

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TENNESSEE
3 WESTERN DIVISION

4
5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 vs.

NO. 2:17-cr-20238

8 OLUFOLAJIMI ABEGUNDE,

9 Defendant.

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12
13 JURY TRIAL

14
15
16 BEFORE THE HONORABLE SHERYL H. LIPMAN, JUDGE

17
18 THURSDAY

19 14TH OF MARCH, 2019

20
21
22 LISA J. MAYO, RDR, CRR
23 OFFICIAL REPORTER
24 FOURTH FLOOR FEDERAL BUILDING
25 MEMPHIS, TENNESSEE 38103

UNREDACTED TRANSCRIPT

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1 **THURSDAY**

2 **March 14, 2019**

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5
6 **THE COURT:** Let me get back to that
7 conversation that -- I'm going to call it a conversation that
8 Mr. Garrett and I were having.

9 So Mr. Garrett, you know, in thinking about it,
10 of course I'm not going to limit your ability to present your
11 defense. I would never do that. You're certainly welcome to
12 introduce as much evidence into the record as you want to,
13 with the caveat that there's a point at which -- I could
14 envision there could be a point at which the testimony -- and
15 I'm talking specifically about reading e-mails into the
16 record -- would be incredibly cumulative.

17 So my challenge to you is, as you're preparing
18 for that, to keep that in mind, that I'm going to give you a
19 lot of leeway. I'm going to give you a lot of leeway,
20 frankly, to repeat things that might be in, you know, where
21 the same concept is coming up in multiple e-mails, but
22 envisioning reading 900 e-mails into the record, I can't
23 imagine we're not going to get to the point where that would
24 be grossly cumulative. Those are my thoughts.

25 **MR. GARRETT:** I agree, Judge. However, we're

1 talking about -- the Court's point is well taken. We're
2 talking about three years.

3 **THE COURT:** Keep your voice up.

4 **MR. GARRETT:** We're talking about a three-year
5 romance with a lot of I love yous in it. I guess we could
6 dispense with some of them, and after a while, I guess we get
7 the message. So I will limit it as best I can.

8 **THE COURT:** I mean, that -- as I'm thinking about
9 it, I really do -- I'm not just saying this. I really do --
10 I'm going to give you every opportunity to make your case. I
11 just can envision going over into cumulative e-mails.

12 **MR. GARRETT:** And if I may say, Judge, one thing
13 that I anticipate that's going to slow down the process some
14 is that --

15 **THE COURT:** Is there a mic you can grab and even
16 hold? Yeah. There you go.

17 **MR. GARRETT:** Mr. Alonso is going to be reading
18 some of these e-mails. His English is questionable at point,
19 and obviously at some point he may need the assistance of the
20 interpreter, and that will have a tendency to slow down the
21 process some. However, I think it's necessary to do it that
22 way in order for him to explain the impact of these messages,
23 the impact that these messages were having on him at the time
24 that he was receiving them. But having said that, I will
25 still try to move it along as best we can, Judge, and not

1 just unduly delay matters. And I'm cognizant of time
2 restraints and what have you, but we do want to make sure
3 that we get the full story out to the jury.

4 **THE COURT:** Okay. And I'm not -- I'm not putting
5 any, you know, specific time restrictions on you. I really
6 am focusing on the cumulateness and my anticipation that
7 we're going -- if we did all 900 e-mails, we'd hit a point
8 where it would be cumulative.

9 Okay. Did you want to say something,
10 Mr. Flowers?

11 **MR. FLOWERS:** The question is that we're still
12 piecing through and deciding how to approach the extent to
13 which that would constitute the Defendant offering his own
14 statements as part of the proceedings, and I just want to
15 alert the Court to that in that we're thinking through the
16 issue and the extent to which we might have to discuss
17 whether it's appropriate. Our understanding is he can
18 certainly talk about the effect it had on him, things of that
19 nature, but the extent that he would just be reading his
20 prior statements, whether that would be appropriate.

21 **THE COURT:** Mr. Garrett?

22 **MR. GARRETT:** Your Honor please, it's not just a
23 matter of reading his prior statements. The way I interpret
24 the situation, this Tammy Dolan is an unindicted
25 co-conspirator, and we're talking more about the statements

1 from Tammy Dolan and the messages that she was sending to my
2 client, and obviously he had to respond to them. So we're
3 not just talking about my client's prior statement.

4 **THE COURT:** Okay. Let me -- I'll think through
5 that issue, and it sounds like Mr. Flowers is also thinking
6 through that issue. And I understand your position,
7 Mr. Garrett.

8 All right. Anything else we need to address
9 before we bring the jury back?

10 **MS. IRELAND:** I don't believe so, Your Honor.

11 **THE COURT:** All right. Let's bring them back.

12 (Jury enters courtroom at 1:22 p.m. after lunch
13 break.)

14 **THE COURT:** You all may be seated. How was
15 lunch?

16 **THE JURY:** Good.

17 **THE COURT:** Good. No complaints yet?

18 **THE JURY:** Huh-uh.

19 **THE COURT:** Very good.

20 Ms. Ireland, Mr. Flowers, call your next witness.
21
22
23
24
25

TESTIMONY OF MARTINS AYELOMI

9

1 **MS. IRELAND:** United States calls Martins
2 Ayelomi.

3 * * *

4
5 **MARTINS AYELOMI,**
6 **was called as a witness and having first been duly sworn**
7 **testified as follows:**

8 **MS. IRELAND:** May I inquire, Your Honor?

9 **THE COURT:** Yes.

10 **DIRECT EXAMINATION**

11 **BY MS. IRELAND:**

12 Q. Mr. Ayelomi, if you will keep the microphone by your
13 mouth so that everyone can hear you.

14 Good afternoon.

15 A. Good afternoon.

16 Q. Can you introduce yourself please and spell both your
17 first and last names for the court reporter.

18 A. First name M-a-r-t-i-n-s. Last name A-y-e-l-o-m-i.

19 Q. Is that pronounced --

20 A. Ayelomi.

21 Q. -- Ayelomi? Okay. All right. If I mess that up, I
22 do apologize. I will work on it. Thank you.

23 What do you do, sir?

24 A. I am an independent contract linguist.

25 Q. Okay. A linguist. Where were you born?

TESTIMONY OF MARTINS AYELOMI

10

1 A. * 1.42.28 audio Nigeria.

2 Q. Okay. How long did you live there?

3 A. Thirty-five years before I migrated to U.S.

4 Q. Okay. What languages do you speak, sir?

5 A. I speak Yoruba.

6 Q. And what is Yoruba?

7 A. Yoruba is an indigenous language in the western part
8 of Nigeria.

9 Q. Okay. And you speak English obviously?

10 A. I speak English, yeah.

11 Q. Is there something called Pidgin?

12 A. Yes. Nigerian Pidgin.

13 Q. Can you tell us what that is, please?

14 A. Nigerian Pidgin, as it's generally called, is a
15 language that is not learned anywhere but came as a result of
16 the Portuguese and the -- the Portuguese that came to Nigeria
17 in the coastal part of Nigeria. That is the southern part of
18 Nigeria to trade, and it became necessary because they want
19 to buy from the indigenous people, and the indigenous people
20 don't speak Portuguese. So they came -- they find an agreed,
21 understandable language which is more or less like a broken
22 English.

23 So it is in the coastal part of Nigeria, but it has
24 gained enormous ground in the whole part of Nigeria that --
25 definitely because of the lower standard of education that is

TESTIMONY OF MARTINS AYELOMI

11

1 creeping into the Nigerian system, majority of the youths
2 want to feel the belonging -- it's a kind of trend. It's a
3 kind of trend that is okay now, so everybody speaks Pidgin,
4 even if you cannot speak correct English, which is -- so in
5 Pidgin English, you don't need to put "is" or "was".

6 Q. Okay.

7 A. Wherever you put your "is" in Pidgin English is
8 agreed. So wherever you put your past tense or present tense
9 or adverb or proverb is accepted in Pidgin English. In
10 English, you understand it's not acceptable.

11 Q. But it's something that people from that part of
12 Nigeria grow up with and own basically, is it?

13 A. Yes. We were born into it.

14 Q. Okay.

15 A. Because I think this happened in 17th century. That
16 was during the trading before -- even before the slave trade.
17 So it happened in the 17th century, and I am not a 17th
18 century person. So I was born into it. So I understand it.
19 I speak it, and one of the opportunities my father happens to
20 be a police officer that did transfer from one place to
21 another.

22 So if I tell you I speak Yoruba, when my father was
23 transferred to the United States, I went with him. I speak
24 Edu, then mostly Pidgin English is more of a dual Delta
25 rivers because it has the areas that has the coast more.

TESTIMONY OF MARTINS AYELOMI

12

1 Yoruba area will have the coast a little bit.

2 Q. Okay.

3 A. They speak -- they quickly to understand the English.

4 And so they speak that, but Pidgin English is more of Bendel

5 state which is the former Bendel state now Delta, cross

6 river, acquire * 1.45.58 audio, rivers. So those are the

7 areas.

8 Q. So you can understand a wide variety of communications

9 in those languages; is that correct?

10 A. Yes.

11 Q. Did some agents in Memphis from the FBI ask for your

12 assistance in interpreting some recordings that use English,

13 Nigerian Pidgin and Yoruba?

14 A. Yes.

15 Q. When did that happen? Was it within the past year?

16 A. Yes, last year. Yes, last year, I think.

17 Q. Did you then listen to some recordings and work on an

18 interpretation or a translation?

19 A. Yes.

20 Q. Are you the only person who listened to those

21 recordings and helped to interpret what was said?

22 A. No.

23 Q. Can you tell us who else listened and using their

24 experience also participated in interpretation?

25 A. We have ^ Tinoala, and we have * Ekimae. Ekimae.

TESTIMONY OF MARTINS AYELOMI

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1 Then we have a team * . * (not on my lists. MH)

2 Q. Did you review their work?

3 A. Yes.

4 Q. And did you find it to be correct and accurate?

5 A. Yes.

6 Q. And did you also contribute especially regarding the
7 Yoruba?

8 A. Yes.

9 Q. Okay. Did you write a translation of the portions of
10 phone calls that you were asked to listen to?

11 A. Yes.

12 Q. Do you call that a verbatim?

13 A. Yes.

14 **MS. IRELAND:** Okay. May I approach, Your Honor?

15 **THE COURT:** Yes.

16 **BY MS. IRELAND:**

17 Q. Mr. Ayelomi?

18 A. Yes, ma'am.

19 Q. I'm going to hand you a document. Can you tell me
20 what it is?

21 A. A verbatim translation.

22 Q. Is that the report that you prepared, the verbatim you
23 prepared?

24 A. Yes.

25 Q. And have you reviewed that report?

TESTIMONY OF MARTINS AYELOMI

14

1 A. Yes.

2 **MS. IRELAND:** We would offer this as the
3 next-numbered exhibit.

4 **THE COURT:** Any objection?

5 **MR. PERRY:** No objection, Your Honor.

6 **THE COURT:** Exhibit 63.

7 **THE CLERK:** 63, Your Honor.

8 (WHEREUPON, the above-mentioned document was
9 marked as Exhibit Number 63.)

10 **BY MS. IRELAND:**

11 Q. Now, Mr. Ayelomi, the other individuals who worked on
12 this project, are they also listed on here?

13 A. Yes.

14 Q. And what are their names?

15 A. Their names?

16 Q. Yes, please, if you could read them for me.

17 A. ^ yeah. Timothy Oparaji, Tinuloa Oyoyo, /KREUPBGSly
18 CIHEME and myself, Martins Ayelomi. * (not on my lists. MH)

19 Q. Now, you were asked to listen to some conversations
20 and summarize them; is that right?

21 A. Yes.

22 Q. And then you were asked do a verbatim translation of
23 certain portions?

24 A. Yes.

25 Q. Okay. And that translation is what we see here?

TESTIMONY OF MARTINS AYELOMI

15

1 A. Yes.

2 Q. And you have compared this to the actual recorded
3 snippets; is that correct?

4 A. Yes.

5 Q. Now, as part of your report, do you also set out some,
6 for lack of a better word, some rules to guide someone who is
7 looking at this translation or transcript or verbatim?

8 A. Yes.

9 Q. Are these those rules?

10 A. Yes.

11 Q. Okay. And is this your understanding based on context
12 of those communications?

13 A. Yes.

14 Q. All right. Can you walk through a couple of these
15 with me so that everyone knows what presumptions you're
16 working with? And there's a screen in front of you. If you
17 wish to mark on it with your hand or draw on it, it will
18 leave a red mark, and I can erase it over here on the screen.

19 Yes, sir. What would -- what is the first
20 presumption?

21 A. Translator's note, the agent so he can be able to do
22 the verbatim work and the portion that has to do with the
23 inmate, which is FJ, and the wife of friend, Bunmi, and the
24 third party, Ade, A-d-e.

25 Q. And the second one is a presumption regarding the

TESTIMONY OF MARTINS AYELOMI

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1 female's name; is that correct?

2 A. Yes.

3 Q. Is that based on information given to you?

4 A. Yeah. Based on the information and the lady woman has
5 a daughter with her at home. So -- and they communicated
6 together like as if they are boyfriend or girlfriend or
7 husband, yes.

8 Q. Okay. And middle of the list, there is a presumption
9 regarding the identity of another individual?

10 A. Yeah. Ade is -- the complete name is Adewale. Ade is
11 the prefix. So sometimes they call him Wale or call him Ade.
12 Ade is the prefix of that name. The complete name is
13 Adewale, and the last name is Hameed.

14 Q. Okay. And the one below that, another presumption,
15 what is that presumption?

16 A. The presumption here, ^ Oloriburuku in Yoruba
17 language is Louisa.

18 Q. What is it?

19 A. Louisa. So they refer to him as Oloriburuku because
20 they are hiding the identity. They don't want us to know his
21 name. So when they refer to him as Oloriburuku, they
22 continuously referring to him as Oloriburuku, hiding his
23 identity.

24 Q. Is that the same with Silicon and hypertension?

25 A. No. Silicon is his like alias, also known as

TESTIMONY OF MARTINS AYELOMI

17

1 like alias.

2 **MR. PERRY:** Objection.

3 **THE COURT:** Hang on.

4 **MR. PERRY:** Permission to approach?

5 **THE COURT:** Yes.

6 (Bench conference between the attorneys and the
7 Court.)

8 **MR. PERRY:** It's my understanding that he's a
9 translator, simply a translator, no more, no less. Him
10 giving his opinions about what they're doing, et cetera, et
11 cetera, is not appropriate. If he translated the
12 conversations, then that should stand as what it is, but him
13 saying I believe this alias is this, this is that. That's
14 not appropriate.

15 **MS. IRELAND:** We just wanted to provide some
16 context for the jury. If Your Honor wishes us to move right
17 to the verbatims, we can do that.

18 **THE COURT:** Yeah. He's offering more than I
19 think he should be.

20 **MS. IRELAND:** I don't want to interrupt, but I
21 understand.

22 **THE COURT:** Whatever you can do to help that.

23 **MS. IRELAND:** Yes, Your Honor.

24 **THE COURT:** Thank you.

25 (Bench conference between the attorneys and the

TESTIMONY OF MARTINS AYELOMI

18

1 Court concluded and the proceedings continued as follows:)

2 **BY MS. IRELAND:**

3 Q. Mr. Ayelomi, we're going to move to the first
4 recording snippet that you provided a verbatim for, and I'd
5 like to listen to that snippet, and if you wish to underline
6 or point to a place that we are in that short clip on the
7 screen, you can. If you don't want to, that's fine too.

8 (Jail call played.)

9 A. So if I may comment.

10 **BY MS. IRELAND:**

11 Q. Actually, no. We need to walk through this, and I
12 will read one line, and you will read the other. Will that
13 be acceptable?

14 A. Yeah, sure. Sure.

15 Q. Thank you, sir.

16 (As read:)

17 Among the things that -- this being the first line,
18 among the things that there is one thing, that is motion for
19 something. Did you see it?

20 A. Yes.

21 Q. You did? Did you send it to -- did you send it out?

22 A. What have I been telling you? You told me to send
23 everything out. I have sent it out. Is that not what you
24 told me?

25 Q. Yes. Yes, that's fine. Yeah. I am not against it.

TESTIMONY OF MARTINS AYELOMI

19

1 A. Yes, I sent it.

2 Q. Okay. What do you think about -- what do you think
3 about it?

4 A. Well, it is you that did all those things. Or was it
5 not done by that guy?

6 Q. I did it.

7 A. Okay. Did you show it to him?

8 Q. Yes, of course.

9 A. So what did he say when you showed it to him?

10 Q. He said that he would do it.

11 (Reading ended.)

12 Now we'll move on to the next clip.

13 (Jail call played.)

14 **BY MS. IRELAND:**

15 Q. Mr. Ayelomi, was that clip what is reflected in this
16 transcript? Is this verbatim transcript --

17 A. Yes.

18 Q. Okay.

19 A. Yes.

20 Q. -- of the clip we just heard?

21 A. Yes.

22 Q. And if we could just walk through that.

23 (As read:)

24 What have you been doing today?

25 A. Nothing. I am thinking about going to the hospital.

TESTIMONY OF MARTINS AYELOMI

20

1 Q. For who?

2 A. For myself.

3 Q. What's wrong with you?

4 A. I don't know if anything is wrong with me, but em, I
5 am seeing some blood.

6 Q. Oh, period. Could it be your period?

7 A. No, I don't think so.

8 Q. Are you sure?

9 A. Yeah, it is not.

10 Q. Go ahead and call them.

11 A. Okay. I want to see if I can speak to this guy.

12 Q. Just tell him that thing, that thing, if you read that
13 think, that, er, right, the thing, it should dismiss me from
14 the indictment.

15 A. Don't talk about this dismissal.

16 Q. I am trying to make you. I thought about it all
17 night.

18 A. Don't tell me. Maybe you should call Ade, last name
19 unknown, and tell him. I don't want to hear it.

20 Q. Okay. No problem, but just --

21 A. But it wasn't you. Yes.

22 Q. But that's the point I am trying to make.

23 A. Please.

24 Q. That's -- that's what?

25 A. Bye bye, bye bye.

TESTIMONY OF MARTINS AYELOMI

21

1 (Reading ended.)

2 **MS. IRELAND:** If we could have the next segment,
3 please, and that will be the transcript that is -- the
4 verbatim that is currently on the screen.

5 And, Your Honor, so that we're certain that only
6 what is in the transcript is reflected in the call that's
7 played, Mr. Gordon is getting to particular points in the
8 files.

9 (Jail call played.)

10 **MS. IRELAND:** I'm sorry, that is my error.
11 Mr. Gordon is correcting me. We do not have the clip for
12 Number 3. We're just going to read through that. I
13 apologize to the Court.

14 **THE WITNESS:** Okay.

