UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	.	Criminal No. 1:21mj52
	.	
vs.	.	Alexandria, Virginia
	.	February 23, 2020
BENJAMIN SAKYI,	.	2:17 p.m.
	.	
Defendant.	.	
	.	
. . . . .	.	

TRANSCRIPT OF DETENTION HEARING
BEFORE THE HONORABLE MICHAEL S. NACHMANOFF
UNITED STATES MAGISTRATE JUDGE
(Via ZoomGov Videoconference)

APPEARANCES:

FOR THE GOVERNMENT:
CHRISTOPHER R. COOKE, SAUSA
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Alexandria, VA 22314

FOR THE DEFENDANT:
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(Pages 1 - 40)

Government Exhibit 2 Case 20-CR-4066-LTS

(Proceedings recorded by FTR Gold electronic sound recording, transcript produced by computerized transcription.)

I N D E X

	DIRECT	CROSS
WITNESS ON BEHALF OF THE GOVERNMENT:		
SA Michael Gentry, Jr.	8	14

EXHIBITS

	MARKED	RECEIVED
GOVERNMENT'S:		
No. 2		14

THE DEFENDANT: Yes, sir.

THE COURT: Thank you. Very good.

And, Mr. Cooke, I assume you can see him, and you may proceed.

MR. COOKE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. COOKE:

Q. Special Agent Gentry, could you please just state and spell (inaudible)?

A. I'm sorry, you cut off. Could you repeat that?

Q. Could you please state and spell your name?

A. Yes. Michael, M-i-c-h-a-e-l, Gentry, G-e-n-t-r-y.

Q. And how are you employed?

A. I am a special agent with the Internal Revenue Service, Criminal Investigation.

Q. And how long have you been so employed?

A. Approximately almost seven years.

Q. And can you just describe briefly some of your duties in your employment?

A. I conduct investigations involving violations of the -- Title 26, the Internal Revenue Code, as well as violations in Title 18 related to the financial statutes.

Q. Thank you. And are you the primary agent assigned to the matter in the court today?

A. Yes, I am.

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Q. Okay. Thank you.

As part of your investigation into the defendant's conduct, did you review documents relating to the defendant (inaudible)?

A. Yes, I have.

Q. Could you please tell us the name of the two businesses, the defendant's two businesses that you are aware of?

THE COURT: Mr. Cooke, I'm sorry to interrupt you, but it's a little bit difficult to hear you, and it may be that the audio on your device is breaking up. If there's a way to be close to the device, that may help.

MR. COOKE: I'm also hearing, Your Honor, a little feedback in the jail. I, I know we've had that before. It echoes within the room and comes back to the microphone.

THE COURT: Mr. Sakyi, if you can press the mute on your button? Very good, thank you. That will -- that should help us.

Go ahead. You may proceed, Mr. Cooke.

MR. COOKE: Thank you, Your Honor.

Q. Special Agent Gentry, could you tell us the name of the defendant's two businesses that you are aware of?

A. Yes. Blue Flight Logistics LLC and NKB Enterprise LLC.

Q. And did you review bank accounts and other financial documents for those businesses in your investigation?

A. Yes, I did.

Jennifer Ann Dierks, CSR, RMR, CRR (703)299-8595

Q. Is Mr. Donald Trosin one of the individuals that you identified had transmitted funds to the defendant's businesses?
A. Yes, he did.
Q. Approximately how much money did Mr. Trosin send to accounts controlled by the defendant?
A. $910,000.
Q. Did the defendant ever tell you how or whether he knew Mr. Trosin?
A. He stated he did not, did not know who Mr. Trosin was.
Q. And based on your investigation, is that consistent with what the defendant told other individuals about his relationship with Mr. Trosin?
A. No, it is not.
Q. What do you know that he said about his relationship with Mr. Trosin to other individuals?
A. He represents other individuals, but Mr. Trosin had lent money to, to Mr. Sakyi, and Mr. Trosin was holding some trucks as collateral, and Mr. Sakyi was making monthly repayments of $50,000.
Q. All right. In your investigation, did you observe any instances in which the defendant or one of his businesses transmitted funds to a Mr. **[FA]**, or businesses controlled by a Mr. **[FA]**?
A. Yes.
Q. Could you please describe those transactions?

A. From, from one bank account, one transaction involved two $9,000 cashier's checks, and then another transaction was conducted where a $40,000 cashier's check was purchased. Those were both -- all three of those cashier's checks were payable to Fog Logistics, LLC, and then in another bank accounts, it was a 20- -- I believe it was a $23,160 cashier's check that was payable to **[FA]**.

Q. Okay. Are you aware of any charges against Mr. **[A]**?

A. Yes, I am.

Q. What, what do those charges involve? What do you know about those charges?

A. He was indicted with a group of individuals in the Southern District of New York for a money laundering conspiracy, I think, and then wire fraud as well, and then there were some additional charges as well.

Q. Did those charges involve large sums of money, and were those, were those, those sums of money moved offshore?

A. Yes, that's my understanding.

MS. ROBIN: Your Honor, I'm just going to object to the leading nature of the question. I recognize I'm a little bit late on the uptake but --

THE COURT: All right. I'll overrule the objection, but, Mr. Cooke, try and focus your questions in an appropriate way.

MR. COOKE: Understood, Your Honor. Thank you.

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Q. Agent Gentry, is -- do you recall any of the countries to which money was moved in the indictment that Mr. **[A]** is involved?

A. Yes. The money was moved to Ghana.

Q. Okay. Have you reviewed in your investigation any travel records for Mr. Sakyi, the defendant?

A. Yes, I have.

Q. Could you explain or describe any recent travel that the defendant has engaged in?

A. Yes. I want to say from -- I think he departed the United States late November of 2020 and then returned to the United States on December 16, 2020, and flew out of the United States on December 18, 2020, and returned on January 17 of 2021.

