

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,	
Plaintiff,	
VS.	No. 17-20238
OLUFOLAJIMI ABEGUNDE, JAVIER LUIS RAMOS ALONSO,	
Defendants.	

TRANSCRIPT OF TRIAL PROCEEDINGS
BEFORE THE
HON. SHERYL H. LIPMAN

MARCH 19, 2019

MARK S. DODSON
OFFICIAL COURT REPORTER
167 N. MAIN STREET - SUITE 422
MEMPHIS, TENNESSEE 38103

UNREDACTED TRANSCRIPT

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2 - A-P-P-E-A-R-A-N-C-E-S -
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MARCH 19, 2019

3 **THE COURT:** Good morning. I'm going to assume
4 you all don't have any issues with the jury instructions.

5 **MR. FLOWERS:** No, ma'am, not from the
6 Government.

7 **THE COURT:** All right. Reminder to the
8 Government on closing that rebuttal is rebuttal, not
9 another closing.

10 MS. IRELAND: Yes, Your Honor. We understand.

THE COURT: Ready to bring the jury in?

12 || MR. FLOWERS: Yes, Your Honor.

13 MR. GARRETT: Yes.

15 (The following occurred in the presence of the
16 jury:)

17 || **THE COURT:** Y'all may be seated.

18 Good morning.

20 **THE COURT:** Ready to get going? Got a good
21 night's sleep last night? All right. Very good.

22 So as I said when we were ending yesterday,
23 the proof in the case is complete, but we haven't yet
24 gotten to the point where we're ready to let y'all
25 deliberate. Where we are is, first, I'm going to give

1 you the jury instructions and then the lawyers in the
2 case are going to give their closing arguments.

3 Members of the jury, it is now my duty to
4 instruct you on the rules of law that you must follow and
5 apply in deciding this case. When I've finished and
6 after closing arguments, you will go to the jury room and
7 begin your discussions, what we call your deliberations.

8 I will start by explaining your duties and the
9 general rules that apply in every criminal case. Then I
10 will explain some rules that you must use in evaluating
11 particular testimony and evidence in this case. Then I
12 will explain the elements or parts of the crimes that the
13 defendants are accused of committing. And last, I will
14 explain the rules that you must follow during your
15 deliberations in the jury room, and the possible verdicts
16 you may return. Please listen very carefully to
17 everything I say.

18 You have two main duties as jurors. The first
19 one is to decide what the facts are from the evidence
20 that you saw and heard in court. Deciding what the facts
21 are is your job, not mine, and nothing that I have said
22 or done during this trial was meant to influence your
23 decision about the facts in any way.

24 Your second duty to take the law that I give
25 you, apply it to the facts, and decide if the Government

1 has approved the defendants guilty beyond a reasonable
2 doubt.

3 It is my job to duty to instruct you about the
4 law, and you are bound by the oath that you took at the
5 beginning of the trial to follow the instructions that I
6 give you, even if you personally disagree with them.
7 This includes the instructions that I gave you before and
8 during the trial, and these instructions. All the
9 instructions are important, and you should consider them
10 together as a whole.

11 Perform these duties fairly. Do not let any
12 bias, sympathy or prejudice that you may feel toward one
13 side or the other influence your decision in any way.

14 As you know, both of the defendants have
15 pleaded not guilty to the crimes charged in the
16 indictment. The indictment is not any evidence at all of
17 guilt. It is just the formal way that the Government
18 tells each defendant what crime he is accused of
19 committing. It does not even raise any suspicion of
20 guilt.

21 Instead, the defendants start the trial with a
22 clean slate, with no evidence at all against them, and
23 the law presumes that that they are innocent. This
24 presumption of innocence stays with them unless the
25 Government presents evidence here in court that overcomes

1 the presumption and convinces you beyond a reasonable
2 doubt that they are guilty.

3 This means that the defendants have no
4 obligation to present any evidence at all or to prove to
5 you to anyway that they are innocent. It is up to the
6 Government to prove that that they are guilty, and this
7 burden stays on the Government from start to finish.

8 You must find the defendants -- excuse me.
9 Let me start again. You must find the defendant you are
10 considering not guilty unless the Government convinces
11 you beyond a reasonable doubt that that he is guilty.

12 The Government must proof every element of the
13 crime charged beyond a reasonable doubt. Proof beyond a
14 reasonable doubt does not mean proof beyond all possible
15 doubt. Possible doubts or doubts based purely on
16 speculation are not reasonable doubts.

17 A reasonable doubt is a doubt based on reason
18 and common sense. It may arise from the evidence, the
19 lack of evidence, or the nature of the evidence. Proof
20 beyond a reasonable doubt means proof which is so
21 convincing that you would not hesitate to rely and act on
22 it in making the most important decisions in your own
23 lives.

24 If you are convinced that the Government has
25 proved the defendants guilty beyond a reasonable doubt,

1 say so by returning a guilty verdict. If you are not
2 convinced, say so by returning a not guilty verdict.

3 You must make your decision based only on the
4 evidence that you saw and heard in court. Do let rumors,
5 suspicions or anything else that you may have seen or
6 heard outside of court influence your decision in any
7 way.

8 The evidence in this case includes only what
9 the witnesses said while they were testifying under oath,
10 and the exhibits I allowed into evidence. Nothing else
11 is evidence. The lawyers' statements and arguments are
12 not evidence. Their questions and objections are not
13 evidence. My legal rulings are not evidence. And my
14 comments and questions are not evidence.

15 During the trial, I did not let you hear the
16 answers to some of the questions that the lawyers asked.
17 I also ruled that you could not see some of the exhibits
18 that the lawyers wanted you to see. And sometimes, I
19 ordered you to disregard things that you saw or heard, or
20 I struck things from the record.

21 You must completely ignore all of these
22 things. Do not even think about them. Do not speculate
23 about what a witness might have said or what an exhibit
24 might have shown. These things are not evidence and you
25 are bound by your oath not to let them influence your

1 decision in any way. Make your decision based only on
2 the evidence as I have defined it here, and nothing else.

3 You are to consider only the evidence in the
4 case. You should use your common sense in weighing the
5 evidence. Consider the evidence in light of your
6 everyday experience with people and events, and give it
7 whatever weight you believe it deserves. If your
8 experience tells you that certain evidence reasonably
9 leads to a conclusion, you are free to reach that
10 conclusion.

11 In our lives, we often look at one fact and
12 conclude from it that another fact exists. In law, we
13 call this an inference. A jury is allowed to make
14 reasonable inferences unless otherwise instructed. Any
15 inferences you make must be reasonable and must be based
16 on the evidence in the case. The existence of an
17 inference does not change or shift the burden of proof
18 from the Government to the defendant.

19 Some of you may have heard the terms "direct
20 evidence" and "circumstantial evidence." Direct evidence
21 is simply evidence, like the testimony of an eyewitness
22 which if you believe it, directly proves a fact.

23 If a witness testified that he saw it raining
24 outside and you believed him, that would be direct
25 evidence that it was raining.

1 Circumstantial evidence is simply a chain of
2 circumstances that indirectly proves a fact. If someone
3 walked into the courtroom wearing a raincoat covered with
4 drops of water and carrying a wet umbrella, that would be
5 circumstantial evidence from which you could conclude
6 that it was raining.

7 It is your job to decide how much weight to
8 give the direct and circumstantial evidence. The law
9 makes no distinction between the weight that you should
10 give it -- that you should give to either one or say that
11 one is any better evidence than the other. You should
12 consider all the evidence, both direct and
13 circumstantial, and give it whatever weight you believe
14 it deserves.

15 Also, you should not assume from anything I
16 may have said or done that I have an opinion concerning
17 any of the issues before you in this case. Except for my
18 instructions to you, you should disregard anything I may
19 have said in arriving at your own decision concerning the
20 facts.

21 If you have taken notes, please remember that
22 your notes are not evidence. You should keep your notes
23 to yourself. They can only be used to help refresh your
24 personal recollection of the evidence in the case.

25 If you cannot recall a particular piece of

1 evidence, you should not be overly influenced by the fact
2 that someone else on the jury appears to have a note
3 regarding that evidence. Remember, it is your
4 recollection and the collective recollection of all of
5 you upon which you should rely in deciding the facts in
6 this case.

7 During your deliberations, you must not
8 communicate with or provide any information to anyone by
9 any means about this case. You may not use any
10 electronic device or media, such as a telephone, cell
11 phone or smart phone, or computer, the Internet, any
12 Internet service, or any text or instant messaging
13 service, any Internet chat room, blog, or website to
14 communicate to anyone any information about this case or
15 to conduct any research about this case until I accept
16 your verdict.

17 In other words, you cannot talk to anyone on
18 the phone, correspond with anyone or electronically
19 communicate with anyone about this case. You can only
20 discuss the case in the jury room with your fellow jurors
21 during deliberations when all jurors are present. I
22 expect you will inform me if you become aware of another
23 juror's violation of these instructions.

24 You may not use electronic means to
25 investigate or communicate about the case because it is

1 important that you decide this case based solely on the
2 evidence presented in this courtroom. Information on the
3 Internet or available through social media might be
4 wrong, incomplete or inaccurate.

5 You are only permitted to discuss the case
6 with your fellow jurors during deliberations because they
7 have seen and heard the same evidence you have. In our
8 judicial system, it is important that you are not
9 influenced by anything or anyone outside of this
10 courtroom.

11 Otherwise, your deliberations may be based on
12 information known only by you and not by your fellow
13 jurors or the parties in the case. This would unfairly
14 and adversely impact the judicial process. A juror who
15 violates these instructions jeopardizes the fairness of
16 these proceedings and a mistrial could result, which
17 would require the entire trial process to start over. It
18 is important that you decide this case based solely on
19 the evidence presented in this courtroom.

20 Another part of your job as jurors is to
21 decide how credible or believable each witness was. This
22 is your job, not mine. It is up to you to decide if a
23 witness's testimony was believable, and how much weight
24 you think it deserves.

25 You are free to believe everything that a

1 witness said or only part of it, or none of it at all.

2 But you should act reasonably and carefully in making
3 these decisions. Let me suggest some things for you to
4 consider in evaluating each witness's testimony.

5 Ask yourself if the witness was able to
6 clearly see or hear the events. Sometimes even an honest
7 witness may not have been able to see or hear what was
8 happening, and may make a mistake.

9 Ask yourself how good the witness's memory
10 seemed to be. Did the witness seem able to accurately
11 remember what happened?

12 Ask yourself if there was anything else that
13 may have interfered with the witness's ability to
14 perceive or remember the events.

15 Ask yourself how the witness acted while
16 testifying. Did the witness appear honest or did the
17 witness appear to be lying?

18 Ask yourself if the witness had any
19 relationship to the Government or the defendant or
20 anything to gain or lose from the case that might
21 influence the witness's testimony.

22 Ask yourself if the witness had any bias or
23 prejudice or reason for testifying that might cause the
24 witness to lie or to slant the testimony in favor of one
25 side or the other.

1 Ask yourself if the witness testified
2 inconsistently while on the witness stand, or if the
3 witness said or did something, or failed to say or do
4 something at any other time that is inconsistent with
5 what the witness said while testifying.

6 If you believe that the witness was
7 inconsistent, ask yourself if this makes the witness's
8 testimony less believable. Sometimes it may. Other
9 times, it may not.

10 Consider whether the inconsistency was
11 something important, or about some unimportant detail.
12 Ask yourself if it seemed like an innocent mistake, or if
13 it seemed deliberate. And ask yourself how believable
14 the witness's testimony was in light of all the other
15 evidence.

16 Was the witness's testimony, supported or
17 contradicted by other evidence that you found believable?
18 If you believe that a witness's testimony is contradicted
19 by other evidence, remember that people sometimes forget
20 things, and that even two honest people who witness the
21 same event may not describe it exactly the same way.

22 These are only some of the things that you may
23 consider in deciding how believable each witness was.
24 You may also consider other things that you think shed
25 some light on the witness's believability. Use your

1 common sense and your everyday experience in dealing with
2 other people, and then decide what testimony you believe
3 and how much weight you think it deserves.

4 There is one more general subject that I want
5 to talk about before I begin explaining the elements of
6 the crimes charged.

7 The lawyers for both sides objected to some of
8 the things that were said or done during the trial. Do
9 not hold that against either side. The lawyers have a
10 duty to object whenever they think that something is not
11 permitted by the Rules of Evidence. Those rules are
12 designed to make sure that both sides receive a fair
13 trial.

14 Do not interpret my rulings on their
15 objections as any indication of how I think the case
16 should be decided. My rulings were based on the Rules of
17 Evidence, not on how I feel about the case.

18 Remember that your decision must be based only
19 on the evidence that you saw and heard here in court.

20 That concludes my explanations of your duties
21 and the general rules that apply in every criminal case.
22 Next, I will explain some rules that you must use in
23 considering some of the testimony and evidence in this
24 case.

25 You have heard the defendants testify.

1 Earlier, I talked to you about the credibility or
2 believability of the witnesses, and I suggested some
3 things for you to consider in evaluating each witness's
4 testimony. You should consider those same things in
5 evaluating the defendant's testimony.

6 You've heard evidence that the defendant,
7 Olufolajimi Abegunde, made a statement in which the
8 Government claims he admitted certain facts. You've also
9 heard evidence that the defendant, Javier Lewis Ramos
10 Alonso, made a statement in which the Government claims
11 he admitted certain facts. In each case, it is for you
12 to decide whether the defendants made those statements,
13 and if so, how much weight they deserve.

14 In making these decisions, you should consider
15 all of the evidence about the statements, including the
16 circumstances under which the defendants allegedly made
17 them. You may not convict any defendant solely upon his
18 own uncorroborated statement or admission.

19 You have heard the testimony of law
20 enforcement officials. The fact that a witness may be
21 employed by the city, county, state or federal government
22 as a law enforcement official does not mean that his or
23 her testimony is necessarily deserving of more or less
24 consideration or greater or lesser weight than that of an
25 ordinary witness. It is your decision after reviewing

1 all the evidence, whether to accept the testimony of each
2 law enforcement witness and to give to that testimony
3 whatever weight, if any, you find it deserves.

4 You have heard the testimony of Special Agents
5 Vance and Palmer, who testified as to both facts and
6 opinions. Each of these types of testimony should be
7 given the proper weight.

8 As to the testimony on facts, consider the
9 factors discussed earlier in these instructions for
10 weighing the credibility of witnesses. As to the
11 testimony on opinions, you don't have to accept special
12 agent Vance or Palmer's opinions.

13 In deciding how much weight to give it, you
14 should consider the witness's qualifications and how they
15 reached their conclusions, along with the other factors
16 discussed in these instructions for weighing the
17 credibility of witnesses. Remember that you alone decide
18 how much of a witness's testimony to believe, and how
19 much weight it deserves.

20 You have heard the testimony of Ahmed Alimi
21 and Edchae Caffey. You have also heard that they were
22 involved in the same crime that Olufolajimi Abegunde is
23 charged with committing. You should consider their
24 testimony with more caution than that of other witnesses.

25 Do not convict the defendant based on the

1 unsupported testimony of such a witness, standing alone,
2 unless you believe their testimony beyond a reasonable
3 doubt. The fact that Ahmed Alimi and Edchae Caffey have
4 pleaded guilty to a crime is not evidence that the
5 defendant is guilty, and you cannot consider this against
6 the defendant in any way.

7 You have heard some recorded conversations
8 that were received in evidence, and you were given some
9 written translations of the recordings. These
10 translations are evidence in this case.

11 The concludes the part of my instructions
12 explaining your duties and the general rules that apply
13 in every criminal case. In a moment, I will explain the
14 elements of the crimes that each defendant is accused of
15 committing.

16 But before I do that, I want to explain that
17 each defendant is only on trial for the particular crimes
18 charged in the indictment. Your job is limited to
19 deciding whether the Government has proved this defendant
20 guilty of the crimes charged.

21 Also keep in mind that whether anyone else
22 should be prosecuted or convicted of these crimes is not
23 a matter for you to consider. The possible guilt of
24 others is no defense to a criminal charge. Your job is
25 to decide if the Government has approved defendants --

1 the defendants in this case guilty. Do not let the
2 possible guilt of others influence your decision in any
3 way.

4 The defendants have been charged with
5 different crimes. I will explain to you in more detail
6 shortly which defendants have been charged with which
7 crimes. But before do I that, I want to emphasize
8 several things.

9 The number of charges is not evidence of guilt
10 and should not influence your decision in any way. And
11 in our system of justice, guilt or innocence is personal
12 and individual. It is your duty to separately consider
13 the evidence against each defendant on each charge, and
14 to return a separate verdict for each one of them.

15 For each one, you must decide whether the
16 Government has presented proof beyond a reasonable doubt
17 that a particular defendant is guilty of a particular
18 charge.

19 I told you at the outset that this case was
20 initiated through an indictment. An indictment is but a
21 formal method of accusing a defendant of crime. It
22 includes the Government's theory of the case, and we will
23 be going over in a few minutes the substance of the
24 indictment. The indictment is not evidence of any kind
25 against an accused.

1 The defendants have pleaded not guilty to the
2 charges contained in the indictment. This plea puts in
3 issue each of the essential elements of the offenses as
4 described in these instructions, and imposes upon the
5 Government the burden of establishing each of these
6 elements by proof beyond a reasonable doubt.

7 I'm not going to read the indictment to you
8 again, but you will have a copy of the indictment with
9 you in the jury room during the deliberations.

10 Wire fraud conspiracy -- excuse me, Count 1,
11 wire fraud conspiracy. Count 1 of the superseding
12 indictment accuses both of the defendants of conspiring
13 to commit wire fraud, in violation of federal law.

14 For you to find either of the defendants
15 guilty of this crime, you must be convinced that the
16 Government has proved both of the following elements
17 beyond a reasonable doubt as to that defendant: First,
18 that two or more person conspired or agreed to commit the
19 crime of wire fraud; and second, that the defendant
20 knowingly joined the conspiracy.

21 The elements of the crime of wire fraud are
22 first, that the defendant knowingly participated in,
23 devised or intended to devise a scheme to defraud in
24 order to obtain money or property, that is; second, that
25 the scheme included a material misrepresentation or

1 concealment of a material fact; third, that the defendant
2 had the intent to defraud; and fourth, that the defendant
3 used wire, radio or television communications, or caused
4 another to use wire, radio or television communications
5 in interstate or foreign commerce, in furtherance of the
6 scheme.

7 Now I will give you more detailed instructions
8 on some of these terms.

9 A quote scheme to defraud includes any plan or
10 course of action by which someone intends to deprive
11 another of money or property by means of false or
12 fraudulent pretenses, representations or promises.

13 The term "false or fraudulent pretenses,
14 representations or promises" means any false statements
15 or assertions that concern a material aspect of the
16 matter in question that were either known to be untrue
17 when made or made with reckless indifference to their
18 truth. They include actual, direct, false statements as
19 well as half-truths and the knowing concealment of
20 material facts.

21 An act is "knowingly" done if done voluntarily
22 and intentionally, and not because of mistake or some
23 other innocent reason. A misrepresentation or
24 concealment is "material" if it has a natural tendency to
25 influence or is capable of influencing the decision of a

1 person of ordinary prudence and comprehension.

2 To act "with intent to defraud" means to act
3 with an intent to deceive or cheat for the purpose of
4 either causing financial loss to another or bringing
5 about a financial gain to one's self or another person.

6 To cause wire, raid, or television
7 communications to be used, is to do an act with knowledge
8 that the use of the communications will follow in the
9 ordinary course of business or where such use can
10 reasonably be foreseen. The term "interstate or foreign
11 commerce" includes wire, radio, or television
12 communications which crossed a state line.

13 It is not necessary that the Government prove
14 all of the details alleged concerning the precise nature
15 and purpose of the scheme, or that the use of the wire,
16 radio or television communication was intended as the
17 specific or exclusive means of accomplishing the alleged
18 fraud, or that the defendant obtained money or property
19 for his own benefit.

20 You must be convinced that the Government has
21 proved all of these elements beyond a reasonable doubt in
22 order to find any one of the defendants guilty of
23 conspiracy to commit wire fraud.

24 Agreement: With regard to the first element,
25 a criminal agreement, the Government must prove that two

1 or more persons conspired or agreed to cooperate with
2 each other to commit the crime of wire fraud. This does
3 not require proof of any formal agreement, written or
4 spoken, nor does this require proof that everyone
5 involved agreed on all the details, but proof that people
6 simply met together from time to time and talked about
7 common interests or engaged in similar conduct is not
8 enough to establish a criminal agreement.

