

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)	File No. 21-cr-245
	)	(NEB/JFD)
Plaintiff,)	
)	
v.)	
	)	Courtroom 13W
Muse Mohamud Mohamed,	)	Minneapolis, Minnesota
	)	Monday, May 9, 2022
Defendant.	)	8:53 a.m.
)	

BEFORE THE HONORABLE NANCY E. BRASEL
UNITED STATES DISTRICT COURT JUDGE
(JURY TRIAL PROCEEDINGS - VOLUME I OF II)

APPEARANCES

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Proceedings recorded by mechanical stenography;
transcript produced by computer.

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P R O C E E D I N G S

IN OPEN COURT WITHOUT THE JURY PANEL

THE COURT: Good morning. We are on the record out of the presence of the jury panel. This case is the United States of America versus Muse Mohamud Mohamed.

May I please have appearances, first from the government?

MS. MUNOZ: Good morning, Your Honor. Angela Munoz and Kim Svendsen on behalf of the United States, and with us at counsel table is Blake Hostetter from the FBI.

THE COURT: Good morning.

And from the defense?

MR. CLIPPERT: Good morning, Your Honor. Charles Clippert, C-L-I-P-P-E-R-T, with Mr. Mohamed, who is present.

THE COURT: Good morning.

We have two interpreters here this morning. And before the jury panel comes in, I wanted to have them sworn.

Could you both stand to be sworn?

(Oath administered to the interpreters)

THE COURT: Thank you. Could you each state your name and spell it for the record?

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THE INTERPRETER:  My first name is Abdulaziz.
A-B-D-U-L-A-Z-I-Z.  My last name is Hussen.  H-U-S-S-E-N.
The language is Somali.

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THE COURT: Thank you.

1 THE INTERPRETER: Good morning, Your Honor. First
2 name is Ayderus. A-Y-D-E-R-U-S. Last name is Ali. A-L-I.
3 And the language Somali.

4 THE COURT: Thank you.

5 THE INTERPRETER: You are welcome.

6 THE COURT: Mr. Mohamed, as we did for the
7 pretrial, sir, if at any time you are not understanding the
8 interpreter, I want you to let us know so that we can adjust
9 that.

10 In addition, for the interpreters, if at any time
11 we are going too quickly, including the members of the jury
12 panel or the witnesses, please interrupt, let us know, and
13 I'll have folks slow down.

14 THE INTERPRETER: Thank you.

15 THE COURT: Thank you.

16 Is there anything from the government that needs
17 to be raised before the jury panel comes in? Ms. Munoz?

18 MS. MUNOZ: No, Your Honor.

19 THE COURT: Thank you.

20 From the defense, Mr. Clippert?

21 MR. CLIPPERT: Your Honor, I just had sent
22 chambers an email that I got a message on my phone about a
23 close contact from people on May the 29th. One of the, one
24 of the prosecutors I had in that case up in Anoka County
25 tested positive, and so this might be her colleague. I was

1 also at a Wild game on that Friday night, so it could have
2 been someone in my row. I have no idea, but --

3 THE COURT: You were just notified that you were a
4 close contact?

5 MR. CLIPPERT: Correct. And I'm just passing it
6 along.

7 THE COURT: Thank you. And so just a couple
8 questions about that. The notification that you received
9 was an automated notification through Minnesota Department
10 of Health?

11 MR. CLIPPERT: Yes, Your Honor.

12 THE COURT: Okay. And you have tested negative
13 yesterday and today?

14 MR. CLIPPERT: Last time I tested was Thursday,
15 and it was negative.

16 THE COURT: All right. And you've had no
17 symptoms?

18 MR. CLIPPERT: No.

19 THE COURT: All right. Any objection to our going
20 forward, Ms. Munoz?

21 MS. MUNOZ: No, Your Honor. Thank you.

22 THE COURT: And, Mr. Mohamed, are you all right
23 going forward, given the information you've just been given?

24 THE DEFENDANT (through interpreter): Yes.

25 THE COURT: All right. Thank you.

1 As is the court. And so we will go forward.

2 Anything else from the defense, Mr. Clippert?

3 MR. CLIPPERT: Nothing further, Your Honor.

4 THE COURT: All right. Then we are going to --
5 I'll step off the bench. We will call in the jury, and we
6 will begin the process of voir dire.

7 You should have a seating chart. And, again, in
8 the jury box Number 1 sits in the back row closest to me,
9 Number 9 in the front row closest to me, Number 17 to the
10 back right in the front row of, in front of the bar, and
11 Number 25 in the seat closest to the aisle, and then it goes
12 from there. So we'll see how I do reading that map as we go
13 forward.

14 Ms. Wegner, are you ready to get the jury?

15 COURTROOM DEPUTY: I am.

16 THE COURT: All right. Then I'll step off the
17 bench for a moment while they all come in. Thank you.

18 COURTROOM DEPUTY: All rise.

19 (Recess taken at 8:58 a.m.)

20 (Whereupon, jury voir dire took place at this time and
21 said proceedings are not contained within this transcript.)
22 1:45 P.M.

23 **IN OPEN COURT**

24 **(JURY PRESENT)**

25 THE COURT: You may all be seated.

1 Members of the jury, can you all hear and see me?
2 If at any point you can't or you are having difficulty,
3 please raise your hand and let me know.

4 Members of the jury, before you listen to the
5 opening statements, I'm going to take a few moments to give
6 you some initial instructions about the case and about your
7 duties as jurors. At the end of the trial I'm going to give
8 you further instructions. I may also give you instructions
9 during the trial. Unless I specifically tell you otherwise,
10 all instructions, both those I give you now and those I give
11 you later, are equally binding on you and they must be
12 followed.

13 First, we ask that your cell phone, smartphone,
14 any other devices be turned off completely during the trial
15 and that you only use them during breaks.

16 During your deliberations, just as a head's up,
17 you are not allowed to have wireless communication devices
18 in the jury room. So at the end of the trial the court
19 security officers will collect those devices for safekeeping
20 before you begin deliberating each day, and they will be
21 returned to you at the end of the deliberation day.

22 As I noted during voir dire, this is a criminal
23 case. It is brought against Muse Mohamud Mohamed by the
24 United States of America. Mr. Mohamed is charged with two
25 counts of making a False Declaration Before a Grand Jury.

1 Those charges are set forth in what is called an Indictment.
2 And it reads as follows:

3 Count 1, False Declaration Before a Grand Jury.

4 On or about October 14, 2021, in the State and District of
5 Minnesota, while testifying under oath in a proceeding
6 before a grand jury of the United States, the defendant
7 Mr. Mohamed did knowingly make a false material declaration,
8 that is, he testified that "I got three absentee ballots
9 from the elections office. I took -- I took those ballots
10 to the voters, they filled them out, they voted, and then I
11 took them back and turned those -- I turned those absentee
12 ballots back to the election office." Instead, as
13 Mr. Mohamed then and there well knew, Mr. Mohamed did not
14 take any ballots to the three voters named on the absentee
15 ballot envelopes, and the three voters did not give their
16 ballots to Mr. Mohamed to return to the election office, in
17 violation of Title 18, United States Code, Section 1623(a).
18 So that was the first allegation as to Count 1.

19 As to Count 2, the second allegation reads as
20 follows: False Declaration Before a Grand Jury. On or
21 about October 14, 2021, in the State and District of
22 Minnesota, while testifying under oath in a proceeding
23 before a grand jury of the United States, the defendant
24 Mr. Mohamed did knowingly make a false material declaration,
25 that is, he testified that "I got the absentee ballot from

1 the elections office and took it to Nasro Jama" and "I
2 remember Nasro Jama was the one who filled out the absentee
3 ballots -- or the absentee ballot, sealed it up and then
4 told me to drop it off for her." Instead, as Mr. Mohamed
5 then and there well knew, Mr. Mohamed did not receive a
6 sealed absentee ballot envelope from Nasro Jama, and Nasro
7 Jama did not ask Mr. Mohamed to drop off Nasro Jama's
8 absentee ballot, all in violation of Title 18, United States
9 Code, Section 1623(a).

10 You should understand that the indictment is
11 simply an accusation. It is not evidence of anything.
12 Mr. Mohamed has pleaded not guilty and is presumed to be
13 innocent unless and until proved guilty beyond a reasonable
14 doubt.

15 It will be your duty to decide from the evidence
16 whether Mr. Mohamed is guilty or not guilty of the crimes
17 charged. From the evidence you will decide what the facts
18 are. You are entitled to consider the evidence in light of
19 your own observations and experiences in the affairs of
20 life. You may use reason and common sense to draw
21 deductions or conclusions from facts which have been
22 established by the evidence. You will then apply those
23 facts to the law which I give you in these and other
24 instructions and in that way reach your verdict.

25 You are the sole judges of the facts. You must

1 follow my instructions, however, whether you agree with them
2 or not. You have taken an oath to do so. Do not allow
3 sympathy or prejudice to influence you. The law demands of
4 you a just verdict unaffected by anything except the
5 evidence, your common sense and the law as I give it to you.

6 As I indicated before, you should not take
7 anything that I do or say as indicating what I think of the
8 evidence or what I think your verdict should be.

9 And please remember that only Mr. Mohamed and not
10 anyone else is on trial here and that he is on trial only
11 for the crimes charged and not for anything else.

12 In order to help you follow the evidence, I want
13 to give you a brief summary of the elements of the crimes
14 charged, which the government must prove beyond a reasonable
15 doubt to make its case.

16 The crime of making a False Declaration Before a
17 Grand Jury as charged in Counts 1 and 2 of the indictment
18 has four elements, which are:

19 One, the defendant testified under oath or
20 affirmation before a grand jury that, in Count 1, "I got
21 three absentee ballots from the elections office. I took --
22 I took those ballots to the voters, they filled them out,
23 they voted, and then I took them back and turned those -- I
24 turned those absentee ballots back to the election office."

25 And in Count 2, "I got the absentee ballot from

1 the elections office and took it to Nasro Jama" and "I
2 remember Nasro Jama was the one who filled out the absentee
3 ballots -- or the absentee ballot, sealed it up, and then
4 told me to drop it off for her."

5 The second element is that that testimony was
6 false in whole or in part.

7 The third element is that at the time Mr. Mohamed
8 so testified he knew his testimony was false.

9 And the fourth element is that the false testimony
10 was material.

11 False testimony is material if the testimony was
12 capable of influencing the grand jury. It is not necessary
13 to find that the testimony actually affected the grand jury.

14 You should understand, again, that this is only a
15 preliminary outline. At the end of the trial I'm going to
16 give you a final instruction on these matters. And if
17 there's any difference between what I told you now and what
18 I tell you at the end of the trial, what I tell you at the
19 end of the trial must govern you.

20 I have mentioned the word "evidence." "Evidence"
21 includes the testimony of witnesses, documents and other
22 things received as exhibits, any facts that have been
23 stipulated to or agreed to by the parties and any facts that
24 have been judicially noticed, which are simply facts that I
25 say you may, but are not required to, accept as true.

1 Certain things are not evidence. I'm going to
2 list them for you now.

3 Statements, arguments, questions and comments by
4 lawyers representing the parties in the case are not
5 evidence.

6 Objections are not evidence. Lawyers have a right
7 to object when they believe something is improper. You
8 shouldn't be influenced by that objection. If I sustain an
9 objection to a question, you must not -- you must simply
10 ignore the question and not try to guess as to what the
11 answer might have been.

12 Testimony that I strike from the record or tell
13 you to disregard is not evidence and it must not be
14 considered.

15 Anything you hear or see about this case outside
16 the courtroom is not evidence, unless I specifically would
17 tell you otherwise during trial.

18 A particular item of evidence is sometimes
19 received for a particular and limited purpose only; that is,
20 it can be used for you only by one purpose and not for any
21 others. I will tell you when that occurs and instruct you
22 on the purposes for which it has been received.

23 Some of you may have heard the terms "direct
24 evidence" and "circumstantial evidence." You're instructed
25 that you should not be concerned with those terms. The law

1 makes no distinction between direct and circumstantial
2 evidence. You should give all evidence the weight and value
3 you believe it is entitled to receive.

4 In deciding what the facts are, you may have to
5 decide what testimony of witnesses you believe and what
6 testimony you do not believe. You may believe all of what a
7 witness says, part of it, or none of it.

8 In deciding what testimony of any witness to
9 believe, consider the witness's intelligence, the
10 opportunity the witness had to have seen or heard the things
11 testified about, the witness's memory, any motives that
12 witness might have for testifying a certain way, the manner
13 of the witness while testifying, whether that witness said
14 something different at an earlier time, the general
15 reasonableness of the testimony and the extent to which the
16 testimony is consistent with other evidence that you
17 believe.

18 You must avoid bias, conscious or unconscious,
19 based on a witness's race, color, ethnicity, national
20 origin, religion, gender, gender identity, sexual
21 orientation, disability or economic circumstances in your
22 determination of credibility.

23 The Somali language may be used during this trial
24 with some witnesses. If, as we have seen, an interpreter is
25 used, you are to consider only that evidence provided

1 through official court interpreters. Although some of you
2 may know the language used, it's important that all jurors
3 consider the same evidence. So you must base your decision
4 on the evidence presented in the English language and
5 disregard any different meaning of non-English words.

6 At the end of the trial you must make your
7 decision based on what you recall of the evidence. You
8 won't have a written transcript to consult. It's not
9 practical for the court reporter to read back lengthy
10 testimony. You must pay close attention to the testimony as
11 it is given.

12 If you wish, you may take notes to help you
13 remember what a witness said. If you do that, please keep
14 them to yourself until you and other jurors go to the jury
15 room to decide the case. Don't let note taking distract you
16 from paying attention so that you don't hear answers. And
17 when you leave at night, your notes will be secured and they
18 won't be read by anyone.

19 As you've noted during voir dire, during the trial
20 it may be necessary for me to talk with the attorneys via
21 sidebar out of the hearing of the jury. I'll either do that
22 by having a bench conference through headsets or by calling
23 a brief recess. Understand that while you are waiting, we
24 are working. I take very seriously your time and try not to
25 waste it, but the purpose of those conferences is to decide

1 under the law how certain evidence is to be treated and to
2 avoid confusion and error. So we'll do everything that we
3 can to keep those to a minimum, but they are necessary
4 sometimes.

5 I've given you some rules already about your own
6 conduct. I'm going to give those again for you now.

7 First, do not talk or communicate amongst
8 yourselves about the case or anyone involved with it until
9 the end of the case when you go to the jury room.

10 Second, do not talk with anyone else about this
11 case or anyone involved with it until the trial has been
12 ended. So you can't talk amongst yourselves or about anyone
13 involved, and you can't talk to anyone involved.

14 Third, while you are outside the courtroom, do not
15 let anyone tell you anything about this case or anyone
16 involved with it until the trial has ended and your verdict
17 has been accepted by me. If someone should try to tell you
18 something or talk to you, please report it to court staff.

19 Fourth, during the trial, again, do not speak with
20 any of the parties, lawyers or witnesses involved in the
21 case, even to pass the time of day. And I've already
22 explained that to you.

23 Fifth, I understand that it may be necessary for
24 you to tell your family and close friends, teachers,
25 employers, coworkers where you are. You can explain that

1 you're required to be in court. And you can warn them not
2 to ask you about the case, tell them anything they think
3 they know about the case or discuss it in your presence.

4 You must not communicate with anyone or post any
5 information about parties, witnesses, participants, charges,
6 evidence or anything else related to the case or to tell
7 anyone anything about the jury's deliberations in this case
8 until after I accept your verdict or until I give you
9 specific permission to do so.

10 And the reason that I've gone on at length about
11 this issue is that if you discuss the case with someone
12 other than jurors during deliberations, it can create a
13 perception that you've decided it based on something outside
14 the courtroom or that something outside the courtroom has
15 influenced your verdict. And that would not be fair to the
16 parties in this case.

17 Sixth, again, do not do any research about the
18 case in any way. And that includes the case, the law, the
19 people involved, including the parties, the witnesses, the
20 lawyers or the judge.

21 Seventh, do not read anything about this case,
22 news story, an article in print, something online, something
23 on social media or in any blog or app about the case or
24 anyone involved with it.

25 The parties have a right, again, to have this case

1 decided solely on the evidence they know about and that it's
2 been introduced here in court. And the court's concern is
3 that if you do any research or investigation or experiment
4 that we don't know about, your verdict could be influenced
5 by inaccurate, incomplete or misleading information.

6 Eighth -- I think we're on eight -- do not make up
7 your mind about this trial or what the verdict should be.
8 Keep an open mind until after all of the evidence has been
9 presented and you go to the jury room to decide the case and
10 you and your fellow jurors have discussed the evidence.

11 And, ninth, I'll just note that faithful
12 performance by you of your duties as jurors is vital to the
13 administration of justice. You should perform your duties
14 without prejudice or fear and solely from a fair and
15 impartial consideration of the whole case.

16 The trial is going to proceed in the following
17 manner: First, the court will -- the government will make
18 an opening statement. Then Mr. Clippert, Mr. Mohamed's
19 attorney, may, does not have to, make an opening statement.
20 Again, an opening statement is not evidence, but simply a
21 summary of what the attorney expects the evidence to be.

22 The government will present its evidence, and
23 counsel for Mr. Mohamed may cross-examine. Following the
24 government's case, Mr. Mohamed may, but does not have to,
25 present evidence, testify or call other witnesses. If

1 Mr. Mohamed calls witnesses, the government may
2 cross-examine them.

3 After that presentation of evidence is completed,
4 the attorneys will make closing arguments to summarize and
5 interpret the evidence as they see it. As with opening
6 statements, closing arguments are not evidence. And then
7 the court will instruct you further on the law, and you will
8 retire to deliberate on your verdict.

9 At this time I will invite the parties to give
10 their opening statements to you.

11 Ms. Munoz, are you prepared to proceed?

12 MS. MUNOZ: Yes, Your Honor. Thank you.

13 THE COURT: You may do so.

14 MS. MUNOZ: May it please the court. Counsel.
15 Members of the jury.

16 This case is about lying under oath. On
17 October 14th, 2021, the defendant Muse Mohamud Mohamed
18 raised his right hand, he took an oath, and he promised to
19 tell the truth to a grand jury conducting an investigation
20 in the District of Minnesota. Instead of telling the truth,
21 he lied. The defendant's lies are why we are here today.

22 When someone lies to a grand jury about
23 information material to the grand jury's investigation, that
24 is a crime. The crime is called False Declaration Before a
25 Grand Jury. It's a long phrase for a simple concept; Lying.

1 The defendant is charged with two counts of making a false
2 declaration before a grand jury because of two lies that he
3 told a grand jury on October 14th, 2021.

4 Members of the jury, my name is Angela Munoz.
5 Together with Kim Svendsen and Blake Hostetter from the FBI,
6 we have the privilege of presenting this case to you.

7 Before I talk to you about the substance of what
8 you will hear at trial and about the defendant's lies, I
9 need to give you a little bit of background information.
10 I'm going to cover with you what is the grand jury and what
11 is the agent delivery process for absentee voting.

12 Let's start with the grand jury. The defendant is
13 charged with lying to a grand jury. A grand jury is a group
14 of citizens from across the State of Minnesota who have been
15 called for jury duty. You might be asking yourself, How is
16 it any different than what I'm doing right now. Well, it's
17 quite a bit different. A grand jury conducts
18 investigations, and they can be ultimately asked to
19 determine whether somebody committed a crime and whether
20 there's sufficient evidence to charge someone with a crime.

21 The grand jury has the power to bring witnesses in
22 before it, and they can use a document called a subpoena to
23 call somebody in to provide testimony. Once a witness is in
24 front of the grand jury, the witness takes an oath. Now,
25 the oath happens before they are asked any questions, and

1 the oath is really important. It's a promise to tell the
2 truth. It's a promise to provide truthful information.
3 It's a promise to not leave out important information.

4 After taking the oath, the witness is then asked
5 questions by both the prosecutor and members of the grand
6 jury.

7 Because of the importance of the grand jury's
8 investigative work, a court reporter is present for all of
9 the proceedings before the grand jury. The court reporter
10 creates a written transcript documenting all of the
11 questions asked of the witness and all of the witness's
12 answers.

13 During the course of this trial you will see two
14 transcripts that were created when the defendant testified
15 before the grand jury, once on September 30th of 2021 and
16 again on October 14th of 2021.

17 As I mentioned, one of the jobs of the grand jury
18 is to conduct investigations; and when a grand jury is doing
19 this solemn and important work, it's trying to figure out
20 what happened. They can't do that if witnesses come before
21 them and fail to tell the truth.

22 So that's the background information about the
23 grand jury. We'll shift now to the agent delivery process
24 for absentee voting.

25 The agent delivery process is a way to vote in an

1 election with an absentee ballot in the State of Minnesota.
2 It's not commonly used, and, in fact, it's only available
3 and only an option seven days before an election, and the
4 process is available in limited situations when a voter
5 cannot get to her assigned polling place. So, for example,
6 she cannot get to the school in her community where she
7 normally votes in person, because she's hospitalized or she
8 has a disability, and she needs someone to help her and
9 bring her her ballot and return the ballot for her.

10 So there are two important people that you will
11 learn about through the course of this trial in the agent
12 delivery process. There's the voter, and there's the agent.
13 The voter is the person who needs help getting her ballot.
14 The agent is the person who is agreeing to help get the
15 ballot and return the ballot for her.

16 The rules allow an agent to help up to three
17 voters do this process. You will learn over the course of
18 this trial that the key to the agent delivery process is the
19 voter. The voter is the one unable to get to her polling
20 place; The voter is the one to ask for help; The voter is
21 the one to vote her absentee ballot.

22 The agent delivery is a formal process, and it has
23 certain steps, and we will walk through those now.

24 The first step starts with the voter. You will
25 learn that the voter needs to give the agent two pieces of

1 paper, first a Request For an Agent Delivery, and that's a
2 form that they fill out, and second is an Absentee Ballot
3 Application.

4 So let's start with the Request for Agent Delivery
5 of Absentee Ballot. This is a form that the voter fills out
6 and uses when the voter decides to vote using the agent
7 delivery process. The first step is to ask someone to be
8 their agent. And so once the voter has this form, it's a
9 way for the voter to say, "I can't get to my polling place
10 because I fit into one of these special circumstances,
11 special situations, and I need somebody to pick up my ballot
12 for me." So there's instructions at the top that you will
13 hear about over the course of this trial, and the
14 instructions note that voters in special situations may ask
15 someone, who is an agent for them, to pick up and return an
16 absentee ballot. The process, the instruction notes, is
17 available seven days before the election.

18 And then there's certain additional instructions
19 you will learn about for the agent him or herself. The
20 agent has to be someone that the voter has a preexisting
21 relationship with. The agent may not be a candidate in the
22 election. And the voter needs to submit this request with
23 the Absentee Ballot Application. And we'll cover that next.

24 So during the course of this trial you will learn
25 about how one goes about filling out this request. And so

1 we'll start with that now. And so the first step is that in
2 the red box I've highlighted here, that's where the voter's
3 name goes.

4 And there's a certification process here. So the
5 voter puts their name in there, and then they have to
6 identify which of those three, which are next to the circles
7 on the form, special situations apply to them. It may be
8 that the voter is a patient in a health care facility.
9 That's the first one. The second one may be that the voter
10 is a resident in a residential facility or a battered
11 women's shelter or an assisted living facility. And then
12 the third one, which I expect you will hear about most in
13 this trial, is the third situation, which is an
14 incapacitating health reason or disability.

15 The next blank on the form is where the agent's
16 name goes. This is the blue box here. And the voter is
17 certifying that they fall into one of these special
18 situations and they need this person, who is going to be
19 their agent, to deliver these papers to election officials
20 and then have that -- because they have -- and they have a
21 preexisting relationship with that person. Finally, the
22 voter then signs, and that's the last red box on your
23 screen.

24 So I mentioned that there were two papers that the
25 voter needs to fill out. The second one is the Absentee

1 Ballot Application. And this is the paper that the voter
2 fills out and provides all of their background information
3 to convey to the election officials that "I need a ballot,"
4 the voter certifies that they are eligible to vote, and then
5 the background information is used to find out where the
6 person lives and make sure that they get the right ballot,
7 because we don't all get the same ballot. The voter also
8 signs this form, and that's highlighted in red at the bottom
9 of the page.

10 So going back to the steps in the agent delivery
11 process, you will learn that the next part of the process
12 then is where the agent comes in. So once the agent
13 receives those two forms, they deliver the forms to the
14 election office. You will learn that the agent then picks
15 up the absentee ballot and delivers the absentee ballot back
16 to the voter. And you will learn over the course of this
17 trial that the agent's role is to be a delivery person.
18 They are picking up forms, turning them in, picking up the
19 ballot, bringing it back to the voter, taking the ballot to
20 the voter.

21 The next step is for the voter to fill out the
22 ballot. And once the voter has filled out the ballot, the
23 agent comes into play again, and their responsibility is to
24 deliver that ballot back to the election office. The ballot
25 is then logged by election officials on the agent return

1 log, and the process is then complete.

2 So with that background information, we'll turn
3 back to why we are here today and what this case is about.

4 Those are the lies that this defendant Mr. Mohamed
5 told to the grand jury. A grand jury in the District of
6 Minnesota was conducting an investigation into the use of
7 the agent delivery process. They were investigating certain
8 instances of the use of this process during the August 11th,
9 2020, primary in the City of Minneapolis. The grand jury
10 was trying to figure out whether absentee ballots were
11 turned into the election office by agents who did not have
12 the voters' permission.

13 The defendant was served with a subpoena. That's
14 the document that I referenced. It's used to call somebody
15 into court and into the grand jury. The defendant was
16 called to testify two times, on September 30th and again on
17 October 14th. And he was called into the grand jury to
18 testify because the defendant's name was on election records
19 as an agent who turned in absentee ballots for the
20 August 11th primary.

21 When it was the defendant's turn to testify in
22 front of the grand jury, he stood in a witness box, pretty
23 similar to the one right over here, he raised his hand, he
24 took an oath, and he promised to tell the truth to the grand
25 jury.

1 Now, before a single question was asked of him, he
2 was specifically reminded by a prosecutor that it is a crime
3 to lie about something material to the grand jury's
4 investigation. And on both September 30th and again on
5 October 14th the defendant was asked dozens of times about
6 turning in ballots for the August 11th election. He was
7 asked about what he did and what he knew, and the defendant
8 chose to lie over and over again.

9 He testified that he followed the rules of the
10 agent delivery process, but you will learn over the course
11 of this trial that that did not happen. He told the grand
12 jury that the voters asked him to deliver their ballots.
13 The evidence will show that this is not true. The evidence
14 will show beyond a reasonable doubt that the defendant
15 knowingly lied to the grand jury about those ballots. The
16 trial is about two of those lies.

17 Count 1 is listed here as follows: On
18 October 14th the prosecutor and the grand jury asked the
19 defendant, "Did you pick up any ballots and actually bring
20 them to the voters?"

21 And the defendant answered, "Okay. So I got three
22 absentee ballots from the elections office. I took -- I
23 took those ballots to the voters, they filled them out, they
24 voted, and then I took them back and turned those -- I
25 turned those absentee ballots back to the election office."

1 The evidence at trial will show beyond a
2 reasonable doubt that this was a lie.

3 Count 2. During that same morning and later in
4 his testimony the prosecutor asked the defendant a series of
5 questions about a voter named Nasro Jama. The prosecutor
6 asked first, "I am talking about if you picked up an
7 absentee ballot and brought it to Nasro Jama. Did you do
8 that?"

9 The defendant answered, "I got the absentee ballot
10 from the elections office and took it to Nasro Jama."

11 The prosecutor again asked, "So you're saying that
12 you picked up a blank absentee ballot from the election
13 office and you brought that directly to Nasro Jama?"

14 And the defendant answered, "You know, from what I
15 remember, if my memory is correct, I remember Nasro Jama was
16 the one who filled out the absentee ballots -- or the
17 absentee ballot, sealed it up, and then told me to drop it
18 off for her."

19 The evidence will show beyond a reasonable doubt
20 that the defendant's answers were lies.

21 So why does it matter that the defendant lied to
22 the grand jury? In the United States we have a
23 one-person/one-vote system. And over the course of the
24 trial, you will learn and see that the evidence will show
25 that the grand jury was investigating the agent delivery

1 process. They were investigating its use during the
2 August 11th primary in the City of Minneapolis. The grand
3 jury was trying to figure out what happened.

4 You will learn that the members of the grand jury
5 themselves asked the defendant questions. They were trying
6 to figure out what happened. Where did the ballots that the
7 defendant turned in come from? Where did he get those
8 ballots? Who filled out those ballots, if it wasn't the
9 voters themselves?

10 The evidence will show you beyond a reasonable
11 doubt that the lies that the defendant told to the grand
12 jury were about information at the very heart of the grand
13 jury's investigation. You will see that the defendant lied
14 and lied and lied while under oath before the grand jury
15 about information that was material to the grand jury's
16 investigation.

17 And at the end of the trial we will have the
18 chance to come before you again and we will ask you to
19 return the only verdict that is consistent with this
20 evidence; That's a verdict of guilty.

21 Thank you.

22 THE COURT: Mr. Clippert, opening statement? You
23 may proceed.

24 MR. CLIPPERT: May it please the court. Counsel.
25 You've heard the parties in this case. It's the

1 United States of America versus Muse Mohamed. Just think
2 about that. It's the United States of America versus Muse
3 Mohamed.

4 And the government did a real nice job of laying
5 out this agency voting process, so I'm not going to spend a
6 lot of time talking about that, but that's going to be an
7 important issue before this case.

8 And I'm going to ask you to pay close attention to
9 the witnesses, pay close attention to the testimony that's
10 offered from that stand, carefully consider the exhibits,
11 because there's going to be quite a few exhibits offered.
12 You are going to have to look at those exhibits in context
13 and in light of all the other evidence that's presented and
14 the testimony that's been presented. And I'm being very
15 brief because the government did a very good job.

16 And once we're done with the presentation of
17 evidence, I have a chance to come back and I'm going to be
18 making arguments as to why the government has not proven the
19 case beyond a reasonable doubt, and I'll be asking for a not
20 guilty verdict.

21 Thank you.

22 THE COURT: The government may call its first
23 witness.

24 MS. MUNOZ: Thank you, Your Honor. We have a
25 number of stipulated exhibits, if we can put those on the

1 record first.