Q. Okay. Thank you.

And in your investigation, did you see if the defendant moved any funds overseas himself in any of his transactions?

A. I do not recall any funds moving overseas in any of his bank accounts.

Q. Or if not through his bank accounts, did he make any transactions with cashier's checks or any other type -- types of money transfers to individuals or entities in other countries?

A. Yes. There were some cashier's checks that he purchased that were payable to Sure Good Foods Ltd., which is a company

based out of Canada.

Q. Okay. Just one last set of questions. Special Agent Gentry, I previously provided to the Court, to you, and defense counsel a copy of an intake application, and that, that document was an intake application for Blue Flight Logistics. Did you see on that document who was, who was listed as the owner?

A. Yes, I did. It was -- the owner was listed as **[EAD]**.

Q. Okay. And you reviewed Virginia state records for Blue Flight Logistics?

A. Yes, I did.

Q. Do you recall what year the Virginia state records reflect that that company was created?

A. Yes. It was 2018.

MR. COOKE: Okay. Your Honor, I think those are the only questions that the government has at this time. We would move the document into evidence that's Exhibit 2. We previously provided that to Your Honor and to defense counsel via e-mail given the situation.

THE COURT: Thank you.

Ms. Robin, is there any objection to the admission of that exhibit?

MS. ROBIN: No, Your Honor.

THE COURT: It will be admitted without objection.

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(Government's Exhibit No. 2 was received in evidence.)

THE COURT: And, Ms. Robin, you may cross-examine.

MS. ROBIN: Thank you.

CROSS-EXAMINATION

BY MS. ROBIN:

Q. Good afternoon, Agent. You indicated that Mr. Sakyi had never sent any cashier's checks or wired any money from these accounts to Ghana, correct?

A. That is correct.

Q. Okay. And the only, the only other country apart from within the U.S. that money from his accounts are connected to is the grocery store that is in Canada, correct?

A. Yes. There was a food (inaudible).

Q. And -- but Mr. Sakyi has never traveled to Canada, correct, at least from what you can tell of your review of the, of the travel documents?

A. That's correct.

Q. Okay. And the -- this money that you're talking about that I guess is being exchanged allegedly among, among these individuals, it originated from the fraudulent loan that Mr. Trosin allegedly took out or a series of fraudulent loans that Mr. Trosin allegedly took out, correct?

A. Yes. They were loans in Mr. Trosin's name, and then the proceeds of the loan were deposited into his bank accounts.

Alfred Dickson, RPR, CSR, CRR (703)299-8595

Q. Okay. But with his full knowledge. He was -- he's allegedly a coconspirator who provided his information to other -- to another individual in order for them to take out these fraudulent loans, correct?
A. That is correct.
Q. Okay. And Mr. Sakyi is not alleged to have been involved in the fraudulent loan application process involving Mr. Trosin, correct?
A. That, that is correct.
Q. Okay. As I understand it from the affidavit, Mr. Trosin met someone that's referred to as Individual 1, and that -- he provided that person his identifying information, his bank account information, and so forth in order to obtain these loans, correct?
A. That's correct.
Q. Okay. And Mr. Sakyi is not Individual 1, correct?
A. Yes. That would be, that would be accurate.
Q. Okay. And Mr. Trosin also was -- so he was getting, I guess, allegedly getting communications from an Individual 1 and Individual 2 about where to send these proceeds, correct?
A. That is correct.
Q. Okay. And Mr. Sakyi is not Individual 1 or 2, correct?
A. No. Not, not to our knowledge, no.
Q. Okay. And, in fact, law enforcement has seen, I imagine, some sort of these texts where Individual 2 is communicating

with Mr. Trosin and advising him, you know, what individuals and what companies to send these proceeds to, correct?

A. Correct.

Q. Okay. And -- so to be clear, Mr. Sakyi owned two businesses that received monies from Mr. Trosin, correct?

A. That's correct.

Q. But there are a number of individuals, several individuals and companies that also received money from Mr. Trosin, correct?

A. That's correct.

Q. Okay. And to be clear, Mr. Sakyi's wife is not on any of the bank accounts connected to any of these loan proceeds, correct?

A. Correct.

Q. Okay. She's not even an authorized signer on any of these accounts, correct?

A. That's correct.

MS. ROBIN: The Court's indulgence?

Thank you. I have no further questions.

THE COURT: Thank you.

Mr. Cooke, is there any redirect?

MR. COOKE: No, I don't think so, Your Honor. No, Your Honor.

THE COURT: Thank you.

Agent Gentry, you may step down, which means that you

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may go back on mute, and you may turn off your video if you wish to do so. Thank you.

THE WITNESS: Thank you, Your Honor.

THE COURT: Thank you.

(Witness excused.)

THE COURT: Mr. Cooke, does the government have any other evidence it wishes to present with regard to detention?

MR. COOKE: No, Your Honor.

THE COURT: Thank you.

Ms. Robin, does the defense wish to present any evidence with regard to the issue of detention?

MS. ROBIN: Your Honor, we have no evidence, just argument.

THE COURT: Very good. Then I'll hear first from the government. I'll hear your argument now.

MR. COOKE: Thank you, Your Honor. The government believes that the preponderance of the evidence shows that the defendant is a flight risk. To begin with, he appears to have no ties to Iowa, and the question is whether the defendant will appear in Iowa, where he's going to be charged and where his hearings will be held, not whether he has ties to the Eastern District of Virginia.

In fact, he has much stronger ties to Ghana than Iowa, where he's being prosecuted. He spent almost two of the past three months in Ghana, it sounds like. As Agent Gentry