)

24 Q. All right, Special Agent Lidsky, let's look at some of the
25 surveillance.

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1 MS. MURRAY: Ms. Loftus, can up play Government
2 Exhibit 324, which the parties have agreed was taken on the
3 18th floor of the 4441 Purves Street building between
4 approximately 7:19 and 7:20 p.m. on July 21, 2021. And I would
5 note that the time stamp of the parties' stipulation is
6 accurate. The UTC time stamp on the video was off for that
7 time zone.

8 Q. Who do we see in this video, Mr. Lidsky? And we'll play it
9 again for you.

10 A. We see Mr. Ilori coming down the hall and entering into an
11 apartment.

12 MS. MURRAY: If you could please play it again,
13 Ms. Loftus.

14 Q. So is that toward the right, walking toward the camera
15 angle?

16 A. Correct.

17 Q. And this is at approximately 7:19 to 7:20 p.m. on
18 July 21st. What does he appear to be doing here?

19 A. He's carrying a bag and unlocking the door and entering the
20 apartment.

21 MS. MURRAY: Ms. Loftus, can you now please play
22 Government Exhibit 325, which the parties have agreed is from
23 the same camera and on the same day, July 21, 2021.

24 Q. Can you describe what we're seeing in this video.

25 A. I see Mr. Ilori and who I believe to be the second

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1 gentleman from the Coinbase photo and the ID photos leaving the
2 same apartment.

3 MS. MURRAY: If we could play the beginning portion of
4 that again, Ms. Loftus.

5 Q. Special Agent Lidsky, based on what you know now, in your
6 investigation, standing here today, can you describe who you
7 think to be reflected in this video?

8 A. I think it's Mr. Ilori and Mr. Recamier leaving the
9 apartment.

10 MS. MURRAY: Thank you, Ms. Loftus. You can take that
11 down.

12 Can you please now publish what is in evidence as
13 Government Exhibit 231.

14 Q. Special Agent Lidsky, this is a record from Charles Schwab
15 that was selected in the course of the investigation. Looking
16 at the top portion of this Charles Schwab record, what is the
17 name that this letter is addressed to?

18 A. Jonathan Herttua.

19 Q. And the address that this was sent to?

20 A. 64 Bleecker Street, Suite 188, New York, New York.

21 MS. MURRAY: Ms. Loftus, if you could please turn to
22 the next page.

23 Q. What email address is associated with this Charles Schwab
24 account?

25 A. Herttua.jonathan1957@gmail.com.

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1 MS. MURRAY: Ms. Loftus, if you could now please
2 publish what's in evidence as Government's 232.

3 This is going to be another of the Charles Schwab
4 records that was provided in the course of the investigation.
5 If we could zoom out just a bit on this document, please.

6 Q. Special Agent Lidsky, this shows certain IP connections for
7 activity on that Charles Schwab account, the account associated
8 with HerttuaJonathan1957@gmail.com and Jonathan Herttua.

9 I want to bring your attention --

10 MS. MURRAY: Seventh row, Ms. Loftus. The IP
11 connection on 7-21-2021.

12 Q. Can you read the date and time for that IP connection for
13 the Charles Schwab Jonathan Herttua --

14 A. July 21, 2021, at 8:27 p.m.

15 Q. And what was the IP address that was used for that
16 connection to the Charles Schwab account in the name of
17 Jonathan Herttua at 8:27 p.m. on July 21, 2021?

18 A. 67.245.59.23.

19 Q. Thank you.

20 MS. MURRAY: Ms. Loftus, can we please next play
21 another of the videos from the surveillance. This is
22 Government Exhibit 309 in evidence, which the parties stipulate
23 is from the same camera and was recorded on the same date,
24 which is June 26, 2021, at approximately 7:48 p.m.

25 Q. Can you describe what we're observing here, Special Agent

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1 Lidsky?

2 A. I see Mr. Ilori and a woman leaving the apartment, locking
3 the door, and now walking down the hallway towards the camera.

4 MS. MURRAY: And, Ms. Loftus, can we please play
5 Government Exhibit 308, another video which the parties
6 stipulated, taken at the same location between approximately
7 6:22 p.m. and 6:23 p.m. on June 26.

8 Q. So this was earlier in the evening. Mr. Lidsky, what do we
9 see here?

10 A. I see Mr. Ilori and the same female arriving at the
11 apartment. He's unlocking the door. They have some luggage or
12 he has some luggage and she has a yoga mat -- I don't know what
13 that is.

14 Q. So I took this out of turn, but is it correct around 6:23
15 p.m. on June 26, 2021, we observe Mr. Ilori and another
16 individual entering the Purves Street apartment, and they leave
17 at approximately 7:48 p.m. that day?

18 A. Correct.

19 MS. MURRAY: Ms. Loftus, pull up Exhibit 344-B.
20 Again, these are certain Robinhood account records.

21 Q. This is focused on that same IP address as we said, the
22 67.245.59.23. That's the IP address that was associated in the
23 Charter Communications records and subscribed to apartment
24 1805. Looking at June 26, 2021, what time was this address
25 used to connect to the Jonathan Herttua account on that day?

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1 A. In UTC time, at 11:35 or 23:35.

2 Q. And what would that be in Eastern Time for this time of
3 year?

4 A. Four hours earlier, so 7:35.

5 Q. Thank you.

6 MS. MURRAY: Ms. Loftus, you can take that down.

7 THE COURT: Ms. Murray, can you find a convenient
8 breaking point, please?

9 MS. MURRAY: Yes, your Honor. One further question
10 and then it's a perfect time.

11 THE COURT: Sure.

12 Q. Aside from the videos we've observed together, was the
13 defendant Adedayo Ilori captured on this surveillance camera at
14 other dates and times?

15 A. Yes, he was.

16 MS. MURRAY: Thank you, your Honor. We can break.

17 THE COURT: All right. We'll take our morning recess
18 now. It's 11:00. So if everyone would please plan to be back
19 here at 11:10. Please leave your notebook on your seats and do
20 not discuss the case while we're on break.

21 Special Agent Lidsky, I remind you you remain under
22 oath, and please do not discuss your testimony with anyone
23 while we're in recess.

24 A. Of course.

25 THE COURT: All right. Thank you.

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1 THE DEPUTY CLERK: All rise for the jury.
2 (Jury not present)
3 (Continued on next page)
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1 THE COURT: Okay. Please be seated.

2 You may step down, sir.

3 THE WITNESS: Thank you.

4 THE COURT: AUSA Murray, are you on track?

5 MS. MURRAY: Yes, your Honor.

6 THE COURT: How much longer do you think you need to
7 go with Special Agent Lidsky?

8 MS. MURRAY: I'm just estimating, your Honor.

9 THE COURT: Yes.

10 MS. MURRAY: Under an hour would be my guess, your
11 Honor.

12 THE COURT: All right.

13 MS. MURRAY: And the next portion of testimony will
14 include certain physical exhibits. We have marked those. We
15 will ask to approach the witness, and then we also do intend to
16 then retrieve those once he's authenticated them and show them
17 using the ELMO to the jury.

18 THE COURT: Okay. And you have made them available to
19 Mr. Brill and Mr. Ilori?

20 MS. MURRAY: Yes, and also scans of them, so they have
21 received those items.

22 THE COURT: All set, Mr. Brill?

23 MR. BRILL: Yes, your Honor.

24 THE COURT: All right. I'll see everyone in about ten
25 minutes then. Thank you.

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1 (Recess)

2 THE COURT: Please be seated.

3 Are we ready for the jury?

4 MS. MURRAY: Yes, your Honor.

5 THE COURT: All right. Ms. Dempsey, you may bring the
6 jurors out.

7 THE DEPUTY CLERK: Yes, your Honor.

8 THE COURT: You may take the stand, Agent Lidsky.

9 That way we'll be ready to go.

10 THE WITNESS: Yes, your Honor.

11 (Continued on next page)

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1 (Jury present)

2 THE COURT: All right. Please be seated, everyone.

3 Ms. Murray.

4 BY MS. MURRAY:

5 Q. Special Agent Lidsky, let's turn back to your investigation
6 in this case. You've testified about how you were able to
7 identify the defendant as involved in this scheme and also
8 identified the 4441 Purves Street, apartment 1805, in Long
9 Island City.

10 I want to focus on early October 2021. What, if
11 anything, happened in early October in this investigation?

12 A. We conducted additional investigative steps. We also
13 started executing other search warrants.

14 Q. Now, did those additional investigative steps include
15 collecting further records from various different companies?

16 A. They did.

17 MS. MURRAY: Ms. Loftus, can you please publish
18 Government Exhibit 331, which is in evidence.

19 Q. Do you recognize this?

20 A. I do.

21 Q. I'm focusing in on the top portion of this document from
22 the top through -- on both sides to the middle of the document.

23 What car does this relate to?

24 A. A 2021 Mercedes Benz.

25 Q. Looking at this document, are you able to determine when

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1 the car was leased?

2 You might have to go to date -- excuse me, top,
3 middle. The date.

4 A. Yes, nine -- September 27, 2021.

5 Q. I'm looking at the upper right portion of this document
6 next to the description. What is the stated value of this
7 Mercedes?

8 A. \$137,306.68.

9 MS. MURRAY: Ms. Loftus, if we could scroll to the
10 bottom of this screen, please. Of the page, please. There's a
11 "leased to" at the bottom of the government sticker. If we
12 could zoom in on that, please.

13 Q. Who is this leased to?

14 A. Etudia Software Engineering in the name of Thomas J.
15 Hockenberry.

16 MS. MURRAY: Ms. Loftus, can you please turn to page
17 44.

18 Q. Do you see this image, Special Agent Lidsky, from the
19 Mercedes records?

20 A. I do.

21 Q. What's the name of the person on this Pennsylvania driver's
22 license card?

23 A. Thomas J. Hockenberry.

24 Q. And what, if anything, do you notice about the photograph
25 of this individual shown on this Thomas J. Hockenberry driver's

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1 license?

2 A. It's the same one I'd seen beginning at Coinbase, who I now
3 know to be at this point in the investigation -- I didn't know
4 -- but Chris Recamier.

5 Q. At some point after you received these records from
6 Mercedes, what, if anything, did you do to investigate the
7 information reflected on this driver's license?

8 A. So the same checks. I took the driver's license number
9 listed here. I ran it through the Pennsylvania Department of
10 Motor Vehicles, learned that it was not valid, not a real
11 license listed by the Commonwealth of Pennsylvania. Then I
12 researched the real Thomas J. Hockenberry, found him in
13 Pennsylvania. Found his photo as well and confirmed another
14 victim of the identity theft.

15 Q. Thank you.

16 MS. MURRAY: We can take this down.

17 Q. Again, focusing on the October period in the investigation,
18 during that time period, did you personally observe the
19 defendant driving any car or cars?

20 A. I did.

21 Q. What car or cars did you observe the defendant driving.

22 A. A white 2021 Mercedes Benz S-580.

23 Q. And based on the record we just looked at, what, if
24 anything, were you able to determine about the white Mercedes
25 you observed the defendant driving was the same white Mercedes

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1 that was leased to Etudia Software, Thomas J. Hockenberry?

2 A. It was the same. The license plate of the car -- in New
3 York, I guess this is the standard, but after acquiring a new
4 vehicle, the license plate will continue to come back to the
5 dealership for at least a period of time. And I guess because
6 this was only about a week, the license plate was still coming
7 back to Silver Star Motors, which lead me to go over there and
8 obtain these records.

9 Q. I'd like to turn your attention to the evening of
10 October 7, 2021. Where were you that evening?

11 A. I was out in Long Island City in the vicinity of Purves
12 Street.

13 Q. Why were you at that particular location at that time?

14 A. At this point I had obtained a search warrant or was
15 anticipating obtaining a search warrant just waiting for the
16 final approval to conduct a search of that -- of the apartment
17 1805.

18 Q. And as you were at that location waiting for final approval
19 on that search warrant, what, if anything, did you observe that
20 was relevant to your investigation?

21 A. Mr. Ilori left the Halo apartment building at 4441 Purves
22 Street, walked down the street, and got into the Mercedes, the
23 white Mercedes. Obviously we knew the car, we knew the tag, we
24 had surveillance members watching it, and we observed him get
25 into it and drive off.

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1 Q. What area of the white Mercedes did Mr. Ilori get into?

2 A. He got into the driver's seat. He was the only one, only
3 occupant, got in and left.

4 Q. Now, did there come a time that evening when you did in
5 fact obtain a search warrant to search apartment 1805 at 4441
6 Purves Street?

7 A. I did around the same time.

8 Q. Did you execute the search warrant?

9 A. I did.

10 Q. And to be clear, when I say execute the search warrant,
11 what does that mean?

12 A. It means begin the search, physically take a step, which in
13 this case was knocking on the door.

14 Q. So that night, what happened when you arrived at apartment
15 1805?

16 A. I was greeted by who I now know to be Mr. Recamier, who
17 answered the door. Would you like me to go into --

18 Q. Sure. When that individual who you now know to be Chris
19 Recamier answered the door on that night, what, if anything,
20 did he say to you?

21 A. I simply asked, Mr. Heffron? He said, yes. I identified
22 myself. I had one other agent with me. I asked if we could
23 come in, and I informed him that we had both a search warrant
24 for the apartment and that other -- other events would be
25 transpiring.

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1 I basically informed him that he would be placed under
2 arrest before the end of the evening, and I gave him enough
3 information to sort of know what this is about. I dropped some
4 of the other names that I'd now become familiar with. And he
5 -- you know, so he pretty much knew.

6 Q. And just to be clear, when you identified yourself and you
7 asked him to confirm his identity, how did he identify himself?

8 A. Yeah. So I told him, I said, Mr. Heffron, you know, we
9 stepped in. I said who I was, why I was there, we had a search
10 warrant. I said, do you prefer Mr. Herttua? Do you prefer
11 some of the other names that I'd come to see, Mr. Hockenberry?
12 I said, listen, here's the thing, you're going to be arrested.
13 You will be brought down and booked.

14 If you're booked as John Doe, generally, you know,
15 until the government knows who you are, even though it's not
16 our call but my experience is that the Court will not release
17 people, and generally we figure out anyway. Once we start
18 running fingerprints, we're going to find out who you are.

19 So at that point, you know, I said, if you want to
20 make it a little bit easier on both of us, I'd appreciate if
21 you told me who you really are. And he agreed and wrote down
22 just his name, Chris Recamier, date of birth, and Social
23 Security number.

24 Q. At the time that you knocked on the door of 1805 and first
25 encountered the individual who you recognized to be a known

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1 target of your investigation, at that time did you know his
2 true identity?

3 A. I did not.

4 Q. Can you describe what happened next after you entered
5 apartment 1805 and began the search?

6 A. Yes. So as we came in, I kind of took a look around.
7 Obviously we checked to make sure there was no other -- no
8 persons in the apartment. It was sparsely furnished. The
9 living room was devoid of any furniture I think except for a
10 stool and a lamp. There was a large computer on kitchen island
11 or kitchen counter. There was a shredder. There was a
12 multi-function printer. There were a number of document
13 stacks, laptops -- I think a couple of laptops, a tablet.

14 Then in the bedroom there's like an air mattress on a
15 frame.

16 Q. Special Agent Lidsky, in the binder before you, you have
17 what's been marked for identification as Government Exhibits
18 580 through 595. If you could please take a look at those and
19 then look up at me when you're finished.

20 Special Agent Lidsky, do you recognize those?

21 A. I do.

22 Q. What are they?

23 A. These are photos that we took both of the apartment and
24 some of the things that we observed during the search, before
25 and during the search.

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1 Q. Are those photographs fair and accurate representations of
2 the appearance of apartment 1805 and/or the contents of
3 apartment 1805 on October 7, 2021?

4 A. They are.

5 MS. MURRAY: Your Honor, the government offers
6 Government Exhibits 580 through 595.

7 MR. BRILL: No objection.

8 THE COURT: They'll be admitted in evidence.

9 (Government's Exhibits 580 through 595 received in
10 evidence)

11 MS. MURRAY: Ms. Loftus, can you please publish
12 Government Exhibit 581.

13 Is the jury able to see that?

14 Q. Special Agent Lidsky, can you describe what we're looking
15 at here?

16 A. This is the living room area of the apartment, you can see
17 a shredder, the waste basket, and behind that is a
18 multi-function printer/scanner with some documents stacked on
19 top and a couple stacks of documents on the floor.

20 MS. MURRAY: Ms. Loftus, can we turn to Government
21 Exhibit 592, please?

22 Q. Can you describe what's shown here?

23 A. These are some of the documents on the floor. They've just
24 been laid out by us in our search and photographed in place. A
25 stack of the documents, you take a picture of the top, you only

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1 see the top, so we tend to spread them out just to show what
2 was there.

3 MS. MURRAY: Ms. Loftus, if we could zoom in on the
4 middle document in this set just to see if we can better
5 identify.

6 Q. Looking at those two files in the middle, there appear to
7 be numbers on the top left. What type of documents, if any,
8 are those?

9 A. IRS forms 1120.

10 MS. MURRAY: Ms. Loftus, can we now turn to Government
11 Exhibit 594?

12 Q. What is shown here?

13 A. Shredded documents.

14 Q. And it appears that the top of this shredder has been taken
15 off the shredder; is that right?

16 A. Yes. We took the top of the shredder off to see if there
17 was anything inside.

18 Q. And where was this located in apartment 1805 when you
19 executed your search?

20 A. In the living room against the wall.

21 MS. MURRAY: Ms. Loftus, you can take that down.
22 Thank you.

23 Q. What other sort of physical items did you recover from
24 apartment 1805 during your search?

25 A. We found notebooks. We found a couple of debit cards, an

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1 ID card, multiple phones, as well as tablets, articles of
2 clothing.

3 MS. MURRAY: Ms. Loftus, can you please publish
4 Government Exhibit 588.

5 Q. Can you describe for us what we're looking at here, please?

6 A. This was in -- this is a photograph of the contents of one
7 of the kitchen drawers that we opened.

8 Q. And 580, please, Ms. Loftus. What is shown here?

9 A. This is an Air France luggage tag that was also located in
10 the apartment.

11 MS. MURRAY: Ms. Loftus, if we could zoom in on that
12 luggage tag, please.

13 Q. Focusing on the written words that are on this luggage tag,
14 what does that say, Special Agent Lidsky?

15 A. M. Heffron, no. 1805, and then parenthetically the name
16 Chris.

17 MS. MURRAY: Your Honor, may I approach the witness
18 with physical evidence?

19 THE COURT: You may.

20 MS. MURRAY: I'll show Mr. Brill first.

21 THE COURT: Please.

22 Q. Special Agent Lidsky, I'm handing you what's been marked
23 for identification as Government Exhibit 10, Government Exhibit
24 11, and Government Exhibit 13.

25 Focusing first on Government Exhibit 10, do you

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1 recognize the contents of Government Exhibit 10?

2 A. I do.

3 Q. What is it?

4 A. It's a set of keys and a key fob.

5 Q. And turning to Government Exhibit 11, what does Government
6 Exhibit 11 contain?

7 A. These are debit cards and ID, and there's a folded up
8 check, and I believe there might be either a business card or a
9 medical ID card in here as well.

10 Q. And you're welcome to take the items out of the bag if that
11 would facilitate your review.

12 A. Debit card, debit card, a money card, Halo, 4441 Purves
13 Street, maybe an access card, debit card, and another debit
14 card, a New Jersey driver's license, and a check.

15 Q. And then Government Exhibit 13, do you recognize Government
16 Exhibit 13?

17 A. I do. That's a red notebook that was found in the drawer
18 we just saw in the photo.

19 Q. Focusing on these three exhibits, Government Exhibits 10,
20 11 and 13, from where were those items recovered?

21 A. All from the apartment, 1805 Purves Street, in New York
22 City.

23 Q. Special Agent Lidsky, you have in your binder what's been
24 marked for identification Government's Exhibit 550 through 555.

25 If you could please take a look at those and look up

MARDILO1

LIDSKY - DIRECT

1 at me when you finish reviewing.

2 Thank you.

3 Do you recognize those?

4 A. I do.

5 Q. What are they?

6 A. They are copies of a number of documents that we recovered
7 from -- during our search at apartment 1805.

8 Q. Are they a fair and accurate reflection of the items that
9 you recovered from -- certain of the items that you recovered
10 from the Purves Street apartment, including Government Exhibits
11 11 and 13?

12 A. They are.

13 MS. MURRAY: Your Honor, at this time the government
14 offers Government Exhibits 10, 11 and 13, which are physical
15 evidence, as well as Government Exhibits 550 through 555.

16 MR. BRILL: No objection.

17 THE COURT: They'll be received in evidence.

18 (Government's Exhibits 10, 11, 13, 550 through 555
19 received in evidence)

20 MS. MURRAY: Thank you.

21 Q. Special Agent Lidsky, starting with Government Exhibit 10,
22 that's one of the physical items that you have, can you take
23 that item out of the evidence bag and hold it up to the jury
24 and explain what Government Exhibit 10 is?

25 A. It's a key. I believe the key to the apartment. And a key

MARDILO1

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1 fob, which I -- I'm not sure exactly what it controls, if it's
2 elevator access or after-hours access through the front door or
3 garage. But, also, it's from the apartment building, the Halo
4 Apartments.

5 Q. Turning now to Government Exhibit 11, can you explain to
6 the jury what those items are in Government Exhibit 11?

7 A. These were the debit cards that I described, a number of
8 debit cards, a money card, a Halo license -- or Halo LIC,
9 excuse me. Again, I assume it's some sort of an access card
10 affiliated with the apartment. Debit card, a check, a blank
11 check in the name Etudia Software Engineering, and a New Jersey
12 driver's license in the name of Jonathan Herttua.

13 Q. Special Agent Lidsky, I'd like to come take those from you
14 so I can show them to the jury a little bit more closely. And
15 Government Exhibit 10 as well, please. Thank you.

16 So starting with Government Exhibit 10, this is the
17 keys and key fob that you described. Just give me a moment. I
18 appear to be looking inside the light.

19 THE COURT: I think it swivels, doesn't it?

20 MS. MURRAY: Far better. Thank you, your Honor. I
21 appreciate that.

22 THE COURT: There you go.

23 Q. So Special Agent Lidsky, are you able to see this?

24 A. I am.

25 Q. I'm going to zoom just a bit more. Bear with me. It's

MARDILO1

LIDSKY - DIRECT

1 hard to see here.

2 And perhaps I'll let you do it, but there appears to
3 be some numbers written on the bottom of this key fob. It
4 would be right on the bottom portion near where the keys
5 connect. If I hand this exhibit back to you, can you take a
6 look at it and read those numbers for the jury, please?

7 THE COURT: I think the whole arm goes down, too. But
8 it's fine for you to give them back to the witness.

9 MS. MURRAY: Let me see if I can do it, your Honor.

10 THE COURT: It might also be upside down, the key fob.
11 Q. Here. I'm going to hand this back to you for a moment.
12 I'm going to reset that.

13 THE COURT: In the meantime, Mr. Felton, if you want
14 to try to help, feel free. Technology is great when it works,
15 but when it doesn't --

16 Q. Are you able to see the numbers that are on that particular
17 key fob, Special Agent Lidsky?

18 A. I can, with a degree of challenge.

19 Q. If you could read that, we can try to aid with this
20 technology in a moment.

21 A. I believe it's 16733 or 15733.

22 Q. All right.

23 A. Or 8733. I think it's a six.

24 Q. We'll work that out.

25 I'm going to now attempt to show the jury Government

MARDILO1

LIDSKY - DIRECT

1 Exhibit -- some items from Government Exhibit 11. These are
2 two of the cards that were recovered from 1805 Purves Street.

3 Focusing, sir, on the card to the left, this is a TD
4 Bank debit card. Could you please read to us the name on that
5 card?

6 A. Christopher Buettner.

7 Q. And then on the right what are we looking at there?

8 A. The New Jersey driver's license or fake New Jersey driver's
9 license with the name Jonathan Herttua.

10 Q. And whose photo, if any, do you recognize from that New
11 Jersey driver's license?

12 A. Chris Recamier.

13 Q. Then I'm going to show you the check that was recovered.
14 Looking at this check, what is the name of the company or
15 individual that this account is associated with?

16 A. Etudia Software Engineering, Inc.

17 Q. Now, focusing on Government Exhibit 13, which is the
18 notebook that was recovered from Purves Street, can you please
19 take that out of the bag and just hold it up for the jury?

20 MS. MURRAY: Ms. Loftus, can you please publish
21 Government Exhibit 554.

22 Q. And, Special Agent Lidsky, you showed us the photo of the
23 drawer. Where in the apartment did you recover this notebook
24 from?

25 A. I believe it's the kitchen.

MARDILO1

LIDSKY - DIRECT

1 Q. Now, Government Exhibit 554 contains photographs or scans
2 of the contents of Government Exhibit 13. I want you to walk
3 us through just a few of those.

4 MS. MURRAY: If we could go to page two, please,
5 Ms. Loftus, and if you could zoom in on the content.

6 Q. Do you recognize any names from this page of that notebook
7 that were relevant to your investigation?

8 A. I do.

9 Q. What names?

10 A. Well, the two that stand out most pointedly, Thomas J.
11 Hockenberry and Gerald Brown. Thomas J. Hockenberry is the
12 name on the lease of the Mercedes Benz. Gerald Brown was the
13 person who rented the white Jeep Cherokee.

14 Q. Focusing on all of the information on this page but taking
15 Thomas J. Hockenberry as an example, what type of information
16 is on this page?

17 A. What I believe to be notes about potentially his credit,
18 and where or where not he may have had bank accounts.

19 Q. And looking at this, there appears to be an address; is
20 that right?

21 A. Yes.

22 Q. Can you read that?

23 A. 11 Stalion Road in Carlisle, Pennsylvania, 17015.

24 Q. Based on your training and experience, what, if anything,
25 do the numbers on the next line appear to represent?

MARDILO1

LIDSKY - DIRECT

1 A. Mr. Hockenberry's Social Security number and date of birth.

2 Q. And then there's some annotations over on the right. Can
3 you identify the first line that's listed, the title of that
4 column?

5 A. Chase.

6 Q. What does the next column appear to indicate?

7 A. TD.

8 Q. What word or words were written for the Thomas J.
9 Hockenberry entry in this column?

10 A. Good. Good.

11 MS. MURRAY: If we could go to page five, please,
12 Ms. Loftus. Zoom in on content again.

13 Q. What is reflected on this page of the notebook?

14 A. It looks like a list of -- well, it's names of companies,
15 or brands, and numbers.

16 Q. And looking at the second entry I'll call it, can you read
17 that?

18 A. Molton Brown, 200.

19 MS. MURRAY: If we can go to page 13, please,
20 Ms. Loftus, and focus on the content.

21 Q. Looking at the top name that's listed here, what is that
22 name?

23 A. Gerald M. Hanson.

24 Q. And does there appear to be a number written associated
25 with Mr. Hanson?

MARDILO1

LIDSKY - DIRECT

1 A. There does.

2 Q. What do you understand that reflects?

3 A. Mr. Hanson's Social Security number.

4 MS. MURRAY: And now page 30, please, Ms. Loftus.

5 Q. Looking at the top two lines of this notebook page, can you
6 please read that?

7 A. These are good for both Chase and TD.

8 Q. And in looking down the page, it appears to be additional
9 identifiers, including for the Thomas J. Hockenberry data; is
10 that correct?

11 A. Correct.

12 Q. So based on your training and experience and involvement in
13 this investigation, do you have an understanding what that
14 phrase, "these are good for both Chase and TD" indicates?

15 A. I do.

16 Q. What is that understanding?

17 A. That these notes reflect research that was done to ensure
18 that Mr. Hockenberry doesn't have an existing account at either
19 Chase or TD, because if the real Thomas Hockenberry has an
20 account there, you know, the bank would say, Mr. Hockenberry,
21 you already have an account. So it's -- I interpret this as
22 being clear, not banking at either institution.

23 MS. MURRAY: Ms. Loftus, can you please take that down
24 and publish Government Exhibit 550.

25 Q. Special Agent Lidsky, this is another item that -- or scan

MARDILO1

LIDSKY - DIRECT

1 of another item that was recovered from the apartment. Do you
2 recognize any of the names or words written on this page from
3 your investigation?

4 A. I do.

5 Q. I'm looking at the bottom left quadrant in particular. It
6 appears that there is a line around four of those names. What,
7 if anything, is the annotation next to those names?

8 A. The word "passport."

9 MS. MURRAY: Now, if you could publish 551, please,
10 Ms. Loftus.

11 Q. Again, a document recovered from the apartment. Do you see
12 any names of entities or other words that were relevant to your
13 investigation on this page?