9 These are things that you may consider in
10 deciding whether the Government has proved an agreement,
11 but without more, they are not enough.

12 What the Government must prove is that there
13 was a mutual understanding, either spoken or unspoken,
14 between two or more people to cooperate with each other
15 to commit the crime of wire fraud. This is essential.

16 An agreement can be proved indirectly by facts
17 and circumstances which lead to a conclusion that an
18 agreement existed, but it is up to the Government to
19 convince you that such facts and circumstances existed in
20 this particular case.

21 If you are convinced that there was a criminal
22 agreement, then you must decide whether the Government
23 has approved that the defendants knowingly and
24 voluntarily joined that agreement. You must consider
25 each defendant separately in this regard. To convict any

1 defendant, the Government must prove that he knew the
2 conspiracy's main purpose and that he voluntarily joined
3 it, intending to help advance or achieve its goals.

4 This does not require proof that a defendant
5 knew everything about the conspiracy or everyone else
6 involved, or that he was a member of it from the
7 beginning, nor does it require proof that a defendant
8 played a major role in the conspiracy or that his
9 connection to it was substantial. A slight role or
10 connection may be enough.

11 But proof that a defendant simply knew about a
12 conspiracy or was present at times or associated with
13 members of the group not enough. Even if he approved of
14 what was happening or did not object to it.

15 Similarly, just because a defendant may have
16 done something that happened to help a conspiracy does
17 not necessarily make him a conspirator. These are all
18 things that you may consider in deciding whether the
19 Government has proved that a defendant joined a
20 conspiracy, but without more, they are not enough.

21 A defendant's knowledge can be proved
22 indirectly by facts and circumstances which lead to a
23 conclusion that he knew the conspiracy's main purpose,
24 but it is up to the Government to convince you that such
25 facts and circumstances existed in this particular case.

1 Next, I want to explain something about
2 proving a defendant's knowledge. No one can avoid
3 responsibility for a crime by deliberately ignoring the
4 obvious. If you are convinced that the defendant
5 deliberately ignored a high probability that fraud was
6 being committed or that transactions were fraudulent or
7 the proceeds of fraud, then you may find that he knew
8 fraud was being committed or that transactions were
9 fraudulent or the proceeds of fraud.

10 But to find this, you must be convinced beyond
11 a reasonable doubt that the defendant was aware of a high
12 probability that fraud was being committed or that
13 transactions were fraudulent or the procedures of fraud,
14 and that the defendant deliberately closed his eyes to
15 what was obvious. Carelessness or negligence or
16 foolishness on his part is not the same as knowledge, and
17 is not enough convict. This, of course, is all for you
18 to decide.

19 Count 2, elements of wire fraud: Count 2 of
20 the superseding indictment accuses Javier Lewis Ramos
21 Alonso of committing wire fraud, in violation of federal
22 law. For you to find the defendant guilty of this crime,
23 you must be convinced that the Government has proved all
24 of the following elements beyond a reasonable doubt:
25 First, that the defendant knowingly participated in,

1 devised or intended to devise a scheme to defraud in
2 order to obtain money or property, that is; second, that
3 the scheme included a material misrepresentation or
4 concealment of a material fact; third, that the defendant
5 had the intent to defraud; and fourth, that the defendant
6 used wire, radio or television communications or caused
7 another to use wire, radio or television communications
8 in interstate or foreign commerce, in furtherance of the
9 scheme.

10 The terms "scheme to defraud," "false or
11 fraudulent pretenses, representations or promises,"
12 "knowingly," "material," "with intent to defraud," "cause
13 to be used," and "interstate or foreign commerce" were
14 explained earlier in my instructions and have the same
15 meanings here.

16 It is not necessary that the Government prove
17 all of the details alleged concerning the precise nature
18 of, and purpose of the scheme, or that the use of the
19 wire, radio or television communication was intended as
20 the specific or exclusive means of accomplishing the
21 alleged fraud or that the defendant obtained money or
22 property for his own benefit. You must be convinced that
23 the Government has proved all of these elements beyond a
24 reasonable doubt in order to find the defendant guilty of
25 wire fraud.

1 For you to find the defendant guilty of the
2 crime charged in Count 2, it is not necessary for you to
3 find that he personally committed the crime. You may
4 also find him guilty if he intentionally helped or
5 encouraged someone else to commit crime. A person who
6 does this is called an aider and abettor.

7 But for you to find the defendant guilty of a
8 crime as an aider and abettor, you must be convinced that
9 the Government has proved each and every one of the
10 following elements beyond a reasonable doubt: First,
11 that the particular crime was committed; second, that the
12 defendant helped to commit the crime or encouraged
13 someone else to commit the crime; and third, that the
14 defendant intended to help commit or encourage the crime.

15 Proof that the defendant may have known about
16 the crime even if he was there when it was committed is
17 not enough for you to find him guilty. You can consider
18 this in deciding whether the Government has proved that
19 he is an aider and abettor, but without more, it is not
20 enough.

21 What the Government must prove is that the
22 defendant did something to help or encourage the crime
23 with the intent that it be committed. If you are
24 convinced that the Government has proved all of these
25 elements, say so by returning a guilty verdict on this

1 charge. If you have a reasonable doubt about any one of
2 these elements, then you cannot -- excuse me, then you
3 cannot find the defendant guilty of any crime as an aider
4 and abettor.

5 Count 3, elements, conspiracy to commit money
6 laundering: Count 3 of the superseding indictment
7 accuses both defendants of conspiracy to commit money
8 laundering, in violation of federal law.

9 For you to find either defendant guilty of
10 this crime, you must be convinced that the Government has
11 proved all of following elements beyond a reasonable
12 doubt as to that defendant: First, that two or more
13 persons conspired or agreed to commit the crime of money
14 laundering; and second, that the defendant knowingly
15 joined the conspiracy.

16 The elements of the crime of money laundering
17 are: First, that the defendant conducted or attempted to
18 conduct a financial transaction; second, that the
19 financial transaction involved property that represented
20 the proceeds of wire fraud or computer fraud; third, that
21 the defendant knew that the property involved in the
22 financial transaction represented the proceeds from some
23 form of unlawful activity; and fourth, that the defendant
24 knew that the transaction was designed in whole or in
25 part to conceal or disguise the nature, location, source,

1 ownership or control of the proceeds of wire fraud or
2 computer fraud.

3 Now, I will give you more detailed
4 instructions on some of those terms. The firm "financial
5 transaction" means A, a transaction which in any way or
6 decree affects interstate or foreign commerce involving
7 the movement of funds by wire or other means, or
8 involving one or more monetary instruments, or involving
9 the transfer of title to any real property, vessel or
10 aircraft; or B, a transaction involving the use of a
11 financial institution which is engaged in, or the
12 activities of which affect interstate or foreign commerce
13 in any way or degree.

14 The term "financial institution" means, A, an
15 insured bank, as defined in Section 3H of the Federal
16 Deposit Insurance Act, which is 12 USC 1813H; B, an
17 agency or branch of a foreign bank in the United States;
18 C, a currency exchange; D, an issuer, redeemer or cashier
19 of travelers checks, checks, money orders or similar
20 instruments; E, an operator of a credit card system; F, a
21 loan or finance company; G, a licensed sender of money or
22 any other person would engage as a business in the
23 transmission of funds, including any person who engages
24 as a business in an informal money transfer or any
25 network of people who engage as a business in

1 facilitating the transfer of money domestically or
2 internationally outside of the conventional financial
3 institution system; H, persons involved in real estate
4 closings and settlements; or I, the United States Postal
5 Service.

6 The word "conducts" includes initiating,
7 concluding or participating in initiating or concluding a
8 transaction.

9 The word "proceeds" means any property derived
10 from, obtained or retained, directly or indirectly,
11 through some form of unlawful activity, including the
12 gross receipts of such activity.

13 The phrase "knew the property involved in a
14 financial transaction represents the proceeds of some
15 form of unlawful activity" means that the defendant knew
16 the funds involved in the transaction represented the
17 proceeds of some form, but not necessarily which form of
18 activity that constitutes a felony under state, federal
19 or foreign law.

20 The Government does not have to prove the
21 defendant knew the property involved represented proceeds
22 of a felony, as long as he knew the property involved
23 represented proceeds of some form of unlawful activity.

24 The instructions for "agreement," "deliberate
25 ignorance," and "role in the conspiracy" given earlier

1 also apply to this offense.

2 If you are convinced the Government has proved
3 all of these elements, say so by returning a guilty
4 verdict on this charge. If you have a reasonable doubt
5 about any one of these elements, then you must find the
6 defendant not guilty of this charge.

7 Count 4 elements, conspiracy to commit an
8 offense: Count 4 of the superseding indictment charges
9 Olufolajimi Abegunde with conspiracy to enter into a
10 marriage for the purpose of evading a provision of the
11 immigration laws of the United States.

12 It is a crime for two or more persons to
13 conspire or agree to commit a criminal act even if they
14 never achieve their goal. A conspiracy is a kind of
15 partnership.

16 For you to find the defendant guilty of the
17 conspiracy charge, the Government must prove each and
18 every one of the elements beyond a reasonable doubt:
19 First, that two or more persons conspired or agreed to
20 commit the crime of entering into a marriage for the
21 purpose of evading a provision of the immigration laws of
22 the United States; second, that the defendant knowingly
23 joined the conspiracy; and third, that a member of the
24 conspiracy did one of the overt acts described in the
25 indictment for the purposes of advancing the conspiracy.

1 The third element that the Government must
2 prove in Count 4 is that a member of the conspiracy did
3 one of the overt acts described in the indictment for the
4 purpose of advancing or helping the conspiracy.

5 The indictment lists overt acts. The
6 Government does not have to prove that all of these acts
7 were committed or that any of these acts were themselves
8 illegal, but the Government must prove that at least one
9 of these acts was committed by a member of the
10 conspiracy, and that it was committed for the purpose of
11 advancing or helping the conspiracy. This is essential.

12 The elements of the crime of entering into a
13 marriage for the purpose of evading a provision of the
14 immigration laws of the United States are: First, that
15 Olufolajimi Abegunde entered into a marriage with Edchae
16 Caffey; second, that Olufolajimi Abegunde knowingly
17 entered into the marriage for the purpose of evading the
18 United States immigration laws; and third, that
19 Olufolajimi Abegunde knew or had reason to know of the
20 relevant immigration laws.

21 You must be convinced that the Government has
22 proved all of these elements beyond a reasonable doubt in
23 order to find the defendant guilty of the conspiracy
24 charge.

25 Count 5 elements, witness tampering: Count 5

1 of the superceding indictment charges Olufolajimi
2 Abegunde with witness tampering. For you to find the
3 defendant guilty of this charge, the Government must
4 prove each and every one of the following elements beyond
5 a reasonable doubt: First, that the defendant knowingly
6 engaged in misleading conduct toward another person; and
7 second, that the defendant took such action with the
8 intent to cause or induce the person to withhold
9 testimony from an official proceeding.

10 If you are convinced that the Government has
11 proved each of these elements, say so by returning a
12 guilty verdict on this charge. If you have a reasonable
13 doubt about any one of these elements, then must find the
14 defendant not guilty of this charge.

15 Now, some of the people who may have been
16 involved in these events are not on trial. This does not
17 matter. There is no requirement that all members of a
18 conspiracy be charged and prosecuted or tried together in
19 one proceeding, nor is there any requirement that the
20 names of the other coconspirators be known.

21 An indictment can charge a defendant with a
22 conspiracy involving people whose names are not known, as
23 long as the Government can prove that the defendant
24 conspired with one or more of them. Whether they are
25 named or not does not matter.

1 Now, some of the events that you have heard
2 about happened in other places. There is no requirement
3 that the entire conspiracy take place here in the Western
4 District of Tennessee. But for you to return a guilty
5 verdict on the conspiracy charge, the Government must
6 convince you that either the agreement or one of the
7 overt acts -- excuse me. Let me start that sentence
8 again.

9 But for you to return a guilty verdict on the
10 conspiracy charge, the Government must convince you that
11 either the agreement or one of the overt acts or acts in
12 furtherance took place here in the Western District of
13 Tennessee.

14 Unlike all of the other elements that I have
15 described, this is just a fact that the Government only
16 has to prove by a preponderance of the evidence. This
17 means the Government only has to convince you that it is
18 more likely than not that a part of the conspiracy took
19 place here. Remember that all the other elements I have
20 described must be proved beyond a reasonable doubt.

21 Counts 1 and 3 of the indictment accuse the
22 defendants of conspiring to commit the crimes of wire
23 fraud and money laundering. Count 4 charges one
24 defendant with engaging in conspiracy to enter into
25 marriage to evade provisions of immigration law.

1 There are two ways the Government can prove
2 defendants guilty of conspiracy crimes. The first is by
3 convincing you that the defendant personally committed or
4 participated in the crime; the second is based on the
5 legal rule that all members of the conspiracy are
6 responsible for acts committed by the other members, as
7 long as those acts are committed to help advance the
8 conspiracy, and are within the reasonably foreseeable
9 scope of the agreement.

10 In other words, under certain circumstances,
11 the act of one conspirator may be treated as the act of
12 all. This means that all of the conspirators may be
13 convicted of a crime committed only -- committed by only
14 one of them, even though they did not all personally
15 participate in that crime themselves.

16 But for you to find either one of the
17 defendants guilty of conspiracy in any of the counts
18 based on this legal rule, you must be convinced that the
19 Government has proved each and every one of the following
20 elements beyond a reasonable doubt: First, that the
21 defendant was a member of the conspiracy charged in the
22 count you are considering; second, that after he joined
23 the conspiracy, and while he was still a member of it,
24 one or more of the other members committed the relevant
25 crime: For Count 1, the crime of wire fraud; for Count

1 3, the crime of money laundering; and for Count 4, the
2 crime of evading immigration law.

3 Third, that the crime was committed to help
4 advance the conspiracy; and fourth, that the crime was
5 within the reasonably foreseeable scope of the unlawful
6 project.

7 In each case, this does not require proof that
8 the defendant specifically agreed or knew that the crime
9 would be committed, but the Government must prove that
10 the crime was within the reasonable contemplation of the
11 persons who participated in the conspiracy. No defendant
12 is responsible for the act of others that goes beyond the
13 fair scope of the agreement, as the defendant understood
14 it.

15 If you are convinced the Government has proved
16 all of the elements of the count you are considering, say
17 so by returning a guilty verdict on that charge. If you
18 have a reasonable doubt about any one of them, then the
19 legal rule that the act of one conspirator is the act of
20 all would not apply for the count under consideration.

21 One of the questions in this case is whether a
22 defendant engaged a conspiracy. This raises the related
23 question of when a conspiracy comes to an end. A
24 conspiracy ends when its goals have been achieved, but
25 sometimes a conspiracy may have a continuing purpose and

1 may be treated as an ongoing or continuing conspiracy.

2 This depends on the scope of the agreement.

3 If the agreement includes an understanding
4 that the conspiracy will continue over time, then the
5 conspiracy may be a continuing one. And if it is, it
6 lasts until there is some affirmative showing that it has
7 ended.

8 On the other hand, if the agreement does not
9 include any understanding that the conspiracy will
10 continue, then it comes to an end when its goals have
11 been achieved. This is all for you to decide.

12 For you to find a defendant guilty of a
13 charged crime, it is not necessary for you to find that
14 he personally committed the acts charged in the
15 indictment. You may also find him guilty if he willfully
16 caused an act to be done which would be a federal crime
17 if directly performed by him or another.

18 But for you to find a defendant guilty of causing a
19 crime charged in the indictment, you must be convinced
20 that the Government has proved each and every one of the
21 following elements beyond a reasonable doubt: First,
22 that the defendant caused a particular person to commit a
23 specific act; second, if the defendant or another person
24 had committed the act, it would have been the crime
25 charged in the indictment; and third, that the defendant

1 willfully caused the act to be done.

2 Proof that the defendant may have known about the
3 crime even if he was there when it was committed is not
4 enough for you to find him guilty. You may consider this
5 in deciding whether the Government has proved that he
6 caused the act to be done, but without more, it is not
7 enough. What the Government must prove is that the
8 defendant willfully did something to cause the acts to be
9 committed.

10 If you are convinced that the Government has proved
11 all of these elements, say so by returning a guilty
12 verdict on this charge. If you have a reasonable doubt
13 about any one of these elements, then you cannot find the
14 defendant guilty of the crime charged.

15 Next, I want to explain something about proving a
16 defendant's state of mind. Ordinarily, there is no way
17 that a defendant's state of mind can be proved directly,
18 because no one can read another person's mind and tell
19 what that person is thinking.

20 But a defendant's state of mind can be proved
21 indirectly from the surrounding circumstances. This
22 includes things like what the defendant said, what the
23 defendant did, how the defendant acted, and any other
24 facts or circumstances in evidence that show what was in
25 the defendant's mind.

1 You may also consider the natural and probable
2 results of any acts that the defendants knowingly did or
3 did not do, and whether it is reasonable to conclude that
4 the defendant intended those results. This, of course,
5 all for you to decide.

6 Although the indictment charges that the statutes
7 were violated by acts that are connected by the word
8 "and," it is sufficient if the evidence establishes a
9 violation of the statute by any one of the acts charged.
10 Of course, this must be proved beyond a reasonable doubt.

11 Next, I want to say a word about the dates
12 mentioned in the indictment. The Government does not
13 have to prove that the alleged crimes happened on the
14 exact dates mentioned, but the Government must prove that
15 the crimes happened reasonably close to those dates.

16 The word "knowingly" as that term is used from time
17 to time in these instructions means that the act was done
18 voluntarily and intentionally, and not because of mistake
19 or accident.

20 If you find that the Government has proved beyond a
21 reasonable doubt each of the elements of the offense
22 charged in the count you are considering as set out under
23 these instructions, then you must return a verdict of
24 guilty for that count. If you find that the Government
25 has not proved beyond a reasonable doubt each of the

1 elements of the offense charged in the count you are
2 considering as set out in these instructions, then you
3 must return a verdict of not guilty as to that count.

4 That concludes the part of my instructions
5 explaining the elements or parts of the crimes that the
6 defendants are accused of committing. Now let me finish
7 up by explaining some things about your deliberations in
8 the jury room and your possible verdicts.

9 First, I caution you, members of the jury, that you
10 are here to determine from the evidence in this case
11 whether the defendants are guilty or not guilty of the
12 crimes set out in the indictment. The defendants are on
13 trial only for the specific offenses alleged in the
14 indictment.

15 Also, the question of punishment should never be
16 considered by the jury in any way in deciding the case.
17 If the defendants are convicted, the matter of punishment
18 if for the Court to determine.

19 If you are here to determine -- excuse me. Let me
20 start again.

21 You are here to determine the guilt or innocence of
22 the accused defendants from the evidence in this case.
23 You are not called upon to return a verdict as to the
24 guilt or innocence of any other person or persons.

25 You must determine whether or not the evidence in

1 the case convinces you beyond a reasonable doubt of the
2 guilt of the accused without regard to any belief you may
3 have about guilt or innocence of any other person or
4 persons.

5 Any verdict you reach in the jury room, whether
6 guilty or not guilty, must be unanimous. In other words,
7 to return a verdict, you must all agree.

8 Your deliberations will be secret. You will never
9 have to explain your verdict to anyone.

10 It is your duty as jurors to discuss the case with
11 one another in an effort to reach agreement if you can do
12 so. Each of you must decide the case for yourself, but
13 only after full consideration of the evidence with the
14 other members of the jury.

15 While you are discussing the case, do not hesitate
16 to reexamine your own opinion and change your mind if you
17 become convinced that you were wrong, but do not give up
18 your honest beliefs solely because the others think
19 differently or merely to get the case over with.

20 Remember that in a very real way, you are judges, judges
21 of the facts.

22 When you go to the jury room, you should first
23 select one of your members to act as your presiding
24 juror. The presiding juror will preside over your
25 deliberations and will speak for you here in court.

1 Be sure to only discuss the case when everyone is
2 present, so everyone can be part of all of the
3 deliberations.

4 A form of verdict has been prepared for your
5 convenience. The verdict form will be placed in a folder
6 and handed to you by the Court Security Officer.

7 At any time that you are not deliberating, i.e.
8 when at lunch or during a break in deliberations, the
9 folder and verdict form should be delivered to the Court
10 Security Officer, who will deliver it to the courtroom
11 deputy clerk for safekeeping.