2 THE COURT: You may do so.

3 MS. MUNOZ: And I'll get set up while Ms. Wegner
4 is moving.

5 THE COURT: Thank you.

6 MS. MUNOZ: Your Honor, if I may get a little
7 assistance from our technical support person?

8 THE COURT: Sure.

9 MS. MUNOZ: Thank you, Your Honor.

10 (Off the record)

11 MS. MUNOZ: Your Honor, I believe it may be an
12 issue with the court's IT system.

13 THE COURT: Just a moment.

14 MS. MUNOZ: Thank you.

15 THE COURT: Sorry, everyone. This is harder than
16 it looks.

17 MS. MUNOZ: We're in business, Your Honor. Thank
18 you.

19 THE COURT: All right. Great. Thank you.

20 MS. MUNOZ: The parties have stipulated to several
21 exhibits. If we can put those into the record now?

22 THE COURT: Go ahead.

23 MS. MUNOZ: And so with respect to Government
24 Exhibit Number 23, that is the stipulation itself, and the
25 stipulation is with respect to Exhibits 1 through 4. And so

1 if I may, I can read the stipulation into the record.

2 THE COURT: You may do so.

3 MS. MUNOZ: So I'm pulling it up on the screen now
4 and it reads: The United States of America, by and through
5 its attorneys, Andrew M. Luger, United States Attorney for
6 the District of Minnesota, and Assistant United States
7 Attorneys Angela Munoz, Kimberly Svendsen and Allison Ethen,
8 and defendant Muse Mohamud Mohamed, by and through his
9 attorney Charles Clippert, hereby agree as follows:

10 The defendant Muse Mohamud Mohamed testified
11 before a federal grand jury in the State and District of
12 Minnesota on September 30th, 2021, and again on
13 October 14th, 2021. The parties agree that the transcripts
14 of the defendant's testimony before the grand jury were
15 created and that the transcripts are complete and accurate
16 representations of what was said aloud during the
17 proceedings. And that is signed by the parties and
18 Mr. Mohamed on page 2.

19 THE COURT: And so you are offering 23?

20 MS. MUNOZ: Yes, Your Honor.

21 THE COURT: Any objection?

22 MR. CLIPPERT: No objection.

23 THE COURT: 23 is admitted.

24 MS. MUNOZ: And this stipulation represents and
25 relates to Government Exhibits 1, 2, 3 and 4. And so the

1 government moves for the admission of those exhibits at this
2 time.

3 THE COURT: Any objection?

4 MR. CLIPPERT: Other than what we've discussed
5 earlier, Your Honor.

6 THE COURT: Thank you.

7 Exhibits 1 through 4 are admitted. And admitted
8 exhibits may be published to the jury at appropriate times.

9 MS. MUNOZ: Thank you, Your Honor.

10 I have one more set of exhibits to cover, and
11 these are exhibits that the parties have agreed to and
12 stipulated to their foundation separate from a stipulation,
13 and those exhibits are 16, 17, 18, 19, 21, 22 and 24. And
14 so the government moves the admission of those exhibits at
15 this time.

16 THE COURT: Any objection?

17 MR. CLIPPERT: No objection, Your Honor.

18 THE COURT: 16, 17, 18, 19, 21, 22 and 24 are
19 admitted. And, again, they may be published to the jury at
20 the appropriate time.

21 MS. MUNOZ: Thank you, Your Honor. The government
22 is prepared to call its first witness.

23 THE COURT: Go ahead.

24 MS. MUNOZ: And it's Jon Martin.

25 THE COURT: Jon Martin. Thank you.

1 MS. MUNOZ: Thank you.

2 THE COURT: Good afternoon. I'm going to have you
3 just come all the way forward and stay standing to take the
4 oath before you're seated in the witness chair. Can you
5 raise your right hand for me?

6 JON MARTIN,
7 called on behalf of the government, was duly sworn, was
8 examined and testified as follows:

9 THE WITNESS: I do.

10 THE COURT: Thank you. You can come on up to the
11 witness chair. And I'll have you turn that microphone on.
12 Is it on?

13 THE WITNESS: Yes.

14 THE DEFENDANT: All right. Could you state and
15 spell both your first and last name for the record, please?

16 THE WITNESS: Sure. My name is Jon Martin. It's
17 spelled J-O-N and, Martin, M-A-R-T-I-N.

18 THE COURT: Ms. Munoz, you may inquire.

19 MS. MUNOZ: Thank you, Your Honor. If I may
20 approach the witness with the binder of exhibits. It's
21 Exhibits 6 through 14. I've shown defense counsel already.

22 THE COURT: You may do so.

23 MS. MUNOZ: Thank you.

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A. In my position I have two main duties; that is, I oversee the city's absentee vote-by-mail program, which is if voters want to vote by mail, they go through my program. And also I oversee our absentee ballot board, which is the group that accepts and rejects and then also counts all of our absentee ballots.

1 And then beyond that, I have responsibilities
2 overseeing the city's mental health care facility voting
3 program, which is where we go to nursing homes in the city
4 to administer absentee voting, and then also oversee agent
5 delivery for the City of Minneapolis.

6 Q. Have you held any previous positions with the elections
7 services division?

8 A. Yes. From May of 2016 through -- to June of 2019 I was
9 a temporary employee for the City of Minneapolis' elections
10 division.

11 Q. Do you have an office?

12 A. Yes.

13 Q. Where is your office located?

14 A. The address is 980 East Hennepin Avenue in Minneapolis.

15 Q. What part of the city is your office in?

16 A. It is really on the border between northeast and
17 southeast Minneapolis.

18 Q. I'm going to show you what's already been admitted as
19 Government Exhibit Number 22. It will pop up on the screen
20 in front of you. Can you tell us what we're seeing in this
21 exhibit?

22 A. That is the Minneapolis Elections & Voter Services
23 office, along with our main early vote center.

24 Q. And so this is where you work?

25 A. Yes. Correct.

1 Q. What types of election activities happen at this office?

2 A. So at this office we have all of our functions, so our
3 administrative functions, our early vote center, and so
4 there -- our elections warehouse is there. This is where
5 all of our election judges come in to be trained. This is
6 also where we do most of our absentee mail functions and
7 also where voters can come for agent delivery.

8 Q. Are any papers stored at this office?

9 A. Yes. All of our election records are stored in this
10 office in our ballot vault.

11 Q. Can you tell the members of the grand jury what a
12 "ballot vault" is?

13 A. So a "ballot vault" is a secured vault where we store
14 both our blank ballots, our voted ballots, our absentee
15 ballot applications, our signature envelopes and other
16 various materials both used on voting through the absentee
17 voting process and also on election day, and then we retain
18 those records for 22 months.

19 Q. Can people actually go to 980 East Hennepin to cast
20 their ballots?

21 A. Yes. So starting 46 days prior to election day, which
22 is the start of the absentee voting period, through the
23 Monday before election day, voters can go to our early vote
24 center, which is the right-hand-side door, at our office and
25 they can cast a vote early in person.

1 Q. Do any voters in the City of Minneapolis have the
2 980 East Hennepin building as their assigned voting place?

3 A. No.

4 Q. Were you employed as a supervisory election
5 administrator for the City of Minneapolis in August of 2020?

6 A. I was, yes.

7 Q. What happened on August 11th, 2020?

8 A. On August 11th of 2020, that was the election date for
9 the 2020 primary election.

10 Q. And were there any other elections that happened on
11 August 11th?

12 A. So running concurrently with the primary was also the
13 Ward 6, special election for the Ward 6 city council seat.

14 Q. And was the Ward 6 city council seat part of the
15 Minneapolis City Council?

16 A. Yes.

17 Q. Can you tell the members of the grand jury what a
18 "primary election" is?

19 A. So a "primary election" essentially functions to narrow
20 down the list of candidates who will then appear on the
21 general election ballot.

22 Q. And so this election, is that separate then from what
23 happens in November?

24 A. Correct. Yes.

25 Q. Who was on the ballot in the primary election for the

1 City of Minneapolis on August 11th?

2 A. So the ballot was a two-sided ballot. On the front side
3 were partisan races. So there was a primary for the U.S.
4 Senate. There was also a primary for the U.S. House of
5 Representatives District 5. And then depending on where
6 someone lived, they may have also had a primary for the
7 state house and the state senate.

8 And then on the backside of the ballot are the
9 non-partisan races. And all Minneapolis voters would have
10 had a primary for the at-large in Special School District 1.
11 And then also depending on where they lived, they may have
12 had a primary for the Fourth District School Board. And
13 then if they lived in Ward 6, they would have also had the
14 Ward 6 special election.

15 Q. So I think it's safe to say from your testimony, but
16 I'll ask the question anyway, does the ballot itself differ
17 depending on where somebody lives in Minneapolis?

18 A. Yes.

19 Q. All right. I'm going to show you Government Exhibit
20 Number 16, and this will pop up on your screen. This one
21 has already been admitted into evidence. What do we see
22 here on the screen?

23 A. This is a sample ballot of an official ballot for the
24 2020 August primary.

25 Q. And what is the difference between a sample ballot and

1 the official ballot?

2 A. The sample ballot is something that we give to voters
3 who just want to see the ballot. On the ballot diagonally
4 written it says "sample." If someone tried to turn this in
5 as their official ballot, we would not accept it. It's also
6 printed on like regular paper, where an actual ballot is
7 printed on thicker paper.

8 Q. All right. So let's start with the top of the document.
9 What is the date for this ballot?

10 A. The date is August 11th, 2020.

11 Q. And so is this for the primary election that we've just
12 been talking about?

13 A. It is, yes.

14 Q. All right. Can you describe for us, now that we have
15 the ballot in front of us, what do we see on page 1 of
16 Government Exhibit Number 16?

17 A. On page 1 is the partisan side. So there are four
18 columns, one for each of the four major parties in
19 Minnesota. Voters have to choose one party to vote in for
20 all of the races in that column. They can't like vote in
21 different columns; if they do, it would invalidate their
22 vote on this side of the ballot.

23 Q. Let's go to the bottom of the page where I'm
24 highlighting now Minneapolis W-6 P-08 1640. Can you explain
25 for the members of the jury what this means?

1 A. So the W in that is ward, and the P in that is precinct.
2 That means that this is a Ward 6 Precinct 8 ballot.

3 Q. All right. Let's turn to the backside, which is
4 Government Exhibit 16, page 2. What do we see here? And I
5 will highlight the middle section here, and I'll ask you to
6 tell us about the Special Election For Council Member
7 Ward Six section.

8 A. So this is the non-partisan side of the ballot for this
9 particular ballot. Because it was a Ward 6 Precinct 8
10 ballot, they had the Ward 6 special election on their
11 ballot; and that election used the ranked-choice voting
12 method, which is why you see three columns with identical
13 names in each of the columns.

14 Q. So is this the ballot that was used for in-person
15 voting?

16 A. Yes.

17 Q. And is it also the same ballot used for absentee voting?

18 A. Yes.

19 Q. Can you explain to the jury the ways in which voters
20 could cast their ballot in the August 11th, 2020, primary?

21 A. So folks could either go on election day to their normal
22 polling place to vote. Then they could also use one of the
23 various methods of absentee voting. That includes voting
24 early in person at our early vote center. Also, they could
25 vote at the Hennepin County Government Center. They could

1 apply for a ballot through the mail and vote that way. And
2 then there are some other ways, if they meet certain special
3 criteria. If they are stationed overseas or in the
4 military, they can vote using the UOCAVA method. Also, if
5 they live in a nursing home, they could vote using the
6 health care facility voting method. There's a safe-at-home
7 method, which is administrated by the State of Minnesota.
8 And then also starting the last seven days of the election
9 folks could vote using the agent delivery method as well.

10 Q. Let's talk about that last method. We'll shift gears to
11 there. Can you give the jury an overview of the agent
12 delivery method for absentee voting?

13 A. So starting seven days prior to election day, a voter
14 can ask an agent that they know to pick up a ballot for them
15 and then bring that ballot to the voter, and then the agent
16 would bring the ballot back to our office. They can do that
17 starting seven days before election day. And then the
18 pick-up deadline is 2:00 p.m. on election day itself. And
19 the voter and the agent have to meet certain criteria to be
20 able to do this process.

21 Q. All right. I'm going to show you now what's been
22 admitted as Government Exhibit 21, and here is page 1.
23 Prior to coming in to testify today, did you have the chance
24 to look at Government Exhibit 21?

25 A. Yes, I did.

1 Q. Does this exhibit accurately describe the steps in the
2 agent delivery process for absentee voting in the State of
3 Minnesota?

4 A. Yes, it does.

5 Q. All right. Let's walk through this exhibit then.
6 Before we get into the mechanics of agent delivery process,
7 let's start with the people. So can you tell us who are the
8 two main roles in the agent delivery process?

9 A. So the two main roles, one is the agent and then the
10 other is the voter.

11 Q. What qualifications make someone eligible to be an
12 agent?

13 A. So an agent has to be at least 18 years old, they cannot
14 be a candidate for election, and they have to have a
15 preexisting relationship with the voter.

16 Q. What makes a voter eligible for the agent delivery
17 process?

18 A. So a voter has to either live in a nursing home, an
19 assisted living home, a battered women's shelter, a group
20 home, or the voter could be in the hospital, or the voter
21 could have some like health reason where they were unable to
22 go to their polling place on election day.

23 Q. Let's shift then to page 2 of Exhibit Number 21. How
24 many voters can an agent deliver ballots to?

25 A. An agent can deliver ballots for up to three voters per

1 election.

2 Q. Let's walk through then the steps in this process that
3 we've talked a little bit about already. We'll go to page 3
4 of Government Exhibit Number 21. So what is the first step
5 in the process with respect to what the voter needs to do?

6 A. So the voter needs to fill out and then give to their
7 agent an Absentee Ballot Application and then a Request for
8 Agent Delivery form.

9 Q. Does the voter need to initiate the agent delivery
10 process?

11 A. Yes.

12 Q. All right. I'm going to show you two exhibits now at
13 the same time. Both of them have been admitted into
14 evidence. All right. The other exhibit I've pulled up is
15 Government Exhibit 21 and Government Exhibit Number 17.

16 Let's walk through Government Exhibit Number 17
17 now. What is this form?

18 A. This is the Request for Agent Delivery form that the
19 voter needs to fill out to initiate the agent delivery
20 process.

21 Q. What are the instructions at the top of this page?

22 A. It says that the voter is asking an agent to come and
23 pick up a ballot for them and then bring the ballot to the
24 voter, and then they'll vote, and then the voter will bring
25 the ballot to our office.

1 Q. The qualifications that you covered with respect to the
2 agent, is that covered in the instructions on this page?

3 A. Yes, it is.

4 Q. Who fills out this form?

5 A. The voter is the one to fill out the form. If the voter
6 needs help filling out the form, they can have someone
7 assist them in filling out the form.

8 Q. So in the first box on the top of the page that follows
9 after I -- it's between -- there's "I," and then there's a
10 box, and then "certify." What goes in that first box?

11 A. That is where the voter puts their name.

12 Q. What is the next part of the form with the three
13 circles?

14 A. So that is the voter must choose which reason, which
15 qualification they meet for the agent delivery process, and
16 they would check the box for which one; and if their choice
17 was either the first one, they need to put the name of the
18 nursing home where they're at; or if it's the second one,
19 they also need to put the name of the facility where they
20 are at.

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1 Q. All right. So if we have "I," voter, and then they mark
2 one of the special situations, the form then goes on to say,
3 "and request that the auditor or clerk provide an absentee
4 ballot in a sealed transmittal envelope to my agent." And
5 then there's another box sort of midway down the page.
6 Whose name goes in that second box?

7 A. That is the name then of the agent that the voter is
8 designating.

9 Q. And with the final part of the form, "for delivery to me
10 during the seven days before the election or before
11 2:00 p.m. on election day. I certify that I have a
12 preexisting relationship with this person." Who is making
13 that certification?

14 A. The voter.

15 Q. Finally, whose signature goes in the bottom of the form?

16 A. So the voter would then sign and date. If the voter is
17 unable to sign, they could have someone help them sign or
18 sign on their behalf. If that does happen, the person who
19 is signing on behalf of the voter needs to note that on the
20 form as well.

21 Q. And so what is the voter certifying by submitting this
22 paper to election officials?

23 A. They are certifying that they meet one of the three
24 criteria for agent delivery and that they are designating a
25 specific person for the process -- to be their agent.

1 Q. Let's move then to Government Exhibit Number 18, which
2 has already been admitted into evidence. What is Government
3 Exhibit Number 18?

4 A. This is the 2020 Absentee Ballot Application.

5 Q. Whose information goes on this form?

6 A. The voter's information goes on this form.

7 Q. And what types of information does this application ask
8 of the voter?

9 A. So it asks them what ballot the -- what election the
10 voter wants a ballot for. It asks for their name, their
11 birth date, the county that they live in, their email, their
12 address, if they wanted the ballot mailed to them, what that
13 address would be. And then the voter certifies that they
14 meet the qualifications at the bottom, and then they sign
15 and date.

16 Q. All right. So the certification that comes from the
17 voter is in which box there on this form?

18 A. In Box 7.

19 Q. And, again, who signs at the bottom near the X in Box 7?

20 A. The voter signs there. And like the other form, if the
21 voter has trouble signing or can't sign, they can have
22 someone sign on their behalf; and then that person needs to
23 denote that they are signing on behalf of the voter.

24 Q. So let's circle back then to Government Exhibit
25 Number 21 on page 3.

1 So once the voter gives the agent those two pieces
2 of paper, what does the agent then do?

3 A. So the agent would bring those pieces of paper to either
4 our office or the Hennepin County Government Center. The
5 voter could like email or fax us the paperwork ahead of
6 time, if they choose. Most of the time they just show up at
7 our office, and then they would present that to our staff
8 member at the front desk to initiate the agent delivery
9 process on our end.

10 Q. So once an agent arrives at your office and interfaces
11 with the staff member, what happens?

12 A. So once the paperwork is presented to a staff member, we
13 then fill out an agent delivery pick-up and return log where
14 we record the name of the agent, the agent's address, and
15 then the names and addresses of all of the voters that they
16 are picking up ballots for. And also on that form we note
17 the date that they are going to -- that they are picking up
18 the ballot, and then the agent signs the ballot -- signs the
19 form.

20 Q. And at some point do they receive then the absentee
21 ballot?

22 A. Yes. So once all this is being -- the form is being
23 filled out, other staff members are processing the Absentee
24 Ballot Application in our voter systems called the Statewide
25 Voter Registration System. And once that has been

1 processed, the last step of the process is that we give the
2 agent the ballots, or one ballot, up to three, in sealed
3 envelopes that they can then bring to the voter.

4 Q. So what is the agent supposed to do per the agent
5 delivery process once they receive those blank ballots?

6 A. Once they have received the ballots, they are then
7 supposed to bring the ballot or ballots to the agents that
8 they are -- sorry -- to the voters that they are serving.

9 Q. Who is responsible for filling out the ballot?

10 A. The voter is.

11 Q. I'm going to show you what's already been admitted into
12 evidence as Government Exhibit Number 19. Can you tell the
13 members of the jury what they are seeing on their screen?

14 A. So this is a signature envelope. It's used in the
15 absentee voting process. Along with this envelope, there
16 are some more envelopes, but ultimately the voter's ballot
17 is put inside this signature envelope, and then the various
18 boxes on the front of the signature envelope are filled out
19 by the voter. And then at the bottom there is a -- the
20 bottom half is a witness section. The witness would fill
21 that out. In 2020 there was no witness section. The
22 witness requirement was removed for registered voters
23 because of COVID, but normally they would need to have a
24 witness as well.

25 Q. So if one were actually voting, they would receive as

1 part of their materials an actual envelope; is that correct?

2 A. Correct.

3 Q. Are we seeing a photocopy on the screen today?

4 A. Yes.

5 Q. All right. So you mentioned a couple parts of these

6 forms. Let me make those a little bit larger, and we will

7 talk about those. So in the top half where it reads, "Voter

8 must complete this section," whose information goes in that

9 section of the envelope?

10 A. That would be the voter section for these, because when

11 we process the application in our, in the SVRS system, we

12 will print out a barcode label, which will have the voter's

13 name and address, and where -- in that section is where we

14 put that label.

15 Q. What is the reference to "Agent name" on the envelope?

16 A. That is referencing the name of the agent that the voter

17 designated on the Request for Agent Delivery form.

18 Q. And whose signature goes next to the X at the bottom of

19 this first box?

20 A. The voter's signature goes there.

21 Q. Is the envelope that we're seeing on the screen specific

22 to the agent delivery process for voting?

23 A. Yes, it is.

24 Q. How do you know that?

25 A. Two reasons. One, there in the top half it says "Agent

1 name." And then in the bottom right-hand corner it will
2 say, "Signature Envelope - Agent Delivery, Registered."

3 Q. So I'm going to highlight this bottom section under the
4 For Official Use Only. Is that the place that you are
5 referencing?

6 A. Yes.

7 Q. All right. So let's talk about what we've got on the
8 screen. Who is responsible for filling out the For Official
9 Use Only section?

10 A. The For Official Use section is filled out by members of
11 the absentee ballot board when they go to accept or reject
12 the ballot.

13 Q. And what type of information goes in here?

14 A. They would either check the box "accept" or "reject,"
15 and then they would initial. If the ballot was rejected,
16 they would also write the reason why the ballot was
17 rejected.

18 Q. At what phase of the election process and the voting
19 process is that rectangle used?

20 A. This is used when the agent returns the ballot to our
21 office. The ballot is then accepted or rejected either that
22 same day or the next day, depending on when -- what time we
23 get the ballot back.

24 Q. Let's then jump to the middle of the envelope where it
25 says, "Witness must complete this section." Whose

1 information goes here?

2 A. That would be the person that the voter chose to be
3 their witness, would fill out that section and then sign it.

4 Q. And I believe you testified about what happened with
5 respect to this situation during COVID. Could you explain
6 to the members of the jury whether this needed to be filled
7 out for the August 11th primary election?

8 A. This witness section for the August 11th primary did not
9 need to be filled out if the voter was registered to vote.

10 Q. Can you tell the members of the jury what records are
11 retained by the city with respect to these election records?

12 A. Sure. So the city will retain the Request for Agent
13 Delivery form. We retain the Absentee Ballot Application
14 itself. We retain the agent pick-up and drop-off logs. We
15 also retain the signature envelopes, and then we retain the
16 ballots themselves.

17 Q. In the course of the city's business in maintaining
18 these records, are all of the materials kept together or do
19 you have them in separate places?

20 A. They are all kept in our vault. They are kept in
21 different boxes in the vault. So we keep the ballots in
22 one, like, box. We keep the signature envelopes in, like,
23 signature envelope boxes. We keep the applications in an
24 application box. And then the Request for Agent Delivery
25 form and the logs, we keep those in binders, which are also

1 stored in the vault.

2 Q. So the ballots themselves, so what we saw in Government
3 Exhibit Number 16, once those are completed and turned in,
4 are they kept separate then from the rest of the materials
5 that have somebody's identifying information on them?

6 A. Yes. So during the -- in the last week of the election
7 is when the absentee ballot board will count all of the
8 absentee votes. And the first step in that process is that
9 we separate the ballots from the signature envelopes that
10 have the voter's identifying information, so we don't -- we
11 can't trace back which ballot belongs to which voter, for
12 secrecy and privacy reasons.

13 Q. Let's go then to the final page of Government
14 Exhibit 21, which is page 4. When is the agent delivery
15 process available in the State of Minnesota?

16 A. The agent delivery process starts a week prior to
17 election day.

18 Q. When are ballots due then?

19 A. The agent has to return the ballot to our office by
20 3 p.m. on election day.

21 Q. All right. Does the City of Minneapolis maintain
22 records of material submitted during the agent delivery
23 process for the August 11th, 2020, primary election?

24 A. Yes, we do.

25 Q. All right. If you could take a look at -- actually,

1 before we get to the papers in front of you, I'll ask one
2 more question. Does the City of Minneapolis have records
3 that Muse Mohamed acted as an agent in the agent delivery
4 process for the August 11th, 2020, primary?

5 A. Yes, we do.

6 Q. What records does the city have for Muse Mohamed?

7 A. We have the Request for Agent Delivery for the three
8 voters that designated him as their agent. We have three --
9 we have those voters' three Absentee Ballot Applications.
10 And we have an agent pick-up log where we've recorded all of
11 those names and the agent's information. And then we have
12 two signature envelopes for two of the voters that he
13 served.

14 Q. All right. So I brought a binder up to you once you sat
15 down, and that has Government Exhibits 6 through 14. Could
16 you please page through, and I have some questions for you
17 about those, but just familiarize yourself with them first,
18 please.

19 A. Yes.

20 Q. All right. Do you recognize these documents?

21 A. Yes.

22 Q. Can you tell us what they are?

23 A. These are the Request for Agent Delivery forms, the
24 agent ballot -- sorry -- the agent pick-up and drop-off
25 logs, the applications and the signature envelopes for the

1 voters that Muse Mohamed served as the agent.

2 Q. Are these true and accurate copies of what is in the
3 city's election records?

4 A. Yes.

5 MS. MUNOZ: Your Honor, the government moves to
6 admit Government Exhibits 6 through 14 at this time.

7 THE COURT: Any objection?

8 MR. CLIPPERT: No objection.

9 THE COURT: 6 through 14 are admitted and may be
10 published.

11 MS. MUNOZ: Thank you, Your Honor.

12 BY MS. MUNOZ:

13 Q. All right. Mr. Martin, let's begin with Government
14 Exhibit Number 6. I'll pull that up on the screen. Can you
15 tell the members of the jury what we see on the screen right
16 now?

17 A. This is the agent ballot return and pick-up log that is
18 filled out, which documents the name of the agent and then
19 the voters that the agent is serving.

20 Q. Where is this log maintained?

21 A. This is maintained at our elections office, and then
22 also Hennepin County will maintain one for the agents that
23 they process.

24 Q. And so did this come from the records at 980 East
25 Hennepin?

1 A. Yes.

2 Q. At what point in the agent delivery process is this log
3 used? Can you please remind us?

4 A. So this log is used and filled out when the agent comes
5 to our office with the voter's Absentee Ballot Application
6 and their Request for Agent Delivery form.

7 Q. Let's start at the top of the paper where there's
8 "Agent" and a line. Whose information goes there?

9 A. That is the name of the agent would go there.

10 Q. And who is the agent for this log in Government
11 Exhibit 6?

12 A. Muse Mohamed.

13 Q. Let's cover this first box where we have Date of Pick-Up
14 of 8/5/2020. What is the information that we're seeing here
15 in the first box?

16 A. So in the first box, the Date of Pick-Up, is when the
17 agent comes to pick up the ballot for the voter.

18 The Agent Name is where the agent's name is
19 written.

20 The Agent Address is the address that the agent,
21 that belongs to the agent.

22 The Agent Signature is where the agent signs.

23 And then Absent Voter Name is the name of the
24 voter that they are picking up a ballot for.

25 Absent Voter Address is the address for the voter

1 that they are picking up a ballot for.

2 And then the Sign/Date of Drop-Off is the date
3 when the agent is returning the ballot, and then they also
4 have to sign again.

5 Q. So does the agent sign this paper on two occasions?

6 A. Yes.

7 Q. And what are those two occasions?

8 A. They will sign it when they are picking up a ballot, and
9 then they would sign it when they come back to our office to
10 drop off the ballot.

11 Q. So looking at this agent return log for Muse Mohamed,
12 how many ballots did Muse Mohamed pick up?

13 A. Three.

14 Q. And who were they for?

15 A. The ballots were picked up for Nasro Jama, for Sakariye
16 Ahmed and then for Abdiriman Muse.

17 Q. And is Mr. Ahmed the second box here?

18 A. Yes.

19 Q. All right. Does the City of Minneapolis have a record
20 of Mr. Mohamed returning a ballot for Mr. Ahmed?

21 A. Yes.

22 Q. And where do we see that?

23 A. That is on the other side of Exhibit 6.

24 Q. Let's go to page 2 then of Government Exhibit 6. Can
25 you tell the grand jury what -- I'm sorry. Can you please

1 tell the members of the jury what is documented on page 2?

2 A. On the second page of Exhibit 6, this is -- it documents
3 when Muse Mohamed dropped off the ballot for Mr. Ahmed.

4 Q. So in looking at the total of Government Exhibit 6, how
5 many ballots did Muse Mohamed pick up?

6 A. Three.

7 Q. How many ballots did Muse Mohamed turn back in?

8 A. Two.

9 Q. And on what days did Muse Mohamed pick up the ballots,
10 all three of the ballots?

11 A. He picked up all three ballots on August 5th.

12 Q. What date did he turn Nasro Jama's ballot in?

13 A. August 11th.

14 Q. And going to page 2 of Government Exhibit 6, what date
15 did Muse Mohamed turn in Mr. Ahmed's ballot?

16 A. August 6th.

17 Q. Let's turn now to a set of exhibits. We'll go to
18 Government Exhibits 7, 8 and 9. Are these the materials
19 that were in the city's election records for Nasro Jama?

20 A. Yes.

21 Q. Let's start with Number 7. What is on the screen in
22 front of us?

23 A. This is Nasro Jama's Request for Agent Delivery form.

24 Q. What is the voter name that was put on this paper?

25 A. Nasro Jama.

1 Q. And what is the reason that's being provided for the
2 need for agent delivery?

3 A. That they would have difficulty getting to the polls
4 because of incapacitating health reasons or they have a
5 disability.

6 Q. And who is identified as the agent for Nasro Jama?

7 A. Muse Mohamed.

8 Q. Going to Government Exhibit Number 8, what is Government
9 Exhibit Number 8?

10 A. Number 8 is Nasro Jama's Absentee Ballot Application.

11 Q. Is this signed by -- is this document signed?

12 A. Yes.

13 Q. And is it dated?

14 A. Yes.

15 Q. What is the date on this application?

16 A. It looks like 7/13/20.

17 Q. Was this application turned into election officials?

18 A. Yes.

19 Q. How do you know that?

20 A. There is a "received" date stamp on the, in the box of
21 Box 7. Also, the official use section is filled out. And
22 then towards the top of the application there is a barcode
23 label, and then handwritten above Minnesota is the word
24 "Agent."

25 Q. All right. Let's take those in reverse order here. So

1 I'm highlighting the top of the screen where there's
2 handwriting that says "Agent." Who puts that writing on the
3 paper?

4 A. That is either myself or one of the staff who helps with
5 the agent delivery process.

6 Q. And at what point in time does that handwriting go on
7 the piece of paper?

8 A. When we receive the application and when we're about to
9 process it.

10 Q. You also testified about a barcode and a sticker. Is
11 that what we see on the upper right-hand corner of the
12 paper?

13 A. Yes.

14 Q. And where does that information get generated from?

15 A. That is generated from the SVRS system, and that is
16 their application label, and each voter would have a unique
17 barcode assigned to their record.