14 A. I do.

15 Q. Just focusing on the first four lines, were any of the
16 information in the first four lines relevant to your
17 investigation?

18 A. Yes, they were.

19 Q. And can you read to the best of your ability what is
20 written in those two -- first four lines?

21 A. Mula Apps, Chase; AppsSensible.com, Chase; M2 Gold Jets,
22 HSBC; BRS Consulting Corp, dollar sign, M&T, dollar sign, HSBC,
23 and with check marks next to each.

24 MS. MURRAY: Ms. Loftus, can you now publish
25 Government Exhibit 555.

MARDILO1

LIDSKY - DIRECT

1 Q. Special Agent Lidsky, looking at this page, is this a
2 photograph of the item that we saw in Government Exhibit 581,
3 which was recovered from this search at 1805 Purves Street?

4 A. It is.

5 MS. MURRAY: And if we could turn to page 14 of this
6 exhibit, please, Ms. Loftus. And zooming in on the top portion
7 of this document, which was recovered from 1805 Purves Street.

8 Q. What is this?

9 A. This is a lease agreement from -- between Silver Star
10 Motors and Mr. Hockenberry and Etudia Software Engineering for
11 the lease of the Mercedes S-580.

12 Q. Based on your review of this and the records received from
13 Mercedes, does this document which was recovered from the 1805
14 apartment relate to the same car that you observed Mr. Ilori
15 driving?

16 A. Yes, it does.

17 Q. Thank you.

18 MS. MURRAY: Ms. Loftus, you can take that down.

19 Q. I'd like to turn now to October 8, 2021, the day after the
20 Purves Street search. What did you do that day in connection
21 with the investigation?

22 A. I set up surveillance out in the area of -- the Dunlop area
23 in St. Albans, Queens, New York.

24 Q. Why were you conducting surveillance in that location on
25 that day?

MARDILO1

LIDSKY - DIRECT

1 A. I was waiting for Mr. Ilori to exit his home.

2 Q. And just to be clear, is that location the approximate
3 location you had identified through, among other things, your
4 cell site simulator for the 0624 phone?

5 A. That is correct.

6 Q. And also the location where you had observed the Mitsubishi
7 that was relevant to your investigation?

8 A. Yes.

9 Q. So on October 8, 2021, when you were at that location, did
10 you have an understanding of the location of the 0642 phone at
11 that time from your electronic surveillance?

12 A. It was pinged in the area of St. Albans, Queens, New York.

13 Q. So tell us what you saw that morning.

14 A. So we set up surveillance on the Mercedes itself. So the
15 Mercedes was parked just around the corner from Dunlop, and we
16 set up in a place where we could see if anybody came out and
17 got in the Mercedes.

18 Q. And what, if anything, did you see?

19 A. We observed Mr. Ilori come out and enter the car.

20 Q. What part of the car did Mr. Ilori enter?

21 A. He was alone. He entered the driver's seat of the car.

22 Q. What did you do next?

23 A. We pulled up in front of him. I had two other agents with
24 me, and we came out and I spoke with Mr. Ilori. I went to the
25 driver's side. I was identified pretty overtly as a police

MARDILO1

LIDSKY - DIRECT

1 officer at that point.

2 I said, Mr. Ilori, we have a warrant to search your
3 person. And I asked him to step out of the car, which he did.

4 Q. And so to back up for a moment, when you were setting up or
5 on physical surveillance at the location the morning of October
6 8, 2021, is it correct you had a warrant that authorized you to
7 search something?

8 A. I did. So the same search warrant I had for the night
9 before for the apartment, it also gave us authority to search
10 Mr. Ilori's person, but because Mr. Ilori had left the
11 apartment, we were only able to execute half of it on the night
12 of the 7th. That is the apartment search.

13 So the other half of the warrant had gone unexecuted,
14 and that's what we intended to do on the morning of the 8th.

15 Q. And did you in fact search Mr. Ilori's person that morning?

16 A. I did.

17 Q. Generally speaking what sort of items did you recover from
18 Mr. Ilori's person?

19 A. Multiple debit cards, a business card, an ID card, multiple
20 cellular telephones, some other documentation, the key to the
21 Mercedes, also a key to the Halo apartment, and a key fob for
22 the Halo apartment building.

23 Q. Special Agent Lidsky, in addition to searching Mr. Ilori's
24 person that morning, did you conduct a search of anything else?

25 A. We ended up also searching the Mercedes itself.

MARDILO1

LIDSKY - DIRECT

1 Q. And what, if anything, did you recover from the Mercedes?

2 A. A cell phone, additional debit cards, and two photo IDs,
3 two driver's licenses.

4 MS. MURRAY: Your Honor, at this time I'd like to
5 approach the witness with another two physical exhibits.

6 THE COURT: That's fine.

7 Q. I'm going to first return these to you, Special Agent
8 Lidsky, Government Exhibit 11.

9 A. Yes. Thank you.

10 Q. Special Agent Lidsky, I'm handing you what's been marked
11 for identification as Government Exhibits 23 and 22. Do you
12 recognize the contents of Government Exhibit 22 to begin with?

13 A. I do.

14 Q. What do you recognize those contents to be?

15 A. These are some of the items or the items that we seized at
16 least as evidence from Mr. Ilori's person. That is from either
17 what he was holding or what was in his pockets, on his body.

18 Q. And looking at Government Exhibit 23, do you recognize the
19 contents of Government Exhibit 23?

20 A. I do.

21 Q. What is in Government Exhibit 23?

22 A. These are items that were recovered from the trunk of the
23 Mercedes Benz.

24 MS. MURRAY: Your Honor, the government offers
25 Government Exhibits 22 and 23.

MARDILO1

LIDSKY - DIRECT

1 MR. BRILL: No objection.

2 THE COURT: They'll be received.

3 (Government's Exhibits 22 and 23 received in evidence)

4 Q. As I attempt to work the technology, I would direct you
5 please, Special Agent Lidsky, to what's been marked for
6 identification in your binder as Governments Exhibits 630, 660,
7 661, 671, 520 through 526, and 530 through 532. I'd ask you to
8 take a look at those and look up when you're finished.

9 A. I think I got them all.

10 Q. Do you recognize those, Special Agent Lidsky?

11 A. I do.

12 Q. What are they?

13 A. They're photos of the items I was just describing that were
14 seized in St. Albans.

15 Q. Are they fair and accurate photographs of items that were
16 conducted from the defendant Adedayo Ilori or the Mercedes Benz
17 on the morning of October 8th, 2021?

18 A. Yes, they are.

19 MS. MURRAY: Your Honor, the government offers
20 Government Exhibits 630, 660, 661, 671, 520 through 526, and
21 530 through 532.

22 THE COURT: Mr. Brill?

23 MR. BRILL: Just one moment, your Honor. Sorry.

24 THE COURT: Sure.

25 MR. BRILL: No objection.

MARDILO1

LIDSKY - DIRECT

1 THE COURT: They will be received in evidence.

2 (Government's Exhibits 630, 660, 661, 671, 520 through
3 526, 530 through 532 received in evidence)

4 MS. MURRAY: Thank you, your Honor.

5 Q. Special Agent Lidsky, starting with Government Exhibit 22,
6 this is the key fob that was on Mr. Ilori's person at the time
7 of the arrest.

8 I'm going to try this again. We're just going to do
9 it the old fashioned way.

10 Looking at this key fob, there are letters and then
11 numbers printed on the bottom. If I could please hand that to
12 you, and if you could read them for the jury.

13 THE COURT: All right. And after the witness looks at
14 it and reads it into the record, you may pass it around to the
15 jurors.

16 MS. MURRAY: Thank you, your Honor.

17 A. It's actually --

18 Q. Yes.

19 A. -- over there. I believe it's 28084 or 2 -- I think it's
20 28084.

21 Q. Thank you. Do you want to take another look?

22 THE COURT: Do you want a magnifying glass?

23 Q. Oh, we have a magnifying glass.

24 THE COURT: My eyesight is not what it used to be.

25 Q. Thank you, your Honor.

MARDILO1

LIDSKY - DIRECT

1 A. Thank you, your Honor. 28884.

2 Q. Thank you, Special Agent Lidsky.

3 MS. MURRAY: I'll pass this to the jury.

4 You're welcome to pass it around.

5 A. They might need this, too.

6 THE COURT: Yes, you can pass it with that.

7 Is there any objection, Mr. Brill?

8 MR. BRILL: No, your Honor.

9 THE COURT: All right. Thank you.

10 Q. So Special Agent Lidsky, 28884 is the number on the key fob
11 recovered from Mr. Ilori's person, correct?

12 A. Correct.

13 Q. I want to look at a few of the other items that were
14 recovered from Mr. Ilori's person. Do you see these two items?

15 A. I do.

16 Q. Focusing first on the one on the left, are you able to see
17 the name associated with that business debit account?

18 A. I am.

19 Q. What is the name on that account?

20 A. Jonathan Herttua and Mula Apps Corp.

21 Q. And then looking on the right on the business debit account
22 again, what is the name associated with that business debit
23 account?

24 A. Jonathan Herttua and AppSensible.com, LLC.

25 MR. BRILL: Your Honor, can the government identify

MARDILO1

LIDSKY - DIRECT

1 those for the record?

2 THE COURT: Yes.

3 MS. MURRAY: Your Honor, these are contained in
4 Government Exhibit 22.

5 THE COURT: Thank you.

6 MS. MURRAY: And Government Exhibit 22 contained items
7 recovered from Mr. Ilori's person.

8 Q. And here as well, Special Agent Lidsky, another item
9 contained within Government Exhibit 22 recovered from
10 Mr. Ilori's person.

11 What are we looking at here?

12 A. This is a Spark business debit card in the name of BRS
13 Consulting Corp and Jonathan A. Herttua.

14 Q. And the last four digits on this debit card?

15 A. 5953.

16 Q. Is this the debit card that we have identified transactions
17 being conducted with over the course of the records we've
18 reviewed today?

19 A. It is.

20 Q. And then one last card for you. Again, Government Exhibit
21 22, items recovered from Mr. Ilori's person. Are you able to
22 see this?

23 A. I am.

24 Q. What does this appear to be?

25 A. A business card.

MARDILO1

LIDSKY - DIRECT

1 Q. And what is the font that's printed on this portion of the
2 card?

3 A. Dfine by Dayo Ilori.

4 Q. And I'm going to turn to the back. Are you able to see
5 that?

6 A. Yes, I am.

7 Q. What does this say?

8 A. On the top it says "Dfine yourself." I can't read under
9 that, but immediately under the logo I see the name Dayo Ilori,
10 so it looks like www.Dfinebydayoilori.com.

11 Q. What is the name listed at the bottom?

12 A. Dayo Ilori.

13 Q. Special Agent Lidsky, in addition to the items in
14 Government Exhibit 22, some of which we've just looked at, what
15 else, if anything, did you recover from the person of Mr. Ilori
16 at the time of his arrest?

17 A. I believe he was holding the key to the Mercedes, either
18 that or he was in the car.

19 Q. What about electronic devices? Did you recover any
20 electronic devices from Mr. Ilori's person?

21 A. We did multiple cell phones. I believe three on his
22 person.

23 MS. MURRAY: Ms. Loftus, can you publish Exhibit 660,
24 which is in evidence.

25 Q. Special Agent Lidsky, does this reflect one of the phones

MARDILO1

LIDSKY - DIRECT

1 that you recovered from the defendant when you searched him on
2 October 8, 2021?

3 A. It does.

4 MS. MURRAY: Ms. Loftus, can you now please publish
5 Government Exhibit 661, which is in evidence?

6 Q. Is this another phone that you recovered from the
7 defendant?

8 A. It is.

9 Q. Now, Special Agent Lidsky, for this particular phone, an
10 iPhone 12, what, if anything, did you do with this iPhone 12
11 when you recovered it from the defendant's person?

12 A. We unlocked it using the defendant's face, using
13 Mr. Ilori's face.

14 Q. I ask you to describe for the jury how you were able to do
15 that.

16 A. Sure. So, now, a lot of iPhones, for anyone not familiar
17 with them, have a face unlock feature. We had a court order as
18 part of our search warrant to compel Mr. Ilori to look at the
19 phone when we held it up, which he did of course. And when we
20 did, it unlocked.

21 MS. MURRAY: And, Ms. Loftus, if you could now please
22 publish Government Exhibit 671.

23 Q. Special Agent Lidsky, is this another phone that you
24 recovered from the defendant on October 8, 2021?

25 A. It is.

MARDILO1

LIDSKY - DIRECT

1 Q. What type of phone is this?

2 A. A Motorola.

3 MS. MURRAY: Ms. Loftus, you can take that down.

4 Your Honor, at this time the government offers a
5 stipulation between the parties.

6 THE COURT: All right.

7 MS. MURRAY: It is hereby stipulated and agreed by and
8 between the United States America by Damian Williams, United
9 States Attorney for the Southern District of New York, Juliana
10 N. Murray and David R. Felton, Assistant United States
11 Attorneys, and Adedayo Ilori, by his attorney, Peter Brill,
12 that if called as a witness, a custodian of records as at Goose
13 Property Management, LLC, Goose Property, would state as
14 follows:

15 The custodian of records is familiar with the record
16 keeping processes of Goose Property, which is a company that
17 provides property management services to residential rental
18 buildings, including, among others location -- pardon,
19 including, among other locations, Brooklyn and Long Island
20 City.

21 On or about August 6, 2021, the manager of the rental
22 property located at Halo LIC, 4441 Purves Street, apartment
23 1805, Long Island City, 11101, apartment 1805, entered
24 apartment 1805 in connection with a maintenance issue.

25 Government Exhibit 284 is a true and correct copy of a

MARDILO1

LIDSKY - DIRECT

1 photograph taken at apartment 1805 on or about August 6, 2021.
2 Government Exhibit 282 is a true and correct copy of a screen
3 shot of part of the tenant portal related to apartment 1805 and
4 a tenancy of, quote, Mark Heffron, which is spelled
5 H-e-f-r-o-n. This screen shot shows the electronic key fob
6 number described as, quote, card number assigned to each of the
7 two key fobs issued for apartment 1805 between on or about
8 May 1, 2021, and on or about October 8, 2021.

9 Government Exhibit 283 is a true and correct copy of a
10 receipt for the purchase of an additional electronic key fob
11 for apartment 1805 on or about May 31, 2021, purchased by,
12 quote, Mark Heffron, here spelled H-e-f-f-r-o-n, using a visa
13 credit card ending in 2230.

14 It is further stipulated and agreed that this
15 stipulation, which is marked Government Exhibit 5, and
16 Government Exhibits 282 through 284 may be received into
17 evidence as government exhibits at trial.

18 MS. MURRAY: Your Honor, at this time the government
19 offers Government Exhibit 5 and Government Exhibits 282 through
20 284.

21 MR. BRILL: No objection.

22 THE COURT: They will be received in evidence.

23 (Government's Exhibits 5, 282 through 284 received in
24 evidence)

25 THE COURT: Ms. Murray, you might want to retrieve --

MARDILO1

LIDSKY - DIRECT

1 MS. MURRAY: Yes, and thank you, your Honor.

2 JUROR: Here you go.

3 THE COURT: I just don't want evidence to be lost.

4 MS. MURRAY: I appreciate it. Thank you.

5 THE COURT: Thank you.

6 MS. MURRAY: Ms. Loftus, can you please publish
7 Government Exhibit 282.

8 Q. Special Agent Lidsky, this is a screen shot from the tenant
9 portal relating to apartment 1805, and in the table you see
10 here it identifies two different card numbers. Do you see
11 that?

12 A. I do.

13 MS. MURRAY: If we could focus on those, please,
14 Ms. Loftus.

15 Q. Looking at the first, can you read what that card number
16 is?

17 A. 28884.

18 Q. And then looking at the key fob that you have, which is in
19 Government Exhibit 22, items recovered from Mr. Ilori's person
20 on October 8th, can you read the number that is printed on that
21 key fob?

22 A. 28884.

23 Q. And, Special Agent Lidsky, we are going to give you another
24 shot at Government Exhibit 10. That's the key fob recovered
25 from apartment 1805 on October 7, 2021.

MARDILO1

LIDSKY - DIRECT

1 Can you please look at that and read any number that
2 you see printed on that particular key fob?

3 A. 16733.

4 Q. And, Special Agent Lidsky, looking at Government Exhibit
5 282, which are records from Goose Property Management for
6 apartment 1805, do you see another card number for a key fob
7 issued for that apartment?

8 A. 16733.

9 Q. Just a few more items I want to walk through with you from
10 these various items, Special Agent Lidsky.

11 MS. MURRAY: You can take that down. Thank you,
12 Ms. Loftus.

13 If you could please publish Government Exhibits 521
14 and 522 side by side.

15 Q. Special Agent Lidsky, these are photographs of items that
16 you recovered from the 1805 apartment at Purves Street. Can
17 you please describe for the jury what we're look at in these
18 exhibits?

19 A. This is a business card, Dfine by Dayo Ilori business card.

20 Q. What, if anything, are you able to determine by this
21 business card as compared to the business card in Exhibit 22
22 which was recovered from the defendant's person?

23 A. It looks to be the same -- not the same business card but
24 the same -- you know, two separate business cards of the same
25 thing.

MARDILO1

LIDSKY - DIRECT

1 Q. Thank you.

2 MS. MURRAY: Ms. Loftus, you can take that down.

3 Q. And, Special Agent Lidsky, turning back to October 8, 2021,
4 the day that you searched Mr. Ilori's person and the white
5 Mercedes, what, if anything, did you recover from the front
6 area of that car?

7 A. Another mobile device, another mobile phone.

8 Q. What type of phone?

9 A. It was a Samsung I believe.

10 Q. And where was that Samsung located in the Mercedes?

11 A. It was in the center console adjacent to the driver's seat.

12 MS. MURRAY: Ms. Loftus, can you please show Special
13 Agent Lidsky what is marked for identification as Government
14 Exhibit 750, show that to the Court, the defense, and Special
15 Agent Lidsky, please.

16 Q. Special Agent Lidsky, do you recognize this?

17 A. I do.

18 Q. What is it?

19 A. This is a chart with a summary of loans, government loans,
20 PPP loans, EIDL loans, both received, funded and attempted.

21 Q. Does Government Exhibit 750 summarize voluminous --
22 summarize information contained within voluminous records?

23 A. It does.

24 Q. Is the chart reflected here accurate?

25 A. It is.

MARDILO1

LIDSKY - DIRECT

1 Q. How do you know it's accurate?

2 A. I obtained all of these records, I reviewed all of these
3 records, and I've double checked.

4 Q. And are the source documents that this summary chart relied
5 on cited in Government Exhibit 750?

6 A. They are.

7 MS. MURRAY: Your Honor, the government offers
8 Government Exhibit 750.

9 THE COURT: Mr. Brill?

10 MR. BRILL: No objection, Your Honor. Thank you.

11 THE COURT: It will be received. Thank you.

12 (Government Exhibit 750 received in evidence)

13 MS. MURRAY: Ms. Loftus, can you please publish to the
14 jury.

15 Q. Special Agent Lidsky, how did you select the particular
16 loans that are reflected on this summary chart in Government
17 Exhibit 750?

18 A. So these were identified as loan -- all of these I think
19 represent applications for pandemic relief funding, some of
20 which were funded and received cash and some of which were
21 denied.

22 Q. And focusing on the person column for a moment, what if
23 anything were you able to determine during your investigation
24 about whether the individuals listed here as associated with
25 these loans were in fact the individuals who submitted

MARDILO1

LIDSKY - DIRECT

1 applications for these loans?

2 A. That all of these names listed were victims of identity
3 theft for the purpose of applying for these loans.

4 Q. And what if anything does the bold face type within the
5 contents of this chart represent?

6 A. Those represent five loans that were actually funded where
7 the monies were disbursed into bank accounts.

8 Q. And for the other loans reflected here that are not in bold
9 face, what are those loans?

10 A. Those were the applications that were denied and not
11 funded.

12 Q. Looking at the bottom of this summary chart, can you read
13 the dollar amount of the total number of loans that were either
14 attempted or actually funded in the names of these identity
15 theft victims?

16 A. \$10,047,745.

17 Q. And what was the dollar amount associated with the approved
18 and funded loans for these identity theft victims?

19 A. \$1,024,625.

20 Q. And just to be clear, are all of the loans reflected on
21 this summary chart and all of the identity theft victims, are
22 all of those related to our investigation related to who you
23 determined to be Chris Recamier and Adedayo Ilori, among
24 others?

25 A. They are.

MARDILO1

LIDSKY - CROSS

1 MS. MURRAY: You can take that down, Ms. Loftus.

2 Q. On October 8, 2021, after you searched Mr. Ilori's person
3 and the Mercedes, what if anything did do you with respect to
4 Mr. Ilori?

5 A. I placed him under arrest.

6 MS. MURRAY: Just a moment, your Honor, please.

7 THE COURT: Yes.

8 MS. MURRAY: Nothing further, your Honor. Thank you.

9 THE COURT: All right. Thank you.

10 Mr. Brill, cross-examination?

11 MR. BRILL: Yes, your Honor.

12 MS. MURRAY: If I may just collect the evidence for a
13 moment.

14 THE COURT: Oh, yes.

15 MS. MURRAY: Thank you, your Honor.

16 THE COURT: Mr. Brill, while she's doing that, just to
17 give you a sense of timing, I'd like to go to between 12:45 and
18 1:00, so whenever you get to a convenient breaking point, you
19 can let me know, okay?

20 MR. BRILL: (Nodding head up and down.)

21 CROSS-EXAMINATION

22 BY MR. BRILL:

23 Q. Good afternoon, Agent Lidsky.

24 A. Good afternoon, Counselor.

25 Q. Let's just start kind of toward the end. When you searched

MARDILO1

LIDSKY - CROSS

1 this apartment at Purves Street, would it be fair to say that
2 the only thing you found connecting Mr. Ilori to that apartment
3 was a -- that black and gold business card that we saw?

4 A. By name and discounting the surveillance video?

5 Q. Just based upon the search.

6 A. So, yeah, tangible items?

7 Q. Yes.

8 A. I -- well, without getting into computer forensics, yes,
9 the only thing I found with his name on it is the business card
10 I believe.

11 Q. Okay. When you did search the apartment, you found some
12 medical records it looked like, correct?

13 A. I do believe we found some medical records, yes.

14 Q. And those had actually the name of Chris Recamier on them,
15 right?

16 A. Yes, they did.

17 Q. Okay. And you found that Air France luggage tag?

18 A. Yes.

19 Q. And even though it said the name Heffron on it, it also
20 said the name Chris on it?

21 A. It did parenthetically, underneath.

22 Q. When you showed up at the apartment to search Mr. Recamier
23 was there, correct?

24 A. Correct.

25 Q. Okay. And he answered to the name Heffron or appeared to

MARDILO1

LIDSKY - CROSS

1 understand that you were referring to him from your
2 perspective?

3 A. He did.

4 Q. When --

5 A. I'm sorry, sir.

6 Q. That's okay.

7 A. Yes, he did.

8 Q. And would it be fair to say that in that notebook that you
9 found, each -- there's an entry in that notebook that
10 corresponded to each of the loans that you ultimately
11 determined to be fraudulent, a name or some other identifying
12 information that corresponded to each of those loans?

13 A. In sum, I believe, yes, we did find the names, company
14 names, and notes, yes.

15 Q. Okay. Was there any indication that more than one person
16 was living in that apartment?

17 A. It's hard for me to say. I -- I viewed it more as a -- as
18 an office honestly than a residence.

19 Q. There was a bed there, right?

20 A. There was a bed there, but there wasn't much furniture at
21 all. The living room was pretty much devoid. There was a bed.
22 There was a bathroom. There was a limited amount of clothes.

23 Q. Okay. Did you find anything else of a personal nature that
24 was related to Mr. Recamier?

25 A. We did find some other items, yes.

MARDILO1

LIDSKY - CROSS

1 Q. What types of items?

2 A. I mean, he actually had some Chris Recamier identification
3 on him. I think it was a New York state -- either a medical
4 card or benefits card, maybe something like that. I think
5 there was also, as Mr. Brill mentioned, some health paperwork
6 and maybe some other mail items.

7 Q. Okay.

8 A. I believe. I'm not as familiar with the -- you know, stuff
9 I didn't collect as evidence.

10 Q. Understood.

11 And then what about just with regard to indications of
12 people living there? There was a bathroom I assume in this
13 apartment, right?

14 A. There was, yes.

15 Q. Toiletries and things like that in the bathroom?

16 A. Yes.

17 Q. Was there anything in the refrigerator?

18 A. I don't remember looking in the refrigerator. I'm sure one
19 of my colleagues did, but there were -- there were I think
20 items, you know, prepare for stay, you know, that could be
21 considered useful for staying overnight, Yes.

22 Q. Okay. The bed had sheets on it, had a pillow, things like
23 that, right?

24 A. It did, yes.

25 Q. All right. So the fact that maybe somebody was working out

MARDILO1

LIDSKY - CROSS

1 of the apartment didn't preclude the idea that, you know,
2 Mr. Recamier was living there, correct?

3 A. No. They could have co-existed.

4 Q. And just jumping topics slightly, over the course of your
5 investigation, you indicated -- and obviously we saw some of
6 it, that you looked at surveillance video, the comings and
7 goings of people in that apartment, right?

8 A. We did.

9 Q. And how many -- if you can recall, and I don't know if you
10 have an exact number, but how many times did you see
11 Mr. Recamier entering that apartment over the course of the
12 time that you surveilled it or looked at the video
13 surveillance?

14 A. So the video was -- as I testified earlier, the video was
15 sort of event driven, and a lot of those events related to the
16 IP address use, where we saw an IP address at a time for one of
17 the log-ins to the accounts. That's when we focused on the
18 videos.

19 I don't recall offhand, so, you know, that's a long
20 way of saying I didn't watch the video each day to see when
21 somebody came, when somebody left. There were videos where I
22 did see Mr. Recamier coming and going to the apartment alone.

23 Q. Okay. All right. So just so we're clear, for the record,
24 when you are looking at the videos from the hallway, you're
25 looking at them only based upon records that you saw that

MARDILO1

LIDSKY - CROSS

1 someone is logging into the Robinhood account, right?

2 A. Not just the Robinhood account and not just contemporaneous
3 to log-ins. That was most of the events -- when I mentioned
4 before certain events would drive which video we requested, the
5 IP address was a large part of one, because I wasn't as
6 concerned about necessarily who was in the apartment and when,
7 rather when if somebody was there and committing -- you know,
8 doing something in furtherance of the fraud I was
9 investigating.

10 Q. Okay. So there are events that cause you to look at the
11 video. Some of them are logging into Robinhood. What other
12 events trigger your -- you, know, that next step, let me look
13 at the video?

14 A. Could have been a surveillance event. It could have been a
15 day of type event. I don't -- none jump out.

16 Q. Okay. So hold on. Let me -- you used two terms. I'm
17 going to need you to define those terms.

18 What is a surveillance event?

19 A. So if we -- I believe we got video on a day where we saw
20 Mr. Recamier and Mr. Ilori exiting the apartment, so that's --
21 it wasn't from a floor itself, but it was surveillance video
22 from outside, just to confirm what they were wearing, if we
23 could see a car they got into, things like that.

24 Q. And a day of event, is that similar? Is that a different
25 concept?

MARDILO1

LIDSKY - CROSS

1 A. So I think we got video from maybe the day of they were
2 moving in. I don't recall if we got video from the night of,
3 like October 7, before we went in, when Mr. -- when we observed
4 Mr. Ilori leaving, but things like that would be what I
5 consider sort of a day of. Sorry for the --

6 Q. Okay. And just generally, would it be fair to say that you
7 were the investigator who's responsible for getting most if not
8 all of the subpoena returns from the various 56 companies with
9 respect to this case?

10 A. Majority, yes.

11 Q. Okay. So you subpoenaed Robinhood and Coinbase for their
12 records, correct?

13 A. We did as a team. I don't remember e-mailing or faxing
14 that one, but --

15 Q. Okay. And you reviewed the information you received back?

16 A. I did. Yes.

17 Q. Okay. So just using say Robinhood as one example, how
18 many, if you recall, interactions did -- from the accounts that
19 you subpoenaed were there? How many individual, you know,
20 log-ins or interactions were there that you got back from
21 Robinhood?

22 A. I don't recall offhand. I'd have to look at the records.

23 Q. Would it be fair to say it was in the nature of thousands
24 of individual interactions?

25 A. I wouldn't guess that high. There were a lot. I would say

MARDILO1

LIDSKY - CROSS

1 hundreds, and it could possibly be thousands, yes.