12 I'm going to read the verdict form to you. It
13 reads, "United States of America, plaintiff, versus
14 Olufolajimi Abegunde and Javier Lewis Ramos Alonso,
15 defendants. Verdict: We, the members of the jury, in
16 the above-styled and numbered cause find: Count 1, wire
17 fraud conspiracy, which is 18 U.S.C. Section 1349."

18 It has on the first line Olufolajimi Abegunde, and
19 two possible places where you can mark what your verdict
20 is. So first, it has a blank that says not guilty, and
21 then beside that, it has a blank and says guilty.

22 Below that, Javier Lewis Ramos Alonso, same two
23 options, a blank for not guilty and a blank for guilty.

24 "Count 2, wire fraud, 18 U.S.C. Section 1343,
25 Javier Lewis Ramos Alonso," with the two options.

1 "Count 3 money laundering conspiracy, 18 U.S.C.
2 Section 1956H, Olufolajimi Abegunde, with the two
3 options. Javier Lewis Ramos Alonso, with the two
4 options.

5 "Count 4, conspiracy, 18 U.S.c. section 371,
6 Olufolajimi Abegunde," with the two options.

7 Count 5, witness tampering, 18 U.S.C. Section
8 1512b, Olufolajimi Abegunde," with the two options.

9 There is place for the date to be written in and
10 the presiding juror to sign the verdict form.

11 You will take the verdict form to the jury and when
12 you have reached unanimous agreement, you will have your
13 presiding juror fill in the verdict form, date and sign
14 it, and then return to the courtroom.

15 If you should desire to communicate with me at any
16 time, please write down your message or question and pass
17 the note to the Court Security Officer, who will bring it
18 to my attention.

19 I will then respond as promptly as possible after
20 conferring with counsel, either in writing or by having
21 you return to the courtroom, so that I can address you.
22 Please understand that I may only answer questions about
23 the law and I cannot answer questions about the evidence.

24 I caution you, however, with regard to any message
25 or question you might send that you should not tell me

1 your numerical division at the time.

2 If you feel a need to see the exhibits which are
3 not being sent to you for further examination, advise the
4 Court Security Officer, and I will take up your request
5 at that time.

6 Any questions about the process?

7 Yes, sir?

8 **A JUROR:** Actually, I am not sure that if this
9 is process-related or not. To bear on all of the counts,
10 every count with the terms of conspiracy, we're just
11 having to prove that conspiracy took place, not
12 necessarily between the two defendants?

13 **THE COURT:** The elements of the conspiracy
14 were two or more persons engaged in conspiracy.

15 **A JUROR:** But it does not necessarily have to
16 be just the two specifically that they perform -- that a
17 crime was performed by conspiracy, but not necessarily
18 the two of them conspiring together?

19 **THE COURT:** If you review the indictment, you
20 will see that it outlines what the defendants are charged
21 with as to the conspiracy.

22 **A JUROR:** Okay. Okay. Thank you.

23 **THE COURT:** Does that make sense to you?

24 **A JUROR:** Yes, ma'am. Yes, Your Honor.

25 **THE COURT:** That was long. So we're going to

1 take a brief break. It's ten after 10:00 now. Let's
2 just take a ten-minute break, and remember that it is
3 still not time for you to even talk to each other about
4 the case. We're still going to hear closing arguments
5 right after the break. Okay? So be ready to come back
6 in about 20 after 10. Thank you.

7 (The following occurred outside the presence
8 of the jury:)

9 **THE COURT:** Counsel, any objections to the
10 instruct has delivered?

11 **MR. FLOWERS:** From the Government, Your Honor.

12 **MR. GARRETT:** No, Your Honor.

13 **MR. PERRY:** No, Your Honor.

14 **THE COURT:** You may notice there were a couple
15 of places where sort of on the fly I adjusted plurals and
16 those sorts of things. I think that's all I adjusted.
17 So we will make those changes. Then I think I told you I
18 give six copies to them during deliberations.

19 Anything else before we take a break?

20 Yes, sir.

21 **MR. GARRETT:** Interpreters, Your Honor.

22 **THE COURT:** Mr. Warren if you could swear in
23 the interpreters.

24 Thank you, Mr. Garrett.

25 (Interpreters are sworn.)

1 **THE COURT:** Ten minutes.

2 (Recess.)

3 (The following occurred in open court:)

4 **THE COURT:** Anything before we bring the jury
5 back?

6 **MS. IRELAND:** No, Your Honor.

7 **MR. GARRETT:** No, Your Honor.

8 **MR. PERRY:** No, Your Honor.

9 **THE COURT:** All right.

10 (The following occurred in the presence of the
11 jury:)

12 **THE COURT:** Y'all may be seated.

13 Mr. Flowers, Ms. Ireland.

14 **MR. FLOWERS:** Yes, Your Honor.

15 May it please the Court, counsel --

16 **THE COURT:** Make sure your mike is on.

17 **MR. FLOWERS:** Yes, ma'am, it is.

18 Can I be heard?

19 **THE CLERK:** That's my fault. There we go.

20 **MR. FLOWERS:** Thank you very much.

21 Is that better?

22 **THE COURT:** Yes.

23 **MR. FLOWERS:** Wonderful.

24 Good morning, my name is Tim Flowers. I'm one
25 of the prosecutors in this case.

1 John Hester was a man from Oakland, Tennessee.
2 He sold a property for \$154,000, and he thought he was
3 going to receive the proceeds of that sale. He never
4 did. When he did, it was vastly delayed in the future.
5 That money was stolen. It was redirected.

6 Colleen Baldwin is the CEO of a small title
7 company in Washington. Her company was thrown into chaos
8 because \$60,000 had been redirected from one of their
9 customers, causing thousands of dollars in remedial costs
10 and damage to the reputation of a small business in a
11 community.

12 Now, ladies and gentlemen, these were crimes
13 that were perpetrated, despite the fact that the people
14 who did them never stepped foot in the offices with those
15 people. They never looked them in the eye. They never
16 even spoke on the phone. They were able to hide behind a
17 computer, and that's the practical reality that we face
18 in today's landscape that crimes can be committed that
19 are effectively anonymous.

20 People can do them -- ruin lives, wreak havoc
21 by hiding behind a computer screen, and this case is part
22 of that. It's the fraud and the money network that is
23 behind it.

24 So this is what we're talking about. This is
25 a business e-mail compromise. You've heard that phrase

1 quite a bit over the past week. What that is is a
2 communication that is directed to someone with a
3 misrepresentation to redirect funds. That's all it is.

4 It is perhaps a communication that is intended
5 to mislead. It gives a misrepresentation that causes
6 someone to rely on it. It capitalizes on trust. It
7 capitalizes on goodwill -- the names of individuals, the
8 companies, relationships, social engineering.

9 And with a few keystrokes, money is gone, and
10 once it's gone, it goes into a complex network and BEC is
11 a type of wire fraud, a type of wire fraud, a
12 communication sent over the wires with a
13 misrepresentation intended to take something of value.

14 Now, this case is about fraud and money.
15 That's what it is at its core: Fraud and money. About
16 complex networks of money transfers, as you saw in the
17 chat. I know it's a chain, the web behind fraud -- the
18 web behind fraud. And that exists because you can be
19 anonymous online.

20 You heard testimony from Geoffrey Fargo, from
21 Crye-Leike, a local real estate company. He talked about
22 the challenges that the company faces with bad doctors on
23 a daily basis, constant hits from overseas or
24 domestically, people using anonymization techniques to
25 hide their identity, and is a constant struggle for him

1 and his company.

2 You also heard from Special Agent David
3 Palmer, who gave context and explained the systems behind
4 these schemes, how they are calculated and intended to be
5 anonymous. That is the entire goal behind them is to
6 create a landscape in which crime can be committed,
7 concealed, and then perpetrated after the fact. It is an
8 ongoing process, ladies and gentlemen.

9 Now, fraud and money, you have multiple layers
10 of transactions, and here, we come into Special Agent
11 Marcus Vance's testimony. It's not just bad guy commits
12 the crime, goes into a bad guy's account. In between,
13 there are lots of layers. And the reasons for that are
14 simple, but the consequences are difficult. It's simple
15 because it's easy to move money between accounts. It's
16 easy to withdraw and redeposit funds, but it's difficult
17 for law enforcement to track.

18 So to perpetuate those schemes, you create
19 those steps in between: The bad actors, and the ultimate
20 beneficiaries of funds to clean the money, to take away
21 that taint of criminal conduct. And that's, at its core,
22 what this case is about.

23 And here, you have an example: \$60,000 goes
24 in. Lots of transactions come out. Once it goes into
25 cash, it's like taking a handful of sand and throwing it

1 into the wind. It's very, very difficult to track.

2 Fraud and money, so both -- this is important
3 to remember, ladies and gentlemen -- fraud both produces
4 the money that is taken, but provides the structure by
5 which it can be -- the scheme can be perpetrated.

6 And by that, you have individuals who are
7 recruited first through scams as victims themselves.
8 Then over time, they become complicit and through these
9 schemes, they receive money, split it or cut it was the
10 term that you heard -- that you heard -- and then send it
11 out again. Fraud in layers of transactions, cutting them
12 up into smaller and smaller bits, making it more
13 difficult to track. So here, we have a good example of
14 that.

15 Now, the object of the conspiracy simply to
16 enrich themselves with fraud, individuals who are
17 involved in vast conspiracies to enrich themselves via
18 various schemes on the Internet, and that is what we have
19 here.

20 Now, you had a reference to the chain. Here's
21 the chain that is really going on in this case -- and if
22 I'm standing in the way, I apologize. Please let me
23 know.

24 But it starts out with someone who is like a
25 handler, a handler for a romance scam, dealing with the

1 money mule. The interactions with the money mule provide
2 the structure by which they can move money. So when you
3 have a larger fraud like the 2 BECs that are committed
4 in -- on the screen, the Memphis Crye-Leike BEC in July
5 and the Whatcom in October, the larger amount of money
6 can go through the central money mule, and that is sent
7 out to various individuals and that is the cleaning
8 process. The cleaning process, the process by which
9 something dirty becomes not dirty.

10 Now, as relevant to this case, we have the
11 money going through a money mule, and of all the
12 different accounts we were able to look at, we identified
13 two: But when looking at all the evidence, what we
14 really saw, both of those accounts were controlled by
15 Olufolajimi Abegunde.

16 So Count 1, wire fraud conspiracy, we'll talk
17 a little bit about the law, but please remember that the
18 judge's instructions on the law control.

19 In general, no formal agreement is necessary,
20 no handshake. You don't have to look someone in the eye
21 and say, we are agreeing to commit a crime. It can be
22 unspoken. It can be tacit. It can be a mutual
23 understanding between the parties. You do not have to
24 know each other.

25 And, in fact, you heard testimony from the

1 special agents that these types of schemes are calculated
2 so do you not know each other. Anonymity is key. Not
3 everyone has to commit all of the acts. When you have a
4 conspiracy, individuals have roles. You have individuals
5 who are perpetrating and directing the
6 misrepresentations, and then the folks behind it who are
7 helping the proceeds from those crimes be returned.

8 And you can look at all of the facts and
9 circumstances, ladies and gentlemen, to find these
10 agreements -- not the handshake, not the head nods, the
11 facts and circumstances which may tell you that people
12 have agreed to commit a crime.

13 Remember, co-conspirators can have different
14 roles and those responsible do not have to know the
15 specific fraud in question. So there does not need to be
16 a specific conversation of, this is a BEC money or this
17 is from a romance scam. It is enough that they have
18 knowledge that the fraud -- that the proceeds or the
19 fruits are coming from some type of illegal conduct.

20 Now, there is a snippet from the constructions
21 there. Under certain circumstances, the act of one
22 co-conspirator can be treated as the act of all. This
23 means that all the co-conspirators may be convicted of a
24 crime committed by only one of them, even though they did
25 not personally participate in the crimes themselves.

1 Wire fraud conspiracy: Here, as I've
2 mentioned, part of the conspiracy was not just committing
3 the business e-mail compromises or having a romance scam.
4 It's having a network behind it.

5 You have individuals who are recruited and can
6 become complicit, and then the funds go through them, and
7 then they go through a series of accounts, and that is
8 what we have shown in this case. So for the wire fraud
9 conspiracy, we have wire fraud.

10 Now, ladies and gentlemen, the testimony has
11 established that there were wire frauds in this case.
12 The victim, Angie Kirkpatrick, she testified that her
13 account had been hacked into, and based on that hack,
14 e-mails were sent from her account that she did not send.

15 They were sent to an attorney in Memphis and
16 he relied on those because of the trust and the working
17 relationship that they had. And based on that, those
18 representations, he wired money to a place it did not
19 need to go.

20 And as from the top right hand corner, it went
21 to John Hester R. Alonso. There was no R. Alonso in that
22 real estate transaction, ladies and gentlemen. It was
23 John Hester. He was the person who was supposed to
24 receive those funds.

Now, this is corroborated by James Trainer.

1 He gave brief testimony of looking at Ms. Angie
2 Kirkpatrick's e-mail account. He went back and looked at
3 the logs and he saw Memphis, Memphis, Memphis, Africa,
4 Memphis, Memphis. There were bad actors who had gained
5 access the her account and sent correspondence that they
6 should not have. They should not have had access to
7 those accounts.

8 Colleen Baldwin's testimony, she was from
9 Whatcom. Her testimony established that her company, a
10 realtor they work with -- and this is the example of
11 spoofing we mentioned. It's an e-mail that looks very
12 close, but it's not.

13 Notice, it looks like Gmail. Gmail is such a
14 common e-mail address, we sort of glance over what is on
15 the screen, when in actuality, it goes to a provider at
16 GMX.com. And it went to Luis Alonso Mark Dryer.

17 Now, Ms. Baldwin's testimony, she got very
18 emotional on the stand. She is someone who worked her
19 way up from a customer sales rep within her company to
20 being a CEO.

21 \$60,000 was a huge issue for her company, both
22 reputationally and financially. They had spent years
23 building good will. She had spent years working her way
24 up, and something like that puts a lot of stress on the
25 company. These crimes have consequences. They have real

1 life affect on people.

2 And as you can see, key misrepresentations of
3 fact. There was no R. Alonso. There was no Luis Alonso.
4 In part of those transactions. They were added, so then
5 they could receive the money after the fact.

6 Bank records confirm this and importantly, the
7 facts and circumstances around the bank to confirm that
8 they were not -- that this was not a mistake at all. It
9 was calculated. The wire comes in, \$154,000, from
10 Maxwell and Gold, a law firm that's in Memphis,
11 Tennessee, within the Western District of Tennessee.

12 Now, it is for John Robert Hester, the
13 proceeds of a real estate transaction and importantly,
14 you see after that a series of withdrawals: \$58,000
15 withdrawn on two separate days, at multiple financial
16 institutions in the days after the crime. And it's cash
17 withdrawals -- just as we mentioned -- the cash
18 withdrawals, making it difficult to find and difficult to
19 track.

20 Now, going in further, you see the address in
21 Memphis, Tennessee, from the lawyer that's contained on
22 Mr. Ramos Alonso's bank records. And importantly, from
23 the e-mails that were provided to law enforcement, you
24 see four separate deposit slips from the day after the
25 proceeds were deposited into Mr. Ramos Alonso's account,

1 all on July 26th, three -- two at Wells Fargo, two at
2 Bank of America. And the dates are highlighted there
3 with boxes.

4 Now importantly, you notice that we can do
5 simple arithmetic to see what happened to those funds.
6 Under withdrawals and under subtractions on July 26th,
7 39,500 was withdrawn of that money. We know from the
8 deposit slips that were contained in the e-mail that
9 37,000 was redeposited. Where did the extra 2500 go,
10 ladies and gentlemen?

11 The Government submits it went into Mr. Ramos
12 Alonso's pocket, which is in direct contradiction of the
13 testimony he provided yesterday afternoon, that the only
14 profit, a hundred dollars here or couple hundred dollars
15 there. Here's an example of him taking \$2,500.

16 The second, BEC, the second BEC, I showed this
17 earlier, the example of this spoofed e-mail. Now we can
18 trace money the from that. 60,000 goes to \$61,000. You
19 have immediate withdrawals, and here it gets into the
20 testimony of Brian Ancona who was the Wells Fargo
21 investigator, someone would took notes and gathered
22 information contemporaneous to right after the BEC in
23 question.

24 He called Mr. Ramos. Mr. Ramos provided the
25 names of accounts that were to receive this information.

1 Importantly, Mr. Ramos said that he deposited these
2 checks through an online work-from-home job, not because
3 he received money from someone he was in love with or
4 from some type of relationship. Now he did not know the
5 identity of the people he sent money to. He simply had a
6 list of names. He sent it out. So he provided names and
7 account numbers; and, very importantly, he said he was to
8 so \$2,000 as part of this transaction, a number that is
9 very similar to the \$2500, if you look at the difference
10 between the deposits and withdrawals from the first
11 business e-mail compromise, ladies and gentlemen. Again,
12 that's in direct contradiction to his testimony from
13 yesterday of the small amounts of money that he would
14 receive.

15 Again, Mr. Ramos Alonso's testimony, he did
16 not mention any work-from-home-scam yesterday, but he
17 confirmed he did not know the name of any of the people
18 he sent money to on behalf of Tammy. He said that he is
19 able to provide the names and account numbers.

20 Oh, importantly, BCTR records from FinCen, Ted
21 Vlahakis from FinCEN provided testimony and we obtained
22 documents and admitted them through. We know that the
23 money from the second business e-mail compromise from
24 Wells Fargo was actually withdrawn because the financial
25 institutions filed reports. We tracked the reports. So

1 we know that that money was actually withdrawn. It was
2 not an innocent mistake. It was not returned out of some
3 effort of good will. There was money that was actually
4 withdrawn from those accounts in the days after the
5 incidents in question.

6 From Mr. Ramos Alonso, Mr. Ancona contacted
7 the account holder in the name of Mr. Ayodeji Ojo which
8 the information associated with that is included on the
9 screen, the information in Atlanta, Georgia, 1014
10 Brookwood Valley Road. Mr. Ancona said he was told twice
11 by a person claiming to be Mr. Ojo that he is receiving
12 money from friends in Nigeria. Now at this point the
13 account holder was instructed that the funds originated
14 from fraud; and, importantly, the bank initiated a
15 recall. And how do we know it was a recall? Because the
16 records from Wells Fargo confirm this, confirm fraud
17 regarding wire recall. The Bank initiated this recall.
18 It was not a mistake that the account holder was then
19 sentence become it was inadvertent, because it was a
20 great mistake, a bank-originated debit, bank-originated,
21 not customer-originated, ladies and gentlemen. Testimony
22 to the contrary just does not hold water.

23 The second account that was identified also in
24 the address of 1014 Brookwood Valley Circle Road was Ms.
25 Oluwabukola Oguntoye. Now this account holder could not

1 be roached by Mr. Ancona, and the bank was able to stop
2 the transaction before it actually occurred. But
3 subsequent investigation from that origin, we were able
4 the reveal that the true operator of that account at that
5 time was Mr. Olufolajimi Abegunde.

6 Now, looking at evidence of intent, we'll
7 start with Mr. Ramos because that sort of the background
8 we're looking at, important evidence going to the
9 background of a lot of the business e-mail compromises
10 that were at issue in this case. Now we will look at
11 evidence of intent for both, starting with Mr. Ramos
12 Alonso. Now large deposits coming into Mr. Ramos
13 Alonso's account that are above and beyond his actual
14 earnings from questionable sources themselves and
15 interactions with questionable sources.

16 Now notice here I have a snippet from the Bank
17 of America account summary. He had approximately \$1600
18 that came into his bank on the date of the BEC. Then he
19 had a musive influx of \$154.000. It came in, and then it
20 withdrew.

21 The knowledge of wrongdoing, the relationship
22 with Tammy. Mr. Ramos wants you to believe that he was
23 performing these acts because over three days he became
24 madly in love with someone he never met; he never spoke
25 to on the phone; and, in fact, he never met over a

1 three-year period. They never had any meaningful
2 interactions aside from the e-mails that were sent with
3 flowery, romantic language; and he wants you to believe
4 over those three- or four-day period he developed a bond
5 and relationship so strong that it could excuse any type
6 of criminal conduct that he knew or should have known.