18 Q. All right. Turning to page -- or Box Number 7, is this
19 where the stamp appears from your office?

20 A. Yes.

21 Q. And what does the stamp signify?

22 A. It signifies that we have received the Absentee Ballot
23 Application and the date that we received it.

24 Q. And what date was this application received?

25 A. August 5th of 2020.

1 Q. Let's go to the bottom part of the form where there's
2 the official use section. What does this section tell us
3 about when the application was received?

4 A. It tells us that it was received on August 5th.

5 Q. And does it convey whether or not a ballot was issued?

6 A. Yes. It also issued on August 5th.

7 Q. And who are the initials?

8 A. That is the initials of the staff member who processed
9 this application.

10 Q. Okay. And in the typed box, sort of in the middle of
11 what we've highlighted here, what does the M stand for?

12 A. M stands for municipal, since it was issued by a city.

13 Q. And does it include information about the precinct and
14 school district?

15 A. Yes.

16 Q. And is that handwritten in by election officials --

17 A. Yes.

18 Q. -- or somebody on your team?

19 A. Yes. Correct.

20 Q. Let's go to Government Exhibit Number 9. What do we see
21 in Government Exhibit Number 9?

22 A. So this is the signature envelope associated with Nasro
23 Jama.

24 Q. Who is listed as the agent on the signature envelope?

25 A. Mohamed Muse -- or Muse Mohamed. Sorry.

1 Q. And let's go here and the Agent name. What is actually
2 written in the Agent name?

3 A. His first name Muse.

4 Q. What is the voter signifying here when they signed in
5 the box?

6 A. They are signifying that this is their ballot and that
7 they've filled it out.

8 Q. Who is listed as the witness in Government Exhibit
9 Number 9?

10 A. The witness is listed as Mustafa Hassan.

11 Q. And is that -- should that be the witness's address
12 that's written in the address section of this part of the
13 envelope?

14 A. Yes.

15 Q. And who is then supposed to sign by the X?

16 A. The witness.

17 Q. In looking at Government Exhibit Number 9, can you tell
18 whether or not this envelope was turned into election
19 officials?

20 A. Yes, it was.

21 Q. And how do you know that?

22 A. Because the Official Use section was filled out.

23 Q. All right. Let's turn to that section. So can you
24 explain for the jury what is -- what the handwriting is on
25 this envelope?

1 A. So this envelope was initially accepted by two members
2 of our absentee ballot board on August 11th. However,
3 during the course of the day we -- I got word from Hennepin
4 County elections that this voter had also gone --

5 MR. CLIPPERT: Objection. Hearsay.

6 THE COURT: Sustained.

7 BY MS. MUNOZ:

8 Q. Let's start with the first -- I will ask a new question.
9 What is the marking on the "accepted" part of this section
10 of the envelope?

11 A. It was an X, and then it was crossed out.

12 Q. Okay. Was this ballot ultimately accepted?

13 A. No.

14 Q. Why?

15 A. Because the voter had voted on election day as well.

16 Q. What are the sets of writing on the line after "reason"?

17 A. Already voted and also -- sorry. That is the initials
18 of the two members of the absentee ballot board who
19 inspected this envelope.

20 Q. Okay. So just to be clear, on the line behind "reason,"
21 are those the initials?

22 A. Yes.

23 Q. And then what is the handwriting underneath the box?

24 A. Underneath the box is the reason for why it was
25 rejected.

1 Q. And why was it rejected?

2 A. Because the person already voted.

3 Q. Let's turn to Government Exhibits Number 10 and 11 next.

4 Are these the materials in the city's election records for
5 Abdiriman Muse?

6 A. Yes.

7 THE COURT: One moment. Thank you.

8 MS. MUNOZ: We're going to take just one moment
9 here.

10 Thank you, sir.

11 BY MS. MUNOZ:

12 Q. So turning to Government Exhibit Number 10, who is the
13 voter identified on Government Exhibit 10?

14 A. Abdiriman Muse.

15 Q. What is the reason that's being provided for the need
16 for agent delivery?

17 A. That they would have difficulty getting to the polls
18 because of incapacitating health reason or disability.

19 Q. Who is the agent that's identified in Government
20 Exhibit 10?

21 A. Muse Mohamed.

22 Q. And who would be the person to sign or who should have a
23 signature at the bottom of the form?

24 A. The voter.

25 Q. On what date was this signed?

1 A. August 5th.

2 Q. Turning to Government Exhibit Number 11, what do we see
3 here?

4 A. This is Abdiriman Muse's Absentee Ballot Application.

5 Q. Was this application signed and dated?

6 A. Yes.

7 Q. And what date is on this application?

8 A. July 3rd of 2020.

9 Q. Was this application turned in?

10 A. Yes.

11 Q. How do you know that?

12 A. Like the other, it has a date stamp when it was
13 received, and then towards the top it has handwritten
14 "Agent" and then our barcode label, and then the official
15 use section was also filled out.

16 Q. So turning and focusing on the official use section, on
17 what date was this application received?

18 A. August 5th.

19 Q. And was a ballot issued?

20 A. Yes.

21 Q. What date was the ballot issued?

22 A. Also August 5th.

23 Q. And then both of those dates are in 2020; is that right?

24 A. Yes.

25 Q. Did the City of Minneapolis's election records contain a

1 signature envelope for this voter?

2 A. No.

3 Q. What does that tell you about whether or not a ballot
4 was turned in?

5 A. That tells us that a ballot was not turned in by this
6 voter.

7 Q. All right. Let's shift now to Exhibits 12, 13 and 14.
8 Are these the materials that were in the city's election
9 records for Sakariye Ahmed?

10 A. Yes.

11 Q. Let's start with 12. All right. What is 12?

12 A. 12 is Sakariye Ahmed's Request for Agent Delivery.

13 Q. What is the reason that's being provided for the need to
14 use the agent delivery process?

15 A. That he would have difficulty getting to the polls
16 because of an incapacitating health reason or disability.

17 Q. And is this request also signed and dated?

18 A. Yes.

19 Q. What is the date on this one?

20 A. August 5th of 2020.

21 Q. Let's go to Government Exhibit Number 13. Who is the
22 voter for this document?

23 A. Sakariye Ahmed.

24 Q. Is this document signed and dated?

25 A. Yes.

1 Q. And what is the date on this one?

2 A. June 24th of 2020.

3 Q. Was this application turned in?

4 A. Yes.

5 Q. And how do we know that?

6 A. Like the others, there is a date stamp in the box around
7 Box 7. Towards the top there is handwritten "Agent" and
8 then also the barcode label, and at the bottom the official
9 use section is filled out.

10 Q. Let's turn our attention to the bottom of Exhibit 13.
11 What was the date that this application was received?

12 A. August 5th of 2020.

13 Q. And what date -- or did a ballot issue in response to
14 this application?

15 A. Yes.

16 Q. And on what date did that ballot issue?

17 A. August 5th of 2020.

18 Q. Moving to Government Exhibit Number 14, what is this?

19 A. This is Sakariye Ahmed's signature envelope.

20 Q. Who is listed as the agent on this envelope?

21 A. Muse Mohamed.

22 Q. Who is listed as a witness?

23 A. No one.

24 Q. Okay. Was a witness required at this time?

25 A. No.

1 Q. Turning to the Official Use section, can you tell us
2 what happened with this envelope and the ballot?

3 A. This ballot was accepted. The accepted box was checked.
4 And the two initials are the two members of our absentee
5 ballot board who inspected and then accepted this ballot.

6 MS. MUNOZ: Your Honor, if I may have one moment?

7 THE COURT: You may.

8 (Counsel confer)

9 BY MS. MUNOZ:

10 Q. Mr. Martin, we've been talking a lot about the agent
11 delivery process. Could you explain to the jury how
12 frequently the agent delivery process is used in elections,
13 in your experience?

14 A. It's not frequently used. It's not -- so for the 2020
15 primary we had a little over 500 agent ballots that were
16 requested. In total, there was over 84,000 absentee ballots
17 that we counted. So in the grand scheme of things, it is
18 not a lot, but it is a lot -- in 2020 for the 2020 primary
19 we had more than we had in previous years.

20 Q. How do the numbers for the use of the agent delivery
21 process in the August 2020 primary compare to the
22 November 2020 general election?

23 A. They -- in the August 2020 primary the numbers far
24 exceeded the numbers in the November general election by
25 possibly a factor of 3 or 4.

1 Q. All right.

2 MS. MUNOZ: Your Honor, I have no further
3 questions at this time. Thank you.

4 THE COURT: All right. At this time we're going
5 to take an afternoon break. So I'll ask you to come back at
6 3:30, and we'll resume with cross-examination by
7 Mr. Clippert.

8 All rise for the jury.

9 (Recess taken at 3:14 p.m. till 3:33 p.m.)

10 **IN OPEN COURT**

11 **(JURY PRESENT)**

12 THE COURT: You may all be seated.

13 And, Mr. Clippert, you may inquire. The podium.

14 MR. CLIPPERT: One second, Your Honor.

15 THE COURT: All right. From the podium.

16 MR. CLIPPERT: Pardon me?

17 THE COURT: From the podium.

18 MR. CLIPPERT: Yes.

19 THE COURT: Thank you.

20 CROSS-EXAMINATION

21 BY MR. CLIPPERT:

22 Q. Mr. Martin, I want to just follow up on a couple of
23 things. I think in August of 2020 we were kind of in the
24 middle of the COVID situation, right?

25 A. Yes.

1 Q. So we had some changes in the processing of ballots,
2 right?

3 A. Yes.

4 Q. That included not having to have a witness signature on
5 the envelopes, right?

6 A. Correct. For registered voters.

7 Q. Right. For the registered voters, correct. And then
8 was the witness requirement also done away with on the
9 absentee ballot request?

10 A. No.

11 Q. There wasn't one in that anyway, right?

12 A. No.

13 Q. Okay. But when you do an absentee ballot request, there
14 are some guardrails to protect to make sure the person who
15 is requesting the ballot is actually that person, right?

16 A. Yes.

17 Q. And so the voter has to either put in a driver's license
18 number; is that right?

19 A. Correct.

20 Q. Or a social security number, right?

21 A. Yes.

22 Q. And a lot of secretary of state's voter information is
23 available to the public, right?

24 A. Yes.

25 Q. I think you can go down to the office and pay a fee and

1 get certain information about a voter, right?

2 A. Yes, certain information. Correct.

3 Q. Just what information is available?

4 A. Their name, their year of birth, their address and their
5 first, last and middle name, also their voter history that
6 you can request, and their phone number I believe is also
7 publicly available.

8 Q. Okay. And the voter history is in whatever the last
9 election they voted in out of the last five?

10 A. It is, it is usually the last four or five. And you can
11 customize, like if you only care about even your
12 presidential elections, then you can ask that, or if you
13 care about municipal elections, yes.

14 Q. But the way the person voted, who the candidates that
15 person voted for, is not publicly available, right?

16 A. Correct. That is secret.

17 Q. Right. And then the social security number and the
18 driver's -- or the driver's license number, that's not
19 publicly available?

20 A. Correct; That is not public.

21 Q. When you've talked about voters -- allowing voters to
22 have other people fill out forms and sign forms for them,
23 can that include the agent?

24 A. Yes. It's -- yes.

25 Q. Yeah. And you talked about someone whose ballot was

1 rejected because they voted in person. There's nothing
2 wrong with submitting an absentee ballot and voting in
3 person, right?

4 A. No.

5 Q. Because you have a system in place to check that, right?

6 A. Yes.

7 Q. And people forget they vote absentee, right?

8 A. Yes.

9 Q. And people sometimes change their mind on who they voted
10 for, so they go in and vote in person?

11 A. Yes.

12 Q. Okay. You hesitated a little bit on that one. But
13 there's nothing wrong or shocking about having someone
14 submit an absentee voted ballot and then vote in person?

15 A. No. There are some rules which prevent you from
16 changing your vote at certain points in time, but no.

17 Q. Just a couple more things. You had a meeting with an
18 FBI agent and some of the prosecutors, right?

19 A. Yes.

20 Q. And you said that there are times where the ballots and
21 the signatures don't always equal out.

22 A. Like the -- what do you mean by that?

23 Q. I'm sorry. The ballots. The absentee ballots and the
24 signature envelopes.

25 A. Oh, yes.

1 Q. I'm sorry. That was a vague question. They are not
2 always equal, right?

3 A. Correct.

4 Q. Because it's a human process, right?

5 A. Yes.

6 Q. Because you're pulling the ballots apart and pulling the
7 signature envelopes apart. You are storing them in
8 different places. Then you are bringing them back together,
9 it sounds like. Is that right?

10 A. That is correct. That's usually not the reason why they
11 don't balance out.

12 Q. But they don't always balance out, though?

13 A. Occasionally voters will submit an envelope with no
14 ballot in them. Correct.

15 Q. We were able to discuss some of the terms here, but the
16 one I haven't heard discussed or defined is this preexisting
17 relationship. Is that defined anywhere?

18 A. No.

19 Q. Okay. So it's just sort of for the voter and the agent
20 to figure out whether they have a preexisting relationship?

21 A. Correct.

22 Q. And how did the COVID-19 pandemic impact the absentee
23 voting in Hennepin County in the primary?

24 A. Sure. Because of COVID, both in Minneapolis and in
25 Hennepin County and statewide, there was a massive increase

1 in absentee voting.

2 Q. All right. Just I want to go back on that one thing.

3 So you have received blank signature envelopes or empty?

4 A. Yes. Occasionally. It's very rare. In the last year,
5 like for 2020, it may have been one or two that occasionally
6 a voter will return their signature envelope, when the
7 absentee ballot board goes to open up the signature envelope
8 to extract the ballot out, that there is no ballot in that
9 signature envelope. Again, it's one or two out of the
10 200,000-plus absentee ballots that we tabulated for both the
11 primary and the general last year. So it's exceedingly rare
12 that this happens.

13 Q. But if I -- so say I submit my -- thinking I'm going to
14 submit my absentee ballot, put it in my signature envelope,
15 you know, I have a dull moment and I forget to put my ballot
16 in that envelope, I could still vote in person, right,
17 because there's no ballot cast?

18 A. It depends. No, most likely no.

19 So in that scenario, and you mailed back your
20 signature envelope, and once we got that signature envelope,
21 the absentee ballot board would accept and reject the
22 signature envelope, because we don't know that there's a
23 ballot inside. If it met all of the criteria, we would
24 accept it and then in our system it would say that it was
25 accepted.

1 If you happen to then realize that you forgot to
2 submit your ballot and went on election day instead, in the
3 roster that you sign on, the electronic roster, next to your
4 name would have -- like it would say AB on it, which
5 designates that you voted absentee, and the election judge
6 would not allow you to vote regardless. And then we would
7 only find out after the fact that there was a signature
8 envelope which had no ballot in it. We, of course, would
9 not be able to trace it back to the specific person. We
10 would have no way of knowing. You would have no way of
11 knowing unless you happen to remember.

12 But you would not be allowed to vote on election
13 day since you, once in that final week of the election, when
14 the agent delivery process is happening, also when we are
15 opening up our absentee ballots/signature envelopes to
16 tabulate the ballots, once you have submitted a ballot, you
17 cannot essentially claw back, which is the process of saying
18 that "I changed my mind. I want to vote again."
19 Essentially, if it's -- if you have an accepted ballot
20 starting the week prior, your vote is locked in. If you --
21 Q. Okay. All right. And so -- okay. All right. So you
22 described a situation where you can't claw back your ballot.
23 But, again, if I go and vote in person and the records show
24 an absentee ballot, my in-person vote trumps the absentee
25 ballot.

1 A. No. So only on election day itself.

2 Q. Right. Okay. Yes. I'm sorry. Thank you for
3 clarifying. So if I go on the primary day and vote in
4 person --

5 A. Sorry. I -- sorry. I should clarify. So only if you
6 turned in your absentee ballot on election day itself and
7 then also went to vote on election day, then your election
8 day vote would supersede the absentee ballot. If you turned
9 in your absentee ballot, say, the Monday before the election
10 and it was accepted and then you went on election day to
11 vote, the roster would say you voted absentee, and you would
12 not be allowed to vote.

13 Q. Okay. So just so -- I guess I'm just not quite there
14 yet. Sorry. But one of the ballots we talked about was
15 someone whose signature envelope was accepted and then later
16 rejected because she voted in person.

17 A. Yes.

18 Q. And was that acceptable because of the timing of the
19 ballot?

20 A. Yes. Correct. So that was acceptable because the
21 ballot was returned to us on election day. We initially
22 accepted it. Throughout the course of election day at set
23 times we get updated lists from Hennepin County elections,
24 which tells us anyone who has an accepted absentee ballot
25 that was accepted on election day and then who also voted on

1 election day. So then we can reject their absentee ballot,
2 so they don't essentially cast two votes.

3 Q. All right. Thank you, Mr. Martin.

4 MR. CLIPPERT: No further questions.

5 THE COURT: Ms. Munoz, redirect?

6 MS. MUNOZ: Yes, Your Honor. Thank you. Thank
7 you, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. MUNOZ:

10 Q. Mr. Martin, you were asked about what happens if -- or
11 could the agent fill out these forms for the voter. Do you
12 remember that question?

13 A. Yes.

14 Q. If the agent were to do that and fill out either the
15 application or the Request for Agent Delivery, what else
16 would the agent have to do to communicate that it was the
17 agent that did the filling out and not the voter him or
18 herself?

19 A. So if the agent signed on behalf of the voter, the agent
20 would need to denote that they signed on behalf of someone,
21 on behalf of the voter.

22 Q. And that would be written on -- that should be written
23 on the form itself?

24 A. Yes. Underneath or next to the signature.

25 Q. We've heard a little bit this morning about COVID and

1 impacts of COVID. So before COVID you had to have a
2 preexisting relationship between the agent and the voter; is
3 that correct?

4 A. Yes.

5 Q. Did that change with COVID?

6 A. No.

7 Q. Before COVID the voter needed to ask the agent to act as
8 the agent; is that correct?

9 A. Yes.

10 Q. Did COVID change that?

11 A. No.

12 Q. Before COVID if the agent brought the paperwork to the
13 election office -- and by "paperwork" I mean the Absentee
14 Ballot Application and the Request for Agent Delivery -- is
15 your staff trusting that that agent has the permission of
16 the voter to pick up and deliver a ballot?

17 A. Yes.

18 Q. Did that reliance on the agent and trust of that agent
19 change with COVID?

20 A. No.

21 Q. And was it still required -- so I guess before COVID the
22 voter was the one that had to vote the ballot; is that
23 correct?

24 A. Yes.

25 Q. Did that change with COVID?

1 A. No.

2 Q. So the voter still has to vote the ballot even during
3 COVID?

4 A. Correct. Yes.

5 MS. MUNOZ: All right. Your Honor, I have no
6 further questions.

7 THE COURT: Mr. Clippert, anything?

8 RECROSS-EXAMINATION

9 BY MR. CLIPPERT:

10 Q. Just going back to this agent signing on behalf of the
11 voter, would that be, for example, on the bottom of page or
12 Exhibit 10 and the Request for Agent Delivery of Absentee
13 Ballot?

14 A. Yes.

15 Q. So just tell me in this form or in the instructions
16 where it says that.

17 A. In the instructions it does not say that. On the back
18 of the Absentee Ballot Application form, I believe there is
19 language about if the voter needs assistance filling out
20 their Absentee Ballot Application.

21 Q. Okay. But that's not part of the exhibit before the
22 court?

23 A. Correct.

24 MR. CLIPPERT: Nothing further.

25 MS. MUNOZ: Nothing further, Your Honor. Thank

1 you.

2 THE COURT: You may step down, sir. Thank you.

3 THE WITNESS: Thank you.

4 THE COURT: And the government may call its next
5 witness.

6 MS. MUNOZ: Thank you, Your Honor. The government
7 calls Nasro Jama.

8 THE COURT: We have a separate interpreter, so I
9 will have the interpreter come up. So first I'll have the
10 interpreter sworn.

11 Can you stay standing for one moment? Thank you.
12 The interpreter be sworn, please.

13 COURTROOM DEPUTY: Raise your right hand.

14 (Oath administered)

15 THE INTERPRETER: Yes, I do.

16 THE COURT: Thank you. Could you state your name
17 for the record, sir?

18 THE INTERPRETER: Yes, Your Honor. My name is
19 Said Yusuf. It's spelled S-A-I-D. Last name Y-U-S-U-F.

20 THE COURT: Thank you.

21 Ms. Jama, could you raise your right hand for me?

22 NASRO JAMA,

23 called on behalf of the government, was duly sworn, was
24 examined and testified as follows:

25 THE WITNESS (through interpreter): Yes.

1 THE COURT: Thank you. You may be seated.

2 MS. MUNOZ: Thank you.

3 Mr. Yusuf, would you like to sit?

4 THE INTERPRETER: Standing would be fine with me.

5 MS. MUNOZ: Okay.

6 THE INTERPRETER: I like standing.

7 MS. MUNOZ: Okay. Is that okay with the court?

8 THE COURT: That's fine.

9 Ms. Jama, can you state and spell both your first
10 and last name for the record, please?

11 THE WITNESS (through interpreter): That's
12 N-A-S-R-O. J-A-M-A.

13 THE COURT: You may inquire.

14 MS. MUNOZ: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MS. MUNOZ:

17 Q. Good afternoon, Ms. Jama.

18 A. Good afternoon.

19 Q. Can you please tell the members of the jury how old you
20 are?

21 A. I was born in 01/01/1976.

22 Q. Can you please tell the members of the jury how far you
23 went in school?

24 A. Only fourth grade. ESL fourth grade.

25 JUROR: Could you have him stand closer to the

1 microphone?

2 THE COURT: The interpreter?

3 JUROR: Yes, the interpreter.

4 THE COURT: Yes.

5 Sir, you can bring it toward you or you -- yes.

6 Thank you.

7 THE INTERPRETER: Thank you.

8 BY MS. MUNOZ:

9 Q. I will ask the question one -- just the last question
10 one more time. Ms. Jama, can you please tell us how far you
11 went in school?

12 A. The fourth grade in ESL.

13 Q. Do you work outside the home, Ms. Jama?

14 A. I used to work, but not now.

15 Q. Could you tell the members of the jury what city you
16 live in right now?

17 A. Lakeville, Minnesota.

18 Q. Ms. Jama, I want to take you back to August of 2020.
19 Were you living in the City of Minneapolis at that time?

20 A. Yes.

21 Q. Do you remember what your address was in August of 2020?

22 A. Yes. 3232 Grand Avenue South.

23 Q. And that was in the City of Minneapolis; is that right?

24 A. Yes. Minnesota.

25 Q. All right. I'm going to show you a few exhibits that

1 have been admitted into evidence, and they're going to pop
2 up on the screen in front of you.

3 All right. So the first number is Government
4 Exhibit Number 6, and this is called an Absentee Ballot
5 Agent Return Log. I'm going to highlight a box, so it's a
6 little bit bigger on your screen. And do you see in the
7 middle there's a line that says "Absent Voter Name"?

8 A. Yes, I see.

9 Q. I'm going to try and highlight here in yellow. It says
10 Nasro Jama. Do you see that space, ma'am?

11 A. Yes, I see.

12 Q. So there's an address underneath that's 3232 Grand
13 Avenue, Minneapolis, Minnesota. Do you see that part?

14 A. Yes.

15 Q. And is that where you were living in August of 2020?

16 A. Yes, I used to live there.

17 Q. In the same spot in the Agent Name box there's another
18 name. Muse Mohamed.

19 A. Yes.

20 Q. Do you know anyone named Muse Mohamed?

21 A. No.

22 Q. In August of 2020 did you ask Muse Mohamed to act as
23 your agent to pick up and drop off a ballot for you?

24 A. No.

25 Q. Did you ask anyone to pick up and drop off an absentee

1 ballot for you in August of 2020?

2 A. No.

3 Q. Did you vote in August of 2020 in the primary election
4 in the City of Minneapolis?

5 A. I've never asked, you know, anybody to help me to and
6 help me to fill out or, you know, to be able to vote
7 absentee. And I don't remember a hundred percent if I vote
8 in 2020 election, but what I'm sure is, you know, any time
9 I'm voting, including the presidential election, I go in a
10 public place, especially public schools, an open place and
11 cast my vote.

12 Q. Ms. Jama, I have another exhibit to show you. It will
13 be a new one on your screen. And this one for purposes of
14 our record is Government Exhibit Number 7.

15 Ms. Jama, this form is called a Request for Agent
16 Delivery of Absentee Ballot.

17 A. I already talked to you. I don't remember that, no.
18 Every day I say no to you.

19 Q. Okay. Ms. Jama, we have to -- it's a little bit of a --

20 (Witness speaking simultaneously)

21 THE COURT: Wait just one moment.

22 Go ahead.

23 THE WITNESS: No.

24 (Witness speaking simultaneously)

25 THE COURT: One moment.

1 (Witness speaking simultaneously)

2 THE COURT: Just a minute. I need to hear the
3 interpreter.

4 (Witness speaking simultaneously)

5 THE COURT: Stop. Wait. I need to hear the
6 interpreter.

7 THE INTERPRETER: Hold on.

8 THE WITNESS (through interpreter): And I do have
9 ten children. I come here like 11 o'clock this morning. We
10 spoke before this incident on this issue, and, you know, I
11 told you many, many times. And, you know, I don't have
12 anybody to cook the lunch for my kids. I ask, you know, to
13 pick up my children from school. And I kept coming. And
14 you are asking me these questions many, many times. I don't
15 know this guy.

16 MR. CLIPPERT: I can't hear the interpreter. Can
17 you speak up?

18 THE WITNESS (through interpreter): I don't know
19 this person. I told you many, many different times.
20 Whenever I go to vote, I go publicly and I go in person. I
21 cast my vote. And I told you please don't bother me.
22 Respect me.

23 BY MS. MUNOZ:

24 Q. Ms. Jama, I have a few questions for you, and I will --
25 I will be efficient about my questions. Okay?

1 A. Okay.

2 Q. And it's --

3 A. Please don't ask me a question after today.

4 Q. Ms. Jama, I will promise to ask my questions today very
5 efficiently.

6 A. Okay.

7 Q. And it's really important that we let the interpreter
8 interpret both for me and for the judge and for you. Okay?

9 A. Okay.

10 Q. Okay. Let's go back to Government Exhibit Number 7 on
11 your screen. Your name is highlighted here in yellow.

12 A. I see.

13 Q. Is that your handwriting?

14 A. I don't know who copy it. I told you before. I told
15 you before. What can I do?

16 Q. All right. My next question, Ms. Jama, is in the
17 signature block down here that I'm making bigger here, did
18 you sign this form?

19 A. No, I did not. Another one.

20 Q. Let's move to Government Exhibit Number 8. And for
21 purposes of our record, this is the 2020 Minnesota Absentee
22 Ballot Application.

23 Ms. Jama, your name is on this paper in Box
24 Number 2.

25 A. I see.

1 Q. Do you see it? Okay. Did you fill out this
2 application?

3 A. I told you before. I went there; I was given a form; I
4 fill out; I drop it in the drop box; then I was given a
5 sticker, and I put my sticker on my chest, and I left.
6 That's what I told you.

7 Did you get this form from the election place?

8 Q. Ms. Jama, I'm sorry. This is -- it's a funny process
9 here that I'm supposed to ask the questions and you're
10 supposed to answer them. Okay?

11 A. I don't know this gentleman named Muse, and I don't know
12 how he get my application and my information. You can ask
13 him.

14 Q. I have one more paper to show you, Ms. Jama. This is
15 Government Exhibit Number 9. And I'm going to highlight
16 here. There's a Voter Signature. Did you sign this
17 envelope?

18 A. No.

19 Q. There's another section on this envelope with the name
20 Mustafa Hassan. Do you see that area?

21 A. The name? I see the name, but I don't know the person.

22 Q. Okay. You beat me to it. That was my next question.
23 Do you know someone named Mustafa Hassan?

24 A. I don't know. I don't know.

25 Q. And so is it safe to -- did Mustafa Hassan watch you

1 vote in August of 2020?

2 A. There was no Somali individual and person at the time I
3 was voting, casting my vote.

4 Q. Did you ask Muse Mohamed to deliver a ballot to you?

5 A. I told you before, no, no. I don't know that individual
6 you are talking about.

7 Q. Okay.

8 MS. MUNOZ: Your Honor, I have no further
9 questions for Ms. Jama.

10 THE COURT: Thank you.

11 Mr. Clippert, do you have any questions?

12 THE WITNESS (through interpreter): Can we finish
13 this soon? And please don't call back again.

14 THE COURT: Can you say that again?

15 THE WITNESS (through interpreter): Please call me
16 back in this courtroom again.

17 THE COURT: Ms. Jama, Mr. Clippert has the
18 opportunity right now to ask you some questions. So he's
19 allowed to do that under law.

20 THE WITNESS (through interpreter): Yeah, as long
21 as I'm here, sitting here, I will answer the questions I'm
22 being asked.

23 THE COURT: Thank you.

24 Mr. Clippert.

25

CROSS-EXAMINATION

BY MR. CLIPPERT:

Q. Ms. Jama, I'm going to do my best to make this as painless as possible for you. Okay?

A. Okay.

Q. So you, first, you talked at one point with an FBI agent and some others back on October 8th of 2021. Does that sound about right?

A. The 2021?

Q. Yes.

A. Yes.

Q. And was that in your home, or was that at someone else's office?

A. Yeah, first time it was my home. And then second time it was in St. Paul courts. And the third time was my home. And the FBI agent, he introduce me to lady sitting in front of me. They were together.

Q. Okay. And what was your reaction to having the FBI show up to your house?

A. Okay. I was so confused at that time because, you know, they say come here. I was working. And I never had interaction with the FBI, but even the police. And they came to me with a lot of papers and, you know, a recording device and ask me questions. And I told them that I don't know this individual.

1 Q. Okay. And based on your reaction today, it doesn't
2 sound like -- I'm sorry. Never mind. I'm going to move on.

3 When the FBI shows up to your house, is that
4 something that is welcome or is it something that's scary?

5 A. I was not scared because I knew that I was innocent and
6 I didn't do anything wrong. And they just ask me questions,
7 and I answer their questions.

8 Q. Okay. Ms. Jama, thank you for your time. I know you
9 have ten kids; is that right?

10 A. Yeah, you know --

11 (Witness speaking simultaneously)

12 THE COURT: Wait. Wait.

13 THE WITNESS (through interpreter): Yes. You
14 know, some of them, they are in university even. And the
15 one who is with me right now, my daughter, you know, she was
16 with me this morning and she got her walk today.