2 Q. Okay. And so just to be clear, when you pulled the video,
3 you weren't basing it off of the hundreds or possibly thousands
4 of individual interactions. It was -- there was something else
5 that's triggering you to go and look at the video, correct?

6 A. Right. So the IP address was associated with apartment
7 1805 in Purves Street. So it's only records that showed the
8 account was accessed from the apartment that drove our request
9 for surveillance video from the apartment.

10 (Continued on next page)

MAR1ILO2

Lidsky - Cross

1 BY MR. BRILL:

2 Q. And did you get surveillance video for every interaction,
3 just sticking to Robinhood? And let me go back for one second.

4 There are other accounts with different companies that
5 are also being accessed from your investigation from that
6 Purves Street apartment, correct?

7 A. Yes.

8 Q. So let's just stick with Robinhood just so we can narrow it
9 down a little bit. You didn't get surveillance from the
10 hallway for every single one of those interactions that reflect
11 that IP address, right?

12 A. I want to say we requested all of them, I believe because
13 some had dated back -- I want to say that the apartment
14 company, or the leasing company that provided the video did run
15 it to a historical date range. I want to say they didn't have
16 May, they only had from June something forward. So I think we
17 requested all of them. I don't think we received the universe
18 of video.

19 MR. BRILL: Okay. Ms. Loftus, do you have access to
20 Exhibit 354, electronically?

21 Okay. Would we be able to expand the columns so we
22 can see what's in the column?

23 Q. So with respect to this, just by looking at it, Agent
24 Lidsky, can you tell if this is the Robinhood interactions, or
25 some of them, at least?

MAR1ILO2

Lidsky - Cross

1 A. I don't see anything on here that confirms it's Robinhood,
2 but I think if this is the record that was -- then I'm happy --

3 Q. So it's previously been stipulated into evidence as a
4 Robinhood record.

5 A. Okay. Then yes.

6 Q. Okay. And so you see the tabs on the bottom where USAO
7 5195 is currently highlighted?

8 A. I do.

9 Q. Do you know why they're separated like that; is it just
10 based upon month or something like that?

11 A. I'm guessing it's either month or account number or --

12 Q. Don't guess.

13 MR. BRILL: Ms. Loftus, can you click on the next one,
14 5196, just so we can see.

15 Q. So looking at 5196, you see the time stamp towards the
16 right?

17 A. I do.

18 Q. So that's June, correct?

19 A. These are all June, yes.

20 Q. And then going back to 5195.

21 MR. BRILL: Ms. Loftus, can you click on that. Thank
22 you.

23 Q. You see these are July and early August, it looks like?

24 A. I do see that.

25 Q. All right. So based upon your prior review of these

MAR1ILO2

Lidsky - Cross

1 transactions, would it be fair to say that it's probably
2 account -- like account statement periods?

3 A. This might correspond to account statements, yes.

4 MS. MURRAY: Objection, your Honor.

5 THE COURT: Overruled.

6 Q. Looking at the IP address, now on the left, now previously
7 you testified that IP addresses are corresponding to specific
8 devices; is that accurate?

9 A. That's my understanding, yes.

10 Q. Okay. And looking at the IP addresses that are listed on
11 the left, do you know, based upon your investigation, why the
12 last set of digits differs from transaction to transaction,
13 101, 39, 248, etc.?

14 A. So IP addresses, they change, especially with mobile
15 devices, as they connect, so if you're on your mobile device,
16 you have an IP address, as you move in a car or on the train
17 and you connect to a different tower, that IP address is likely
18 to change. And so the last digit here changing, sometimes the
19 three digits before it also changing reflect, you know, just
20 different IP addresses being assigned at different times.

21 Q. Okay. So just to be clear, when you conducted your search
22 at Purves Street, did you recover any computers and mobile
23 devices from that apartment?

24 A. Yes.

25 Q. And what did you recover?

MAR1ILO2

Lidsky - Cross

1 A. A number of laptops, a tablet, I believe, a large iMac
2 all-in-one computer, and additional mobile phones.

3 Q. And based upon your investigation, which of those devices,
4 if any, were used to access the Robinhood account?

5 A. I don't recall if we were able to identify which particular
6 device accessed the account. The IP address -- it's not always
7 possible to correspond an IP address to a device.

8 Q. Okay. But just looking at the 172.58 portion of these IP
9 addresses, I think, based upon what you testified to a little
10 bit earlier, this corresponds to a specific provider? Would it
11 be the Purves Street apartment building provides that WiFi?

12 MS. MURRAY: Objection, your Honor.

13 THE COURT: Grounds?

14 MS. MURRAY: Foundation for this witness to know that
15 information.

16 THE COURT: Sustained.

17 MR. BRILL: I'll rephrase it. Thank you.

18 BY MR. BRILL:

19 Q. Do you know what the 172.58 IP address reflects, based upon
20 your investigation?

21 A. I don't. I have an idea, but I don't.

22 Q. Don't guess. Don't guess.

23 A. Thank you.

24 Q. Do you know just generally if residents of that apartment
25 building were provided with WiFi?

MAR1ILO2

Lidsky - Cross

1 A. I don't know if the building provided WiFi. I do know we
2 found a modem and router installed in the apartment.

3 Q. Okay. Were you able to determine the IP address or range
4 of IP addresses that that modem and router provided to the
5 user?

6 A. The -- I don't know how it was configured, so --

7 Q. Fine. Like I said, no guessing.

8 A. Thank you.

9 Q. The other IP address that you previously testified was
10 67.245.59.63.

11 MR. BRILL: And Ms. Loftus, I want to bounce back to
12 this exhibit, but if we could just put up Exhibit 740 for one
13 second.

14 Q. You had previously testified --

15 MR. BRILL: Oh. There we go.

16 Q. You had previously testified that this 0642 number at some
17 point was associated with that IP address, 67.245.59.63. You
18 can see it kind of towards the bottom of the page, correct?

19 MS. MURRAY: Your Honor, for a moment. This exhibit
20 reflects information related to the 0642 number, not the IP
21 address. I think Mr. Brill might be thinking of a different
22 exhibit.

23 THE COURT: Overruled. I think he's referencing
24 something in the middle of this document; am I correct?

25 MR. BRILL: Yes, your Honor. I can ask the question

MAR1ILO2

Lidsky - Cross

1 differently, just to clarify.

2 BY MR. BRILL:

3 Q. I believe you testified about this previously, but where it
4 says IP address, towards the bottom of the page, middle to the
5 bottom, you see that, right?

6 A. I see it, yes.

7 Q. Okay. Did you testify earlier about what that was
8 associated with?

9 A. Yes.

10 Q. What was that?

11 A. The IP address for the apartment 1805.

12 Q. Is this -- the 67, is that the apartment IP address or is
13 that an IP address that was associated with something else?

14 A. I believe it's the apartment address, but I have to look at
15 the Charter records to confirm.

16 MR. BRILL: Okay. So going back to -- sorry, one
17 second -- 354, the one we were just looking at.

18 There we go. And could we go over to the -- that next
19 tab, 5196.

20 Q. Occasionally, throughout this document, that IP address
21 appears, correct, at line 15, for example?

22 A. I see the -- I see line 15.

23 Q. Okay. So based upon a review of these records, would it be
24 fair to say that the vast majority of interactions with the
25 Robinhood account are occurring from an IP address that begins

MAR1ILO2

Lidsky - Cross

1 with 172?

2 MS. MURRAY: Objection, your Honor. Calls for
3 characterization of "the vast majority."

4 THE COURT: The document is in evidence and it speaks
5 for itself.

6 MR. BRILL: Okay. Thank you, your Honor.

7 Q. The 0642 phone that you were hunting at the beginning of
8 your investigation, I just want to ask you a little bit about
9 that.

10 You start looking at this phone--correct me if I'm
11 wrong--not because you think that the individual -- I mean, at
12 the outset, you don't think that the individual who was using
13 that phone is engaged in criminal activity, it's just an
14 interesting data point that you're following up on, right?

15 A. No. I wouldn't agree with that.

16 Q. Okay. So the -- you see this across a couple -- you see
17 this phone number across a couple of different applications for
18 loans, right?

19 A. Yes.

20 Q. Okay. And you see other phone numbers across applications
21 for loans as well, right?

22 A. Yes.

23 Q. Okay. Do you see -- we had looked at one point at an
24 application that had I think three separate phone numbers on
25 it, correct? Do you remember that?

MAR1ILO2

Lidsky - Cross

1 A. Yes, I do.

2 Q. Okay. The other two phone numbers on that application, for
3 example, do one or the other one of those appear across other
4 applications as well?

5 A. I don't recall offhand. I'd have to look. I recall -- I
6 think one of them may be -- yeah, I don't recall if they do.
7 There were some others that I did see across, but I -- I'd have
8 to -- I'd have to look at the records to confirm, to give you
9 numbers.

10 Q. Yeah, I don't want to get too bogged down in it.

11 MR. BRILL: Could we look at Exhibit 570.

12 Q. This is the analysis that you testified that you had
13 conducted with regard to the 0642 phone number, right?

14 A. Yes, that's correct.

15 Q. Okay. Did you conduct the similar analysis with the other
16 phone numbers that you saw throughout some of the fraudulent
17 applications?

18 A. I did not.

19 Q. What about this number stood out to you that made you do
20 this one and not the other ones?

21 A. Well, at the onset of the investigation, it was the only
22 number that I had, so it was a logical place to begin, because
23 as the investigation continued, as Mr. Brill suggested, I did
24 find other numbers, but the 0642 number continued across a
25 number of the key accounts. It -- I would characterize it as

MAR1ILO2

Lidsky - Cross

1 recurring.

2 Q. Explain that to me, Agent. That was the only number that
3 you had? So where -- maybe I wasn't -- withdrawn.

4 You only had that number from one fraudulent account
5 that you started out with; is that an accurate statement?

6 A. Yes, I believe so. It was the number associated with the
7 PPP loan that started this investigation.

8 Q. Okay. And that PPP loan only had one number associated
9 with it.

10 A. Phone number? That's the one I do recall. There might
11 have been a secondary number, but that was the one that was
12 first provided as part of the workup that we received from the
13 PRAC, the Pandemic Response Accountability Committee that
14 forwarded us this lead and asked us to investigate. That was
15 the number that was provided or that they had extracted from --
16 from the loan information.

17 Q. And I think you testified that with respect to this
18 exhibit, Exhibit 570, T-Mobile is sending you both general
19 location information and some sort of number that tells you
20 the -- is it like a probability of how close that location is
21 to the actual phone? Is that a correct summary?

22 A. Yes. So they -- I don't know how exactly they phrase it,
23 but it -- it has a -- it contains a number -- each ping, each
24 data point received from T-Mobile does have a number which
25 references its accuracy measured in meters, from, you know,

MAR1ILO2

Lidsky - Cross

1 small to -- to large.

2 Q. So the small circles kind of maybe -- sorry. The small
3 circles are more accurate than the large circles, correct?

4 A. That is correct.

5 Q. Okay. And the darker, specifically to this chart, or map,
6 the darker the circles and the smaller the circles -- well,
7 withdrawn.

8 The darker the circles would indicate more frequent
9 contact with that location, correct?

10 A. That's correct. That is a plot on top of a plot on top of
11 a plot, and it just gets darker and darker progressively.

12 Q. Okay. So the software is just putting light pink on top of
13 light pink until it gets darker.

14 A. Correct. Just to -- that's the way to visualize volume;
15 otherwise, it would be impossible to see the layers.

16 Q. Going through your investigation, did you look at locations
17 like--whatever this is--Weeksville or Weedsville Heritage
18 Center on the lower left? It seems like it's a very dark and
19 very small dot.

20 A. I see --

21 Q. I can draw on this. Look at that.

22 A. Yeah, okay. I do see the dot.

23 Q. Okay. So, again, there's a few of those, but that's just
24 one I picked, right? These are very small and very dark dot,
25 and to -- based upon what you just said, that would indicate

MAR1ILO2

Lidsky - Cross

1 the person went there quite a bit and it was very accurate,
2 right?

3 A. Yes, I'd say that's reflective both of accuracy and
4 frequency.

5 Q. Okay. So did you figure out what was over there?

6 A. I did not.

7 Q. You got somebody -- you've got the phone up here in
8 Manhattan, just south of Central Park, a little bit of a bigger
9 series of dots but also quite frequent, right?

10 A. Yes.

11 Q. All right. And would it be fair to say you didn't make
12 that determination either?

13 A. Not conclusively, no.

14 Q. Okay. The reason I think you explained to us why you
15 focused over here in the Jamaica area was because this was
16 between midnight and 5 a.m., right?

17 A. It's also I believe the darkest shade of any point on the
18 map.

19 Q. Did you put up like a color chart to see which was darker?

20 MS. MURRAY: Objection, your Honor.

21 THE COURT: Sustained.

22 Q. How did you determine that--I don't know--again, randomly,
23 this one here by the casino was somewhat -- was that not the
24 same shade as the one in Jamaica?

25 A. It --

MAR1ILO2

Lidsky - Cross

1 MS. MURRAY: Objection, your Honor.

2 THE COURT: Sustained. It's argumentative. Everybody
3 can see the color.

4 Q. All right. So you go there and you start taking down,
5 among other things, license plate numbers, right?

6 A. Are you referring to the night of --

7 Q. Sorry. To be clear, you go over to the Jamaica area --
8 well, first you go to the Jamaica area, but based upon this --

9 MR. BRILL: If we could just put up 571, Ms. Loftus.
10 Thank you.

11 How do I clear? There we go.

12 Q. This is a fairly large geographic area, right, between
13 Jamaica and Hollis?

14 A. That is correct.

15 Q. All right. And you had previously testified about
16 St. Albans, but St. Albans is actually down here, right?

17 A. Yes, on the map, yes.

18 Q. So you have to get closer to the phone, right, so there's
19 other techniques that you start using?

20 A. That is correct.

21 Q. And would it be fair to say that the most effective
22 technique you used was the cell site stimulator -- simulator?

23 Excuse me.

24 A. Correct.

25 Q. All right. Does that go by another name colloquially?

MAR1ILO2

Lidsky - Cross

1 A. It does.

2 Q. Stingray?

3 A. Yes.

4 Q. Okay. And what does a Stingray device actually do, if you
5 know?

6 A. My understanding is it can operate two ways--it can look
7 for devices generally or, if it's programmed to look for a
8 specific device, it can look for that as well. And by
9 communicating with the device it's looking for--in this case,
10 the 0642 target phone--once it finds it, it can tell from where
11 it is, it can tell that the signal is to its left and, based on
12 the signal strength, about how far. And so it works by kind of
13 doing concentric squares. So as, you know -- if the unit is --
14 it's a mobile unit that operates out of a vehicle, so as it's
15 driving this way on the street, if it picks up a signal on its
16 left, it can say then how far, and then you take the next
17 street down behind that, and if that signal is also on the
18 left, that means it's between the two streets. If coming down
19 that other street it's on the right, that means it's still
20 further over. And so by doing that and saying, okay, it's
21 left, left, left, closer, closer, closer, you end up finding
22 the, you know -- making a -- an assessment of where the device
23 is located.

24 Q. All right. So two questions from that. Number one, does
25 the phone have to be making calls or using data for the

MAR1ILO2

Lidsky - Cross

1 Stingray to be able to find it?

2 A. It does not.

3 Q. All right. And number two, do you remember how it was set
4 on the day you were looking? Was it set only to target that
5 phone or was it set to kind of just glob up every phone in the
6 neighborhood?

7 A. So I didn't operate the equipment particularly, but we did
8 have the IMEI of the device we were looking for, and the -- the
9 goal and my request was that it be programmed in so that we
10 only pick up on that one and don't, as you say, glob off the
11 other phones in the area.

12 Q. All right. So IM -- again, some stuff maybe just to define
13 for the record. IMEI is a unique identifying number series
14 that's assigned to every phone, right?

15 A. That is correct.

16 Q. Okay. How did you get the IMEI for this specific phone?

17 A. It was part of the T-Mobile responsive documents that we
18 received.

19 Q. And would that also have told you--from T-Mobile, that
20 is--would that also have told you what type of phone it was?

21 A. I don't recall seeing that. The only reason I'm pausing is
22 because sometimes phone providers can provide assigned
23 equipment. I've seen it more frequently with the iPhones than
24 I recall with others. But I don't recall seeing it on these
25 records.

MAR1ILO2

Lidsky - Cross

1 Q. Okay. And would it tell you who the subscriber was to the
2 phone?

3 A. It does.

4 Q. Do you remember who that was?

5 A. Jonathan Herttua.

6 Q. And so you get to St. Albans and you get more drilled down
7 to where this phone might be, right?

8 MS. MURRAY: Your Honor, could we have a time for this
9 particular question.

10 MR. BRILL: Sure.

11 Q. On the day that you're using the Stingray device, you get
12 to St. Albans at some point by following the directions of the
13 Stingray, right?

14 A. We were already in St. Albans, just from the pattern of
15 life and the filter on the map in 571 that we see before us, so
16 we already knew the area. Additionally, T-Mobile can provide
17 more in between, I guess, the sort of inaccuracy of the larger
18 circle we see here but not as accurate as the Stingray. They
19 have some records that fall in between that can be requested
20 for a week's time frame that's included in the search warrant.
21 So prior to deploying the Stingray, or the cell site simulator,
22 we obtained those records and provided that to the operators as
23 well. So we had a tighter radius, maybe down to four or five
24 blocks within St. Albans, but still larger than where we ended
25 up.

MAR1ILO2

Lidsky - Cross

1 Q. And how close does it get? You showed us a picture earlier
2 of like three houses. Was that actually the range that you
3 were given or was it broader than that?

4 A. It was. The range I recall giving--I'd have to refer to my
5 notes--was 183-28 or 183-26, but because they were attached
6 homes in pretty tight proximity to one another, they said it
7 could go down as far as 24 or up as high as 30, so adjoining
8 units. And not knowing the layout, you know, if you're in one
9 but it goes back and over, it could, you know -- you could be
10 in 24, but you end up behind 26, if that makes sense.

11 Q. And you don't conduct any sort of search to determine who
12 actually has the phone that day, right?

13 A. On September 8th, no, I did not.

14 Q. Okay. And do you ever find that phone?

15 A. Yes.

16 Q. And is that phone in Mr. Ilori's possession at any point
17 that you see?

18 A. Yes.

19 Q. What day was that?

20 A. I inferred it was with him on September 22nd, the day we
21 looked at the surveillance video from the coffee shop. As we
22 tracked the 0642 phone into Manhattan, it arrived in the area
23 of the coffee shop, our surveillance visually identified
24 Mr. Ilori exiting a car, with no other occupants; he came in
25 and made the purchase with the 5953 debit card, and I believe

MAR1ILO2

1 for the -- that was the first time in the investigation that we
2 saw the phone and the money actually coming together, which,
3 you know, as I said in the beginning, you follow the phone,
4 follow the money, to try to determine ownership, then now we
5 can see both --

6 Q. So you inferred that was possibly in his possession at that
7 point but you don't see it in his possession, correct?

8 A. I don't see it.

9 Q. All right. You don't conduct a search on that day either,
10 right?

11 A. We do not.

12 Q. When do you find the 0642 phone? The actual phone, when do
13 you find it?

14 A. When we search Mr. Ilori's person on the morning of
15 October 8th.

16 Q. Was the phone activated at that point?

17 A. I believe it was on, but I don't recall. I'd have to check
18 the notes, either my notes or some of my colleagues' notes.

19 THE COURT: All right. Mr. Brill, we need to find a
20 breaking point.

21 MR. BRILL: This is fine, Judge. We can stop.

22 THE COURT: All right. Then we'll take our lunch
23 recess now.

24 Let me just remind you, Special Agent Lidsky, you
25 remain under oath and should not discuss your testimony, now

MAR1ILO2

1 that you're on cross, during the break, all right?

2 THE WITNESS: Understood, Judge.

3 THE COURT: Jurors, please leave your notebooks on
4 your chairs. Have a good lunch break. Do not discuss the case
5 or do any research over the break. And I will see everyone
6 back at 1:45. All right? Thank you.

7 THE DEPUTY CLERK: Rise for the jury.

8 (Jury not present)

9 THE COURT: All right. You are excused, sir.

10 THE WITNESS: Thank you, ma'am.

11 THE COURT: Please be seated, everyone else.

12 All right. Is there anything we need to discuss, from
13 the government?

14 MS. MURRAY: No, your Honor.

15 THE COURT: Mr. Brill?

16 MR. BRILL: No, your Honor.

17 THE COURT: Okay. Great. All right. Everyone, have
18 a good lunch and I'll see you back shortly before 1:45 then.

19 Thank you to our court reporters.

20 THE REPORTER: Thank you.

21 (Luncheon recess)

MAR1ILO2

Lidsky - Cross

AFTERNOON SESSION

1:53 p.m.

(In open court; jury not present)

THE COURT: Are we ready to move forward?

MS. MURRAY: Yes, your Honor.

THE COURT: Mr. Brill?

MR. BRILL: Yes, your Honor.

THE COURT: Okay. Special Agent Lidsky, do you want
to come up here so we're ready to go. Thank you.

THE DEPUTY CLERK: Rise for the jury.

(Jury present)

THE COURT: All right. Please be seated, everyone.

I notice some of you are wearing coats. Are you cold?

THE JURORS: Yes.

THE COURT: Yes? All right. Ms. Dempsey, can we see
if we can --

THE DEPUTY CLERK: Yes.

THE COURT: It is always very cold in here. I don't
know why. Maybe to keep us all awake.

Mr. Brill, are you ready to proceed?

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

BY MR. BRILL:

Q. Good afternoon again.

A. Good afternoon again.

Q. As you were conducting your investigation as you explained

MAR1ILO2

Lidsky - Cross

1 to us, the images that kept popping up on IDs and screenshots
2 that you saw were all images of Chris Recamier, right; on the
3 driver's licenses, for example, on the Robinhood screenshot
4 identification, and other things of that nature, correct?

5 A. To the extent that we've discussed thus far, yes.

6 Q. Okay. Was there ever an ID photo submitted along with any
7 fraudulent loan application with Mr. Ilori's photo on it?

8 A. Loan application? Not that I'm aware of, no.

9 Q. When you first saw Mr. Ilori that first time that you
10 described to us, you didn't know who he was, right?

11 A. At which time, please?

12 Q. The first time that you encountered him, during your first
13 surveillance that you described to us, the first time you
14 actually physically saw him.

15 A. If you're talking about September 20th, I didn't physically
16 see him -- or I'm sorry, September 8th, I didn't physically see
17 him.

18 Q. All right. I'll withdraw the question.

19 When you -- you said that when you saw -- when you
20 were with your team and you weren't actually conducting actual
21 surveillance, you saw one of the vehicles parked, correct?

22 A. That's correct, yes.

23 Q. Which one was that?

24 A. That was on September 20, 2021, and it was a black
25 Mitsubishi Outlander SUV.

MAR1ILO2

Lidsky - Cross

1 Q. There was nobody in the driver's seat then, correct?

2 A. Not one that I recall seeing. Again, that was the event
3 where I didn't really, you know, get a chance to observe fully,
4 so it's possible there was somebody in the driver's seat and I
5 just -- I just didn't see if --

6 Q. And there was a white male that you could see, as far as
7 you could see, on September 20th in the passenger's seat,
8 correct?

9 A. Correct, in the front passenger's seat, and I had no
10 visibility into anyone in the back seat.

11 Q. Okay. Prior to that -- was September 20th the first time
12 you had seen either person associated with this investigation,
13 either Mr. -- withdrawn.

14 When was the first time you actually saw Mr. Recamier
15 in person with regard to this investigation?

16 A. I believe it was September the 8th.

17 Q. Okay. And just remind me of the context there.

18 A. That was on Eighth Street around Broadway.

19 Q. And he was getting into the passenger side of a vehicle?

20 A. That's when I saw him walking on the street and he
21 eventually got into the front passenger seat of the white Jeep
22 Grand Cherokee.

23 Q. Okay. And just talking briefly about the white Jeep Grand
24 Cherokee with the Maryland plates--not to be confused with
25 yours--you determined how as to who owned that vehicle?

MAR1ILO2

Lidsky - Cross

1 A. From running the license plate through Maryland Department
2 of Motor Vehicles, it came back to an Avis Budget Group
3 ownership, or --

4 Q. And did you investigate the circumstances of how that
5 vehicle was rented?

6 A. Yes. We submitted a subpoena for all of the records
7 associated with that rental.

8 Q. Could you determine, based upon your investigation, who
9 actually rented that vehicle?

10 A. It was rented under the name of Gerald Brown, but that was
11 determined to be a fraudulent driver's license, fraudulent
12 information.

13 Q. Sure. Gerald Brown was a middle-aged white male, though,
14 right?

15 A. The real Gerald Brown? Yes. Middle or -- I'd say middle.

16 Q. Well, somewhere in his early 60s, right?

17 A. Yes. That's middle.

18 Q. If you live to 120.

19 A. Yeah.

20 Q. And the driver's license, though, reflected that age, or at
21 least that date of birth, right?

22 A. Yes, it was consistent with that, yes.

23 Q. All right. Was not consistent with an African American
24 male in his 30s, correct?

25 A. It was not.

MAR1ILO2

Lidsky - Cross

1 Q. All right. And based upon your investigation, and
2 obviously you were present here in court and heard some of the
3 testimony as well, was it your understanding that the policy of
4 Avis was not -- was to rent only to the person who was
5 reflected on the driver's license?

6 A. Yes, I do recall that.

7 Q. With respect to the Mercedes, who purchased that -- or
8 leased it, I should say?

9 A. The name was Etudia (ph) Software Engineering and Thomas J.
10 Hockenberry.

11 Q. And who, as reflected on the -- withdrawn.

12 Was there an ID presented to Silver Star Mercedes from
13 the person purporting to be Thomas J. Hockenberry?

14 A. Yes, I assume it was presented. There was one in the --
15 included with the application or documents I received from
16 Mercedes.

17 Q. Okay. And there was a picture with that?

18 A. There was, yes.

19 Q. And that was Mr. Recamier's picture?

20 A. It was Mr. Recamier's picture with Mr. Hockenberry's
21 information, yes.

22 Q. And based upon your investigation, was it Mr. Recamier who
23 leased that vehicle, the Mercedes, went through the actual
24 leasing process?

25 MS. MURRAY: Objection. Calls for speculation.

MAR1ILO2

Lidsky - Cross

1 Q. Let me be more precise.

2 A. Please. Thank you.

3 Q. How deeply or how specifically did you get into the
4 investigation of how the Mercedes was leased?

5 A. Oh, we asked some questions of the dealership, but we were
6 unable to get -- talk at length with the sales rep.

7 Q. Was there any surveillance video?

8 A. There was none that we were able to obtain.

9 Q. Okay. The simple question, I guess, is: The individual
10 who appears on the leasing paperwork is a white, middle-aged
11 male, right?

12 A. Yes, that's correct.

13 Q. Okay. And again, not to, you know, be repetitive, but not
14 an African American male in his 30s, correct?

15 A. Correct.

16 Q. In reviewing the video for the Purves Street apartment, did
17 you note the comings and -- the time of the comings and goings
18 of Mr. Recamier? Now you said you saw him on occasion coming
19 back and forth.

20 A. I'm not sure I could -- I can't really answer that based on
21 what we reviewed, 'cause again, we were only reviewing
22 event-specific or certain dates and time snippets relevant to
23 the investigation, so we weren't looking for, you know, when
24 does somebody arrive, when is the last person going home,
25 things like that, so I'm not sure I could answer that to

MAR1ILO2

Lidsky - Cross

1 your -- fully.

2 Q. All right. When you encountered Mr. Recamier when you went
3 to search the apartment, around what time was that?

4 A. It was around 9:45 p.m.

5 Q. Okay. And he was alone there?

6 A. He was alone there.

7 Q. And based upon other aspects of your investigation, did you
8 determine that Mr. Recamier had been alone in the apartment on
9 other occasions?

10 A. Yes, that's a fair characterization.

11 Q. Who, based upon your investigation -- well, under what name
12 was the apartment rented?

13 A. Mark S. Heffron.

14 Q. And again, Mr. Heffron, according to the information
15 provided to the rental agency or company, was a white
16 middle-aged male, correct?

17 A. Well, yes, and he is. I don't recall race being listed on
18 the license, but the picture was obviously Mr. Recamier, and
19 the real Mark S. Heffron is a middle-aged white male.

20 Q. Okay. The person who -- Mr. Recamier, you know, posing as
21 Mr. Heffron was listed as the sole occupant of the apartment
22 when he rented it, right?