7 Ladies and gentlemen, it just does not work.
8 It does not hold water. Meeting someone over a three-day
9 period and falling so madly in love that he wants you to
10 disregard all the small little bits of knowledge that
11 build up over a three-year period, showing that he not
12 only knew what he was doing was wrong but he persisted in
13 a course of conduct. We're dealing with an online
14 environment. You can simply change your e-mail address.
15 You can simply not respond to an e-mail. Mr. Ramos
16 Alonso went above and beyond on just about every
17 occasion. He persisted in a course of conduct.

18 Now here we go. Now, Special Agent Marcus
19 Vance testified about money mules, about how they're
20 recruited, how they're cultivated, how they graduate once
21 you gain more trust, and the social engineering that goes
22 behind it that was testified to by Special Agent David
23 Palmer. Notice that this e-mail on the screen, the last
24 sentence that I highlighted: You want someone who is
25 openminded to thoughts and ideas and will basically do

1 thing they would not normally otherwise do.

2 Knowledge of wrongdoing. First of all, the
3 first marker should be when you're trying to get money
4 from someone who is over in Africa and can never seem
5 just to get home. Over a three-year period every little
6 thing that happens that could go wrong does go wrong.
7 From there on out, you are sending money overseas; but
8 who are you sending it to? Are you sending it to the
9 person who needs it? No. You're sending it to list of
10 names that changes over time, rarely consistent, to
11 strangers, to strangers. So why do that? Why do that?
12 As testified to by Special Agent David Palmer, one of the
13 means by which this scheme is perpetrated is that
14 constant promise of more money on the horizon. So these
15 romance scams capitalize on two things: (1) someone's
16 willingness to do things they would not normally
17 otherwise do but (2) greed, greed at its core, someone
18 who may want more at life. Because they want something
19 more in life, they are able to do things that they know
20 in their hearts of hearts is wrong.

21 So here, once the funds have been released to
22 your account, you're able to fly out immediately because
23 the money is to the tune of \$5 million. Everyone wants
24 \$5 million. Everyone wants \$5 million; but not everyone
25 wants the take in checks from strangers, cut them up to

1 deposit them in your account, cut those little deposits
2 into little bits and scatter them to the wind. Again,
3 it's the big money.

4 This is 2015 in March. Mr. Ramos Alonso said,
5 "You promised to be here." Ms. Tammy Dolan says, "It's
6 for the big money. I'll be here eventually. It's for
7 the big money." Now at this moment Government would ask
8 that you do put this in context because, as special agent
9 Marcus Vance did testify, individuals who are involved in
10 these schemes start out as victims. They start out as
11 victims. The Government does not dispute that Mr. Ramos
12 Alonso started out as a victim. What happened to him
13 should not have happened, unequivocally so. What
14 happened to him shouldn't have happened. But Mr. Ramos
15 Alonso had markers over and over again that he should
16 have stopped in his conduct but he persisted and we will
17 go over some of those markers here in a moment. Okay.

18 For Example One, like I mentioned earlier,
19 taking in money into your account, splitting it up, and
20 sending it out, that is not normal conduct, not normal
21 conduct. Now Mr. Ramos Alonso recognized this. On the
22 message at the bottom of screen, he would have the
23 wherewithal to say, "Not yet, Baby. Just hold on. Okay.
24 I can't do everything. Same time, my love." He knows
25 this is difficult. He knows this is not what he should

1 be doing.

2 As early as 2014, a month and a half after he
3 first met Tammy Dolan online, he was doing transactions.
4 Said, "Sorry, Baby. They cannot make me transfer for the
5 money. They start make me questions. Like I told you,
6 they think it is a scam. That's why they can't make
7 transfers. They ask me for proof what's the money for
8 and what I'm going to do to get on it. Sorry, Baby,
9 don't know what to say." He was unequivocally told that
10 it was a scam. You don't have to be told something is a
11 scam by law enforcement to know that it's wrong. You can
12 be told by somebody at a business, by a friend. You can
13 be told by lots of people that what you are doing is
14 wrong, and you are put on notice that you should not be
15 doing that conduct.

16 For example, same problem as last time.
17 Having problems with MoneyGram. As a result of having
18 problems with MoneyGram, being told to go the Western
19 Union at multiple locations on multiple days to do
20 transactions.

21 Finally, now at the beginning -- and they are
22 very important indicia in facts with the backstory of the
23 individual, Mr. Ramos Alonso, to be with Tammy. One was
24 when he first met her in 2014, she claimed to be in South
25 Africa; and she had all these problems traveling. At

1 various points she would go to different locations. The
2 example on the screen, "Hey, Honey, I was trying to send
3 the text messages." And it goes on. "Why does it have
4 to be in Nigeria? You're supposed to be back in South
5 Africa already, right?" It's another marker. It's
6 another marker. He is being work. He is being handled
7 by the person who's controlling the romance scam.

8 Here, from January, 2017, "Yes, I've got it
9 with me. You see, I can't send money more with my name
10 now." He can't send money in his own name. He
11 recognizes that. It's not someone telling him. He
12 recognizes that he can't send money in his name when
13 dealing with Tammy. It's another building block that he
14 knew that he should not be doing and engaging in that
15 conduct.

16 Sending money to people he does not know,
17 here's another example of someone in Texas with account
18 information. Mr. Ramos Alonso has the wherewithal to
19 ask, "Who is that?" I don't know. He also would
20 periodically say, "This is the last time. I have had it.
21 I cannot do this anymore." Here's an example. "This is
22 the last time I'm sending money. Okay? If it's not
23 working this week, as I said last night, I have to cancel
24 the account with Chase bank." He could have walked away,
25 but he didn't. "Hey, Honey, don't worry about sending it

1 to him anymore." This is from Tammy. Very romantic
2 message.

3 Now I may have also mentioned, again, you are
4 the memories of this case. Your recollection of the
5 facts control. Mr. Ramos Alonso sat in that chair; and
6 he said he would read these messages two or three times,
7 these beautiful messages. I wonder if he read this one
8 two or three times. It instructed him to go to Rite-Aid
9 on multiple occasions to get money. The Government would
10 submit that he likely did not.

11 Again, continuing on, June, 2015, this time:
12 "This is very last thing I'm going to do for you. Okay?"
13 But was it the last thing? No, he persisted. He even
14 admits: "This is getting hard for me. This is getting
15 hard for me." But again, he continues. Just a few more.

16 We talked about all those indicia of
17 wrongdoing. Mr. Ramos Alonso said he would read e-mails.
18 Government wonders if he read this one. It wasn't from
19 Tammy. It was from Tammy's e-mail address. Who signed
20 it? Carlesse. Carlesse. It wasn't Tammy. It was
21 Carlesse. Special Agent Palmer testified, you have
22 romance scammers who have multiple working they're
23 working with, that they're dealing with at once.
24 Carlesse, not Tommy.

25 She changes her e-mail partway through. Look

1 what she changes her e-mail to. Tammy Alonso. Tammy
2 Alonso. Not Tammy Dolan. They're not married. It's
3 part of the scheme to make them feel like they're
4 married. They are making that connection. Okay.

5 But he eventually gets wise to it. In 2017,
6 even with all these markers; and, mind you, on the stand
7 he said he continue doing transactions into March, 2017.
8 This is January, 2017. He's get wise. He's asking Tammy
9 for the password. He wants the password to her account
10 to log in and see what exactly she's doing. He sat up on
11 the stand and told you that he was not an intelligent
12 man. He was intelligent enough to do this, to ask for
13 her password.

14 "You always lie to me, Tammy. You always
15 leave me, like, stupid, waiting for you at the airport.
16 You're using a new e-mail. Send me the password to this
17 one." He asked multiple times. "Send me the password
18 first." Continues, "Send me the password." And at the
19 very end -- and this is January, 2017, when they're
20 having interactions -- he finally makes a sarcastic
21 comment, "I guess another three years." He never met
22 her, he knew he wasn't going to meet her, but he
23 persisted.

24 Now something important to remember here. He
25 stuck around for the money. There were constant promises

1 of big money. I've giving a large payout. That's
2 ultimately the end goal of these things. An individual
3 starts out as a victim. They lose out their own money.
4 This is with the promise of money at the end of the
5 tunnel.

6 Now importantly with the rest of the intent
7 Mr. Ramos did not make an inadvertent deposit in
8 connection with the October 3rd, 2016, BEC. Brian
9 Ancona's testimony established that it was not
10 inadvertent and the fact that the money was returned,
11 that it was bank-initiated, that it was not initiated by
12 the customers who were on the other end. Every aspect of
13 his relationship, ladies and gentlemen, with this person
14 known as Tammy just reeks of fraud. It just reeks of it.

15 Mr. Abegunde. Mr. Abegunde, you've heard
16 testimony, you've seen records. He was a businessman
17 would could not settle on what his business was. He
18 testified that it was conglomerate. A conglomerate of
19 what? We heard testimony from his open statements to law
20 enforcement that his money exchange service at least in
21 March of 2017, it wasn't even operational. He was still
22 going through the process. There was a pattern of
23 conduct months in advance of this. So what was it?

24 He was also a businessman who could not keep
25 financial accounts and a businessman who actively

1 avoided, as shown by evidence in this case, having his
2 accounts tracked. He was a man would lied or
3 misrepresented when he was questioned by the banks or law
4 enforcement. A powerful example of this is Ms. Ariel
5 Hays from PNC bank. She got on the stand and said that
6 he was contacted in connection to some transactions.

7 Now, mind you, Mr. Abegunde holds himself out
8 as a money exchange business. His banking inusitation is
9 PNC, the company that she works for. Rather than say
10 that he is in the money transfer business, he says he's
11 in clothing. This is the bank where he has his
12 depository account listed from his FinCEN documentation,
13 and he can't even come clean with that bank. It's
14 telling. It's really the man behind the curtain.

15 We here financial statements. Top left is
16 from Ms. Oguntoye's, and bottom right is Mr. Ayodeji
17 Ojo's account. He's the man behind the curtain here. He
18 was in operation of it. Now, as we established, neither
19 Mr. Ojo nor Ms. Oguntoye were in the United States around
20 the time of the second business e-mail compromise.
21 Travel records confirm that. Bank records, if you go
22 back, show activity on the account even after that,
23 including physical transactions that occurred at ATMs
24 after the date of the business e-mail compromise.

25 You heard testimony from Mr. Abegunde that he

1 did admit that the debit card had been received at his
2 apartment as part of the deal with Mr. Ojo of him using
3 the address at his account. Now all of things come
4 together to show that during the time of the second
5 business e-mail compromise, when money was redirected, it
6 was Mr. Abegunde who was running the show. Okay.

7 Now we know that there was a big shift in
8 finances even before that, a 10,000-dollar check paid for
9 Mr. Ojo and Mr. Abegunde's address to Mr. Abegunde at
10 Mr. Abegunde's address went to him and we also know the
11 type of financial institutions that he liked to use and
12 use money orders for in connection with his financial
13 exchange business. We can see from the breakdown -- I
14 believe this is from Ms. Oguntoye's account, those are
15 the type of institutions where money orders and deposits
16 and cashier's checks are being purchased in the days
17 after the second business e-mail compromise.

18 In addition.

19 (An audio recording was played)

20 **MR. FLOWERS:** Mr. Abegunde and Mr. Ojo were
21 connected. You heard it from the testimony. They've
22 been together for a long time. They've been friends. I
23 believe they met in college, if I remember correctly.
24 They'd known each other for a long time. They started a
25 business together. They wanted to start a business. In

1 fact, Mr. Ojo provided seed capital for what was to be
2 his company.

3 So when we get to October 3rd, 2016, and we
4 look at the accounts that Mr. Abegunde has given out,
5 what account does he give out do we see? Well, the
6 evidence shows that he gives out Mr. Ayodeji Ojo's
7 account. In the days prior, he's given this account out.
8 Again, this is not in Mr. Abegunde name. In the days
9 after he's continuing to give this out to individuals for
10 financial exchanges.

11 And it doesn't stop there. The other account
12 that received BEC funds was Ms. Oguntoye's account.
13 Well, we know that after the BEC, he's giving that
14 account information out, too. Of course, because he
15 gives out other people's accounts quite often, he gives
16 out the account of his ex-wife, too, in connection with
17 the same conversations.

18 Words matter. Words matter here. There is an
19 example on the screen. He says, "Your account. Your
20 account has problems." This is in direct reaction to
21 Mr. Abegunde giving out the Ayodeji Ojo account. Your
22 account, not your friends' account, not your
23 acquaintances' account, your account. Mr. Abegunde says
24 he'll give an alternative. He didn't know the account
25 was locked. He didn't know the account was lock. It

1 caused big drama in the bank; and, importantly, once
2 funds go into an account, he just figured they would find
3 a way for the funds to get out.

4 No control of his accounts. No control of his
5 accounts. That's what we heard yesterday from Mr.
6 Abegunde's testimony. He had no control over his
7 accounts. As we established, he was handing out
8 Mr. Ojo's account in the days before, the day of, and the
9 days after the BEC. He was handing out Ms. Oguntoye's
10 account in the days after the BEC as well.

11 Importantly, not only was he handing out
12 financial accounts, he had to use the name and password
13 to Mr. Ojo's e-mail account; and that's established from
14 his testimony on the stand. He identified that as
15 Mr. Ojo's account, direct contemplation of the parties,
16 ladies and gentlemen, direct contemplation of the
17 parties.

18 (An audio recording was played.)

19 **MR. FLOWERS:** There is a link, ladies and
20 gentlemen. There are lots of links. Despite what
21 Mr. Ojo says, there are lots of links. So there is a
22 fantasy versus reality aspect, ladies and gentlemen. In
23 Mr. Abegunde's fantasy, the deposit into Ojo's Wells
24 Fargo account is inadvertent. Now, in reality, Mr. Ramos
25 misrepresented the source of the funds. Mr. Abegunde, as

1 Ojo, lied about the source; and a second deposit was
2 scheduled for Ms. Oguntoye's account.

3 Another fantasy: Ojo okayed the deposit to be
4 returned. Reality: The bank initiated the recall of
5 that money and that is reflected in the records and that
6 is important to remember here, ladies and gentlemen. The
7 records said it was recalled, not returned.

8 Mr. Abegunde simply allowed his friend to use
9 his address and phone number. Mr. Abegunde directed
10 multiple individuals to Ojo's and/or Ms. Oguntoye's
11 account. He was in control at that time, ladies and
12 gentlemen. Again, statements show that it was a
13 bank-originated debit, a bank-originated.

14 Now we heard testimony from Mr. Abegunde about
15 Ojo. So when he was confronted about this transaction,
16 he went to him and said, "Young man, I warned you about
17 this thing. I won't stand for any of this"; and then
18 after the FBI came, he gave them Mr. Ojo's phone number.
19 He said, "I did my civic duty as responsible citizen in
20 society." Now this telling. This is what happens when
21 Mr. Abegunde has eyes that are on him, when you can see
22 what he's saying, when you can look at his mannerisms.

23 Now when the eyes are off of him and he's
24 using an encrypted messaging platform, here's what
25 happened. He approaches friends. They says, "You're

1 involved in a illegal money transfer. Your name isn't
2 F.J. Williams. I lied about that. I lied to the FBI. I
3 lied about my connections with you."

4 Importantly, Mr. Ojo says, "Who doesn't lie
5 for America? And you acted right. You don't disclose
6 the info to the regulators." And carrying on from that,
7 "There was no crime, no crime in seeing an opportunity
8 and taking it." And then Mr. Abegunde's response: Laugh
9 out loud.

10 There is crime, ladies and gentlemen. There
11 are crimes, ladies and gentlemen. There is a conspiracy
12 to commit wire fraud, a conspiracy to commit money
13 laundering. Now notice what you don't see in this
14 conversation because that's also telling. You don't see
15 any mention about a mistake or we're so glad we returned
16 the money. It was all some big misunderstand. No, there
17 is not a crime in seeing an opportunity and taking it.
18 It is important to remember that we're talking about
19 fraud funds here, ladies and gentlemen, fraud funds that
20 have a very direct and meaningful impact on the victims
21 of those crimes. It's viewed as an opportunity.

22 Now we finally get to the interview with
23 Special Agent Kevin Hall. He's emphatic in saying that
24 only the person who's procured fraud funds has committed
25 fraud, people moving the money who have not committed

1 fraud. That is reminiscent to what is said there. There
2 is not a crime in seeing an opportunity and taking it.
3 If you are moving and accepting the money, it is fine.
4 Abegunde also said that Mr. Ojo was not involved in F.J.
5 Williams. We know for a fact he said he lied about that.
6 He claimed to be living off the proceeds for selling his
7 two businesses, as F.J. Williams was not yet operational.
8 He's doing financial currency exchanges. I believe
9 Mr. Abegunde characterized them as parallel market
10 exchanges. Special Agent Hall I believe characterized
11 them as black market currency exchanges; but, regardless,
12 they're sort of off-the-books currency exchanges,
13 informal courtesy exchanges. That's how he was making
14 his money at the time.

15 Knowledge of wrongdoing, we can get into that.
16 Now notice this is just a few days after he was
17 confronted by the FBI. This is with a new person. He
18 says, "How's it going, sir?" DJobo, who is Mr. Ojo, gave
19 me your details. Someone the FBI had just told him is
20 under investigation for illegal money transfer, he then
21 accepted a connection to do additional activity.

22 And in the same conversation, they are trying
23 to do transactions, he says, "I just can't allow my money
24 to be paid into an account that can be tracked." This is
25 an individual, ladies and gentlemen, who's holding

1 himself out as a legitimate businessman. He wants to do
2 transactions that are off the books and cannot be
3 tracked. "I don't know the source."

4 And then from the individual he's talking to,
5 "My brother, we operate in an uncertain world with the
6 risk up and down. What we need to do is mitigate the
7 risk either by reducing it or leaving it. Either way,
8 business must go on." Business must go on.

9 To which Mr. Abegunde said, "Cash or nothing,
10 sir."

11 Now we've had lots of testimony about cash in
12 this case, transactions involving cash and the
13 difficulties in tracking them. Based on his
14 conversation, he doesn't want to stop. It's just cash
15 that he wants. It's cash. How can risk be mitigated?
16 Here, Mr. Abegunde comes out and says it. He wants cash
17 to do a transaction. He's worried about the source.
18 He's talking a conspiracy to commit fraud here, ladies
19 and gentlemen. How do you justify funds, money in your
20 account from a source you don't know?

21 And, importantly, you can also be the victim
22 of another scam. Ladies and gentlemen, Mr. Abegunde sat
23 on the stand yesterday. He claimed to be victims of
24 scams. In the context of this conversation, that's
25 telling. Doing suspect transactions, how do you justify

1 it? You can just say you're the victim of another scam
2 so business can go on.

3 Talk about the types of activities he's doing,
4 risk appetite, "I don't know the guys. I'm just moving
5 money." Says there, "I really don't know the guys," but
6 they pay money into his accounts. It's that cash
7 structure, ladies and gentlemen. It's a cash structure
8 that cleans the cash and all the account closures can be
9 depressing. There's two things here the Government would
10 ask you to keep in your mind.

11 One, it's the cleaning of the cash. What
12 needs to be cleaned? Something that's dirty. Although
13 the account closures can be depressing, there's a
14 direction between the risk and the cleaning of the cash
15 and account closures, of which Mr. Abegunde had had many.
16 It's been established through testimony his very
17 difficult time maintaining good relationships with
18 legitimate financial institutions.

19 So, summary. Two or more persons conspired.
20 Now, importantly here, it does not have to be Mr. Ramos
21 Alonso and Mr. Abegunde. It does not necessarily have to
22 be Mr. Abegunde and Mr. Ojo. It is that two or more
23 people agreed to commit a crime and that the facts and
24 circumstances establish that from that agreement
25 Mr. Ramos Alonso and Mr. Abegunde were knowingly part of

1 that conspiracy.

2 The wire frauds in this case happened, ladies
3 and gentlemen; and the network behind it funneled the
4 money, ladies and gentlemen. There was a conspiracy, and
5 the facts and circumstances establish that Mr. Ramos
6 Alonso and Mr. Abegunde had knowing roles in them. One
7 is someone who funneled fraud proceeds. The other one
8 would accept and convert fraud proceeds, essential roles
9 of making that crime happen.

10 Next, this was explained by the judge. It's
11 deliberate ignorance. You can't put blinders on to what
12 you know to be criminal conduct. You cannot put blinders
13 on, ladies and gentlemen. On Mr. Ramos Alonso's funds,
14 that would be that deep and abiding love that he says he
15 has with Tammy Dolan for which he would do anything for
16 her, despite never having met her or talked to her or any
17 of those things that we've established, putting blinders
18 on to the suspicious financial transactions that he was
19 doing or the consequences of those transactions would
20 have on everyday people.