17 MR. CLIPPERT: Nothing further.

18 THE COURT: Ms. Munoz?

19 MS. MUNOZ: No, Your Honor. Thank you.

20 THE COURT: Ms. Jama, you may step down. Thank
21 you.

22 THE WITNESS (through interpreter): Please, allow
23 to ask you, don't call me again, and don't ask me any
24 questions, and don't come to my home, please. Thank you so
25 much. And I don't know this guy you always talk about.

1 THE COURT: Thank you. Thank you. You are
2 excused.

3 The government may call its next witness.

4 MS. SVENDSEN: Thank you, Your Honor. The
5 United States calls Mustafa Hassan.

6 THE INTERPRETER: Your Honor, am I officially
7 dismissed?

8 THE COURT: Does the government need him?

9 MS. SVENDSEN: No, Your Honor.

10 THE COURT: You are indeed, sir. Thank you.

11 THE INTERPRETER: Thank you so much.

12 THE COURT: Good afternoon, sir. You may come
13 forward. I'll have you come all the way up to the witness
14 box here. And could you stand before me to take the oath?

15 MUSTAFA HASSAN,
16 called on behalf of the government, was duly sworn, was
17 examined and testified as follows:

18 THE WITNESS: Yes.

19 THE COURT: Thank you. You may have a seat in the
20 witness chair. Come on up. Yep. And, sir, are you
21 comfortable removing your mask while you testify?

22 THE WITNESS: Yeah.

23 THE COURT: Could you please state and spell both
24 your first and last name for the record?

25 THE WITNESS: First name is Mustafa.

1 M-U-S-T-A-F-A. Last name Hassan. H-A-S-S-A-N.

2 THE COURT: Thank you. Could you maybe move that
3 microphone just a little closer to you. It moves and then
4 it comes up as well.

5 Ms. Svendsen, you may inquire.

6 MS. SVENDSEN: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MS. SVENDSEN:

9 Q. Good afternoon, sir.

10 A. Good afternoon.

11 Q. And how old are you?

12 A. I'm 34 years old.

13 Q. And what do you do for a living?

14 A. I'm a med tech.

15 Q. You're a med tech?

16 A. Yeah. A lab scientist.

17 Q. And where do you live currently?

18 A. Currently I'm living and working in Florida.

19 Q. Okay. And so how long have you lived there?

20 A. I started my current assignment on April 11th.

21 Q. Of this year 2022?

22 A. This year 2022, yeah.

23 Q. Okay. Where did you live before that?

24 A. I lived in Seattle for six months. Seattle, Washington.

25 Q. And so it sounds like you've been moving around a little

1 bit. What are the circumstances of that?

2 A. It's interesting. You know, you leave your family,
3 friends; you go to a new place; and, you know, you just kind
4 of got to get used to things. And, you know, it's a new
5 place, so it's a challenge, but it's also interesting, so.

6 Q. And so have you been doing some traveling medical work?

7 A. Yeah. It's a -- I'm a medical traveler, basically,
8 yeah.

9 Q. Okay.

10 A. It's health care traveling, basically.

11 Q. And can you tell us a little bit about your educational
12 background?

13 A. So, I mean, I went to high school here. When I came
14 here, I started high school here in Ubah Medical Academy. I
15 went to St. Paul College for about two and a half years.
16 Then I went to the University of Minnesota, which is where I
17 got my bachelor's of science.

18 Q. And what do you have your bachelor's degree in?

19 A. Medical laboratory science.

20 Q. Medical laboratory science?

21 A. Yep.

22 Q. So fair to say before you started traveling around for
23 your medical work you lived here in the Twin Cities?

24 A. I lived and worked here, yeah.

25 Q. Okay.

1 A. Minneapolis and St. Paul.

2 Q. I'm going to ask you some questions about the primary
3 election that took place in August of 2020.

4 A. Okay.

5 Q. So, first of all, where were you living in the summer of
6 2020?

7 A. I was living in Eagan, Minnesota.

8 Q. And can you remember your actual address there?

9 A. Yes.

10 Q. Tell us what it was.

11 A. It was 2166 Cedar Lane, Unit A, Eagan, Minnesota 55122.

12 Q. Okay. Did you serve as a volunteer for any political
13 campaigns during the summer of 2020?

14 A. Yes. I volunteered for the Omar Fateh senate campaign
15 for one day.

16 Q. Why did you serve as a volunteer for that campaign?

17 A. I just wanted to -- it was a historic moment for the
18 Somali community, so I just wanted to contribute. I didn't
19 have much time. I had two jobs, basically. So I didn't get
20 to do a lot of days, but I was able to volunteer one day.

21 Q. And what day was that one day?

22 A. It was the last day.

23 Q. So the actual day of the primary election?

24 A. Yeah, yeah.

25 Q. And were you recruited by anyone, or how did you come to

1 be a volunteer?

2 A. I got calls from my friend Muse asking me to help out in
3 the campaign a few times. So I didn't have time initially,
4 but on that day I decided to go out and volunteer.

5 Q. And so when you say that you got calls from your friend
6 Muse, what is Muse's last name?

7 A. Mohamed.

8 Q. Okay. How do you know Muse Mohamed?

9 A. We went to high school together, basically, and we
10 studied together sometimes through college as well.

11 Q. Okay. So I can't quite do the math on how old you are
12 versus that, but about how long would you say that you've
13 known Mr. Mohamed?

14 A. Say probably since 2008.

15 Q. And how well did you stay in touch since high school?

16 A. Here and there. We had like a casual relationship, just
17 a normal friendship, nothing extra. You know, he'd call me
18 sometimes. I'd call him sometimes. I'd see him like at the
19 mosque, the Somali mosque and stuff like that.

20 Q. And when you testified that you studied together in
21 college, what are you referring to?

22 A. So sometimes we'd go to, like, the library, like, let's
23 say, Augsburg library and study there. There was a time
24 when I was taking a microbiotics class in MCTC, and he was
25 also taking classes there. I can't quite remember if he was

1 in that class, but we also studied together during that
2 time.

3 Q. What was Mr. Mohamed studying?

4 A. I can't -- I don't really remember. I don't know what
5 his profession was, to be honest. I don't know.

6 Q. He was studying, though, also at MCTC at that time?

7 A. Yeah.

8 Q. Okay. And so he's taking classes there?

9 A. Classes, yeah. Yeah.

10 Q. Okay. So you testified that you volunteered on the day
11 of the primary election. What did you expect that you would
12 be doing that day?

13 A. So I honestly thought I was going to be knocking on
14 doors and giving people rides to the polls, so they can, you
15 know, people that don't have rides, so they can go and vote.

16 Q. What did you end up doing?

17 A. I ended up, when I got there, I basically ended up
18 taking letters or envelopes from the campaign office to the
19 election office.

20 Q. And what was your understanding of what those envelopes
21 were?

22 A. I had no clue what that was.

23 Q. Okay. Where did you go on the day that you volunteered?

24 A. I went to the campaign office in Lake Street and
25 Oakland, in that area.

1 Q. When you arrived there at the campaign office, did you
2 see anyone that you knew?

3 A. Muse was there. There were a lot of other people there
4 as well that I didn't know.

5 Q. And what was your interaction with Muse Mohamed, if any,
6 on that day that you volunteered?

7 A. I can't honestly remember what he and I talked about.
8 We, you know, we were there at the same time. We didn't
9 really have like a normal conversation about anything.

10 Q. And so when you arrived, what were you asked to do?

11 A. When I got there, I waited in the front area, you know,
12 just waiting for instructions, basically. And then a while
13 later I was taken to a back room where I was, basically,
14 that's where I was given the envelopes to take to the
15 election office.

16 Q. To take to where? I'm sorry.

17 A. The election office.

18 Q. Okay. And so you took three envelopes to the election
19 office?

20 A. Yes.

21 Q. Okay. What did -- so you kind of testified about this,
22 but what did you do after you were handed the three
23 envelopes?

24 A. I basically went from the campaign office, I drove my
25 car to the election office. When I got there, they took my

1 ID and, you know, and I handed them off. No one asked any
2 questions. I didn't think I was doing anything illegal,
3 obviously. So I gave them my ID. They took the envelopes,
4 and I was good to go.

5 Q. Okay. And I'm going to show you up on the screen a
6 document that's already in evidence as Government's
7 Exhibit 22. Do you recognize that building that's pictured
8 on the screen?

9 A. Yes.

10 Q. What is that?

11 A. That's the election office I went to.

12 Q. Okay. Before you volunteered with the campaign, were
13 you familiar at all with a process called the agent delivery
14 of absentee ballots process?

15 A. No, I did not. I basically became a U.S. citizen in
16 December 2020. So I haven't even voted ever in an election,
17 so I had no idea. I Googled it afterwards, after I had an
18 interaction with the FBI.

19 Q. So after you were contacted by law enforcement, you
20 Googled the agent delivery?

21 A. That's when I Googled it, yes.

22 Q. And was that the first time that you learned what the
23 agent delivery process --

24 A. First time ever, yeah.

25 Q. Okay. So as to those three envelopes that you were

1 handed at the election office, did you know the three voters
2 whose names were on those envelopes?

3 A. No.

4 Q. Did you ever meet those three voters whose names were on
5 the envelopes?

6 A. No.

7 Q. Did you ever go to their houses or apartments?

8 A. No.

9 Q. Okay. I'm going to show you an envelope from a
10 different ballot, and that's going to pop up on your screen
11 as Government's Exhibit 9.

12 And so I'm showing you a document that's titled
13 signature -- oops. I'm on highlight. Let me see. I'm
14 showing you a document that's titled Signature Envelope up
15 at the top. Do you see that?

16 A. Yes.

17 Q. All right. And so just to make sure we're talking about
18 the same document here, up at the top what does it list as
19 the name of the voter?

20 A. Nasro Mohamed Jama.

21 Q. Do you know Nasro Jama?

22 A. No.

23 Q. And then there's a box that's kind of two-thirds of the
24 way down to the bottom of what I've blown up that says Agent
25 name. Who is listed as the agent on this ballot?

1 A. Muse.

2 Q. And so that's not one of the three ballots that you
3 turned in; is that correct?

4 A. No.

5 Q. Okay. Let's go to the next box down below. Do you see
6 there's a box that starts out "Witness must complete this
7 section"?

8 A. Yes.

9 Q. Who does it indicate was a witness to this ballot?

10 A. Mustafa Hassan.

11 Q. Is that you?

12 A. Yes.

13 Q. And there's a bunch of stuff that it looks like the
14 witness is certifying here midway down. "I certify that:
15 The voter showed me the blank ballots before voting; the
16 voter marked the ballots in private or, if physically unable
17 to mark the ballots, the ballots were marked as directed by
18 the voter; the voter enclosed and sealed the ballots in the
19 ballot envelope; and I am or have been registered to vote in
20 Minnesota or am a notary or am authorized to give oaths."
21 Do you see that?

22 A. Yes.

23 Q. And then down at the bottom there's a witness signature.
24 Is this a document that you signed?

25 A. No.

1 Q. And where it says "Minnesota street address," is that
2 what your address was at the time?

3 A. That looks like my address, but it's not my address.

4 Q. What's different about it?

5 A. So it says 2166th. It's the T-H. It's not -- it
6 shouldn't be there. Cedar Lane. It says Cedar Line here,
7 but it's Cedar Lane. So it kind of looks like it, but it's
8 not quite it.

9 Q. And so the beginning part should just be 2166?

10 A. Yeah.

11 Q. And then where it says Cedar Line Avenue, your real
12 address was Cedar lane?

13 A. Should be, yeah, Cedar Lane.

14 Q. And did you also have a unit number?

15 A. Unit A.

16 Q. Okay. So that's not listed here?

17 A. Not listed on there, yeah.

18 Q. Did you fill out these boxes as a witness to Nasro
19 Jama's ballot?

20 A. No, I did not.

21 Q. Did you go to Nasro Jama's house with Muse Mohamed?

22 A. I did not.

23 Q. Okay. So I'm turning your attention forward in time
24 about a year now to the fall of 2021. Do you understand?

25 A. Yeah.

1 Q. Did you have any communications with Muse Mohamed about
2 the government's investigation?

3 A. I got a call from Muse basically letting me know that he
4 was contacted by the FBI and that he gave my name and my
5 phone number and that I should expect a call.

6 Q. Going forward in time, were you contacted by anyone else
7 on Mr. Mohamed's behalf?

8 A. I was contacted by, like, family members that I knew
9 prior, but I chose not to answer those phone calls.

10 Q. Family members of whom?

11 A. Muse Mohamed.

12 Q. Okay.

13 MS. SVENDSEN: Nothing further, Your Honor. Thank
14 you.

15 THE COURT: Mr. Clippert.

16 MR. CLIPPERT: Can I trouble you to --

17 MS. MUNOZ: Sorry.

18 MR. CLIPPERT: No problem.

19 CROSS-EXAMINATION

20 BY MR. CLIPPERT:

21 Q. Just a couple questions for you, Mr. Hassan.

22 A. Yeah.

23 Q. I'm not clear about something. I thought when you
24 initially got on the stand and said you were given
25 envelopes, you didn't really look at them; is that right?

1 A. The envelopes I was given?

2 Q. Yes.

3 A. Well, when I got there, I was told to fill out a paper,
4 to write stuff on it. I didn't really pay attention to it
5 because obviously I had no reason to think I was doing
6 anything wrong. So that's what I did. And then the
7 envelopes were put together by other people, and then they
8 were handed to me and told me to deliver.

9 Q. Did you see the people put together those envelopes
10 right there?

11 A. Yeah. I don't remember their names. Yeah.

12 Q. And you said then you turned in these envelopes and that
13 was your last --

14 A. Yeah, I turned the envelopes, yeah, to the election
15 office, like I said, and that was the end of the day, yeah.

16 Q. So you didn't deliver envelopes to anybody else or
17 ballots to anybody else?

18 A. No.

19 Q. That was your last contact?

20 A. Yeah, that was pretty much it, yeah.

21 MR. CLIPPERT: Nothing further, Your Honor.

22 THE COURT: Thank you.

23 Ms. Svendsen.

24

25

REDIRECT EXAMINATION

1
2 BY MS. SVENDSEN:

3 Q. Just to clarify briefly. You saw people put together
4 envelopes where?

5 A. In the election campaign, the campaign office.

6 Q. At the campaign office?

7 A. Yeah.

8 Q. Okay. Thank you.

9 A. That back room that I was talking about.

10 THE COURT: You may step down, sir. Thank you.
11 You are excused.

12 THE WITNESS: Thank you.

13 THE COURT: And the government may call its next
14 witness.

15 MS. SVENDSEN: Thank you, Your Honor. The
16 government calls Abdiriman Ahmed Muse.

17 THE COURT: Good afternoon, sir. You may come
18 forward all the way up to me. And I'll have you stand to
19 take the oath. Could you raise your right hand?

20 ABDIRIMAN MUSE,
21 called on behalf of the government was duly sworn, was
22 examined and testified as follows:

23 THE WITNESS: Yep.

24 THE COURT: Thank you. You may have a seat in the
25 witness chair, please. And that microphone comes up to

1 reach your height. There you go. Could you please state
2 and spell both your first and last name for the record?

3 THE WITNESS: A-B-D-I-R-I-M-A-N. Last name is
4 M-U-S-E.

5 THE COURT: You may inquire.

6 MS. SVENDSEN: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MS. SVENDSEN:

9 Q. Good afternoon, sir.

10 A. Good afternoon.

11 Q. How old are you?

12 A. 22.

13 Q. And where do you live?

14 A. 3018 Pillsbury Avenue South, Apartment 203, Minneapolis,
15 Minnesota 55408.

16 Q. Okay. About how long have you lived there?

17 A. Three and a half years.

18 Q. And can you tell us a little bit about your educational
19 background?

20 A. I have a bachelor's.

21 Q. What is that in?

22 A. In MIS, management information systems.

23 Q. Management information systems? Is that a computer
24 area?

25 A. IT.

1 Q. Okay. And following your bachelor's degree, have you
2 pursued further education?

3 A. Yeah. I'm currently in a master's for cyber operations.

4 Q. And what do you do for a living?

5 A. I'm an engineer at Target.

6 Q. And so you work at Target corporate, basically?

7 A. Yep.

8 Q. Okay. I'm going to ask you some questions about the
9 primary election that took place in August of 2020. First
10 of all, do you recall whether you voted in the August 2020
11 primary election?

12 A. No, I did not vote.

13 Q. You did not?

14 A. Nope.

15 Q. All right. I'm going to show you a document that's
16 previously been admitted into evidence, and it is marked
17 Government's Exhibit 6. And up at the top this document is
18 titled Absentee Ballot Agent Return Log. Do you see that?

19 A. Yep.

20 Q. And what I want to show you is down closer to the bottom
21 of the page where there is a box here, and it indicates that
22 it's some information related to an absentee voter by the
23 name of -- can you read what that says?

24 A. Abdirahman Muse, which is spelled wrong. I think it's
25 trying to spell my name wrong on it.

1 Q. And so does that look similar to your name?

2 A. Similar, yeah.

3 Q. Is that your name?

4 A. No.

5 Q. What's the difference between that name that's listed on
6 the paper and your name?

7 A. There's no A-H. There's an I instead of A-H.

8 Q. Okay. And so you spelled your name just a minute ago,
9 sir, for us. And I believe you said that it's supposed to
10 be A-B-D-I-R-I-M-A-N?

11 A. I-R-I-M-A-N.

12 Q. Okay. There's an I on either side of the R, correct?

13 A. Yes.

14 Q. Okay. And then down below that it lists Absent Voter
15 Address. Do you see that?

16 A. Yeah.

17 Q. Is that your address?

18 A. No. It's incorrect. It's apartment -- instead of 302,
19 it's 203.

20 Q. Okay. And then can you take a look at the street name?

21 A. Yeah. Is that a double S? Supposed to be L-L-S, bury.

22 Q. Okay. And so that's similar to your street name and
23 similar to your apartment number, but not accurate; is that
24 correct?

25 A. Yes.

1 Q. Okay. In the box that's marked Agent Name, can you see
2 what it says?

3 A. Yep.

4 Q. What does it say?

5 A. Muse Mohamed.

6 Q. Do you know anyone named Muse Mohamed?

7 A. No.

8 Q. Did you ask Muse Mohamed to act as your agent to pick up
9 and drop off a ballot for you in August of 2020?

10 A. No.

11 Q. Did you ask anyone to do that?

12 A. No.

13 Q. All right. Let's move on to a document that is already
14 in evidence as Government's Exhibit 10. And up at the top
15 you will see that it's titled request -- oh, I cut that off
16 in a really unfortunate way. It's called Request for Agent
17 Delivery of Absentee Ballot. Can you see that, sir?

18 A. Yep.

19 Q. And up at the top, right under where it says Request and
20 Certification, there's a box with a name filled into it. Is
21 that your name?

22 A. If it is, it's misspelled incorrectly.

23 Q. Okay. And how is it misspelled?

24 A. Instead of -- there's an A instead of an I.

25 Q. So this time it's A-B-D-I-R-A-M-A-N Muse; is that

1 correct?

2 A. Yeah. That's what I see, yeah.

3 Q. Okay. And so that is misspelled. But if we go back to
4 Government's Exhibit 6, is it misspelled differently than it
5 was misspelled on this previous document?

6 A. Yes, by the way it looks.

7 Q. Okay. And so then turning back to Government's
8 Exhibit 10 and moving down the page just a little bit, it
9 indicates "I, Abdiriman Muse, certify that I would have
10 difficulty getting to the polls because of incapacitating
11 health reasons or have a disability."

12 In August of 2020 did you have incapacitating
13 health reasons or a disability?

14 A. No. I've been healthy my whole life.

15 Q. Okay. And down at the bottom is that your signature
16 where it says Signature?

17 A. No.

18 Q. Was this a form that you had ever seen before this
19 investigation started?

20 A. No.

21 Q. Okay. Then I want to take a look at another document
22 that's already in evidence as Government's Exhibit 11. And
23 up at the top it's titled 2020 Minnesota Absentee Ballot,
24 and then it's Application underneath that sticker. Do you
25 see that?

1 A. Which one?

2 Q. It says 2020 Minnesota Absentee Ballot A. Do you see
3 that on your screen?

4 A. I see that, yeah.

5 Q. Okay. And in Box 2 it indicates that it's an
6 application for who?

7 A. Well, it's -- I think it's probably for me, but it's
8 misspelled by name again.

9 Q. And how is it misspelled this time?

10 A. It's misspelled with an A instead of an I.

11 Q. Okay. And so it should be A-B-D-I-R-I-M-A-N; is that
12 correct?

13 A. Yes, that's correct.

14 Q. Okay. And just to kind of cut to the chase on this
15 document, down at the bottom there's a certification and a
16 signature. Is that your signature?

17 A. No, it's not my signature.

18 Q. Did you give anyone permission to fill it out and sign
19 it on your behalf?

20 A. No.

21 Q. Had you ever seen this document prior to the start of
22 this investigation?

23 A. No.

24 Q. All right. Let's go back up to the top of it to some of
25 these identifiers here. In Box 3 there's a date of birth

1 listed. Is that your correct date of birth?

2 A. If it's 7/10/99, 1999, then it is, but kind of hard to
3 read the last year.

4 Q. And then what about the phone number that's listed in
5 the phone number box? Is that your phone number?

6 A. That's my mother's home phone number, not my personal.

7 Q. Do you live with your mother?

8 A. No.

9 Q. Do you have your own phone number that's different than
10 that?

11 A. Yep.

12 Q. Do you think that's a phone number that you've ever been
13 associated with for any reason?

14 A. It's been eight-plus years before, when I was an
15 adolescent.

16 Q. Okay. But you did live at that house like several years
17 ago?

18 A. Yeah.

19 Q. Okay. And then if we turn to Box 5 here that starts out
20 "address where you live," can you take a look at that
21 information and tell us whether that was accurate for you in
22 August of 2020?

23 A. No. I think that apartment, instead of 302, it should
24 be 203. I think Pillsbury is spelled with a B in it.

25 Q. Okay. So the apartment number is incorrect?

1 A. Yep.

2 Q. And the name of the street is close, but not correct?

3 A. Yeah.

4 Q. Okay. And then finally on that one there's this Box 4
5 that calls for a social security number. Do you see that
6 box?

7 A. Yep.

8 Q. And I take it that you know the last four digits of your
9 social security number; is that right?

10 A. Yep.

11 Q. Okay. It looks like what has occurred inside of the
12 box -- can you tell?

13 A. Something got scribbled out, I think.

14 Q. Okay. So somebody wrote something that's scribbled out.
15 And then these four numbers to the right, are those your
16 actual last four?

17 A. Yeah, them are my last four, yeah.

18 Q. Okay. And then just to be clear, you testified you did
19 not sign this form; is that correct?

20 A. No, I did not sign that.

21 Q. And so did you give anyone permission to sign it on your
22 behalf?

23 A. No.

24 Q. Did you ask anyone to obtain a ballot for you in August
25 of 2020 on your behalf?

1 A. No.

2 MS. SVENDSEN: Nothing further, Your Honor. Thank
3 you.

4 THE COURT: Mr. Clippert.

5 CROSS-EXAMINATION

6 BY MR. CLIPPERT:

7 Q. So just a couple quick follow-ups. Sir, so the first
8 time you saw these documents was when an FBI agent presented
9 them to you?

10 A. Yes.

11 Q. So you hadn't seen them prepared or you have no idea who
12 did that, right?

13 A. No.

14 Q. Right. And so we just reviewed that the documents got
15 your name spelled wrong, right?

16 A. Mm-hmm.

17 Q. The address is wrong?

18 A. Yeah.

19 Q. The apartment number is wrong?

20 A. Mm-hmm.

21 Q. Just make sure you say "yes" or "no" for the court
22 reporter.

23 A. Yes. Yes, yes.

24 Q. Thank you. The apartment number is wrong, and the phone
25 number is wrong; is that right?

1 A. Yes.

2 Q. So not a good job; fair to say?

3 A. Yeah.

4 MR. CLIPPERT: Okay. Nothing further.

5 MS. SVENDSEN: Nothing further, Your Honor. Thank
6 you.

7 THE COURT: You may step down, sir, and you are
8 excused. Thank you.

9 THE WITNESS: Thank you.

10 THE COURT: Do you have your mask? Do you have
11 it?

12 THE WITNESS: I didn't have a mask.

13 THE COURT: Oh, you didn't have it. That's right.
14 Okay. Sorry.

15 The government may call its next witness.

16 MS. MUNOZ: Your Honor, the government calls Osman
17 Abdulle. Your Honor, I understand he's on his way up now.

18 THE COURT: All right. Thank you. Similar timing
19 as for the last few?

20 MS. MUNOZ: Yes.

21 THE COURT: Okay. Good afternoon, sir. I will
22 have you come up to the witness stand to take the oath.
23 Would you raise your right hand for me?

24

25

1 OSMAN ABDULLE,
2 called on behalf of the government, was duly sworn, was
3 examined and testified as follows:

4 THE WITNESS: I do.

5 THE COURT: Thank you. You may have a seat in the
6 witness chair. And please state and spell both your first
7 and last name for the record.

8 THE WITNESS: Yes. Good afternoon, Your Honor.
9 For the record first name is Osman, O-S-M-A-N. Last name is
10 Abdulle, A-B-D-U-L-L-E.

11 THE COURT: You may inquire.

12 MS. MUNOZ: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MS. MUNOZ:

15 Q. Mr. Abdulle, can you please tell the jury what you do
16 for a living?

17 A. Yes. I am a Somali interpreter. I interpret English to
18 Somali and Somali to English.

19 Q. In what settings do you provide interpretation services?

20 A. Mostly with the courts, but sometimes other settings,
21 like social settings or state agencies, like workers
22 compensation offices or unemployment insurance offices, as
23 well as social security offices.

24 Q. Do you work in both state and federal courts?

25 A. I do.

1 Q. What are the duties and responsibilities of a court
2 interpreter?

3 A. For a court interpreter, the task for a court
4 interpreter is to interpret what's being said without adding
5 or omitting anything to it.

6 Q. How long have you served as a court interpreter?

7 A. About 20 years now, since 2003.

8 Q. What languages do you speak, sir?

9 A. Somali and English.

10 Q. How long have you spoken the Somali language?

11 A. All of my life.

12 Q. How about the English language? How long have you
13 spoken that?

14 A. I began to learn English first when I was about fourth,
15 fifth grade. A long time ago.

16 Q. What is your educational background?

17 A. I have finished high school in Somalia. I came to
18 Canada when I was still relatively young. So I took some
19 high school remedial courses to obtain my high school
20 diploma, and then after that I took four years college.

21 Q. Have you received any specialized training as an
22 interpreter?

23 A. I've taken a number of small trainings. The first one
24 was when I was qualifying for the state court interpreting
25 program. I took some trainings, but those trainings lasted

1 for about a day or two. And then after that I took another
2 training that the University of Minnesota offered through
3 the state. The state sponsored that course, and then I took
4 that, and that lasted a lot longer, lasted about several
5 months. I'm not sure exactly. It was a long time ago.

6 Q. Have you ever worked as an interpreter for the grand
7 jury in the District of Minnesota?

8 A. I have.

9 Q. Did you serve as an interpreter for the federal grand
10 jury in the fall of 2021?

11 A. I have.

12 Q. Did you serve on multiple days?

13 A. I did.

14 Q. I'm going to show you what's been admitted as Government
15 Exhibit Number 4, and I will represent to you that this is a
16 transcript from the grand jury proceedings on September 30th
17 of 2021. I'm going to turn to page 2 of that exhibit.

18 I'm going to highlight here where it says,
19 "Whereupon, Osman Abdulle, having been duly sworn by the
20 foreperson of the grand jury, interpreted and translated as
21 follows:" Is that you, sir?

22 A. Yes.

23 Q. And so you served as an interpreter on September 30th of
24 2021; is that correct?

25 A. Correct.

1 Q. The transcript goes on to say, "Muse Mohamed, called as
2 a witness herein, having been first duly sworn by the
3 foreperson of the grand jury, was examined and testified as
4 follows:" Is that correct?

5 A. Yes.

6 Q. Did you serve as an interpreter for Muse Mohamed during
7 his grand jury testimony on September 30th?

8 A. I do believe so, yes.

9 Q. Now, I'm going to show you what's been marked as
10 Government Exhibit Number 1 and already in evidence. This
11 is a transcript from the grand jury proceedings on
12 October 14th of 2021. And I'm going to turn your attention
13 to page 2 of this exhibit.

14 And at the top it says, "Whereupon, Osman Abdulle
15 was sworn as the Somali interpreter." Do you see that
16 section?

17 A. I do.

18 Q. Is this you, Mr. Abdulle, whose name is referenced?

19 A. Yes.

20 Q. And so were you the interpreter for Mr. Mohamed on
21 October 14th of 2021 in grand jury?

22 A. I believe so.

23 Q. When you went in front of the grand jury as an
24 interpreter on September 30th of 2021, did you take an oath?

25 A. I did.

1 Q. And did this happen before you began interpreting
2 anything for Mr. Mohamed?

3 A. Yes.

4 Q. When you were serving as an interpreter on October 14th,
5 2021, did you also take an oath?

6 A. I did.

7 Q. And did that oath happen before you began interpreting
8 for Mr. Mohamed?

9 A. Yes.

10 Q. Was the oath that you took on September 30th and
11 October 14th the same?

12 A. I believe so.

13 Q. And can you explain to the members of the jury, what did
14 that oath require of you?

15 A. When I'm under oath, I'm required to interpret what's
16 being said faithfully. That's -- and this time is usually
17 to the best of my knowledge. So to me my task was to
18 interpret what's being said accurately and faithfully to the
19 best of my knowledge.

20 Q. And did you do that on September 30th of 2021?

21 A. I did.

22 Q. And what about on October 14th of 2021?

23 A. I did as well.

24 Q. Do you recall what language was used to ask the
25 questions?

1 A. Yes.

2 Q. What was the language?

3 A. Somali.

4 Q. I'll ask that one more time. When questions were being
5 asked in grand jury, what language was used for the
6 questions?

7 A. Oh, I'm sorry. I misspoke. English.

8 Q. And what did you interpret those questions, from English
9 into what language?

10 A. To Somali.

11 Q. And what language was used to answer the questions?

12 A. Somali.

13 Q. And what did you interpret the Somali answers into,
14 which language?

15 A. English.

16 Q. In the course of your nearly 20 years, I believe you
17 testified to nearly 20 years as an interpreter, have you
18 been in a situation where the person that you were
19 interpreting for did not understand your interpretation?