15 **BY MS. IRELAND:**

16 Q. Let's read through Number 3.

17 A. Okay.

18 Q. The third one that you translated and produced a
19 verbatim for.

20 (As read:)

21 I have talked to police. Do you have it?

22 A. Yes.

23 Q. Do you have it?

24 A. Yes, yes. Ade will. Ade will send it.

25 Q. Tell him to send it now.

TESTIMONY OF MARTINS AYELOMI

22

1 A. Yes.

2 Q. Tell him to send it now.

3 A. Okay.

4 Q. She is coming.

5 A. Has she talk -- has she talked -- has she talked to
6 that guy?

7 Q. She has, which guy? She has, she says. Yes. Oops.
8 Sorry.

9 A. Yes.

10 Q. She says she has. Says she has talked to her own. He
11 too has seen everything.

12 A. Hmm.

13 Q. And he too has told her that there is nothing, that
14 they're just trying to scare her.

15 A. Okay. I will. I will. I will. I will call Ade now.

16 Q. I have talk to police. I told her everything. Do you
17 understand? With time she has -- she has to read those
18 things and has to digest them too. Do you understand? And
19 there is no time for all that.

20 A. Give me the guy's number. I was supposed to, said I
21 should call collect the number because Ade said he did not
22 send it. He did not see anything, so I will give him that
23 guy number.

24 Q. Didn't she see the person's number?

25 A. Did not see it. She said she looked for it but did

TESTIMONY OF MARTINS AYELOMI

23

1 not, didn't.

2 Q. Okay. Hold on. Should I give it to you now?

3 A. Yeah. Give it to me now.

4 Q. Hold on.

5 (Reading ended.)

6 **MS. IRELAND:** Now moving on to the next verbatim,
7 Mr. Gordon, would you like to resume where you left off, and
8 I apologize for the misdirection. This is the fourth clip.

9 (Jail call played.)

10 **BY MS. IRELAND:**

11 Q. And reading through the verbatim for call Number 4
12 of 8, I'll take the first line.

13 (As read:)

14 You have spoken to Borgee, haven't you?

15 A. Yes.

16 Q. I just got those things too. I just got the
17 remaining, so I will do the compiler construction.

18 A. Hmm.

19 Q. For them and then I will ship it.

20 A. Okay.

21 Q. I think I can ship it to Borgee directly now.

22 A. Yes, directly, yes, directly and to her attention.

23 Q. Okay. No problem.

24 A. And Silicon and to --

25 Q. Yeah, I will do that, no problem. I will do it.

TESTIMONY OF MARTINS AYELOMI

24

1 A. Have you seen it?

2 Q. I have seen it. I have. The first one, first batch
3 that I received. I have checked it. It's the second batch
4 that I haven't opened. I've checked it to the end.

5 A. Okay. Okay.

6 Q. Yeah.

7 A. Then may -- then may be in the body you can inform her
8 that I went to Nigeria on July 16th and January 17th and
9 Dubai March 17.

10 Q. Uh-huh.

11 A. And cruise July 17th, Bahamas.

12 Q. What was the first one for July 16th?

13 A. It is, yes, Silicon.

14 Q. That's in July, then January is --

15 A. 17th, yeah, exactly. Exactly then.

16 Q. January then March Dubai, yes.

17 A. Yes.

18 Q. Then July?

19 A. Yeah. Cruise then Bahamas.

20 Q. No problem.

21 (Reading ended.)

22 Clip 5 of 8.

23 (Jail call played.)

24 **BY MS. IRELAND:**

25 Q. Mr. Ayelomi, if you will, read the verbatim along with

TESTIMONY OF MARTINS AYELOMI

25

1 me. Will you take the first line, please?

2 (As read:)

3 A. It has been on the internet since last year that some
4 people were caught, that six people were arrested. The news
5 also says that the five remaining people were still abroad.
6 Your name was listed there.

7 Q. Are you serious?

8 A. Apparently it was a ten-million scam. It adds that a
9 USA company was scammed.

10 Q. Are you serious?

11 A. So everybody now knows that you were involved in the
12 business. Do you understand my point?

13 Q. Yes.

14 A. It has been on the internet for a long time. They are
15 just finding out.

16 Q. What are they saying?

17 A. They are saying that it could be your business with
18 last name unknown, Oloriburuku and...

19 Q. Yes.

20 A. Everybody is saying that they knew the source of the
21 problem and that they now know how to tackle it. It is not
22 that you are not involved. At least we know how to tackle
23 the problem since we know the source of it.

24 Q. Okay.

25 A. And we have information that arrests have been made.

TESTIMONY OF MARTINS AYELOMI

26

1 Q. Okay.

2 A. Do you understand me?

3 Q. Yes.

4 A. So I need to talk to them now to know how because
5 those are the things that I will mention because the other
6 person wants to sell his car.

7 Q. Is in my possession, right? You know, talk to -- I
8 think we are rushing things now. I think that I am the last
9 person that you need to speak to right now.

10 A. Absolutely. I need to speak to Hypertension and...

11 (Reading ended.)

12 Q. Mr. Ayelomi, what does UI stand for in this verbatim?

13 A. Unintelligible.

14 Q. Okay.

15 (As read:)

16 Yes. Give them all the information that is available
17 to you.

18 (Reading ended.)

19 MS. IRELAND: Do we have Snippet 6? Thank you.

20 (Jail call played.)

21 **BY MS. IRELAND:**

22 Q. And, Mr. Ayelomi, if you could read through this with
23 me, I'll take the first line.

24 (As read:)

25 But they said?

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1 A. Talk, talk, talk.

2 Q. They said you -- you said -- you said you talk, you
3 are the person now.

4 A. When bank called.

5 Q. When -- when bank called. That said you are the
6 person.

7 A. That I am who? Who said that? Where did you hear
8 that?

9 Q. You are, what they are saying. I don't know if it is
10 Kama that said it, that when the bank called.

11 A. Uh-huh.

12 Q. That who is Oloriburuku?

13 A. Uh-huh.

14 Q. That you just responded to be him because it is your
15 -- it's your -- it's your phone number that's on the contact.

16 A. Uh-huh.

17 Q. Do you understand? This is what they are having
18 against you. But that one -- that one does not mean anything
19 right now.

20 A. Yeah, okay. But actually that, when they -- when they
21 called, that's actually what happened. I said they should
22 hold on. I got in touch with the guy.

23 Q. Uh-huh.

24 A. And told him that this is what is happening and this
25 is what they --

TESTIMONY OF MARTINS AYELOMI

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1 (Reading ended.)

2 **MS. IRELAND:** And there is one final clip in this
3 series of calls.

4 (Jail called played.)

5 **BY MS. IRELAND:**

6 Q. And, Mr. Ayelomi, if you could read the first, please.

7 (As read:)

8 A. So I reached out to this guy. I went to his house.
9 He was showing empathy that ^ man, /O*EF * does not know
10 anything about this issue. It is this loser who wanted to
11 change some currency for him. He was saying that the money
12 was ten, he said ten, it is ten thousand. It is not up to
13 the 150 something.

14 I told him that, guy, I have the information, and
15 there is no need to deceive me. He called somebody on the
16 phone and said to the person that his associate has put my
17 friend in trouble now. Right? Long and short is that I
18 could see fear in his eyes. Do you understand?

19 Q. Uh-huh.

20 A. Man, so clearly, as in being who he is, he would not
21 say how he can support with money. He was saying that he
22 will call Hypertension to apologize to them for that thing
23 that happened before. He said he would like to discuss
24 support with them and how they should all work together to
25 settle this matter. You understand that he is ready to

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1 contribute some money, but he did not disclose how much, that
2 he will be ready to implicate those people that -- that
3 started the transaction because they caused this problem.
4 They want to do two things. As he said, it is in their best
5 interest to work together and so on and so forth.

6 (Reading ended.)

7 Q. Thank you, sir.

8 A. Yes, ma'am.

9 **MS. IRELAND:** Now, the recording of these
10 calls -- I have just discovered an error in my numbering,
11 Your Honor. These calls were offered yesterday as Exhibit 53
12 for identification, and we would move that into evidence at
13 this time. The CDs are identical, and they got switched. I
14 apologize, Your Honor.

15 **THE COURT:** Okay.

16 **MR. PERRY:** No objection.

17 **THE COURT:** All right. So Exhibit 53 is now in
18 evidence. And we're sure we got the right --

19 **MS. IRELAND:** Yes, Your Honor. 54 is also in
20 evidence. I'll reoffer it just for clarity. No objection?

21 **THE COURT:** Okay.

22 **MS. IRELAND:** Thank you. If we could then
23 finally move on to the last call in the verbatim report.
24 Your Honor, may I have a moment?

25 **THE COURT:** Yes.

TESTIMONY OF MARTINS AYELOMI

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1 **MS. IRELAND:** Your Honor, may I ask for a quick
2 five minutes?

3 **THE COURT:** What's going on?

4 **MS. IRELAND:** May we approach?

5 **THE COURT:** Yes.

6 (Bench conference between the attorneys and the
7 Court.)

8 **MS. IRELAND:** I want to be certain that the right
9 things get in under the right numbers, and I would just like
10 a minute to regroup to ensure that the right things are being
11 offered. Everything that's in now is intended to be offered
12 and was, as I understand, not objected to. I want to make
13 sure that I fully understand what the last item is because I
14 don't want to --

15 **THE COURT:** Well, let's do that during a break.
16 Can we keep moving forward.

17 **MS. IRELAND:** Well, this would conclude the
18 testimony for this witness.

19 **THE COURT:** All right. You can go back and look
20 at the disk on the next break, but we need to keep moving
21 forward.

22 **MS. IRELAND:** Yes, Your Honor.

23 **THE COURT:** Thank you.

24 (Bench conference between the attorneys and the
25 Court concluded and the proceedings continued as follows:)

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1 **BY MS. IRELAND:**

2 Q. Thank you, Mr. Ayelomi.

3 A. Thank you.

4 **MS. IRELAND:** I don't have any further questions,
5 Your Honor.

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

7 Mr. Perry, any questions?

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

9 **THE COURT:** Mr. Garrett, any questions?

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

11 **THE COURT:** All right. Sir, you may be excused.
12 Thank you. You're good.

13 **THE WITNESS:** Okay. Thank you.

14 **THE COURT:** You can stay if you want in the
15 gallery. Thank you, sir.

16 **THE WITNESS:** Thank you.

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1 **MR. FLOWERS:** The next witness, I believe, is the
2 one that would require the out-of-jury portion. It's
3 Mr. Massey.

4 **THE COURT:** Do we have anything we need to
5 address with that?

6 **MR. PERRY:** Probably need to have --

7 **THE COURT:** Let's come to sidebar.

8 (Bench conference between the attorneys and the
9 Court.)

10 **MR. PERRY:** I'm not quite sure what all they're
11 planning at this point to get in with Mr. Massey. It was my
12 understanding that there was a question about the authorship
13 of the motion to dismiss. How far, you know, as to its
14 authenticity. I'm not quite sure why it's needed to come
15 from Mr. Massey at this point, but if the Court is inclined
16 to allow Mr. Massey to speak, I want it very limited, number
17 one, and he's not waiving any attorney/client privilege in
18 that regard. If it's purely to the authenticity of it, there
19 are some questions regarding that and regarding why it was
20 created that I don't want to end up waiving it on accident,
21 and I can -- you know, if you want to --

22 **THE COURT:** Well, I would say that the testimony
23 that has come in thus far has been about the creation of the
24 document and other issues related to the document that
25 would -- that put those issues out there. So I guess -- and

1 the reason I wasn't sure was because it struck me that the
2 part that you thought maybe shouldn't come in is already out
3 there. I could be wrong.

4 **MR. PERRY:** About the authorship of it?

5 **THE COURT:** Yeah.

6 **MR. PERRY:** Well, right, I don't have a problem
7 with that limited portion of it, and I can tell you my
8 questions are going to tend to go to the -- what was -- I
9 mean how it was presented to him, et cetera, and I'm assuming
10 that they're going to go into that somewhat as well. I just
11 don't want to accidentally waive any attorney/client
12 privilege is my concern because this is something I've just
13 never -- I've never crossed this bridge before.

14 **MR. FLOWERS:** Nor have I actually. This is sort
15 of new for everyone. My understanding speaking to Mr. Massey
16 is that basically he can say his name, where he is, he
17 recognizes the document, did he author it and did he
18 authorize it. Those are essentially -- those are the
19 questions, and I believe he's consulted with the Bar on that
20 as well about what is he permitted to say and what he's not
21 permitted to say. So the universe of questions from our
22 regard will be those four or five, I think that I just said.

23 **THE COURT:** Any objection to those questions?

24 **MR. FLOWERS:** I wouldn't even mention -- ask him
25 who he represented. The indication may be there from the

1 documents already in evidence, but I don't even want to get
2 that in front of the jury. From the Government's
3 perspective, we don't want to elicit that testimony from him
4 because --

5 **MR. PERRY:** The only problem that I have is that
6 if it's allowed, it puts me in a corner where I have to
7 cross-examine, so to speak, you know, and that's the issue.
8 I'm damned if I do, damned if I don't if they present it and
9 I just leave it alone at that and not cross-examine some of
10 the context to it, which the context is actually what would
11 be protected, and that's my issue. So --

12 **THE COURT:** Well, I mean, that's your choice. I
13 mean, you know, I've already --

14 **MR. PERRY:** In so doing, I don't want to -- by
15 doing that -- and the reason why I said I wanted a
16 conversation in camera regarding, other than the context of
17 that document and the context behind the fact that it was
18 presented to him, I'm not waiving attorney/client privilege.
19 And I don't want to open it for redirect to then, you know,
20 go into impressions and all of that regarding the substance.

21 **THE COURT:** So you're making it clear this is not
22 a general waiver of the privilege, that you're going to ask
23 questions about the document in particular.

24 **MR. PERRY:** Right.

25 **THE COURT:** And perhaps waive some issues -- some

1 privilege regarding the creation of the document itself
2 alone.

3 **MR. PERRY:** Correct.

4 **THE COURT:** Government understands that position?

5 **MR. FLOWERS:** I think so. So if I'm
6 understanding correctly, yours are going to be more
7 contextually based questions, putting in context.

8 **MR. PERRY:** Right.

9 **THE COURT:** But if Mr. Massey -- he may be in a
10 position where he can say I can't answer that.

11 **MR. PERRY:** What we might need to do is have an
12 in camera, just like we did with the --

13 **THE COURT:** Let's not go there unless we have to.

14 **MR. PERRY:** I don't want to.

15 **THE COURT:** Let's go forward the way we are
16 because I think -- let's go forward the way we are and see
17 where we are.

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

19 **THE COURT:** All right.

20 (Bench conference between the attorneys and the
21 Court concluded and the proceedings continued as follows:)

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TESTIMONY OF WILLIAM MASSEY

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1 **THE COURT:** Mr. Massey is your next witness?

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

3 **THE COURT:** Come on forward, Mr. Massey. Stop.

4 * * *

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6 **WILLIAM MASSEY,**

7 **was called as a witness and having first been duly sworn**

8 **testified as follows:**

9 **DIRECT EXAMINATION**

10 **BY MR. FLOWERS:**

11 Q. Good morning, sir.

12 A. Hello.

13 **THE COURT:** I think it's afternoon at this point.
14 I realize the day feels like it's been going on forever
15 probably for you, Mr. Flowers.

16 **MR. FLOWERS:** Unfortunately, Your Honor, that is
17 the truth.

18 **THE COURT:** And where is your mic, sir?

19 **MR. FLOWERS:** Thank you.

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

21 While I'm making sure he has a mic, Mr. Massey,
22 be sure you speak into this mic. Yes. Thank you, sir.

23 **BY MR. FLOWERS:**

24 Q. Good afternoon, sir.

25 A. Good afternoon.

TESTIMONY OF WILLIAM MASSEY

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1 Q. Could you please state your name and spell it for the
2 record.

3 A. Yes. William D., as in Dennis, Massey, M-a-s-s-e-y.

4 Q. And where do you live, sir? Where do you live, sir?

5 A. I live in Arlington, Tennessee.

6 Q. Sir, I'm going to show you a document that has been
7 previously admitted as the Government's portion that has been
8 previously admitted under the Government's exhibit.

9 **MR. FLOWERS:** And Mr. Haley, do you have it? I
10 cannot find the number of it.

11 **THE COURT:** Look on the back.

12 **MR. FLOWERS:** 62. Thank you, Your Honor.

13 **BY MR. FLOWERS:**

14 Q. If I may. Take a moment to familiarize yourself with
15 the document and let me know when you are ready to answer
16 questions.

17 A. These too?

18 Q. I'll take those.

19 **MR. FLOWERS:** Your Honor. May I approach?

20 **THE COURT:** Yes.

21 **BY MR. FLOWERS:**

22 Q. Thank you, sir.

23 Do you recognize that document, sir?

24 A. The motion to dismiss?

25 Q. Does it bear your name?

TESTIMONY OF WILLIAM MASSEY

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1 A. Yes.

2 Q. Did you author that?

3 A. No.

4 Q. Did you author it -- did you authorize that document
5 in any way?

6 A. No.

7 **MR. FLOWERS:** Your Honor, I have no further
8 questions of this witness.

9 **THE COURT:** Okay. Thank you.

10 Mr. Perry?

11 **MR. PERRY:** Yes.

12 **CROSS-EXAMINATION**

13 **BY MR. PERRY:**

14 Q. Good afternoon, Mr. Massey.

15 A. Good afternoon.

16 Q. At the time that that document was prepared, to your
17 knowledge, was it presented to you by Mr. Abegunde? Was it
18 presented to you?

19 A. May I safely assume that the privilege, since his
20 lawyer is asking me these questions, that the attorney/client
21 privilege is waived?

22 Q. And I can rephrase the question. And I will say at
23 this particular point, we had an in-camera regarding it.

24 Mr. Abegunde is asking me to ask you the question of
25 whether at the time that you first saw this document, was it

TESTIMONY OF WILLIAM MASSEY

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1 presented as Mr. Abegunde saying that I want this document
2 presented and filed to the Court?

3 A. Partially, yes. It was handwritten when he first
4 showed it to me, and it set out a lot of the points that he
5 was dealing with in the indictment and asking the Court to
6 dismiss the indictment.

7 Q. And he was participating in his case at that time as
8 were you as a zealous, outstanding attorney in this area. He
9 came to you as his attorney and showed you a document that
10 was written indicating that he wanted a motion to dismiss,
11 correct?

12 A. It was the actual motion to dismiss. It was entitled
13 Motion to Dismiss, I do believe.

14 Q. In other words, you saw that document a few years
15 before the U.S. Attorney's Office sent it to you in their
16 preparation of their case against Mr. Abegunde?

17 A. True.

18 **THE COURT:** Mr. Massey, if you could try and
19 speak into the mic.

20 **THE WITNESS:** Sorry. I found out about the typed
21 motion when I received it from the Assistant United States
22 Attorney.

23 **BY MR. PERRY:**

24 Q. Okay. And at the time that you received it, you did
25 remember having represented Mr. Abegunde, correct?

TESTIMONY OF WILLIAM MASSEY

40

1 A. Yes, uh-huh.

2 Q. And you did remember at that time you recalled the
3 fact that he had prepared a motion to dismiss this case to be
4 filed in this court?