21 For Mr. Abegunde, it's accepting payments into
22 accounts for people he does not know, not carrying
23 whether those contain fraud proceeds. That's a minimum.
24 For Mr. Abegunde, we saw from chats with Mr. Ojo they
25 knew exactly what they were doing. There is no crime in

1 seeing an opportunity and taking it, a quotation from
2 Mr. Ojo, to which Mr. Abegunde laughed.

3 Count Two, wire fraud, this is Mr. Ramos
4 Alonso. This is the wire fraud in connection with the
5 first business email compromise involving the proceeds
6 from John Hester's real estate transactions. Importantly
7 on this one, we are not saying that -- we are not
8 alleging that that Mr. Ramos Alonso actually did the
9 fraud. We're not saying he sent emails or he spoofed
10 e-mail accounts or anything of that nature. His role in
11 this particular crime is as an aider and abettor.

12 For you to find the defendant guilty of the
13 crime charged for Count Two, it is not necessary that he
14 personally committed the crime. You may find him guilty
15 if he intentionally helped or encouraged someone else to
16 commit the crime in question.

17 The crime was committed. Mr. Ramos Alonso
18 helped because he was that key cog in the machine of
19 accepting the funds and sending them out. We know it
20 wasn't a mistake, because it's shown by the receipts
21 earlier in his presentation. 39,000 came in, of which
22 2500 then became missing. The Government submits that
23 went into his pocket, ladies and gentlemen, and Mr. Ramos
24 intended to help or encourage that crime and being in
25 love is not defense here at this point. Lots of people,

1 commit crimes who are in love. You can still have the
2 knowledge to know what you are doing is wrong, even if
3 you're doing it for reasons of affection.

4 Money laundering conspiracy, the judge read
5 the elements. So I will not belabor them very much. Two
6 or more persons conspired or agreed to commit the crime
7 of money laundering and that the defendant knowingly
8 joined the conspiracy. There is no doubt that business
9 e-mail compromises in this case occurred. Mr. Ramos
10 conducted financial transactions with it. He accepted
11 them into his account and made transactions to multiple
12 other individuals. Mr. Abegunde conducted or attempted
13 to conduct transactions into Ojo's and/or Oguntoye's
14 account.

15 Here, he was the man behind the curtain; and
16 the confrontations with Wells Fargo about this are
17 telling because they show key misrepresents about what
18 they were doing with money and what they were receiving
19 for it. Mr. Abegunde, importantly, was receiving the
20 money into accounts not in his name. Again, this is from
21 Mr. Brian Ancona's testimony. He gave the account
22 numbers and the names.

23 Now, in this case we'll just get it out there.
24 Mr. Abegunde would have you believe that he's licensed.
25 Fine. The Government had never disputed the fact that he

went through the licensure process. He registered with FinCEN. He registered with the Georgia Department of Banking and Finance. He put together documents in accordance with that business, but being licensed does not mean you have a license to commit crimes in connection with those companies. His business was not even operational at the time, ladies and gentlemen. He was doing parallel market financial exchanges/and even if he had been, he register with FinCEN and he said under attestation of truth that he was not doing informal value trading systems when he was. He was using the parallel market at the time.

He also used, as part of his background check for his Georgia Department of Banking Finance, his military ID as justification for that background check, the same ID he was able to procure through his fraudulent marriage from Edchae Caffey, ladies and gentlemen. It all similarly can you see had the add upping, and we will expound upon all this.

For example, he used a lot of other people's accounts, as in that previous graphic. Those are 38 other accounts that he used as part of his transactions. He used a lot of them and the reason why: He had a terrible time with his own personal relationships with banks. Here's an example of him trying to open an

1 account with USAA and them denying it because of prior
2 unfavorable experience with the financial institutions.

3 This is a pattern that continued. As we saw
4 through Special Agent Vance, there's a pattern of
5 activity directly before the first BEC where he is
6 opening accounts and having them shut down because of his
7 activities. By the time we get to the second BEC, his
8 own Wells Fargo accounts have been closed. The fact that
9 that he was accepting them into Ojo and Oguntoye's from
10 the perspective of the Government makes sense.

11 Now, how do we know that he is using other
12 people's accounts and having a difficult times?

13 Mr. Abegunde tells us. He has to beg, incentivize, and
14 plead for people to let them use their accounts. There's
15 a finite of people who are both friendly to him and let
16 them use his accounts. Again, he's a legitimate
17 businessman or at least attempting to hold himself out as
18 a legitimate businessman; and he cannot get financial
19 accounts, ladies and gentlemen.

20 And here's the list of 38. The question was
21 asked throughout trial: Did we go through and vet every
22 single one of these individual and see what they were? I
23 don't think that there was testimony that actually
24 happened, but we can go through the individuals that we
25 do know.

1 The first two on there, Ms. Seberu, unindicted
2 co-conspirator in the marriage fraud, she was married to
3 Mr. Alimi who testified in court in front of all of you.
4 We can go down that list. Edchae Caffey, she also
5 testified. She pleaded guilty to conspiracy to commit
6 marriage fraud. We have his first wife with whom he was
7 living in Atlanta and the Government submits was his
8 actual real wife throughout the pendency of this
9 investigation. We also see Mr. Ojo, indicted
10 co-conspirator, a fugitive from justice who we prosecuted
11 as soon as he returns to United States soil.

12 There is a whole entire list that we see here,
13 ladies and gentlemen, an entire list because he cannot
14 maintain his own financial accounts. Okay. Then within
15 money laundering, money laundering deals with dirty
16 money, dirty money; and we have evidence, both from his
17 chats and also from the stand yesterday, of
18 Mr. Abegunde's preference for that cash structure, that
19 cash structure because it cleans the cash and it
20 eliminates the risk. He testified yesterday that he
21 prefers cash because it's harder to track, because it's
22 more difficult to track. Here we go. Baja Fresh, he
23 pointed to Baja Fresh -- I believe I'm pronouncing that
24 correctly -- Baja Fresh as an example of somebody he's
25 doing legitimate financial exchanges with, someone who

1 sells cars.

2 Well, on April, 2016, he was trying to a
3 financial exchange. Says: Legit, no. LOL.

4 Mr. Abegunde sat there, laughing. There's
5 nothing funny, ladies and gentlemen, about illegitimate
6 money. There's nothing funny whatsoever. We also know
7 from his chats -- and before I get into the substance of
8 this -- when Mr. Abegunde was at Mason, he elected to
9 designate multiple lines for attorney use but then
10 subsequently were revealed not to be for attorneys.
11 Instead they were for conversations he could have with
12 compatriots that reveal quite a bit about his conduct.

13 For example, here, everybody knows that you
14 are involved in business. Do you understand my point?
15 That's from one of his -- the other individuals. They
16 could say it's being -- your business.

17 And then finally: It's not that you're not
18 involved. At least we know how to tackle the problem,
19 since we know the source of it, the business. You're
20 involved in the business.

21 And the context of this conversation is an
22 indictment of a much larger conspiracy to defraud,
23 equated to be the business. It's not that you're not
24 involved is what is said.

25 Okay. Just going back briefly, within the

1 conspiracy to commit money fraud, you have an agreement.
2 You have an agreement between Mr. Ojo and Mr. Abegunde,
3 multiple individuals involved, Mr. Ramos Alonso even, to
4 take in money that come from fraudulent sources, knowing
5 that it contains the proceeds of that activity. Ladies
6 and gentlemen, the financial transactions that occurred,
7 occurred from real estate using financial accounts.
8 There are multiple business in which the money is
9 attempting to be cleaned through that process. A lot of
10 same evidence we told you was about intent and things of
11 the nature.

12 In Count 1, the conspiracy to commit money
13 laundering or -- excuse me -- conspiracy to commit wire
14 fraud can be used in that money laundering count as well.
15 It's knowledge of wrongdoing, knowing what you're
16 supposed to be doing is wrong.

17 Conspiracy to commit marriage fraud -- Your
18 Honor, how am I doing on time? I only have two counts
19 left.

20 **THE COURT:** You're fine.

21 **MR. FLOWERS:** Excellent. Okay.

22 Conspiracy to commit marriage fraud, two or
23 more persons conspired or agreed to commit the crime of
24 entering into a marriage for the purpose of evading the
25 immigration laws of the United States. They knowingly

1 entered the conspiracy, and they committed at least one
2 of the overt acts that was listed in the indictment. So,
3 here, here's where I'm going to walk through on the
4 marriage fraud, testimony, both from Mr. Alimi and Ms.
5 Caffey: Some text messages, e-mail communications, and
6 jail calls.

7 Now, first, with regard to Mr. Alimi, now the
8 individual we alleged Mr. Abegunde entered into to evade
9 immigration laws was Edchae Caffey. She testified. She
10 testified about her role in what she did. Importantly,
11 it's not he said versus she said. By "he," I mean
12 Mr. Abegunde. We have Mr. Alimi as well, the person who
13 got on the stand under oath, recognized his remorse for
14 what he had done, is embarrassment of telling his family
15 what he had done, and the harm that it had caused. He
16 said, as the broker of that marriage, it was one of his
17 responsibility to find someone for Mr. Abegunde to marry;
18 and that was Edchae Caffey, a woman he had been
19 engaging -- by "he," I mean Mr. Alimi -- in a sexual
20 relationship at the time. Mr. Alimi came right out and
21 said it. No equivocation. No trying to hide it. He
22 said he did it, and he was sorry for it.

23 It's not just his word. We had text messages,
24 a few of which I'll walk through in a moment, text
25 messages where they talk about him being the middle

1 person, the intermediary, even after the marriage took
2 place between Ms. Caffey and Mr. Abegunde, to discuss
3 logistics, to talk about the immigration interviews, to
4 talk about opening up bank accounts. He was able to that
5 and act in that role because Mr. Alimi had been in his
6 own fraudulent marriage, which he told you. He was
7 married to Aboye Osubaru, someone with whom Mr. Abegunde
8 would do financial transaction.

9 Edchae Caffey. Here's an example of one of
10 the text messages.

11 If it doesn't get done by in Friday, July 8th,
12 I will cancel the interview.

13 We heard testimony that the interview is sort
14 of the immigration interview, because even after you get
15 married, you have to convince someone that you are in a
16 legitimate marriage. So they'll cancel the interview.

17 Cut you off from everything and file for
18 divorce.

19 Now, mind you, ladies and gentlemen, if you'll
20 notice the date on this text message, it's one month
21 after they were married. Apparently there was no
22 honeymoon period, ladies and gentlemen. One month after,
23 she said that she would be happy to cut off Mr. Abegunde
24 and petition for divorce; and, importantly, it's not
25 personal. It's just business.

1 Going into additional communications between
2 Ms. Caffey and Mr. Abegunde, here they're discussing the
3 story in relation to the interview. I get you. Let's
4 start at the bottom.

5 Before I put in the request, we need to get
6 some information straight on how we met and things like
7 that. I'm not going to try to jam everything in the day
8 before.

9 Information about how we met. Ladies and
10 gentlemen, when you're married to someone, you don't have
11 to get your story straight on how you met. The story is
12 just there.

13 Then continuing on: I get you. We have throw
14 weeks which I think is a fair amount of time to figure
15 out a strong story and answer all relevant questions. I
16 suggest that we get together for over a weekend to figure
17 out the story, as well as answers to all possible
18 questions.

19 Finally, this e-mail was sent to multiple --
20 this text message was sent to multiple people. This one
21 goes to someone who has the name Mario Yankee and was
22 also sent to Mr. Alimi. You've seen this a few types
23 throughout the course of this trial already.

24 Importantly, some of the key points:

25 I get the sense -- paragraph 5 -- that you

1 feel you are doing me a favor. Let me state it as
2 clearly as possible that you are not doing me a favor.
3 There are benefits to both parties; and when you resource
4 to threats and unilateral action, saying you will close
5 the account, trust me, it doesn't help. And it destroys
6 the respectful relationship we have built so far. I know
7 all of these wouldn't have happened if you got your money
8 to you as promised. As such, I promise you will get your
9 money in the first day of the coming months.

10 And then, finally, paragraph 6: Finally, just
11 to let you know, I haven't filed the paperwork yet. I
12 don't like being threatened. If we cannot have a
13 respectful and multilateral decision-making relationship,
14 I'm willing to walk away, provided I get a full refund.

15 We heard testimony about marriage, the
16 payments for the marriage. We heard testimony that it
17 wasn't intended to be a marriage out of love. It was a
18 marriage to circumvent immigration. That's what it was.

19 Okay. So with Mr. Alimi -- and we know it was
20 immigration. We know that Mr. Abegunde knew about
21 immigration because, when there were controversies
22 between Ms. Caffey and Mr. Abegunde, Mr. Alimi was the
23 middle man in between. He would broker some
24 conversations. In this particular conversation, he says:
25 I will appreciate if you can talk to her in person. You

1 can get sentimental by saying that it will affect my
2 little baby if she doesn't show up. My whole family is
3 in panic mode.

4 You can get sentimental. My whole family is
5 in panic mode. Now, ladies and gentlemen, the Government
6 submits the family to which he is referring is not
7 Mr. Abegunde and Edchae Caffey. The family to which Mr.
8 Abegunde was referring is Mr. Abegunde, Ms. Macinwa, and
9 their young child.

10 Now, as there was controversy surrounding the
11 interview and what would happen, there was an increasing
12 sense of desperation. There was anxiety. Mr. Abegunde
13 comes right out and says it. Her stupidity -- Mr. Alimi
14 testified as to "her," meaning Edchae Caffey -- may bring
15 everything we have all worked for to total destruction.
16 She must realize that no one is immune. Total
17 destruction is recognizing the conspiracy to commit
18 marriage fraud, a conspiracy that included Mr. Abegunde
19 day, Ms. Caffey, Mr. Alimi, Aboye Osubaru, even Ms.
20 Macinwa and her fake husband.

21 It's important to remember that Edchae Caffey
22 testified about not really knowing sort of what her
23 husband at the time supposedly did. Remember
24 Mr. Abegunde held himself out as a financial exchanger.
25 So there are messages of: You're going to use our

1 accounts to send and receive money, she's going to shut
2 it down. She doesn't want the her name linked to
3 accounts like that, all the transfers and stuff. She
4 does not like.

5 It is not a legitimate relationship. They
6 don't really know anything about each other. They don't
7 know their hops and their dreams and everything else you
8 might have in a traditional marriage or a typical
9 marriage. Pardon me. They're strangers who got married
10 for a purpose, and the purpose was for them to be able to
11 stay here. That was the purpose of that marriage.

12 So, March 6, 2018, when Mr. Abegunde is in
13 Mason Tennessee, still sending documents, still sending
14 documents in the furtherance of this marriage and the
15 documents in question: Following for your reference,
16 just to be asked any of the following questions in case
17 you forgot.

18 Now what types of questions were on there?
19 What is your spouse's birthday? That's something
20 fundamental. What did you do for your birthday, New
21 Year's Eve, major holidays? Well, they went to Red
22 Lobster, very easy to remember. Who takes picture on
23 important family occasions? 'Chae. Who gets up first?
24 'Chae. What do you have for breakfast? Breads, eggs,
25 bacon, sausage. Who's your spouse's employer? Currently

1 unemployed but setting up a car-selling business.

2 This is interesting, ladies and gentlemen.

3 Even in a document calculated to lie to law enforcement
4 immigration officials, Mr. Abegunde can't come out and
5 say he's a licensed money transmitter. Even in a
6 document calculated to lie, he can't come out and tell
7 the truth about what he does. He says he's unemployed.
8 Later on we have e-mails to, being sent just to remind
9 him where his wife is -- wife on paper -- is located.

10 Also in that same message which is Exhibit 52,
11 if you go down to the bottom you will see correspondence
12 where he is directing the copying and sending of 35-page
13 documents, these long documents that he would submit to
14 the Court or put out publicly. You'll see that if you
15 get a chance to look at Exhibit 52.

16 Then we have the jail calls. I'll play a few
17 of them now.

18 (An audio recording was played.)

19 **MR. FLOWERS:** This continues, ladies and
20 gentlemen. This continues. This continue with this next
21 clip which is a few minutes long. There's a continuation
22 of what they're discussing there; and, importantly, there
23 is a statement where Mr. Abegunde's telling Ms. Caffey
24 everything can go back to normal. That is what he wants.
25 That is what he wants. He wants everything to go back to

1 normal in their relationship. He wants the scheme to
2 continue. He wants it to persist. There is no desire
3 for him to withdraw or pull himself out, because what
4 hasp been done in the marriage fraud aspect, he wants it
5 to continue, which, as we heard in testimony from Special
6 Agent Ruth Marquez, as well as Edchae Caffey, that's
7 because when you a changed immigration status, it takes
8 time. It takes time to get to the end.

9 Now Ms. Caffey testified that it was her
10 understanding and belief that they would have to be
11 married for five to eight years. As Ms. Ruth Marquez
12 testified, there's a period of time that it takes for
13 which you are actually to get your lawful permanent
14 resident statute, the status that you get conferred upon
15 when you are there for the marriage in question.

16 I'll play the clip which is a few minutes
17 long.

18 (An audio recording was played.)

19 **MR. FLOWERS:** "I told you not to go. I told
20 you not to go. It will affect everything. That's what
21 Mr. Abegunde said. Don't worry. These are going away.
22 This is a battle that's easily won." These are the types
23 of things that were discussed in this portion of the
24 call.

25 Now Edchae Caffey got on the stand, and she

1 read you messages. She gave you testimony. She told you
2 what she had done. She owned up to her wrongdoing. She
3 expressed remorse for what she had done. She said that
4 she submitted conspiracy to commit marriage fraud.
5 Mr. Alimi that he committed conspiracy to commit marriage
6 fraud, corroborating testimony of the same scheme.

7 Now, finally, I'd ask that you leave those
8 other things in the back of your mind, ladies and
9 gentlemen, "everything can go back to normal," as well as
10 some of the other things that we'll go back into.

11 (An audio recording was played.)

12 **MR. FLOWERS:** Everything did fall apart,
13 ladies and gentlemen. Ms. Caffey testified about what
14 happened, about how she had to leave the military.
15 Mr. Alimi testified that he was in a program that he was
16 going to be an officer, and he had to leave. They left
17 because they owned up to what they had done, they said
18 that it was wrong, and they had to move on. Everything
19 did fall apart. Mr. Abegunde has a role in this, ladies
20 and gentlemen. He was a key role in this. He was one of
21 the two individuals who entered the marriage as part of a
22 larger conspiracy of helping to arrange these types of
23 marriages, a conspiracy that included Mr. Alimi, Mr.
24 Abegunde's first wife, Mr. Alimi's first wife, and other
25 individuals. It's a conspiracy, ladies and gentlemen.

1 Now, concluding thoughts on Count 4,
2 Mr. Abegunde took the stand yesterday under oath; and he
3 had said that he had one child, one child. We have his
4 messages. We put a few of them up there, telling his
5 friend they are expecting a baby soon in nine months'
6 time. Ms. Ireland also put up an additional chat where
7 they're talking about not wanting to talk about the sex
8 of the baby.

9 Mr. Abegunde got on the stand and would not
10 admit that he has a second child. The Government submits
11 the reason for that is because his second child is with
12 Ms. Macinwa, while he was supposed to be married to Ms.
13 Caffey. He took the stand and lied to you, ladies and
14 gentlemen, under oath. He looked you in the eyes and
15 would the not even own up to the fact that he has a
16 second child. What else can you believe from that man,
17 ladies and gentlemen? He refuses to take responsibility.

18 Witness tampering, knowingly engage in
19 misleading conduct towards a knowing person and the
20 defendant took such action with the intent to cause or
21 induce the person to withhold testimony from an official
22 proceeding. Now we heard from those clips everything
23 that was on the line, the reputations that they had
24 built, the lives that they had built. Everything was
25 falling a part, as is said by Mr. Abegunde.

1 || (An audio recording was played.)

12 I, William Massey, hereby certify that a true
13 and correct of the following motion to dismiss has been
14 sealed and forwarded to the following.

15 Mr. Massey testified he did not write that
16 document. He did not authorize that document. He had
17 seen the substance but it was handwritten but by the time
18 he had next seen it, it would have been typed. It had
19 been typed and sent to Ms. Edchae Caffey. Bear in mind,
20 ladies and gentlemen, the circumstances are everything is
21 falling apart. If you cave, it would be huge and
22 disastrous. Don't worry. This is all going away.