20 A. Yes.

21 Q. Did that person do something to convey their
22 misunderstanding?

23 A. Yes. Typically, they would say "I don't understand" or
24 they would look at you, or you can just tell that they have
25 not understand what was being interpreted. So, yes, usually

1 they would be or ask, you know, "I don't understand" or "I
2 don't get it" or something.

3 Q. If a witness says that he does not understand the
4 interpretation, who provides the clarification?

5 A. The person who has posed the question.

6 Q. Do you as the interpreter provide the clarification?

7 A. No.

8 Q. To the best of your knowledge, did your translation
9 accurately reflect what was said during Mr. Mohamed's
10 September 30th grand jury testimony?

11 A. Yes.

12 Q. And to the best of your knowledge, did your translation
13 accurately reflect what was said during Mr. Mohamed's
14 October 14th grand jury testimony?

15 A. Yes.

16 MS. MUNOZ: Your Honor, I have no further
17 questions for Mr. Abdulle.

18 THE COURT: Thank you.

19 Mr. Clippert.

20 CROSS-EXAMINATION

21 BY MR. CLIPPERT:

22 Q. Just a few follow-ups, if I could, please.

23 A. Sure.

24 Q. The Country of Somalia is obviously -- it's not
25 homogenous, right, in terms of its language? Is that fair

1 to say? There's different dialects for different parts of
2 the country?

3 A. Sure.

4 Q. Like the southern part of Somalia, the dialect is
5 influenced by Kenya, right? The language is from Kenya or
6 not?

7 A. Not to my knowledge, no.

8 Q. Okay. All right. But let's go back. So there's
9 different dialects, and so the dialects for the northern
10 part of Somalia might be different than the southern part of
11 Somalia?

12 A. Yes.

13 Q. Okay. And you were interviewed recently by the FBI and
14 some of the folks right to my left; is that right?

15 A. Right.

16 Q. And you explained that Minnesota doesn't have a
17 certification process for translators for the court system;
18 is that right?

19 A. Federal, yes.

20 Q. Okay. You described a situation where the -- where you
21 would be interpreting and the witness or whoever you were
22 interpreting for would look confused. Have you had
23 situations where you've interpreted something wrong and the
24 witness or the person knew it?

25 A. Not deliberately, no.

1 Q. Okay. Not deliberately?

2 A. No.

3 MR. CLIPPERT: I have nothing further.

4 THE COURT: Ms. Munoz, anything?

5 MS. MUNOZ: No, Your Honor. Thank you.

6 THE COURT: You may step down, sir.

7 THE WITNESS: Thank you.

8 THE COURT: Thank you.

9 Members of the jury, we're going to break here for
10 today, and I'll ask you to come back at 9 o'clock in the
11 morning and let you no know that tomorrow we will go till
12 4 o'clock, and we will break at four tomorrow afternoon.

13 Have a good evening, everyone.

14 All rise for the jury.

15 4:52 P.M.

16 **IN OPEN COURT**

17 **(JURY NOT PRESENT)**

18 THE COURT: You may all be seated.

19 We are on the record out of the presence of the
20 jury.

21 Is there anything that the government wishes to
22 call to the court's attention before we break? Ms. Munoz?
23 Ms. Svendsen?

24 MS. SVENDSEN: No, Your Honor, but I apologize for
25 stepping out. I had COVID a few weeks ago; and while I'm no

1 longer contagious or anything like that, once in a while I
2 have a horrible cough attack.

3 THE COURT: No, I'm glad that you took care of it
4 and that you are well now. Thank you.

5 Anything else, Ms. Munoz?

6 MS. MUNOZ: No, Your Honor.

7 THE COURT: Mr. Clippert, for the defense,
8 anything?

9 MR. CLIPPERT: Nothing for the record, Your Honor,
10 no.

11 THE COURT: Okay. If you all could just hang
12 around for a few minutes, I've got the final jury
13 instructions drafted. And so I'll give you a few copies of
14 those, and then we can have a charge conference whenever
15 it's appropriate; but since we have them and since you were
16 mostly in agreement, I'll just -- my law clerk is printing
17 those now, and so I'll get them to you before you leave.
18 Okay?

19 All right. Thanks, everyone. I will see you
20 tomorrow morning.

21 COURTROOM DEPUTY: All rise. Court's in recess.

22 (Court adjourned at 4:54 p.m., 05-09-2022.)

23 I, Renee A. Rogge, certify that the foregoing is a
24 correct transcript from the record of proceedings in the
above-entitled matter.

25 Certified by: /s/Renee A. Rogge
Renee A. Rogge, RMR-CRR

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,	)	File No. 21-cr-245
	)	(NEB/JFD)
Plaintiff,)	
)	
v.)	
	)	Courtroom 13W
Muse Mohamud Mohamed,	)	Minneapolis, Minnesota
	)	Tuesday, May 10, 2022
Defendant.	)	9:04 a.m.
)	

BEFORE THE HONORABLE NANCY E. BRASEL
UNITED STATES DISTRICT COURT JUDGE
(JURY TRIAL PROCEEDINGS - VOLUME II OF II)

APPEARANCES

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Proceedings recorded by mechanical stenography;
transcript produced by computer.

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1 IN OPEN COURT

2 (JURY PRESENT)

3 THE COURT: We are here today for the second day
4 of trial, and I think we're ready for the government to call
5 its next witness.

6 MS. SVENDSEN: Thank you, Your Honor. The
7 United States calls Special Agent Blake Hostetter.

8 THE COURT: Agent Hostetter, if you just want to
9 come here to take the oath.

10 BLAKE HOSTETTER,
11 called on behalf of the government, was duly sworn, was
12 examined and testified as follows:

13 THE WITNESS: Yes, Your Honor.

14 THE COURT: Thank you. And could you please state
15 and spell both your first and last name for the record?

16 THE WITNESS: Blake Hostetter. H-O-S-T-E-T-T-E-R.

17 THE COURT: You may inquire.

18 MS. SVENDSEN: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MS. SVENDSEN:

21 Q. Good morning, Special Agent Hostetter.

22 A. Good morning, ma'am.

23 Q. What is your job?

24 A. I'm a special agent with the FBI.

25 Q. How long have you been a special agent with the FBI?

1 A. It will be 11 years in July.

2 Q. And what do you do as a special agent with the FBI?

3 A. Currently, I'm assigned to the Minneapolis division
4 working civil rights and public corruption.

5 Q. Are you one of the case agents in this case
6 United States versus Muse Mohamud Mohamed?

7 A. Yes, I am.

8 Q. What does it mean to be a case agent?

9 A. It means I'm responsible for the overall investigation
10 and making sure all investigative leads are covered.

11 Q. And are you the only agent working on this case or are
12 there other agents working on it with you?

13 A. There was others working with me.

14 Q. All right. As part of your duties as a special agent
15 with the FBI, have you been involved in investigation
16 involving the August 11th, 2020, primary election?

17 A. I have.

18 Q. And as you conducted your investigation, did you develop
19 any particular areas of inquiry that you were focused on?

20 A. Yes. We were focused on the absentee ballot agent
21 delivery process.

22 Q. And, in particular, were there aspects of that agent
23 delivery process that you were focused on?

24 A. Yes. Potential ballot fraud, whether or not people were
25 voting ballots without the voters' knowledge.

1 Q. Okay. And is that absentee ballot agent delivery
2 process the one that the jury heard about from the very
3 first witness Jon Martin yesterday?

4 A. Yes, that's correct.

5 Q. And as part of your investigation, you just testified
6 that you were looking into whether ballots were being
7 submitted without the voters' knowledge; is that correct?

8 A. That's correct.

9 Q. And if that was happening, what else were you trying to
10 look into?

11 A. Who was filling out the ballots and directing that those
12 ballots be turned in.

13 Q. And so one of the primary goals of your investigation
14 was to determine who was doing that?

15 A. That's correct.

16 Q. All right. As part of your investigation, did you
17 obtain records from the Office of Elections for the City of
18 Minneapolis?

19 A. We did.

20 Q. And did those include materials related to ballots that
21 were submitted by the agent delivery process?

22 A. Yes, ma'am.

23 Q. Including the ones that the jury has seen as part of
24 this trial?

25 A. That's correct.

1 Q. All right. So when the FBI initially obtained some
2 agent delivery ballot materials from the election office,
3 were there particular ones that the FBI first requested?

4 A. Yes. Any that had an error or had been rejected for
5 various reasons.

6 Q. And why was that?

7 A. Because those ones would be potentially, you know,
8 problematic for the voters.

9 Q. Okay. And was the defendant Muse Mohamed one of those
10 agents who had one or more of his ballots rejected or
11 problematic?

12 A. Yes, ma'am.

13 Q. All right. So in the course of the FBI's investigation,
14 did the FBI obtain an agent delivery log for Muse Mohamed?

15 A. We did.

16 Q. And I'm going to show you up on the screen what's
17 already been admitted into evidence as Government's
18 Exhibit 6. What is this document?

19 A. That is the Absentee Ballot Agent Return Log for Muse
20 Mohamed.

21 Q. All right. And that log indicates that Muse Mohamed
22 acted as an agent for which three voters?

23 A. Nasro Jama, Sakariye Ahmed, and Abdiriman Muse.

24 Q. All right. Did the FBI also interview each of those
25 voters during the course of the investigation?

1 A. We did.

2 Q. After interviewing the voters, did you serve Muse
3 Mohamed with a subpoena to testify before the grand jury?

4 A. Yes, ma'am.

5 Q. Why did you do that?

6 A. The grand jury wanted to hear testimony from Mr. Mohamed
7 due to the fact that Ms. Jama's ballot was rejected and the
8 fact the voters did not request an absentee ballot be turned
9 in for them.

10 Q. So just to back up for a second, what is a subpoena to
11 testify before the grand jury?

12 A. It is a court order compelling a witness to testify in
13 front of the grand jury.

14 Q. And what is the grand jury?

15 A. The grand jury is much like you folks. They're a group
16 of citizens that were selected by the government; but unlike
17 you who are here to decide guilt in a criminal matter, they
18 are a group of 23 individuals. It takes 16 of them to
19 create a quorum. They sit in the jury box, much like you.
20 There's no judge present, but there is the prosecutor and a
21 court reporter in the room. It's a secret hearing. And
22 their job is to investigate whether they feel a crime has
23 been committed, so they hear testimony, they look at
24 evidence, and their sole job is to determine if probable
25 cause exists in a particular investigation.

1 Q. And so fair to say that the grand jury is an
2 investigative body?

3 A. That's correct.

4 Q. And I think you testified to this already, but how many
5 people sit on the grand jury?

6 A. 23. And it takes 16 to have the quorum.

7 THE COURT: I'm going to slow you down just a
8 little bit for the interpreter.

9 MS. SVENDSEN: Thank you, Your Honor.

10 BY MS. SVENDSEN:

11 Q. We'll try to just slow down our questions and answers a
12 bit.

13 A. Yes, ma'am.

14 Q. Where does the grand jury meet?

15 A. They meet at the federal courthouse either here in
16 Minneapolis or in St. Paul. This particular one we're
17 speaking about today met in St. Paul at the courthouse.

18 Q. Are you present in the grand jury when a witness is
19 testifying?

20 A. No, ma'am.

21 Q. Why not?

22 A. Because it's a secret hearing.

23 Q. Who is allowed to be present inside the grand jury room
24 when a witness is testifying?

25 A. The jury, the court reporter, the prosecutor, the

1 witness and, depending on the witness, potentially a
2 translator.

3 Q. Okay. Now, in this investigation have you testified
4 before the grand jury?

5 A. Not in this investigation, no.

6 Q. In other cases that you've worked on as an agent, have
7 you testified as a witness before the grand jury?

8 A. I have.

9 Q. Can you walk us through what that process is like?

10 A. It looks just like what just happened today. I'm called
11 to the witness stand in front of the jury. I'm given the
12 oath, swearing that I will be truthful. And then the
13 question and answer session starts.

14 Q. And is that oath that you take when you raise your right
15 hand before the grand jury the same or very similar to the
16 oath that you took this morning?

17 A. It's identical, yes.

18 Q. Okay. And now you testified that you are asked
19 questions and you answer them. Who do those questions come
20 from?

21 A. They come from the prosecutor, and then the jury is
22 actually given a chance to ask their own questions.

23 Q. And besides answering questions, do you also at times
24 look at exhibits as a witness?

25 A. Yes, ma'am.

1 Q. All right. So in general terms, what was this grand
2 jury investigating at the time that Muse Mohamed was called
3 to testify?

4 A. Like I stated earlier, they were investigating whether
5 or not through the absentee agent delivery process ballots
6 were being turned in without the voters' knowledge and, if
7 so, who was filling out those ballots and giving the
8 direction to do so.

9 Q. And with regard to Muse Mohamed's testimony, did that
10 relate to the August 11th, 2020, primary election?

11 A. Yes, ma'am.

12 Q. All right. Now, you testified that you served Muse
13 Mohamed with a subpoena to testify before the grand jury; is
14 that right?

15 A. That's correct.

16 Q. Do you see Muse Mohamed in the courtroom today?

17 A. I do.

18 Q. Can you identify him?

19 A. He's the gentleman in the blue tie with the mask on and
20 the headphones on.

21 MS. SVENDSEN: And, Your Honor, may the record
22 reflect that Special Agent Hostetter has identified the
23 defendant?

24 THE COURT: The record will so reflect.
25

1 BY MS. SVENDSEN:

2 Q. When you served Mr. Mohamed with the grand jury
3 subpoena, how did you communicate with him about the
4 logistics for his testimony?

5 A. In English.

6 Q. And did you have any issues communicating with him?

7 A. Actually, no. I actually left the meeting thinking he's
8 a very friendly guy that spoke very good English.

9 MR. CLIPPERT: Objection. Irrelevant.

10 THE COURT: Overruled. You may continue.

11 THE WITNESS: I personally have struggled to learn
12 a second language. I've been trying to learn Russian
13 forever. And so when somebody speaks a second language so
14 well, it always sticks out in my mind, and that's how I felt
15 the day I met Mr. Mohamed.

16 BY MS. SVENDSEN:

17 Q. Now, just to sum up, what kind of information was the
18 investigative team seeking to obtain through Muse Mohamed's
19 grand jury testimony?

20 A. The grand jury was trying to determine where he actually
21 got the ballots from.

22 Q. All right. How many times did Muse Mohamed testify
23 before the grand jury in this case?

24 A. Twice. Once September 30th, 2021, and once
25 October 14th, 2021.

1 Q. And were transcripts created of that testimony?

2 A. They were.

3 Q. In general terms, how are the transcripts created?

4 A. Just like here today, there's a court reporter that sits
5 in there and takes notes. And then after the grand jury,
6 whatever process the court reporter follows to create a
7 transcript; and then at the end of the completion of the
8 transcript, the court reporter signs that the transcripts
9 are full and complete.

10 Q. And I'm going to show you a document that's already in
11 evidence as grand jury -- or as Government Exhibit 23, the
12 stipulation of facts that the jury saw yesterday.

13 It refers to testimony on September 30th, 2021,
14 and October 14th, 2021. Are those the two dates when
15 Mr. Mohamed testified before the grand jury?

16 A. That's correct.

17 Q. And after those dates, what does the stipulation say
18 about the transcripts?

19 A. "The parties agree the transcripts of the defendant's
20 testimony before the grand jury were created and that the
21 transcripts are complete and accurate representations of
22 what was said aloud during the proceedings."

23 Q. All right. Have you reviewed those two transcripts?

24 A. I have.

25 Q. And you testified that the grand jury proceedings are

1 secret. Can you just explain how it is that you are able to
2 review the transcripts?

3 A. Just as a rule of the court, the transcripts are
4 material to my investigation; and being part of the
5 prosecution team, I have the right to see them.

6 Q. Okay. And you also testified that sometimes you're
7 shown exhibits as a witness in the grand jury; is that
8 right?

9 A. That's correct.

10 Q. Based on your review of Muse Mohamed's grand jury
11 transcripts, was he shown exhibits during his testimony?

12 A. He was.

13 Q. Did you review those exhibits prior to your testimony?

14 A. I did.

15 Q. And do they include some exhibits that the jury has seen
16 as part of this trial?

17 A. Yes, ma'am.

18 MS. SVENDSEN: Your Honor, I'd like to show the
19 witness a document on the screen that's been marked, but not
20 yet admitted, as Government's Exhibit 5. May I do so?

21 THE COURT: Yes. Just one moment. Yes.

22 BY MS. SVENDSEN:

23 Q. All right. I'm showing you up on your screen what's
24 been marked as Government's Exhibit 5. Can you tell us what
25 is it?

1 A. It is a spreadsheet. I think the intent is to help the
2 jury understand the grand jury exhibit numbers versus the
3 trial exhibit, because the exhibits shown in grand jury was
4 one large exhibit. Grand Jury Exhibit 39. For trial it's
5 been broken into pieces for ease for the witnesses.

6 Q. And is Government's Exhibit 5 a true and accurate
7 comparison of the exhibits that were shown during Muse
8 Mohamed's grand jury testimony to the exhibits that have
9 been received into evidence during this trial?

10 A. Yes, ma'am.

11 Q. Will it assist the jury in following the questions and
12 answers contained in the transcripts?

13 A. I think so.

14 MS. SVENDSEN: Your Honor, I offer Government
15 Exhibit 5.

16 THE COURT: Any objection?

17 MR. CLIPPERT: No objection, Your Honor.

18 THE COURT: Exhibit 5 is admitted.

19 MS. SVENDSEN: Okay. So now I would like to
20 publish Government's Exhibit 5 up on the screen to the jury.

21 THE COURT: You may do so.

22 BY MS. SVENDSEN:

23 Q. And does this chart, Special Agent Hostetter, contain
24 every single exhibit that was shown during Muse Mohamed's
25 grand jury testimony?

1 A. No, ma'am.

2 Q. And, specifically, it shows the ones that were actually
3 admitted into evidence in this trial; is that correct?

4 A. That's correct.

5 Q. And you've explained this once already, but now that
6 it's on the screen in front of the jury, what's the primary
7 difference between the way the exhibits were numbered for
8 purposes of the grand jury versus during this trial?

9 A. So during grand jury, Grand Jury Exhibit 39 was one
10 large document. For trial here today, for ease to show the
11 witnesses, they've been broken into, like, by page number.
12 Exhibit 39 has been broken down to -- for example, page 1
13 and 2 is Exhibit 6.

14 Q. And so, for example, in the transcript, if the jurors
15 see a reference to Grand Jury Exhibit 39 at page 1, where
16 can they look to see that same document?

17 A. Trial Exhibit 6.

18 Q. Okay. Now, I'm going to show you up on the screen
19 what's already in evidence as Government's Exhibit 4. Can
20 you tell us, sir, what is this document?

21 A. This is the transcript from September 30th, 2021,
22 Mr. Mohamed's testimony before the grand jury.

23 Q. And is that the first of his two sessions of grand jury
24 testimony?

25 A. Yes, ma'am.

1 Q. Where did that testimony take place?

2 A. In St. Paul in front of the grand jury.

3 Q. And that courthouse, I take it, is within the State and
4 District of Minnesota?

5 A. Yes, ma'am.

6 Q. All right. Continuing on to page 2 of Government's
7 Exhibit 4, I want to take a look right up at the top of it.
8 It starts out, "Whereupon, Osman Abdulle, having been duly
9 sworn by the foreperson of the grand jury, interpreted and
10 translated as follows:" Who is Osman Abdulle?

11 A. The Somali translator that was used that day.

12 Q. And is that the translator that the jury heard from
13 yesterday afternoon?

14 A. Yes, ma'am.

15 Q. And then down below that it continues, "Muse Mohamed,
16 called as a witness herein, having been first duly sworn by
17 the foreperson of the grand jury." What does that mean?

18 A. It means he took the oath to be honest in front of the
19 grand jury.

20 Q. And is that that same oath that you testified earlier
21 when you raised your right hand that you took today?

22 A. Yes, ma'am.

23 Q. And that the jury has heard the witnesses taking
24 throughout this trial?

25 A. Yes, ma'am.

1 Q. All right. Now, before we talk about some of the
2 statements in here, I want to go to the last page of
3 Government's Exhibit 4, which is page 32. What is on the
4 very last page of this transcript?

5 A. So that is the signature page that I spoke of earlier
6 where the court reporter signs and notarizes that the
7 transcript is full, true and complete.

8 Q. And in this case the court reporter has certified that
9 that September 30th transcript is full, true and complete?

10 A. That's correct.

11 Q. All right. So returning back to page 3 of Government's
12 Exhibit 4, I want to talk about the very first thing that
13 happens at the outset of the testimony.

14 And where we see those Qs and As in the
15 left-hand-side column, can you explain what that shows in
16 the transcript?

17 A. Sure. The Q is the question from the prosecutor, and
18 the A is the answer from the witness.

19 Q. And so just to go over these first ten lines of the
20 transcript, I'm going to read the question that the
21 prosecutor read and if you could provide the answer, so we
22 can review this with the jury. Let's do it that way.

23 So question, "Before we get started, Mr. Mohamed,
24 is it correct you speak and understand some English?"

25 A. "Yes."

1 Q. "Today as we're talking if you'd like to answer in
2 English, you may."

3 A. "Okay."

4 Q. "If at any point you need assistance, Mr. Abdulle is
5 here to help you."

6 A. "Okay."

7 Q. All right. And then -- whoops. Let's take us back to
8 page 3 of Government Exhibit 4. Right after that, what is
9 the first thing that happens in the transcript before
10 Mr. Mohamed is asked any substantive questions?

11 A. The prosecutor explains his rights.

12 Q. And the prosecutor starts out, "The first thing I'd like
13 to talk to you about this morning is the rights you have in
14 front of this grand jury."

15 A. "Okay."

16 Q. "First, do you understand you have the right to have an
17 attorney with you here today?"

18 A. "Yes."

19 Q. "In fact, you do have an attorney sitting just outside
20 the door. Correct?"

21 A. "Yes."

22 Q. "If at any point during this proceeding you need to
23 speak to that attorney, please just let me know. Okay?"

24 A. "Okay."

25 Q. "You understand you also have the Fifth Amendment right

1 not to incriminate yourself. Correct?"

2 A. "Correct."

3 Q. "You understand that right only applies to you?"

4 A. "Yes."

5 Q. "So if I ask you a question that you feel might get
6 someone else in trouble, you still do have to answer the
7 question."

8 A. "Yes."

9 Q. "You understand that you've just been placed under oath.
10 Correct?"

11 A. "Yes, very much so."

12 Q. "I don't think you're going to lie, but just know that
13 you need to answer truthfully all of the answers placed
14 before you today. Okay?"

15 A. "Fine."

16 Q. "Do you have any questions about your rights, sir?"

17 A. "No."

18 Q. All right. Now, we're not going to go through this
19 transcript in its entirety in front of the jury, but will
20 the jury have access to this whole transcript in the grand
21 jury room should they like to review any portion of it?

22 A. Yes, you will.

23 Q. And so just to hit upon a couple of relevant portions of
24 this transcript, I'm going to take us over to page 12 of
25 Government's Exhibit 4, starting at line 4.

1 Did the prosecutor during the testimony ask Muse
2 Mohamed some questions about dropping off absentee ballots
3 for other people?

4 A. Yes, ma'am.

5 Q. And if we start out at line 4, "Did someone instruct you
6 to do this? Did someone tell you to go out and collect
7 ballots?"

8 A. "No. But everyone was doing that. Everybody was doing
9 that. You know, some of the people did not speak English.
10 So we'd just tell them when it needs to be done because the
11 language barriers. My job was not to transport people to
12 the voting places. My job was to pick up those sealed
13 envelopes and I would take three envelopes at a time, just
14 three at any given time. I was not allowed to pick up more
15 than three at any given time."

16 Q. "Okay. That makes sense. Can you tell me who told you
17 that it was your job to do this?"

18 A. "As part of the volunteering, as part of" -- excuse
19 me -- "as part of the door knocking. So if you come across
20 someone who has a sealed envelope, a filled-out, sealed
21 envelope, that was one thing that we'd do for that person,
22 is to pick up that envelope on their behalf and drop them
23 off. That's only if we came across someone who has those
24 filled out, sealed envelopes. Because at the time I was a
25 student and I was doing my final semester at school, so I

1 wasn't doing a lot of volunteering at that point."

2 Q. "So who was it that told you to go out and collect the
3 envelopes or to go out and go door knocking?"

4 A. "No one told me to do any of those specific things. But
5 as part of volunteering, it's to go out and talk to the
6 community. That's part of what we were doing, just general
7 things."

8 Q. Special Agent Hostetter, is this questioning related to
9 the investigation you testified about earlier into where
10 these ballots came from?

11 A. Directly related, yes.

12 Q. And if we continue on to page 16 of Government's
13 Exhibit 4, beginning at line 9, is Muse Mohamed asked some
14 follow-up questions about delivering absentee ballots?

15 A. Yes, ma'am.

16 Q. And starting from line 9, "Now, one of the things you
17 did as part of your campaign work was you helped some people
18 get their ballots delivered somewhere in Hennepin County.
19 Right?"

20 A. "Some of the people, they would have sealed envelopes.
21 They would ask us to take the sealed envelopes to the
22 government center. So because of the pandemic, sometimes
23 they would ask us to take those. For me, my main task was
24 to do the door knocks. There are other people in the group
25 who would transport some of the voters and take them to the

1 voting stations, but that wasn't me. My task primarily was
2 to door knock."

3 Q. "When you dropped off those ballots, was it at the
4 Hennepin County Government Center?"

5 A. "Yes, correct. That was the only location that we'd
6 take those envelopes."

7 Q. "So that's downtown Minneapolis. Correct?"

8 A. "Yes."

9 Q. "Earlier you mentioned you would do three at a time.
10 Correct?"

11 A. "Yes. Everyone was allowed to transport three sealed
12 envelopes at a time."

13 Q. "You say everyone. Was there more than one person
14 transporting envelopes?"

15 A. "The people that were doing certain functions for the
16 campaign, there were hundreds of people. So I'm just
17 talking about what I noticed myself."

18 Q. "Did you see other people transporting those ballots
19 too?"

20 A. "At the Hennepin County Government Center, there were
21 other people there from different campaigns, other
22 campaigns, but I did not know those people."

23 Q. "Where did you get the ballots that you brought to the
24 government center?"

25 A. "From I remember, I wasn't allowed to transport not more

1 than three envelopes at any given time. From what I recall,
2 there were" --

3 Q. Do you need me to go back?

4 A. Yes, please.

5 Q. All right. So back to page 17. Sorry about that.

6 A. -- "there were people calling the campaign office asking
7 for help. Most of these were elderly or frail people that
8 would need help getting out some of the papers that they
9 needed to vote."

10 Q. "So people would call the campaign office and ask for
11 help. Is that right?"

12 A. "Yes, they would call in and ask for help."

13 Q. "Would you go to their house and pick up their ballot
14 from them?"

15 A. "The campaign manager gave us tasks and, for example,
16 would instruct me and say, okay, those individuals called
17 the office and you need to go there and if they have sealed
18 envelopes or filled out applications in a sealed envelope,
19 you can grab those and drop them off on their behalf."

20 Q. "So you'd go to their house and pick up their envelope
21 from them?"

22 A. "If the manager would ask you to do that, yes, you'd do
23 that. Like I said, for me, my job mainly was just doing the
24 door knocking."

25 Q. "You said you did turn in at least three ballots that

1 you remember. Right?"

2 A. "Yes, I remember for me -- speaking for myself, I
3 remember, yes, transporting three envelopes, but I can't
4 remember who those people were or where they were at. Like
5 I said, I don't know the names of those individuals or who
6 they were at this time. But if those people already voted
7 in person or absentee voting, you just leave them alone.
8 It's only if they did not vote yet that you grabbed those
9 envelopes on their behalf."

10 Q. "How would you know if they already voted?"

11 A. "You just asked them if they voted already or not. If
12 they did not, they would say, no, I did not."

13 Q. "So they would call a campaign office and they would ask
14 for help. You'd go to their house. You'd ask them if they
15 already voted or not. If they didn't, you'd take their
16 absentee ballot to the government center. Is that right?"

17 A. "Yes, but if they give you permission to do so on their
18 behalf."

19 Q. All right. I'm going to move us forward to page 20 of
20 Government's Exhibit 4, Special Agent Hostetter. And
21 starting at line 9, do you see there's a reference here to
22 an exhibit?

23 A. I do.

24 Q. And that's Exhibit 39?

25 A. Correct.

1 Q. Have you reviewed Exhibit 39 from the grand jury?

2 A. Yes, ma'am.

3 Q. And just returning us back for a second to that chart
4 that you testified about before, Government's Exhibit 5, as
5 the prosecutor starts out talking about the beginning of
6 Grand Jury Exhibit 39, what is that document?

7 A. It's the ballot paperwork for -- I'm sorry. Can you
8 repeat the question?

9 Q. Well, as the prosecutor begins to ask questions about
10 the very initial pages of Grand Jury Exhibit 39, what are
11 those first pages?

12 A. The first pages of Exhibit 39 are the absentee ballot
13 return log for Muse Mohamed.

14 Q. Okay. And so if we go back to page 20 of Government's
15 Exhibit 4, I'm going to see if I can put that up along with
16 Government Exhibit 6, which was showing on your chart as the
17 first pages of Government Exhibit -- Grand Jury Exhibit 39.
18 Is that correct?

19 A. That's correct.

20 Q. All right. And so where it starts out at line 9 and
21 says, "For the record, I am showing the witness what has
22 previously been marked as Exhibit 39." And then skipping
23 down, the prosecutor continues on line 13, "Mr. Mohamed, do
24 you see at the top here it says Muse Mohamed?"

25 A. "Yes."

1 Q. And, Special Agent Hostetter, is that referring to this
2 Absentee Ballot Agent Return Log?

3 A. Yes, ma'am.

4 Q. Okay. And it continues on at line 16, "Does this look
5 like a document that you filled out, sir?"

6 A. "Is this pertaining to the three witnesses that we
7 talked about?"

8 Q. "First, did you fill out this document?"

9 A. "Yes, this is my handwriting. Yes, that's my
10 handwriting."

11 Q. "Now, this is a list of people that you delivered
12 ballots for. Do you see how it talks about the fact that
13 it's an Absentee Ballot Agent Return Log?"

14 A. "I see that."

15 Q. "Do you recall going and picking up absentee ballots for
16 the people listed on this form?"

17 A. "Yes, I remember that I acted as an agent for three
18 individuals, yes. Yes, I recall that I was acting as an
19 agent for three individuals."