23 A. On the rental application? I believe, yes, that's correct.

24 MR. BRILL: One moment, please.

25 THE COURT: Sure.

MAR1ILO2

Lidsky - Cross

1 MR. BRILL: Ms. Loftus, could you put up Exhibit 530,
2 please.

3 I still have my circle up there from before.

4 BY MR. BRILL:

5 Q. Agent Lidsky, where, if you know, were these items
6 recovered from?

7 A. I'm sorry. I don't have anything on the screen.

8 Q. Oh, I'm sorry.

9 A. It's coming up now.

10 Q. There you go.

11 A. These were recovered from the trunk of the Mercedes-Benz
12 the morning of September the 8th, 2021.

13 Q. How many times did you observe Mr. Recamier in the
14 Mercedes?

15 A. I didn't at all, and I'm just thinking if any members of
16 the surveillance team did either. I'm not sure that we -- I
17 can't recall an instance where Mr. Recamier was also in the
18 Mercedes.

19 Q. How many different locations did you see the Mercedes in --

20 A. Three come to mind.

21 Q. -- Manhattan?

22 A. Lower Manhattan; Long Island City; and in St. Albans,
23 Queens, New York.

24 Q. So near the -- was that the Purves Street apartment in Long
25 Island City?

MAR1ILO2

Lidsky - Cross

1 A. Yes, parked around, it's off-street parking there, so in
2 various places around the apartment.

3 Q. Okay. So there was never a time when you saw Mr. Ilori
4 driving Mr. Recamier?

5 A. I did not, no.

6 Q. But there was a previous instance I think we just talked
7 about where you saw that happening with the white Jeep,
8 correct?

9 A. Well, I saw Mr. Recamier getting into the white Jeep, but I
10 was unable to see the driver; and I saw the white male in the
11 passenger seat of the Mitsubishi Outlander, but I did not see
12 the driver.

13 Q. So other than on video, that is, being -- withdrawn. Let
14 me actually ask you that.

15 In what instances, if any, did you see Mr. Ilori and
16 Mr. Recamier together?

17 A. Surveillance, not me, and I don't want to get ahead of
18 things, but there were -- there was an instance where we
19 observed both gentlemen in a vehicle. We saw them on multiple
20 times enter and exit the apartment on Purves Street in Long
21 Island City. I can't recall another time. I'm sorry if there
22 was one.

23 Q. No, that's okay. And so you said "we saw them" in the
24 vehicle, but you personally did not?

25 A. I did not, no.

MAR1ILO2

Lidsky - Cross

1 Q. And was there some sort of surveillance of that that you
2 saw later on, or is it just that someone told you?

3 A. There was surveillance that I was advised of, yes.

4 Q. That you saw, or someone told you?

5 MS. MURRAY: Objection, your Honor. Asked and
6 answered.

7 THE COURT: Overruled.

8 A. Like saw --

9 Q. Well, did you actually -- so there's a question of, you
10 know, whether it's hearsay. Did you see it or did someone just
11 tell you about it?

12 A. I've seen pictures.

13 Q. Okay. And what vehicle were they in?

14 A. The black Mitsubishi Outlander.

15 Q. From a different day than when you saw the white male who
16 you couldn't identify?

17 A. Yes. No, I think it was two days later.

18 Q. Okay. As part of your investigation, did you conduct any
19 sort of financial investigation into Mr. Ilori --

20 A. Outside of the scope of this --

21 Q. -- into his personal assets or holdings?

22 THE COURT: All right. I'm going to caution you each
23 to stop stepping on each other, all right? Let Mr. Brill
24 finish the question, and you need to let Special Agent Lidsky
25 finish his answer. A few times you've stepped on his answer.

MAR1ILO2

Lidsky - Cross

1 MR. BRILL: I'm sorry.

2 THE COURT: All right?

3 THE WITNESS: Yes, your Honor.

4 A. I'm sorry. Could you just repeat your full question.

5 Q. Yes.

6 A. Thank you.

7 Q. At any point during your investigation did you conduct a
8 financial investigation into Mr. Ilori's personal assets or
9 holdings?

10 A. I don't recall that we did, no.

11 Q. You said that -- or you referred to the home in St. Albans
12 as his home at one point; is that accurate?

13 A. Yes.

14 Q. Do you know who owns that home?

15 A. I don't know who owns it, no.

16 Q. Do you know if the -- does Mr. Ilori own it or rent it? Do
17 you know? I mean, does he -- as in -- I'm not giving you a
18 choice. I'm saying, does he even have his name on whatever
19 document that might be?

20 MS. MURRAY: Objection, your Honor.

21 THE COURT: Sustained.

22 MR. BRILL: I'll rephrase it.

23 Q. Do you know what Mr. Ilori's relationship is to that home?

24 A. I --

25 MS. MURRAY: Objection, your Honor. Vague.

MAR1ILO2

Lidsky - Cross

1 THE COURT: Overruled.

2 A. I believe I do, but I'm not --

3 Q. Without guessing.

4 A. Oh, without guessing. I have some reference --

5 Q. Okay.

6 A. -- point.

7 Q. Based upon your investigation?

8 A. Yes.

9 Q. What do you believe his relationship is?

10 A. So my -- my belief is, based on what I've -- I've
11 researched, he has some kind of relationship, I believe spouse,
12 to the -- to a person that lives there. I'm tentative to say
13 "owns," because a lot of properties are owned by one person but
14 rented or leased to another. I'm not certain of the ownership.
15 But the vehicle registration comes back to a female at 183-26
16 Dunlop Avenue, and her information is also associated with that
17 property, and my understanding, or my belief, is that Mr. Ilori
18 is somehow related, I believe spousal, to the person who lives
19 there.

20 Q. Did you obtain any financial records from any bank account
21 that Mr. Ilori might have?

22 A. I did not.

23 Q. Do you have any other information from any other source as
24 to whether Mr. Ilori contributes to paying, whether in rent or
25 in mortgage, to the home that you just referred to?

MAR1ILO2

Lidsky - Cross

1 MS. MURRAY: Objection, your Honor.

2 THE COURT: Basis?

3 MS. MURRAY: Calls for speculation.

4 THE COURT: No, it doesn't. It asks does he have any
5 other information.

6 A. As to whether he financially contributes to the property?

7 No, I do not.

8 Q. Do you have, based upon your investigation, any information
9 about the extent of Mr. Ilori's assets?

10 A. I assume discounting what --

11 Q. Well, understanding your belief that Mr. Ilori was involved
12 in this series of frauds, do you have -- so putting that aside,
13 obviously, do you have any information that there are things of
14 value in Mr. Ilori's name?

15 A. So outside of the monies that I've traced in this
16 investigation or the assets I've traced in this investigation,
17 I do not. I am not aware.

18 Q. Okay. And the assets that you traced in this investigation
19 are not in Mr. Ilori's name, correct?

20 A. They are not.

21 Q. They are in the names of individuals who, from what we've
22 seen, their identities have been stolen, correct?

23 A. That is correct.

24 Q. Okay. And just to be clear, the individuals whose
25 identities have been stolen, to the extent that you're able to

MAR1ILO2

Lidsky - Cross

1 connect them with a picture, that picture is of Mr. Recamier,
2 not of Mr. Ilori, correct?

3 A. That is correct.

4 Q. At any point did you see Mr. Ilori make any large --
5 withdrawn as to large. Did you see him make any bank deposits
6 or withdrawals?

7 A. Visually obvious?

8 Q. Yes.

9 A. I did not.

10 Q. Okay. Throughout the financial records, there were some --
11 in the BRS Consulting, for example, the Capital One records,
12 there seemed to be some ATM transactions, correct?

13 A. There were, yes.

14 Q. From what I understand, ATMs take photos or video of people
15 at the ATM usually, right?

16 A. They do.

17 Q. All right. At any point did you secure photo or video from
18 any of the ATM transactions?

19 A. I did not.

20 Q. Did you at any point either get consent to search or secure
21 a search warrant for that home in St. Albans?

22 A. I did not.

23 Q. Do you have any information from any other source that
24 Mr. -- withdrawn -- that there were high-value objects in that
25 home?

MAR1ILO2

Lidsky - Cross

1 A. I do not, no.

2 Q. Just to be thorough, with regard to the other residents of
3 that home, did you secure their financial information at any
4 point?

5 A. I did not.

6 Q. All right. So do you have any information to show that
7 anyone related in any way to Mr. Ilori had significant assets
8 in their name?

9 A. I -- I'm unable to answer that. I didn't -- I didn't
10 obtain those records, so I can't answer.

11 Q. Well, I was asking you if you had any other information
12 from any other source.

13 A. Oh, I'm sorry. I do not.

14 Q. Okay. Again, just to be thorough, did you have any
15 information to show that Mr. Ilori transferred funds from
16 some -- some funds that he controlled to friends or family of
17 his? Again, discounting Mr. Recamier for the purpose of this
18 question.

19 A. Can you provide some additional context.

20 Q. Sure. It's understandably your position that Mr. Ilori was
21 in control of assets as part of this fraud, correct?

22 A. Correct.

23 Q. All right. Based upon that, did you see transfers of funds
24 from assets that you believe to be in Mr. Ilori's control to
25 other people, friends or family of Mr. Ilori?

MAR1ILO2

Lidsky - Cross

1 A. I did not, not with that direct connection, no.

2 Q. Did you recover any significant amounts of cash from any
3 place under Mr. Ilori's control?

4 A. I did not.

5 Q. Did you recover a significant amount of cash from Mr. Ilori
6 when you searched him?

7 A. No, I did not.

8 Q. And I asked kind of a similar version of this question, but
9 again, just to be thorough, did you recover or determine that
10 Mr. Ilori was in possession of any sort of luxury items or
11 luxury vehicles, anything of that nature, up to the point that
12 you arrested him?

13 A. Outside of the Mercedes-Benz, no.

14 Q. All right. And the Mercedes-Benz, again, (A) was not in
15 his name, correct?

16 A. Correct.

17 Q. And (B) from what we can determine, was leased by somebody
18 else, a middle-aged white male, correct?

19 A. Per the paperwork, yes, correct.

20 MR. BRILL: Give me one second.

21 Q. Similar to the fraudulent loan applications, the bank
22 accounts, brokerage accounts, and other accounts that were
23 opened, to the extent that you could determine who opened them,
24 were they all opened by someone that was a middle-aged white
25 male?

MAR1ILO2

Lidsky - Cross

1 MS. MURRAY: Objection, your Honor.

2 THE COURT: Sustained.

3 MR. BRILL: I'll rephrase it.

4 Q. How many accounts, if you can recall, did you determine
5 received what you believe to be fraudulently obtained funds in
6 this investigation?

7 A. I just have to do some quick math in my head.

8 Q. Take your time.

9 A. Well, I think maybe to get out -- for all of the ones where
10 I had visibility, where I had a photo identification to
11 accompany the application or initiation of the accounts, they
12 were all middle-aged white men.

13 Q. Okay. And then with regard to the login activity for the
14 accounts that you were able to determine, you were able to,
15 through some subpoenas, get login information for those
16 accounts, right?

17 A. Yes, that's correct.

18 Q. Okay. And were you able to correlate the login information
19 for those accounts to the movements of Mr. Recamier and
20 Mr. Ilori.

21 Well, I need to ask you a different question first.
22 Let me withdraw that.

23 You had previously testified that to your knowledge,
24 the login information that we looked at so far is correlated to
25 an IP address, right?

MAR1ILO2

Lidsky - Cross

1 A. Yes, and I think if we're getting back to that, I wouldn't
2 mind looking at one of the charts again. I think I may have
3 seen a typo, in fact, but --

4 Q. Sure. Okay. And you wanted to look at the one from
5 Robinhood or the general one?

6 A. The general one, if possible.

7 Q. 740, I believe.

8 Yeah.

9 A. Yeah, I think, when you brought this up earlier -- sorry to
10 take away from what you were just asking, but I think there's a
11 typo in that IP. I recall the last number being a 23.

12 Q. Okay. Well, we have other records that --

13 A. Yeah, if we could look at the Spectrum record to confirm.
14 But anyway, if you could repeat the --

15 Q. Sure. So this is with regard to a single phone, correct?

16 A. That IP address?

17 Q. No, no. So you look at the top here, links to --

18 A. Yes, I'm sorry. This correlates to the 0642 number, yes.

19 Q. And you testified earlier that there were a number of other
20 devices recovered from the apartment at Purves Street, right?

21 A. Yes.

22 Q. Were there any -- and there were some devices that you
23 testified were recovered from Mr. Ilori, right?

24 A. That is correct as well.

25 Q. Is that the entire universe of devices or were there

MAR1ILO2

Lidsky - Cross

1 devices recovered somewhere else?

2 A. I believe that's all we got in this case from the
3 apartment, from Mr. Ilori, and then one from the trunk and one
4 from the console of the car.

5 Q. Okay. I think we can take this down, right? We don't need
6 this.

7 A. Yes, thank you.

8 Q. So at some point were you able to correlate logins to the
9 various accounts to the various devices or no? Withdraw.

10 Earlier you had said that you couldn't necessarily
11 correlate a login to an actual device; is that fair to say?

12 A. Yes.

13 Q. Okay. So without being able to correlate to an actual
14 device, were you at least able to correlate a login to an
15 account to an IP address?

16 A. Yes, if -- if I could explain a bit.

17 Q. Okay.

18 A. So the IP addresses -- so T-Mobile, what we were just
19 looking at, were what's known as IPv4 formatting that's four
20 numbers. T-Mobile is not -- they don't have the ability to
21 tell us what device that was assigned to. So the ability is
22 not there. It wasn't for lack of looking; it's not there. I
23 believe most of those -- I think 172 is a T-Mobile IP. The 67
24 that correlates to the apartment is fixed to the apartment, so
25 I -- I don't know if I misunderstood you or that --

MAR1ILO2

Lidsky - Cross

1 Q. It was just a general question, like does --

2 THE COURT: Don't interrupt.

3 MR. BRILL: I'm sorry. I get excited sometimes.

4 A. So the IP address assigned to the apartment for the period
5 from May to July--not recalling the exact dates--that was
6 fixed. That was assigned to that apartment. It could be
7 broadcast on WiFi, you could plug into the router, you could --
8 but that was a fixed address. The mobile addresses change.
9 They can change daily; they can change -- mobile devices can
10 change hourly. So I -- I'm not sure I can -- so whatever
11 Robinhood or one of the other financials, whatever login
12 they -- they noted with the event, they wouldn't really
13 correlate that back to a device, and we were unable to as well.
14 So aside from the ones that come back to the apartment or
15 another fixed address, no, it's not -- I was not able to do it.

16 Q. Okay. So I'm sorry. Let me just ask a slightly clarifying
17 question.

18 Can you at least narrow down location from an IP
19 address or that's not possible, from a mobile IP address?

20 A. Of the --

21 Q. Of the device that's logging in.

22 A. So it's possible, in certain circumstances, yes.

23 Q. Okay. Did you do that here? Did you attempt to determine
24 a general location from where a device was logging in to these
25 accounts?

MAR1ILO2

Lidsky - Cross

1 A. So --

2 MS. MURRAY: Your Honor, can we clarify either a
3 device or these accounts, please.

4 THE COURT: Yes. Can you break it down.

5 MR. BRILL: Sure.

6 Q. We had a list --

7 MR. BRILL: Let's just pull up the Robinhood for one
8 second, so we can just use something concrete. Was it 354, I
9 believe?

10 Q. So the IP addresses are on the left, correct?

11 A. Correct.

12 Q. Okay. I'm just going to use this as an example. Let me
13 just ask you one thing while I remember it.

14 MR. BRILL: Ms. Loftus, could you just go forward
15 above 196 for a second.

16 Q. I was just noticing here, you had previously talked about,
17 on -- it was Exhibit 354-A, yeah, 354-A. We don't have to put
18 that up. But you had basically -- there was highlighted the
19 fact that three -- that this IP address was in Queens. Does
20 that actually mean that the IP address is in Queens or do you
21 know what that actually means?

22 A. My understanding is these are approximated. I'm not sure
23 where it's derived from, but I -- I don't rely on these to -- I
24 just don't use this column.

25 Q. Okay. All right. Because correct me if I'm wrong, but

MAR1ILO2

Lidsky - Cross

1 Dorchester is in Boston?

2 THE COURT: Is that your question?

3 Q. Is it in Boston, if you know?

4 MS. MURRAY: Objection, your Honor.

5 THE COURT: If you know.

6 A. I think there is a Dorchester in Boston. I think there's
7 one in the UK. I'm sure there are others.

8 MR. BRILL: All right. So just to pop over briefly
9 now, if we could look at 354-A for one second.

10 Q. Just based upon what you just said, let me just ask you a
11 quick question about it.

12 Clear.

13 Thank you.

14 Q. Would it be fair to say that you just don't rely on this
15 column where it says Queens in your investigations?

16 A. I did not in this investigation.

17 Q. Okay. Thank you.

18 MR. BRILL: Could we just pop back to 354, please.

19 Q. All right. So just going back to my IP address question,
20 looking at the IP addresses on the left side here, this way,
21 from the 172 IP addresses you say you believe were assigned to
22 T-Mobile --

23 A. I believe those are T-Mobile addresses, yes.

24 Q. And based upon that, is there any other information that
25 you derived from these IP addresses about the location of the

MAR1ILO2

Lidsky - Redirect

1 devices when they logged in to Robinhood?

2 A. With the exception of line 15, no.

3 Q. Okay. Thank you.

4 MR. BRILL: We can take that down.

5 Q. Based upon your investigation, would it be fair to say that
6 you do not have the ability to specifically say who was logging
7 in to any of the accounts in question that we've discussed so
8 far at any point, right? You could say the device is logged in
9 but you don't know the individuals who did that, right?

10 A. No, I can't tell who was on the keyboard.

11 Q. Okay. Give me one more moment.

12 A. Sure.

13 MR. BRILL: Okay. Thank you. I have nothing further.

14 THE COURT: All right. Thank you, Mr. Brill.

15 Redirect?

16 MS. MURRAY: Yes, your Honor. Thank you.

17 REDIRECT EXAMINATION

18 BY MS. MURRAY:

19 Q. Special Agent Lidsky, I'd like to start near where we ended
20 there.

21 First, you had identified during your
22 cross-examination that there was a typo in Government
23 Exhibit 740; is that correct?

24 A. I believe there may have been, yes.

25 MS. MURRAY: So Ms. Loftus, if we could please pull up

MAR1ILO2

Lidsky - Redirect

1 Government Exhibit 202, which is in evidence.

2 Q. And Special Agent Lidsky, this is an Apple record that we
3 were discussing relating to the IP address in question. Can
4 you read the IP address listed there.

5 A. 67.245.59.23.

6 MS. MURRAY: I'd like to approach the witness with
7 what I've marked for identification as Government
8 Exhibit 740-C, for corrected. I'm going to show Mr. Brill, and
9 then I'll bring it to the witness.

10 THE COURT: All right.

11 Q. Special Agent Lidsky, based on your review of Government
12 Exhibit 740-C and your review of the source records underlying
13 that summary chart, does Government Exhibit 740-C now correct
14 that typographical error?

15 A. It does. Thank you.

16 MS. MURRAY: Your Honor, I'd move to admit Government
17 Exhibit 740-C, which is the corrected version of the prior
18 Government Exhibit 740.

19 MR. BRILL: No objection.

20 THE COURT: All right. It will be admitted.

21 (Government's Exhibit 740-C received in evidence)

22 MS. MURRAY: Thank you.

23 THE COURT: Is that replacing 740?

24 MS. MURRAY: Yes, your Honor.

25 THE COURT: Okay. Thank you.

MAR1ILO2

Lidsky - Redirect

1 BY MS. MURRAY:

2 Q. Special Agent Lidsky, a small point. Mr. Brill asked you
3 some questions on cross-examination about Government
4 Exhibit 530, which was a summary chart, and in answering, I
5 believe you mentioned that you had searched the Mercedes on
6 September 8, 2021. Do you remember being asked those
7 questions?

8 A. I do. I'm sorry. The date is wrong. It was October 8th.

9 Q. So just to clarify, the date that you searched the Mercedes
10 was October 8, 2021; is that right?

11 A. That is correct.

12 Q. I want to go to the IPs again where Mr. Brill left off.

13 Still looking at this exhibit, Government Exhibit 202,
14 so this reflects connections to an IP address, the
15 67.245.59.23, correct?

16 A. It does.

17 MS. MURRAY: And Ms. Loftus, if we can go -- first
18 look at the period.

19 Q. What period are these connections or is this connection
20 relating to?

21 A. On this record, it's from June 29th to June 29th, 2021.

22 MS. MURRAY: If we could go to the next page, please,
23 Ms. Loftus.

24 Q. And what was the customer name and email address associated
25 with this Apple account that connected via that IP address?

MAR1ILO2

Lidsky - Redirect

1 A. John Herttua, herttuajonathan1957@gmail.com.

2 MS. MURRAY: And the next page, please, Ms. Loftus.
3 Actually, the final page, please, page 4.

4 Q. And the phone number associated with that John Herttua
5 Apple account that connected to the Apple account via that IP
6 address?

7 A. 646-575-0642.

8 MS. MURRAY: Ms. Loftus, if you could please now pull
9 up Government Exhibit 201. This is another Apple record that's
10 in evidence.

11 Q. Looking at this, Special Agent Lidsky, can you tell us, is
12 this the same IP address that is connected via this Apple
13 account?

14 A. It is.

15 Q. And what date is this connection?

16 A. This was on May 7, 2021.

17 MS. MURRAY: We could go to the next page, please,
18 Ms. Loftus.

19 Q. And what Apple account connected via that IP address on
20 this date?

21 A. The name of Dayo Ilori.

22 Q. What is the email address associated with that IP
23 connection?

24 A. Dayodfine01@gmail.com.

25 MS. MURRAY: If we could go to the next page, please,

MAR1ILO2

Lidsky - Redirect

1 Ms. Loftus.

2 Okay. The final page.

3 Q. And on this final page, do we see here again reflected that
4 same IP address for this connection to a Dayo Ilori, Applicant?

5 A. Yes.

6 MS. MURRAY: You can take that down, Ms. Loftus.
7 Thank you.

8 Q. Now, Special Agent Lidsky, Mr. Brill had asked you some
9 questions about certain city or county or other geographical
10 information reflected in Robinhood records. Do you recall
11 that?

12 A. I do.

13 Q. And you stated, I believe, that you don't rely on that
14 information in this investigation; was that right?

15 A. That's correct.

16 MS. MURRAY: Ms. Loftus, can you please publish
17 Government Exhibit 241. And zoom in on the content.

18 Q. Now, Special Agent Lidsky, we looked at this before. This
19 is subscriber information for the actual IP address; is that
20 correct?

21 A. That's correct.

22 Q. And so this document reflects the actual location
23 information for that IP address; is that right?

24 A. Yes, it does.

25 Q. In this case what is the billing and service address for

MAR1ILO2

Lidsky - Redirect

1 that IP?

2 A. The address is 4441 Purves Street, Apartment 1805, in Long
3 Island City.

4 MS. MURRAY: And Ms. Loftus, if we could just look
5 down again and review the IP history. We did review this in
6 brief earlier.

7 Q. Looking at the connection to this IP address of interest,
8 the 67.245.59.23, can you remind us again during what time
9 period that IP address was assigned to the Purves Street
10 apartment, 1805.

11 A. From May 7, 2021, to July 7, 2021.

12 Q. And May 7th is the date that we just observed that the Dayo
13 Ilori Apple account was connected to via this IP; is that
14 right?

15 A. That is correct.

16 MS. MURRAY: You can take that down, Ms. Loftus.
17 Thank you.

18 Q. Now, Special Agent Lidsky, you were asked some questions on
19 cross-examination about the 0642 number and other numbers that
20 might have been potentially of interest in your investigation.
21 Do you recall that?

22 A. I do.

23 Q. And you indicated that that number was of interest to you
24 from the beginning of the investigation because it appeared on
25 the loan documentation that essentially started the

MAR1ILO2

Lidsky - Redirect

1 investigation; is that right?

2 A. That is correct.

3 MS. MURRAY: Ms. Loftus, if we could publish
4 Government Exhibit 155, please, which is the loan application
5 in question, BRS Consulting.

6 And I'm not going to go through every page of the
7 document, but I just want to look briefly at the phone numbers
8 that are listed as associated with the borrower on this
9 application.

10 So if we could zoom in, Ms. Loftus, on page 1, on the
11 phone number that's associated with Jonathan Herttua.

12 BY MS. MURRAY:

13 Q. What is that phone number?

14 A. 646-575-0642.

15 Q. And with the next couple of questions, for ease, if you
16 would like, if it's the same number, you can just say "the 0642
17 number."

18 MS. MURRAY: Ms. Loftus, if we could go to page 6 of
19 this exhibit.

20 Q. And the mobile phone number there, Special Agent Lidsky?

21 A. 0642.

22 MS. MURRAY: Page 7, please, Ms. Loftus.

23 Perhaps I meant 8. Keep scrolling down.

24 All right. If we could go to page 13, please.

25 Q. And what is the phone number listed there as a business

MAR1ILO2

Lidsky - Redirect

1 phone for BRS Consulting?

2 A. 0642.

3 MS. MURRAY: And finally, the next page, please,
4 Ms. Loftus.

5 Q. And the phone number listed as associated with Jonathan
6 Herttua, the owner of this company.

7 A. 0642.

8 MS. MURRAY: You can take that down. Thank you.

9 Q. So again, Special Agent Lidsky, you began to follow this
10 phone in connection with your investigation, which initiated
11 with this loan application, correct?

12 A. Because it was the number I saw, yes.

13 Q. So I'd like to look at Government Exhibit 372, the
14 subscriber records for this phone number.

15 And looking at this subscriber record, what is the
16 name of the listed subscriber?

17 A. Jonathan Herttua.

18 Q. And the activation date?

19 A. August 26, 2020.

20 Q. Now, Special Agent Lidsky, you were asked some questions on
21 cross-examination about what specific identifier or information
22 the control site simulator targeted. Do you recall that?

23 A. I do.

24 Q. And I believe Mr. Brill had mentioned an IMEI number, and
25 you discussed that that was the target or the focus of the cell

MAR1ILO2

Lidsky - Redirect

1 site simulator; is that right?

2 A. Yes.

3 Q. So looking down this page --

4 MS. MURRAY: If we could scroll down, Ms. Loftus. Oh,
5 sorry. Scroll up, please.

6 Q. -- there's an IMEI entry on the subscriber record. What,
7 if anything, is indicated there?

8 A. 0.

9 Q. Now, Special Agent Lidsky, your cell site simulator was a
10 warrant that was issued, correct?

11 A. Correct.

12 Q. And do you recall which identifier or identifiers were
13 targeted by that warrant?

14 A. I think Mr. Brill and I discussed -- I may have mentioned
15 that IMEI, but we discussed that unique identifier. It may
16 have been the IMSI, or the I-M-S-I, now that I'm looking at
17 these records.

18 Q. What is an IMSI?

19 A. It's another unique identifier, an International Mobile
20 Subscriber Identity, maybe. I'm sorry I don't have the
21 definition.

22 Q. That's okay. Is there anything that would refresh your
23 recollection about what identifier specifically you targeted to
24 locate the 0642 phone using the cell site simulator?

25 A. If I could see a copy of the warrant.

MAR1ILO2

Lidsky - Redirect

1 MS. MURRAY: Ms. Loftus, you could take this down.

2 If you could please publish for the witness, the
3 Court, and Mr. Brill 3507-16-A.

4 Q. Can you just take a quick look at that, Special Agent
5 Lidsky.

6 A. I see it.

7 MS. MURRAY: You can take that down. Thank you.

8 Q. Does that refresh your recollection about what identifiers
9 you targeted for the cell site simulator?

10 A. It does.

11 Q. And what identifiers did you target?

12 A. It was the IMSI.

13 Q. And just to be clear, the IMSI for what?

14 A. For the 0642 phone.

15 Q. Is that the IMSI number that was reflected in Government
16 Exhibit 372, the subscriber records for the 0642 phone?

17 A. Well, since I've not done a great job of speculating, I'd
18 love to see them side by side.

19 Q. Sure.

20 MS. MURRAY: Ms. Loftus, if we could pull up 3507-16-A
21 alongside Government Exhibit 372.

22 THE COURT: And again, this is just for the witness?

23 MS. MURRAY: For purposes of -- yes, just the witness
24 and the parties, just for purposes of refreshing recollection.