5 A. Yes.

6 Q. And the document -- can you go to the signature page
7 of that document?

8 A. Okay.

9 Q. Does it seem to be ascribed to you by -- does it seem
10 to be signed by you?

11 A. There is no signature on what I have here.

12 Q. Does it seem to have any sort of Certificate of
13 Service signed by you as well?

14 A. There's a Certificate of Service on here.

15 Q. Yes, sir.

16 A. And it has my name on it, but it was not signed by me
17 nor prepared by me.

18 Q. So in other words, that document does not in and of
19 itself have your signature or someone attempting to present
20 their version of your signature on your behalf?

21 A. There's no signature on here.

22 Q. At all?

23 A. Not that I see.

24 Q. Thank you, Mr. Massey.

25 A. Yes, sir.

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1 **MR. PERRY:** That's all.

2 **THE COURT:** Okay. Thank you.

3 Any redirect?

4 **MR. FLOWERS:** No, Your Honor.

5 **THE COURT:** All right.

6 Thank you, Mr. Massey. You may be excused.

7 **THE WITNESS:** Thank you, Your Honor.

8 **THE COURT:** If we could get the document.

9 **MR. FLOWERS:** Yes, of course.

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TESTIMONY OF SPECIAL AGENT MARCUS VANCE

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1 **THE COURT:** Next witness, Mr. Flowers.

2 **MR. FLOWERS:** Special Agent Marcus Vance, Your
3 Honor.

4 * * *

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6 **SPECIAL AGENT MARCUS VANCE,**
7 **was called as a witness and having first been duly sworn**
8 **testified as follows:**

9 **MR. FLOWERS:** If I may just have a moment, Your
10 Honor. I'm shuffling. This is fairly paper intensive.

11 **THE COURT:** Yes. And, Members of the Jury, if
12 you remember, I told you that the two agents may be allowed
13 to be recalled by the Government.

14

15 **DIRECT EXAMINATION**

16 **BY MR. FLOWERS:**

17 Q. Again, could you please state your name and spell it
18 for the record.

19 A. Marcus Vance, M-a-r-c-u-s, V-a-n-c-e.

20 Q. And do the credentials you stated in your last part of
21 your presentation still apply to your employment and
22 background?

23 A. They're still current, yes.

24 Q. And how are you involved in this case?

25 A. I'm a co-case agent on this case.

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1 Q. Okay. So let's talk a little bit about the background
2 of this case. Is this particular case a smaller portion of a
3 larger case?

4 A. Yes.

5 Q. Could you please describe?

6 A. This case is very large involving multiple business
7 e-mail compromises based out of the Western District of
8 Tennessee. There are at least ten or more indicted
9 individuals on this case. So this is a small sector of that
10 much larger case.

11 Q. And when you say sector, is it just concentrated?

12 A. Yes. We have honed in on this particular group.

13 Q. Okay. So in general, what's the status of the larger
14 case at this moment?

15 A. We have -- it's all over. We have arrested
16 individuals domestically here in the United States. Some of
17 them have pled guilty already. We have others that are at
18 large overseas. We have made arrests overseas in multiple
19 countries. We are working on extradition of multiple
20 subjects. There are still subjects that have not been
21 indicted that likely will be.

22 Q. And where are the individuals who are overseas? In
23 general, what types of places are they located currently?

24 A. We currently have one person awaiting extradition in
25 Canada, two in Ghana, and we have fugitives for their arrest

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1 that will need to be made in Ghana and Nigeria.

2 Q. Now, is the investigation into this entire matter
3 ongoing?

4 A. It is.

5 Q. How so, please?

6 A. We opened this case about two and a half years ago,
7 and it just continues to grow. The more we dig into this
8 case, the more we learn about networks. Those networks tend
9 to grow. There's interconnections. Some of those
10 connections, those groups are interconnected amongst
11 themselves. It's very complicated, the volume in this case,
12 between various search warrants, whether they're electronic
13 or physical, and of course financial records are very, very
14 large.

15 Q. Special Agent Vance, I'm going to show you -- well,
16 again, I guess for the benefit of the jury -- never mind.

17 **MR. FLOWERS:** May I approach?

18 **THE COURT:** Yes.

19 **BY MR. FLOWERS:**

20 Q. Do you recognize that document, sir?

21 A. I do.

22 Q. What is it?

23 A. These are either text messages or WhatsApp messages
24 from Mr. Abegunde's phone.

25 Q. And are these a true and accurate reflection of some

TESTIMONY OF SPECIAL AGENT MARCUS VANCE

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1 of the messages involved or found on Mr. Abegunde's phone?

2 A. They are.

3 **MR. FLOWERS:** Your Honor, at this time the
4 Government would offer these snippets into evidence.

5 **THE COURT:** Any objection?

6 **MR. PERRY:** No objection, Your Honor.

7 **THE COURT:** Exhibit 64.

8 **MR. FLOWERS:** Our records, I believe yes, would
9 show 64, and thank you, Mr. Haley.

10 (WHEREUPON, the above-mentioned document was
11 marked as Exhibit Number 64.)

12 BY MR. FLOWERS:

13 Q. So Special Agent Vance, I'm going to display a chat on
14 the screen, starting at 1365 of this particular document.
15 And I'll direct your attention to the top, please, and I will
16 zoom in so the jury can see.

17 So the first message on the page, Mr. Abegunde
18 provides an account. Whose account does he provide?

19 A. That is an account -- it's a Bank of America account
20 for Olubunmi Makinwa.

21 Q. And can you please note the date of that message?

22 A. It's October 3rd, 2016.

23 Q. And what is the relationship based on the
24 investigation of Ms. Makinwa to Mr. Abegunde?

25 A. She is his first wife.

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1 Q. Now, at this time in the investigation, to whom is
2 Mr. Abegunde married?

3 A. At that point he's married to Ms. Caffey.

4 Q. So I will now direct your attention to the bottom of
5 the page, and there is a question that is asked. What
6 question is asked in the very last message?

7 A. State and city account was opened.

8 Q. And turning your attention to the top of the page,
9 what city and state is provided?

10 A. Atlanta, Georgia.

11 Q. Okay. So now I will go down a little bit in the
12 message. Do you see a message on October 3rd, 2016 at 10:23
13 UTC?

14 A. I do.

15 Q. What is said?

16 A. "Baja Fresh Auto says send me Wells Fargo."

17 Q. And what is the response to that?

18 A. Mr. Abegunde says Ayodeji Ojo and gives his Wells
19 Fargo account ending 9962.

20 Q. And what is the response?

21 A. "Fast."

22 Q. So Special Agent Vance, based on your investigation,
23 does the date October 3rd, 2016 bear any significance?

24 A. It does.

25 Q. How so, sir?

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1 A. That is the date of the second business e-mail
2 compromise involving Whatcom.

3 Q. I will return that and going to the bottom, the second
4 to last message. Do you see that?

5 A. I do.

6 Q. What sort of -- what amount is listed?

7 A. \$9,000.

8 Q. Now, in general, Special Agent Vance, well, let me
9 turn to the next page, please.

10 **MR. FLOWERS:** May I approach the witness, Your
11 Honor?

12 **THE COURT:** Yes.

13 **BY MR. FLOWERS:**

14 Q. Do you recognize those documents?

15 A. I do.

16 Q. Can you take a second to look through them and
17 familiarize yourself before you give their description.

18 A. These are just more electronic communications from
19 Mr. Abegunde's phone.

20 **MR. FLOWERS:** Your Honor, may we approach?

21 **THE COURT:** Yes.

22 (Bench conference between the attorneys and the
23 Court.)

24 **MR. FLOWERS:** At issue, we're providing excerpts
25 of conversations, and I don't want to steal Mr. Perry's

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1 thunder, but my understanding is he has an objection to that.

2 **MR. PERRY:** They're showing snippets of
3 conversations as opposed to the entire conversations. The
4 entire conversations explain clearly what the snippets are or
5 amplifications. Like when you're saying, hey, what does that
6 date have to do with that? Well, what he's not seeing or
7 showing through these is that there were car sales, et
8 cetera, that were going on during that time that Baja Fresh
9 Automobiles were making, and that's what the transactions
10 involved.

11 Snippets give the -- I guess the apparent
12 coincidence that during that timeframe, it has something to
13 do with the one transaction that leads us to being in court,
14 and that's -- in other words, even the transaction that he
15 just mentioned about WhatsApp, there's no indictment
16 regarding that involving Baja Fresh. There's nothing
17 indicating in this case that that money from that WhatsApp,
18 whatever the Whatcom breach had anything to do with this
19 case, and you can ask him. There's no connection at all.

20 **MR. FLOWERS:** We certainly appreciate Mr. Perry's
21 argument, but the idea is ownership and control of the
22 account. And through these messages and others, you'll see
23 that it was Mr. Ojo -- excuse me, Mr. Abegunde who was in
24 control of Mr. Ojo's account, providing that information to
25 individuals in -- I guess so he could try to put forth to be

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1 as his business activities in and around and in fact on the
2 day of the second business e-mail compromise, which is
3 directly mentioned in the indictment and is a key piece of
4 the Government's proof and evidence. So I understand
5 Mr. Perry's argument with regards to selective exhibits. We
6 pulled snippets. These are gigantic phone files. We could
7 go through all 50,000 pages and go page by page. But it
8 would start to become cumulative. It would be a waste of the
9 Court's time, and frankly, it would just take forever.

10 **THE COURT:** Well, let me ask, when you say things
11 are missing, Mr. Perry, are you -- like give me an example of
12 the next question you're going to ask him. Mr. Flowers, tell
13 me what you were going to ask.

14 **MR. FLOWERS:** Yes. So the next question will be,
15 I'll direct his attention to basically bottom of Page 163, it
16 has to be a Wells. And this is the day when Mr. Ojo is out
17 of the country as has been established by testimony and
18 documents in the case. And as Mr. Abegunde is providing ^
19 Mr. Ajodeji Ojo's account and this is the account into which
20 the 9,000 dollar proceeds were deposited by Mr. Ramos.

21 **THE COURT:** Hang on. So are you saying, you
22 know, Mr. Perry, for example, that there were other
23 communications right around here that would have explained
24 what that's about?

25 **MR. PERRY:** Not necessarily. Excuse me. I'm

TESTIMONY OF SPECIAL AGENT MARCUS VANCE

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1 sorry. 9649.

2 **MR. FLOWERS:** They're different snippets.

3 **MR. PERRY:** And then they go 9649, 9651. Then
4 they go back 9635, 9663. See how it's jumping around. And
5 it's to his advantage to do it that way to make it seem like
6 coincidentally during this timeframe that they're -- that
7 these transactions are going on, and that's not the case.
8 You got different things that are going on from interaction
9 standpoint between Mr. Ojo and Mr. Abegunde as well as
10 between Baja Fresh's owner, Mr. Ayodeji and Mr. Abegunde.

11 And if you're following their line of
12 questioning, just like the last question and it leaves a
13 misimpression with the jury. On the very last question, he
14 asked him something about -- and that happened to be around
15 the time that there was a breach with Whatcom, but there's no
16 connection at all. It's no connection, period, to this case
17 and what he just asked him about.

18 **THE COURT:** Why isn't that an argument, you
19 know -- why isn't that for your argument? I mean, if his
20 argument -- arguing is just what this shows is that
21 Mr. Abegunde controlled the account and nothing more, why
22 isn't your argument basically this would try and shove that
23 down his throat and say he may have controlled it, but what
24 he hasn't told you is X, Y or Z, whatever it is that you want
25 to show.

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1 **MR. PERRY:** My problem with it is that if you're
2 asking these questions with these -- and I understand they're
3 going to move the tabs off of them, and they're jumping
4 around. You got conversations jumping around, and it's not
5 cohesive the way that he's trying to make it seem like this
6 happened on that day, this happened on the next day. And it
7 gives a misimpression, and in particular when you just look
8 at the order of the questions. That it's purposeful to show
9 a misdirection to the jury. And I understand strategy and
10 misdirection are two different things.

11 When you have a case and the Court has given a
12 lot of room for them to present a so-called conspiracy, but
13 there's not a conspiracy as it relates to other actions
14 between other individuals and particularly when yesterday we
15 made the argument regarding the document that was allowed to
16 come in regarding bank records, and they're saying, well,
17 this is an overarching conspiracy with all these different
18 people. But the Whatcom breach had nothing to do with
19 anybody that's in court right now or that he's testifying.
20 And that impression that it happened on the same day is like
21 saying well, Abraham Lincoln got killed on one day, and a
22 boat sank with a lot of prisoners of war outside of Memphis
23 on that same day, so they're related, and they're not. And
24 that's exactly what you're doing.

25 **MR. FLOWERS:** I respectfully disagree.

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1 **THE COURT:** I mean, there's an issue here of
2 knowledge and awareness, and your client is arguing he wasn't
3 aware of all these things that the Government's entitled to
4 show, no, there's proof that he knew of these things, even if
5 these things weren't the specific transaction that's at issue
6 in the case. But putting that aside, I guess, you know,
7 what's -- so these are the only -- this is the document you
8 are offering into evidence, correct, Mr. Flowers?

9 **MR. FLOWERS:** Yes. Your Honor, yes.

10 **THE COURT:** And any issue with offering the full
11 document and then you're free to ask whatever questions you
12 want to about the particular portions of the document you
13 want to ask about.

14 **MR. FLOWERS:** Yes. The entire phone dump, these
15 are off of the phone reports.

16 **THE COURT:** Right.

17 **MR. FLOWERS:** So we pulled it, one, to be
18 targeted; and two, we'd have to pull off the full reports for
19 everyone, and if that's what the Court wants, we're happy to
20 do it.

21 **THE COURT:** I don't know about everyone, but if
22 there's a -- you know, let's say you're asking questions
23 about a conversation that happened on October 3rd, I think.
24 Why is it not -- why does it not make sense to pull off the
25 full conversation that happened on October 3rd? That's what

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1 I'm assuming you're saying is missing, portions of that same
2 conversation.

3 **MR. PERRY:** Right, right. Not only that, but the
4 order that he's asking the questions, even if he culls the
5 information just to what he needs, logically it would make
6 sense if it's in order from the Bates stamp, even if you -- I
7 understand if I say there's a gap between 9635 and 9642, for
8 instance, but when the next number is 9601, you know, it's
9 out of sequence, and it doesn't make sense within the
10 presentation of evidence. And it's misleading because it's
11 making things that have nothing to do with each other
12 communications-wise and deposit-wise, excuse me, that the
13 sequencing is just deceptive.

14 **THE COURT:** And I'm not going to tell them the
15 order to ask the questions in or the order to present
16 conversations in. You know, the part of your issue that I
17 get is if there are other parts of that same conversation
18 that add context to what he's asking about, to me that's
19 another issue. In terms of the order or the implication,
20 without you being able to give your own testimony, you know,
21 that's your right to ask questions and then argue it. But
22 I'm not going to tell them -- I don't see the objection in
23 terms of telling them they have to make the presentation in
24 order.

25 **MR. FLOWERS:** And, Your Honor, we're also trying

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1 to streamline here. We have selected excerpts to try and
2 move things along, to get right to the heart of the matter
3 and deal with potential other excerpts that demonstrate
4 knowledge or changes in methodology, which also may be
5 relevant to state of mind. We're trying to be targeted in
6 that regard to facilitate things.

7 **THE COURT:** I understand, but if there are
8 portions of other -- are there portions of this October 3rd
9 conversation that are missing that you believe add context to
10 the conversation?

11 **MR. PERRY:** Yes, Your Honor, there are. And I
12 understand what the Court's saying about you're not going to
13 make them give their questions in a certain order. I don't
14 have this out of sequence document. I have a thing from Baja
15 Fresh that's in sequence that's going down. So while he's
16 asking questions, keeping up with it is, you know, is --

17 **MR. FLOWERS:** Would it help, Mr. Perry, if I
18 directed to you page numbers?

19 **THE COURT:** You don't have a copy of this
20 document for the Defendants?

21 **MR. FLOWERS:** It was put into evidence, and I do
22 have -- this was specifically exhibited.

23 **MS. IRELAND:** And for the record, we have had
24 conferences about showing our exhibits.

25 **MR. PERRY:** The conferences were -- this is the

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1 conference. He would go on the document and would be going
2 down a screen, and I'm going through whether or not --

3 **THE COURT:** I'm not going to get into this right
4 now. We need to solve the problem.

5 **MR. FLOWERS:** So for example, in this, these two
6 pages do include the entirety of on September 24th, for
7 example, it talks about --

8 **THE COURT:** All right. Here's what we're going
9 to do. We're going to give the jury a break. We're going
10 to -- Mr. Perry, I want you to look at this document, and if
11 there are other pages from this longer document that you want
12 included for the completion of conversations that they're
13 going to be asking about, then we'll -- you know, let's look
14 at those and show them to the Government and see if they
15 agree.

16 **MR. FLOWERS:** There are 50,000 pages in these
17 reports.

18 **THE COURT:** No. What I'm saying is -- let's keep
19 focus. You're going to -- you're not asking about 50,000
20 conversations, right?

21 **MR. FLOWERS:** I hope not.

22 **THE COURT:** Me too. How many conversations are
23 you asking about?

24 **MR. FLOWERS:** If I had to approximate, so BDC
25 Yankee, Dejobo, Money Guy Dejobo, portions of those, *

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1 2.54.20 Subduru, Prince * . My guess would be seven, Your
2 Honor, without being -- I don't want to give the wrong number
3 right now.

4 **THE COURT:** So my direction was, Mr. Perry looks
5 at those seven or so conversations and looks to see if there
6 are pages that he thinks are missing or snippets from those
7 conversations that he thinks are missing from this document
8 that he wants included in this document. And that's what I'm
9 talking about.

10 **MR. FLOWERS:** For the sake of clarity, sometimes
11 we'll be moving around. The reason why Mr. Perry asked the
12 question of --

13 **THE COURT:** I'm not -- I'm not telling you how
14 your questions should be. All I'm focusing in on is what
15 pages might be missing from this document to complete a
16 conversation. That's all I'm focused on. Does that make
17 sense?

18 **MS. IRELAND:** Yes. But -- and we're happy to do
19 that. Your Honor, there are bits and pieces of conversations
20 like several pieces within this selection and all of the
21 other selections too. It will take time.

22 **THE COURT:** But it's the same conversation,
23 right?

24 **MS. IRELAND:** No.

25 **MR. FLOWERS:** Well, depends on what was meant by

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1 conversation. Is it still part of the same chat log, yes,
2 but are they discussing the same things all the time, no.

3 **MS. IRELAND:** Different days.

4 **THE COURT:** Well, my assumption is that Mr. Perry
5 knows which are the parts of the conversations he wants to
6 get in. That's my assumption so that he could do that pretty
7 quickly, and actually I'd appreciate it if you could leave
8 your tabs on.

9 **MR. FLOWERS:** Oh, we're happy to.

10 **THE COURT:** He can do that pretty quickly because
11 you can see. Am I missing something, Mr. Perry, from your
12 perspective?

13 **MR. PERRY:** You're not missing anything, but just
14 the whole --

15 **THE COURT:** Well, let me say --

16 **MR. PERRY:** I know what Your Honor is asking me
17 to do, and I can do it.

18 **THE COURT:** That's the part I'm asking, if I'm
19 missing anything because I'm assuming you flagged what you
20 want from these conversations or what might be helpful, and
21 so you want to make sure those conversations are complete.