Now, Mr. Abegunde just could not send an order of dismissal to say that it had gone away because then questions would arise of why he was still at Mason.

1 Instead the next best thing is to say it's going to go
2 away. I'll send you a motion. You don't need to go talk
3 to law enforcement. I told you not to go, is what he
4 said.

5 We also have some of the transcribed -- pardon
6 me -- translated phone calls -- my apologies -- in
7 connection with this. Among the things out there is one
8 thing. It's a motion for something. Did you see it?
9 And going down. What do you think about it? What do you
10 think about it? Well, it's you that did all those
11 things; or was it done by that guy? I did it. And then
12 to the end, He said he would do it.

13 He, being Mr. Massey, he did not say he would
14 do it, ladies and gentlemen. Mr. Abegunde took it upon
15 himself to send that out. It doesn't matter that it
16 wasn't signed. It was bearing Mr. Massey's name and
17 professional association as if he was filing a document
18 to the Court. It's meant to represent that his attorney
19 was doing something for him, something his attorney did
20 not and would not. He did not authorize it.

21 A few lines up from, Okay. Just tell them
22 about that thing. Have you read that thing? Right.
23 It's that thing. It should dismiss me from the
24 indictment. Don't talk about dismissal. I'm trying to
25 make you a thought. It's all about it all night. Don't

1 tell me. Maybe you should call Ada and let him tell him.
2 I don't want to hear it. Okay. No problem. Just -- but
3 it wasn't you, yes? But that's the point I'm trying to
4 make, please. That's what -- bye-bye.

5 From the first chat on there you can see he
6 did it. It's him. He's the mastermind of this. He was
7 using his friend to send that document to Ms. Caffey via
8 e-mail.

9 Going back to that original e-mail, notice
10 that there are some travel dates as well. Well, we know,
11 in contemplation for that as well, they're talking about
12 including the travel dates in that message as well.
13 Those match up with the other travel dates that are
14 contained in that e-mail.

15 Dubai, Nigerian, Bahamas, by the way, going
16 back to the Bahamas, Mr. Abegunde was shown photographs
17 of he and his first way and his baby. It looked like
18 they were kayaking in the ocean. Apparently Mr. Abegunde
19 had gone on so many vacations with his first wife and his
20 child, he could not remember whether he had been to the
21 Bahamas or Tanzania and Zanzibar. He was living a lie,
22 ladies and gentlemen. He's living a lie and making
23 things worse and compounding things by continuing to
24 tell lies.

25 So, in conclusion, what we have here is a case

1 of two individuals who simply could not see or would not
2 see, refused to see, could not come to grips with seeing
3 the writing on the wall no matter what.

4 For Mr. Ramos Alonso, it was a fictitious
5 relationship that led to him doing so much more; and as
6 context for this, I would submit, ladies and gentlemen, I
7 would implore you to understand that when someone is
8 brought in through a romance scam and starts sending
9 money and they know what they're doing is wrong, they
10 themselves become perpetrators against other individuals
11 who are like them.

12 So you saw that e-mail that was signed
13 "Carless," although it looked like it came from Tammy
14 Dolan. The person who's behind that account is running
15 multiple other individuals. They're defrauding multiple
16 other individuals. The moment Mr. Ramos Alonso knew or
17 should have known, he becomes no better than the person
18 he's in a fake online relationship, he's never met, never
19 talked to, never seen, over three years, and helping
20 people get defrauded.

21 For Mr. Abegunde, he wanted to be a bigshot.
22 He testified to that yesterday. He wanted to be a
23 bigshot. He wanted to start his company. He wanted to
24 have a beautiful life, but things just did not turn out
25 the way he thought they would. His business never quite

1 got off the ground. He never quite was able to find that
2 niche for which he could be successful. As a result of
3 that, the businesses that he was doing was in actuality
4 part of that parallel market through which dirty money
5 could move. It was easy for him to do. He could turn a
6 blind eye to it. He was a vendor selling dollars. It
7 could be impersonal. It could be anonymous. He could
8 pretend like he knew the people he was dealing with and
9 the money that was coming to him from them. All he had
10 to do was put up some venires, put up some screens, make
11 it look like he was legitimate when in actuality he was
12 not.

13 And that same logic applies for his marriage.
14 His marriage was fake. There was nothing real about it;
15 but he used that marriage as a basis for legitimacy to be
16 here, to try and start his company, and get everything
17 else off the ground. It was crucial to him. It was
18 important to him. It needed to happen, because he needed
19 to be here for his business; and his friend Ojo and other
20 people needed to be in Nigeria. That's how they make
21 their business work.

22 But things fall apart, as was said in that
23 phone call, and things did fall a part and you're the
24 only ones who can hold him accountable for that and
25 you're the only ones that can hold Mr. Ramos Alonso

1 accountable for that.

2 Now the Government submits that, after you
3 review all of the evidence, there's only one conclusion;
4 and it's that both defendants are guilty beyond a
5 reasonable doubt on all five counts in the indictment.

6 Thank you.

7 **THE COURT:** Thank you, Mr. Flowers.

8 Lunch is on its way up for the jury. So let's
9 go ahead and take a lunch break. It's five to 12:00.
10 Again, I have a brief matter at 12:45. So plan to come
11 back in about 12:50, 12:55.

12 We're in the middle of closings. So it's
13 still not time for deliberations, meaning it's still not
14 time to talk even talk to each other about the case,
15 Obviously, don't talk to the people involved in the case
16 at all.

17 And that's it, and enjoy your lunch, okay.

18 Thank you.

19 (The following occurred outside the presence
20 of the jury:)

21 **THE COURT:** Any predictions? And I didn't
22 give you a time limit. So, when you asked me about time,
23 I didn't have an answer.

24 **MR. FLOWERS:** I was trying to keep myself to
25 45 or 50 minutes, and I don't know how I did.

1 **THE COURT:** Oh, you blew that completely.

2 **MR. FLOWERS:** I'm sorry.

3 **THE COURT:** But I didn't give you a time
4 limit.

5 Mr. Perry, Mr. Garrett, any guesses on how
6 long? And hopefully you're better estimators than
7 Mr. Flowers.

8 **MR. PERRY:** I want my one hour and 33 minutes.

9 **THE COURT:** What's that?

10 **MR. PERRY:** I want my one hour and 33 minutes
11 that he got.

12 **THE COURT:** I mean, I'm not going to cut you
13 off. But any estimate?

14 **MR. PERRY:** Probably maybe an hour, maybe a
15 little less, give or take.

16 **THE COURT:** Okay. Mr. Garrett.

17 **MR. GARRETT:** It won't be that long.

18 **THE COURT:** Okay. Be back in about 10 'til.
19 I don't think my 12:45 will be very long.

20 All right. Thank you.

21 **THE CLERK:** All rise. This Honorable Court
22 stands in recess.

23 (Recess.)

24 (The following occurred outside the presence
25 of the jury:)

1 **THE COURT:** Do we need anything before we
2 bring the jury back? Anyone need anything?

3 **MS. IRELAND:** No, Your Honor.

4 **THE COURT:** We're going to set your timer for
5 an hour and 33 minutes or 31 minutes?

6 **MR. PERRY:** Thirty-three.

7 **THE COURT:** Thirty-three. But who's counting?

8 **MR. FLOWERS:** Your Honor, the Government would
9 be willing to give him an extra minute if that would be
10 better.

11 **THE COURT:** Okay. Let's bring the jury back.

12 (The following occurred in the presence of the
13 jury:)

14 **THE COURT:** You all may be seated.

15 Mr. Perry, you are up. Make sure --

16 **MR. PERRY:** May it please the Court --

17 **THE COURT:** Yeah. Thank you.

18 **MR. PERRY:** -- counsel. Good afternoon.

19 In a few moments, it will be the last time
20 that you will hear from me during this week regarding
21 this case. And I've had the opportunity to observe you
22 while you are listening to the testimony. You took notes
23 and you will in a few moments be able to become, for all
24 practical purposes, the judges of the facts that you
25 heard for the last six days.

1 I ask that you take it seriously, you take it
2 as seriously as Mr. Abegunde has and has waited for this
3 moment, and we're waiting for you all to listen to the
4 ideas going back and forth with each other regarding what
5 you heard for the last six days.

6 Number 1, Mr. Abegunde, never met Mr. Ramos
7 Alonso until he got to Memphis, Tennessee -- Mason,
8 Tennessee, rather. That's the first time he ever met the
9 person, ever heard of his name.

10 Mr. Abegunde never breached an e-mail. Never
11 sent an e-mail to anybody involved in this case regarding
12 anybody else's money. His name doesn't appear on any
13 documents regarding anybody else's money. His name does
14 not in any way surface regarding any of the 929 e-mails
15 in this case. He had nothing to do with any sort of
16 romance or anything along those lines.

17 They got Mr. Abegunde's computer systems, his
18 telephones, his notes, his account data. Out of 50,000
19 some-odd pages worth of documents, the only thing that
20 they've come up to present to this court and present to
21 you all are these.

22 This is what it boils down to. It boils down
23 to different communications that are taken out of order,
24 out of sequence between Mr. Abegunde and individuals that
25 he knew, trusted, relied on to have legitimate business

1 transactions. There is nothing illegal about being able
2 to say, hey, I'm aware of an opportunity going on in
3 another part of the world because I'm from there. I keep
4 up with the news regarding what's going on in another and
5 of the world.

6 I know that in Nigerian, because there is an
7 oil-based crisis, that my country produces oil out of the
8 ground, but doesn't have to ability to do anything to
9 refine that oil, that if you start blowing up oil fields
10 and mines and things like that, money that I have saved
11 while I've grown up, while I've been educated, while I
12 have developed businesses myself, that money is becoming
13 diminished in value.

14 I realize that because I'm sitting in the
15 United States, getting an education at Texas A&M. I'm
16 trying to work to improve my own lot in life. I'm doing
17 what I'm supposed to do as a citizen of the world, let
18 alone of Nigeria or the United States. We will get to
19 those factors in a moment.

20 But there has been no indication that prior to
21 any point in 2014, '15, '16, '17, and '18, whatever type
22 of dates that the Government is going to say was involved
23 in this case, that Mr. Abegunde has ever been accused of
24 anything.

25 And what's so telling is that when the

1 Government seizes his documents looks inside his
2 documents, they don't find one indication that he might
3 have had a part of telling somebody else, hey, this is
4 how you hack an e-mail. This is how you get into some
5 sort of real estate office in Memphis, Tennessee, in
6 Crye-Leike's office or a place in Washington.

7 The lady came before you, telling you about
8 how much she puts into her business. Well, Mr. Abegunde
9 has the same types of dreams and ambitions regarding his
10 business. We're going to talk about those things in a
11 moment.

12 But as it stands, it's telling that at the
13 beginning of this case, for hours, they talked about this
14 romance. They talked about this scam that want on, but
15 there is no mention of Mr. Abegunde. But what's more
16 telling is that when the money went to whatever source
17 that brings us in this courtroom today, when it went into
18 an account, as Mr. Ojo's count, Mr. Abegunde controls Mr.
19 Ojo is account? According to who?

20 There has been no proof at all that
21 Mr. Abegunde at any point in time told somebody to
22 deposit those funds into that account. Period. There is
23 no proof whatsoever that Mr. Abegunde told anybody, be
24 they in California or anywhere else to deposit funds into
25 that account based on funds that were seized from

1 somebody else or taken from somebody else. There is no
2 information whatsoever linking that to Mr. Abegunde.

3 Mr. Abegunde -- and you will see -- and I took
4 a -- you look at these and these different messages from
5 various people. Look at the timing sequences and how
6 they put it in part and how they are presented to you in
7 bits and pieces as the Government is putting on their --
8 case-in-chief.

9 And I took one example from Baja Fresh, the
10 guy who is identified as a person who has a car business
11 in Atlanta, and I put all of the texts, all of the
12 conversations going back and forth, and it's clear that
13 Mr. Abegunde is not involved -- and neither is
14 Mr. Fresh -- in anything to do with seizing money from
15 somebody else's account. It's a legitimate transaction.

16 I know that because of oil problems that are
17 going on in Nigeria that we can make some money. How can
18 we make some money?

19 Nigerians want to buy things. They are just
20 like Americans on that. They want to buy TVs. They want
21 to buy shoes. They want to buy clothes. They want to
22 buy Nikes. They want to buy things that they see on TV.

23 And so in wanting to buy things, they know
24 that the Naira does not spend. Did you only hear from
25 Mr. Abegunde? No. You heard it from Mr. Alimi.

1 Mr. Alimi has a business selling cars. He's
2 in the U.S. military and has a business selling cars.
3 Why? Because when people are in third world countries,
4 they have a desperation for what they see on TV, and they
5 want to engage in being able to engage in commerce.

6 So Mr. Alimi my tells you that when I'm trying
7 to make money, I cannot make it by giving -- by giving a
8 product, a car, to my country, and asking somebody to buy
9 it in the denomination of my country. It has to convert
10 to dollars.

11 Well, what Mr. Abegunde explained to you in
12 great detail -- and the same thing that Special Agent
13 Hall said. There is a business in saying this dollar is
14 worth \$300 here, but not only is it worth \$300 at any
15 given point this time, it might grow up to being worth
16 400. If it's worth 400 and you buy it for 300, when you
17 sell, that's \$100 profit. It's that simple.

18 And so he watches the market. And if you read
19 it and take time to look at what he's saying and what the
20 back and forth is, it's we need to buy dollars quickly.
21 It's not put money in here so we can hide it. Put money
22 in here, so we can clean it up.

23 And what you will see as well is that there
24 are consistent -- consistent text messages when
25 Mr. Abegunde is asking about the source of the money: If

1 I don't know the guy, I don't want to put it in here.

2 You will also see the conversation from
3 Mr. Ojo to Abegunde and back and forth, about how Mr.
4 Abegunde scolds Mr. Ojo about being involved or not
5 knowing the source of money that goes into an account.
6 But there is nothing between Mr. Ojo back in 2016 in
7 October, saying that Mr. Abegunde is telling somebody to
8 put money in that account. There is no conversation
9 whatsoever.

10 So, the Government is going to say you need to
11 make that jump, because I'm going do it on a
12 chalkboard -- on an electronic board. I can click a
13 button and show you that this, plus this, equals this.
14 But they are taking bits and pieces of various
15 conversations to show that -- what the proof in this case
16 does not show: A conspiracy.

17 You got a conspiracy here between people that
18 never met each other. They never had a communication
19 whatsoever -- just because the Government says, well,
20 it's a conspiracy. I'm saying it's a conspiracy. So
21 it's a conspiracy.

22 How? What are they talking about, putting
23 money into an account? Where does he tell Mr. Ojo to get
24 money and that that money came from somebody else's
25 account that wasn't supposed to, and put it into this

1 account that belongs to you in the United States? You
2 don't hear that because it's not there. You go into the
3 elements and you look at them, and they have to add up
4 beyond a reasonable doubt.

5 Yesterday, in cross-examining Mr. Abegunde,
6 the Government's attorney -- question, question,
7 question, out of her presentation, 50 minutes long, 35
8 minutes on a marriage, and the rest of the time regarding
9 transactions -- and the transactions are all legal.
10 There is not one indication of one transaction that's
11 illegal.

12 But you see them and you will have them back
13 there, and you will have the ability to talk about them
14 and to discuss them and to go back and forth. And once
15 you look at it, you -- in looking at it carefully and
16 reviewing it carefully, it becomes obvious that if these
17 conversations are going on.

18 Why am I seeing a picture of eight pages of a
19 conversation? Why am I seeing two pages of a
20 conversation. So that it highlights something that he's
21 saying that's wrong. But the problem with it is, even if
22 you look at it from the Government's perspective, his
23 asking is this money clean is a good question. That's
24 the question you want asked. That's the question that
25 you should ask.

1 That's the direct opposite of having
2 deliberate, willful turning your eyes to what's going on
3 and saying, well, I'm deliberately indifferent about
4 what's going on. I don't know. I don't care about it.
5 Just the money comes. It comes. It spends. It's good
6 with me. That's not what Mr. Abegunde does.

7 So let's walk through it from the beginning.
8 You have beginning phases of a conspiracy. The
9 conspiracy that they indicate is that it is a conspiracy
10 for wire fraud between -- and I'm assuming since during
11 the same count, Mr. Abegunde and Mr. Ramos Alonso. You
12 have no conversation. You have no communications
13 whatsoever. You have nothing that indicates that they
14 are talking in code. There is nothing between
15 Mr. Abegunde and anybody else that's in the indictment at
16 all regarding that transaction.

17 Mr. Abegunde hosts his friend who comes to the
18 United States. Evidence from everybody says that. But
19 the relevant time when that account is open, Mr. Ojo is
20 here. Mr. Ojo opens it. Simultaneous with him opening
21 it, his wife opens an account. Mr. Abegunde has nothing
22 to do with that other than he's hosting them in the
23 United States and they go open an account. They open the
24 account.

25 I guess they are here for a couple of weeks.

1 Mr. Abegunde says, I'm not with them every day, but they
2 are my guests in this country. They are other Nigerians
3 in the building. Wife has relatives in Atlanta. We
4 don't know what all they've doing during this time.

5 But what we do know is that when they leave, a
6 transaction happens. A transaction happens in October.
7 Mr. Abegunde gets called about that transaction and says,
8 yes, I am the telephone number associated with that
9 account.

10 Now, that's telling to me, the telephone
11 number and the address. He would have to be the biggest
12 idiot in history if he's involved with some sort of wire
13 fraud or some sort of money laundering to be the person
14 who texts that call and says, yes, I know Mr. Ojo. He
15 has my account information -- I mean, my address
16 information, my telephone information associated with
17 that account.

18 But what does he do? He answers the call. He
19 answers the call from the Wells Fargo gentleman. And he
20 says from his recollection that when he's asked a
21 question about it, he tells him if it's in there wrong,
22 reverse it.

23 But he says that it's somewhat different than
24 the person from Wells Fargo indicates. He says he calls
25 him. He hangs up and calls Mr. Ojo and says, hey, they

1 are saying something about money being in here wrong.

2 There is nothing from any sort of messages saying that
3 he's telling him, hey, this is the money that you told
4 him to put in this account or this is the money that
5 so-and-so, none of that.

6 It's just, hey, man on the phone, man said
7 money is in the account wrong. What should we do? He
8 says reverse it if it's there. He calls the guy back and
9 says, hey, if he says there is no problem with it, it
10 must have been put in there wrong. That was it. No
11 questions asked. That was it.

12 So from October, November, December, January,
13 February, March -- in March of 2017, Kevin Hall, the
14 agent that came in here and said to you all, I thought he
15 was telling the truth, talks to him for 30 or 40 minutes
16 in his house. No running out the back door. No you got
17 a warrant? None of that stuff. Come on in. Let's talk.

18 They sit down, and the questions are about
19 Mr. Ojo. Yeah, I know how to get in touch with him.
20 I'll try to get in touch with him now. He wasn't
21 answering then.

22 When they leave, he calls Mr. Ojo. Feds came
23 to my house and were asking about the thing that I called
24 you about back in October. Did the agents say, well, I
25 never heard from Ojo again. I tried to contact

1 Mr. Abegunde again, and never heard from him -- no. He
2 said before I could get to my office good, Mr. Ojo's on
3 the phone, calling me and answering the questions that I
4 asked him.

5 And so, from that point, March, you got March,
6 April, May, June, July, September, October, November,
7 December, January, and February, this man is making all
8 kinds of transactions. He's doing what he thinks is an
9 opportunity. He's making legal transactions.

10 You could sugar coat it or you can try to
11 poison it, but the fact of matter is not one transaction
12 that the Government is suggesting was illegal, not one.
13 Well, they're in 38 different accounts run by eight
14 different people. So what?

15 You can't make Nigerian transactions from
16 different accounts without banks calling you in and
17 asking you about it. You can't make them to Germany over
18 and over without banks calling you in saying, hey, why
19 are you doing these transactions over there. They have
20 questions.

21 Why? Because for the same reason that he told
22 you he had to see somebody up in -- during the month of
23 February, a week before he gets arrest, because when
24 you're making transactions sometimes with checks, people
25 will bounce them, and banks don't want that risk. But he

1 bore that risk. Why? Because he's a business person,
2 trying to make money.

3 So he sends that money off and it comes back
4 bounced. What does he have to do? He has to get on a
5 flight, go to New Jersey, file suit against the guy.
6 They don't talk about those communications. They're in
7 the same communications that you will get a chance to
8 see. He had to sue somebody because they bounced it off
9 of him.