25 And you can take that down now.

MAR1ILO2

Lidsky - Redirect

1 BY MS. MURRAY:

2 Q. Have you had sufficient time to refresh?

3 A. Yes. Thank you.

4 MS. MURRAY: We can take that down.

5 Q. So Special Agent Lidsky, did the cell site simulator target
6 the 0642 number's IMSI as reflected in the subscriber
7 information?

8 A. It did.

9 Q. Now Mr. Brill asked you some questions about loan
10 applications and photos on IDs, and we had some discussion
11 about middle-aged people. Do you recall that?

12 A. I do.

13 Q. Okay. And at one point Mr. Brill asked you if the
14 individual identities that were stolen and provided in
15 furtherance of the loans all contained pictures of
16 Mr. Recamier. Do you recall that?

17 A. I do.

18 MS. MURRAY: I'd like to look at Government
19 Exhibit 151 at page 17, please, Ms. Loftus.

20 Q. Special Agent Lidsky, do you recognize this?

21 A. I do.

22 Q. What is it?

23 A. This is another fake ID that was associated with another
24 PPP or EIDL loan that we hadn't discussed.

25 Q. So Special Agent Lidsky, this ID was submitted in

MAR1ILO2

Lidsky - Redirect

1 connection with a loan application submitted in the name of M2
2 Gold Jet, and that was one of the loans that was on your loan
3 summary chart as being involved in your investigation. Do you
4 recall that?

5 A. I do.

6 Q. And the individual who is shown in the photo on this ID, do
7 you recognize that to be Mr. Recamier?

8 A. I do not.

9 Q. Were you able to determine through your investigation,
10 based on the identifiers on this driver's license, that this
11 was a false ID or another case of identity theft?

12 A. Yes, both.

13 MS. MURRAY: And if we could go to 160, please,
14 Ms. Loftus, page 43.

15 Q. Do you recognize this?

16 A. I do.

17 Q. What is it?

18 A. This is another ID that was associated with an application
19 for a government loan.

20 Q. And is that one of the loans that was on the summary chart
21 we looked at, which is to say one of the either funded or
22 attempted loans that was connected to this particular
23 investigation involving Mr. Recamier and Mr. Ilori?

24 A. It was.

25 Q. And looking at this image on this driver's license,

MAR1ILO2

Lidsky - Redirect

1 purported driver's license, is that an image of Mr. Recamier?

2 A. It is not.

3 Q. Based on your investigation into the identifiers reflected
4 on this particular driver's license, were you able to determine
5 that this was another fraudulent ID?

6 A. It is.

7 MS. MURRAY: Thank you, Ms. Loftus. You can take that
8 down.

9 Q. With respect to the Purves Street apartment, 1805, I
10 believe that you referred to it on cross-examination as more of
11 an office than a home; is that correct?

12 A. I believe I said that, yes.

13 Q. Did you believe that somebody may have been living there,
14 however?

15 A. It was certainly possible. I mean, there was a bed, there
16 were clothing --

17 Q. And so --

18 A. Yes.

19 Q. Sorry.

20 A. I'm sorry. That was on me.

21 Q. And so based on -- based on your search of that apartment,
22 on October 7, 2021, is it fair to say that you'd characterize
23 that as an apartment that was used in part as an office, based
24 on your training and experience?

25 A. Yes, that would be a fair characterization.

MAR1ILO2

Lidsky - Redirect

1 Q. I just want to take a look at the state of that apartment
2 when you executed the search.

3 MS. MURRAY: If you could pull up Government
4 Exhibit 582, please, Ms. Loftus.

5 Q. What part of the apartment does this photo show?

6 A. It shows the -- a corner of the living room and my leg.

7 Q. Do you recall whether there was a television or any
8 furniture in the living room of this apartment when you
9 executed the search?

10 A. There was not. I believe there was a stool in the opposite
11 corner, not seen here, but aside from the lamp and the shredder
12 and the copier on the floor, or printer, that was it. You can
13 see the modem and the router and the speaker.

14 MS. MURRAY: And if we could publish Government
15 Exhibit 584, please, Ms. Loftus.

16 581, perhaps.

17 Q. Is this the other side of the living room that you just
18 described?

19 A. It is.

20 Q. Thank you.

21 MS. MURRAY: We can take that down.

22 And if we could publish Government Exhibit 571.

23 Q. So Special Agent Lidsky, you were asked some questions on
24 cross-examination about seeing the comings and goings of
25 certain people into apartment 1805, both based on physical

MAR1ILO2

Lidsky - Redirect

1 surveillance and on the video surveillance that you collected.

2 Do you recall that?

3 A. I do.

4 Q. And based on your investigation, do you recall having seen
5 Mr. Ilori come and go from the apartment at various times?

6 A. Yes, I do.

7 Q. Now with respect to where Mr. Ilori or at least the user of
8 the 0642 phone slept, what, if anything, was your determination
9 or understanding of where the user of the 0642 phone slept each
10 night?

11 A. In the St. Albans area of Queens, New York.

12 Q. And that was your understanding based on in part electronic
13 surveillance; is that right?

14 A. Certainly in part. I'd say almost entirely.

15 Q. Now what is your understanding of who was arrested with the
16 0642 phone?

17 A. Mr. Ilori was.

18 MS. MURRAY: If you could take that down, please,
19 Ms. Loftus.

20 Q. And at the time of the defendant's arrest, when he was in
21 possession of the 0642 phone, what was Chris Recamier's status?

22 A. He was in jail.

23 Q. And when had he been arrested relative to Mr. Ilori's
24 arrest?

25 A. The night before, around October 7th.

MAR1ILO2

Lidsky - Recross

1 Q. Just a few more questions about the Purves Street
2 apartment, 1805.

3 We reviewed the records from the leasing company and
4 observed that there had been two key fobs. Do you recall that?

5 A. I do.

6 Q. And with the assistance of a Court-provided magnifying
7 glass, we were able to see the numbers listed on those key
8 fobs. Do you recall that?

9 A. I do.

10 Q. So one of the key fobs was found in apartment 1805 where
11 Chris Recamier was when you executed the search; is that right?

12 A. That is correct.

13 Q. And the number associated with that key fob matched one of
14 the key fobs assigned to the Mark Heffron lease on that
15 apartment 1805; is that right?

16 A. That is also correct.

17 Q. And the other key fob that was assigned to apartment 1805
18 was found on Mr. Ilori's person the day after Chris Recamier
19 was arrested; is that right?

20 A. That is also correct.

21 Q. And based on the leasing company's records, those were the
22 only two key fobs assigned to that apartment; is that correct?

23 A. Yes.

24 MS. MURRAY: If I may just have a moment, your Honor?

25 THE COURT: Sure.

MAR1ILO2

Lidsky - Recross

1 MS. MURRAY: No further redirect. Thank you.

2 THE COURT: All right. Thank you.

3 Any further cross?

4 MR. BRILL: Just a few.

5 RECROSS EXAMINATION

6 BY MR. BRILL:

7 Q. Agent Lidsky, with regard to the search of the Purves
8 Street apartment, were there other photos taken that we haven't
9 seen of the state of the apartment, for example, in the
10 bedroom?

11 A. Yes.

12 Q. And what was the state of the bedroom?

13 A. With regard to?

14 Q. Did it have furniture, for example?

15 A. It had a bed, which I think was an air mattress, on
16 something, maybe a bed stand, or I believe there was a
17 nightstand as well. I was in the living room for almost the
18 entirety of the evening. I'd have to -- I could look at the
19 pictures --

20 Q. Okay.

21 A. -- and clarify.

22 Q. Were there clothes in the closet?

23 A. There were some, yes.

24 Q. At some point did you become aware that there had been a
25 previous flood in the apartment?

MAR1ILO2

Lidsky - Recross

1 A. Yes.

2 Q. And do you know, as a result of the flood, if there was any
3 damage to the apartment?

4 A. I don't know about the damage.

5 Q. Okay. With regard to the IDs that were not of Mr. Recamier
6 that we just looked at, first of all, both of them were still
7 middle-aged men, right?

8 A. They were.

9 Q. White men, right?

10 A. Yes, correct.

11 Q. Okay. And as part of your investigation, did you ever
12 figure out who they were?

13 A. I did not.

14 MR. BRILL: Okay. Ms. Loftus, can we pull up
15 Exhibit 201.

16 Q. This was something that we hadn't looked at before until it
17 was just pulled up. Looking at this, what does this purport to
18 show?

19 MS. MURRAY: Your Honor, objection to "purport." This
20 is in evidence by stipulation of the parties.

21 MR. BRILL: Withdrawn. Sorry.

22 THE COURT: Rephrase, please, Mr. Brill.

23 MR. BRILL: Yes.

24 Q. What does it show?

25 A. This shows a sign-on to an Apple either iCloud or iTunes

MAR1ILO2

Lidsky - Recross

1 account.

2 Q. Okay. And the account was the --

3 MR. BRILL: We can go down to the next page to show
4 that one. There we go.

5 Q. So this was the email address -- this is the email address
6 associated with the iCloud account?

7 A. I believe this is the email, customer name associated with
8 the account that was logged into at the date and time from that
9 IP address on page 1.

10 Q. Okay. So based upon your understanding, this was the email
11 associated with the iCloud account, not with the --

12 MS. MURRAY: Objection, your Honor.

13 THE COURT: Let him finish. Let him finish the
14 question before you object.

15 Go ahead, Mr. Brill.

16 Q. -- not with the equipment in the apartment; is that fair to
17 say?

18 THE COURT: All right. Hold on.

19 MS. MURRAY: Objection, your Honor.

20 THE COURT: Overruled.

21 A. I'm sorry. Could you ask it one more time.

22 Q. Would it be fair to say that this email address, based upon
23 your understanding and your investigation, is the one
24 associated with the iCloud account, not with the equipment in
25 the apartment?

MAR1ILO2

Lidsky - Recross

1 MS. MURRAY: Your Honor, objection. What equipment in
2 the apartment?

3 THE COURT: Now it's sustained. You haven't
4 established an understanding.

5 MR. BRILL: Okay. Thank you.

6 Q. All right. So let me just go back to your previous answer.

7 MR. BRILL: And let's scroll up to the first page
8 again just so we can all know what we're talking about.

9 Q. How was this document obtained?

10 A. From records provided by Apple in response to legal
11 service.

12 Q. Okay. And what did you ask? Did you ask for those
13 records?

14 A. Yes.

15 Q. And what did you ask for?

16 A. I would have to look at the records. Yeah, I'd have to
17 look at the records.

18 Q. Okay. Based upon what we're looking for here, it says
19 Apple confidential IDMS data, sign-on records related to IP
20 address, right?

21 A. I believe we asked Apple for -- again, we had a date and
22 time, so I believe we asked them to show us any device that was
23 signed on to any Apple account connected with this IP which we
24 knew to be coming from 1805.

25 Q. Okay. Based upon your personal experience, have you ever

MAR1ILO2

Lidsky - Recross

1 used a device, a mobile device, that uses a WiFi?

2 A. Yes.

3 Q. Have you ever gone to a friend's house and asked them what
4 their WiFi password was?

5 A. I have.

6 Q. Other than the fact that this device signed on to an Apple
7 server from this IP address, does it indicate anything else?

8 A. Yes.

9 Q. What else does it indicate?

10 A. It indicates what account was accessed and from what
11 device.

12 Q. All right. So basically --

13 MR. BRILL: If you could scroll down to page 2. Thank
14 you.

15 Q. -- it indicates that the -- this is the account that was
16 logged into from the IP address associated with the apartment
17 on that day, correct?

18 A. I believe that is correct.

19 Q. Okay. And just one other thing.

20 I just wanted to try to see if you could explain or
21 clarify the amount of time. Let's just work backwards. What
22 is the day that you search Mr. Ilori and find the 0642 phone on
23 him?

24 A. On the morning of October 8, 2021.

25 Q. October 8, 2021, right?

MAR1ILO2

Lidsky - Recross

1 A. Yes.

2 Q. Okay. And the 0642 number is associated with certain
3 applications that you determined to be fraudulent, right?

4 A. That is correct.

5 Q. Okay. And is it associated with other records that you
6 uncovered as well, just so we have the full universe of items
7 that the -- that number is associated with?

8 A. I -- I don't recall other records. It may be possible.
9 But I was only seeking records connected with the fraudulent
10 loans, so I --

11 Q. Okay. I just wanted to try to narrow it down as much as I
12 can.

13 A. Now you're jumping ahead of me. It's possible we found
14 some.

15 Q. Okay. But based upon your recollection as you sit here
16 today, it's limited -- the 0642 number in your investigation
17 was limited to, on the one hand, the telephone you found on
18 Mr. Ilori on October 8, 2021, right, so far? Got me so far?

19 A. Yes, I'm with you so far.

20 Q. On the other hand, some applications that you determined to
21 be fraudulent, correct?

22 A. Yes. Yes. It's possible there were some other accounts.
23 I don't remember if it was on a internet account or somewhere
24 else, but --

25 Q. Okay.

MAR1ILO2

1 A. -- yes.

2 Q. As you sit here today, based upon your recollection, of
3 course, what is the last date associated with any document, any
4 application that contained that 0642 number, up to, of course,
5 October 8, 2021?

6 MS. MURRAY: Objection, your Honor, unless the witness
7 is able to answer that very broad question.

8 THE COURT: I'm going to sustain the objection only
9 because the documents that have been admitted into evidence are
10 in the record. This isn't a memory test.

11 MR. BRILL: I wasn't trying to test his memory, Judge.
12 I was just trying to get some additional information on that
13 issue. But --

14 THE COURT: All I'm saying is, we have looked at many,
15 many documents throughout the course of this trial, and the
16 number is either on the documents or it isn't. The documents
17 are themselves in evidence.

18 MR. BRILL: All right. We'll get to it later. Thank
19 you very much.

20 THE WITNESS: Thank you.

21 THE COURT: Any redirect?

22 MS. MURRAY: No, your Honor. I believe that was
23 recross. There's nothing further with this witness. Thank
24 you.

25 THE COURT: It was recross. I'm asking if you had

MAR1ILO2

1 anything further.

2 MS. MURRAY: Oh, no. Thank you, your Honor.

3 THE COURT: All right. Thank you. Please be seated
4 then.

5 All right. You are excused, Special Agent Lidsky.
6 Thank you very much.

7 THE WITNESS: Thank you, your Honor.

8 THE COURT: Thank you for being here.

9 THE WITNESS: Thank you, Judge.

10 THE COURT: All right. Ladies and gentlemen, we'll
11 take our afternoon break at this time. I just remind you to
12 please leave your notebooks, again, please don't discuss -- you
13 can leave, Special Agent, because I want you to leave before
14 the jurors so you're not --

15 THE WITNESS: Thank you.

16 THE COURT: Thank you very much for your time.

17 I'm sorry. Please leave your notebooks on your
18 chairs. And as a reminder, don't discuss the case or do any
19 research over the break.

20 If you can be back at 3:10, that would be much
21 appreciated. Thank you.

22 THE DEPUTY CLERK: Rise for the jury.
23
24
25

MAR1ILO2

1 (Jury not present)

2 THE COURT: All right. Please be seated.

3 Special Agent Lidsky, you are, of course, free to
4 remain in the courtroom if you choose to. I didn't mean to
5 kick you out. I just didn't want you to be walking as the
6 jurors were walking.

7 THE WITNESS: No. Thank you, your Honor.

8 THE COURT: All right. Do you have your next witness
9 ready to go?

10 MS. MURRAY: Yes, we do, your Honor.

11 THE COURT: All right. Is there anything we need to
12 talk about in the interim?

13 MS. MURRAY: Nothing from the government.

14 MR. BRILL: No, your Honor. Thank you.

15 THE COURT: All right. Thank you, all. So I'll see
16 you all in about ten minutes.

17 (Recess)

18 (In open court; jury not present)

19 THE COURT: Please be seated.

20 All right. So I'm informed that we're going to have a
21 revised order of witnesses, correct?

22 MS. MURRAY: Yes, your Honor.

23 THE COURT: So next up will be Samantha Aaron?

24 MS. MURRAY: That's correct, your Honor.

25 THE COURT: Then Randy Martin?

MAR1ILO2

Aaron - Direct

1 MS. MURRAY: Yes, your Honor.

2 THE COURT: Then you reserve on whether you're doing
3 Mr. Bateman next or Mr. Jamieson next.

4 MS. MURRAY: That's correct.

5 THE COURT: Okay. And does that create any issues for
6 you, Mr. Brill?

7 MR. BRILL: No. They're all fairly straightforward.

8 THE COURT: Okay. That's fine with you, though? I
9 know you were expecting Ms. Palmer to be up next. So you're --

10 MR. BRILL: I'm flexible, Judge.

11 THE COURT: Okay. Great. Thank you. I appreciate
12 it.

13 All right. Are we ready for the jury then?

14 MS. MURRAY: Yes, your Honor.

15 THE COURT: All right. Ms. Dempsey will bring them
16 out then.

17 (Continued on next page)

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MAR1ILO2

Aaron - Direct

1 (Jury present)

2 THE COURT: All right. You may be seated, everyone.

3 Thank you.

4 MS. MURRAY: Your Honor, the government calls Samantha
5 Aaron.

6 THE COURT: Good afternoon, Ms. Aaron. If you would
7 come up and then just stand here in the witness stand, please.

8 Ah, I'm sorry. We're one juror short.

9 Do we have everyone?

10 Yes. Thank you.

11 THE DEPUTY CLERK: Please raise your right hand.

12 (Witness sworn)

13 THE DEPUTY CLERK: Thank you.

14 Please spell and state your name for the record.

15 THE WITNESS: Samantha Aaron. S-A-M-A-N-T-H-A,
16 A-A-R-O-N.

17 THE DEPUTY CLERK: Thank you. Please be seated.

18 SAMANTHA AARON,

19 called as a witness by the Government,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. MURRAY:

23 Q. Good afternoon, Ms. Aaron.

24 A. Good afternoon.

25 Q. Where do you work?

MAR1ILO2

Aaron - Direct

1 A. I work at M&T Bank in Brooklyn.

2 Q. Is M&T Bank a commercial bank?

3 A. Yes.

4 Q. Do you work in a particular department or group at M&T
5 Bank?

6 A. I work in retail section, in the branches.

7 Q. What is your current title?

8 A. I'm a senior relationship banker.

9 Q. What are your general responsibilities as a senior
10 relationship banker?

11 A. I open business accounts, personal accounts, business lines
12 and lines of credit, anything to do with banking for commercial
13 and consumer customers.

14 Q. And if you wouldn't mind just speaking a bit more into the
15 microphone. Maybe moving forward. Thanks so much.

16 A. Sure.

17 Q. How long have you worked at M&T bank?

18 A. Five years.

19 Q. Ms. Aaron, I'd like to direct your attention to a
20 particular business banking customer of yours. Did there come
21 a time when you met an individual named Jonathan Herttua or
22 Herttua?

23 A. Yes.

24 Q. How did you understand to pronounce his name?

25 A. "Her-too-uh."

MAR1ILO2

Aaron - Direct

1 Q. Approximately when did you meet Mr. Herttua?

2 A. In 2020.

3 Q. Can you describe how you met Mr. Herttua.

4 A. Yes. I was at my -- I was in my office, and Mr. Herttua
5 came in the bank. He was looking to open a new account because
6 HSBC was closing in that neighborhood. I was at 50th and 8th
7 at that time. And he was looking to establish new banking
8 relationship with us.

9 Q. And just to be clear, the branch that you were working in
10 at the time that you first met Mr. Herttua, that was at 50th
11 Street and 8th Avenue in Manhattan?

12 A. Yes.

13 Q. Can you describe generally what Mr. Herttua looked like.

14 A. He was a Caucasian man. He came in, and he had a French
15 accent.

16 Q. Any other characteristics about him that you recall or
17 anything that you recall from the time or times that you met
18 him?

19 A. So are you -- is that the initial meeting or --

20 Q. So initial meeting or subsequent meetings, focusing
21 specifically on either his appearance or any personal
22 characteristics that you noted.

23 A. Sure. He was my only French client. He wore a Burberry
24 sweater -- scarf, with kind of like a Inspector Gadget kind of
25 coat kind of thing, and a hat on his head.

MAR1ILO2

Aaron - Direct

1 Q. So focusing now on that first meeting with Mr. Herttua, can
2 you describe what happened during that meeting.

3 A. Our first meeting?

4 Q. Yes.

5 A. He came in and we spoke about the different type of
6 accounts. He came with -- with everything that I would need to
7 open an account. So, you know, after explaining to him how it
8 works and how we can help him, he decided that he would work
9 with me to -- to open that -- that bank account.

10 Q. Generally speaking, what kind of information or
11 documentation is required to open a business bank account?

12 A. We would need his formation documents, his articles, his
13 filing receipts, proof of address, if it weren't on his
14 driver's license, and he brought that in. He brought in a Con
15 Edison bill, which verified his address, because he -- at that
16 time he presented a New Jersey driver's license, and he was
17 living in Brooklyn, so I didn't have to ask for address
18 verification because he already knew I would need that, so he
19 brought that in with him.

20 Q. Now do you recall the name of Mr. Herttua's business that
21 he wanted to open an account under?

22 A. Yes. BRS Consulting.

23 Q. Ms. Aaron, did you in fact open a bank account in the name
24 of BRS Consulting for Mr. Herttua?

25 A. Yes.

MAR1ILO2

Aaron - Direct

1 Q. What, if anything, did you do with the supporting
2 documentation that Mr. Herttua provided?

3 A. They were submitted to our back office, which we send up
4 business documents so that they can store it on the system.

5 Q. Now after that initial meeting with Mr. Herttua did you
6 speak with Mr. Herttua again regarding his business accounts?

7 A. Yes.

8 Q. After that initial meeting did you meet with Mr. Herttua
9 again regarding his business account or any other banking
10 matters?

11 A. Yes.

12 Q. Approximately how many times did you meet or speak with
13 Mr. Herttua?

14 A. I don't know. Maybe about ten times, perhaps. I -- I
15 didn't count them.

16 Q. Now did there come a time when Mr. Herttua changed the
17 address on his M&T account?

18 A. Yes.

19 Q. What, if anything, do you recall about Mr. Herttua's
20 original mailing address on that account?

21 A. Initially, when the account was opened, he was living in
22 Brooklyn, and then after he -- he called to let me know that
23 he's changed his address, so he brought a lease to show that
24 his address was now changed to Bleecker Street in Manhattan.

25 Q. And what documentation, if any, is a customer required to

MAR1ILO2

Aaron - Direct

1 provide to verify a change of address?

2 A. A utility bill, a lease, and those are the things that we
3 would need.

4 Q. Did there come a time when Mr. Herttua sought to open an
5 additional account or accounts at M&T Bank?

6 A. Yes.

7 Q. Approximately when was that?

8 A. It was late 2020.

9 Q. Do you recall what kind of additional account Mr. Herttua
10 sought to open?

11 A. Yes. It was a -- another business account, an app
12 development account.

13 Q. Do you recall the name of the business that he sought to
14 open that account under?

15 A. Yes, it was Appserd.

16 Q. Can you spell that, if you know how.

17 A. I believe it's A-P-P-S-E-R-D.

18 Q. Thank you.

19 Now, Ms. Aaron, are you familiar with the Small
20 Business Administration's Paycheck Protection Program, or PPP?

21 A. Yes.

22 Q. At any point during your bank relationship with
23 Mr. Herttua, did you have any discussions with Mr. Herttua
24 about PPP?

25 A. Yes.

MAR1ILO2

Aaron - Direct

1 Q. Can you describe those discussions.

2 A. Sure. When we were accepting PPP applications in the
3 branch, we were told to reach out to our business customers.
4 Mr. Herttua is one of mine, so I reached out to him, and I let
5 him know that we are now accepting applications and I'd be
6 happy to help him with it. And he assured me that he would
7 apply, and he did.

8 Q. And just to clarify one thing, did you in fact open a
9 business account in the name of Appserd for Mr. Herttua?

10 A. I did.

11 Q. So after these conversations with Mr. Herttua about the PPP
12 loan opportunity, did there come a time when Mr. Herttua
13 submitted a PPP loan application to M&T?

14 A. He did.

15 Q. Do you recall which of the company accounts that loan
16 application was associated?

17 A. Yes. It was Appserd.

18 Q. Do you recall the amount of the loan Mr. Herttua was
19 requesting?

20 A. I -- I don't recall the amount.

21 Q. Did there come a time when you reviewed the documentation
22 that Mr. Herttua had submitted in support of the Appserd PPP
23 loan application?

24 A. Yes. He submitted his taxes.

25 Q. What, if anything, did you observe or do you recall about

MAR1ILO2

Aaron - Direct

1 Mr. Herttua's PPP loan application or the supporting
2 documentation?

3 A. So at that time my manager was in charge of looking over
4 those applications, and I told her that my client would apply,
5 so when she saw the app, she called me over to take a look at
6 it just to make sure, and we noticed that the documents didn't
7 look right. So when we zoom in on it, we notice that his taxes
8 looked like they'd been altered. You can see that there were
9 writings over other writings. So we sent it down for further
10 due diligence.

11 Q. Can you describe what you mean by altered.

12 A. So if -- if we're looking at something and we see that
13 pieces of letters are sticking out or it looks like stuff has
14 been erased, you can see little dots on the paper where stuff
15 should have been. And then you see certain writings are on top
16 of each other. That would mean that the document is altered.

17 Q. And with respect to these apparent alterations that you
18 observed, was that on the tax documentation relating to Appserd
19 that Mr. Herttua submitted in support of his PPP application?

20 A. Yes.

21 Q. Aside from your supervisor, did there come a time when you
22 discussed Mr. Herttua's account with anyone else at M&T Bank?

23 A. No.

24 Q. After your discussion with your supervisor, did you attempt
25 to contact Mr. Herttua?

MAR1ILO2

Aaron - Direct

1 A. No.

2 Q. Did you have any conversations with Mr. Herttua about his
3 account or accounts after you had flagged the loan
4 documentation that you had reviewed?

5 A. No. I haven't spoken to him.

6 Q. Did there come a time when law enforcement approached you
7 to discuss Mr. Herttua?

8 A. Yes.

9 Q. Approximately when was that?

10 A. Last year.

11 Q. Do you recall being shown photographs of several
12 individuals?

13 A. Yes.

14 Q. Were you able to identify one of the individuals in the
15 photographs you were shown as Mr. Herttua?

16 A. Yes.

17 Q. How were you able to identify one of the photographs as the
18 person that you knew as Mr. Herttua?

19 A. Well, one of the photos had him with his signature scarf,
20 and based on his features, the slenderness of his face and what
21 I've seen, and also the -- the ID that he presented to me, that
22 was the guy that I -- that I chose.

23 MS. MURRAY: Ms. Loftus, can you please put up for the
24 witness, the Court, and the parties what's been marked for
25 identification as Government Exhibit 3519-0002.

MAR1ILO2

Aaron - Direct

1 THE COURT: So Ms. Aaron, it should come up on your
2 screen that's in front of you, if you just give them a moment.
3 Right now only you and I and the lawyers can see this.

4 THE WITNESS: Okay.

5 THE COURT: Okay?

6 THE WITNESS: Thank you.

7 BY MS. MURRAY:

8 Q. As we're waiting for that document to load, you mentioned
9 that you had met with Mr. Herttua personally on several
10 occasions; is that right?

11 A. Yes.

12 Q. Did you at any time during those meetings see him without a
13 mask, surgical or COVID-19 mask on his face?

14 A. So one time he came in and his mask was sliding down, and
15 then I asked him to fix it, he took it off and he fixed it, and
16 that's how I saw his face.

17 Q. So you did observe his face without any kind of mask or
18 anything on it; is that correct?

19 A. Yes.

20 Q. And you also saw his ID --

21 A. Yes.

22 Q. -- which had a photo of him.

23 A. Yes.

24 Q. Now looking at this document that's on your screen, do you
25 recognize this document?

MAR1ILO2

Aaron - Direct

1 A. Yes.

2 Q. What do you recognize it to be?

3 A. I recognize it to be the photos that were shown to me by
4 the officers.

5 Q. There's a signature and date next to the photograph on the
6 bottom right. There's an arrow coming down. Do you recognize
7 that signature?

8 A. Yes.

9 Q. Whose signature is it?

10 A. It's mine.

11 MS. MURRAY: Your Honor, the government offers what's
12 marked for identification as 3519-0002.

13 MR. BRILL: No objection.

14 THE COURT: It will be received.

15 (Government's Exhibit 3519-0002 received in evidence)

16 MS. MURRAY: May we publish?

17 THE COURT: You may.

18 MS. MURRAY: Thank you.

19 THE COURT: Can you all see?

20 JURORS: Yes.

21 MS. MURRAY: Thank you.

22 BY MS. MURRAY:

23 Q. Ms. Aaron, you mentioned this was a set of photos that law
24 enforcement showed you in July of 2021; is that correct?