22 **MR. PERRY:** Correct.

23 **THE COURT:** Okay. So you can do that relatively
24 quickly?

25 **MR. PERRY:** I can. I need about ten minutes, I

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1 think.

2 **MR. FLOWERS:** Would Your Honor like us to --

3 **THE COURT:** I'm going to give the jury a break,
4 and then and you're going to let Mr. Perry look at this
5 document and see what he thinks should be added.

6 **MR. FLOWERS:** Would you also like us to have him
7 look at our other documents as well, Your Honor?

8 **THE COURT:** How many of these are there?

9 **MR. FLOWERS:** Again, seven or eight I think, I
10 believe, I said. These are all the chat logs that were
11 excerpted. I think they're Government's 32, 33, I believe,
12 Your Honor.

13 **MS. IRELAND:** Admitted for identification
14 purposes so far.

15 **THE COURT:** Again, do you have the portions that
16 you --

17 **MR. PERRY:** I have, and when admitting for ID
18 purposes, do you look at it to make sure that these are
19 documents I got? I got them. So the problem comes with
20 following the sequence of the questions and knowing the
21 complete portions of those conversations.

22 **THE COURT:** You know, the alternative frankly,
23 let's put the full documents in. I mean, just putting them
24 into evidence and then you all ask whatever you want to ask
25 about them. What's the problem with that?

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1 **MS. IRELAND:** They are not prepared, Your Honor.
2 It will take us time, and we're happy to do it.

3 **MR. FLOWERS:** We'll go downstairs, and we'll get
4 ten people on it and print them out if we have to. I mean,
5 it's...

6 **THE COURT:** That might be -- if there are seven
7 of them, like this, it sounds like that may be the quicker
8 thing to do.

9 **MS. IRELAND:** It is not a quick process. We'll
10 do our best.

11 **MR. FLOWERS:** If that's what Your Honor wants, I
12 will hustle, and we'll get it done.

13 **THE COURT:** How long do you think?

14 **MS. IRELAND:** I think it will take probably the
15 rest of the afternoon, Your Honor. It's not a fast process.

16 **MR. FLOWERS:** I don't think quite that long.

17 **THE COURT:** Again, we're talking about the
18 specific portions of this that you're asking about. So for
19 example, include all the conversation from October 3rd. Hang
20 on. Let me let the jury have a break.

21 **MR. FLOWERS:** I'm sorry, Your Honor.

22 (Bench conference between the attorneys and the
23 Court concluded and the proceedings continued as follows:)

24 **THE COURT:** We need to massage something, and I'm
25 going to let you all have a break while we do that. I'm

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1 hoping it's going to be about 20 minutes or so. If it ends
2 up being longer, we'll communicate that through the court
3 security officer. Okay?

4 Still not time to talk to anyone about the case,
5 including each other. Don't talk to the people involved in
6 the case. Stretch your legs, and I really wish I had
7 doughnuts for you so you could have them on the break. Sorry
8 about that. But enjoy your break, and we'll bring you back
9 when we need you. Hopefully it won't be too long. Thank
10 you.

11 (Jury leaves at 2:42 p.m.)

12 **MR. FLOWERS:** Your Honor, may I approach and look
13 at my exhibits, Your Honor?

14 **THE COURT:** Yes. So I guess what I was saying at
15 the end was I'm not saying the Government should print out
16 every -- you know, every phone call in the whole packet, but
17 my thought was that maybe you could just print out the sort
18 of full conversations on the days that you're asking
19 questions about them. And I perhaps am naive, but my thought
20 was that would not take hours to do because the issue is to
21 get in -- to put into evidence in a document the full
22 conversations that the Government is asking about, to give
23 the Defense the opportunity to ask questions that could in
24 their mind put the conversation in context. That's your
25 position, Mr. Perry, right?

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1 **MR. PERRY:** Yes, Your Honor.

2 **THE COURT:** Okay. You know, alternatively, we
3 could -- you could put in your excerpts, and Mr. Perry could
4 then come back and show all these portions that you didn't
5 ask about, but it seems like that's going to be more
6 confusing in terms of -- in terms of the record.

7 **MS. IRELAND:** Just so Your Honor knows, though,
8 there are several excerpts in each package, which means that
9 there will be several days within each package that will need
10 to be completed. And we want to make sure we get everything
11 appropriately in order and from the right sources, as they've
12 been admitted for ID. And it is sometimes a challenge to
13 make sure we keep everything straight. Again, as Mr. Flowers
14 said, trying to be efficient and focused, but we understand
15 Your Honor's instruction. And if you wish us to do that, we
16 will.

17 **THE COURT:** I guess, Mr. Perry, what about the
18 alternative of, you know, as they're asking questions, I let
19 you introduce the other pages that they're leaving out?

20 **MR. PERRY:** Your Honor, this is the dilemma. The
21 way that -- A, the way that the questions are going are in a
22 way that you cannot -- it's impossible to keep up with and to
23 keep up with the missing page.

24 Now, I know just from the preparation of it, when
25 he was asking that last line of questions, that there was

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1 conversation before and after on that same day. And if Your
2 Honor is asking them for -- if she's saying earlier that you
3 were talking about seven days, even if you're talking about
4 20 days, how difficult is that to say that these are the --
5 that this is what we're asking from this particular 20-day
6 period, I mean, this one stream of questions from whatever
7 day. This is the questions that we're asking from this day
8 period and keep them -- if he wants to bounce around, I can't
9 control how he asks his questions. That's fine.

10 But you cannot keep up with it when this is
11 the call information -- I mean, the texting for periods of
12 time that he's going back and forward. It's not -- A, it's
13 not appropriate according to the rules; but B, I don't think
14 that you -- that it puts us in a position of being able to
15 follow the evidence sequentially. And like I said, if he's
16 bouncing around on how he wants to ask his questions, like
17 Your Honor pointed out, that's his prerogative, but at least
18 give me the opportunity to follow. When you have Bates
19 stamps that are going back and forward that are out of
20 sequence, you just can't follow it. And that's my position,
21 that you cannot follow even his questions, and if you read
22 them out of sequence, they give a different impression to the
23 jury.

24 And I understand that maybe I can come along and
25 cross-examine them regarding that, but I should at least have

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1 the opportunity to follow the way that the questions are. If
2 I have Bates-stamped documents that are reflecting that
3 they're in order and they're not following that, not even
4 from the snippets that they have and they're saying that we
5 don't want to give you copies of those in order or at least
6 point out the sequence somehow that they're following so that
7 I can yank them out of my book, then I don't understand that,
8 you know, the need. It's just -- it puts us in a position
9 where it's totally unfair; but, B, it's misinforming the jury
10 on how these conversations went.

11 And if you don't have a complete conversation
12 that you're asking about, it gives a misimpression that I
13 don't think I can come along and undo by cross-examining
14 because he's asking questions about the conversation about
15 what happens with the Whatcom breach on a particular day.
16 And he asked one question about, you know, the transaction,
17 and it's not -- that's \$9,000, et cetera, but, you know --
18 and I understand he's saying that, well, we're not asking you
19 for the fact that Mr. Abegunde had nothing to do with that
20 particular transaction or whether or not he did. We're
21 asking it to show control of the particular account.

22 Well, that's a fine point, but you're asking him
23 specific questions about that happened on this day; why are
24 y'all communicating on that day, when you don't see the whole
25 picture of the communication and it's impossible to follow to

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1 even -- to go through that land mine with -- on
2 cross-examination. You just can't -- you know, you can't do
3 it the way he's asking the questions or the way at least that
4 the evidence has been presented to me. You can't follow it.

5 **THE COURT:** Okay. I heard two or three points
6 that I think are wrapped up in what you just said. First you
7 said the Rules of Evidence or the rules were being violated.
8 I'm not sure -- what rule is being violated?

9 **MR. PERRY:** Pull up 106.

10 **THE COURT:** The completion rule?

11 **MR. PERRY:** Yes, Your Honor.

12 **THE COURT:** Okay. All right.

13 So you've said something about the way in which
14 he's questioning the document itself where he's going back
15 and forth between different page numbers and not going in
16 order. And then the third thing is that the whole
17 conversation is not in evidence, right? Does that summarize
18 kind of where you are?

19 **MR. PERRY:** Correct. Yes, Your Honor.

20 **THE COURT:** All right. In terms of him going
21 back and forth between different conversations, again, I
22 think it's his right to do that. Now, I think the Government
23 should provide a copy of the specific document that you're
24 using because you have reordered it, and it's just, you know,
25 courtesy. I understand they've got all the discovery, but

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1 it's kind of courtesy if you're approaching a document in a
2 different way, give him copies of it so they can follow
3 along.

4 **MR. FLOWERS:** We can do that easily, Your Honor.

5 **THE COURT:** Okay. So that's one answer to the
6 going back and forth, Mr. Perry.

7 Two, in terms of the complete conversations, so
8 that's the part that we were talking about, and as I
9 understand it, how many -- do you know how many different
10 days of conversation you're asking about, Mr. Flowers?

11 **MR. FLOWERS:** Yeah. Depends. I mean, it goes on
12 a scope. So we have focus at this part on the days leading
13 up to and then the days immediately after the BEC to show
14 ownership and control of that particular bank account, and I
15 believe that there are portions of one, two, three -- I think
16 four separate conversations around that. Afterwards we'll go
17 into other issues before the BEC to show knowledge of conduct
18 with snippets related to, I think, one, two, three --
19 probably four separate conversations.

20 And then throughout, we were going to introduce
21 portions of conversations with other individuals
22 demonstrating Mr. Abegunde's tendency to have account
23 closures, using other peoples' accounts to funnel money and
24 general knowledge of wrongdoing. And within that, we'd have
25 one, two, three, four -- four conversations; but again, these

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1 are all conversations that were within the universe of
2 documents that are already here.

3 So although at the beginning we're focusing sort
4 of around the BEC, there are conversations with other
5 individuals from before that we'll be using and then also
6 conversations after, and they'll be overlapping actors within
7 that -- that date range.

8 **THE COURT:** Does the exhibit that's been offered
9 as ID -- is that not the complete?

10 **MR. FLOWERS:** No. Those were the excerpts, the
11 portions of excerpts. And if Your Honor -- if you would like
12 us to go and print out all of the conversations for each
13 conversant, we will run downstairs and get it done as soon as
14 we need to.

15 **THE COURT:** So couldn't, Mr. Perry, if they get
16 you a copy of the document in the order that they're
17 following so that you can follow it, you've got your own copy
18 of the whole -- the whole thing because they gave you that in
19 discovery. So wouldn't you have enough if I -- if I'm --
20 have them, while we're continuing, replace -- go ahead and
21 print the full thing. So the full thing goes into evidence.
22 So you've got that, and hopefully by the time we get to
23 cross-examination, the full thing would be in evidence so you
24 could pull up if there are portions you want to ask about.
25 Wouldn't that work?

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1 **MR. PERRY:** I still think -- in theory that might
2 work, but before we get to that, in going back to the
3 Rule 106, just so brief and direct and on point, "If a party
4 introduces all or part of a writing or recorded statement, an
5 adverse party may require the introduction at that time of
6 any other part or any other writing or recorded statement
7 that in fairness ought to be considered at the same time."

8 I'm not asking -- and he keeps saying this thing
9 about all of the grand universe of documents. I'm saying
10 that if he's saying that his conversations that he's trying
11 to get through this special agent revolves around ten
12 different conversations, ten different days, then those ten
13 different conversations should be in order, and for the rule
14 of completion, should be presented at the same time. That's
15 what this says. You can't take it bits and pieces; well,
16 this part favors my argument; this part favors my argument;
17 this part favors my argument because you're taking them out
18 of sequence different days, different times.

19 And his -- the way that he's presenting it speaks
20 directly to the heart of why you can't do that because
21 there's no way that -- the impression is so false that the
22 rule is directly on point, that you're given this impression
23 about things that have nothing to do with each other,
24 conversations that don't have anything -- any connection so
25 that you can make an impression that, well, he must have

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1 known that if this happened on this particular day and he got
2 \$9,000 in his account, he had to have known something. That
3 has nothing to do with each other, particularly when you read
4 the conversations out loud on complete days between the Baja
5 Fresh -- and I can't say his name correctly right now -- and
6 Mr. Abegunde.

7 It's clear that whatever might have happened on a
8 breach of business e-mail compromise on that particular day,
9 how many business e-mail compromises are there across the
10 country on a particular day? Nobody can narrow that down,
11 but just because there happened to have been one in Memphis
12 that we don't know what the amount was other than was
13 testified to but it wasn't \$9,000, that because he had a
14 \$9,000 deposit, there's some connection, it's a false
15 impression.

16 And particularly when you're trying to do it
17 through establishing one document culled from, like she said,
18 58,000 pages of documents.

19 **MR. FLOWERS:** 50,000, sir.

20 **MR. PERRY:** Okay. I take away eight. 50,000
21 pages of documents, that you cull it down to 20 pages that
22 are out of order or 40 pages that are out of order to try to
23 draw this impression about what was going on, and that's
24 totally unfair.

25 The Whatcom app -- I mean, account, if the Court

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1 just ask the question, just ask, is there a connection
2 between Mr. Abegunde and that breach? Did Mr. Abegunde cause
3 the breach? Do you have any connection between the deposit?
4 Now, they will, if you take it in the light most favorable,
5 attempt to say that there is a direct connection between the
6 breach that took place with the Wells Fargo and what was
7 deposited into Wells Fargo. They attempted to establish
8 that, but they have no establishment whatsoever between the
9 business e-mail compromise and the -- of the Whatcom breach.
10 And here you're trying to draw it by taking bits and pieces
11 and putting this document here, this document.

12 I mean, it's so simple. If you follow the Bates
13 stamp, it becomes totally illogical. That's why when we was
14 asking the question, I said wait a minute. That's not --
15 it's not even sequential. It's not even a portion. It would
16 be one thing to say, well, he left out a third of the
17 conversation. He left out probably 80 percent of the
18 conversation and culled it down to one thing. Well, there's
19 a -- I need \$9,000 in this account on that day. And that
20 happened to be on the day that there was a business e-mail
21 compromise that took place in Memphis, yep, a day or two
22 later or what have you. Have nothing to do with each other.

23 **MR. FLOWERS:** May I be heard, Your Honor?

24 **MR. PERRY:** And that's the impression that he's
25 given. That's why it needs to be -- it needs to be followed

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1 the same way that the rule says, specifically. It should be
2 at that time introduced at that time.

3 **THE COURT:** Mr. Flowers?

4 **MR. FLOWERS:** The issue is ownership and control,
5 and we're providing excerpts that show surrounding the days
6 of that relevant business e-mail compromise when the alleged
7 account owners, getting to ^ Ms. Oguntoya's account as well,
8 were out of the country. Mr. Abegunde was the person
9 directing individuals to deposit money into those accounts.
10 They are targeted snippets to prove ownership and control.

11 Now, Mr. Perry is saying that might put a
12 conversation out of context, but the entire context is
13 ownership and control. Who is providing that account? Who
14 is directing money to pay into it? The activity then that
15 would come out of that account.

16 It has been established at trial already, Your
17 Honor, that there was a business e-mail compromise of Whatcom
18 Title. Sixty-some-odd-thousand dollars went to
19 Mr. Ramos-Alonzo's account, and then through the testimony of
20 Wells Fargo that two of the accounts that money was directed
21 to be paid into were Mr. Ojo's and ^ Ms. Ogontoya's. And at
22 that date and time, both Mr. Ojo and Ms. Ogontoya were out of
23 the country.

24 Now, who is around those times directing people
25 to use those accounts that are not in his name?

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1 Mr. Abegunde. And that is what those snippets are allowed to
2 show.

3 Now, he may -- Mr. Perry is saying that's unfair.
4 It shows what's not going around with those accounts. I
5 respectfully disagree with that. I do think that it gives
6 sufficient context for those conversations as well as --
7 that's basically what I'll go to in that regard.

8 **THE COURT:** All right. Mr. Perry, I guess I have
9 to go to what are the portions of those conversations that
10 you think should come in for the rule of completeness?

11 **MR. PERRY:** If the Court is persuaded by the fact
12 that it should be limited to that day, then limit it to that
13 day. You're talking about -- if it's one day worth of text
14 messages that's going back and forward, you're talking about
15 ten pages, but limit it to that day. And I'm being generous
16 with that, but there are numbers of conversations that are
17 going back and forward, and then the way that their
18 presentation is, it's not complete. They want to offer bits
19 and pieces and snippets.

20 And I understand the Court saying, well, I think
21 out of fairness to them, they don't have to print 50,000
22 pages, I understand that, but at least the conversations that
23 are going back and forth on that particular day.

24 **THE COURT:** Well, you -- first, let's go back to
25 the language. "If a party introduces all or part of a

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1 writing or recorded statement, an adverse party may require
2 the introduction, at that time, of any part or any other
3 writing or recorded statement that in fairness ought to be
4 considered at the same time." So my question to you is, what
5 are the other parts that have to be offered in fairness?
6 Because this rule doesn't say that, you know, regardless of
7 what else is said in the conversation, it has to come in.
8 The rule says in fairness.

9 So you know, I'm assuming and I have been all
10 along that there are other portions of those specific
11 conversations that you have in mind that need to come in.

12 **MR. PERRY:** Well, first off, definitely the ones
13 that were going on that day and might be even more than that,
14 to be frank. I would have to look, I guess, through the way
15 that they presented it because this is the first time that
16 we're getting the opportunity to look at how they're
17 presenting it, not through the documents. Do you follow me?

18 The presentation of how the documents were going
19 to be presented was going down a printout on a computer, and
20 they're just going up and down the page on the documents
21 saying this is what we're going to present as it relates to
22 Baja Fresh. And you just go up and read it. Well, I read
23 it, and just speaking on my own behalf, I read each and every
24 one of these documents. Okay? To know and for me to tell
25 the Court right now out of fairness specifically what segment

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1 of a document from a particular page is out of fairness
2 creates, you know, the purpose -- what the purpose of the
3 rule is, is not -- that in and of itself is not so much that
4 the Court is being unfair to me, but it's an expectation that
5 I can't really articulate, unless I say, well, at least give
6 the portion related to that particular day, you know, that
7 particular timeframe because if you're saying something about
8 making a deposit and the conversation is saying -- which
9 there were conversations going back and forth about what type
10 of car do you want. Do you want an Acura? Yada, yada, yada,
11 I got this. And then after that, I need \$9,000 for so and
12 so; how can I get it?

13 Or more importantly, their conversations during
14 those same timeframes and dates that you're getting into they
15 say well, you know, right now we can buy the naira, it's at
16 126. And he's talking about the points on the actual
17 conversion rates and things like that. Well, out of
18 completion, it needs to focus on what he's saying at that
19 particular point in time, but as an advocate, Your Honor, if
20 you think about it, how can I keep up with that when the
21 Bates stamp jumps from 9221 to 9238 in one context and then
22 goes back another 60 pages? And right now I'm supposed to be
23 able to do this balancing act and saying, what was important
24 back on that other timeframe, you know, four weeks earlier
25 when they were having a conversation that's presented in this

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1 stream of text?