20 Q. "Do you actually know any of these people? There's
21 Nasro Jama. There's Sakariye Ahmed. And we have Alah Muse.
22 Do you know any of those people?"

23 A. "I don't know those individuals personally. I'm not
24 acquainted with them, but those were people that I was sent
25 to collect those ballots from. So those were the people

1 that I was assigned to go and get those ballots from."

2 Q. "So you don't know these people personally. They're not
3 friends or family. Correct?"

4 A. "No, no."

5 Q. "I know you don't remember what they look like or
6 anything, but do you remember going to these addresses and
7 actually picking up the ballots from them in person?"

8 A. "Yes, I remember I was at those addresses, yes."

9 Q. "Was it the voter, the person that voted, who actually
10 handed you the ballot?"

11 A. "Yes. Those were the voters. They would say, okay, I
12 filled out the paperwork. You just have to take the ballots
13 and drop them off on their behalf."

14 Q. All right. Now I'm going to take us out of this
15 split-screen mode and over to page 23 of Government
16 Exhibit 4.

17 So beginning from line 8 of page 23, was
18 Mr. Mohamed asked some questions about how he verified that
19 these voters were the right people?

20 A. He was.

21 Q. So starting at line 8 it begins, "Earlier you told us
22 that you would make sure that people hadn't already voted.
23 Is that right?"

24 A. "Yes. We always checked to make sure that they hadn't
25 voted already. If they have not, then you'd pick up the

1 forms and drop them off on their behalf."

2 Q. "Do you recall doing that when you picked up these three
3 ballots, that you made sure these people hadn't already
4 voted?"

5 A. "Yes, I made sure that I asked that question, whether
6 they voted or not. And they had said that they had not
7 voted yet."

8 Q. "Did you do anything else to verify who these people
9 were when you picked up their ballots?"

10 A. "No. Number one, you'd ask if they voted or not. If
11 they say they have not, number two thing was to pick up
12 those ballots on their behalf and act as their agent and
13 deliver those ballots to the center on their behalf."

14 Q. "Did you check their IDs to make sure they were who they
15 said they were?"

16 A. "Yes, whether they filled out the paperwork or not, you
17 always ask for their ID and check their ID and make sure
18 they are who they claim to be."

19 Q. "Just to be very clear, when you met Nasro Jama, you
20 would have asked for her ID and you would have made sure it
21 was her. Right?"

22 A. Excuse me. "I'd ask if she was Nasro Jama, but I
23 wouldn't demand to see her ID."

24 Q. "What about Sakariye Ahmed, do you know if you verified
25 it was him when you were speaking with him?"

1 A. "Yes. He mentioned to me that he was him."

2 Q. "Do you remember talking to Mr. Ahmed?"

3 A. "I do recall I went to his place. I met him and I
4 grabbed his ballots from him. Then he gave me the
5 permission to deliver these ballots on his behalf."

6 Q. "Did you check his ID to make sure he was who he said he
7 was?"

8 A. "I cannot remember whether he gave me his ID or not. I
9 can't remember that at the moment."

10 Q. "What about Mr. Abdiriman Muse, do you remember meeting
11 him?"

12 A. "It was one of the three people that I acted as their
13 agent."

14 Q. "Do you remember actually going to his house and meeting
15 him?"

16 A. "I remember that I was at his address, but I don't
17 remember the details of what went on when I was there. But
18 I remember that he gave me the envelope and I delivered that
19 envelope on his behalf."

20 Q. Okay. Now, as we go forward here into the next
21 question, you see that it refers to the third page of
22 Exhibit 39; is that correct?

23 A. That's correct.

24 Q. And if we go back over to the chart at Government
25 Exhibit 5, what is the third page of Grand Jury Exhibit 39?

1 A. It correlates with Trial Exhibit 7. It's the Request
2 for Agent Delivery of Absentee Ballot from Nasro Jama.

3 Q. And so if we go back to page 25 of Government Exhibit 4,
4 I'm going to see if I can put that exhibit, Government
5 Exhibit 7, up on the right-hand side.

6 And beginning at line 14, the questioning
7 continues, "One more question here. I'm showing you the
8 third page of Exhibit 39. At the top it's called Request
9 for Agent Delivery of Absentee Ballot. Do you see that?"

10 A. "Yes."

11 Q. "Do you see at the bottom you're listed as the agent,
12 Muse Mohamed?"

13 A. "Correct."

14 Q. "Do you recall filling out this piece of paper with
15 Nasro Jama in order to be the agent for her?"

16 A. "I think we filled out the paperwork on the form while
17 she was with me."

18 Q. "Is this your handwriting? This is your signature
19 here?"

20 A. "The signature is mine."

21 Q. "Did you fill out the rest of the form as well?"

22 A. "She did."

23 Q. "She did?"

24 A. "She did."

25 Q. "So Nasro Jama filled out her own name?"

1 A. "Yes."

2 Q. Okay. Now, moving forward through this transcript, does
3 the prosecutor walk through with Muse Mohamed some more of
4 these ballot-related documents?

5 A. Yes.

6 Q. And so if we move down to line 21 where it talks about
7 the fifth page of the exhibit, we're looking at a copy of
8 the outside of an envelope. Do you see that?

9 A. I do.

10 Q. And I'm going to see if I can put up on the right side
11 Government's Exhibit 9.

12 The prosecutor continues on at line 23, "Does that
13 look similar to the envelopes that you delivered?"

14 A. "Can you zoom in?"

15 Q. And, Special Agent Hostetter, does that refer to, you
16 know, similar to you having this up on the screen today, are
17 grand jury witnesses sometimes shown exhibits up on the
18 screen just like this?

19 A. Exactly like this, yes.

20 Q. Okay. So let's see on the next page, if we zoom in at
21 page 27. The prosecutor responds, "Sure."

22 A. "Probably it looks like this. I believe it looks like
23 this."

24 Q. "Is this your signature here on the line that says Agent
25 Name?"

1 A. "The signature is mine."

2 Q. "Do you know who Mustafa Hassan is?"

3 A. "Yes, I do know who Mustafa is."

4 Q. "How do you know Mr. Mustafa Hassan?"

5 A. "He was one of the people working for the campaign."

6 Q. "Was Mr. Hassan with you when you picked up Nasro Jama's
7 ballot?"

8 A. "I believe so. I believe so."

9 Q. And then they go on to talk about Mr. Hassan's phone
10 number; is that correct?

11 A. That's correct.

12 Q. And so let's skip down to line 24 where the questioning
13 continues. "Just to be clear, when you" -- oh, goodness.
14 Let me see if I can put that back up.

15 On the left side we were at page 27 of Government
16 Exhibit 4. And then on the right side we were looking at
17 Government Exhibit 9. And we were about to pick up from
18 line 24 there.

19 "Just to be clear, when you went to pick up this
20 absentee ballot, Mr. Hassan, he was with you at that time?"

21 A. "Hassan was with me, yes."

22 Q. All right. Now, Special Agent Hostetter, is Mustafa
23 Hassan a witness that the jury has heard from during this
24 trial?

25 A. Yes, he spoke yesterday.

1 Q. And can you please remind the jury of his testimony
2 about whether he went with Muse Mohamed to pick up Nasro
3 Jama's ballot?

4 MR. CLIPPERT: Objection. Irrelevant.

5 THE COURT: Sustained.

6 BY MS. SVENDSEN:

7 Q. That is a witness that the jury heard from yesterday
8 afternoon with regard to this very same ballot; is that
9 correct?

10 A. Yes, ma'am.

11 Q. All right. Now, let's move down a little bit further in
12 the page to line 11. Do you see where there's a reference
13 to the paperwork for Sakariye Ahmed?

14 A. I do.

15 Q. And on the right-hand side, I'm going to call up
16 Government's Exhibit 12.

17 So starting at line 11, the prosecutor asks,
18 "Here's the paperwork for Sakariye Ahmed. Do you see your
19 signature on this page?"

20 A. "Yes, my name is there by the agent. I see my name
21 there."

22 Q. "Is that your handwriting? Did you write this?"

23 A. "The handwriting looks like my handwriting."

24 Q. And I'm going to walk you through a couple more of these
25 ballot-related documents. And if we pick up on line 14 --

1 THE COURT: We're on page 28 of Exhibit 4.

2 MS. SVENDSEN: Thank you, Your Honor.

3 BY MS. SVENDSEN:

4 Q. All right. Down at line 22 of page 28, do you see where
5 it refers to an envelope?

6 A. Yes.

7 Q. And on the right-hand side, I'm going to show you
8 Government's Exhibit 14.

9 And we'll start at line 22 where it indicates, "Do
10 you see we have another envelope here? Do you see that?"

11 A. "Yes."

12 Q. "It has again Sakariye Ahmed at the top. Is this your
13 handwriting at the agent name where it says Muse Mohamed?"

14 A. "Yes, the handwriting next to the agent name is my
15 handwriting."

16 Q. And then continuing on line 10 of page 29, the
17 prosecutor asks, "Do you remember if Mr. Mustafa Hassan was
18 with you when you picked up this ballot?"

19 A. "I cannot remember whether he was with me or not. He
20 may or may not."

21 Q. And then I want to take a look at line 5 of page 29
22 where it refers to a Request for Agent Delivery of Absentee
23 Ballot for Abdiriman Muse. Do you see that?

24 A. I do.

25 Q. So on the right-hand side, I will show you that document

1 Government Exhibit 10.

2 So in the transcript it continues on line 7, "Is
3 this your handwriting here where it says Agent Name?"

4 A. "Correct, that's my handwriting."

5 Q. All right. Now, I want to take you, Special Agent
6 Hostetter, over to what's already been admitted in evidence
7 as Government's Exhibit 1. What is this document?

8 A. That is the transcript from October 14th, 2021,
9 reflecting Muse Mohamed's testimony in front of the grand
10 jury.

11 Q. And where did that testimony take place?

12 A. In the District of Minnesota in St. Paul.

13 Q. And to be clear, that courthouse is within the State and
14 District of Minnesota, correct?

15 A. Yes, ma'am.

16 Q. All right. So similarly to the last transcript, if we
17 take a look up at the top of page 2 of Government's
18 Exhibit 1, what happens at the very beginning of the
19 transcript?

20 A. It indicates that Mr. Abdulle was sworn as the Somali
21 interpreter and that Mr. Mohamed took the oath to be honest.

22 Q. And so this transcript reflects that he was sworn in
23 again under oath to testify?

24 A. That's correct.

25 Q. All right. And, again, similar to last time, if we go

1 over to the very last page of this transcript, page 56 of
2 Government's Exhibit 1, what do we see on the back of this
3 exhibit?

4 A. It is the certificate page where the court reporter
5 certifies that the transcript from the testimony of
6 Mr. Mohamed is full, true and complete.

7 Q. And I want to start out back on page 2 of Government's
8 Exhibit 1 just below where the interpreter is sworn in and
9 everybody gets settled. What happens again at the very
10 beginning of the October 14th, 2021, testimony?

11 A. The prosecutor explains Mr. Mohamed's rights while in
12 grand jury.

13 Q. And if we go over to page 3 of Government's Exhibit 1,
14 let's review for the jury those rights, starting with
15 line 3, where the prosecutor says, "First, you understand
16 that you have the right to have an attorney be here with you
17 today?"

18 A. "Correct."

19 Q. "And you have an attorney sitting right outside the
20 courtroom. You understand you can stop this process and
21 speak to him any time you'd like?"

22 A. "Correct."

23 Q. "You also understand that you have the Fifth Amendment
24 right to remain silent?"

25 A. "Correct."

1 Q. "So basically if I ask you a question that could
2 incriminate you, you have the right to not answer that
3 question. Do you understand?"

4 A. "Correct."

5 Q. "Okay. Lastly, I want to talk to you about your
6 obligation here today. You understand that your only job
7 here today is to tell myself and the rest of the grand jury
8 the truth?"

9 A. "Very much so."

10 Q. "And you understand that the truth means the whole and
11 complete truth, right?"

12 A. "Very much so."

13 Q. "So if any of us asks you questions, not only do you
14 need to tell us the truth, but you can't omit or leave
15 anything out of your answer."

16 A. "Very much so."

17 Q. "And you understand that if you don't tell the truth
18 today, because you've just been placed under oath, you could
19 be charged with a crime?"

20 A. "Very much so. Thank you."

21 Q. All right. Now, before we start to talk about the
22 substantive questions and answers from this October 14th
23 testimony, I want to ask you about some background related
24 to this testimony.

25 First of all, this took place about how long after

1 Mr. Mohamed's initial appearance before the grand jury?

2 A. About two weeks.

3 Q. Why was Muse Mohamed subpoenaed to come back to the
4 grand jury a second time?

5 A. The grand jury felt that he still had more information
6 to provide and to give him an opportunity to provide full
7 answers to the questions and tell the truth.

8 Q. All right. And if we again go forward to some of the
9 substantive portions -- we won't read the jury this 56-page
10 transcript, but will they again have access to the entire
11 transcript during their deliberations?

12 A. Yes, you will.

13 Q. And I want to go over to page 17 of Grand Jury
14 Exhibit 1. We're going to start with line 14 of page 17.

15 And during this portion of Mr. Mohamed's
16 testimony, does he explain his understanding of the agent
17 delivery process?

18 A. Yes.

19 Q. So starting at line 14, the question is, "So the agent
20 paperwork is paperwork you dropped off at the northeast
21 Minneapolis office, correct?"

22 A. "So when the ballot papers come, people fill them out
23 and you become an agent for them, you sign a separate form,
24 and that's -- there's three pieces. You take those three
25 pieces to the elections office.

1 "So you take the three ballot forms and, you know,
2 when the people fill them out, there's -- the three ballots,
3 you take those three ballots to the election office, but you
4 have to sign your own separate form when you become an agent
5 for those three ballots. So that's how you take them. You
6 take them three at a time.

7 "So when you turn those -- those three ballots to
8 the election office -- actually, there's an election judge
9 there. And then they would ask for your ID, and then you
10 can turn those three in at the same time you show your ID so
11 they can check you out."

12 Q. "Okay. So you remember the last time you were here we
13 looked at this document, right?"

14 A. "That's right. We looked at it."

15 Q. "And this is, for the record, Grand Jury Exhibit 39.
16 Now, is this the document you were talking about that you
17 brought to the northeast Minneapolis election office?"

18 A. "So this is the agent form. So you fill this out as an
19 agent, but the -- the people that -- the voters will fill
20 out their own absentee ballots, and you take three at a
21 time. So when you -- when three individuals fill them out,
22 you take them along with this form to the elections office."

23 Q. And just to be clear, Special Agent Hostetter, let's see
24 if I can put up on the left side this page we're looking at,
25 page 18 of Government's Exhibit 1, and then on the right

1 side Government's Exhibit 6. Is this the document that is
2 at the beginning of Grand Jury Exhibit 39?

3 A. Yes, ma'am.

4 Q. Okay. And if we continue on to page 19 of Government's
5 Exhibit 1 -- there we go -- beginning at approximately like
6 lines 11 and 12 there, is Mr. Mohamed asked some questions
7 about an envelope?

8 A. Yes.

9 Q. Okay. And he testifies in response to the question,
10 "Would you also bring something that looked like this? It
11 would be an envelope."

12 A. "Yes. This is the envelope that you -- you put the
13 paperwork in and take to the elections office."

14 Q. "And you know that this would actually contain the
15 voter's ballot, right?"

16 A. "Yes. They would put the actual ballot in the envelope
17 and then they would seal it off and then I would grab it
18 from them and take them."

19 Q. "Okay. So for the record we're looking at Grand Jury
20 Exhibit 61."

21 And so if we go back to the chart at Government's
22 Exhibit 5, if the jurors want to find Grand Jury Exhibit 61,
23 where would they find it?

24 A. Trial Exhibit 19.

25 Q. And if we take a look at Trial Exhibit 19, what is this

1 document?

2 A. It's a blank signature envelope.

3 Q. And that is the signature envelope that he's testifying
4 about in the transcript; is that correct?

5 A. Yes, ma'am.

6 Q. And so if we return on the left-hand side to page 19 of
7 Government's Exhibit 1. On the right-hand side let's take a
8 look at that envelope.

9 And do you see down at the bottom of page 19 where
10 the prosecutor says, "Let's talk about this envelope"?

11 A. Yes.

12 Q. And the prosecutor continues, "When you received this
13 envelope, was it sealed already?"

14 A. "Yes."

15 Q. "Okay. Now, did you watch it get sealed or was it
16 handed to you already sealed?"

17 A. "I would grab it from them and by then it's sealed."

18 Q. "Okay. Who is them?"

19 A. "The person who filled the paperwork out."

20 Q. "So it's your testimony that you would take these
21 envelopes from the voters themselves?"

22 A. "The people, the voters would -- that we should get
23 those paper -- paperwork from them, and then we take them to
24 the elections office, but they are sealed by the time we get
25 them, we get those envelopes from them."

1 Q. And if we skip ahead a few pages to page 25 of
2 Government's Exhibit 1 -- I want to get us back into the
3 single page mode so we can see a little better. Beginning
4 at line 22, does the prosecutor continue asking Mr. Mohamed
5 where he got these envelopes from?

6 A. Yes, ma'am.

7 Q. And the prosecutor asks, "So now I need to know, where
8 did you get these envelopes from?"

9 A. "So when I take those envelopes -- when I take those
10 envelopes, and those envelopes were sealed when I take them
11 to the elections office, but I get them from the people, the
12 voters, the people who voted, is where I get them from."

13 Q. "So you're telling me that Nasro Jama handed you this
14 sealed envelope?"

15 A. "Can I step outside for five minutes?"

16 Q. "Do you need to step out in the hallway and speak to
17 your attorney?"

18 A. "Yes."

19 Q. "Okay. Let's take a break."

20 And does the transcript then reflect that a recess
21 is taken?

22 A. It does.

23 Q. For about how long?

24 A. Approximately 20 minutes.

25 Q. All right. And then when the grand jury goes back on

1 the record after that break, does the prosecutor remind
2 Mr. Mohamed that he's still under oath to tell the truth?

3 A. Yes, ma'am.

4 Q. And if we continue on to the next page, page 29 of
5 Government's Exhibit 1, I'm going to focus us in on a
6 question and answer that begin at line 7 here of page 29.

7 And, Special Agent Hostetter, is this the question
8 and answer that forms the basis for Count 1 of the
9 indictment?

10 A. It is.

11 Q. Okay. So starting at line 8, the prosecutor asks, "What
12 I need to do is, did you pick up any ballots and actually
13 bring them to the voters?"

14 A. "Okay. So I got three absentee ballots from the
15 elections office. I took -- I took those ballots to the
16 voters, they filled them out, they voted, and then I took
17 them back and turned those -- I turned those absentee
18 ballots back to the elections office."

19 Q. And so those statements in lines 11 through 15 are the
20 ones with which Muse Mohamed is charged in Count 1?

21 A. That is correct.

22 Q. And if we move on to page 31 of Government's Exhibit 1,
23 does that contain the answers with which Muse Mohamed is
24 charged in Count 2?

25 A. Yes, ma'am.

1 Q. And let's read those beginning with line 3. "I am
2 talking about if you picked up an absentee ballot and
3 brought it to Nasro Jama. Did you do that?"

4 A. "I got the absentee ballot from the elections office and
5 took it to Nasro Jama."

6 Q. "So you're saying that you picked up a blank absentee
7 ballot from the election office and you brought that
8 directly to Nasro Jama?"

9 A. "You know, from what I remember, if my memory is
10 correct, I remember Nasro Jama was the one who filled out
11 the absentee ballots -- or the absentee ballot, sealed it
12 up, and then told me to drop it off for her."

13 Q. And so these statements about Nasro Jama's ballots are
14 the statements charged in Count 2 of the indictment; is that
15 correct?

16 A. Yes, ma'am.

17 Q. All right. Moving a few pages forward to page 34 of
18 Government's Exhibit 1, does there come a point in the
19 testimony when the AUSA goes ahead and tells Mr. Mohamed
20 that the voters say they didn't ask him to be their agent?

21 A. Yes, ma'am.

22 Q. And then gives him a chance to answer again?

23 A. Yes, ma'am.

24 Q. And so let's start at the very top of page 34 where the
25 prosecutor says, "Who gave you this envelope to drop off at

1 the election office?"

2 A. "The voter."

3 Q. "So you're telling me that you got this envelope from
4 Nasro Jama?"

5 A. "Yes, the voter. The voter."

6 Q. "Okay. Mr. Mohamed, I'm going to represent to you that
7 that's not possible, because we have spoken to the people on
8 this list and they not only don't know you, but they did not
9 ask you to be their agent.

10 "So I'm going to ask you again and I'm going to
11 remind you that you are under oath. Who gave you the
12 envelopes to bring to the election office?"

13 A. "The absentee ballots?"

14 Q. "Yes."

15 A. "You get those absentee ballots from the elections
16 office. You cannot take somewhere else. You cannot take
17 them anywhere else except the elections office."

18 Q. "Who did you get them from to bring them to the election
19 office?"

20 A. "Yeah, from the voters. So you can only be an agent for
21 three individuals, so. And you can take three sealed
22 envelopes at a time. You cannot take more than three."

23 Q. "Mr. Mohamed, these people said that they did not give
24 you their ballot. So what I'm asking you is, where did you
25 get the ballots that you turned in?"

1 A. "They may not know me personally, you know. So I've
2 done, like I said before, thousands of door knocking, so. I
3 don't remember. I don't -- I don't expect them to know me,
4 you know, individually, but I dealt with a number of people,
5 so I don't think they can remember who -- who I was."

6 Q. "Mr. Mohamed, not only do these people not know you,
7 they did not request an agent to deliver one of their
8 ballots. So where did you get the ballots that you
9 delivered?"

10 A. "You know, it's possible that I -- they don't remember
11 me. I don't remember them individually. They may not know
12 me personally. But this is what I know. I took those three
13 sealed envelopes to the elections office, I acted as an
14 agent for these individuals, and I took those three
15 envelopes to the elections office. You can only take three
16 at any given time. You cannot take more than three."

17 Q. "Okay. Mr. Mohamed, who gave you the envelopes that you
18 took to the elections office?"

19 A. "The person who just voted, the voter."

20 Q. "Okay. Mr. Mohamed, Nasro Jama did not give you a
21 ballot. Who gave you Nasro Jama's ballot?"

22 A. "You said Nasro did not give me the ballot, the absentee
23 ballot?"

24 Q. "That is correct. So where did you get this ballot
25 from?"

1 A. "I get these absentee ballots from the voters. Without
2 them giving me those absentee ballots, I could not have
3 filled out the agent log. I wouldn't have signed it. I
4 wouldn't have done it without them giving me their
5 permission. So I wouldn't get ahold of those absentee
6 ballots without me being their agent and without dealing
7 with them. How would I -- where would I get them?"

8 Q. "That is what I'm asking you, sir. Where did you get
9 these ballots?"

10 A. "So after the voters filled out the absentee ballots,
11 after they had voted, I took those absentee ballots and
12 returned them back to the elections office."

13 Q. Now, if we go over a few more pages to page 40, Special
14 Agent Hostetter, of Government's Exhibit 1, starting with
15 line 3, does the prosecutor ask one more time where these
16 envelopes came from?

17 A. Yes, ma'am.

18 Q. And prosecutor starts out, "Who gave you these envelopes
19 to take to the election office?"

20 A. "The three sealed envelopes, I got them from the voters
21 themselves. For the absentee ballot -- sorry, for the agent
22 log, I get that from the -- from Dawson in the office."

23 Q. "And you understand that these three people have said
24 they did not give you their ballot?"

25 A. "Okay. So it's possible that these people may not know

1 me. They may not be acquainted with me. I was not
2 acquainted with them as well. So it's possible that they
3 may not recognize me or recall who I was, but in any case I
4 got those three sealed envelopes from the voters themselves.
5 Took them to the elections office. The process was followed
6 and the absentee" --

7 Q. Sorry. I cut you off there. You need to finish with
8 line 18.

9 A. -- "ballots were accepted. That's what took place."

10 Q. Okay. And then continuing on over at page 43 of
11 Government's Exhibit 1, starting with line 6, is Mr. Mohamed
12 asked some questions about how he came to be an agent for
13 these three voters?

14 A. Can you state that again, please?

15 Q. There's some questions here about how he got to be these
16 voters' agent?

17 A. Yes.

18 Q. And at line 6 he says -- the prosecutor asks, "Did the
19 campaign office tell you which houses to go to?"

20 A. "Yes. They give me a list of the doors that you need to
21 knock on and --"

22 Q. "Okay. And once you got to the house, there would
23 sometimes be a voter, correct?"

24 A. "The voter may, at that point, ask you to become their
25 agent, yes."

1 Q. "Okay. And is that what happened on these three
2 occasions that we're looking at here?"

3 A. "All of them."

4 Q. All right. And then the last part of this transcript
5 that I want to review with you, Special Agent Hostetter, it
6 begins over at page 46.

7 You testified earlier that when a witness
8 testifies in the grand jury, sometimes the grand jurors
9 themselves will ask some questions; is that correct?

10 A. Yes, ma'am.

11 Q. Did there come a point in Muse Mohamed's October 14th,
12 2021, testimony when the grand jurors asked him some
13 questions?

14 A. Yes.

15 Q. Okay. Let's take a look at that section. And starting
16 from line 12, the prosecutor indicates she's going to let
17 the grand jurors ask questions if they'd like to; is that
18 correct?

19 A. That's correct.

20 Q. And then we see the foreperson recognizing someone in
21 the back. And so now I will ask the questions on behalf of
22 the grand juror, and I will ask you to give Muse Mohamed's
23 answers. Do you understand?

24 A. Yes.

25 Q. So down at the bottom of the page, the grand juror asks,

1 "Through the course of testimony, your body language
2 suggests that you're a little bit nervous. Is that
3 accurate?"

4 A. "No. I have a hernia. So if my hernia bothers me, I
5 need more water. My hernia is very long, like this. I
6 tried to get help at the hospital, but --"

7 Q. "Aside from the water, I'm going to tell you that you've
8 been shaking and sweating. Aside from all that, I want you
9 to know it's okay if you stand. Okay?"

10 "Sometimes innocent people may get caught up in
11 wrong things, right? And you may be set up to do something
12 that you may have no knowledge of what you were doing. And
13 that's okay if it happened."

14 A. "Personally, if I ask myself, I am -- I am from an
15 affluent family, we are respected a lot, who never take a
16 ticket, even the lowest ticket, a parking ticket, never get
17 a ticket for more than 14, 15 years. I'm that person who
18 follow on the who and the why."

19 Q. And the grand juror asks, "So what happens in life,
20 sometimes people take advantage of those people, right? So
21 some person wanting to commit a crime, they take advantage
22 of you."

23 A. "It's possible."

24 Q. "And that's what we are here for today and the previous
25 times, is to figure out if that's what's happening to you."

1 So it's easier if you are 100 percent honest. We've heard
2 from a lot of people's testimony, and it's easier to get
3 this off your shoulders to sleep at night knowing that we've
4 heard from a lot of people. Because I truly believe, like
5 you said, you're a good person."

6 A. "Yes."

7 Q. "So as a refresher, is it possible here on 8-11 that
8 maybe you got in too far and were taken -- let me ask you
9 this. How did you get to the election -- how did you turn
10 in these ballots? Did you drive?"

11 A. It says, through the interpreter "Yes, I would drive
12 myself."

13 Q. "You drove yourself. So on your way there, is it
14 possible that someone maybe wanted to take advantage of a
15 nice person, that doesn't have any record, to commit a crime
16 and gave you 3,000 and said, hey, I know you're a good
17 person, they're probably not going to question this, so take
18 these three ballots for me and drop them off. Is that
19 possible?"

20 A. It says, through the interpreter, "That's not possible."

21 Q. And the grand juror responds, "You're still going to
22 tell us it's possible that you still met these three people?
23 You're a good citizen and you didn't break any laws. You're
24 for sure going to say that?"

25 A. Through the interpreter, "Yes, that is my decision, that

1 I got them from the voters themselves. I know they accept
2 these absentee ballots. If these people voted already or if
3 they are slated to vote in person, it's possible. Sometimes
4 people change their" mind -- "their answer." Excuse me.

5 Q. "But one thing that" -- oh, I'm sorry. Mr. Mohamed
6 continues on; is that correct?

7 A. He does. Sorry.

8 "But one thing that happened to me, I would say on
9 December of last -- last December, a group of people took my
10 phone and my wallet and ID, my social security even, and
11 that was December of last year."

12 Q. "I'm sorry to hear that."

13 A. "But nothing -- but nothing -- I know there are people
14 that can be out on the street like that nowadays and they're
15 taking your cars and other things. But other than that,
16 no."

17 Q. And the grand juror asks, "Was the campaign office
18 afraid of losing?"

19 A. Again, through the interpreter, "No. No, I don't think
20 so. You know, even though I was student, like I said, I was
21 not really involved."

22 Q. The grand juror says, "Well, I disagree because you said
23 you went to thousands of doors. So you were involved more
24 than what you're telling us today."

25 A. Again, through the interpreter, "On my days off, twice

1 or three times a week, I will spend lots of time trying to
2 help them out, so."

3 Q. And then the foreperson recognizes another grand juror
4 who down at line 16 asks, "Do you have a cash app or a
5 Vimeo?"

6 A. "I do have a cash app, but not Vimeo."

7 Q. The interpreter indicates that -- he spoke English and
8 he didn't quite get that. And then the grand juror
9 continues on, "You said you do have a cash app?"

10 A. Again, through the interpreter, "I am not -- yes, I have
11 a cash app. I don't use it. In the past I did use it once,
12 but nowadays I have it, but I don't use it a lot. It's
13 just -- when I'm getting my haircut, when the guy do my
14 haircut, I use the cash app. So I use it that way."

15 Q. "And did you ever receive any cash or prizes for being
16 an agent?"

17 A. "No, never. Never."

18 Q. "Okay. Thank you."

19 A. "Thank you so much."

20 Q. The foreperson recognizes another grand juror to ask a
21 question, and the question continues from the grand juror.
22 "Sir, I contend that our lives are determined by a number of
23 decisions that we make every day."

24 THE INTERPRETER: Your Honor, may I have a second?

25 THE COURT: You may. Just a minute.

1 And just to be clear, we're on page 51 of
2 Exhibit 1.

3 MS. SVENDSEN: Thank you, Your Honor.

4 THE COURT: Go ahead, Ms. Svendsen.

5 MS. SVENDSEN: Thank you, Your Honor.

6 BY MS. SVENDSEN:

7 Q. And so at line 14 the grand juror starts out, "Sir, I
8 contend that our lives are determined by a number of
9 decisions that we make every day, sometimes every hour,
10 sometimes every minute. Most of us try to make the right
11 decision and we get to go on this path. Sometimes --
12 sometimes unfortunately decisions are made and we go on this
13 path, and that's not a fun path.