10 The other thing I want you to pay attention to
11 is I want you to read the thing in whole, where he's
12 constantly saying things like my name is important to me.
13 My name is important. I need to know that these funds
14 are good. He said it not once, not twice, I count 30
15 times just in that binder. My name is good to me.

16 And then there is a joking or the flippancy
17 with, well, he's trying to do a business. He's trying to
18 do a business. You read the documents that he has that's
19 been placed in the evidence about that business that he's
20 trying to do of the shell company.

21 You can read how he's writing word-for-word
22 policies that he's learned in school, that he walks into
23 a business. Transalert is what he wanted. That's his
24 goal. And why can't he have that dream? What is it
25 about him that makes him not being able to fulfill what

1 he sees as a dream?

2 A person who saves, gets to the United States
3 to go to school, and goes to school and finishes it in a
4 year. What makes that so wrong, to say, well, yeah, he
5 did do. He did do the fencing and finding. Well, we
6 don't know if he registered with -- you are the FBI and
7 you are bringing this case where this guy has set for a
8 year and 30 days in jail, waiting to come before you all
9 and he tells you, I don't know about his registration.
10 He might be, might be not. What?

11 He registered with Georgia in the Department
12 of Banking. Who does that if they are part of some
13 criminal conspiracy? He registered with FinCEN, who
14 would do that? Who's that stupid? He registers with the
15 Articles of Incorporation.

16 There is a conversation with Ojo where as Ojo
17 is listed as secretary in his -- on the Articles of
18 Incorporation. Why? Because of state of Georgia
19 requires somebody to be as a secretary.

20 Mr. Ojo is a banking executive in Nigeria. So
21 he put his friend's name as the secretary. It's not the
22 secretary in the sense of being in an office, doing XYZ.
23 It's because the company has to have laid out in the
24 articles officers.

25 So he puts the guy's name down. He texts him

1 and told him, yes. I talked to the feds. Yada, yada,
2 yada, and they asked about FJ Williams, and I told them
3 that you weren't in there, FJ Williams. That's his
4 dream. He doesn't want someone who has let some money
5 get into that account all of a sudden be a part of
6 knocking down something that he's been trying to build up
7 for years. That's crazy.

8 And so yeah. He admits to it. He lied to his
9 friend and he lied to the feds and he tells his friend
10 about it. I said you weren't in FJ Williams. That
11 doesn't make him a part of a conspiracy to try to defraud
12 companies because there is no proof of it.

13 What the design is to do is to say, well, if
14 he did this and it's less than something that is stellar,
15 then he must have defrauded these people. And there is
16 no proof that he defrauded anybody. He had legitimate
17 transactions that if you read the documents, make
18 absolute sense.

19 But if you take it from the perspective of a
20 government that says, hey -- in February of 2018, we
21 talked to you and we didn't indict you then. We didn't
22 tell you to come down and try to explain any answers in
23 greater detail. We just waited until we thought that you
24 were going to -- I'm sorry. That conversation was back
25 in March that he had with law enforcement in his

1 apartment, excuse me, March of 2017.

2 So in February, gets picked up regarding that
3 March conversation. No ability to clarify -- and keep in
4 mind, they know where he is. They know his address, his
5 phone number. They know he's consistently doing more and
6 more things to register properly his business. They know
7 all of these things.

8 But they pick him up from the airport as he's
9 changing his flight arrangements. ICE, ICE, ICE is what
10 he said that they said. And it makes sense. They grab
11 him and embarrass him in front of everybody. It only
12 makes sense to do that.

13 Then they put him on a flight and bring him to
14 Memphis, Tennessee. They hold them in a cell and while
15 he's there, he's making phone calls to his wife.

16 Now, they can put titles on it, his pretend
17 wife, his fake wife and all those things. That's his
18 legal wife. It is a wife that he went to the courthouse
19 in North Carolina.

20 After being properly divorced in Atlanta, he
21 registered in North Carolina along with her, to get a
22 license to marry. He wasn't married to two or three
23 people. He's married to one person. She's been divorced
24 before. He's been divorced before. That's his lawfully
25 wedded wife.

1 And if you want a Government that's getting
2 into going behind the minds of what happened when
3 somebody got married one way or the other, that's a long
4 way afield from where we normally are. When a person is
5 sitting in cell and he's calling the person who he thinks
6 he can rely, as he said.

7 And listen to the phone calls. Hey, you know
8 this is recorded, but there are certain things that we've
9 talked about in the past that I are privileged, because
10 he thinks he's talking to his legal, lawfully married
11 wife. It is that simple. Whether or not they knew each
12 other for a month, a week or day doesn't matter because
13 they were married.

14 And the terms of the marriage? Ain't nobody
15 on this jury that can talk about the terms of a marriage
16 and who gets married how, and at what point is it proper
17 and all these different things. Even the agent told you.
18 How many times have you prosecuted fraud involving
19 marriage of a conspiracy to commit marriage fraud? Once.
20 Oh, when was that? In this case.

21 But you're not even prosecuting the guy who
22 comes in and says he set it up, not for marriage fraud
23 outside of this, not where he was in North Carolina and
24 got married, because it's too subjective to sit outside
25 of a jury what was in their minds at the particular point

1 in time. I can name 10 reasons why he wanted to get
2 married, other than -- and I want you to focus on that as
3 you are talking about it.

4 Focus on page 51 of the jury instructions,
5 that a conspiracy has to have some connection with Shelby
6 County, the Western District of Tennessee, some
7 connection to this county, some connection to this
8 district of Tennessee. Where is the connection? Where
9 is -- a conversation that takes place while he's in a
10 jail cell?

11 Then you look back and say, well, you know
12 what? He was married to this lady and I think it was for
13 immigration. I think it was for immigration purposes.
14 What's the connection to this district?

15 Look at jury instruction 51. It can't be any
16 clearer. You can't convict him of that. It should be
17 not guilty, as soon as you walk in on that. A marriage
18 that took place legally in North Carolina off of a person
19 who was living in Atlanta. There is no connection at all
20 to the Western District of Tennessee.

21 Last count. You had a conspiracy to further
22 or -- and I might misstate.

23 Witness tampering, a person telling somebody
24 else, look, you probably want to get a good lawyer. I
25 got a lawyer. I got a F'ing lawyer. You probably want

1 to get second opinion. You get the best lawyer you can
2 because I think that you don't have to lose everything
3 that you've got.

4 Government's lawyer says it as a badge of
5 pride. They did lose everything. Mr. Alimi, he's out of
6 the military that he worked for six years in. Edchae
7 Caffey, she's out of the military that she worked in
8 since 2012. That's a good thing.

9 So who's right or wrong there? You can lose
10 everything you got if you don't have somebody to listen
11 to, look at, hold your hand while you are at the
12 attorney -- at the U.S. Attorney's Office, talking about
13 everything that you have to do in a case, that I'm
14 supposed to be sitting in the Western District of
15 Tennessee regarding some fraud that was supposed to have
16 taken place two years ago. That's where we are.

17 So you can take bits and pieces and chunks of
18 e-mails and you can play games with that and make it a
19 fancy presentation. And you can talk about it and say,
20 no, this is where he is, and you can come out when I sit
21 down and you get a chance to get back up and point at
22 him -- point at him over and over, that doesn't make him
23 guilty.

24 The proof is in the pudding in a case. The
25 proof is in what you have heard from the different people

1 that have come forward. You haven't heard one witness
2 that was a lay person, that was a witness that had
3 something to do with either a loss, a business e-mail
4 compromise or anything that directly pointed anything to
5 Mr. Abegunde. Period.

6 You don't have one person saying that the
7 other moneys in those accounts and different moneys,
8 these transactions, they were gotten by drugs sales or
9 they were gotten by robbery. Something that at any other
10 normal time be associated with money laundering. You
11 don't have one person saying that.

12 You got one transaction that went to the
13 direction of somebody else into Mr. Ojo's account.
14 That's simple. That's a not guilty. You don't have
15 anybody that has come before you other than the agents.

16 Talk to the agents. Why two weeks ago did we
17 get something saying that you are pretending to be
18 Mr. Abegunde talking to somebody else? You are doing it
19 four months after he's already indicted on marriage
20 fraud. He's here in February on an old indictment
21 regarding the counts and some of the counts had gone away
22 because they looked at it say, no way we can prove that.
23 Ain't no way. That doesn't make sense.

24 So you got two counts remaining. Money
25 laundering, there is no proof of money laundering at all.

1 So you got to get something. Conspiracy. Conspiracy to
2 meet a person who he never met before? That's going to
3 be a hard sell at the end of day. We could, chew, chew,
4 chew. Look at this piece of a conversation right here.
5 We could do that. What does that add up to?

6 At the end of the day a thoughtful, jury that
7 debating and looking at it, is going to say you know
8 what? It ain't there. That's a not guilty.

9 So marriage fraud, let's bring in Edchae
10 Caffey. You know what? I know he's talked to her. We
11 got all of these documents. We got it. We got it where
12 she's saying where is my money. This is strictly
13 business. We got where he's giving money to Mr. Alimi
14 saying, well, you know what? You set this up. So you
15 get your thousand off the top. We got those
16 communications. We can nail him on that. First case in
17 a long time. We got him.

18 He's trying to -- he is putting words in her
19 mouth for immigration. But the problem is, hey, man,
20 look at it. It's in North Carolina. How are we going to
21 do that here? Just put it on the indictment. It is
22 going to count. Just put it in there. Ain't nobody
23 paying attention to that stuff. Ain't nobody read page
24 51. Read page 51. Just read it. Ain't nobody going to
25 do that. I'm going to ask you to do it.

1 Witness tampering. Hey, we got those calls we
2 recorded. Let's get the jail lady saying who we can
3 record and when we can record. Yeah. They can record if
4 it's not the lawyer, they can record the calls.

5 So they got the jail calls. He asked her to
6 get a lawyer, but in addition to that, he sent
7 reflexions, reflexions of a person who to this day had
8 never been charged with anything, so why would he sit up
9 and write a 20 page document and why would he write his
10 own motion to dismiss and give it to lawyer.

11 That will show, A, that he's arrogant; B, that
12 he's got a lot of time on his hands; and C, that if he's
13 writing these reflexions, he must be trying to coerce her
14 into her testimony or, let's go with D, the fact he's
15 sitting in a jail cell and he's writing because he's
16 telling the world that my name is my name.

17 The ability to transfer and translate my name
18 if I'm an America means something to me. I'm not a
19 felon. I don't want to be considered a felon. The
20 ability to pay a lawyer money and say I want you to file
21 this is what a person who's not been broken does
22 sometimes.

23 They say, lawyer, look. I'm going to give you
24 this much money. I want you to do this for me. And a
25 lawyer might be too arrogant to do it. We don't know the

1 answer to that question. He might say strategically, I
2 don't want to do it, but for whatever reason, because he
3 had the man who had to stand up and say, I want it done
4 doesn't make him wrong, it makes him a person who is
5 trying to survive a situation that he's placed into for
6 no reason at all.

7 This form is easy. Money laundering,
8 conspiracy. Abegunde never met Luis Ramos Alonso. He
9 never talked to anybody Whatcom. He never took any
10 money. He never told anybody to put money in that
11 account. Check not guilty.

12 Conspiracy. Conspiracy with who? They can go
13 all around the world and say, well, you can conspire with
14 so-and-so, you can conspire with this person. How? The
15 way that you make eye contact with them on an elevator.
16 What? The way that you breath on them. The way that you
17 told them that you wanted this money to go into an
18 account. It is a conspiracy to do what? You either
19 answer the questions the way they say it and they want
20 it. If you don't you are in a jail cell. But that one
21 is easy. Not guilty.

22 Conspiracy for marriage fraud on a marriage
23 that took place in North Carolina, off of a person that
24 lived in Atlanta. When the instructions tell you you got
25 to find some connection to the Western District of

1 Tennessee. That's easy. It's not guilty.

2 This story is epic in proportion because of
3 whom it involves, a person who, as he testified to you,
4 grew up in circumstances different than a lot of
5 Americans, grew up in a situation where after having a
6 father pass away, he tried to make it in the world, and
7 he's done so pretty good so far other.

8 He's been a business person. He's never had
9 his name associated with anything being drug through the
10 mud. He's never been associated with any kind of scams
11 or anything like that. He's found himself in a place
12 where he thought he could have opportunity, and
13 opportunity in this country is something that it was
14 founded on.

15 Founding principles of this country involve
16 opportunity. It involves the ability to have commerce
17 and to be able to look at the different places that
18 commerce is going to.

19 Person who wrote the commerce clause and wrote
20 about commerce when was 13 years old, was working at a
21 customs house and he immigrated into the United States.
22 He knew the value of wheat that was coming from Spain
23 maybe, and he knew the value of sugar cane that was
24 coming off Anebas Island and going into world. He
25 understood the value of a schilling.

1 He understood that at different times, there
2 are different things that go on, wars, weather, and
3 sometimes the value of a schilling or a pound reduces,
4 and he understood if we an economy based on a currency
5 that's not tied necessarily to one product, that it can
6 be expanded. It can go back and forward. It can go back
7 and forward and it can create values.

8 He was mentored by a person who when he was in
9 his twenties met a lady one time, whose husband had
10 recently died. Husband was the richest person in that
11 particular colony. Friends suggested, hey, she would
12 make a good spouse. Married her. Married her. He met
13 her twice. Married her and went on to be a great hero.
14 He was a great warrior. He was a great person.

15 Many of you see his face every time you spend
16 a dollar, because that person on that dollar is George
17 Washington. The person who's on the ten dollars, if
18 you're spending that, is Alexander Hamilton, that orphan
19 that came to the United States as a young man, who
20 created the feeling of commerce, the back and forward.
21 His office was on Wall Street, just so happened to be at
22 a time that Wall Street was just developing. His office
23 now is the economic center of the world.

24 People have ideas and they give themselves to
25 those ideas. They pour themselves into it. Those ideas

1 sometimes get placed in the paper. He wrote that. He
2 authored it. If you look it, you will see page by page,
3 individual notes that he's gathering while he's in school
4 because he gave himself to that idea.

5 The notion that he's too small for banks to
6 care about is naive. The notion and the irony that every
7 time he gets a step further in the game on it and when
8 this gets finalized and once it gets finished, that he
9 gets brought to the Western District of Tennessee -- it's
10 just irony.

11 You have the ability to look at the evidence.
12 You got the ability to measure it. And there is nothing
13 that you owe to anybody that says that you have to find
14 somebody guilty of one count, let alone three or four
15 counts.

16 If they fail the elements, there is nothing
17 bashful about saying, well, I guess everybody back here
18 might be getting on my nerves about this, that and the
19 other, so I'm going to find him guilty of one.

20 There is nothing that you owe that because
21 he's here today and it is in your hands at this point.
22 He walked in here without a felony. I'm asking that he
23 leaves here without a felony, that you find him not
24 guilty, not guilty, not guilty.

25 There is nothing in the evidence that would

1 suggest anything otherwise. Just read it all. Read all
2 the documents. Not just little snippets here and there.
3 Read it all. Follow the law that you've been charged by
4 the jury. At the end of the day, there is not -- there
5 is not an option other than not guilty as it relates to
6 Mr. Abegunde.

7 That's all, Your Honor.

8 **THE COURT:** Thank you, Mr. Perry.

9 Mr. Garrett?

10 **MR. GARRETT:** Yes, Your Honor. May I have
11 just a moment, please?

12 **THE COURT:** Yes.

13 **MR. GARRETT:** If Your Honor please, Mr. Perry,
14 Mr. Flowers, Ms. Ireland, ladies and gentlemen, I want to
15 start by once again telling you how fortunate and how
16 privileged I am to have an opportunity to stand here and
17 address you. It is long way from the cotton fields of
18 Mississippi to this presentation. Momma's proud. I'm
19 proud. Because not only do I get an opportunity to
20 participate in this -- this arena. I get an opportunity
21 to participate in an arena that goes to the heart of the
22 freedoms that we died for.

23 This is the only arena that I know that you
24 can feel the Constitution. You can feel liberty. You
25 have it in your hands. When you go back and you tell

1 your fifth grade students what I did last week, I saw
2 something last week, I learned. I got close up and
3 personal with how our government really works.

4 You see, Your Honor runs this show. Mr. Perry
5 and myself represent our clients as best we can.
6 Mr. Flowers and Ms. Ireland represent the Government.
7 And we all have a role to play, but none of this will
8 work without you. None of it would work without you. We
9 couldn't work this out. We had to call for help. You
10 are the help. You are what makes this system work. This
11 is what sets us apart from any other system in the world.
12 And again, I'm so proud for the privilege.

13 Mr. Ramos Alonso is on trial, but look around
14 the table. Look at the education, the training, special
15 knowledge, skills. I've got a law degree. Individuals
16 with masters in finance, other individuals with law
17 degrees. You got special experts, special knowledge and
18 opinion.

19 Mr. Alonso is our man. How the heck did he
20 get here? He got a high school education from Mexico.
21 How did get tied up in an international fraud case? What
22 is it based on? What special skills? What does he
23 understand about international trading and money markets,
24 and how did get here?

25 Somebody needed him. You see, he was at home

1 in Seaside, California. Every day, he was going to his
2 dishwasher-slash-cook job at a Japanese restaurant. His
3 social life was nonexistent. He's going to his little
4 sparse apartment that he shared with his uncle, where he
5 had never been, sleeping on the floor, on a blanket.
6 That's how skilled and intelligent he is.

7 He can barely speak English. English is not
8 his second. English is his third language. So how did
9 get this caught up with all of these highly-educated
10 financiers and all this brilliance?

11 You see, because of the void in his life, he
12 attempted to reach out for companionship and made the
13 mistake of accessing the Internet, high technology with
14 all of its benefits. Gives us more time for leisure,
15 improve our lifestyle. I don't think so.

16 I tried to hold back as hard as I can. I'm 76
17 years old and I ain't never been to an ATM. See no
18 reason to go. Money used to work. Money still works
19 there is no reason to go. I've never used a debit card.
20 I had time to write checks in the old days. Got time to
21 write checks now. Don't need to go that fast.

22 But Mr. Alonso took advantage of the new high
23 technology and went on a dating site, looking for
24 companionship on a dating website, but what did he find?
25 He found Tammy. Life ain't been the same since because

1 he fell in love with Tammy.

2 You know I remember watching the movie, Love
3 Story, how it makes your heart beat, how it makes you
4 feel warm inside, how you want to cry when she got sick.
5 How I don't remember old Ali McGraw, old Ryan O'Neal.
6 Love is like that. It will break you down. It will tear
7 you apart.

8 You see, Mr. Alonso didn't have that kind of
9 experience with social life, had no idea of the risk that
10 he was taking.

11 He sent out a feeler. How was your day? What
12 did he get back? He got a dissertation that went on and
13 on about who she was, personal problems that she was
14 having, what she was looking for, and Mr. Ramos Alonso
15 had a hook in him from the beginning that he had no idea
16 as to what had happened to him.

17 I am single. My father died, left me -- we
18 lived in Australia. I worked for him as his personal
19 auditor, but now I am all alone. He left me an
20 inheritance -- an inheritance that I can't move. I can't
21 get it home. I caught my fiancee in bed with my best
22 friend. I trust anymore, but I need someone. Sent a
23 picture.

24 Mr. Alonso -- Mr. Ramos Alonso can barely read
25 the response. He had to use his phone with a translator

1 to break it down, but he read it over and over again. He
2 looked at that picture, and he read that e-mail over and
3 over again because he was vulnerable. He wanted somebody
4 in his life. He hadn't had a girlfriend in over a year,
5 and he broke up with a bad relationship and he was
6 looking for somebody to love, somebody to care about him,
7 and he walked into Tammy.

8 Now, I want to throw out a theme suggestion.
9 You see, the Government's case against Mr. Alonso is
10 based upon a conversion at some point in time after he
11 met Tammy because we all agree that he was a victim
12 initially, but somewhere along the line, a light came on
13 and all of a sudden, he became an entrepreneur now
14 seeking a profit. How did that happen? How do you go
15 from there to there?

16 They know that because nobody can be that
17 stupid. That's because we can get too smart to
18 understand stupid. We can get too smart to understand
19 stupid. We know and everybody agrees that when this
20 whole ordeal started that Mr. Ramos Alonso had no
21 ulterior motives.