25 A. Yes.

MAR1ILO2

Aaron - Cross

1 Q. And of the eight photos, can you just confirm for us that
2 the bottom right photo is the individual that you identified.

3 A. Yes. As Jonathan, yes.

4 Q. And just to clarify, again, you said that whenever you
5 spoke with Jonathan Herttua on the phone or in person, he had a
6 French accent; is that right?

7 A. Yes.

8 MS. MURRAY: You can take that down, Ms. Loftus.

9 I have nothing further, your Honor.

10 THE COURT: All right. Thank you.

11 Mr. Brill?

12 MR. BRILL: Briefly, your Honor.

13 CROSS EXAMINATION

14 BY MR. BRILL:

15 Q. Good afternoon, ma'am.

16 A. Good afternoon.

17 Q. Ms. Aaron, with Ms. Loftus's help, I'd just like you to
18 take a look at what's in evidence as Exhibit 141.

19 Do you see it there?

20 A. Yes.

21 Q. Do you recognize it?

22 A. Yes.

23 Q. And what do you recognize it to be?

24 A. That is the bank signature card.

25 Q. Okay. And was that the signature card that you assisted

MAR1ILO2

Martin - Direct

1 Mr. Herttua in filling out, if you know?

2 A. Yes, that is the signature card that he signed, yes.

3 MR. BRILL: Okay. Could we scroll down to page 3 at
4 the top.

5 And could we highlight the top portion.

6 All the way down to the signature line, please. Not
7 highlight. I'm sorry. Could we zoom in on it.

8 Perfect. Thank you.

9 BY MR. BRILL:

10 Q. Do you recognize this portion of the paperwork?

11 A. Yes.

12 Q. And what is it?

13 A. This is the other part of the signature card. This is
14 the -- I believe the resolution.

15 Q. Okay. And is there a phone number that is included in the
16 resolution?

17 A. Yes.

18 Q. And what is that phone number?

19 A. 646-575-0642.

20 Q. And who provided that phone number?

21 A. Mr. Herttua.

22 MR. BRILL: Thank you. I have nothing further.

23 THE COURT: Thank you, Mr. Brill.

24 MS. MURRAY: Nothing further, your Honor. Thank you.

25 THE COURT: All right. Thank you very much,

MAR1ILO2

Martin - Direct

1 Ms. Aaron. We appreciate your coming in.

2 THE WITNESS: Thank you.

3 (Witness excused)

4 MS. MURRAY: Your Honor, the government calls Randy
5 Martin.

6 THE COURT: Thank you very much, ma'am.

7 Good afternoon, Mr. Martin. If you would, please,
8 just come stand here in the witness box, and once you're
9 situated, my courtroom deputy, Ms. Dempsey, will administer the
10 oath to you. Please stay standing.

11 THE DEPUTY CLERK: Please raise your right hand.

12 (Witness sworn)

13 THE DEPUTY CLERK: Thank you. Please state and spell
14 your name for the record.

15 THE WITNESS: Randy Martin. R-A-N-D-Y, M-A-R-T-I-N.

16 THE DEPUTY CLERK: Thanks. Please be seated.

17 RANDY MARTIN,

18 called as a witness by the Government,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. MURRAY:

22 Q. Good afternoon, Mr. Martin.

23 A. Good afternoon.

24 Q. Where do you work?

25 A. M&T Bank.

MAR1ILO2

Martin - Direct

1 Q. Is M&T Bank a commercial bank?

2 A. It is.

3 Q. Do you work in a particular department or group at M&T
4 Bank?

5 A. I work in banking services risk management.

6 Q. What is your current title?

7 A. Risk team lead.

8 Q. What are your general responsibilities as a risk team lead?

9 A. My general responsibilities are first-line risk oversight
10 for operations.

11 Q. How long have you worked at M&T Bank?

12 A. Roughly 12½ years.

13 Q. Prior to your current position have you had any other
14 positions at M&T Bank?

15 A. I have.

16 Q. What are they?

17 A. Model risk manager and process improvement.

18 Q. And you mentioned your first-line risk in your current
19 role. Can you describe M&T Bank's risk structure.

20 A. M&T Bank has a three-tier risk structure. The first-line
21 risk is where I reside. We have oversight of frontline and
22 back office operations. Second-line risk is -- has oversight
23 over our program and how we administer it to the first line.
24 And third line is our audit department, which oversees the
25 entire bank.

MAR1ILO2

Martin - Direct

1 Q. Mr. Martin, are you familiar with the Small Business
2 Administration's Paycheck Protection Program, or PPP?

3 A. I am, yes.

4 Q. Did there come a time when your work at M&T Bank on the
5 first-line risk involved analysis of PPP loan applications?

6 A. Yes, it did.

7 Q. Approximately when was that?

8 A. It was at the later half of the first and during the second
9 rounds of PPP loans.

10 Q. Can you describe generally what you mean by the first and
11 second rounds of PPP loans.

12 A. So PPP, the program was available in two separate rounds,
13 and there was a gap between them. And I was brought in in the
14 second half of the first round to start helping with risk
15 analysis, and then I worked fully through the second round of
16 lending.

17 Q. With respect to PPP loans, what was your role in evaluating
18 the risk?

19 A. My role was to review escalated applications where folks
20 identified potential red flags, and I would take a look at
21 those and determine whether or not those needed to be escalated
22 to our risk working group or if they seemed adequate to
23 continue in the process.

24 Q. Now who then at M&T Bank would escalate PPP loan
25 applications to you for your review?

MAR1ILO2

Martin - Direct

1 A. So that could come from multiple places. It could come
2 from frontline sales folks; it could come from a branch
3 employee, branch manager; it could also come from the folks in
4 the back office reviewing applications when they entered them
5 into our system.

6 Q. And generally speaking, what steps did you undertake when a
7 PPP loan application was escalated for your review?

8 A. So if something was escalated to me, I would review the
9 application for the information that was on the application; I
10 would look at the attached documentation, if there was any; and
11 then I would also do a little bit of internet research just to
12 verify or validate the information that was on the application,
13 if I could.

14 Q. What, if anything, did you do upon completion of your risk
15 review of PPP loan applications that were escalated to you?

16 A. If they were escalated and I determined that the
17 information seemed appropriate and adequate, I would return
18 that application back to whoever sent that escalation to me,
19 let them know that I've taken a look at it and determined that
20 it's okay to continue in the process. If I identified
21 potential red flags that were concerning to me, I would
22 escalate that to our internal risk team, which was a
23 cross-functional team of business folks, financial crimes, and
24 other experts to the bank.

25 Q. Mr. Martin, did you ever have contact with any PPP loan

MAR1ILO2

Martin - Direct

1 applicant?

2 A. I never had -- I never had direct contact with anybody, no.

3 Q. Did there come a time when a PPP loan application for a
4 company called Appserd was escalated to you for your review?

5 A. Yes.

6 MS. MURRAY: Ms. Loftus, can you please publish
7 Government Exhibit 156, which is in evidence.

8 And if we could take a look first at the overall
9 document.

10 Q. Mr. Martin, do you recognize this document?

11 A. This appears to be a PPP application.

12 MS. MURRAY: Now, Ms. Loftus, if you could please zoom
13 in on the top portion of this to begin.

14 Q. Can you please read the business legal name associated with
15 this PPP loan application.

16 A. Appserd, Inc.

17 Q. And can you read the address below that, the business
18 address listed on this application.

19 A. 74 East 7th Street, Brooklyn, New York.

20 Q. Looking to the right, can you please read the primary
21 contact and the associated email address.

22 A. Jonathan Herttua.

23 Q. And the email address?

24 A. It is herttua jonathan1957@gmail.com.

25 Q. And then the business phone listed just above the email

MAR1ILO2

Martin - Direct

1 address, please?

2 A. 646-575-0642.

3 Q. And then looking beneath the primary contact name, what is
4 the amount of the loan that was requested in this particular
5 application?

6 A. \$4,409,560.

7 MS. MURRAY: Ms. Loftus, can you please turn to
8 page 6.

9 Q. Now focusing on the top portion --

10 MS. MURRAY: If we could zoom in.

11 Q. First of all, what type of document is this?

12 A. This appears to be a 940 tax document.

13 Q. And is this one of the documents that would have been
14 submitted by the applicant in support of the application?

15 A. Yes.

16 Q. And looking at this, what is the name listed on this
17 purported tax document?

18 A. Appserd, Inc.

19 Q. And the address associated with Appserd, Inc., on this tax
20 document?

21 A. 64 Bleecker Street, Suite 188, New York, New York.

22 MS. MURRAY: And Ms. Loftus, if we could please turn
23 to page 10.

24 Q. And again, Mr. Martin, what type of document is this?

25 A. So this is a 941 tax document.

MAR1ILO2

Martin - Direct

1 Q. Would this similarly have been one of the documents
2 submitted in support of the application?

3 A. That is correct.

4 MS. MURRAY: Ms. Loftus, can you please zoom in on the
5 top portion of this document.

6 Q. And what is the name listed on this purported tax document?

7 A. Appserd, Inc.

8 Q. What is the address listed for Appserd, Inc. on this
9 purported tax document?

10 A. 74 East 7th Street, Brooklyn, New York.

11 MS. MURRAY: If you could unhighlight those but stay
12 zoomed in, please, Ms. Loftus.

13 Q. Mr. Martin, what else, if anything, did you notice on this
14 page that was relevant to your risk review of this application?

15 A. So looking at the Employer Identification Number, the
16 numbers do not align. They also seem to go over the boxes
17 which they would typically be entered in. This is not typical.

18 Additionally, if you look at above the 5 and next to
19 the 4 in the Employer Identification Number and then above the
20 74 in the address and above the B in Brooklyn, there are
21 erroneous characters that do not match up with the information
22 that is on this application.

23 MS. MURRAY: Ms. Loftus, if we could try to zoom in on
24 just a portion of that. Let's focus on the 74 in the address,
25 please.

MAR1ILO2

Martin - Direct

1 Q. So in this level of detail we see what just looks like a
2 line. Based on your review, were you able to determine what
3 type of font or what type of information, if any, was above the
4 74?

5 A. Yeah. On the original documentation, when you zoom in, you
6 can clearly read it, and it is -- it is a different address
7 than this one that's on here.

8 Q. So based on your review --

9 MS. MURRAY: And Ms. Loftus, thank you. You can zoom
10 out, but keep that page up, please.

11 Q. So based on your review, were there some indications on
12 this document, as you were reviewing for potential anomalies or
13 issues of concern, you were able to see that it appeared that
14 there was additional information on this purported tax
15 document; is that correct?

16 A. That is correct.

17 MS. MURRAY: Now, Ms. Loftus, can you please turn to
18 page 31 of Government Exhibit 156.

19 Q. What type of document is this, Mr. Martin?

20 A. So this is a Schedule C tax document.

21 Q. And looking at the top --

22 MS. MURRAY: Ms. Loftus, if you could please zoom in
23 on the top portion through to Section E.

24 Q. And Mr. Martin, is this another document that was submitted
25 as a supporting document in connection with the Appserd PPP

MAR1ILO2

Martin - Direct

1 application?

2 A. That is correct.

3 Q. Now looking at this purported tax document, what, if
4 anything, did you notice on this page that was relevant to your
5 risk review?

6 A. So on line C, Appserd, Inc. is bolded and in a different
7 font as well as a whiteout, white covering of the line under --
8 between Sections C and E. That drew attention.

9 Q. Why, if at all, did that draw attention?

10 A. Typically, filling this out, as you can see, on the two
11 lines above it, when you enter information, it doesn't cover
12 the bottom line.

13 MS. MURRAY: Thank you, Ms. Loftus. You can zoom in
14 on that.

15 Q. Mr. Martin, based on your review of the documentation for
16 this loan, including but not limited to the examples that we
17 looked at today, what, if anything, did you conclude about the
18 application?

19 A. After reviewing that information, I decided that this
20 warranted additional review by our risk working team.

21 Q. What additional information, if any, did you review
22 relating to this loan application beyond just the documents
23 we've looked at?

24 A. So for this specific application, I did do some internet
25 search for the company. Beyond that, I'm not a hundred percent

MAR1ILO2

Martin - Direct

1 sure that I remember.

2 Q. After you concluded your review, you escalated this review
3 to the next level of risk review; is that correct?

4 A. That is correct.

5 Q. Do you recall whether this loan was approved?

6 A. This loan was not approved at M&T Bank.

7 Q. It was denied; is that correct?

8 A. Correct.

9 Q. And what, if anything, was the reason for the denial of
10 this loan request?

11 A. I believe the reason was it was outside of the bank's risk
12 tolerance.

13 Q. Can you explain what you mean by "risk tolerance."

14 A. We use that as a term when there are anomalies that we may
15 see or if a business does not meet the criteria that the bank
16 wants to do business with.

17 Q. And do you know how, if at all, potential borrowers are
18 notified or were notified about the denial of their PPP loan
19 applications?

20 A. Typically a borrower would receive a letter in the mail
21 describing that their application had not been approved and it
22 would typically have the reasoning behind that, which for this
23 case would have been outside of risk tolerance.

24 Q. And Mr. Martin, what role, if any, do you have or did you
25 have in notifying applicants of a PPP loan rejection?

MAR1ILO2

Jamieson - Direct

1 A. I had no -- no role in that.

2 MS. MURRAY: Just a moment, your Honor, please.

3 THE COURT: Yes.

4 MS. MURRAY: Thank you, your Honor. Nothing further.

5 THE COURT: All right. Thank you.

6 Any cross, Mr. Brill?

7 MR. BRILL: One moment, your Honor.

8 THE COURT: Yes, sure.

9 MR. BRILL: Nothing, your Honor. Thank you.

10 THE COURT: All right. Thank you very much, sir. You
11 are excused. Have a good rest of the day, and thank you for
12 coming in.

13 (Witness excused)

14 MR. FELTON: Your Honor, the government calls William
15 Jamieson.

16 THE COURT: All right. Good afternoon, Mr. Jamieson.
17 If you would, please come stand here in the witness stand and
18 remain standing while my courtroom deputy Ms. Dempsey
19 administers the oath. Thank you.

20 THE DEPUTY CLERK: Please raise your right hand.

21 (Witness sworn)

22 THE DEPUTY CLERK: Thank you. Please state and spell
23 your name for the record.

24 THE WITNESS: William Jamieson. W-I-L-L-I-A-M,
25 J-A-M-I-E-S-O-N.

MAR1ILO2

Jamieson - Direct

1 THE DEPUTY CLERK: Thank you. Please be seated.

2 THE WITNESS: Thank you.

3 WILLIAM JAMIESON,

4 called as a witness by the Government,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. FELTON:

8 Q. Good afternoon, Mr. Jamieson.

9 A. Hi.

10 Q. How old are you?

11 A. 44 years old.

12 Q. Where do you currently live?

13 A. I live in Sandy Spring, Maryland.

14 Q. Do you live with anyone?

15 A. My son.

16 Q. How far did you go in school?

17 A. I have a bachelor's degree.

18 Q. What did you study?

19 A. Studied theater.

20 Q. What do you do for a living?

21 A. I currently am a freelance video and audio post-production
22 person.

23 Q. What sorts of stuff do you do?

24 A. I edit videos for some small businesses for like social
25 media use and edit podcasts, things like that.

MAR1ILO2

Jamieson - Direct

1 Q. Mr. Jamieson, what is your full name?

2 A. William Alexander Jamieson.

3 Q. What is your date of birth?

4 A. July 27, 1978.

5 MR. FELTON: Your Honor, I'd respectfully request that
6 the answer to the next question be under seal.

7 Q. Mr. Jamieson, what is your Social Security number?

8 A. XXX-XX-XXXX.

9 Q. Mr. Jamieson, did there come a time where you learned that
10 you were the victim of identity theft?

11 A. Yes, there did.

12 Q. Approximately when did that occur?

13 A. It was about a year ago.

14 Q. How did you learn that you were the victim of identity
15 theft?

16 A. I was contacted by an investigator for the DOJ named Harry
17 Lidsky.

18 Q. What did you understand from Mr. Lidsky?

19 A. He told me that my identity had been stolen and then used
20 to obtain a driver's license and I think rent an apartment and
21 possibly attempt to apply for some loans.

22 Q. What, if anything, did you do upon learning that
23 information?

24 A. Checked my credit report and made sure that all of my
25 accounts and things like that were safe.

MAR1ILO2

Jamieson - Direct

1 Q. Now about a year later, what, if any, lingering effects are
2 you experiencing as a result of being the victim of identity
3 theft?

4 A. Just a few days ago I received a phone call from someone
5 claiming to be my landlord for an apartment I've never heard
6 of, so that was certainly of concern to me.

7 Q. Where was the apartment located that you received this call
8 about?

9 A. In New York.

10 Q. Are you renting an apartment in New York City?

11 A. No, I am not.

12 MR. FELTON: Ms. Loftus, can you please publish
13 Government Exhibit 162, which is in evidence, and turn to
14 page 1.

15 If you could zoom in on the bottom of the page for
16 Owner Information.

17 Q. Mr. Jamieson, do you see the information that's on your
18 screen?

19 A. Yes, I do.

20 Q. Do you recognize the name?

21 A. Yes. It's my name, although the spelling is slightly
22 different.

23 Q. What is the difference in the spelling?

24 A. In my name there is an "e" after the "i."

25 MR. FELTON: If we could just please turn to the next

MAR1ILO2

Jamieson - Direct

1 page, Ms. Loftus.

2 If we could zoom in on the top of the page, please,
3 Ms. Loftus.

4 Q. Mr. Jamieson, do you recognize the Social Security number?

5 A. I do.

6 Q. How do you recognize it?

7 A. That is my Social Security number.

8 Q. Do you recognize the date of birth underneath it?

9 A. I do. That's my date of birth.

10 MR. FELTON: Ms. Loftus, if we could zoom out a little
11 bit. And turn back to the first page.

12 If we just blow up the top left of the page.

13 I'm sorry. The top left, Ms. Loftus.

14 Q. Mr. Jamieson, do you see that there's a reference to the
15 U.S. Small Business Administration on the top?

16 A. Yes, I do.

17 Q. Have you ever submitted an application to the U.S. Small
18 Business Administration?

19 A. No, I have not.

20 MR. FELTON: Ms. Loftus, if you could zoom under the
21 Business Information also on this page.

22 Q. Mr. Jamieson, do you see where under Business Legal Name it
23 says Jetaway Jets Corp.?

24 A. I do.

25 Q. Are you familiar with that company?

MAR1ILO2

Jamieson - Direct

1 A. No, I am not.

2 Q. A little further down, do you see where it says what the
3 gross revenues for the 12 months prior to the date of the
4 disaster?

5 A. I see.

6 Q. Could you read that number for the jury.

7 A. \$3,120,156.

8 Q. And then the last entry on this zoomed-in portion where it
9 says the number of employees, do you see that, Mr. Jamieson?

10 A. I do.

11 Q. Could you please read that for the jury.

12 A. So number of employees as of January 31, 2020, is 11.

13 Q. Do you see where it notes that the business activity is in
14 transportation and the detailed business activity is airlines?

15 A. I do.

16 Q. Have you ever worked in the airline business?

17 A. I have not.

18 Q. Mr. Jamieson, do you see where it lists a primary business
19 address, a little further up on the screen?

20 A. I -- sorry. Oh, yes, I do, yes.

21 Q. Do you recognize that address?

22 A. No, I do not.

23 Q. Do you see where it says a business email address?

24 A. I do.

25 Q. Do you recognize that address?

MAR1ILO2

Jamieson - Direct

1 A. No, I don't.

2 Q. Do you notice anything about the spelling of the email
3 address?

4 A. Well, it appears to be using my name, although, again, with
5 the "e" missing.

6 MR. FELTON: Ms. Loftus, thank you. You can zoom out,
7 please. And turn back to the second page.

8 And Ms. Loftus, you could actually blow up the text
9 where it refers to the banking information, about the midway
10 portion of the page.

11 Q. Mr. Jamieson, do you see where a Wells Fargo bank account
12 is referenced?

13 A. I do.

14 Q. Do you recognize that account?

15 A. No, I do not.

16 Q. Have you ever had a Wells Fargo bank account?

17 A. No, I have not.

18 Q. Mr. Jamieson, what, if any, involvement did you have in
19 applying for the Small Business Administration loan we are
20 looking at?

21 A. None whatsoever.

22 Q. Did you authorize anyone to use your identity in this way?

23 A. No, I did not.

24 MR. FELTON: Ms. Loftus, let's now publish Government
25 Exhibit 341, please, which is in evidence.

MAR1ILO2

Jamieson - Direct

1 And I'd ask that we zoom in to the Applicant
2 Information portion of the document.

3 Q. Mr. Jamieson, is this your handwriting?

4 A. No, it is not.

5 Q. Do you recognize the name?

6 A. I do.

7 Q. How do you recognize it?

8 A. That is my name spelled correctly.

9 Q. Do you recognize the Social Security number?

10 A. I do.

11 Q. How come?

12 A. That's my Social Security number.

13 Q. How about your date of birth?

14 A. That is my date of birth as well.

15 Q. Do you see where it lists a cellphone number?

16 A. I do.

17 Q. Do you recognize that?

18 A. No, I don't.

19 Q. That's not your phone number?

20 A. It is not my phone number.

21 Q. Has that ever been your phone number?

22 A. No, it has not.

23 MR. FELTON: If we could just zoom out, Ms. Loftus,
24 please.

25 And just blow up the top left and right, so just the

MAR1ILO2

Jamieson - Direct

1 heading of this document.

2 Q. Mr. Jamieson, do you see where on the left there's a logo
3 for MySpace Real Estate NYC?

4 A. I do.

5 Q. Do you know what that is?

6 A. No, I don't.

7 Q. Do you see where it says Rental Application on the top
8 right?

9 A. I do.

10 Q. Did you apply for an apartment in New York City?

11 A. No, I have not.

12 MR. FELTON: Ms. Loftus, if we could please blow
13 out -- or zoom out. And if we turn to the Business section in
14 the middle and zoom into that portion of the document, please,
15 Ms. Loftus. Thank you.

16 Q. Mr. Jamieson, do you see where it states that your employer
17 is Amana Air Charters, LLC?

18 A. I do.

19 Q. And your occupation is air charter broker?

20 A. I do.

21 Q. And your annual income is \$250,000 a year?

22 A. I do.

23 Q. Is any of that true?

24 A. Not at all.

25 Q. Have you ever been in what appears to be the transportation

MAR1ILO2

Jamieson - Direct

1 business?

2 A. No, I haven't.

3 Q. Air chartering?

4 A. No.

5 MR. FELTON: Ms. Loftus, if we could please turn to
6 page 5 of this exhibit.

7 If you could just blow up this identification card.

8 Q. Mr. Jamieson, what identifying information, if any, do you
9 recognize here?

10 A. I see my full name and middle initial spelled correctly, I
11 see my birthdate.

12 Q. That in fact your birthdate?

13 A. That is my birthdate, yes.

14 Q. And that is in fact how you spell your name?

15 A. That is correct, yes.

16 Q. Including your middle initial?

17 A. Yes.

18 Q. Is that your address?

19 A. No, that is not my address.

20 Q. Are you 6-foot 2?

21 A. I am not.

22 Q. Is that your photograph?

23 A. No, it is not my photograph.

24 Q. Is this your driver's license?

25 A. This is not my driver's license.

MAR1ILO2

Palmer - Direct

1 Q. Have you ever had a New York State driver's license?

2 A. No, I have not.

3 Q. Mr. Jamieson, what involvement did you have in applying for
4 an apartment from MySpace NYC?

5 A. None at all.

6 Q. Did you ever submit an apartment rental application to
7 MySpace NYC?

8 A. No, I have not.

9 Q. Did you authorize anyone to use your identity in this way?

10 A. No, I did not.

11 MR. FELTON: One moment, your Honor.

12 THE COURT: Sure.

13 MR. FELTON: No further questions, your Honor.

14 THE COURT: All right. Thank you.

15 Mr. Brill?

16 MR. BRILL: One moment, your Honor.

17 THE COURT: Yes.

18 MR. BRILL: Nothing, your Honor. Thank you.

19 THE COURT: All right. Thank you. Thank you very
20 much, sir. You're excused. We appreciate your coming in to
21 help us with this case.

22 THE WITNESS: Thank you.

23 (Witness excused)

24 MR. FELTON: The government calls Elizabeth Palmer,
25 your Honor. Your Honor, the government has witness binders for

MAR1ILO2

Palmer - Direct

1 this witness.

2 THE COURT: All right. Terrific. You can hand it to
3 Ms. Dempsey and she'll put it on the witness stand.

4 Ms. Palmer, you can come up, please. Thank you for
5 being here. If you'd stand in the witness stand and just give
6 us a moment. Thank you.

7 THE DEPUTY CLERK: Please raise your right hand.

8 (Witness sworn)

9 THE DEPUTY CLERK: Thank you. Please state and spell
10 your name for the record.

11 THE WITNESS: Elizabeth Palmer. E-L-I-Z-A-B-E-T-H,
12 P-A-L-M-E-R.

13 THE DEPUTY CLERK: Thank you. Please be seated.

14 THE COURT: All right. Thank you, Ms. Palmer.

15 And if you would speak into the microphone when you're
16 answering the questions, because the court reporter sitting
17 right next to you, she needs to get what you're saying, and our
18 jury needs to be able to hear you, all right? Thank you.

19 Mr. Felton?

20 MR. FELTON: Thank you, your Honor.

21 ELIZABETH PALMER,

22 called as a witness by the Government,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. FELTON:

MAR1ILO2

Palmer - Direct

1 Q. Good afternoon, Ms. Palmer.

2 A. Good afternoon.

3 Q. Where do you work?

4 A. Department of Justice Office of Inspector General.

5 Q. What is that?

6 A. That is the internal investigation arm of the Department of
7 Justice.

8 Q. How long have you been with the Department of Justice
9 Office of Inspector General?

10 A. I've been there about 10 of the last 13 years.

11 Q. What did you do in the other three years?

12 A. I worked as a program auditor for the Securities and
13 Exchange Commission Office of the Inspector General.

14 Q. What did that role involve?

15 A. That was doing program audits of offices and programs
16 within the Securities and Exchange Commission,
17 noninvestigative.

18 Q. What is your current title with the Department of Justice
19 Office of Inspector General?

20 A. Senior forensic auditor in the investigations division.

21 Q. Could you, in lay terms, explain what that means.

22 A. Sure. A forensic auditor or forensic accountant is one who
23 combines accounting knowledge with investigation skills to do
24 financial analysis using established methodologies that can be
25 presented in court. So I do things like trace the flow of

MAR1ILO2

Palmer - Direct

1 money and calculate damages against the government.

2 Q. What, if anything, is the significance of the word "senior"
3 in your title?

4 A. That you have additional experience from a regular forensic
5 auditor.

6 Q. Beyond your work experience, have you received any
7 specialized training in auditing?

8 A. Yes. I'm a certified public accountant and a certified
9 forensic examiner. Those are -- they both have requirements
10 for work, education, and testing, and then also have continuing
11 professional education requirements every year.

12 Q. In connection with your testimony today, have you been
13 asked to review bank and other financial records that are
14 associated with this case?

15 A. I have.

16 Q. Have you also been asked to prepare summary charts based on
17 your review of those records?

18 A. Yes.

19 Q. Who requested that you prepare and review these summary
20 charts?

21 A. The prosecution team.

22 Q. You should have a binder in front of you that contains
23 exhibits, Government Exhibits 700 through 709. Do you have
24 that binder?

25 A. Yes.

MAR1ILO2

Palmer - Direct

1 Q. I'd ask you to please just take a moment and flip through
2 them and familiarize yourself with them and look up at me when
3 you're done.

4 Do you recognize those exhibits?

5 A. I do.

6 Q. How do you recognize them?

7 THE COURT: I don't think she looked up yet, did she?

8 THE WITNESS: I did.

9 THE COURT: Oh, I'm sorry. Okay.

10 A. Yes, these are the exhibits that I put together. I created
11 these.

12 Q. In general, what are these exhibits?

13 A. These are summaries of the financial information that I
14 reviewed and analyzed.

15 Q. Did you create all of them?

16 A. Yes.

17 Q. Do they summarize certain information contained within
18 voluminous records?

19 A. Yes.

20 Q. To your knowledge are the documents accurate?

21 A. Yes.

22 Q. How do you know that they're accurate?

23 A. I -- I created these myself.

24 Q. Are the financial accounts that you relied on in creating
25 or verifying the charts listed in the charts themselves?