2 So as of right now, I can't tell you what needs
3 to be out of completion. That's why I'm saying that it's
4 fair to at least do two things that I'm asking, and it's not
5 that difficult, and it won't take all day. If there are ten
6 conversations, print those ten conversations completely and
7 have them -- and if he wants to do his presentation
8 sequentially or if he doesn't want to even do the sequencing
9 of it, he can come over here and throw them out, all ten of
10 them, as long as I would ask that they will be paper clipped.
11 He could put them out and shuffle the order of the paper
12 clips. I know how to do a Bates stamp. I'll just say oh,
13 this goes that. That be should first. That should be
14 second. That should be third.

15 I can follow that during the course of
16 questioning. And I can go back, and if he wants to answer it
17 spotty like that, I can go back through it on
18 cross-examination, but to do it in this particular order
19 where you can't follow it and there's no real sequencing to
20 it -- you know, I try to have pride in my work, but
21 nobody's that good. Mr. Garrett might be that good. I don't
22 know, but...

23 **MR. FLOWERS:** If the issue is sequencing,
24 Mr. Perry, I'm happy to be extra clear in the record in
25 directing you to the page numbers in question. That is

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1 absolutely no issue whatsoever. If the issue is pulling, I
2 think you said, whole conversations, that is sort of
3 inherently subjective. I'm worried that we're going to be in
4 the same spot of, well, I pulled portions of conversations
5 and said I think that this should be included in the
6 conversation because it's relevant.

7 In the Government's perspective, that's
8 appropriate then for cross-examination. Saying Agent Vance,
9 isn't two page later, didn't they do this? That seems to be
10 like a very easy fix here, Your Honor.

11 **THE COURT:** Well, that -- you know, I'm not sure
12 that 106 requires you to ask questions about the other
13 portions of the conversation. My issue is it needs to be in
14 the -- in the record, and Mr. Perry needs to be able to ask
15 the questions about it. His -- so it's not really dictating
16 to you what you have to ask the witness about. But it does
17 seem -- I guess I am back to the full record -- not the full
18 record in terms of all 50,000 pages, but the conversation
19 about we were on October 3rd where Mr. Abegunde was providing
20 Ms. Makinwa's account information. So what's the full
21 conversation around October 3rd related to that providing of
22 the account information?

23 I do understand your point, Mr. Flowers, and from
24 your perspective, I guess your argument is it really doesn't
25 matter. Your argument is just he's using that account. Even

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1 if at that particular moment he's using for a legitimate
2 purpose, it doesn't matter, he's using that account. That's
3 your argument, right?

4 **MR. FLOWERS:** At a minimum, yes, Your Honor.
5 Yes, absolutely.

6 **THE COURT:** Okay. I still think because it
7 does -- I think Mr. Perry's point is it's leaving a
8 particular impression with the jury that perhaps that
9 transaction involves some business e-mail compromise.
10 Perhaps that transaction itself is illegal in some respect.

11 **MR. FLOWERS:** Perhaps a solution then, rather
12 than contextual, assuming that additional context would not
13 be needed, asking contextual questions could be limited, and
14 that would leave the jury to draw their own conclusions from
15 what the documents say.

16 **THE COURT:** Tell me what you mean.

17 **MR. FLOWERS:** So for example, on October 3rd,
18 with Mr. Abegunde providing Mr. Ojo's account, rather than
19 asking what else happened that day, that would be left for
20 closing argument with the parties, I could just simply ask
21 Agent Vance to identify the page number and portions of
22 conversations with what was possibly going on and maybe
23 direct him to one or two messages and then move on.

24 It would expedite matters. It would also allow
25 for Mr. Perry to cross-examine; although if Agent Vance

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1 hasn't given context, it might make for awkward
2 cross-examination, but it would at least streamline the
3 process, allow the jury to draw their own inferences from the
4 data that's being offered to them. And I think it would be a
5 fair compromise, given the situation.

6 **THE COURT:** I guess that is -- Mr. Perry, I mean,
7 I think the heart of your objection is that the Government is
8 leaving an impression that when he gave -- when Mr. Abegunde
9 gave that particular account information on that particular
10 day, that the giving of that account information was somehow
11 tied to something that's really at issue in the case. The
12 Government's not saying that that's what was at issue. The
13 Government's position is, it's showing his control of the
14 account.

15 So if they don't -- if they don't -- if they
16 limit their questioning to just what they're trying to prove,
17 which is that he had control of the account on a particular
18 day, doesn't that answer your issue?

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

20 This is the problem -- and just for -- taking
21 Mr. Flowers at his word that he's talking about ten
22 conversations to show control. On the first portion of --

23 **MR. FLOWERS:** Approximate, Mr. Perry. And again,
24 I don't know exactly. Approximate.

25 **THE COURT:** That's all right.

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1 **MR. PERRY:** On the first line of questions that
2 he asked involves Bates Stamp 1222 and 1223. On 1222 alone,
3 starting at 1222, not going back to the fact that there was
4 conversation going on before then. I'm just taking that one
5 isolated day, April 13th, 2016 to April 13th, 2016, you're
6 talking about 122222, 122227. There are a number of
7 different reasons going back and forth regarding that
8 account, what's going on, et cetera, during that timeframe.

9 Well, if you're going to limit at least or if
10 you're going to say that the rule of completion should not be
11 any more than the context of that particular day, then that
12 still leaves seven pages from that day that are unaccounted
13 for, and it gives a false impression to a jury. Now, you go
14 from there to 1363. 1363 --

15 **THE COURT:** Let me stop you for a minute,
16 Mr. Perry. What we just outlined in terms of questioning,
17 along with the -- me having the Government work on printing
18 out all of them, for that matter, and giving them all to the
19 jury.

20 **MR. PERRY:** I don't have an issue with that.

21 **MR. FLOWERS:** I think we can print out all of the
22 relevant conversations involving the people. I don't see an
23 issue about that. It might take -- we know where they are.
24 We know how to create them very quickly. We know how to
25 print them. It's just a matter of them marshalling the

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1 resources of people all printing them and accumulating them.

2 **THE COURT:** Well, and what I'm suggesting is you
3 all -- when we break today, you all get someone working on it
4 now, get someone printing things out, get them to Mr. Perry.
5 It's nothing that we're going to review with the jury, but
6 it's going to go in as whatever exhibit is now for ID. So
7 the complete conversations are there.

8 **MR. PERRY:** I have the -- well, I have at least
9 what they're trying to say a direct chunk of them. I just --
10 it's just not a way that I've...

11 **MR. FLOWERS:** We're happy to do that, Your Honor,
12 to provide the complete conversations. Now then, I just want
13 to make sure Mr. Perry is aware that the Government does not
14 then intend to go in sequence, meaning from the genesis of a
15 conversation, like when the whole chat started all the way to
16 the end when he stopped talking. I mean, there are relevant
17 portions that then -- because the whole conversation to the
18 end, if I'm understanding Mr. Perry correctly, that would
19 give him more appropriate opportunity to contextualize and
20 cross-examine on.

21 **THE COURT:** Well, I thought you were just going
22 to establish control on those days.

23 **MR. FLOWERS:** Yes. On those days, that's
24 correct, Your Honor. We also do believe that there are
25 conversations earlier and even later that are relevant to the

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1 Defendant's state of mind and knowledge of wrongdoing. And
2 there's also a portion of conversations with Mr. Ojo in and
3 around the time of when the FBI came to Mr. Abegunde's house
4 that are relevant. So if I -- if the Government may
5 streamline because rather than going with a large universe of
6 questions, perhaps I could take the remainder of this break
7 to try and streamline issues to the most relevant to appease
8 the parties, but it may take a moment.

9 **MS. IRELAND:** If I might add, there's also one
10 thing that needs to be clarified. We have organized our
11 presentation based on communications that Mr. Abegunde had
12 with this individual, communications he had with that
13 individual, and some of those days overlap.

14 Are we talking about running off an entire day
15 and a timeline, which would include all transactions with all
16 people, or are we just talking about running off the day in a
17 particular chat between two particular individuals?

18 **THE COURT:** I don't know that the rule of
19 completion would require the other conversations.

20 **MR. PERRY:** No. I don't -- if he's asking
21 questions about this -- the conversations between this
22 individual and Mr. Abegunde, then I think that the rule of
23 completion requires the entirety of those conversations.

24 **THE COURT:** Between a specific individual.

25 **MR. PERRY:** A specific person, yes, Your Honor.

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1 **THE COURT:** Around that particular day.

2 **MR. PERRY:** Correct. Correct.

3 **THE COURT:** I don't know how we got here.

4 All right. I think that we need -- we need
5 introduced into evidence for the rule of completion the
6 conversations, the full conversations between the people that
7 you're specifically asking him about, Mr. Flowers, and
8 Mr. Abegunde. That's the first thing.

9 The second is, again, while I don't -- I'm not
10 telling you, Mr. Flowers -- I'm really trying not to
11 interfere in your case, but it seems that part of Mr. Perry's
12 objection is that either when you're asking about these
13 specific transactions, you have to, at the time you're asking
14 about them give the full conversation about the transaction,
15 or if you're just asking of knowledge of the account, then
16 just limit your question to that.

17 **MR. FLOWERS:** To knowledge, yes.

18 **THE COURT:** So I'm giving you that choice because
19 I think that's the point that he's making that is a
20 legitimate point, not that his other points aren't legitimate
21 too, but this aspect of it. So does that make sense to you?

22 **MR. FLOWERS:** I believe so, Your Honor. May I
23 have some time to reorder?

24 **THE COURT:** Yes, yeah. We'll get to the time
25 part in a minute.

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1 Do those two things solve our problem for now?

2 **MR. PERRY:** It does for me, Your Honor.

3 **THE COURT:** Okay.

4 **MR. FLOWERS:** May I have my snippets back since
5 that's what I'll be working off of?

6 **THE COURT:** Yeah. Now, how long -- well,
7 Mr. Perry, I'm going to assume, because you've got the full
8 conversations, that we can -- with taking a little break for
9 Mr. Flowers to get organized, we can go ahead and move
10 forward while the Government is printing out what they need
11 to print out that's actually going to end up coming into
12 evidence. I'm assuming we don't need to take a break for
13 that to happen?

14 **MR. FLOWERS:** I'm concerned we do, Your Honor,
15 because the entirety of this portion is all based on chats.

16 **THE COURT:** But what -- you know, based on this
17 other issue of choosing between those two things, I'm
18 assuming that in terms of what we're going to move forward
19 with you showing the jury, it's actually going to be less
20 rather than more.

21 **MR. FLOWERS:** That is correct, but I'm still in
22 my mind working out what exactly I want to cull from our
23 material, but I think that that's an accurate statement, Your
24 Honor. It will end up being less.

25 **THE COURT:** And if Mr. Perry wants to introduce

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1 other -- or highlight, it will come into evidence. It will
2 be part of the exhibit, but if Mr. Perry wants to highlight
3 portions of the conversation that you've not asked about, he
4 can do so from his copy?

5 **MR. PERRY:** I hope so. Mine goes to Page 1420 as
6 far as the Bates stamps, from 1222 to 1420. I'm assuming
7 that that's --

8 **MR. FLOWERS:** On which portion, Mr. Perry?

9 **MR. PERRY:** The conversation with Baja Fresh --
10 or 1211 actually.

11 **MR. FLOWERS:** I think that sounds about right.

12 **MR. PERRY:** I would like to have -- like I said,
13 I'm not asking the Court to limit how he does his
14 presentation, but from a keeping-up standpoint, if I know the
15 pages at least that he's going to reference, I can have those
16 tabbed and run to them right quick or what have you and do it
17 that way. And that's still going to take a few minutes to be
18 able to -- if you say I'm going to take a conversation
19 from -- of I plan to ask questions from the following date or
20 from the following Bates numbers, I can go to them and go
21 back and forth on that date to see what's -- you know, to see
22 the complete conversations from those dates.

23 **THE COURT:** I assume that that will be part of
24 the questioning.

25 **MR. PERRY:** Correct.

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1 **THE COURT:** Right, Mr. Flowers? You're
2 indicate -- well, he's going to indicate the Bates stamp
3 number he's on and the date he's on, correct?

4 **MR. FLOWERS:** I can do that, Your Honor.

5 **THE COURT:** Is that what you're asking for,
6 Mr. Perry?

7 **MR. PERRY:** Yes, Your Honor.

8 **MR. FLOWERS:** I can do that very easily, Your
9 Honor.

10 **THE COURT:** All right. So let's take a --
11 15-minute break? Will that do it, Mr. Flowers? Do you need
12 20 minutes?

13 **MR. FLOWERS:** I may need 20 minutes, Your Honor.
14 We're going to have to marshal the troops downstairs and put
15 the machinery of justice in play, so...

16 **THE COURT:** To get that going. All right. Let's
17 take a 20-minute break. If you'll let the jury know it will
18 be another 20 minutes, and the Government's going to work on
19 getting that stuff printed, but you're going to work on
20 getting organized so that we can start back in 20 minutes
21 while they're working on the actual copies, correct?

22 **MR. FLOWERS:** Yes, Your Honor. Yes. Okay. All
23 right.

24 **THE COURT:** All right. We know what we're doing?
25 Yes? We think so?

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1 **MR. PERRY:** I think so.

2 **THE COURT:** All right. 20 minutes.

3 Let me say that Agent Vance can talk to the
4 Government about helping to print this stuff. Just don't
5 talk about your testimony.

6 **THE WITNESS:** Okay.

7 **THE COURT:** Does that make sense? All right.
8 Thank you.

9 (Brief Recess.)

10 **THE COURT:** You all may be seated. I thought I
11 was just waiting for Mr. Flowers to redo his questions, not
12 for all the copies to be made.

13 **MR. FLOWERS:** But Your Honor, our understanding
14 was because they requested conversations that included the
15 entire days, then I had to go back -- we had go back and
16 include all of the conversations or snaps associated with
17 those days, which required recopying of everything.

18 **THE COURT:** Right. What I'm saying is -- and I
19 thought I was clear -- the documents could come later. You
20 were going to ask your questions still and not go into all
21 these in your questions. And I am not -- I am going to make
22 this part -- point clear. I am not requiring to you ask
23 questions about the full conversations. The questions you
24 ask are your own choice, right? But are we ready to go now?

25 **MR. FLOWERS:** I'll give it the old college try,

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1 Your Honor.

2 The issue was the questions -- you know, I'm not
3 going to be asking many questions based on the documents now,
4 but the whole purpose was to introduce documents.

5 **THE COURT:** But that can always come in later. I
6 can always make you all stay late and get all that straight
7 after the jury is gone. That was my point.

8 **MR. FLOWERS:** And I apologize for my confusion on
9 that, if that caused wasting the Court's time.

10 **THE COURT:** We just need to get things going.
11 Are we ready to go? Mr. Perry, are you ready to go?

12 **MR. PERRY:** I'm ready, Your Honor.

13 **THE COURT:** All right. Let's bring the jury
14 back.

15 (Jury returns at 4:12 p.m.)

16 **THE COURT:** You all may be seated. So I
17 understand we don't have the hard stop at 5:10 or 5:15
18 tonight because of child care issues, right?

19 **JUROR:** Right.

20 **THE COURT:** Okay. So we'll go 7, 8:00 tonight.

21 **JUROR:** What?

22 **THE COURT:** She is not serious. I'm surprised I
23 got several just nods like this from you all. I know I
24 wasn't getting them from the lawyers.

25 No. We'll go a little bit later, but we're not

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1 going to go that late.

2 How late did someone ask or -- no?

3 **JUROR:** We was prepared. We was like to stay
4 until 8:00 or 9:00, so we can get finished or try to.

5 **THE COURT:** Okay. It gets me out of my workout
6 tonight, so maybe we will, but no, we'll -- I would
7 imagine -- I still think it's hard to sit here that long.
8 I'm predicting about maybe 6:00. We'll push through to about
9 6:00.

10 Agent Vance, just a reminder you're still under
11 oath. All right.

12 Mr. Flowers, are you ready to go?

13 **MR. FLOWERS:** Yes. Agent Vance?

14 **THE COURT:** You probably need your mic on though,
15 Mr. Flowers.

16 **BY MR. FLOWERS:**

17 Q. Did you subpoena some Bank of America records in this
18 case?

19 A. I did.

20 Q. Are they related to Mr. Abegunde's account?

21 A. There were several accounts. He was one of them, yes.

22 **MR. FLOWERS:** Your Honor, may I approach?

23 **THE COURT:** Yes.

24 **BY MR. FLOWERS:**

25 Q. Do you recognize that, sir?

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1 A. I do.

2 Q. What is it?

3 A. Those are Bank of America subpoena return records.

4 **MR. FLOWERS:** Your Honor, at this time the
5 Government will offer those for identification purposes.

6 **THE COURT:** Any objection?

7 **MR. PERRY:** No objection, Your Honor.

8 **THE COURT:** 65 for ID.

9 **THE CLERK:** Yes, Your Honor.

10 (WHEREUPON, the above-mentioned document was
11 marked as Exhibit Number 65ID.)

12 **MR. FLOWERS:** May I reapproach?

13 **THE COURT:** Yes.

14 **BY MR. FLOWERS:**

15 Q. Do you recognize these documents?

16 A. Yeah. Those are excerpts from the same subpoena
17 return.

18 Q. All right. And what are they?

19 A. The first one is a signature card for a joint account
20 between Ms. Caffey and Mr. Abegunde. It's an account ending
21 0875 at Bank of America. The date of May 6th, 2016.

22 Q. Are they true and accurate copies of the records that
23 were returned by Bank of America?

24 A. They are.

25 **MR. FLOWERS:** Your Honor, at this time the

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1 Government would offer the Bank of America records as
2 exhibits.

3 **THE COURT:** Any objection?

4 **MR. PERRY:** You're just saying what you just
5 read, correct?

6 **MR. FLOWERS:** Pardon me?

7 **MR. PERRY:** What records are you referring to?

8 **MR. FLOWERS:** Yeah. Just these three. The ones
9 I handed over.

10 **MR. PERRY:** Yeah. No objection.

11 **THE COURT:** And those are on 65 or you're
12 saying --

13 **MR. FLOWERS:** Yes, Your Honor. They should be on
14 65, and these are excerpts from them that we pulled.

15 **THE COURT:** But you want those as Exhibit 66?

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

17 **THE COURT:** Okay. Exhibit 66.

18 (WHEREUPON, the above-mentioned document was
19 marked as Exhibit Number 66.)

20 **BY MR. FLOWERS:**

21 Q. First of all, Agent Vance, I'll direct your attention
22 to the top left-hand corner, if I may.

23 Do you see the account number there, sir?

24 A. I do.

25 Q. What account number is that?

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1 A. It's the one ending 0875.

2 Q. And who are the individuals listed on this particular
3 account?

4 A. This is a joint account. There are two individuals
5 listed. Edchae Caffey and Mr. Abegunde.

6 Q. Directing your attention to the screen, what is that?

7 A. This is a bank slip for a debit for \$9800 with a
8 marking of Ranson Corp. Essentially this is a withdrawal.
9 It's the backup documentation for a cashier's check.