22 But you see, Tammy wasn't just talented when
23 it came to writing those love letters. Tammy was smart.
24 Tammy knew finance. Tammy knew how the international
25 markets worked. Tammy knew how accounts worked. Tammy

1 knew how to move money. Tammy knew how to conceal money.
2 Tammy only needed somebody stupid to put her plan in
3 play. And here comes stupid in the form of Mr. Ramos
4 Alonso.

5 I don't have to apologize for seeming to
6 degrade my client and I don't mean to be offensive, but
7 we're reading what we've heard for the last few days.

8 You see, to his credit, to Mr. Ramos Alonso's
9 credit, he can get some solace from the fact that he
10 ain't the only man that's ever been stupid when it came
11 to a female. Adam didn't do too good. He was pretty
12 stupid. And he wasn't trying to make a profit. What was
13 he doing? Adam fell for Eve. Mr. Ramos Alonso fell for
14 Tammy. That's pretty good company.

15 Samson didn't do too good, either. Delilah
16 turned him out. Mr. Ramos Alonso ain't the only one
17 who's stupid. Romeo and Juliette. Cleopatra and Mark
18 Anthony. Helen of Troy turned out a nation. Men killing
19 each other for days. For what? There is something about
20 that girl that make men stupid. Make smart men do stupid
21 things.

22 Sometimes we get so educated and we amass so
23 much special skill and knowledge until we forget about
24 stupid. Don't understand it. Mr. Alonso fell right into
25 it. Fell in love with Tammy.

1 Now, the Government wants you to believe that
2 somewhere along the way after he was initially victimized
3 and taken advantage of that somewhere along the way the
4 light came on and he understood or he should have
5 understood. Well, at what point -- when did that happen?
6 It didn't happen before he sent her that \$900 on July the
7 13th, 2014. It didn't happen before he sent her that
8 \$1,700 on July the 14th, 2014. It didn't happen before
9 he sent her that \$2,300 on July the 15th. He's still
10 stupid now. So when did he flip? I mean when did his
11 conversion take place?

12 You see, after taking Mr. Ramos Alonso for all
13 of his savings and all the moneys that he could garner,
14 she told him that I got an inheritance coming and I need
15 help. I got people who are going to try to help me.
16 They are going to be sending moneys to your account, and
17 I need you to follow those instructions for me because
18 these are the people that's trying to help me raise some
19 money to get my money. What can I do?

20 On January 20th, 2015, she had \$7,000
21 deposited into his account. Told him what to do with it,
22 and he did it. On March the 2nd, 2015, there was \$5,400
23 deposited into his account. Is he still stupid, or has
24 the light come on?

25 Those kinds of transactions went on and on and

1 on, and Mr. Ramos Alonso at the same time is sending
2 Tammy all of his money, everything he got his hands on.
3 He never sent a spoofed e-mail. He never communicated
4 with anyone directly other than Tammy.

5 You know, we had numerous allegations of money
6 transfers to Mr. Alonso's account: \$7,000, 5400, 9,000,
7 \$8,730, 10,500. None of those transfers are alleged to
8 have been illegal. Nothing wrong with it, apparently.
9 But Mr. Ramos Alonso was supposed to know that these
10 funds were fraudulent transactions. He was supposed to
11 know. He inquired as to the source of the money. Tammy
12 explained it to him, and he believed her.

13 Now, one of the problems that the Government
14 had with this proof was that if Mr. Ramos Alonso knew
15 that these funds were the result of fraudulent money
16 dealings, then the only reason he would continue to do
17 that is because he was getting a cut of the action. The
18 problem is, they didn't have any proof of that. Still
19 don't have any proof of it.

20 The Government surmises -- they theorize that
21 he received these cuts because you were told by
22 individuals who got specialized knowledge and training
23 that this is the way these operations work. They start
24 off as a victim but they get converted to a coconspirator
25 because they start to get a cut of the action. Well, the

1 cut of the action is missing her.

2 It was suggested that there were moneys
3 deposited in an account and then all of those funds were
4 drawn out except \$2500, and even though the Government
5 doesn't know what happened to that \$2,500, the Government
6 wants you to believe that that was Mr. Ramos Alonso's
7 cut. Based on what? Where is the proof that he received
8 that money? There is none.

9 But if you don't believe that, then our theory
10 of Mr. Ramos Alonso's involvement doesn't work. So we
11 are going to surmise. We are going to speculate. We are
12 going to -- we just going to say it. He got it. We
13 don't have to have any proof because it doesn't make any
14 sense otherwise.

15 Witnesses for the Government took the stand
16 and said that he got \$300 here, he got \$400 there because
17 she told him to take something for yourself. Does that
18 make any sense? Why would you send somebody all of your
19 savings and your paycheck as fast as you can make it,
20 give it away and then you take \$400?

21 If he took it, what did he do with it? He
22 sent it to Tammy. He didn't have anything left for
23 himself because he was sending to Tammy everything he
24 could get his hands on, and there is no confident proof
25 in this record that he received a dime for his efforts.

1 Now, you know, I want to commend the lawyers
2 who presented before me. Been doing this a long time.
3 And both of them on behalf of the Government and on
4 behalf of the co-defendant, those are two of the best
5 presentations that I've seen in a long time. The
6 Government's high tech, with its bells and whistles.
7 Looks real good.

8 But where is the proof that Mr. Ramos Alonso
9 was involved in a conspiracy? The only way that you can
10 get there is by selecting certain e-mails -- out of 929
11 e-mails, the Government came up with 15 or 20 that they
12 say support their contention that Mr. Alonso was a part
13 of a conspiracy.

14 You see, you take those out of context and you
15 present them. You put money in a magazine here. He had
16 \$10,000 over here in cash, and then you leave out all of
17 the relationship aspects of this, and it looks like a
18 coldblooded business transaction. That ain't what it
19 was. You have to read it in context.

20 Do this, sweetheart, and this is the last
21 thing that I need you to do for me, and I will be on a
22 plane tomorrow. Meet me at the airport. Mr. Ramos
23 Alonso didn't give a damn about the money, just like Adam
24 didn't, and Samson didn't. Didn't care about the money.
25 He is blinded because Tammy had turned him out.

1 You can't read the e-mails out of context.
2 They are all in this binder. And this is not all 929 of
3 them. But if you want to know what the relationship was
4 from Mr. Ramos Alonso's perspective, it is all right
5 here. You can read it. It is his love story.

6 By the way, speaking of his cuts and his
7 motivation being involved in this scheme, how much money
8 did he get from the 154,000-plus dollars that was the
9 subject of this indictment? How much money did he
10 receive of the \$60,000? What was his cut? If he all of
11 a sudden became such an astute businessman, why didn't he
12 say Tammy, come if you want to. Let's make some money
13 here.

14 You put that \$254,000 in my account, I'm going
15 to send it to whoever you want to, but I want 10 percent.
16 Keeping 10 percent for myself. No evidence that he
17 received a dime, nor sought a dime.

18 But the Government's proof is based upon the
19 agents' testimony regarding specialized knowledge as to
20 how these schemes work. We know that that's what
21 happened in this case, because that's the way these
22 things work.

23 What's that got to do with Mr. Alonso? Did
24 they his same personality? Was that the same individual?
25 Is this trial about the way these things normally work or

1 is it about his state of mind? What was in his head?

2 You know, it's interesting. And I want to
3 make it clear, not only did the Government's team make a
4 first class presentation, Special Agent Vance and Special
5 Agent Palmer, did a yeoman's job. I have nothing but
6 respect. I don't want you to ever think that I have
7 suggested anything disparaging about those agents. Where
8 would we be if we didn't have servants like that that's
9 committed to finely protect the people. Nothing I say is
10 meant to disparage them in any way. I have nothing but
11 respect for them and what they do.

12 But sometimes, you can cast your net too wide.
13 Sometimes you go shark fishing and you get other fish
14 caught up in your net. And sometimes you can make an
15 assumption that somebody is doing something for a reason
16 and you can be wrong because you can be too smart to
17 understand stupid.

18 Mr. Ramos Alonso lost everything. Lost all
19 his savings, lost his job, he lost his freedom. He lost
20 everything. Who gives a damn about him?

21 The Government has done a marvelous job of
22 apparently protecting Wells Fargo. They've done a good
23 job of protecting Bank of America. Done a heck of a job
24 of protecting the big Memphis real estate firm, but
25 comparatively speaking, who lost the most in this ordeal?

1 Do you think \$154,000 is as devastating to the
2 real estate firm as \$25,000 is to a dishwasher? Who the
3 hell cares about him? He lost his savings. He lost his
4 job. And he lost his liberty. Nobody gives a damn.
5 Nobody cares.

6 You see, all men -- contrary to the way we are
7 raised, all men are not created equal, and I understand
8 that that's applicable to one man, one vote, but even
9 beyond that, some folks run faster, some folks jump
10 higher, some folks are smarter than others. Some people
11 are more gullible than others. Some people are trusting.
12 Other folk are sharks. They are users. Some people are
13 the meek, but other folk get taken advantage of. Some
14 people don't know how to protect themselves.

15 Mr. Ramos Alonso had no idea what he was
16 getting into and didn't know how to protect himself. And
17 what does he get for it? He gets to sit at the big table
18 with all of the educated folk, with all of the smart
19 people. Got no business here. Should have never been
20 here in the first place.

21 You heard instructions from the Court
22 regarding proof as it relates to state of mind, because
23 you see the thing that's unusual about this case is that
24 I don't disagree with anything that the Government has
25 said factually, everything that the Government has

1 presented regarding the facts in terms of what Mr. Ramos
2 Alonso did is a fact. It's not in dispute.

3 If we agree on the facts, what is there to
4 disagree about? The state of Mr. Alonso's mind. The
5 Government has the task of proving what was on his mind.
6 Where is the evidence? What do you rely upon?

7 You saw him testify. How did he impress you?
8 Did he seem to be someone -- how did he -- his demeanor,
9 his overall appearance, his conduct, his tone? Sound
10 like a shark to you.? Sound like someone that's running
11 an international money scam or taking advantage of
12 international money scam for profit?

13 You see, they can claim to point to pieces,
14 selective pieces of evidence. The pieces that they
15 cherry picked from the e-mails, those selective ones,
16 they can point to those and say, hey, here is the proof,
17 but they are missing something.

18 You can address what you think is proof or
19 evidence to show what Mr. Alonso's state of mind is but
20 the problem is you can't prove what the state of his
21 heart was, because, what he is doing is not based upon
22 his mental ability or the like thereof because he is
23 thinking with his heart. Now, what proof is there to
24 tell you where that man's heart was? How do you prove
25 that? How do you prove what was in his heart?

1 You see, Tammy didn't just turn out
2 Mr. Alonso. Tammy just didn't trick Mr. Alonso. Tammy
3 is the mastermind behind this whole scheme. And when I
4 inquired of one of the special agents on the witness
5 stand, who is Tammy? Well, we are still working on that.
6 And we done trick them, too. Didn't just trick
7 Mr. Alonso. She done trick the Government. She's a
8 trickster. Didn't just take advantage of Mr. Alonso's
9 gullibility. The Government would argue that you can't
10 be that stupid. He's deliberately ignorant. I.

11 Who do you be deliberately stupid? That's
12 some sort of quasi-oxymoron. Does that go together? If
13 you're stupid, if you were able to deliver it, you
14 wouldn't be stupid. He chose to be stupid. He's
15 deliberately stupid.

16 Fell for the same trick that everybody else
17 fell for with Tammy. Tammy tricked the banks. Tricked
18 the real estate agent. Tricked the title company in
19 Washington. Tricked the Government. And then they are
20 going to say, man, you must be stupid to let Tammy
21 tricked you. She tricked everybody else. Why you just
22 going to hold me responsible for being stupid?

23 The Government has the burden of proving in my
24 parlance what was in Mr. Alonso's heart and they haven't
25 done it here.

1 So no, this is not about finding Mr. Alonso
2 not guilty. Over the years, I've tried to stay away from
3 asking the jury to do that. What I want you to do is the
4 right thing. I want you to do what's right. You know,
5 sometimes the right and wrong get separated, but I
6 respectfully suggest to you they belong together.

7 You looked at proof in this case. You
8 analyzed it. You look at this young man at the time, 23,
9 24 years old, living under those conditions and his
10 experiences like they are, his social status, and you
11 decide because any decision that you make in this case is
12 the right decision, whatever it is, as long as you make
13 it for the right reason.

14 And I'm comfortable if when you look at what
15 happened to Mr. Alonso, you will make the right decision
16 and you will make it for the right reason.

17 Thank you, Your Honor.

18 **THE COURT:** Thank you, Mr. Garrett.

19 The Government gets rebuttal, but let's all
20 just stand up and stretch.

21 I know if I need to stand up and stretch,
22 probably even in the courtroom does, too.

23 Ms. Ireland, rebuttal.

24 **MS. IRELAND:** Quickly, Your Honor.

25 Ladies and gentlemen, this case is really not

1 about Samson or George Washington, the Founders or
2 impoverished family.

3 **THE COURT:** Ms. Ireland, I don't want to get
4 you going. It's the one that comes and in and out.

5 **MS. IRELAND:** I can swap out.

6 **THE COURT:** Please do.

7 I've threatened before to take a hammer to
8 that one, but I guess I haven't yet.

9 Thank you.

10 **MS. IRELAND:** You are welcome.

11 In case y'all weren't able to hear, this is
12 not about Samson. It's not about George Washington, the
13 Founders, or impoverished families. This case is about
14 one thing. "I want." That's it. "I want." I want
15 Tammy to love me. I want a perfect relationship. I want
16 that business. I want to stay here. I want. I want. I
17 want. I want.

18 In this country we are allowed to work toward
19 what we want, until you interfere with somebody else's
20 ability to have what they want. Colleen Baldwin started
21 the business and worked her way up. Did she get to have
22 what she wants when people steal from her? No. No.
23 That's the problem here. The "I want" overruled the
24 "this is the way it's done," the law, the way it's done
25 fairly.

1 I'm not going to belabor the evidence again.
2 You've seen it. You've heard it. You hear
3 interpretations about it. It's in your hands. It's all
4 there, the bits and pieces and chunks, the pieces that go
5 together, the stuff that's relevant; but what it comes
6 down to is "I want."

7 There's probably not a lot that we could say
8 that everyone agrees about here. The one thing we do
9 agree about is that we want you to do your job; and
10 that's to follow the Court's instructions, including the
11 one, including and especially the one that reads perform
12 these duties fairly. Do not let bias, sympathy, or
13 prejudice that you may feel toward one side or the other
14 influence your decision in any way. Because why? It's
15 about the evidence. That's what it's about.

16 I need to address just a couple points, and
17 then it's up to you. Venue. The business e-mail
18 compromise that happened here, started the investigation,
19 it start in the Western District of Tennessee.
20 Conspiracies can continue right up until the point where,
21 when you're sitting in the Western District of Tennessee,
22 trying to get other people to not testify or to think the
23 case is going away, it continues. We only have show you
24 that by a preponderance of the evidence. That's just
25 more likely then not that it's tied to this district.

1 Conspiracy. Conspiracy can continue.
2 Conspiracy is a structure. Every person including
3 Mr. Abegunde, including Mr. Ramos played their part.
4 They played their part in a big, complicated structure
5 that's complicated because it's designed to hide things.
6 Have you ever hear the phrase "the best lie is a
7 half-truth'? Because some of it holds water. Some of it
8 doesn't. You've got the job of sitting through what
9 holds water and what does not.

10 And, finally, Mr. Ramos was in love. If he
11 was in love, that's awesome. He wants to be in love.
12 That doesn't give him the right to look the other way in
13 the face of evidence that shows to the contrary. A month
14 into his relationship he was told it was a scam, and
15 there were plenty of warnings after that.

16 Mr. Abegunde saying it louder and more often
17 doesn't make a business legitimate. Licensing it does
18 not make its activity legal. That's what you have to
19 weigh. It's the evidence.

20 There's one thing, though -- and I say this
21 passionately. Every single one of us here, every single
22 one of us understands the amazing opportunity and role
23 that you play in this part and we only ask you to do one
24 thing and it's probably the hardest thing you'll ever be
25 asked and that's to do justice.

1 In the case we submit it's a verdict of
2 guilty.

3 **THE COURT:** Thank you, Ms. Ireland.

4 So that completes the closing arguments.

5 Is everyone ready to begin deliberations?

6 Everyone ready? All right.

7 Then that means two of you will not. So all
8 of your names are in my little bowl here. I'm just going
9 to pick two names out at random, and those are the two
10 that become our alternates.

11 So the first is No. 12, Whitney Bowen.

12 **A JUROR:** Yes, ma'am.

13 **THE COURT:** You don't have to be so excited.

14 **A JUROR:** Oh, sorry. I'm sorry.

15 **THE COURT:** Stay there for one minute.

16 **A JUROR:** Okay.

17 **THE COURT:** While I'm getting another one,
18 I'll say, Ms. Bowen, we would love to have your fifth
19 grade students down here to visit court someday. I'm --
20 oh, you're the -- that's right. I'm sorry. I apologize.

21 We would love to have your fifth grade
22 students down here someday.

23 **A JUROR:** Yes, ma'am.

24 **THE COURT:** You're the one with the child that
25 needs to go. The rest of you can deliberate all night

1 long. All right.

2 And then the second one is No. 9, Ms. Smith.

3 **A JUROR:** That's me, yes. Thank you.

4 **THE COURT:** Everyone is upset. All right.

5 So, Ms. Smith and Ms. Bowen, you two are our
6 alternates. Let me say that we could not have done the
7 trial without having you here. As it turns out, you
8 became our insurance policies in case something happened
9 to someone else here. I'll tell you the last trial we
10 had a stomach bug and a car accident. So we needed it.

11 So thank you. Even though you're going to
12 deliberate, you did your jobs as jurors. I'm also going
13 to ask you, though, to not talk to anyone about the case
14 for a few more days. If you want to get someone's phone
15 number to find out when the jury is done, that would be
16 helpful because I need you out there, not having talked
17 about the case with anyone, on the off-chance that I need
18 someone back here to deliberate. This is a long trial.
19 If something happens to someone else, I don't want to
20 have to retry this.

21 So don't talk to anyone about the case for a
22 couple of days -- I don't know how long it will take the jury
23 to deliberate -- but for a couple of days in case we do
24 need to call you back. Okay. So I'm going to excuse
25 everyone; and when I do, you-all can go back together and

1 get your stuff. Check with the folks on the second floor
2 again to get you your certificate and see if there are
3 any other instructions for you. Okay? Thank you so much
4 for being here.

5 So for everyone else, as you recall, your
6 first job is going to be to decide who's going to be your
7 presiding juror during the deliberations; and then you
8 can start your deliberations.

9 We're going to send the evidence back to you.
10 Again, if we don't send something that you need, let us
11 know. I don't think that will be the case, but just let
12 us know if there's something missing. You're going to
13 get one copy of the indictment. You're going to get the
14 verdict form and the folder that you give to the court
15 security officer when you're on break. You're going to
16 get six copies of the jury instructions, so enough
17 hopefully so that everyone can take a look not too many
18 that we kill too many trees.

19 When you are on a break of any kind, do let
20 the court security officer know, because the lawyers in
21 the case have to stay within a certain distance of the
22 building in case we need to call them become or when we
23 need to call them back for the case. So do let us know
24 when you're on break because that gives them a break.
25 Does that make sense?

1 Your schedule will be your own. You can set
2 it. You just have to communicate with us about it.

3 All right. Everyone ready? It is now time
4 when you can talk with everyone about the case. Still
5 don't talk to anyone else about the case, but you can
6 talk to each other. Thank you very much.

7 (The following occurred outside the presence
8 of the jury at 2:24 p.m.:)

9 **THE COURT:** Anything before we break?

10 Make sure Mr. Warren has cell phone numbers so
11 he can reach you quickly. Stay within, while they're
12 deliberating, within five minutes or so of the building.

13 You are welcome to hang out in the courtroom.

14 (Recess.)

15 (The jury resumed deliberations on March 20,
16 2019).

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C E R T I F I C A T E

I, Mark S. Dodson, do hereby certify that the foregoing 149 pages are, to the best of my knowledge, skill and ability, a true and accurate transcript from my stenotype notes in the matter of:

UNITED STATES

vs.

OLUFOLAJIMI ABEGUNDE, JAVIER LUIS RAMOS ALONSO

Dated this 27th day of December, 2019.

S/*MARK S. DODSON*
Official Court Reporter
United States District Court
Western District of Tennessee