MAR1ILO2

Palmer - Direct

1 A. Yes.

2 MR. FELTON: Your Honor, the government offers
3 Government Exhibits 700-709 into evidence.

4 THE COURT: All right. I have a question for you,
5 counsel. Are the source documents all in evidence?

6 MR. FELTON: Yes, your Honor.

7 THE COURT: All right. Mr. Brill?

8 MR. BRILL: No objection.

9 THE COURT: All right. These summary charts will be
10 received in evidence.

11 (Government's Exhibits 700 through 709 received in
12 evidence)

13 MR. FELTON: Ms. Loftus, could you please publish
14 Government Exhibit 700.

15 BY MR. FELTON:

16 Q. Ms. Palmer, do you see this Government Exhibit?

17 A. Yes.

18 MR. FELTON: Can the jury all see it?

19 JURORS: Yes.

20 Q. Ms. Palmer, what does this chart show?

21 A. This is a summary chart of accounts that received five
22 government loans and the information about all those accounts.

23 Q. How many loans are reflected in this chart?

24 A. This represents five government loans.

25 Q. Could you just walk us through the first row as an example.

MAR1ILO2

Palmer - Direct

1 A. Sure. So this represents funds on November 10, 2020, into
2 an account in the name of Mula Apps Corp. at Chase Bank account
3 ending 8959, user name Jonathan Herttua. It received a
4 government loan in the amount of \$149,900.

5 Q. And how about the fifth row, the last row before the total?

6 A. Mm-hmm. Similarly, on May 19, 2021, into an account in the
7 name of BRS Consulting Corp., at Capital One, account ending
8 8262, with the user name of Jonathan Herttua, into that account
9 was received a government loan in the amount of \$531,218.

10 Q. Where in this exhibit are the Government Exhibits that you
11 relied on in creating this document indicated?

12 A. They're in the bottom right corner, where it says "Based
13 on."

14 Q. What is the total amount of money received across these
15 five loans?

16 A. The total of the loans was \$1,024,424.

17 Q. Let's take a look at the specifics at some of these loans.

18 MR. FELTON: Ms. Loftus, could you please publish
19 Government Exhibit 701, which is in evidence.

20 Q. Ms. Palmer, generally speaking, what does this document
21 show?

22 A. This is a flow chart showing the money coming in and --
23 into the account and then the flow of funds from there out of
24 the account.

25 Q. And when you say into the account, which account are you

MAR1ILO2

Palmer - Direct

1 referring to with respect to this exhibit?

2 A. Mm-hmm. This is an account there in green in the name of
3 Mula Apps Corporation at Chase Bank ending 8959.

4 Q. So at a high level, what is the red box showing in this
5 exhibit?

6 A. So this there at the top in the red box, that represents
7 the loan money, so it's the EIDL loan from SBA in the amount of
8 \$149,900 that came in on November 10, 2020. This exhibit shows
9 that money coming into the bank account there in green, at
10 Chase Bank, as I mentioned, Mula Apps Corporation, also in the
11 name of Jonathan Herttua, and then the three blue rectangles on
12 the bottom show the funds moving out of that account.

13 Q. Ms. Palmer, we'll return to this in more detail in a
14 moment, but first let's take a quick look at the loan and bank
15 account reference here in that green box.

16 MR. FELTON: Ms. Loftus, could you please publish
17 Government Exhibit 160, which is in evidence.

18 Q. Ms. Palmer, do you see the name of this document?

19 A. Yes, this is a loan authorization and agreement.

20 MR. FELTON: Ms. Loftus, could we please turn to
21 page 2. And if we could zoom in onto that first full paragraph
22 there.

23 Q. Ms. Palmer, do you see where it says that this is a loan to
24 Mula Apps Corp., and it lists an address in New York City, in
25 the amount of \$150,000?

MAR1ILO2

Palmer - Direct

1 A. Yes.

2 MR. FELTON: Ms. Loftus, could you please zoom out and
3 turn to page 7.

4 And Ms. Loftus, I'd ask that you just blow up the
5 signature portion of the document.

6 Thank you.

7 Q. Ms. Palmer, can you please read the signature of the person
8 who purportedly signed this loan on behalf of Mula Apps Corp.

9 A. This appears to be signed by Jonathan Lipow, Owner-Officer.

10 Q. And on what date?

11 A. On November 4, 2020.

12 MR. FELTON: Ms. Loftus, could you please now publish
13 Government Exhibit 113, which is also in evidence.

14 Q. Ms. Palmer, what does this document show?

15 A. This is the bank signature cards. This is a document that
16 would have been created when the bank account was opened. It's
17 one of the opening account documents. It's -- again, it's
18 called a signature card. This is in the name of Mula Apps
19 Corporation, as you can see on the top left corner, and the
20 account number 8959 is across from that on the top right.

21 Q. And a few lines down, do you see where it says Date Opened?

22 A. Yes.

23 Q. What is the date opened?

24 A. August 6, 2020.

25 MR. FELTON: And it's a little bit small, but maybe,

MAR1ILO2

Palmer - Direct

1 Ms. Loftus, could we blow up the printed name, that bottom
2 portion across the whole row.

3 Q. What do you see under printed name, Ms. Palmer?

4 A. This has the name of Jonathan Herttua and he's listed as
5 president.

6 Q. And what date was this signed?

7 A. Signed on August 6, 2020.

8 Q. And do you see the list of telephone numbers there?

9 A. Yes.

10 Q. Could you read the last four digits of that second
11 telephone number.

12 A. It ends 0642.

13 MR. FELTON: Ms. Loftus, could we please turn to
14 page 6.

15 Q. Now, Ms. Palmer, what generally is this document?

16 A. This is a bank statement, you can tell it's Chase Bank on
17 the top left corner, account ending 5989, you can see in the
18 top right corner, Mula Apps Corp.

19 MR. FELTON: Ms. Loftus, could you just blow up maybe
20 the top right just so the account number is more visible.

21 Thank you. And you can zoom out now.

22 I'd ask now that, Ms. Loftus, you blow up the Deposits
23 and Additions portion of the document.

24 Q. Ms. Palmer, do you see a deposit on November 10th?

25 A. Yes.

MAR1ILO2

Palmer - Direct

1 Q. Could you help explain what that is.

2 A. Sure. On November 10th, we see this deposit for \$149,900.
3 You can see that in the first line of the description, that it
4 says SBA and Treas 310. That's an indicator that it's a
5 government payment. In the third line, the middle, you can see
6 that it says Mula Apps Corp. That's the recipient of that
7 deposit.

8 MR. FELTON: Ms. Loftus, if you would please zoom out.

9 Now if you could blow up or zoom in on the ATM and
10 Debit Card Withdrawals, Ms. Loftus. Thank you.

11 Q. Now, Ms. Palmer, taking a look at this activity, starting
12 on November 10th, from the time the deposit came in through the
13 bottom, what is happening with the deposits or with the
14 withdrawals here?

15 A. Mm-hmm. So this represents about ten days. The money we
16 just saw came in on November 10th, and between November 10th
17 and November 20th, we see several ATM withdrawals, a couple of
18 card purchases, but if you look at the amounts of the ATM
19 withdrawals, you see they're for usually around \$3,000, 1,000,
20 2500. They are at various locations around New York. And
21 several thousand dollars is coming out within ten days of that
22 government loan coming into this account.

23 Q. And when you note locations around New York, does that
24 include New York, New York --

25 A. Mm-hmm.

MAR1ILO2

Palmer - Direct

1 Q. -- which is Manhattan?

2 THE COURT: Hold on. You have to say yes or no,
3 please.

4 A. Yes.

5 THE COURT: Thank you.

6 Q. For instance, what's the transaction on November 13th?

7 A. On November 13th, we see there toward the middle an ATM
8 withdrawal at 850 3rd Avenue, New York, for \$3,000.

9 Q. And an ATM withdrawal, is that correct that that's just
10 taking out cash at an ATM?

11 A. Correct.

12 MR. FELTON: Ms. Loftus, could we please turn to the
13 next page.

14 Now if we could zoom in on the ATM and Debit Card
15 Withdrawals, including the total.

16 Q. Ms. Palmer, what is occurring in this portion of the
17 exhibit?

18 A. This shows the total -- we see ATM and Debit Card
19 Withdrawals for that period of November of 2020 of \$44,029.65.
20 So in that 30 days or so, 20 days since the money came in, a
21 little over \$44,000 came out.

22 Q. And what's the nature of the transactions from
23 November 20th through November 30th in this portion of the
24 exhibit?

25 A. This is ATM and Debit Card Withdrawals. That's, as we saw,

MAR1ILO2

Palmer - Direct

1 mostly ATM cash withdrawals.

2 MR. FELTON: Now if we could please zoom out,
3 Ms. Loftus, and then zoom in on the Electronic Withdrawals
4 portion of the exhibit.

5 Q. Ms. Palmer, could you help explain what's happening here.

6 A. Sure. So the first section we just looked at was mostly
7 ATM withdrawals, so it's cash.

8 Electronic withdrawals are going to be things like
9 wire transfers and other electronic transfers among bank
10 accounts. So here, you can see the first half of this section
11 are Zelle payments. That's a person-to-person transfer of
12 funds. They're going to individuals and to an organization
13 called East Coast Air Charter for \$2,500 each. We see also
14 some -- some large wire transfers coming out, starting on
15 November 24th, and on the 27th, and on the 30th.

16 Q. Just focusing you on the one on November 24th, by way of
17 example, what exactly is going on here?

18 A. So we see on November 24th a domestic wire transfer to
19 Wells Fargo, so that's a bank-to-bank money transfer. You can
20 tell that it's for \$30,000 there on the right. And then the
21 second line of the description you see that it's going to BRS
22 Consulting Corp.

23 Q. So this is just transferring from the Chase entity that
24 we're looking at to a BRS Consulting Corp. entity?

25 A. Yes.

MAR1ILO2

Palmer - Direct

1 Q. Do you see total electronic withdrawals for the month of
2 November on this document?

3 A. Yes. The total for November is \$87,500.

4 Q. And that's all outgoing activity?

5 A. Correct.

6 MR. FELTON: Ms. Loftus, if we could please turn back
7 to page 6 of this exhibit.

8 And just zoom in on the Checking Summary portion.
9 Thank you.

10 Q. Now, Ms. Palmer, could you explain in summary what occurred
11 in this one month, in the Mula Apps Corp. Chase account.

12 A. Sure. So again, this is November. You see beginning
13 balance of \$0. In that month, you see a little over \$149,900
14 came into that account, and then in the sections that we just
15 covered, a little over 44,000 is out in ATM withdrawals and
16 other withdrawals, and 87,500 coming out in electronic
17 withdrawals. So the ending balance -- starting balance of 0,
18 little under 150,000 came in, and at the end of the month, we
19 have an ending balance of \$18,308.35.

20 Q. So even with nearly \$150,000 coming in that month, the
21 ending balance is just under \$20,000?

22 A. Correct.

23 MR. FELTON: Ms. Loftus, let's turn back to Government
24 Exhibit 701, which is in evidence.

25 Q. What is the time period for this document?

MAR1ILO2

Palmer - Direct

1 A. This particular exhibit is reflecting transactions from
2 November 10th of the loan through the end of the account,
3 December 31, 2020.

4 Q. Just so we're clear, how does this time period compare to
5 the time period of the bank statement we were just talking
6 about?

7 A. The bank statement covered all of November, so just one
8 month, and this covers just about two months, a little short of
9 two months.

10 Q. And what was the account balance in the Mula Apps Chase
11 account before the loan came in?

12 A. Before the loan came in on November 10th, the balance was
13 \$29.54.

14 Q. Where was that indicated in your summary chart?

15 A. In the last line of the green square.

16 Q. Now in addition to the cash withdrawals, could you describe
17 other activity taking place with the loan proceeds.

18 A. Sure. So the three blue rectangles at the bottom of the
19 chart there show the major categories of where the money went.
20 So we have \$75,000 that came out in cash withdrawals. Over on
21 the right you see \$8,000 in P-to-P. That's person-to-person
22 transfers. Those are what we saw in the bank statement; like
23 Zelle, for example. And then \$80,100 in transfers to other
24 controlled accounts.

25 Q. What do you mean by other controlled accounts?

MAR1ILO2

Palmer - Direct

1 A. I reviewed 23 bank accounts, bank statements for those
2 accounts, and reviewed the characteristics of those accounts,
3 and I found that all of those 23 accounts had at least one
4 characteristic in common with at least one other bank account
5 of those 23, and most of them -- many of them had more than one
6 characteristic in common. So those were things like the name
7 on the account, either the individual person or the company, a
8 phone number, Social Security number, an address, the fact that
9 they received money from the same account, the fact that they
10 transferred money to other of these accounts. So those 23
11 accounts that I reviewed, I sort of characterize them as
12 controlled accounts, and when I'm referring to those transfers
13 in these charts, I'm referring to transfers among those 23
14 accounts.

15 Q. And what is that gray box on the middle left of the
16 document?

17 A. That shows another sort of material income into that
18 account. So my charts are summary. I try to show what's
19 material. And so in addition to the \$149,900 that we saw from
20 the loan, another 14,500 came in in this time period, and it's
21 listed there as transfers or P-to-P from other controlled
22 accounts. So that's similar to what we saw. What we're seeing
23 coming out, that's money coming in from those other -- some of
24 those other 23 accounts back into this account ending in 8959.

25 Q. Ms. Palmer, is it fair to say that this exhibit summarizes

MAR1ILO2

Palmer - Direct

1 the flow of the Mula Apps EIDL loan?

2 A. Yes.

3 MR. FELTON: Ms. Loftus, could we please just turn
4 back to Government Exhibit 700, the original summary exhibit.

5 Q. So we just discussed the first row of this exhibit?

6 A. Yes.

7 Q. Could you read the second row of this exhibit.

8 A. Sure. On November 30, 2020, another loan came in to an
9 organization called Safe Air Charter--that was the account
10 name--at Chase Bank, account ending 5103, the user name was
11 David Dilley, and that amount was also \$149,900.

12 MR. FELTON: Ms. Loftus, let's please publish
13 Government Exhibit 161, which is in evidence.

14 Q. Ms. Palmer, what is this document?

15 A. This is another loan authorization and agreement.

16 MR. FELTON: Ms. Loftus, could you please turn to
17 page 2. And could you please zoom in on that first full
18 paragraph.

19 Q. Ms. Palmer, do you see where it says that this is a loan
20 from the SBA to Safe Air Charter, LLC, with an address in
21 Bayside, New York, in the amount of \$150,000?

22 A. Yes.

23 MR. FELTON: Ms. Loftus, could you please turn to
24 page 7.

25 And Ms. Loftus, could you please zoom in on the

MAR1ILO2

Palmer - Direct

1 signature portion. Thank you.

2 Q. Ms. Palmer, who is the signatory of this document?

3 A. This appears to have been signed by John Krokes (ph), the
4 owner-officer.

5 Q. And on what date?

6 A. On November 23, 2020.

7 MR. FELTON: Ms. Loftus, could you please publish
8 Government Exhibit 115, which is in evidence. And -- thank
9 you.

10 Q. Ms. Palmer, what is the account title of this account?

11 A. This -- again, this is another bank signature card, as we
12 saw before. This account is in the name of Safe Air Charter,
13 LLC.

14 Q. And what is the date the account was opened?

15 A. September 25, 2020.

16 Q. And what is the contact person written on the bottom?

17 A. The name, the signature is -- appears to have been from
18 David W. Dilley, listed as member.

19 MR. FELTON: Ms. Loftus, could you please turn to
20 page 10 of this exhibit. And if we could just zoom in on the
21 Deposits and Additions portion.

22 Q. Ms. Palmer, what is the deposit on November 30th?

23 A. This is a deposit on November 30th of \$149,900. You can
24 see, again, that first line, SBA and Treas 310, indicating it's
25 the government deposit coming in. You can see in the third

MAR1ILO2

Palmer - Direct

1 line in the middle that says Safe Air Charter, LLC. That is
2 the recipient of the deposit.

3 Q. And what about the transaction above that on November 18th;
4 what's that?

5 A. Just above that, you see it says quick pay with Zelle
6 payment from Mula Apps Corp. So that's, again, where these
7 P-to-P transactions I meant before, via Zelle, that's the name
8 of the app, and then it's coming from the Zelle account in the
9 name of Mula Apps Corp. for \$2,500.

10 MR. FELTON: Let's turn to Government Exhibit 702,
11 which is in evidence, Ms. Loftus.

12 Q. Ms. Palmer, what was the account balance in this Safe Air
13 Charter account before the loan came in?

14 A. You can see there the bottom of the green rectangle, the
15 preloan balance was \$1,000.

16 Q. And what, if anything, did you observe occurred with the
17 loan proceeds?

18 A. So this flow chart again in the red rectangle showed the
19 EIDL loan from SBA coming in on November 30, 2020, for
20 \$149,900, you see coming into that green rectangle account
21 ending 5103, Safe Air Charter, and then the three blue
22 rectangles, as before, represent where the money went. So in
23 this case we have \$137,000 that was transferred to controlled
24 accounts, as I described earlier, \$13,000 in cash and other
25 withdrawals, and \$1,700 net P-to-P transfers.

MAR1ILO2

Palmer - Direct

1 Q. And just doing quick math, it seems the transactions in the
2 blue effectively are the same or exceed the transaction amounts
3 in the red; is that fair to say?

4 A. Yes.

5 Q. So all the money that came in eventually came out?

6 A. Mm-hmm, yes.

7 MR. FELTON: Ms. Loftus, could you please go back to
8 Government Exhibit 700, that original summary chart.

9 Q. Ms. Palmer, could you now read the third row of this
10 document.

11 A. Sure. On March 22, 2021, into an account in the name of M2
12 Gold Jets, LLC, at HSBC Bank account ending 7974, with user
13 Jonathan Herttua, into that account went the government loan in
14 the amount of \$172,573.

15 MR. FELTON: Ms. Loftus, could you please publish
16 Government Exhibit 150, which is in evidence.

17 Q. Ms. Palmer, could you read the title of this document.

18 A. Mm-hmm. This is a SBA Paycheck Protection Loan document.

19 MR. FELTON: Ms. Loftus, could you please turn to
20 page 2.

21 And if you could zoom in on the table there.

22 Q. Ms. Palmer, what's listed as the approved loan amount?

23 A. \$172,573.

24 MR. FELTON: Ms. Loftus, could you please turn to the
25 next page, which is part of the application form.

MAR1ILO2

Palmer - Direct

1 And Ms. Loftus, if you could zoom in, I would say on
2 that sort of whole top portion.

3 Q. Ms. Palmer, what's the name of this business?

4 A. It is M2 Gold Jet, LLC.

5 Q. Who is listed as the primary contact in the middle?

6 A. Christopher Potash.

7 Q. How many employees are listed as working there?

8 A. 18.

9 Q. What's listed as the average monthly payroll?

10 A. \$69,029.50.

11 Q. And then what's -- what does it say in that activity on the
12 right, that times 2.5 plus EIDL area? Do you see that?

13 A. Yes. That is the loan amount that is \$172,573.75.

14 Q. That's the amount of the requested loan?

15 A. Yes. This is the application form.

16 MR. FELTON: Ms. Loftus, let's turn to page 5.

17 And if you could zoom in on the signature portion, on
18 the bottom.

19 Q. Ms. Palmer, who is the person who signed this document?

20 A. This appears to have been signed by Christopher Potash,
21 listed as CEO.

22 Q. And on what date?

23 A. On March 18, 2021.

24 MR. FELTON: Ms. Loftus, could you please now publish
25 Government Exhibit 132, which is in evidence.

MAR1ILO2

Palmer - Direct

1 And could you just zoom in on the bank name and on the
2 company legal name.

3 Q. Ms. Palmer, what's the company legal name?

4 A. M2 Gold Jet, LLC.

5 MR. FELTON: And Ms. Loftus, if you could just zoom
6 out. And then zoom in on the name in the middle of the page.

7 Q. What is the name of the transactional signer?

8 A. Jonathan Herttua, listed as the owner.

9 MR. FELTON: Ms. Loftus, could you please turn to
10 page 17.

11 And Ms. Loftus, could you zoom in on the account name
12 on the top left area.

13 Q. Ms. Palmer, what is the account name?

14 A. This is HSBC account in the name of M2 Gold Jet, LLC.

15 MR. FELTON: And Ms. Loftus, if you could zoom out and
16 then zoom in on the deposit activity.

17 Q. Ms. Palmer, could you direct your attention to the activity
18 on March 22, 2021, and describe for the jury what you're
19 observing there.

20 A. Sure. So you can tell this bank statement is a little bit
21 different from the other ones. It shows both deposits and
22 withdrawals. The only deposit that we see on the left column
23 of numbers is on March 22nd, and it is for \$172,573, and it's
24 listed as cash concentration Cross River Bank SBA loan.

25 Q. What do you understand that to be referring to?

MAR1ILO2

Palmer - Direct

1 A. That is the SBA loan of the application that we just saw
2 the government funding coming in.

3 Q. Before that deposit was made, are you able to determine
4 what the account balance was?

5 A. Sure. So the transaction just before that on March 9th,
6 you can tell on the balance column that the balance before the
7 loan came in was \$140.

8 Q. What happened on March 26, 2021?

9 A. On the 26th, we can see a large withdrawal coming out. So
10 that's four days after the government loan came into this
11 account, you see in the first line of the March 26th
12 transaction, it says Appsensible.com, LLC, and the last four
13 digits of that account number right next to it, 6365. You see
14 it says on the second line, JPMorgan Chase Bank, and that is a
15 wire transfer. So we see \$140,000 coming out of this account.

16 Q. What else do you see occurring on March 26, 2021?

17 A. He has a couple of small debits for food purchases.

18 Q. Did any of those seem to have occurred on March 25th?

19 MR. FELTON: Withdrawn, your Honor.

20 Q. Do you see where it says withdrawal on March 30, 2021?

21 A. Yes.

22 Q. Could you just please read the entry one row above that.

23 A. Sure. So on the 26th, I see a purchase at La Colombe, New
24 York, New York, for \$54.25.

25 Q. Does it provide any other information about that La Colombe

MAR1ILO2

Palmer - Direct

1 location?

2 A. NoHo, New York.

3 Q. And does it say 0325 as well?

4 A. Yes.

5 Q. Going back to the reference to the Appensible.com LLC
6 transfer, do you see that?

7 A. Yes.

8 Q. Are you familiar with that account?

9 A. Yes.

10 MR. FELTON: Ms. Loftus, can you please publish
11 Government Exhibit 112, which is in evidence.

12 Q. Ms. Palmer, what account does this document relate to?

13 A. This is a Chase Bank account, signature document for an
14 account in the name of Appensible.com, LLC, as you can see on
15 the top left. On the top right, you see the account number
16 ending 6365, so this is a document for the account that we just
17 saw referred to on the bank statement.

18 Q. And if you see under printed name on the bottom, do you see
19 where it lists several telephone numbers?

20 A. Yes.

21 Q. Could you just read the last four digits of that second
22 telephone number.

23 A. 0642.

24 Q. And what is the printed name?

25 A. Jonathan Herttua listed as member.

MAR1ILO2

Palmer - Direct

1 Q. And then towards the top right do you see where it says
2 Date Opened?

3 A. Yes.

4 Q. What was that date?

5 A. November 27, 2020.

6 MR. FELTON: And Ms. Loftus, can you please turn to
7 page 12.

8 And Ms. Loftus, if you could just zoom in on the
9 Deposits and Additions portion.

10 Q. Now, Ms. Palmer, you see activity on March 26th?

11 A. Yes.

12 Q. What's occurring there?

13 A. So this is from a bank statement of that App sensible.com
14 account we just mentioned. And we show on November -- on
15 March 26th, a deposit of \$140,000 coming in. You can see in
16 the first line there it says via HSBC Bank into M2 Gold Jets.
17 LLC. And the second line, you see that it says
18 App sensible.com. That's the account receiving it. So this is
19 the opposite end of the transaction we saw coming out of M2
20 Gold Jets. This is showing it coming into the App sensible.com
21 account.

22 Q. Now we'll come back to this Chase App sensible account in a
23 bit.

24 MR. FELTON: For now, Ms. Loftus, could you please
25 publish Government Exhibit 703, which is in evidence.

MAR1ILO2

Palmer - Direct

1 Q. Where in this document is the \$140,000 transfer accounted
2 for?

3 A. In that bottom left blue rectangle where we have \$142,000
4 of transfers to other controlled accounts. That is 140 of this
5 142.

6 Q. And what's the other 2,000?

7 A. I don't recall.

8 Q. How else were the M2 Gold Jet PPP loan proceeds used?

9 A. We see the 172,572 coming in in the red rectangle, coming
10 into the account in the green rectangle, and then in addition
11 to those transfers we just mentioned, \$8,000 came out in net
12 cash withdrawal and \$23,000 of other withdrawals.

13 Q. And before this PPP loan came in on March 22, 2021, what
14 was the account balance?

15 A. \$140.

16 Q. Let's turn back to Government Exhibit 700, the original
17 summary exhibit.

18 And could you please read the fourth row.

19 A. Sure. On March 25, 2021, to an account in the name of
20 Twinway Air Charter Corp., at Citibank ending 2606 with the
21 account of Gerald -- account user of Gerald Hanson. It was
22 deposited, \$20,833.

23 MR. FELTON: Ms. Loftus, could you please publish
24 Government Exhibit 152, which is in evidence.

25 Q. Ms. Palmer, what is this document?

MAR1ILO2

Palmer - Direct

1 A. This is a Small Business Administration promissory note.

2 Q. What is the amount of the loan?

3 A. \$20,833.

4 Q. What is the name of the borrower?

5 A. Nathanal Salnick.

6 MR. FELTON: Ms. Loftus, could you please turn to
7 page 10.

8 Q. Ms. Palmer, who signed for this loan?

9 A. It appears to be signed by Nathanal Salnick, sole
10 proprietor.

11 Q. On what date?

12 A. On March 23, 2021.

13 MR. FELTON: Ms. Loftus, could you please turn to
14 page 11, the application.

15 Q. And Ms. Palmer, what is the name of the business legal
16 name?

17 A. The business legal name is Nathanal Salnick.

18 Q. And do you see where it says d/b/a or trade name, if
19 applicable, up to the top and right of that?

20 A. Yes. So above that is, the business is doing business as
21 Twinway Air Charter.

22 Q. And what is listed as the total amount of gross income?

23 A. The gross income is listed as \$890,395.

24 MR. FELTON: Ms. Loftus, could you please publish
25 Government Exhibit 121, which is in evidence.

MAR1ILO2

Palmer - Direct

1 And could you please zoom in on the top 1/3 of this
2 page.

3 Q. Ms. Palmer, what is the business name associated with this
4 Citibank account, if you see that in the top right corner
5 there?

6 A. This is an application from the business name of Twinway
7 Air Charter Corp.

8 Q. Who was listed as the primary contact on this document?

9 A. Gerald Hanson.

10 Q. And what appears to be the annual gross revenue listed on
11 this document?

12 A. This lists \$3 million as the annual gross revenue.

13 MR. FELTON: Ms. Loftus, if we could keep this portion
14 of the exhibit up of Government Exhibit 121 and also publish
15 Government Exhibit 152 so that they're side by side.

16 Thank you.

17 Q. Now, Ms. Palmer, are both of these documents relating to
18 Twinway Air Charters Corp.?

19 A. Yes.

20 Q. Does the document on the left, Government Exhibit 152,
21 claim that someone named Nathanal Salnick is the sole
22 proprietor and 100 percent owner of the business?

23 A. Yes, this page shows him as the borrower.

24 Q. Does Government Exhibit 121 instead list someone named
25 Gerald Hanson as the contact for the business?

MAR1ILO2

Palmer - Direct

1 A. It does.

2 Q. On the left does Government Exhibit 152 --

3 MR. FELTON: If we could just go to maybe the second
4 page of Government Exhibit 152. Keep scrolling down, please.

5 Yes, this page. Thank you, Ms. Loftus.

6 Q. Do you see where it says in Government Exhibit 152, page
7 11, that \$890,395 is the business's total gross income?

8 A. Yes.

9 Q. How about looking to the right, Government Exhibit 121, do
10 you see where it lists an annual gross revenue, in the top of
11 that document?

12 A. Yes, so the --

13 MR. FELTON: Could we please just blow up the annual
14 gross revenue. Thank you.

15 Q. And what is that number listed as?

16 A. This is showing the bank -- the account application for the
17 bank shows Twinway Air Charter Corp. with an annual gross
18 revenue of \$3 million, and the Paycheck Protection Program
19 application on the left for Twinway Air Charter shows the gross
20 income as just over \$890,000.