14 "And I would ask you and tell you that you're
15 having a prime opportunity right now to determine the path
16 that you will be going. Forget what we've talked about for
17 the last two hours. In the next minute, make the right
18 decision."

19 And Mr. Mohamed responds on page 52.

20 A. "Thank you so much. Early in the morning I wake up
21 every day. I pray at 4:00 in the morning. I ask my -- my
22 God to give me strength. Thank you."

23 Q. And the grand juror says, "I have one -- one other
24 question.

25 "Your testimony was that you picked up the ballots

1 from those three people, the sealed envelopes to take them
2 in. Did you check the photo ID of each of those people and
3 compare it to the name on the ballot?"

4 A. Again, through the interpreter, "When you're filling out
5 the agent form, then you -- that's when you should check the
6 ID of the individuals that you are acting as their agent."

7 Q. "So did you go to each of those people and you looked at
8 their ID and made sure that their picture looked like the
9 person that was handing you the sealed ballot; is that
10 correct?"

11 A. "I don't remember doing that at the time when I was
12 taking those absentee ballots from them. Typically you
13 would ask for the ID when you are acting -- when you're
14 acting as an agent for someone who is voting absentee. But
15 in this particular situation, I don't remember asking them
16 for the ID."

17 Q. And up at the top of page 53 the grand juror continues,
18 "So you don't remember if, when you picked up those three
19 ballots, if you looked at their IDs?"

20 A. "I do not remember asking for their IDs."

21 Q. And then the foreperson recognizes another grand juror
22 who at line 8 starts out, "Hi, Mr. Mohamed. I need you to
23 help me with a quandary. If each of these three people came
24 to us independently and told us that they never requested an
25 absentee ballot, nor did anyone come to their -- come to

1 them to pick up an absentee ballot, if they told us that,
2 and now we're hearing you tell us that you went to each of
3 them and picked up an absentee ballot, what should I think
4 about that?"

5 A. "You're asking me how can I explain the discrepancies
6 there?"

7 Q. "Yes. What should I think of that? Because they are at
8 odds with each other."

9 A. "I don't know how I can explain it to you better, but
10 this is what I know. When you receive those absentee
11 ballots from the voters themselves, you take them to the
12 elections office. The election judge will inspect them. If
13 they -- any discrepancies, if they already voted or if
14 they're scheduled to vote in person, then they will check
15 those absentee ballots. They will not accept them if there
16 was any issues. That's how I tell you."

17 Q. "I understand that. These people say they never gave an
18 absentee ballot to anyone. You say they gave you their
19 absentee ballot."

20 A. "The elections office will not accept those absentee
21 ballots without -- "

22 Q. "Thank you."

23 "I've got one more for you. You told us this
24 story in December. So what he just asked you, should we go
25 find these three people and charge them with perjury? You

1 are aware perjury has a penalty of up to one year in jail.
2 If on your account they committed perjury, should we do
3 that?"

4 A. "I cannot speak for them. Okay. So I cannot speak to
5 what these people said, you know. I'm not here to speak for
6 them, but I can tell you that -- I told you what I know
7 about this situation.

8 "In terms of what happened to me, the robbery and
9 all that, somebody held a gun to my head and took my wallet
10 and all of that. They used my -- my card at an ATM machine
11 and nobody did anything about them."

12 Q. And following that the witness is excused; is that
13 correct?

14 A. That's correct.

15 Q. All right.

16 THE COURT: Can I just -- I'm going to interrupt
17 for one moment just because of the unusual nature of the
18 testimony.

19 It's clear to everyone in the courtroom how this
20 has gone, and you two have done a good job of separating
21 what is the agent's testimony from his reading of the
22 answers from Exhibits 1 and 4. But just to make sure that
23 it is clear for the record, the portions of the testimony
24 from Special Agent Hostetter are Agent Hostetter reading
25 from Mr. Mohamed's answers in transcripts Exhibits 1 and 4

1 and Ms. Svendsen asking the questions that the prosecutor or
2 the grand jurors asked.

3 Thank you.

4 MS. SVENDSEN: Thank you, Your Honor.

5 BY MS. SVENDSEN:

6 Q. I want to talk to you about two additional exhibits,
7 Special Agent Hostetter. You're aware that Muse Mohamed is
8 charged with two counts of making false statements to the
9 grand jury; is that correct?

10 A. Yes, ma'am.

11 Q. During which session of his grand jury testimony did he
12 make those two false statements?

13 A. The second session, October 14th, 2021.

14 Q. Okay. Now, are there some exhibits in evidence that can
15 aid the jury in finding and zeroing in on those actual
16 charged false statements?

17 A. Yes, ma'am.

18 Q. And if we start with what's already been admitted into
19 evidence as Government's Exhibit 2, we will scroll through
20 the pages of it, but what is Government's Exhibit 2?

21 A. It's the exhibit that just kind of breaks out Count 1 of
22 the indictment.

23 Q. Okay. So the cover page, page 1 of Government
24 Exhibit 2, what does that contain?

25 A. It's the first page of the transcript from October 14th,

1 2021.

2 Q. And if we go over to page 2 of Government's Exhibit 2,
3 what's right up at the top of it?

4 A. The date and time.

5 Q. And right below that?

6 A. It indicates the translator being sworn in and then
7 Mr. Mohamed also being sworn.

8 Q. And so it shows that at this time on October 14th Muse
9 Mohamed is testifying under oath?

10 A. That's correct.

11 Q. And then the next couple of pages that are in here,
12 starting down at the bottom of page 2 and then continuing
13 over to page 3, what information is contained in those
14 pages?

15 A. He's being informed of his rights.

16 Q. And if we go over to page 4 of Government's Exhibit 2,
17 do those rights continue?

18 A. Yes.

19 Q. Okay. Let's take a look at page 5 of Government's
20 Exhibit 2. It's marked page 29 up here in the top right
21 corner, but it's page 5 of this exhibit; is that right?

22 A. That's correct.

23 Q. Why is that?

24 A. Because it's just breaking out the actual lie that was
25 told during grand jury and highlighting that for the jury.

1 Q. And so this is page 29 of that bigger exhibit?

2 A. Yes.

3 Q. Government Exhibit 1?

4 A. Correct.

5 Q. And what's in the box?

6 A. The statement that mister -- the false statement that
7 Mr. Mohamed gave.

8 MR. CLIPPERT: Object to the characterization of
9 the statement as false.

10 THE COURT: It's the charge statement. Can you
11 rephrase, please?

12 THE WITNESS: It's the statement given on
13 October 14th.

14 BY MS. SVENDSEN:

15 Q. That's charged in Count 1?

16 A. Correct.

17 Q. Okay. Now, over at Government's Exhibit 3, is this a
18 similar kind of exhibit?

19 A. Yes, ma'am.

20 Q. What is it?

21 A. It's breaking out Count 2 of the indictment.

22 Q. And so on the front cover we have what again?

23 A. It is the front page of the transcript from
24 October 14th.

25 Q. And then what's up at the top of page 2 of Government's

1 Exhibit 3, for the jury's purposes?

2 A. It's the date and time stamp. Thursday, October 14,
3 2021, at 9:25 a.m. And then it says, Whereupon, Osman
4 Abdulle was sworn as the Somali interpreter, and then it
5 continues on and indicates that Mr. Mohamed was also duly
6 sworn, taking the oath.

7 Q. And these are the same front pages as the other exhibit
8 had?

9 A. Yes, ma'am.

10 Q. Continuing through the rights?

11 A. Yes.

12 Q. And then if we go over to page 5 of Government's
13 Exhibit 3, it says page 31 up in the top right corner. Why
14 is that?

15 A. Because it's the page from the overall transcript
16 indicating the second count of what he's charged with.

17 Q. And so this page 31 is page 31 of that bigger exhibit,
18 Government's Exhibit 1?

19 A. Yes, ma'am.

20 Q. And then within the box we've got the charge statements
21 from Count 2; is that correct?

22 A. That's correct.

23 Q. All right. And just one more time. If we go to page 5
24 of Government's Exhibit 2, the charge statements there,
25 beginning with line 11, could you provide that one more time

1 for the jury?

2 A. From line 11?

3 MR. CLIPPERT: It's cumulative at this stage.

4 THE COURT: Overruled. You may answer.

5 THE WITNESS: I'm sorry. You said line 11?

6 BY MS. SVENDSEN:

7 Q. Yeah, starting from line 11.

8 A. "Okay. So I got three absentee ballots from the
9 elections office. I took -- I took those ballots to the
10 voters, they filled them out, they voted, and then I took
11 them back and turned those -- I turned those absentee
12 ballots back to the election office."

13 Q. And just to make sure it's clear, the statements that
14 we're talking about in this case, I'm going to show you
15 page 5 of Government's Exhibit 3 and walk through with you
16 the box there, starting with line 3.

17 "I am talking about if you picked up an absentee
18 ballot and brought it to Nasro Jama. Did you do that?"

19 A. "I got the absentee ballot from the elections office and
20 took it to Nasro Jama."

21 Q. "So you're saying that you picked up a blank absentee
22 ballot from the election office and you brought that
23 directly to Nasro Jama?"

24 A. "You know, from what I remember, if my memory is
25 correct, I remember Nasro Jama was the one who filled out

1 the absentee ballots -- or the absentee ballot, sealed it
2 up, and then told me to drop it off for her."

3 Q. Now, at the beginning of your testimony, you testified
4 that the grand jury in this case was attempting to determine
5 whether ballots were turned in without the voters'
6 knowledge; is that correct?

7 A. That is correct.

8 Q. Was it important to the investigation to determine
9 whether Muse Mohamed actually took these three ballots to
10 the voters to vote them?

11 A. It was.

12 Q. Why?

13 A. Because we wanted to know if the ballots [sic] had given
14 permission to turn in ballots on their behalf.

15 Q. And if they had not, what were you trying to determine
16 at that point?

17 A. Who filled out the ballots and directed people to turn
18 them in.

19 MS. SVENDSEN: If I could just have a moment, Your
20 Honor?

21 THE COURT: You may.

22 MS. SVENDSEN: Nothing further, Your Honor.

23 THE COURT: We're going to take our morning break
24 at this time. So we'll come back at 10:35. Thank you.

25 All rise for the jury.

1 (Recess taken at 10:18 a.m. till 10:37 a.m.)

2 **IN OPEN COURT**

3 **(JURY PRESENT)**

4 THE COURT: Mr. Clippert, cross-examination.

5 MR. CLIPPERT: Yes, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. CLIPPERT:

8 Q. I've just got a few follow-up questions about grand
9 juries in general and then maybe a few about this one.

10 If someone gets called in to serve as a grand
11 juror, how long can that service last?

12 A. I'm not sure on the total length.

13 Q. Is it months?

14 A. It's a year plus, if it's extended, yes.

15 Q. Okay. Can the grand jury hear only one case at a time?

16 A. No.

17 Q. So prosecutors present maybe a few cases to that same
18 grand jury over the term of their service, right?

19 A. That's my understanding, yes.

20 Q. Okay. And in this case you testified that the grand
21 jury heard Mr. Mohamed's testimony on September 30th and
22 October 14th. Do you know whether the grand jury was
23 hearing evidence related to this investigation that whole
24 two-week time in between?

25 A. I don't -- they usually only were convened on Thursdays,

1 so I would assume they heard other evidence for various
2 investigations while they were convened, yes.

3 Q. Okay. But I guess that's -- you answered my question
4 and I want to make sure. So the grand jury doesn't meet
5 Monday through Friday every day of the week to hear
6 evidence?

7 A. Not typically, no.

8 Q. Okay. So in this time period the grand juries were only
9 convening on Thursday; is that right?

10 A. I believe so, yes.

11 Q. Okay. In terms of this investigation, I'm not -- and if
12 I'm asking you something I shouldn't, you can tell me that.
13 But how long did this grand jury investigation go on, just
14 generally?

15 A. It actually started I believe before I was put on the
16 case. So I can't answer that in an overall, but at least a
17 year it was looking into the matter.

18 Q. Okay. And was that a year from -- because that's when
19 you started, was it a year on this case?

20 A. No. Total it was at least a year.

21 Q. Okay. Do you know how many witnesses were presented to
22 the grand jury?

23 A. A lot. Closing in on probably 80.

24 Q. 80. Okay.

25 MR. CLIPPERT: Nothing further, Your Honor.

1 THE COURT: Ms. Svendsen?

2 MS. SVENDSEN: Nothing further, Your Honor. Thank
3 you.

4 THE COURT: You may step down, sir. Thank you.

5 And the government may call its next witness.

6 MS. MUNOZ: Your Honor, the government rests.

7 THE COURT: Thank you.

8 Members of the jury, I'm going to give you another
9 break so that we may take up some legal issues, and then
10 we'll keep you posted, and we'll try to keep your time as
11 efficient as possible.

12 All rise for the jury.

13 10:40 a.m.

14 **IN OPEN COURT**

15 **(JURY NOT PRESENT)**

16 THE COURT: You may all be seated.

17 And, Mr. Clippert, what is the defense intention?

18 MR. CLIPPERT: I have a witness that I just don't
19 think he can add much, so I don't think I'm going to call
20 him.

21 Mr. Mohamed, have you -- you and I talked about
22 your right to testify. Do you understand what that means?

23 THE DEFENDANT: Yes.

24 MR. CLIPPERT: Do you understand it's your right
25 and not my right? Do you understand that?

1 THE DEFENDANT: Yes.

2 MR. CLIPPERT: I mean, I can give you my advice.

3 COURT REPORTER: Excuse me. Can you speak into
4 the microphones, please?

5 THE COURT: And you may be seated for this. Thank
6 you, Mr. Clippert.

7 MR. CLIPPERT: I apologize.

8 It's your right to testify and not mine. So I can
9 give you advice.

10 THE DEFENDANT: Yes.

11 MR. CLIPPERT: But it's your decision. Do you
12 understand that?

13 THE DEFENDANT: Yes.

14 MR. CLIPPERT: And if you choose not to testify,
15 there's going to be several places in the jury instructions
16 where the judge will say, on the bottom of page 6, The fact
17 that Mr. Mohamed did not testify must not be considered by
18 you in any way or even discussed in arriving at your
19 verdict. So the judge is going to instruct the jury that
20 they cannot consider your silence in any way. Do you
21 understand that?

22 THE DEFENDANT: Yes.

23 MR. CLIPPERT: Having thought this matter through,
24 have you made a decision about whether you want to testify?

25 THE DEFENDANT: Yes. I testified before, and I

1 tell the truth.

2 MR. CLIPPERT: Okay. So --

3 THE COURT: Wait, wait, wait. I need his answer.

4 MR. CLIPPERT: Oh, sorry.

5 THE COURT: I understand that it was in English,
6 but I need it from the interpreter.

7 THE DEFENDANT: I testified before, and I tell the
8 truth.

9 MR. CLIPPERT: But, Mr. Mohamed, what I am wanting
10 to know is whether you want to testify here today.

11 THE DEFENDANT: If they ask me, I can, yeah.

12 THE INTERPRETER: I did not hear that myself.

13 THE COURT: Okay. Mr. Mohamed, the decision on
14 whether to testify is yours and yours alone. You have the
15 right to take the stand here and testify before this jury.
16 You equally have the right not to testify. So you have the
17 right to stay silent and no one can use that against you.

18 THE DEFENDANT: Okay. Okay.

19 THE COURT: Do you have any questions about that
20 right?

21 THE DEFENDANT: No, no.

22 THE COURT: And, again, this is not Mr. Clippert's
23 decision. This is yours and yours alone.

24 THE DEFENDANT: Okay.

25 THE COURT: What do you wish to do? Do you wish

1 to testify or not testify?

2 THE DEFENDANT: I will stay silent.

3 THE COURT: All right. Do you have any questions
4 about your right to testify?

5 THE DEFENDANT: No.

6 THE COURT: Do you need any more time to speak
7 with Mr. Clippert about that right?

8 THE DEFENDANT: I think I'm fine.

9 THE COURT: Did you say, "I think I'm fine."

10 THE DEFENDANT: Yeah.

11 THE COURT: Okay. Are you sure?

12 MR. CLIPPERT: Could I just have a quick --

13 THE COURT: Of course.

14 MR. CLIPPERT: -- chat with him?

15 THE COURT: Yes.

16 MR. CLIPPERT: Go back to the conference room?

17 THE COURT: Sure. We'll take a break, and I'll
18 just -- I'll give you 15 minutes, and we'll come back at 11.
19 And then let's also just in case be prepared to talk about
20 the schedule going forward. All right. Thanks.

21 COURTROOM DEPUTY: All rise.

22 (Recess taken at 10:45 a.m. till 11 a.m.)

23 THE COURT: You may all be seated.

24 Mr. Mohamed, we took a break so that you could
25 talk with Mr. Clippert about your decision whether to

1 testify. Just know that I don't have a view as to what you
2 should do. What is your decision, sir?

3 THE INTERPRETER: I'm not hearing, Your Honor.

4 THE DEFENDANT (through interpreter): Yeah, I will
5 remain silent. I will not testify.

6 THE COURT: And do you have a clear head today?

7 THE DEFENDANT (through interpreter): Very much.

8 Good.

9 THE COURT: All right. Thank you.

10 Anything from the government to add?

11 MS. MUNOZ: No, Your Honor. Thank you.

12 THE COURT: All right. And any motions that need
13 to be made at this time from the government or the defense?

14 MS. MUNOZ: None from the government, Your Honor.

15 MR. CLIPPERT: Your Honor, we haven't officially
16 rested.

17 I'm assuming based on the court's prior ruling
18 that the court would not allow Mr. Jaylani to testify, but I
19 probably should have a ruling on that, if I could.

20 THE COURT: Do you continue to persist in wanting
21 him to testify?

22 MR. CLIPPERT: I would.

23 THE COURT: Okay. And so explain -- so part of
24 the reason for my deferring that ruling was to determine
25 whether any bias had been exhibited by any of the defendants

1 such that Mr. Jaylani's testimony would be relevant. What
2 is your argument there?

3 MR. CLIPPERT: Your Honor, I think the -- I think
4 Ms. Nasro Jama's testimony opened that door. I know she
5 said she wasn't scared, but she was clearly felt harassed, I
6 would say, by the situation. She was not happy to be here.
7 And I think that would also be consistent with Mr. Jaylani's
8 testimony, that there's a feeling of harassment within the
9 Somali community by the FBI.

10 THE COURT: And assuming for the moment that she
11 exhibited feelings of being harassed, how does that go to
12 bias in her testimony?

13 MR. CLIPPERT: And, Your Honor, that -- I think it
14 shows that she's had, she's had to say one thing and be
15 consistent the whole time and she's not happy about it.

16 THE COURT: Thank you.

17 Response from the government.

18 MS. SVENDSEN: Your Honor, I'm not sure how it
19 could be any clearer that Ms. Jama was not intimidated by
20 the government into testifying any particular way. Whether
21 she was or wasn't unhappy to be here doesn't reflect on the
22 veracity of her testimony, which is what the jury is here to
23 evaluate. And because there's no foundation for any belief
24 that Ms. Jama testified the way she did because she was
25 afraid or intimidated by the government, when she clearly

1 was not, there's no basis for Mr. Hussein's testimony.

2 THE COURT: The witness at issue, Ms. Jama, was
3 clearly not intimidated by anyone, including the court, and
4 I say that because of her appearance on the witness stand
5 and her words, as well as her body language. And it was
6 clear she was not happy to be here, but I didn't see
7 anything that indicated that she was biased in any way to
8 testify one way or another. And because of that, I am
9 denying the motion in limine to allow the testimony of the
10 defense witness, one moment, and that is Jaylani Hussein,
11 who was also the subject of the motion in limine that the
12 court made a preliminary ruling, but decided to defer.

13 All right. With respect to the defense case, is
14 it then your intent to rest, Mr. Clippert?

15 MR. CLIPPERT: Yes, Your Honor.

16 THE COURT: All right. So I'll call the jury in
17 for that purpose. We'll give them another break that will
18 include their lunch break. We can go over jury instructions
19 at that time so that you all during your lunch break can
20 prepare for closings, and I will prepare the jury
21 instructions with any changes that need to be made. Okay?

22 Let's go get the jury.

23 11:07 a.m.

24 **IN OPEN COURT**

25 **(JURY PRESENT)**

1 THE COURT: You may all be seated.

2 Mr. Clippert.

3 MR. CLIPPERT: And, Your Honor, the defense rests.

4 THE COURT: Thank you.

5 At this time we are going to let you go for an
6 extended lunch break, while we take up some other legal
7 matters, and then you will come back and there will be final
8 instructions and closings this afternoon. So I'm going to
9 have you all come back at 1:00. All right. Thanks,
10 everyone.

11 All rise for the jury.

12 11:09 a.m.

13 **IN OPEN COURT**

14 **(JURY NOT PRESENT)**

15 THE COURT: You may all be seated.

16 Let's just be off the record for a moment for a
17 discussion on jury instructions, and we can put anything on
18 the record that we need to after that. So sort of given the
19 brevity of the instructions and informal charge conference.
20 Does that make sense, counsel?

21 MS. MUNOZ: Yes, Your Honor.

22 THE COURT: Mr. Clippert?

23 MR. CLIPPERT: Yes, Your Honor.

24 THE COURT: All right. So we're off the record.

25 (Off the record)

1 THE COURT: We've had a brief charge conference
2 about the final jury instructions, and there was one
3 objection from Mr. Clippert that I overruled.

4 Mr. Clippert, would you state that objection,
5 please?

6 MR. CLIPPERT: Yes, Your Honor.

7 It's in Jury Instructions 6 and 7. The
8 instruction says, You need not find that all of the alleged
9 statements in each count of the indictment are false;
10 instead, you must find unanimously and beyond a reasonable
11 doubt that at least one of the statements set out in a
12 particular count of the indictment is false. And I would
13 object to that because it would allow for a nonunanimous
14 verdict. Jurors could agree on half of a statement and six
15 could agree on the other half.

16 And I had read *Holley* as actually supporting this
17 argument, and we had a discussion about that. And I can get
18 a cite for *Holley*, I don't have it off the top of my head,
19 but it is one of the cases noted in the pattern jury
20 instructions as well.

21 THE COURT: Thank you.

22 Ms. Svendsen, could you state the government's
23 position, please?

24 MS. SVENDSEN: Thank you, Your Honor.

25 The government cites the notes on use to the

1 Instruction 6, 18 1623, which recommends that this language
2 be used in a case that has facts like this one where the
3 charged false statements have multiple parts. The notes on
4 use cite to the *Holley* case from the Fifth Circuit, it's at
5 942 F.2d 916, in support of the use of this language.

6 In the *Holley* case the defendant was charged under
7 1623 with making false statements, and the court gave only
8 the elements of the offense in the instructions and didn't
9 make any reference to a unanimity requirement, and the
10 verdict in that case was reversed, and so -- you know, it
11 explicitly is a unanimity instruction that requires the jury
12 to find unanimously one particular false statement.

13 THE COURT: I agree that it is a unanimity
14 instruction and that it is necessary to give it here because
15 the statements from the grand jury in each charge -- there
16 are more than one, and it tells the jury explicitly that
17 they must find unanimously and beyond a reasonable doubt
18 that at least one of the statements set out in a particular
19 count is false. So I am overruling the objection and giving
20 the instruction.

21 And other than that, does the government have any
22 objections on the record to the final jury instructions?

23 MS. MUNOZ: Your Honor, the only other thing that
24 we noted on the -- at the charge conference was the removal
25 of Instruction Number 10, because our demonstrative was

1 admitted, but no other objections.

2 THE COURT: Thank you.

3 And, Mr. Clippert, any other objections noted?

4 MR. CLIPPERT: None, Your Honor.

5 THE COURT: Thank you. We'll go off the record.

6 (Recess taken at 11:18 a.m. till 1:05 p.m.)

7 **IN OPEN COURT**

8 **(JURY PRESENT)**

9 THE COURT: You may all be seated.

10 Members of the jury, the time has come for the
11 lawyers to have the opportunity to present closing arguments
12 to you. I will ask each of them to do so, and then I will
13 give you final instructions on the law.

14 Ms. Svendsen.

15 MS. SVENDSEN: Good afternoon. May it please the
16 court. Counsel. Members of the jury.

17 Muse Mohamed lied to the grand jury. He went to
18 the federal courthouse in St. Paul, went to the grand jury
19 room, got on a witness stand just like this one, raised his
20 right hand, and he took an oath promising to tell the truth.
21 But instead of telling the grand jury the truth, Muse
22 Mohamed chose to lie to them about something that went to
23 the very heart of the grand jury's investigation.

24 As you learned during this trial, the grand jury
25 was investigating whether people in Minneapolis had ballots

1 dropped off without their knowledge in connection with the
2 August 11th, 2020, primary election and, if so, who filled
3 out those ballots. And as you've heard loud and clear
4 during this trial, Muse Mohamed turned in ballots for people
5 who didn't know about it.

6 Instead of telling the grand jury the truth about
7 where he got those ballots, information that could have
8 helped move forward their investigation about who filled
9 them out, Muse Mohamed lied. He falsely claimed that he
10 took those ballots from the election office to the voters,
11 that the voters filled them out. He lied on September 30th,
12 2021, during his first round of grand jury testimony, and he
13 lied again when he was given an opportunity to come back two
14 weeks later on October 14th and come clean. Simply put, he
15 didn't want to tell the grand jury where he got those
16 ballots, and so he lied.

17 Lying under oath to the grand jury is a crime.
18 And the evidence that you've heard in this trial proves
19 beyond a reasonable doubt that Muse Mohamed is guilty of
20 both counts of making false declarations before the grand
21 jury with which he's charged in this case.

22 Now, at the beginning of the trial my colleague
23 Ms. Munoz told you that making a false declaration before
24 the grand jury is a long phrase for a simple concept.
25 Lying. And that's true.

1 In this case Muse Mohamed is charged in two counts
2 with two specific lies that he told the grand jury. You've
3 heard those two lies read out a few times in the courtroom,
4 and we'll go through them again in a couple of minutes. But
5 as Special Agent Hostetter told you, there are two exhibits
6 that you will have with you in the jury room that will make
7 it easy for you to find those two charged false statements.
8 Government's Exhibit 2 shows the false statement for Count 1
9 in a box, and Government's Exhibit 3 has the charged false
10 statement for Count 2 in a box.

11 So what does the government have to prove in order
12 for you to find Muse Mohamed guilty in this case? The crime
13 of making a false declaration to the grand jury has four
14 elements, four things that the government has to prove
15 beyond a reasonable doubt in order for you to find Muse
16 Mohamed guilty. And I'm going to take a few minutes this
17 afternoon to explain what those elements are and how the
18 evidence you've heard in this trial proves them beyond a
19 reasonable doubt.

20 So the first element is that the defendant
21 testified under oath or affirmation before a grand jury;
22 second, such testimony was false in whole or in part; third,
23 that at the time he so testified the defendant knew his
24 testimony was false; and the fourth element is that the
25 false testimony was material. So let's walk through each of

1 those one by one.

2 First, the defendant testified under oath or
3 affirmation before a grand jury. How do you know that Muse
4 Mohamed testified under oath? You've got the transcript of
5 Muse Mohamed's October 14th testimony, Government's
6 Exhibit 1. And at the very beginning it says that Muse
7 Mohamud Mohamed was called as a witness, having been duly
8 sworn by the foreperson of the grand jury. Special Agent
9 Hostetter told you that he's testified before the grand jury
10 too and being "duly sworn" means taking that same oath that
11 you heard all of the witnesses take when they got on the
12 stand in this case, and it means swearing to tell the truth.

13 Now, shortly Judge Brasel is going to give you
14 your final instructions in this case, and you will hear that
15 for each of the two counts the first element requires that
16 the government prove the defendant testified under oath and
17 made a particular statement. So for Count 1 that statement
18 is, where Muse Mohamed testified, "I got three absentee
19 ballots from the elections office. I took -- I took those
20 ballots to the voters, they filled them out, they voted, and
21 then I took them back and turned those -- I turned those
22 absentee ballots back to the election office."

23 How do you know that Muse Mohamed actually made
24 that statement to the grand jury? You can find it in the
25 full transcript of Mr. Mohamed's testimony on October 14th,

1 2021. That's Government's Exhibit 1. It's at page 29 of
2 Government's Exhibit 1. And then you've also got it broken
3 out for you in Government's Exhibit 2, which Special Agent
4 Hostetter explained has just the cover page, the oath, and
5 then the explanation of Mr. Mohamed's rights and the page
6 containing his statements that were charged in Count 1
7 marked in a box.

8 For Count 2 the first element is that the
9 defendant testified under oath that "I got the absentee
10 ballot from the elections office and took it to Nasro Jama"
11 and "I remember Nasro Jama was the one who filled out the
12 absentee ballot, sealed it up, and then told me to drop it
13 off for her." So just like Count 1, you can find these
14 statements in the full transcript of Muse Mohamed's
15 October 14th testimony on page 31 of Government's Exhibit 1,
16 but they're also broken out for you in Government's
17 Exhibit 3, which just the same way has that cover page, the
18 oath, the rights and then in a box the charged language.

19 How do you know the transcript accurately reflects
20 what Mr. Mohamed said on October 14th? Because he signed a
21 document called a Stipulation in which he agreed at
22 Government's Exhibit 23 that the transcripts of his
23 testimony before the grand jury are complete and accurate.
24 So Muse Mohamed testified under oath before the grand jury
25 to each of the two statements with which he's charged, and

1 the first element is proven beyond a reasonable doubt.

2 Let's talk about the second element. The second
3 element requires the government to prove that the testimony
4 was false in whole or in part. So what does that mean? As
5 I told you before, you will be receiving final instructions
6 from Judge Brasel shortly and one of those will tell you,
7 You need not find that all of the alleged false statements
8 in each count of the indictment are false; instead, you must
9 find unanimously and beyond a reasonable doubt that at least
10 one of the statements set forth in a particular count of the
11 indictment is false.

12 Okay. Now, the lies that Muse Mohamed told in the
13 grand jury relate to the agent delivery process for absentee
14 ballots. And you heard about that agent delivery process
15 from Jon Martin yesterday. He was the first witness who
16 testified. Before we talk about what those lies were, I
17 want to take just a minute to review the steps of the agent
18 delivery process when its done properly.