10 Q. And what do you see there, sir?

11 A. So this would be the corresponding document. This
12 would be a cashier's check from that account for \$9,800, paid
13 to the order of Ranson Corp. The remitter being
14 Mr. Abegunde.

15 **MR. FLOWERS:** May I approach again, Your Honor?

16 **THE COURT:** Yes.

17 **BY MR. FLOWERS:**

18 Q. So what information is reflected here, sir?

19 A. So this is the bank statement for the account ending
20 0875. So this would be the one from the time period
21 reflected of May 6, 2016 to May 20, 2016, and the part that
22 you have specifically are deposits and additions that would
23 have gone into that account during that timeframe.

24 Q. And directing your attention to this particular page,
25 what ultimately happened to this account?

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1 A. So in the other subtractions, this is now the
2 following month's reflection, but there is a \$9,800 customer
3 withdrawal, and that corresponds to the backup documentation
4 that we showed earlier.

5 **MR. FLOWERS:** May I approach again, Your Honor?

6 **THE COURT:** Yes.

7 **BY MR. FLOWERS:**

8 Q. Could you look through those records and let me know
9 when you are ready to answer questions.

10 A. I'm ready.

11 Q. So what is that, sir?

12 A. So these are, again, text message or WhatsApp messages
13 from Mr. Abegunde's phone. This time it's with an individual
14 with the name Bode BDC Yankee.

15 **MR. FLOWERS:** May I approach again?

16 For the record, this conversation begins, Your
17 Honor, on Bates Stamp 10047, and this one would be 10054, and
18 within this particular excerpt, the Government would offer
19 this into evidence.

20 **THE COURT:** Any objection?

21 **MR. PERRY:** The same objection from earlier.

22 **THE COURT:** Okay. Exhibit 67.

23 (WHEREUPON, the above-mentioned document was
24 marked as Exhibit Number 67.)

25 **MR. FLOWERS:** Thank you, sir.

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1 **BY MR. FLOWERS:**

2 Q. So I want to walk through this, Agent Vance. The
3 relevant portions starting on October 12th is where we'll
4 start.

5 So within this conversation, what in general is
6 happening here, as you understand it?

7 A. It looks like Mr. Abegunde and Bode are having a
8 conversation about possibly \$150,000, and looks like they may
9 be negotiating the rate of the exchange.

10 Q. And do you know the amount on October 12th, 2016 at
11 6:58 UTC?

12 A. It says \$150,000.

13 Q. Now, are they continuing to have a conversation here,
14 sir?

15 A. It appears to be that they're continuing to go on back
16 and forth, negotiating the rate, maybe even negotiating if
17 it's going to be the whole 150. It may go down to a smaller
18 amount.

19 Q. So in general, in the conversations that you've seen
20 on Mr. Abegunde's phone, do they generally follow this same
21 pattern?

22 A. Yeah. There's a lot of negotiations going on when
23 someone contacts him or he contacts someone else. That's
24 typically the first thing they talk about is either the
25 overall dollar amount or what the rate may be.

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1 Q. And starting at 10-12-2016 at 7:00 UTC, what is
2 Mr. Abegunde and Mr. Bode BDC, if you could paraphrase it,
3 what are they exchanging? What are they discussing?

4 A. They're continuing to negotiate both the rate and the
5 amount. It looks like they settled at \$10,000 at 430.

6 Q. Now, as you understand it when there's a reference to
7 a number like 430 there, within your understanding, what do
8 you see?

9 A. That's just the exchange rate between the naira and
10 the dollar.

11 Q. Now, starting at the top of the page, 10-12-2016 at
12 7:02 UTC, are they continuing their conversation?

13 A. They are.

14 Q. And so what's going on there?

15 A. So Mr. Abegunde asks if it's okay to do it on a Wells
16 Fargo account. Bode says that it is. Mr. Abegunde gives out
17 Mr. Ojo's 9962 Wells Fargo account.

18 Q. Now, again, during this same date with the focus on
19 October 12, 2016, does Mr. Abegunde provide a state and --
20 city and state tied to this particular account?

21 A. He does. It appears that Bode is not familiar with
22 this account. So he states, he asks where Ayodeji is and
23 Mr. Abegunde says Atlanta, Georgia.

24 Q. And what is the final statement on this particular
25 page?

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1 A. Mr. Abegunde later on in that day says, "Can you halt
2 paying into the Wells?" Referring to the account we were
3 just talking about, Mr. Ojo's account.

4 Q. So on 10-12-2016, what does Mr. Abegunde then propose?

5 A. So he proposes another account. He says, "I will
6 supply you a B of A." So that's Bank of America.

7 Q. And at 10-13-2016 at 11:37, what does Bode BDC inform
8 Mr. Abegunde?

9 A. He says, "Too late, sir. Your account has problems."

10 Q. And then what does Mr. Abegunde say?

11 A. He says, "I told you, sir, I wanted to offer you an
12 alternative account." And then he continues, "But you said
13 it was too late."

14 Q. And then what's the next thing that Mr. Bode BDC
15 Yankee says?

16 A. He tells him, "Not if you told me the account was
17 locked."

18 Q. And then Mr. Abegunde?

19 A. "I didn't know the account was locked."

20 Q. And then what's the next thing Mr. Abegunde says?

21 A. He says, "He just advised I shouldn't pay money into
22 it."

23 Q. And then what does Mr. Bode BDC Yankee say?

24 A. He tells Mr. Abegunde that it caused a big drama in
25 the bank.

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1 Q. Now, turning to the second statement of Mr. Abegunde
2 on this page, what does he say?

3 A. So again, we're still referring to that same account,
4 Mr. Ojo's account, and Mr. Abegunde states, "I just thought
5 that if the money eventually entered the account, we will
6 figure a way for me to get it."

7 Q. Now, on the 13th -- if I may have a moment, please.

8 On the 13th, what does Mr. Abegunde ask?

9 A. He asks if there is a way forward or what is the way
10 forward.

11 Q. And then what does Mr. Bode BDC Yankee say?

12 A. So they go back and forth. He says, "Apparently
13 another account I gave the guy was also closed. He was just
14 upset or just -- so he was just upset."

15 Q. And then what does Mr. Abegunde say?

16 A. Says, "You gotta manage him, man."

17 Q. And then continuing on?

18 A. He continues to say, "There is a mass action against
19 Nigerians."

20 Q. And then could you please read into the record the
21 message starting at 14:52 UTC?

22 A. So they continue. Mr. Abegunde states, "Is the
23 situation redeemable? If another account is provided and
24 Bode responds, send an account that is guaranteed open."

25 Q. So directing your attention to October 13th, 2016 at

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1 22:31, what does Mr. Abegunde provide?

2 A. So he provides Mr. Ojo's spouse, Ms. Oguntoye's
3 account, the 0759 Wells Fargo account.

4 Q. Then Mr. Bode BDC, what does he ask?

5 A. So they again go back and forth. Bode asks, "State?
6 Open and functional?" Mr. Abegunde responds, "Atlanta,
7 Georgia. Yes, functional." And then they continue.
8 "Amount? Thought we said 10,000. Okay?" Mr. Abegunde
9 responds, "Can you do more?" Bode, "I guess." Mr. Abegunde,
10 "Guess." Bode asks, "Bring the account?"

11 Q. October 13th then. Please go ahead, sir.

12 A. So they continued on, and at this point Mr. Abegunde
13 gives another account. This time his first wife, Olubunmi
14 Makinwa 2636, B of A, meaning Bank of America, and then they
15 continue. "How much?" "9,000."

16 Q. On October 14th at 8:48 UTC, what does Mr. Abegunde
17 inform Mr. Bode BDC Yankee?

18 A. So again, he's continuing on from that Bank of America
19 account from Ms. Makinwa that he just provided and says,
20 "Please tell your guys to pause on the Bank of America.
21 Someone already paid in money today. I don't want more money
22 going in there; however, I can supply you another Bank of
23 America if you can guarantee 10,000."

24 Q. And what's Bode BDC Yankee say?

25 A. "I don't know what to say, bruh."

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1 Q. And then on 10-14, what does Mr. Abegunde ask?

2 A. So he says, "How do you mean, sir? Also what do you
3 have I mind -- or I guess -- in mind regarding resolution?"

4 Q. And then, please, what does he say at 9:56?

5 A. So he continues, "Because they be closing Nigerian
6 accounts like crazy."

7 Q. And then finally?

8 A. If you could just scoot it up just a hair.

9 Q. Sorry about that, Agent Vance.

10 A. He says, "If they close my wife's account, she will
11 raise hell."

12 Q. And what does Mr. Bode BDC Yankee say?

13 A. "Don't worry. It won't be paid. I can imagine at
14 raise hell."

15 Q. Now, within this particular exchange on this day,
16 Special Agent Vance, who were the three people -- three
17 account owners that were given by Mr. Abegunde to Bode BDC
18 Yankee?

19 A. So he gave out his first wife's, Ms. Makinwa's
20 account, and then he also gave out Mr. Ojo and his spouse,
21 Oguntoya * , their accounts as well.

22 **MR. FLOWERS:** May I approach, Your Honor?

23 **THE COURT:** Yes.

24 **BY MR. FLOWERS:**

25 Q. Do you recognize that, sir?

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1 A. I recognize these, yes.

2 Q. What is it?

3 A. Just more messages from Mr. Abegunde's phone. This
4 time from, I'll say, Dr. Seun.

5 **MR. FLOWERS:** Your Honor, at this time the
6 Government would offer this chat excerpt into evidence and
7 request to publish, please.

8 **THE COURT:** Any objection?

9 **MR. PERRY:** Same objection, Your Honor.

10 **THE COURT:** Exhibit 68.

11 (WHEREUPON, the above-mentioned document was
12 marked as Exhibit Number 68.)

13 **MR. FLOWERS:** Your Honor, I realize I forgot what
14 the last exhibit to request to publish, and I apologize.

15 **THE COURT:** That's fine. Thank you, though.
16 Turn that mic back on.

17 **MR. FLOWERS:** And I guess I'll apologize for that
18 as well.

19 **THE COURT:** That's all right. We'll have a
20 continuing apology for you, Mr. Flowers.

21 **MR. FLOWERS:** Yes.

22 **BY MR. FLOWERS:**

23 Q. Okay. Special Agent Vance --

24 A. Yes, sir.

25 Q. -- going down on the bottom there, on October 12th,

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1 2016, this is a start of a conversation begins that day, and
2 how does Dr. Seun start the conversation?

3 A. Says, "Sup, bro?"

4 Q. And what does Dr. Seun then say?

5 A. He has a couple questions for Mr. Abegunde. He asks,
6 "Any issues with the Wells you gave? They wanna pay 6K two
7 hours ago, but they said they weren't allowed."

8 Q. So on the 12th there at 17:35 UTC, what does Mr. --
9 Dr. Seun say?

10 A. So he asks him for a -- just another Wells from
11 Mr. Abegunde. He states that there seems to be some issues
12 with the previous Wells Fargo account.

13 Q. And then what account does Mr. Abegunde provide?

14 A. Ms. Oguntoye's * 0759 Wells Fargo account.

15 **MR. FLOWERS:** And that was the conclusion of the
16 conversation on October 12th, Your Honor, on 4034. I just
17 want to ask that the record reflect that.

18 **THE COURT:** Okay.

19 **MR. FLOWERS:** May I have just a moment, Your
20 Honor? I apologize.

21 **THE COURT:** Yes.

22 **MR. FLOWERS:** Okay. May I approach?

23 **THE COURT:** Yes.

24 **THE WITNESS:** Yeah.

25 **BY MR. FLOWERS:**

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1 Q. Do you recognize that document?

2 A. I do recognize those.

3 Q. What is it?

4 A. More messages this time with Bioeye Yankee.

5 **MR. FLOWERS:** Your Honor, the Government would
6 offer this into evidence and request to publish.

7 **THE COURT:** Any further objection, Mr. Perry?

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

9 **THE COURT:** Exhibit 69.

10 (WHEREUPON, the above-mentioned document was
11 marked as Exhibit Number 69.)

12 **MR. FLOWERS:** Thank you, Mr. Haley.

13 **BY MR. FLOWERS:**

14 Q. So I'd like to direct your attention to the
15 conversation starts on September 24th, 2016. So what are
16 they sort of discussing here at the beginning?

17 A. Looks like they're starting to negotiate some sort of
18 a deal.

19 Q. Okay. And then starting at 9-24, at 8:03 UTC, what do
20 you see?

21 A. Mr. Abegunde tells her, "I will send you an account
22 shortly, or can you accept it on my behalf?"

23 Q. Okay. And then continue, please.

24 A. So Ms. Osiberu says, "Ah, I can't, O. The guy owes me
25 some money, but I want him to pay into somebody else's BOA."

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1 Q. And then finally, what does Mr. Abegunde say?

2 A. He asks her if it has to be a Wells Fargo account.

3 **MR. FLOWERS:** I perhaps prematurely stapled this,
4 Your Honor, and I apologize.

5 BY MR. FLOWERS:

6 Q. And then what does Ms. Bioye Yankee say?

7 A. So she responds yes. Mr. Abegunde then gives out a
8 Wells Fargo account ending 9962, bearing the name Ayodeji
9 Ojo.

10 Q. Do you know who Bioye Yankee is from your
11 investigation?

12 A. Yeah. So we know that that is Bioye Osiberu, who
13 Mr. Alimi stated was in a contract marriage, in his words.

14 **MR. FLOWERS:** May I ask Mr. Perry a question very
15 quickly?

16 **THE COURT:** Sure.

17 **MR. FLOWERS:** May I approach?

18 **THE COURT:** Yes.

19 BY MR. FLOWERS:

20 Q. Do you recognize those document -- those messages,
21 sir?

22 A. I do.

23 Q. What are they?

24 A. These are messages between Mr. Abegunde and Ms. Bee,
25 who we know to be Ms. Makinwa.

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1 **MR. FLOWERS:** Your Honor, at this time the
2 Government would offer this into evidence and request to
3 publish.

4 **THE COURT:** Any further objection, Mr. Perry?

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

6 **THE COURT:** Exhibit 70.

7 (WHEREUPON, the above-mentioned document was
8 marked as Exhibit Number 70.)

9 **BY MR. FLOWERS:**

10 Q. So I'll direct your attention and this is for the
11 benefit of the record to 1627. It's starting at 14:09 UTC.
12 Could you please read?

13 A. Sure. Mr. Abegunde states, "Hi, Meredith. You have
14 overdrawn the Bank of America account by \$65. I placed some
15 cash in the account to ensure activity. You can check the
16 records to verify. Also, any luck with the certificate?" He
17 continues. "Forward to Meredith."

18 Q. With whom is Mr. Abegunde speaking?

19 A. So he's having a conversation with his first wife,
20 Ms. Makinwa, but he is referring to Meredith Grundy.

21 Q. And what makes you say that?

22 A. He mentions Meredith.

23 Q. And is there a Meredith that is relevant to your
24 investigation?

25 A. There is.

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1 Q. Who is that?

2 A. Meredith Grundy is -- is in a marriage and is married
3 to Ms. Makinwa.

4 Q. And direct your attention to 5-24-2016 at 14:40. What
5 does Mrs. Bee or Bunmi ask?

6 A. 14:40?

7 Q. Yes. My apologies, Special Agent Vance. 14:40 UTC at
8 5-24.

9 A. Yes. "Should I send that to him also?"

10 Q. And what does Mr. Abegunde say?

11 A. "Yes, please."

12 Q. And what account does Mr. Abegunde provide?

13 A. The name Ranson Corp.

14 Q. And then starting 5-24-2016 at 14:45, could you please
15 read?

16 A. "Why did you put an extra \$3,000 in?" She continues,
17 "Call him. Not sending any text again." He responds, "To
18 maintain activity on the account. It wasn't meant for you."
19 She responds, "You never listen to me. Fix it yourself."
20 And he states, "I am you right now. You know what?"

21 Q. Okay. Now, starting at 14:48 UTC, what does
22 Mr. Abegunde instruct to Ms. Makinwa?

23 A. He tells her that when she's done at the hospital that
24 he would like her to stop at Walmart to buy a money order for
25 the exact balance.

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1 Q. And then what does Ms. Makinwa say?

2 A. "To maintain activity on the account. It wasn't meant
3 for you. Remember, I am supposed to maintain a monthly
4 balance of \$1500 in that account like the banker said."

5 Q. What does she say?

6 A. "Should I send that?"

7 Q. What does Mr. Abegunde say?

8 A. Says, "I will call him."

9 Q. Okay. So then in the same conversation, now, does it
10 then transition at 14:49?

11 A. So now you're back to the money order. He asks her to
12 buy a money order at Kroger or Walmart, I guess now on the
13 way to the hospital.

14 Q. And then continue, please.

15 A. "Please, it is extremely important." She responds,
16 "On my way back." He continues, "They may have drawn all the
17 money beforehand."

18 Q. It cut off the last thing, but could you please read
19 it?

20 A. "The guy."

21 Q. Okay. Then in the same conversation, could you please
22 read the next seven statements by Mr. Abegunde?

23 A. Starting at the top, "Carry \$1.38 as charges.
24 Withdraw every single dime from the account. My phone is
25 about to go off. Here's what to do. Go to Wells Fargo.

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1 Tell them you want to pay money orders into your account, but
2 you want cash back."

3 Q. Okay. Then I'll just go up ever so slightly. Could
4 you please read between Ms. Makinwa and Mr. Abegunde starting
5 at 16:09 UTC?

6 A. "The 2200 isn't to a Wells Fargo account. Pay the
7 cash back into your account. So I'm going to pay 1490 into
8 my account, ask for \$200 cash back?" He responds, "So you'll
9 have 2200 in your account. She says, "So deposit 2200 into
10 the account that you sent." He tells her to buy a cashier's
11 check.

12 Q. What's Ms. Makinwa say?

13 A. She says, "Rather buy a cashier's check, then do
14 what?"

15 Q. What's Mr. Abegunde say?

16 A. Says, "Of 2200 and pay it into that account."

17 Q. And then at -- finally at May 24th, 2016 at 18:47,
18 what does Ms. Makinwa state?

19 A. She says, "That was well over \$1500, bro. Also didn't
20 know you was putting any money in there. You have to let me
21 know when you're going to do something under the account
22 because it's in my name."

23 Q. Then in the context of this conversation, what was
24 going on?

25 A. I think that goes back to the back -- to the beginning

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1 of the conversation when they were --

2 **MR. PERRY:** Objection, Your Honor. This is
3 purely speculative. If he's going to read the statement,
4 which he's doing, that's what he needs to do. Stick to
5 reading the statement. He can't speculate as to what a
6 conversation between two people are referring to.

7 **MR. FLOWERS:** May I ask a follow-up question to
8 the Agent, Your Honor, maybe perhaps --

9 **THE COURT:** Yes. Yes.

10 **BY MR. FLOWERS:**

11 Q. You have read a lot of messages between -- have you
12 read many messages between Ms. Makinwa and Mr. Abegunde?

13 A. Yes.

14 Q. Have you ever seen her refer to him as bro?

15 A. Not to my recollection.

16 **MR. FLOWERS:** All right. May I approach, Your
17 Honor?