21 MR. FELTON: And if we could just now pull up
22 Government Exhibit 121 only. And go to page 3, Ms. Loftus.

23 And could you please zoom in on the account opening
24 information.

25 Q. Who is listed as the signature -- signatory here?

MAR1ILO2

Palmer - Direct

1 A. This appears to be signed by Gerald Hanson, listed as
2 president.

3 Q. And on what date?

4 A. On September 28, 2020.

5 MR. FELTON: Ms. Loftus, could you please publish
6 Government Exhibit 704, which is in evidence.

7 Q. Ms. Palmer, how did you observe the funds from this loan
8 being used?

9 A. So this shows the PPP loan of \$20,833 in the red coming
10 into that Citibank checking account ending in 2606 in the name
11 of Twinway Air Charter Corp., and the two major categories of
12 where the money went out of this account were \$9,000 of
13 transfers to controlled accounts and \$15,000 of cash
14 withdrawal.

15 Q. And what was the preloan balance before the PPP loan came
16 in?

17 A. \$125.59.

18 Q. And did ultimately more money leave the account than came
19 in from the PPP loan?

20 A. Yes.

21 MR. FELTON: If we could just go back now to
22 Government Exhibit 700.

23 Your Honor, in light of the timing, I would just
24 inquire of the Court if you'd like me to keep going or --

25 THE COURT: I was trying to keep you going to get

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Palmer - Direct

1 through the five loans. Do you have more than that?

2 MR. FELTON: I do. There are some exchanges between
3 the accounts and other summary charts. So there is a fifth
4 loan, but there is maybe 20 minutes more after that.

5 THE COURT: All right. Let me just see what the
6 jury's preference is. We can go off the record.

7 (Discussion off the record)

8 THE COURT: All right. Let's keep going. Thank you
9 all very much.

10 MR. FELTON: Thank you, your Honor.

11 BY MR. FELTON:

12 Q. Now, Ms. Palmer, could you just read the fifth row here.

13 A. Sure. The fifth line represents that on May 19, 2021, into
14 an account in the name of BRS Consulting Corp., at Capital One,
15 account ending 8262, the account user of Jonathan Herttua was
16 deposited a loan in the amount of \$531,218.

17 MR. FELTON: Ms. Loftus, could we please publish
18 Government Exhibit 154, which is in evidence, and turn to
19 page 3.

20 Q. Ms. Palmer, what is this document?

21 A. This is an SBA promissory note.

22 Q. And what is the loan amount?

23 A. \$531,218.

24 Q. Who is the lender?

25 A. Capital One.

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1 Q. Who is the borrower?

2 A. BRS Consulting Corp.

3 Q. And what is the date?

4 A. May 15, 2021.

5 MR. FELTON: Ms. Loftus, could we please turn to
6 page 6.

7 And please zoom in on the signature area.

8 Q. Ms. Palmer, who is listed as the signer here?

9 A. This appears to have been signed by Jonathan Herttua,
10 listed as CEO, on May 16, 2021.

11 MR. FELTON: Ms. Loftus, could we please publish
12 Government Exhibit 705, which is in evidence.

13 Q. And Ms. Palmer, could you just walk us through this
14 exhibit.

15 A. Sure. This is the BRS Consulting loan. We see the amount
16 of \$531,218 coming in in the red rectangle from the SBA, into
17 the Capital One checking account ending 8262 there in green,
18 and then three major areas where this money flowed was \$406,000
19 into Coinbase, \$100,000 to a specific named individual, and
20 \$22,000 of transfers to controlled accounts and cash
21 withdrawals.

22 Q. Before we look at Coinbase and some of that other activity,
23 let's take a quick look at this Capital One account.

24 MR. FELTON: Ms. Loftus, could you publish Government
25 Exhibit 102, which is in evidence.

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1 Q. And Ms. Palmer, what is the name on this account?

2 A. Jonathan Herttua and BRS Consulting Corp.

3 Q. What are the last four digits of the debit card number?

4 A. 5953.

5 MR. FELTON: Ms. Loftus, let's turn to page 50.

6 And if we could just zoom in on the account detail
7 information, the bottom half of the page.

8 Q. Ms. Palmer, do you see any withdrawals to Coinbase here?

9 A. I do. I do. On May 19th, we see a withdrawal of \$25,000
10 to Coinbase; on May 20th, we see another \$25,000 to Coinbase;
11 and on May 21st, another \$24,800 to Coinbase.

12 Q. To your knowledge, what is Coinbase?

13 A. Coinbase is a virtual currency exchange, so virtual
14 currency, digital currency, cryptocurrencies -- probably heard
15 of Bitcoin. That's the main one. This is an exchange where
16 people can open an account and buy and sell and send and
17 receive virtual currencies. So you connect it to a traditional
18 bank account, in this case this Capital One account, and you
19 can send money to that Coinbase account and also withdraw money
20 from Coinbase and put it back into your traditional bank
21 account.

22 MR. FELTON: Thank you, Ms. Loftus. You can take the
23 exhibit off the screen.

24 Q. Ms. Palmer, we've looked at a number of different bank
25 accounts so far, and you've mentioned transfers to controlled

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1 accounts. Approximately how many accounts again did you review
2 that transfers were made between?

3 A. I reviewed 23 accounts.

4 Q. Approximately how many transfers did you observe in total?

5 A. I counted over 140 transfers from one account to another
6 among those 23 accounts.

7 Q. And how long a time period, approximately?

8 A. In around a year.

9 Q. Let's go to Government Exhibit 102, which is in evidence,
10 the BRS Consulting account.

11 MR. FELTON: Ms. Loftus, please turn to page 36. I'm
12 sorry.

13 Q. And Ms. Palmer, what sorts of transactions occurred in
14 December 2020?

15 A. This is the bank statement for that BRS Consulting Corp.
16 account that we just saw the money coming into. In December of
17 2020, we see ATM withdrawals frequently. So starting on the
18 4th, a thousand dollars; another thousand dollars on the 4th;
19 we see 2,000, 2,000, another \$2,000, ATM withdrawals. Again,
20 these are cash withdrawals. I see also \$9,000 customer
21 withdrawal on December 8th.

22 Q. Do you see where it notes ATM withdrawals?

23 A. Yes.

24 Q. Where are those ATMs located?

25 A. We have -- they're all in New York.

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1 MR. FELTON: Let's turn to page 42 of this same
2 exhibit.

3 And if you could just zoom in on the account detail,
4 Ms. Loftus.

5 Q. What sorts of deposits does this account receive in
6 February 2021?

7 A. So the same account, February 2021, we have cash deposits
8 coming in. So you see in the Deposits/Credits column, starting
9 with a couple of ATM cash deposits for several thousand
10 dollars, over 8,000, over 4,000 coming in, we have a transfer
11 from another account, that's in one of these transfers among
12 the controlled accounts, more cash deposits. On the 8th, 9th,
13 and 10th, we see four more ATM cash deposits coming in of
14 several thousand dollars.

15 Q. And what about the withdrawals?

16 A. On the withdrawals side, we see money going out to
17 Coinbase. So the 4th and 5th, we have two withdrawals for
18 \$500, \$15,000 going to Coinbase on the 8th, on the same day,
19 another \$300 going to Coinbase.

20 MR. FELTON: Let's go back to Government Exhibit 113,
21 the Mula Apps account, which is in evidence, Ms. Loftus. And
22 let's turn to page 23.

23 If we could just zoom in on the checking summary.

24 Q. Ms. Palmer, what does this account summary show happens in
25 this account during this month?

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1 A. This shows the beginning balance of under \$60 in the
2 account, we see a hundred -- a little over \$165,000 coming in,
3 and then between the ATM debit card and electronic withdrawals,
4 about \$165,000 coming out, leaving an ending balance of \$40, a
5 little bit less than the beginning balance.

6 MR. FELTON: Ms. Loftus, could we zoom out and just
7 zoom in on the time frame on the top of this page.

8 Q. So does that activity summary you just mentioned refer to
9 this time period here of January 30th to February 26th, 2021?

10 A. Yes.

11 MR. FELTON: Ms. Loftus, could we please turn to the
12 next page.

13 And zoom in on the Deposits and Additions.

14 Q. Again, Ms. Palmer, what are the ATM cash deposits here?
15 What's happening there?

16 A. So this -- in a period from the 1st of February to the 26th
17 of February, you see, just by looking at it, several ATM cash
18 deposits. They are different locations around New York. They
19 are clumped together.

20 So for example, on February 2nd, we have three ATM
21 cash deposits at the same location for over \$2,000; on the 3rd,
22 we see several ATM cash deposits at at least three -- three
23 different locations, for several thousand dollars; and we see
24 repeated this pattern of several ATM cash deposits the same
25 days, and then over the month, you see how many locations. And

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1 within this month, at the bottom you see a total of \$165,000
2 being deposited in cash, mostly cash.

3 Q. On February 3rd, do you see where, among other locations,
4 there are cash deposits at a Hillside Avenue location in
5 Jamaica, New York?

6 A. Yes.

7 Q. Do you also see other activity occurring at that Hillside
8 Avenue location in Jamaica, New York, on February 23rd?

9 A. Yes.

10 MR. FELTON: Ms. Loftus, could we please turn to
11 page 25.

12 And could you just zoom in on the electronic
13 withdrawals.

14 Q. Ms. Palmer, what's occurring here?

15 A. This shows two types of transactions. So the beginning of
16 first several transactions show transfers to another bank
17 account. They're all transferred to checking account ending
18 6365. You see the amounts varying from \$25,000 and two of them
19 for \$20,000, each within a matter of three days. And then we
20 see on the February 8th we have two transfers to Coinbase for
21 \$300 and for \$50.

22 MR. FELTON: And Ms. Loftus, if we could go down to
23 the next page.

24 And just zoom in on the top, Electronic Withdrawals
25 portion.

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1 Q. Ms. Palmer, is this just a continuation of additional
2 electronic withdrawals in that month?

3 A. Yes.

4 Q. What, if anything, do you notice about the account number
5 of those transactions from February 11th through February 24th?

6 A. These are all transfers to account ending 6365.

7 Q. Is that the same account number we saw on the previous
8 page?

9 A. Yes.

10 Q. Do you know what that account is?

11 A. That's the Appensible.com, LLC account.

12 MR. FELTON: Ms. Loftus, could you please display that
13 Appensible 6365 account, Government Exhibit 112, which was
14 previously displayed and is in evidence.

15 And could you just -- thank you, Ms. Loftus.

16 Q. What are the last four digits of the account number,
17 Ms. Palmer?

18 A. 6365.

19 Q. What's the account title?

20 A. Appensible.com, LLC.

21 Q. And if you look at the printed name, what is that?

22 A. It appears to have been signed by Jonathan Herttua as
23 member.

24 Q. And again, what are the last four digits of that second
25 telephone number?

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Palmer - Direct

1 A. 0642.

2 MR. FELTON: Ms. Loftus, could we please turn to
3 page 12.

4 And zoom in to the Deposits and Additions portion.

5 Q. Ms. Palmer, what deposits came in this month?

6 A. In this month you see three transfers coming in from
7 account ending 8959 for 18,000, 3,000, and \$20,100; and then we
8 also see, on the 26th, from HSBC Bank, \$140,000 coming in that
9 we looked at before.

10 MR. FELTON: Ms. Loftus, can you turn to the next
11 page, page 13.

12 And zoom in on the Electronic Withdrawals portion.

13 Q. Now, Ms. Palmer, what electronic withdrawals took place
14 here?

15 A. Okay. So these are the withdrawals that came out in the
16 month of March after all that money had just come in that we
17 just looked at, so we see online transfers to other accounts,
18 we see money going out to account 8959 for a thousand dollars,
19 \$50,000. And we also see three transfers out to Robinhood. On
20 March 4th, you see \$20,000 going out; March 17th, another
21 20,000; and on March 29th, \$50,000 going to Robinhood.

22 Q. What is Robinhood, to your knowledge?

23 A. Robinhood is an investment platform. Similar to Coinbase,
24 you can buy and sell cryptocurrencies; you can also buy and
25 sell the more traditional stocks.

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Palmer - Direct

1 Q. Ms. Palmer, what were the main investment accounts or
2 nontraditional accounts that you reviewed?

3 A. Sure. There are three that we looked at that were outside
4 of regular checking and savings accounts. So the Coinbase that
5 we mentioned, Robinhood, and Charles Schwab.

6 Q. Ms. Loftus, could you please publish Government?

7 MR. FELTON: Exhibit 252, which is a Coinbase record
8 that is in evidence.

9 And once it's opened, please zoom in to the top left.
10 Actually, no, that's fine.

11 Q. Ms. Palmer, do you see the name of the user?

12 A. Yes. It says Jonathan Herttua.

13 Q. And an email?

14 A. Mm-hmm. Appserdinc@gmail.com.

15 Q. And a date and time it was created?

16 A. This shows that the Coinbase account was created on
17 January 8, 2021.

18 MR. FELTON: Ms. Loftus, could you scroll down to row
19 50, please.

20 Q. What are the last four digits of that phone number there in
21 Roe 50?

22 A. 0642.

23 MR. FELTON: If you could also scroll down to rows 60
24 through 62, Ms. Loftus.

25 Q. What bank accounts, Ms. Palmer, were cited here?

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1 A. This shows that, attached to the Coinbase account, as I
2 mentioned, you can connect your regular banking account to
3 Coinbase, and so this shows the Chase account ending 8959, and
4 the Capital One account ending 8262.

5 MR. FELTON: And if we, Ms. Loftus, scroll up to rows
6 23, 25, and 26.

7 Q. Ms. Palmer, how, if at all, does this account appear to be
8 verified?

9 A. This appears that Coinbase verified the account with
10 driver's license and photo identification in the name of
11 Jonathan Herttua.

12 MR. FELTON: Ms. Loftus, could you please publish
13 Government Exhibit 253, which is in evidence, which is a
14 Coinbase file associated with the account we were just looking
15 at.

16 Could you zoom in on the photograph.

17 Q. Ms. Palmer, what does this appear to be?

18 A. This is the image that Coinbase provided related to that
19 line in Excel we just saw. This is a New Jersey identification
20 in the name of Jonathan Herttua.

21 Q. And this was submitted for account verification purposes;
22 is that your understanding?

23 A. Correct.

24 MR. FELTON: Ms. Loftus, could you please turn to
25 Government Exhibit 351, which is in evidence.

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Palmer - Direct

1 Q. And this is a record from Robinhood, Ms. Palmer.

2 MR. FELTON: Ms. Loftus, could you zoom in on the left
3 side, bottom half.

4 Q. Ms. Palmer, can you please read the name of the account
5 user.

6 A. Sure. It's Jonathan Herttua.

7 Q. And what are the last four digits of the phone number
8 listed there?

9 A. 0642.

10 MR. FELTON: Ms. Loftus, could you please turn to
11 page 7. And zoom in just the text, please.

12 Q. Ms. Palmer, what bank account is associated with the
13 Robinhood account?

14 A. The bank account ending 6365, which is the Appensible.com
15 account.

16 Q. And who is the bank account holder name?

17 A. Jonathan Herttua.

18 MR. FELTON: Thank you, Ms. Loftus.

19 Could you please publish Government Exhibit 708, which
20 is also in evidence.

21 Q. All right. So Ms. Palmer, taking a step back, just looking
22 at this document, please walk us through what this shows.

23 A. Sure. So this is a summary flow chart of all that money
24 that we just talked about. The red rectangle shows the total
25 of the SBA money coming in, over \$1,024,000, from November 20th

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Palmer - Direct

1 to May -- from November 2020 through May 2021, going into those
2 five recipient bank accounts that we discussed, detailed in the
3 green. And this shows sort of two layers of movement of money.
4 The first movement that we've discussed most, a lot of this
5 detail, shows the major categories, starting from the left,
6 500,000 went to Coinbase, 570,000 was transferred to other
7 accounts, \$30,000 went to Charles Schwab, \$100,000 went to a
8 named individual, and 14,500 went to unidentified recipients or
9 other accounts.

10 In that second darker blue layer discussing
11 specifically those transfers to controlled accounts, I
12 mentioned before how there were over 140 transfers among all
13 these accounts. So of that \$570,000, the money moved again and
14 230,000 went to Robinhood, 115,000 were continued transfers to
15 other accounts, 1,000 more went to Coinbase, 10,000 more went
16 to Charles Schwab, and 5,000 more to unidentified other
17 recipients or accounts.

18 Q. And so I'm clear, this bottom row in darker blue, that all
19 stems from transfers to controlled accounts row or entry
20 thereto, right?

21 A. Correct. So the darker blue is all coming out of the
22 \$570,000 in the lighter blue line.

23 Q. So Robinhood, for instance, only comes out of the transfers
24 to controlled accounts but not the five recipient accounts
25 directly.

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1 A. Correct. So the green accounts that we discussed in detail
2 are in that -- were the ones that received money directly,
3 right, and we showed before that money went to the
4 Appensible.com account indirectly from the SBA accounts, as
5 through these five, and then from there, 230 went into
6 Robinhood.

7 MR. FELTON: Ms. Loftus, could you please publish
8 Government Exhibit 709. Final exhibit.

9 Q. Ms. Palmer, what are you trying to show with this exhibit?

10 A. This is just another visual to show you in general where
11 all that money went. So of the over million dollars of
12 government money that went into these five accounts, at the end
13 of the day, over \$480,000, 47 percent or so, went to Coinbase,
14 230,000 into Robinhood, again, that \$100,000 to individual, and
15 the sort of the smaller categories, 40,000 going into Schwab
16 and other just -- almost \$60,000 of net cash withdrawals. So
17 of all that million dollars, \$1,024,000, 69 percent of it or so
18 went to Coinbase and Robinhood, a few \$10,000 in debit
19 purchases.

20 MR. FELTON: One moment, your Honor?

21 THE COURT: Sure.

22 MR. FELTON: No further questions.

23 THE COURT: All right. Thank you.

24 All right. So we're going to break for the day now.

25 We'll pick up with cross in the morning.

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1 Ms. Palmer, you remain under oath, so please do not
2 discuss your testimony with anybody over the evening recess.
3 All right?

4 Ladies and gentlemen, thank you very much for sticking
5 with us so we could finish up the direct. Please leave your
6 notebooks either on your chairs or in the jury assembly room,
7 whichever you'd prefer. And I remind you again please do not
8 discuss the case. Please do not do any research on the case.
9 And please have a good evening, everyone.

10 So just to update you, our expectation is that we will
11 finish the evidence tomorrow. It's my hope that I will be able
12 to give you my instructions on the law tomorrow, although I
13 can't guarantee that. But that is our hope and our
14 expectation. And once I do that, then you'll begin
15 deliberating. All right?

16 So have a good evening, everybody. Thank you very
17 much. 9:30 tomorrow morning.

18 (Jury not present)

19 THE COURT: All right. Ms. Palmer, you may step down.
20 Thank you. And everyone else, please be seated.

21 Do we have any updates with respect to Mr. Recamier?

22 MS. MURRAY: He's confirmed with the Marshals to be
23 coming tomorrow, your Honor.

24 THE COURT: Okay. All right. So you've told
25 Mr. Greenwald in the morning, Mr. Brill?

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1 MR. BRILL: I did, your Honor. Just, I guess we
2 should figure out exactly what I should tell him now.
3 Government has a couple more witnesses, it looks like.

4 THE COURT: Well, I think after this there's one
5 remaining witness, right?

6 MS. MURRAY: Mr. Bateman was one of the short
7 witnesses today. We moved Ms. Palmer up to try to get her
8 direct completed. Mr. Bateman is going to be maybe 15 to 20
9 minutes, and then Special Agent Hezir is the government's last
10 witness and, as I mentioned, maybe two and a half to three
11 hours, at most. He's a summary witness. He's bringing in a
12 lot of electronic evidence. But we will move as expeditiously
13 as possible, and we'll see how we're able to slim that down, if
14 at all.

15 THE COURT: You probably want to work on it a little
16 bit tonight because as I said, the evidence needs to conclude
17 tomorrow.

18 MS. MURRAY: Yes. Understood, your Honor. Are you
19 anticipating closing arguments tomorrow as well?

20 THE COURT: I had hoped, but it doesn't look like
21 that's likely to happen.

22 MS. MURRAY: Okay. I just wanted to clarify. The
23 government's case in chief, we will certainly rest tomorrow.
24 There's no question.

25 THE COURT: Yes. But there is more to the case, as

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1 you know, and as we've been discussing, you represented you
2 thought the week would suffice. So you might want to see what
3 you can do tonight.

4 MS. MURRAY: Just -- and I apologize, your Honor. I'm
5 just not maybe following. But if the government ends its case
6 in chief and the defense case ends tomorrow, is it the Court's
7 contemplation that closing arguments would also be completed
8 tomorrow as part of the evidence?

9 THE COURT: Well, I think you need to be prepared to
10 go, because I just can't gauge how long things are going to go
11 based on the representations that you're making to me.

12 So the next question I have, though, is: Mr. Brill,
13 assuming Mr. Recamier gets here tomorrow morning, are you
14 wanting to continue with all of the government's case and then
15 deal with this issue of whether he's going to invoke? Or my
16 thought was that we would deal with him first thing in the
17 morning. If he's going to invoke, we might as well know that.
18 If he's not, then I suppose it creates an issue for the
19 Marshals. We'll have to have him in a holding cell until
20 you're ready for him.

21 MR. BRILL: I'll certainly be guided by the Court,
22 your Honor. I think the government had previously stated a
23 preference to finish its case before we dealt with that, but
24 obviously that's -- we defer to you. I just still am a little
25 unclear about what the government's estimate is. The cross of

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1 this witness is not going to be very long.

2 THE COURT: Okay.

3 MR. BRILL: So then the question is really in terms
4 of -- Bateman I understand will be quite short.

5 THE COURT: And then they told me two and a half to
6 three hours, and I'm suggesting they need to try to crisp it
7 up.

8 MS. MURRAY: Understood, your Honor. We will do what
9 we can. This is an important summary witness who's bringing in
10 significant electronic evidence tied directly to Mr. Ilori and
11 devices that were recovered from him at his arrest, but we
12 certainly will.

13 In any event, given the timing, barring an unforeseen
14 delay with the jury and/or if we handle Mr. Recamier in the
15 morning and that starts us off late, the government fully
16 believes it will be resting before lunchtime.

17 MR. BRILL: So it's probably going to be right at
18 lunch.

19 THE COURT: Seems like it.

20 MS. MURRAY: That's correct.

21 MR. BRILL: So I can either tell Mr. Greenwald to be
22 here first thing and then the jury will be waiting, assuming
23 they get here on time.

24 THE COURT: Well, that's why I've told them 9:30 and
25 thought --

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1 MR. BRILL: Right. Or we can deal with it at the
2 lunch hour.

3 THE COURT: Maybe the Marshals can help me with this.
4 I mean, I assume he's being brought here in the morning, that
5 you don't have an option for him to show up in the afternoon.

6 THE MARSHAL: That's normally the case, your Honor.

7 THE COURT: That's normally the case. Yeah. So are
8 you able to just hold him then?

9 THE MARSHAL: I would believe so. I'll check with
10 management and get back to the AUSA and let them know.

11 THE COURT: That's really the determinative factor,
12 Mr. Brill. If he can wait, then we can proceed with the
13 government's case and get it finished.

14 MR. BRILL: Generally when I have afternoon
15 appearances, my clients are usually produced in the morning and
16 just sit here.

17 THE COURT: Just?

18 MR. BRILL: Sit here.

19 THE COURT: Sit here. All right. So I'm fine doing
20 that if that's your preference, and then you can tell
21 Mr. Greenwald to be here right after the lunch break tomorrow
22 and we'll deal with this.

23 MR. BRILL: Maybe I'll tell him just to be here at 1
24 so in case if they rest, we might be able to hit it right then.

25 THE COURT: Sure. That's fine. And then we'll deal

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1 with that issue. And if he's going to invoke, then it's my
2 understanding there is no other evidence that the defense
3 wishes to offer, right?

4 MR. BRILL: Obviously Mr. Ilori always has the option,
5 and I have to consult with him --

6 THE COURT: Of course. Yes.

7 MR. BRILL: -- at the very end --

8 THE COURT: Yes.

9 MR. BRILL: -- and then ask the Court to make a brief
10 inquiry.

11 THE COURT: Absolutely.

12 MR. BRILL: Thank you, your Honor.

13 THE COURT: But then if that's what transpires, if the
14 government finishes its case right before lunch and then we
15 deal with Mr. Recamier and he invokes, and Mr. Ilori opts not
16 to testify, you should be prepared to go into summations.

17 MS. MURRAY: Yes, your Honor. And just to be clear,
18 so then after lunch, after Mr. Recamier invokes, presumably, we
19 would do the charge conference and then summations?

20 THE COURT: Yes. Well, the one thing -- that's the
21 next thing I want to talk to you all about. It's my
22 understanding that the proposed charges as I have them now are
23 on consent, correct?

24 MR. BRILL: Yes, your Honor.

25 MS. MURRAY: Yes, your Honor.

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1 THE COURT: All right. So you ought to be looking at
2 them tonight to see if there are any modifications you want to
3 propose, including you have bracketed things saying "if
4 applicable." Obviously you don't know fully until we get to
5 the close of the case, but I think you have a general sense.
6 And let me know where we're at. But yes, then we'll have a
7 charging conference, which doesn't need to be very long, unless
8 there are some new problems. Correct?

9 MS. MURRAY: Yes, your Honor. We don't foresee any.
10 We will absolutely be prepared for summations tomorrow.

11 THE COURT: Okay. Mr. Brill, is that accurate in
12 terms of what you're envisioning? In other words, not a need
13 for a very long charging conference.

14 MR. BRILL: Agreed.

15 THE COURT: Okay. All right. So that's the tentative
16 game plan for tomorrow.

17 All right. I really would like to finish with at
18 least what you need to do tomorrow. If I could charge the
19 jury, you heard me tell them, I'd like to try to charge them.
20 I'm not convinced that's going to happen, but we'll see.

21 MS. MURRAY: Understood. Again, your Honor, we do
22 anticipate that we will be resting by lunch, and given that
23 there aren't so many variables with just a very short witness
24 and a known witness, I have no reason to believe we won't be
25 able to do that, barring anything unforeseen.

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1 THE COURT: All right. So that's where we're at. I
2 mean, my only reason for kind of holding off on the Greenwald
3 issue is if we have some of the jurors late in the morning, we
4 could deal with this in the morning.

5 MS. MURRAY: Your Honor, one proposal, if I may,
6 subject to obviously the Court and the court reporters'
7 availability, we'd be happy to start earlier than 9:30, if
8 Mr. Recamier were available and if we could try to handle --

9 THE COURT: I doubt he's going to get here before
10 9:30. Is that likely?

11 THE MARSHAL: It's unlikely.

12 THE COURT: Yeah. That's what I assumed.

13 MS. MURRAY: Thank you, your Honor.

14 THE COURT: I mean, you know, in theory we could do
15 the charging conference, but I shouldn't really do that till
16 you finish with your evidence. So I don't really know that
17 there's anything we can accomplish. I thought about that, and
18 I appreciate the thought, but I don't really know what we can
19 do before 9:30. So I don't know how cooperative Mr. Greenwald
20 is prepared to be. But as I say, if a juror is late, we could
21 deal with that issue, so that we don't lose more time.

22 MR. BRILL: I think I just have to inquire (A) if he
23 can come at 1 --

24 THE COURT: Well, better yet, why don't you inquire if
25 he can come at 9:30.

MAR1ILO2

1 MR. BRILL: That's what he was prepared to do
2 previously.

3 THE COURT: Or 9:00 even, and go as soon as we're all
4 here and ready in case some of the jurors aren't here, and then
5 would he be willing to leave and come back at 1 if we're ready
6 to move forward with the actual evidence. I mean, I know it's
7 an imposition on him.

8 MR. BRILL: I can ask.

9 THE COURT: Okay. And then if you just let us know,
10 Mr. Brill.

11 MR. BRILL: Yes, your Honor.

12 THE COURT: All right. I appreciate it. I'm just
13 trying to make maximum use of each minute of the time we have
14 available.

15 All right. So then we'll stand adjourned, and we'll
16 wait to hear from you, Mr. Brill, on how flexible Mr. Greenwald
17 will be. Okay? Thank you very much.

18 ALL COUNSEL: Thank you, your Honor.

19 THE COURT: Have a good night, everyone.

20 (Adjourned to October 28, 2022, at 9:30 a.m.)
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