18 **THE COURT:** Yes.

19 **BY MR. FLOWERS:**

20 Q. Do you recognize that?

21 A. I do.

22 Q. What is it?

23 A. These are messages from Mr. Abegunde's phone with
24 Mr. Ojo. It will reflect on there as Dejobo, but we know him
25 to be Mr. Ojo.

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1 Q. How do you know him to be Dejobo?

2 A. Because the telephone number listed is the same phone
3 number that Mr. Ojo called the agents in Atlanta, the 234
4 number, as well as context from previous and other messages.

5 **MR. FLOWERS:** Your Honor, at this time the
6 Government would turn on its microphone and offer this into
7 evidence.

8 **THE COURT:** Any further objection, Mr. Perry?

9 **MR. PERRY:** Nothing further.

10 **THE COURT:** Exhibit 71.

11 **MR. FLOWERS:** Thank you, Your Honor.

12 (WHEREUPON, the above-mentioned document was
13 marked as Exhibit Number 71.)

14 **BY MR. FLOWERS:**

15 Q. So I will first direct your attention to the bottom of
16 the page at 3-15-2017 at 9:22 UTC. What does Mr. Abegunde
17 state?

18 A. He says, "You are in trouble." Mr. Ojo responds,
19 laugh out loud or "LOL."

20 Q. Are you familiar with the acronym LOL?

21 A. I am.

22 Q. What does that stand for?

23 A. Laugh out loud.

24 Q. Starting at the top of the page, could you please read
25 the messages that you see to the best of your ability?

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1 A. So Mr. Abegunde starts, "FBI just come for my house."
2 Mr. Ojo responds "LOL" or laugh out loud. "What happen?"
3 And Mr. Abegunde responds that they showed him his picture.
4 And then Mr. Ojo responds, "Whatin you do them?" And then he
5 continued, "LOL." Mr. Abegunde says, "They say Udey involved
6 in illegal money transfer." "LOL. Funny you."

7 **MR. PERRY:** Your Honor, if he's going to read it,
8 he needs to delineate who he's reading. Sometimes he's
9 reading one part and saying that that belongs to
10 Mr. Abegunde. The LOLs are Ojo. And he needs to make that
11 clear as he's reading it to the jury.

12 **MR. FLOWERS:** I will do so, Your Honor.

13 I apologize, Mr. Perry.

14 **THE COURT:** Okay. Thank you.

15 **BY MR. FLOWERS:**

16 Q. Now, this is on 10919. What does Mr. Ojo, also known
17 as Dejobo, say?

18 A. He says, I will solve it when I get to Yankee now. No
19 sweat. Call them. Okay, I will."

20 Q. Now, on March 15th, 2007 [sic], starting at 12:53 UTC,
21 what does Mr. Ojo say?

22 A. He says, "I recon. We have to talk to a lawyer and
23 let us see. I think it's a bit early to get a lawyer."

24 Q. And then what does Mr. Abegunde say?

25 A. He responds, "Guy, you have to be proactive."

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1 Q. And then following up?

2 A. So Mr. Abegunde continues, "Your name is in
3 F.J. Williams. I lied about that."

4 Q. And then continuing on with, once the screen settles,
5 Agent Vance, at 13 -- 3-15-2017 at 3:06, what does Mr. Ojo,
6 known as Dejobo, say?

7 A. He says, "Who no de lie for America. Even Attorney
8 General lied under oath. You forget. You put me as
9 director. No de panic."

10 Q. And then starting at 13:08, what does Mr. Ojo, known
11 as Dejobo, say?

12 A. Ojo continues, "You acted right. You don't disclose
13 all info to the regulators. I will send the name of the guy
14 to them, so let them get back to us. There is no crime on
15 seeing opportunity and taking it."

16 Q. And then approximately -- do you see two calls on the
17 screen, Mr. -- or Special Agent Vance?

18 A. Yes. There's an outgoing and incoming call in between
19 the last message and the next one.

20 Q. And then on March 15th, 2017, what does Mr. Abegunde
21 respond?

22 A. "LOL."

23 **MR. FLOWERS:** May I approach, Your Honor?

24 **THE COURT:** Yes.

25 **BY MR. FLOWERS:**

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1 Q. Do you recognize that, sir?

2 A. I do.

3 Q. What is it?

4 A. These are more conversations from Mr. Abegunde's
5 phone. This time from Money Guy Dejobo, who is different
6 than Dejobo.

7 Q. Are you aware from reviewing the records in this case
8 the circumstances under which Money Guy Dejobo and
9 Mr. Abegunde met?

10 A. I believe they're introduced to each other shortly
11 after the FBI interview between -- with Mr. Abegunde, Mr. Ojo
12 and the FBI.

13 Q. And they're introduced by whom or referred by whom?

14 A. Mr. Ojo.

15 **THE COURT:** We haven't --

16 **MR. FLOWERS:** Thank you, Your Honor. My
17 apologies. Your Honor, at this time the Government would
18 offer this into evidence and ask to publish.

19 **THE COURT:** Any further objection, Mr. Perry?

20 **MR. PERRY:** No objection.

21 **THE COURT:** Exhibit 72.

22 (WHEREUPON, the above-mentioned document was
23 marked as Exhibit Number 72.)

24 **THE COURT:** And slip that mic back on.

25 **MR. FLOWERS:** Thank you again, Your Honor.

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1 **BY MR. FLOWERS:**

2 Q. So Special Agent Vance, in general, again, is this
3 sort of what you're seeing on the screen, what you see from a
4 currency transaction?

5 A. Yeah. This is very typical from a lot of these
6 messages. The first one he's talking about, you know, simply
7 if he bought at 395 and the price goes down to 380, 385, he's
8 taking a hit. He's taking a loss of 10 to 15 naira. And
9 they continue to discuss, is the market going to continue to
10 go down to 375. They go back and forth.

11 Q. So as they're doing the deal at the top, what does
12 Mr. Abegunde say?

13 A. He says, "However I want cash. Where is the money?"

14 Q. And then what does Money Guy Dejobo say?

15 A. He says, "Will you fly to the state?"

16 Q. And then?

17 A. Mr. Abegunde then responds, I can pick it up anywhere
18 in the U.S.

19 Q. And then they're discussing commissions and numbers.
20 Again, is this reflective of what you've seen in the chats
21 about the financial transactions?

22 A. Occasionally there will be some talk of commissions
23 and things like that. Typically it would be more just a
24 negotiation on the price, but it came up from time to time.

25 Q. And on March 23rd, 2017 at 12:41, what does

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1 Mr. Abegunde ask?

2 A. He asks, "Where is the cash?"

3 Q. And then the following message, what does Mr. Money
4 Guy Dejobo say?

5 A. He says, "They said, one, he can't carry 15K --
6 15,000 -- cash up and down. Two, he can't wait for your man
7 to show up at your guy's own time. Three, the money is in
8 BOA, Bank of America, and they are comfortable doing counter
9 credit."

10 Q. And then what does Mr. Abegunde say?

11 A. He says, "I don't have B of A, Bank of America."

12 Q. Now earlier, Special Agent Vance, I showed you Bank of
13 America records related to Mr. Abegunde. At that time, based
14 on your review of financials, did Mr. Abegunde have a Bank of
15 America account?

16 A. No, he did not. That account that we talked about as
17 well as other accounts have been closed at that point.

18 Q. And at 3-23-2017 at 13:16, what does Mr. Abegunde say?

19 A. He says, "I can't just allow money to be paid into an
20 account that can be tracked."

21 Q. And what does Money Guy Dejobo say?

22 A. He says, "I understand. Which bank do you have?"

23 Q. Does Mr. Abegunde respond?

24 A. He does. He says Chase.

25 Q. And then continuing on?

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1 A. Then Money Guy Dejobo responds, "They can do Chase
2 too."

3 Q. Continue, please.

4 A. Mr. Abegunde responds, "You don't get." He continues.
5 "I don't know their source."

6 Q. And starting at 13:20 UTC?

7 A. So the following would be by Money Guy Dejobo, "My
8 brother, we operate in an uncertain world with the risk up
9 and down. What we need to do is mitigate de risk. Either by
10 reducing de risk or leaving it. Either ways, business must
11 go on."

12 Q. And based on this message, what is the next thing
13 Mr. Abegunde says?

14 A. He -- Mr. Abegunde responds, "Cash or nothing, sir."

15 Q. And then what does Money Guy Dejobo say?

16 A. He responds, "No p." I take that to be no problem.

17 Q. And then what does Mr. Abegunde say?

18 A. "You probably don't understand the consequences of
19 risk -- of the risk."

20 Q. And then I'll put the remainder.

21 A. Mr. Abegunde continues, "And besides." Money Guy
22 Dejobo says, "You have no idea." Mr. Abegunde responds, "How
23 can the risk be mitigated? I'm talking about a conspiracy to
24 commit fraud charge, sir."

25 Q. And then how does Money Guy Dejobo react?

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1 A. He says "LOL," or laugh out loud, and then asks him,
2 "Are you a lawyer?"

3 Q. At 13:23, what does Mr. Money Guy Dejobo say?

4 A. He states the next following messages, "Do you know de
5 ingredients of that crime? Everything must be present, and I
6 live here."

7 Q. And what does Mr. Abegunde -- how does Mr. Abegunde
8 respond?

9 A. He responds, "How do you justify money in your account
10 from a source you don't know?"

11 Q. And what does Mr. Money Guy Dejobo respond?

12 A. He says, "You can also be a victim of another scam."

13 Q. And Mr. Abegunde?

14 A. Mr. Abegunde responds, "Sir, I totally understand you.
15 The consequences for you are next to nothing. The feds won't
16 be knocking at your door."

17 **MR. PERRY:** Your Honor, can he -- on the document
18 that was just read, will he give the -- and I think he -- I
19 understand that he might have forgot but give the -- the
20 actual Bates number.

21 **MR. FLOWERS:** I'm sorry about that, Mr. Perry.

22 **MR. PERRY:** Thank you.

23 **MR. FLOWERS:** You're welcome.

24 **BY MR. FLOWERS:**

25 Q. Now, Special Agent Vance, you have reviewed messages

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1 on both of the phones associated with Mr. Abegunde, haven't
2 you?

3 A. That is correct.

4 Q. Now, did you also prepare a chart to assist the jury
5 in understanding your testimony?

6 A. I have.

7 Q. So in reviewing these messages and records associated
8 with Mr. Abegunde, what, if anything, did you see about using
9 the accounts of others in the course of his business?

10 A. I noticed that he gave out a numerous amount of
11 third-party accounts for other people to put money into.

12 Q. Do you happen to remember approximately how many he
13 gave out?

14 A. Almost 40. I think 38.

15 **MR. FLOWERS:** Your Honor, may I approach the
16 witness?

17 **THE COURT:** Yes.

18 **BY MR. FLOWERS:**

19 Q. Do you recognize that?

20 A. I recognize that.

21 **MR. PERRY:** Your Honor, I'm going to object to
22 the relevance. It has nothing to do with what brings us here
23 today at all.

24 **MR. FLOWERS:** If we may approach at sidebar, I'll
25 explain.

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1 **THE COURT:** Do y'all want to -- the jury can
2 stand up.

3 (Bench conference between the attorneys and the
4 Court.) * (did not have the audio for this one. MH)

5 **MR. FLOWERS:** We have a progression in
6 Mr. Abegunde's activity where he went from using his own
7 accounts to beginning to use the accounts of others as
8 reflected during the time of the business e-mail compromise
9 in question that's tied to him. This progression continued,
10 and he became desperate, started using approximately 40
11 peoples' accounts to conduct his business, which is
12 indicative of knowledge of wrongdoing, based on wanting to
13 pay into accounts that can be tracked.

14 It will also lay the foundation for the previous
15 messages with Money Guy Dejobo when he mentioned that. That
16 testimony will go to not substantively, but this is
17 demonstrative * for Special Agent Vance to explain. He will
18 not be giving his opinion on it. It will be helpful for the
19 jury to evaluate how they feel about Mr. Abegunde's state of
20 mind and knowledge about wrongdoing.

21 **MR. PERRY:** Your Honor, I'm anticipating a lot of
22 speculative testimony from this witness regarding why those
23 accounts were used, why they were open, why they were closed,
24 and it -- and there's nothing that shows a nexus between the
25 allegation in the indictment in this particular case. He has

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1 a right to open ten thousand accounts, and if he did open ten
2 thousand accounts and they were closed because of
3 transactions independently by each bank at an individual time
4 because they want to, that would not go to show anything
5 that's relevant to this particular case, and that's -- and
6 that's even with the Court's interpretation of the conspiracy
7 and how the conspiracy can develop * their attempts to
8 develop the conspiracy in this case, but showing multiple
9 accounts and them being used does not in and of itself * .
10 Well, first off, we're way beyond any proof regarding any
11 kind of money laundering. We're way from any proof regarding
12 wire fraud in those accounts. There's been no proof or nexus
13 lined up. So now it's just him going down the list on this
14 account was used. This account was used. This account was
15 used.

16 And I don't think that -- you know, I've already
17 laid out why I don't believe the probative value is not
18 outweighed by the prejudicial effect, but here I think it's
19 abundantly clear that it's just trying to show that there
20 were different accounts. And that doesn't -- that's nothing
21 that indicates that he committed what the Government is
22 asserting that he committed as a crime in this particular
23 case.

24 **THE COURT:** Mr. Flowers?

25 **MR. FLOWERS:** I strongly disagree. In addition

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1 to sort of circumstantial evidence of consciousness of guilt,
2 it also is probative of willful blindness. It shows that
3 Mr. Abegunde cannot take a hint. When he's having
4 difficulty with financial transactions, he simply would not
5 stop the course of conduct, that he persist * . In this
6 instance he was using third-party accounts. To appease
7 Mr. Perry, I will not be asking speculative evidence
8 whatsoever. It will simply be up there. I may ask a few
9 questions, do you notice how many the particular institution
10 or tied to a particular individual. That would be the limit
11 of the scope, and then everything else comes in argument on
12 summation or closing argument, Your Honor.

13 **THE COURT:** I'll allow it, but do make sure you
14 don't -- you know, you don't ask a question that might lead
15 to speculative comments by the witness. I'll say that while,
16 you know, like well, most trials, this individual piece of
17 evidence doesn't necessarily prove a crime, but the
18 Government is offering it as knowledge or willful blindness,
19 and those are certainly issues in the case. So I'll allow
20 it.

21 **MR. FLOWERS:** Thank you, Your Honor.

22 (Bench conference between the attorneys and the
23 Court concluded and the proceedings continued as follows:)

24 **MR. FLOWERS:** May I publish?

25 **THE COURT:** Yes. And, for the jury, this is,

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1 again, a demonstrative exhibit that won't actually go back
2 with you when you are -- when it's time for you to review the
3 evidence, but the Government is offering it to the witness to
4 help him walk through the -- his testimony for you.

5 Thank you, Mr. Flowers. I was just giving you
6 time for water.

7 **MR. FLOWERS:** Thank you, Your Honor. I need it.
8 I'm reaching the point where I'm losing my voice for the day.

9 **THE COURT:** Hang in there with us.

10 **BY MR. FLOWERS:**

11 Q. So Special Agent Vance, you've titled this Third-Party
12 Accounts. Just without getting any sort of speculative
13 evidence, why did you title this Third-Party Accounts?

14 A. Just simply because these are accounts used or given
15 out by Mr. Abegunde for other people to put money into that
16 were not his own.

17 Q. And what was --

18 **THE COURT:** Mic, Mr. Flowers.

19 **MR. FLOWERS:** I'm sorry, Your Honor.

20 **THE COURT:** I'm here for a reason. So that's my
21 reason.

22 **BY MR. FLOWERS:**

23 Q. What was the process by which you compiled this
24 information?

25 A. So as we've started to go through some of these

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1 messages, in reviewing financials of Mr. Abegunde, he had a
2 series of bank accounts that were shut down, and as we've
3 seen previously, he's given out accounts. So on this list,
4 you'll see Number 7. You'll see Mr. Ojo's account. You'll
5 see several for Ms. Makinwa. Some of those we've mentioned
6 already. You'll see Number 28. You'll see Ms. Oguntoye. So
7 I started to see a pattern of accounts being given out by
8 Mr. Abegunde.

9 Q. If I may ask, Special Agent Vance, with regard to 24
10 through 27, do you see accounts related to Ms. Makinwa?

11 A. I do.

12 Q. And then, actually, excuse me -- and then when you
13 went through, were you looking at sort of a period of
14 activity in compiling this information?

15 A. I was. I kind of did a couple of things to compile
16 this. Essentially, once I recognized what was happening, I
17 basically just started doing a search by common banks that
18 were being used, and when I saw them being given out by
19 Mr. Abegunde, I added them to the list.

20 Q. So in -- what is the most prevalent bank, financial
21 institution on this list?

22 A. Wells Fargo makes up a little bit more than half of
23 the list, I believe.

24 Q. Now, at what point in your investigation are you aware
25 of Mr. Abegunde not having access to Wells Fargo

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1 institutions?

2 A. I believe around the spring of 2016, he no longer had
3 a Wells Fargo account.

4 **MR. FLOWERS:** May I approach, Your Honor?

5 **THE COURT:** Yes.

6 **BY MR. FLOWERS:**

7 Q. Do you recognize this?

8 A. I do. More messages from the phone.

9 **MR. FLOWERS:** Your Honor, at this time the
10 Government would offer this into evidence and request to
11 publish portions.

12 **THE COURT:** Any objection, any further objection,
13 Mr. Perry?

14 **MR. PERRY:** Nothing further.

15 **THE COURT:** Okay. Exhibit 73.

16 **MR. FLOWERS:** Thank you, Your Honor.

17 (WHEREUPON, the above-mentioned document was
18 marked as Exhibit Number 73.)

19 **BY MR. FLOWERS:**

20 Q. Okay. Beginning -- so in general in reviewing this,
21 could you take a moment to review, and then I'll ask a few
22 questions. So what's sort of going on here?

23 A. It looks like they're negotiating a potential deal at
24 Chase, \$25,000. They're asking each other if they're
25 interested.

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1 Q. And what does Gboyega Ajayi at 6-24-2017 at 7:17, what
2 type of account does he recommend?

3 A. Chase and specifically, I guess, a corporate account.

4 Q. And for how much?

5 A. 25,000.

6 Q. Okay. Turn to the last statement, what does
7 Mr. Gboyega say with regards to what type of payment it would
8 be?

9 A. It's a cash payment.

10 Q. And what does Mr. Abegunde say?

11 A. Says, "I'm scared, TBH." I take that to be "to be
12 honest."

13 Q. And then what does Gboyega Ajayi say?

14 A. He says, "LMAO."

15 Q. And at 7:23, to the best of your ability, could you
16 read what has been said by Mr. Ajayi?

17 A. So he goes on to say, "Hmm, I feel you, O. I'd
18 confirm to you having nuttin to fear, O. It's okay, bro."

19 Q. What does Mr. Abegunde say?

20 A. Mr. Abegunde states they just closed an account.

21 Q. And Mr. Gboyega Ajayi, what does he say?

22 A. The next several are Mr. Ajayi. "It's based on
23 activity, not fraud, bro. Dat one me de sure, buh it's
24 normal to be scared."

25 Q. And then going down to the sort of 6-24 at 7:48, what

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1 does Mr. Ajayi ask?

2 A. "Talk, bro. Should I stop all other payment, sir?"

3 Q. And then what does Mr. Abegunde say?

4 A. He says no.

5 Q. So take a second here, and so what's going on here?

6 A. So looks like they're trying to get confirmation on
7 the deal. When I see slip, typically that means some sort of
8 a deposit slip. So it appears Mr. Abegunde has a guy on the
9 west coast. They're talking about when he would wake up,
10 things like that. So I think they're just trying to make
11 sure that the deal either is going to happen or did happen,
12 something along these lines.

13 Q. I can't remember if I asked. Was it mentioned whether
14 the deal was cash?

15 A. It was.

16 Q. At 6-24-2017 at 10:06, what does Mr. Abegunde say?

17 A. It says, "I won't withhold your money. I know it's a
18 chain."

19 Q. Okay. Okay. So at 10:07 UTC, what does Gboyega Ajayi
20 say?

21 A. It sounds like they're still talking about that
22 \$25,000 deal. So he says, "You try for this 25K and see."
23 Mr. Abegunde responds, "I had a B of A, Bank of America, and
24 Wells. They closed them both. All I have is Chase right
25 now."

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1 Q. And then continuing?

2 A. He continues, Mr. Abegunde, that is, "If they close my
3 Chase, I am doomed."

4 Q. And how does Gboyega respond?

5 A. It says, "LOLs."

6 Q. And then finally, what's the last statement on the
7 page by Mr. Abegunde?

8 A. "I am totally screwed."

9 Q. So at 6-24-2017 at the top of the page at 10:08, what
10 does Mr. Abegunde say?

11 A. He continues, "I can't risk it."

12 Q. And what does Mr. Ajayi say?

13 A. He says, "Cool. I thought you wanted to get in your
14 personal biz account. Make we leave O."

15 Q. All right. So at 6-24-2017 at 10:39, what does
16 Mr. Ajayi ask Mr. Abegunde?

17 A. He says, "FJ, are you sure the account was closed?"

18 Q. And what does Mr. Abegunde say?

19 A. He says, "Why would I lie about the account being
20 closed?"

21 Q. And then continue, please.

22 A. And then he, Abegunde continues, "They called the guy
23 to tell him the account is closed. The guy called me and
24 went off on me, say na make me dem close the account."

25 Q. At 6-24 at 15:23, does Mr. Abegunde ask Mr. Ajayi a

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1 question?

2 A. He does.

3 Q. And what are they asking?

4 A. He says, "Do you have any idea the total we have done
5 so far?"

6 Q. And then Mr. Ajayi?

7 A. "As in total into all accounts?" Then he gives a
8 series of numbers. Do you want me to read the numbers?

9 Q. Yes, please.

10 A. So he says, "Ten plus 1750 plus 9250 plus 4,000 plus
11 1750." He continues. "Apart from the 3K you are yet to pay,
12 6K."

13 Q. And then Mr. Abegunde?

14 A. And then he asks a question. "6K?"

15 **MR. FLOWERS:** May I approach, Your Honor?

16 **THE COURT:** Yes.

17 **BY MR. FLOWERS:**

18 Q. Do you recognize that?

19 A. Yes, I do. More chats.

20 Q. Thank you. Between whom?

21 A. This time Bode BDC Yankee.

22 Q. And?

23 A. Mr. Abegunde.

24 Q. Thank you.

25 **MR. FLOWERS:** Your Honor, I am missing two pages

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1 out of something. Sorry.

2 Your Honor, I'm missing two pages on one. I
3 apologize. If I have a moment, I can probably locate it for
4 sure.

5 **THE COURT:** Okay.

6 **MR. FLOWERS:** Your Honor, I can't locate them, so
7 I'm going to send someone down to get those two pages and
8 just continue going.

9 **THE COURT:** Okay. Thank you, Mr. Flowers.

10 How are we doing on just overall progress,
11 Mr. Flowers?

12 **MR. FLOWERS:** I think I probably have about, if I
13 can get that up here and another one that Ms. Ireland has
14 been down, then I will be finished probably 15 minutes-ish.

15 **THE COURT:** Okay.

16 **MR. FLOWERS:** But I would like to get those ones
17 that I had.

18 **THE COURT:** Yes. Just keep going.

19 **MR. FLOWERS:** May I approach the witness?

20 **THE COURT:** Yes.

21 **BY MR. FLOWERS:**

22 Q. Turning to Page 1 of that exhibit, Agent Vance. Can
23 you please -- do you recognize that?

24 A. I do recognize this, yes.

25 Q. What is it?

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1 A. More messages from Mr. Abegunde's phone, this time
2 with Gboyega Ajayi.

3 **MR. FLOWERS:** At this time the Government would
4 offer this into evidence and request the ability to publish.

5 **THE COURT:** Any further objection, Mr. Perry?

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

7 **THE COURT:** Exhibit 74.

8 (WHEREUPON, the above-mentioned document was
9 marked as Exhibit Number 74.)

10 **MR. FLOWERS:** And my microphone is on.

11 **THE COURT:** Thanks.

12 **BY MR. FLOWERS:**

13 Q. So starting here on -- I want to make sure -- on
14 7-18-2018 [sic], what is going on here?

15 A. Looks like they're negotiating a \$9,000 deal to try to
16 get what bank to use figured out. They're going Bank of
17 America, Wells. They're going back and forth.

18 Q. So what's going on here in these messages, sir?

19 A. It looks like Mr. Abegunde is -- he's annoyed. He's
20 looking for the status of a payment that he's expecting. He
21 says there was a picture taken sent to him. He's trying
22 to -- I think it looks like he's trying to understand what's
23 going on.

24 Q. So at 7-18-2017 at 8:36, what does Mr. Abegunde say?

25 A. So he's continuing on from the previous statements.

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1 "The money should have been there since last week. Should I
2 look for an alternative to balance up the payment?"

3 Q. And then the one second to last, what does Mr. Ajayi
4 say?

5 A. He says, "They keep calling me my for Wells."

6 Q. So starting at 7-18-2017, Mr. Abegunde, what does he
7 say?

8 A. He says, "One, I don't have an account of my own. I
9 have to beg, incentivize, lobby people to give me their
10 account. This Oreka was supposed to have received 10K since
11 last week. The funds have still not been paid in full, so it
12 is difficult to keep looking for accounts when we haven't
13 exhausted what we have."

14 Q. And then what does Mr. Ajayi say?

15 A. He says, "Instruct me on how exactly you want the
16 payment, and that I will do, sir." And then he says okay.

17 Q. And then how does Mr. Abegunde respond?

18 A. It says, "Number 2, there is a finite number of people
19 that are friendly to me and at the same time are willing to
20 let me use their account. I am working on growing the list."

21 Q. And then at 10:18 UTC, what does Mr. Ajayi say?

22 A. It says, "FJ, I sell to you based on availability, O."
23 And Mr. Abegunde responds, "I am definitely going to continue
24 to purchase."

25 **MR. FLOWERS:** Your Honor, I believe as soon as I

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1 get the last two pages on this, I think I will be concluding.
2 So it will be my last one.

3 **THE COURT:** Okay.

4 **MR. FLOWERS:** And one of our sisters will be --
5 assistants -- people assisting us will be bringing that up
6 shortly.

7 **THE COURT:** Okay.

8 **MR. PERRY:** Your Honor, for continuity's sake, if
9 he wants to start the inquiry and then see if they can make
10 it because the last -- those two pages are toward the
11 conclusion of it. I don't mind him doing that if it would
12 make things move better.

13 **MR. FLOWERS:** Thank you, Mr. Perry.

14 **MR. PERRY:** Because I've read all of these.

15 **THE COURT:** Okay.

16 **MR. FLOWERS:** Okay. May I approach then, Your
17 Honor?

18 **THE COURT:** Yeah. I think he's already --

19 **THE WITNESS:** If it's Bode, I've seen it.

20 **THE COURT:** Yeah.

21 **MR. FLOWERS:** This is a different one with Bode.

22 **THE COURT:** Oh, okay.

23 **BY MR. FLOWERS:**

24 Q. Do you recognize that?

25 A. Yes.

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1 Q. What is it?

2 A. These are chats with Mr. Abegunde and Bode BDC Yankee.

3 **MR. FLOWERS:** Your Honor, at this time the
4 Government would offer this into evidence and ask to
5 respectfully request the ability to publish.

6 **THE COURT:** Any further objection, Mr. Perry?

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

8 **THE COURT:** Exhibit 75.

9 **MR. FLOWERS:** Thank you, Mr. Haley.

10 (WHEREUPON, the above-mentioned document was
11 marked as Exhibit Number 75.)

12 **BY MR. FLOWERS:**

13 Q. So Special Agent Vance, what's going on here in this
14 portion of the conversation? Actually no, pardon me. Going
15 down 2-9-2017 transitioning into 2-10-2017, what's going on
16 in this conversation? And this begins on Bates Number 10067.

17 A. Mr. Abegunde and Bode BDC Yankee are trying to figure
18 out a way to get some cash into a Chase account.

19 Q. What does Mr. Abegunde say?

20 A. So he says, "Okay, sir, you know my Chase is all I
21 got."

22 Q. And then what does Mr. Bode BDC Yankee say?

23 A. He says, "I know."

24 Q. To which Mr. Abegunde responds?

25 A. "I can't afford to risk it. You got any PayPal?"

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1 Q. So starting at the beginning of Page 10069, what does
2 Bode BDC Yankee -- what does he say?

3 A. Starting from the top, you said?

4 Q. Yes, please.

5 A. "Oh, really. Abeg hook me up, O."

6 Q. And then what's Mr. Abegunde say?

7 A. "I did tell you."

8 Q. And starting at 00 -- the second message at -- just
9 keep reading, if you would please.

10 A. Bode BDC Yankee responds, "Nawao." Mr. Abegunde
11 responds, "It's the risk appetite."

12 Q. And then continuing on here?

13 A. Bode BDC Yankee responds, "Hmm, what does that mean?"
14 Mr. Abegunde responds, I really don't know the guys, but they
15 pay into accounts." He continues and then he gets into a
16 negotiation on a rate. He says, "At 465."

17 Q. Okay. And then?

18 A. Bode BDC Yankee responds, "Wow. Legit." And
19 Mr. Abegunde responds, "But I don't know their sources."

20 Q. And then what does Bode BDC Yankee say?

21 A. "Omo, I don't have that power." Mr. Abegunde
22 responds, "How do you if it is legit or not?"

23 Q. Okay. And then at 2-10-2017 at 009, the second -- the
24 third message there on the page?

25 A. So Bode BDC Yankee responds, "One time some guys went

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1 to pay \$41,000 cash into an account."

2 Q. What does Mr. Abegunde say?

3 A. He responds, "41,000 cash?"

4 Q. And then just please continue.

5 A. And then he says, "Kilode?" Bode BDC Yankee responds,
6 "Yeah, it was my supplier's client's account. He just told
7 them they should never call him again."

8 Q. And then what's Mr. Abegunde say?

9 A. He says, "Instead of paying cash into an account?"
10 And then he continues, "Why can't they just hand over the
11 cash? That doesn't seem difficult."

12 Q. What's Bode BDC Yankee say?

13 A. He says, "Then they started telling him he can take a
14 percentage off the money."

15 Q. Continue, please.

16 A. Mr. Abegunde continues, these things are not legit. I
17 tell you. If it were, it shouldn't be a problem handing over
18 cash.

19 Q. What's Mr. Bode BDC Yankee say?

20 A. He says, "They use peoples' accounts as a conduit. No
21 maga, dey likely pay into the account."

22 Would you like me to continue?

23 Q. Yes, please.

24 A. Mr. Abegunde responds yup. Bode BDC Yankee responds,
25 "So likely this Chase thing, when the guy said they couldn't

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1 pay today, told him I no want again." He continues, "My
2 current source's rate is high. Cash is always available for
3 payment or delivery. No disappointments." And then
4 Mr. Abegunde responds with, "That 480. 485 is not
5 competitive."

6 Q. Continue, please.

7 A. Bode BDC Yankee starts, "Because all these, we are
8 unable to pay today, makes me skeptical." Mr. Abegunde
9 responds, "I got 20,000 cash at 460 early this week." Bode
10 BDC responds, "Cool." Mr. Abegunde responds, "I like that
11 cash structure. It cleans the cash and eliminates the risk."
12 Bode BDC responds, "Yeah." Mr. Abegunde responds, "All these
13 account closures can be depressing."

14 Q. And?

15 A. Bode BDC Yankee responds, "It definitely is. Are they
16 still closing accounts?"

17 **MR. FLOWERS:** Your Honor, I have the two
18 additional pages now.

19 **THE COURT:** Good.

20 **MR. FLOWERS:** May I show them to Mr. Perry?

21 **THE COURT:** Yes.

22 **MR. FLOWERS:** And what would be the appropriate
23 process if he does not object, we move to supplement the
24 exhibit with the additional pages?

25 **THE COURT:** Yeah.

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1 **BY MR. FLOWERS:**

2 Q. Again, more because I lost my train of thought, what
3 was the last thing that was said, Special Agent Vance?

4 A. I think we ended with all these accounts can be
5 depressing when Mr. Abegunde stated that, and then Bode
6 agreed it definitely is. And I think he actually stated,
7 "Are they still closing accounts?" I believe we finished the
8 page.

9 So they continue. Mr. Abegunde, "Yup." Bode BDC
10 Yankee, "Which banks?" Mr. Abegunde, "Wells, B of A, Bank of
11 America." Bode BDC Yankee, "Nawa. I've been so out of the
12 game. How's the entertainment?"

13 Q. What was the last one?

14 A. What was it? "How's the entertainment promotion
15 industry?"

16 **MR. FLOWERS:** I'm torn, Your Honor, whether to
17 continue. I said I was done. I could continue but --

18 **THE COURT:** How many more of these do you have?

19 **MR. FLOWERS:** I was going to ask some additional
20 follow-up questions, not related to chats whatsoever but just
21 more informational for the cases, but I can be finished if
22 that's what we're going to be doing today.

23 **THE COURT:** Well, I mean, if you -- do you
24 have -- you can be finished with this witness, meaning
25 handing him over for Cross or --

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1 **MR. FLOWERS:** Yeah. That's the challenge. With
2 all the printing that was done, I'm still missing two
3 exhibits that I would really like to put in, but given the
4 time limitations that I'm in right now, I just -- I don't
5 know if I'll be able to find those just with all the
6 tumultive * having to run around.

7 **THE COURT:** All right. Well, what we can do is
8 just end for the day and start with him in the morning, and
9 I'll allow you to finish your Direct then. I'm assuming
10 based on what you're saying, you don't have that much more
11 Direct.

12 **MR. FLOWERS:** No. I apologize for speaking over
13 Your Honor, but I probably just have a few more chats, if
14 any, and then just some wrap-up questions. And then I'll be
15 finished and be ready to pass the witness to defense counsel.

16 **THE COURT:** Okay. Let me see counsel at sidebar
17 just for a moment.

18 (Bench conference between the attorneys and the
19 Court.)

20 **THE COURT:** I'm going to want to be able to tell
21 them -- I'm going to tell them we're going to go into next
22 week, and I want to know kind of what I need to tell them
23 about it. Is this your last witness?

24 **MR. FLOWERS:** Yes. And then Special Agent
25 Palmer, but I anticipate he'll be shorter compared to Special

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1 Agent Vance, and then I think that we'll rest after that.

2 **THE COURT:** Okay. So I think what's just based
3 on what you -- anything changed since we talked about this at
4 lunch in terms of how much you had?

5 **MR. PERRY:** I think my client wants to testify.

6 **THE COURT:** So a couple hours.

7 **MR. PERRY:** Probably a couple hours.

8 **THE COURT:** And then we've talked about you. I
9 think a couple hours.

10 **MR. GARRETT:** We've got a three-year romance to
11 cover, Your Honor. I'll try to narrow it as much as I can.

12 **THE COURT:** Okay. All right. So I'm
13 anticipating that probably we will get it to the jury, my
14 hope is by the end of the day Monday. Does that make sense
15 to you all?

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

17 **MR. PERRY:** Yes, Your Honor.

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

19 **THE COURT:** Okay.

20 **MR. FLOWERS:** Thank you for your patience today
21 with everything that happened with the documents.

22 **THE COURT:** Okay. Thank you.

23 (Bench conference between the attorneys and the
24 Court concluded and the proceedings continued as follows:)

25 **THE COURT:** So first, we're going to end today,

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1 and tomorrow I'm going to ask you to be ready to come back in
2 at 9:15. In terms of sort of where we are in the case, it's
3 always hard to predict these things. I know I tried to
4 predict it at the beginning of jury selection. It does look
5 like we're going to go into next week now. So I'm
6 anticipating -- you know, it also depends on how long jury
7 deliberations are, but it looks like we may -- you may sort
8 of get the case, so it may be done to you by the end of the
9 day Monday, but then you have your deliberations.

10 So it sounds like I grossly -- was grossly wrong
11 in predicting how long this would be, and that's my apology
12 to you, and I take the fall for that. But whatever you need
13 to do to let folks know where you are, you know, from -- in
14 terms of your work, please feel free to do so.

15 Again, don't talk to anyone about the case,
16 including each other, those at home, anything like that. If
17 there's media, don't watch it, don't read it, don't listen to
18 it. Take a juror badge for tomorrow.

19 Any questions about where we are in the schedule?
20 No? All right. So come in time to come into the courtroom
21 about 9:15 tomorrow. Okay. Thank you so much. Have a good
22 night's sleep.

23 (Jury leaves at 5:51 p.m.)

24 **THE COURT:** So Agent, you're in the middle of
25 your testimony. Don't talk to anyone about your testimony

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1 overnight. If there are things you need to do in the case, I
2 understand that, but don't talk to anyone about your
3 testimony.

4 Anything else we need to address today?

5 **MR. FLOWERS:** Not from the Government, Your
6 Honor.

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

8 **THE COURT:** Depending on how tomorrow goes, I
9 may -- how late we go in the day tomorrow, I may try and get
10 us to do a jury instruction conference tomorrow, maybe. I
11 think -- actually let's not do that. Let's plan on that for
12 Monday, and we may schedule y'all coming in early on Monday
13 to talk about jury instructions. Okay?

14 **MS. IRELAND:** That's fine, Your Honor.

15 **THE COURT:** All right. Thank you. Have a good
16 night. So 9:15 for y'all tomorrow.

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18 (Adjournment.)

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C E R T I F I C a T E

I, LISA J. MAYO, do hereby certify that the foregoing 139 pages are, to the best of my knowledge, skill and abilities, a true and accurate transcript from my stenotype notes of the JURY TRIAL on 14th day of March, 2019, in the matter of:

United States of America

vs.

OLUFOLAJIMI ABEGUNDE

Dated this [!CURRENT DATE].

S/Lisa J. Mayo

LISA J. MAYO, LCR, RDR, CRR
Official Court Reporter
United States District Court
Western District of Tennessee