19 You learned during this trial that the two
20 important people in the agent delivery process are the voter
21 and the agent and that the voter initiates the agent
22 delivery process by asking the agent to pick up a ballot and
23 drop it off at the election office for him or her. You
24 heard that a person is allowed to act as an agent for up to
25 three voters in any given election.

1 So the voter starts the process by giving the
2 agent a couple of different papers. One is that Request for
3 Agent Delivery form that explains the reason the voter needs
4 a ballot to be picked up and dropped off for them, like if
5 the voter is in the hospital or in a nursing home or if the
6 voter has an incapacitating health reason and they can't get
7 to the polls. And the other paper is the Absentee Ballot
8 Application.

9 The next step is that the agent delivers those two
10 forms to the election office, picks up the absentee ballot,
11 and brings the ballot back to the voter. The voter fills
12 out the ballot, and then the agent delivers the ballot to
13 the election office, and it's logged on the agent return
14 log.

15 So with that process in mind, what did Muse
16 Mohamed lie about? In Count 1 he basically told the grand
17 jury that he followed that agent delivery process to a T.
18 "I got three absentee ballots from the elections office. I
19 took those ballots to the voters, they filled them out, they
20 voted, I took them back and turned those absentee ballots
21 back to the election office." The problem is you've heard
22 from multiple witnesses in this case that that just wasn't
23 true.

24 You heard from Abdiriman Muse. He was that
25 22-year-old computer scientist you heard from who testified

1 that he's about to finish his master's degree. And he
2 talked about how his name and his address were misspelled on
3 all of the documents related to him. Like on Government's
4 Exhibit 6, the Absentee Ballot Agent Return Log, his name
5 was spelled Abdirahman, with an A-H instead of an I, his
6 street name was misspelled, and his apartment number was
7 wrong.

8 On the Request for Agent Delivery of Absentee
9 Ballot at Government's Exhibit 10 his name was misspelled
10 again, but this time a different way, with an A instead of
11 an I.

12 And on the Absentee Ballot Application form that
13 the voter is supposed to fill out his name is misspelled
14 again. His street name is misspelled again; this time a
15 different way. And his apartment number is wrong again.
16 His phone number is listed as the phone number at his mom's
17 house, a place that he hasn't lived at in years.

18 Those documents are consistent with Abdiriman
19 Muse's testimony that he didn't ask Muse Mohamed to act as
20 his agent; and not only that, but he didn't ask anyone to
21 act as his agent. He didn't fill out an Absentee Ballot
22 Application. And he didn't even vote at all in the
23 August 2020 primary election. So it simply isn't true that
24 Muse Mohamed took a ballot to him and that Abdiriman filled
25 it out. And you also know that because Muse Mohamed never

1 turned back in a ballot for Abdiriman Muse.

2 Now, you also heard from Nasro Jama yesterday.

3 And she sat on the stand up there and testified through an
4 interpreter that she doesn't know Muse Mohamed, that she
5 didn't ask Muse Mohamed to pick up a ballot for her and that
6 when she votes she votes in person. And Nasro Jama's
7 testimony that she votes in person was consistent with the
8 signature envelope that Muse Mohamed turned in for her with
9 a ballot, which showed that the absentee ballot Muse Mohamed
10 tried to turn in for her was rejected because she had
11 already voted. That's at Government's Exhibit 9.

12 You also heard from Mustafa Hassan, who's been
13 friends with Muse Mohamed since high school and whose name
14 was listed as a witness on Nasro Jama's ballot. And
15 Mr. Hassan told you two different kinds of things that are
16 important in this case. When it comes to Nasro Jama's
17 specific ballot, Mustafa Hassan never signed as a witness.
18 And just like with Abdiriman Muse's documents, Mustafa
19 Hassan's address has errors in it. That's because he didn't
20 write it. In fact, he doesn't know Nasro Jama, and he
21 didn't go with Muse Mohamed to Nasro Jama's house. So it's
22 just not true that Muse Mohamed took a ballot to Nasro Jama
23 and she filled it out and voted.

24 The other important category of information that
25 Mustafa Hassan gave you was about what he did do on the day

1 of the primary, August 11, 2020. Mustafa Hassan volunteered
2 for the campaign for one day, that day, the day of the
3 primary election, August 11th, and he did that because his
4 friend Muse Mohamed asked him to. And he told you on the
5 stand that when he showed up at the campaign headquarters
6 that day to volunteer Muse Mohamed was there. Mustafa
7 Hassan was taken to a back room and given three envelopes by
8 someone at the campaign headquarters, and he was told to go
9 drop them off at the election office, so he drove there and
10 dropped them off. That is what was happening at the
11 campaign headquarters on the day of the primary election.

12 Mustafa Hassan admitted to you that he didn't know
13 any of the voters whose three ballots he dropped off. He
14 didn't meet any of them, he didn't get ballots from any of
15 them, just the same way that he didn't go to Nasro Jama's
16 house with Muse Mohamed and he didn't witness Nasro Jama
17 voting her ballot.

18 Now, Count 2 is similar, but it's specific just to
19 Nasro Jama. So Muse Mohamed testified that "I got the
20 absentee ballot from the elections office and took it to
21 Nasro Jama. Nasro Jama was the one who filled out the
22 absentee ballot, sealed it up, and then told me to drop it
23 off for her."

24 We've just gone through Nasro Jama's testimony
25 from yesterday, and so you know why these statements aren't

1 true. I'm not going to go back through it again. But is
2 there anyone who heard Nasro Jama testify up here on the
3 stand yesterday who believes for a second that Muse Mohamed
4 took a ballot to her or that Ms. Jama then filled out that
5 ballot and asked Muse Mohamed to turn it in for her? Of
6 course, she didn't. Muse Mohamed lied.

7 He lied to the grand jury when he made the
8 statements charged in both Count 1 and Count 2, and the
9 second element is proven beyond a reasonable doubt.

10 The third element is that the time he so testified
11 the defendant knew his testimony was false. Now, when
12 Judge Brasel provides you with your instructions in a little
13 while, I expect you will hear that intent or knowledge may
14 be proved like anything else. You may consider any
15 statements made and acts done by Mr. Mohamed and all the
16 facts and circumstances in evidence which may aid in a
17 determination of Mr. Mohamed's knowledge or intent. You
18 may, but are not required to, infer that a person intends
19 the natural and probable consequences of acts knowingly done
20 or knowingly omitted. That's a long way of saying that you
21 don't have to get into Muse Mohamed's head in order to
22 figure out if he knew the things he said were false. You
23 can look at all of the facts and circumstances that you
24 heard about during this trial.

25 So how do you know that Muse Mohamed knew his

1 testimony was false? The first reason is obvious. He
2 claimed he did a whole laundry list of things that he didn't
3 do. He didn't take ballots to the voters. Nasro Jama and
4 Abdiriman Muse told you that. He never met these voters.
5 They didn't vote the ballots and give them to Muse Mohamed.
6 He didn't take those ballots from the voters and turn them
7 back in. As to Count 2, he didn't take a ballot to Nasro
8 Jama. Nasro Jama didn't ask him to turn in a ballot for
9 her. These were bald-face lies, and Muse Mohamed knew good
10 and well that he didn't do those things.

11 In addition to the fact that these were obvious
12 lies, Muse Mohamed wasn't put on the spot with these
13 questions. He wasn't taken by surprise, and he didn't
14 misunderstand them. After he lied to the grand jury on
15 September 30th of 2021, he was given a second chance to come
16 in and set the record straight. He knew exactly what he was
17 going to be asked, and he knew exactly what the grand jury
18 was investigating, and he chose to lie anyway.

19 I'd invite you to take a look at the transcripts
20 of both of his sessions of testimony before the grand jury;
21 and if you do that, you will see that Muse Mohamed chose to
22 lie about where he got these ballots over and over and over
23 again. He lied about where he got these ballots dozens and
24 dozens of times.

25 Muse Mohamed knew that the testimony he was giving

1 was false, and the third element is proven beyond a
2 reasonable doubt.

3 Which brings us to the last element, which is that
4 the false testimony was material. When Judge Brasel
5 instructs you in a few minutes, I expect you will hear that
6 false testimony is material if the testimony was capable of
7 influencing the grand jury. It is not necessary to find
8 that the false testimony actually affected the grand jury.

9 So you've heard in this case that this testimony
10 went to the very heart of the grand jury's investigation in
11 this case. Special Agent Hostetter told you that the grand
12 jury was focused on finding out whether ballots were
13 submitted for the August 11th, 2020, election without
14 voters' knowledge and, if so, who was filling out those
15 ballots. The grand jury couldn't do its job properly
16 without truthful information from witnesses, including Muse
17 Mohamed, about where he got the three ballots that he
18 submitted by the agent delivery process.

19 You also know that Muse Mohamed's lies were
20 material to the grand jury because you heard pages and pages
21 of testimony of the grand jurors themselves questioning him
22 and pressing him for a truthful answer about where he got
23 these three ballots. The grand jurors themselves wanted to
24 get this information from Muse Mohamed because it was
25 important to their investigation.

1 And, finally, you know that Muse Mohamed's false
2 testimony to the grand jury was material for one simple
3 reason. Why would Muse Mohamed choose to lie about where he
4 got these ballots if he didn't know that this information
5 was important? Why not just tell the grand jurors where he
6 really got the ballots? The answer is obvious. Muse
7 Mohamed didn't want the grand jurors to know where he really
8 got these ballots, and he didn't want the grand jurors'
9 investigation into who filled out the ballots to move
10 forward.

11 Muse Mohamed's false testimony was material, and
12 the fourth element is proven beyond a reasonable doubt.

13 Now, members of the jury, this case doesn't
14 involve a mistake or some kind of misunderstanding. This is
15 not a situation where there was a "gotcha" moment where the
16 government picked out one little misstatement that Muse
17 Mohamed made during his grand jury testimony and charged him
18 with a crime. Far from it.

19 This is a case about brazen lies that Muse Mohamed
20 told to the grand jury over and over and over again, lies
21 that go straight to the heart of the grand jury's
22 investigation. When he was called to testify on
23 September 30th, 2021, Muse Mohamed lied and lied and lied,
24 but he wasn't charged with a crime for those lies. He was
25 given a second chance to come in and tell the truth. He was

1 placed under oath before the grand jury a second time; and
2 before he was asked any questions, the prosecutor reminded
3 him that if he were to lie to the grand jury, he could be
4 charged with a crime. He chose to persist in his lies.

5 Because Muse Mohamed told those lies under oath to
6 the grand jury, that is a crime. And for that reason, we
7 ask that you return the only verdict that is consistent with
8 the evidence in this case, a verdict of guilty on both
9 counts.

10 Thank you.

11 THE COURT: Mr. Clippert, you may proceed.

12 MR. CLIPPERT: I just need one second to, one
13 moment to get my computer running.

14 If it may please the court. Counsel. Members of
15 the jury.

16 Did Muse Mohamed lie or make false statements to
17 the grand jury, or did he just not tell the government what
18 they wanted to hear? So I'm going to have a few comments
19 about some of the testimony that was presented and ask you
20 to consider the evidence and the law, and we can go from
21 there.

22 I think one of the most crucial witnesses in this
23 trial was Jon Martin. He was the -- he's a guy with a
24 really great smile from the Hennepin County elections
25 office. He testified about the process of this absentee

1 ballot.

2 One thing that was really important -- ooh, sorry
3 about that -- about this process is the security on the
4 ballots. You can't get a ballot unless you have a social
5 security number or a driver's license. And so those are
6 some examples of -- hold on. So that's the three absentee
7 ballots, and you can see in each one of those there's a
8 field that requires someone to fill out that security
9 information.

10 So what's important is that these ballots -- and
11 he talked about this, and actually we talked about some of
12 the procedures in place about clawing back a ballot and
13 getting a ballot. So these ballots aren't just like out.
14 You can't just go and get 12 ballots from the election
15 office. You know, there's a process. There's a way to
16 monitor the ballots, to do an audit.

17 And what's important here is none of the witnesses
18 who came in and testified about this absentee application
19 said, "My personal data was hacked. Someone has my driver's
20 license. Someone has my social security number. I had a
21 problem with my credit. My personal information has been
22 hacked." None of them said that. So somehow, if you're
23 going to believe the government, Mr. Mohamed was able to
24 conjure up, guess, randomize, somehow come up with this
25 confirming personal information to get -- to file these

1 ballots as like a fraudulent ballot. And that's an
2 important point because, because the idea here is this --
3 the grand jury investigation was about an abusing this
4 absentee ballot process. And so, again, the ballot security
5 here is a crucial issue that's here, and that's what Jon
6 Martin testified to and gave us. So that was important
7 evidence, and I would suggest it's probably some of the most
8 important evidence in the trial.

9 I've got to comment on Mustafa Hassan, because
10 it's interesting that, again, if you are to believe him, and
11 that's your decision as to whether you are going to believe
12 him or not, that he's the-first-day volunteer in a campaign
13 and they're just going to give him, this stranger to the
14 campaign, bogus ballots to take to the ballot office. That
15 doesn't make any sense that you are going to give someone
16 that you don't know, and you don't trust and you don't know
17 whether they're an informant or whether they're going to
18 come through with that, these ballots to take to the
19 campaign office. And we know it's a big deal because this
20 investigation has been going on for a year, a grand jury
21 investigation involving the FBI. So I think Mr. Hassan's
22 testimony just needs a closer look.

23 But importantly from Mr. Hassan, if you believe
24 that there was this backroom balloting transaction,
25 Mr. Mohamed was not there. He was not part of it. There's

1 nothing connecting him to that part of this process.

2 Ms. Nasro Jama was -- I mean, she was memorable,
3 and you didn't need a translator to understand a lot of what
4 she was saying. There's some pretty universal body language
5 that was going on. She doesn't want to be here or didn't
6 want to be here. But, still, I think you need to look at
7 her testimony in light of all the evidence that's before the
8 court, including that her, her driver's license number was
9 validly on that absentee ballot. Mr. Martin said some
10 people do forget when they vote absentee. Did she forget to
11 vote absentee? The system worked because her in-person
12 ballot counted.

13 And, briefly, the only testimony you heard today
14 was from Special Agent Blake Hostetter. And we know from
15 his own testimony that he's part of the prosecution team.
16 That's why he gets to see these grand jury transcripts.

17 And one other question or one other consideration
18 for Mr. Martin's testimony is he's obviously going to come
19 in and testify that his office did their job right, right,
20 because it's the 2020 election. It's one of the most
21 contentious elections in a long time. So he's unlikely to
22 come in here and say, We screwed up, because just think of
23 all the holes that opens up in that process.

24 So the prosecutor and I are focusing in on some of
25 the elements of the offense, and I think we are focusing in

1 on because they're the appropriate thing here to look at.

2 So was Mr. Mohamed's testimony false in whole or
3 in part? What's important, there's a qualifier on that --
4 and, again, the judge is going to read you these
5 instructions -- that you must unanimously agree on which
6 statement is false. So if three of you think one thing and
7 nine of you think something else, that's not a unanimous
8 verdict. You must all agree on which part of that statement
9 is false.

10 The statement must be material, meaning it must be
11 capable of influencing the grand jury. So I asked just a
12 few questions about the scope of this grand jury
13 investigation to see whether it was capable of influencing
14 it. It's been going on for a year. 80 witnesses or more.
15 80 I think is what the agent said. So is a couple hours of
16 testimony able -- is that going to influence the grand jury?

17 And then you are going to see these statements
18 from Mr. Mohamed when you go back into the jury transcripts,
19 through the grand jury transcripts, and what's important is
20 he's consistent through this whole process.

21 So, and this is the first page of Exhibit 1, and
22 you will see that, as he testifies, he talks about his
23 general duties. I'm a campaign volunteer; I was mostly door
24 knocking; that's generally what I was doing. Well, the
25 government wasn't liking his explanation about what he was

1 doing about the agent ballot delivery, and you will see -- I
2 just have one example in here that -- and actually this is
3 what the government talked about as well. This isn't a
4 four-year-old confronting Mr. Mohamed. This is a
5 United States Assistant Prosecutor, an AUSA you call them, a
6 United States Assistant Attorney. This isn't some bum off
7 the street. This is someone that's got the force of the
8 United States Government behind them. And they are
9 confronting Mr. Mohamed with a statement, and he's
10 consistent. He's consistent through this whole process that
11 the ballots were delivered through this agent delivery
12 process.

13 The other last comment on a witness is mister --
14 I'm terrible with my handwriting. I'm sorry. Abdiriman
15 Muse. Here's what we know. We know the address is wrong on
16 the absentee ballot application; we know the apartment
17 number is wrong; we know the phone number is wrong. So
18 that -- I think that absentee ballot just isn't worth, you
19 know, the weight of the testimony, any weight or testimonial
20 value. Because is he the right person? We don't even know
21 that because of the misspellings of the name, the apartment
22 number and the address. Maybe someone should have gone to
23 the right apartment number, knocked and said, hey, is this,
24 you know, is this you. But we didn't hear that they had
25 checked that out.

1 So I want to talk just real quickly about this
2 burden of proof, presumption of innocence and what that
3 really means. The judge is going to instruct you on that.
4 It means that the defense doesn't have to offer any
5 evidence. It's the government's burden solely to prove
6 these cases beyond a reasonable doubt.

7 And reasonable doubt. The judge is going to give
8 you an instruction, but I want you to think about it. It's
9 your most important life decisions. People get married, but
10 people can get divorced. People buy houses; you can sell a
11 house. So this is a decision that's greater, of greater
12 importance than those.

13 And proof beyond a reasonable doubt. One way to
14 think about it is like a continuum. So like say to the
15 judge is actual innocence, say to this podium is actual
16 metaphysical guilt. And then you draw that line of proof
17 beyond a reasonable doubt. That's your comfort level in
18 those life decisions. And the government's got to prove
19 these essential elements beyond that reasonable doubt. So
20 if you're, if you're here (indicating), that's your own
21 line, and they come up short on any element, your verdict
22 has to be not guilty. And that's what I'm going to be
23 asking you to do, is return not guilty verdicts on both
24 counts.

25 Thank you.

1 THE COURT: Ms. Svendsen, rebuttal.

2 MS. SVENDSEN: Thank you, Your Honor.

3 I agree with defense counsel about one thing;
4 Mr. Mohamed was consistent. He consistently lied to the
5 grand jury over and over. He did that on September 30th,
6 2021. He did it on October 14th, 2021.

7 If you listen carefully to the instructions that
8 Judge Brasel is about to give you, you will hear that you're
9 allowed to use your common sense when you're evaluating the
10 evidence in this case. And if you do that, you're going to
11 return the only verdict that the evidence in this case
12 demands, that Mr. Mohamed is guilty of both counts with
13 which he's charged in the indictment.

14 Now, two issues that you've heard about relate to
15 the credibility of the witnesses that you heard from on the
16 stand and whether or not Mr. Mohamed's testimony was
17 material to the grand jury's investigation.

18 Starting with that second one, defense counsel
19 asked you whether a couple hours of false testimony really
20 could have impacted the grand jury's investigation in this
21 case. The answer is absolutely yes. If Mr. Mohamed had
22 told the grand jury the truth about where he got these
23 ballots from, it certainly would have impacted the grand
24 jury's investigation. That's why you heard them asking him
25 question after question after question. Should we charge

1 these witnesses with perjury? Are they lying? Why don't
2 you take a second and decide which path you are going to go
3 down? Choose to take the right path and tell the truth, but
4 he didn't do that.

5 Now, you heard from a series of witnesses on the
6 stand, witnesses that don't know each other, Nasro Jama,
7 Mustafa Hassan, Abdiriman Muse, and they all told you the
8 same thing. Muse Mohamed didn't go to their houses, didn't
9 give them ballots, didn't collect their ballots.

10 In fact, Mr. Clippert asked you to believe that
11 maybe there's a different Abdiriman Muse whose name maybe
12 has an A-H or an A in it who lives, you know, on the floor
13 below in his same apartment building. But if you remember,
14 Mr. Muse told you that in spite of the fact that a different
15 social security number had initially been filled in there
16 and crossed out, those were his last four digits and that
17 was his mom's phone number.

18 So use your common sense. Is it likely that
19 there's another guy living on the floor below with his mom's
20 phone number, his same four digits and his, his name the
21 same, but for a couple of letters in his first name? Or
22 does your common sense tell you that Muse Mohamed turned in
23 applications for a ballot for a voter who didn't ask for
24 one?

25 In this case, this is not a case about Muse

1 Mohamed not telling the government what they wanted to hear.
2 You heard Special Agent Hostetter testify about that the
3 grand jury was just trying to find out what happened in this
4 case. And you saw that Muse Mohamed was told to tell the
5 truth. That was the only information he was given. He
6 wasn't given any information about what the government
7 wanted to hear. He was told that his obligation was to tell
8 the truth. That's the oath that he took. He violated that
9 oath, and he lied to the grand jury over and over. And for
10 that reason, you should find him guilty.

11 THE COURT: Thank you, counsel.

12 Members of the jury, the instructions that I gave
13 you at the beginning of the trial and during the trial
14 remain in effect. I now give you some additional
15 instructions.

16 You must, of course, continue to follow the
17 instructions I gave you earlier, as well as those I give you
18 now. You must not single out some instructions and ignore
19 others, because all are important. This is true even though
20 some of those I gave you at the beginning of and during
21 trial are not repeated here.

22 The instructions I'm about to give you are in
23 writing. They will be available to you in the jury room. I
24 emphasize, however, that this does not mean they are more
25 important than any earlier instructions. Again, all

1 instructions, whenever given and whether in writing or not,
2 must be followed.

3 It is your duty to find from the evidence what the
4 facts are. You will then apply the law, as I give it to
5 you, to those facts. You must follow my instructions on the
6 law, even if you thought the law was different or should be
7 different.

8 You should not be influenced by any person's race,
9 color, ethnicity, national origin, religion, gender, gender
10 identity, sexual orientation, disability, or economic
11 circumstances. You must decide the case solely on the
12 evidence and the law before you and must not be influenced
13 by any personal likes or dislikes, opinions, prejudices,
14 sympathy or biases, including unconscious bias. Unconscious
15 biases are stereotypes, attitudes, or preferences that
16 people may consciously reject, but may express without
17 conscious awareness, control or intention. Like conscious
18 bias, unconscious bias too can affect how we evaluate
19 information and make decisions. The law demands of you a
20 just verdict, unaffected by anything except the evidence,
21 your common sense and the law as I give it to you.

22 I have mentioned the word "evidence." The
23 evidence in this case consists of the testimony of
24 witnesses, the documents and other things received as
25 exhibits and the facts that have been stipulated, that is,

1 formally agreed to by the parties.

2 You may use reason and common sense to draw
3 deductions or conclusions from facts which have been
4 established by the evidence in the case.

5 Certain things are not evidence. I shall list
6 those again for you now.

7 One, statements, arguments, questions and comments
8 by lawyers representing the parties in the case are not
9 evidence.

10 Two, objections are not evidence. Lawyers have a
11 right to object when they believe something is improper.
12 You should not be influenced by that objection. If I
13 sustained an objection to a question, you must ignore the
14 question and must not try to guess at what the answer might
15 have been.

16 Three, testimony that I struck from the record or
17 told you to disregard is not evidence and must not be
18 considered.

19 Four, anything you saw or heard about this case
20 outside the courtroom is not evidence.

21 And, finally, if you were instructed that some
22 evidence was received for a limited purpose only, you must
23 follow that instruction.

24 In deciding what the facts are, you may have to
25 decide what testimony you believe and what testimony you do

1 not believe. You may believe all of what a witness said or
2 only part of it or none of it.

3 In deciding what testimony to believe, consider
4 the witness's intelligence, the opportunity the witness had
5 to have seen or heard the things testified about, the
6 witness's memory, any motives that witness may have for
7 testifying a certain way, the manner of the witness while
8 testifying, whether the witness said something different at
9 an earlier time, the general reasonableness of the
10 testimony, and the extent to which the testimony is
11 consistent with any evidence that you believe.

12 In deciding whether or not to believe a witness,
13 keep in mind that people sometimes hear or see things
14 differently and sometimes forget things. You need to
15 consider therefore whether a contradiction is an innocent
16 misrecollection or a lapse of memory or an intentional
17 falsehood, and that may depend on whether it has to do with
18 an important fact or only a small detail.

19 The indictment in this case charges Muse Mohamud
20 Mohamed with two counts of making a false declaration before
21 a grand jury. Mr. Mohamed has pleaded not guilty to each of
22 those charges.

23 The indictment is simply a document that formally
24 charges Mr. Mohamed with the crimes for which he is on
25 trial. The indictment is not evidence. At the beginning of

1 the trial I instructed you that you must presume Mr. Mohamed
2 to be innocent. Thus, Mr. Mohamed began the trial with a
3 clean slate with no evidence against him.

4 The presumption of innocence alone is sufficient
5 to find Mr. Mohamed not guilty and can be overcome only if
6 the government proved during the trial, beyond a reasonable
7 doubt, each element of the crime charged.

8 Keep in mind that each count charges a separate
9 crime. You must consider each count separately and return a
10 separate verdict for each count.

11 There is no burden upon Mr. Mohamed to prove that
12 he is innocent. Instead, the burden of proof remains with
13 the government throughout the trial. The fact that
14 Mr. Mohamed did not testify must not be considered by you in
15 any way or even discussed in arriving at your verdicts.

16 The crime of making a false declaration before a
17 grand jury, as charged in Count 1 of the indictment, has
18 four elements, which are:

19 One, the defendant testified under oath or
20 affirmation before a grand jury that "I got three absentee
21 ballots from the elections office. I took -- I took those
22 ballots to the voters, they filled them out, they voted, and
23 then I took them back and turned those -- I turned those
24 absentee ballots back to the election office";

25 Two, such testimony was false in whole or in part;

1 Three, at the time he so testified, the defendant
2 knew his testimony was false; and

3 Four, the false testimony was material.

4 False testimony is "material" if the testimony was
5 capable of influencing the grand jury. It is not necessary
6 that the false testimony actually affected the grand jury.

7 You need not find that all of the alleged false
8 statements in each count of the indictment are false;
9 instead, you must find unanimously and beyond a reasonable
10 doubt that at least one of the statements set out in a
11 particular count of the indictment is false.

12 If all of these elements have been proved beyond a
13 reasonable doubt as to Mr. Mohamed, then you must find
14 Mr. Mohamed guilty of the crime charged under Count 1;
15 otherwise, you must find Mr. Mohamed not guilty of this
16 crime under Count 1.

17 The crime of making a false declaration before a
18 grand jury, as charged in Count 2 of the indictment, also
19 has four elements, which are:

20 One, the defendant testified under oath or
21 affirmation before a grand jury that "I got the absentee
22 ballot from the elections office and took it to Nasro Jama"
23 and "I remember Nasro Jama was the one who filled out the
24 absentee ballots -- or the absentee ballot, sealed it up,
25 and then told me to drop it off for her";

1 Two, such testimony was false in whole or in part;
2 Three, at the time he so testified, the defendant
3 knew his testimony was false; and

4 Four, the false testimony was material.

5 False testimony is "material" if the testimony was
6 capable of influencing the grand jury. It is not necessary
7 for you to find that false testimony actually affected the
8 grand jury.

9 You need not find that all of the alleged false
10 statements in each of the indictment are false; instead, you
11 must find unanimously and beyond a reasonable doubt that at
12 least one of the statements set out in a particular count of
13 the indictment is false.

14 If all of these elements have been proved beyond a
15 reasonable doubt as to Mr. Mohamed, then you must find
16 Mr. Mohamed guilty of the crime charged under Count 2;
17 otherwise, you must find Mr. Mohamed not guilty of this
18 crime under Count 2.

19 Reasonable doubt is doubt based upon reason and
20 common sense and not doubt based on speculation. A
21 reasonable doubt may arise from careful and impartial
22 consideration of all the evidence or from a lack of
23 evidence. Proof beyond a reasonable doubt is proof of such
24 convincing character that a reasonable person, after careful
25 consideration, would not hesitate to rely and act upon that

1 proof in life's most important decisions. Proof beyond a
2 reasonable doubt is proof that leaves you firmly convinced
3 of Mr. Mohamed's guilt. Proof beyond a reasonable doubt
4 does not mean proof beyond all possible doubt.

5 Intent or knowledge may be proved like anything
6 else. You may consider any statements made and acts done by
7 Mr. Mohamed and all the facts and circumstances in evidence
8 which may aid in a determination of Mr. Mohamed's knowledge
9 or intent.

10 You may, but are not required to, infer that a
11 person intends the natural and probable consequences of acts
12 knowingly done or knowingly omitted.

13 As to venue, the government must prove that it is
14 more likely than not -- or more likely true than not true
15 that the offense charged was begun, continued or completed
16 in the District of Minnesota. You decide these facts by
17 considering all of the evidence and deciding what evidence
18 is more believable. This is a lower standard of proof than
19 beyond a reasonable doubt. The requirement of proof beyond
20 a reasonable doubt applies to all other issues in the case.

21 As to the date of the crime charged, the
22 indictment charges that the offenses were committed on or
23 about October 14th, 2021. The government must prove that
24 the offenses happened reasonably close to that date, but it
25 is not required to prove the alleged offenses happened on

1 that exact date.

2 In conducting your deliberations and returning
3 your verdict, there are certain rules that you must follow.
4 And I'm going to list those for you now.

5 First, when you go to the jury room, you must
6 elect one of your members -- sorry -- select one of your
7 members as your foreperson. That person will preside over
8 your discussions and speak for you here in court.

9 Second, it is your duty as jurors to discuss this
10 case with one another in the jury room. You should try to
11 reach agreement if you can do so without violence to
12 individual judgment, because a verdict, whether guilty or
13 not guilty, must be unanimous.

14 Each of you must make your own conscientious
15 decision, but only after you have considered all the
16 evidence, discussed it fully with your fellow jurors, and
17 listened to the views of your fellow jurors.

18 Do not be afraid to change your opinions if the
19 discussion persuades you that you should. But do not come
20 to a decision simply because other jurors think it is right
21 or simply to reach a verdict.

22 Third, if Mr. Mohamed is found guilty, the
23 sentence to be imposed is my responsibility. You may not
24 consider punishment in any way in deciding whether the
25 government has proved its case beyond a reasonable doubt.

1 Fourth, if you need to communicate with me during
2 your deliberations, you may send a note to me through the
3 court security officer, signed by one or more jurors. I
4 will respond as soon as possible either in writing or orally
5 here in open court. Remember that you should not tell
6 anyone, including me, how your votes stand numerically.

7 Fifth, your verdict must be based solely on the
8 evidence and the law which I have given you in my
9 instructions. The verdict, whether guilty or not guilty,
10 must be unanimous. Nothing I have said or done is intended
11 to suggest what your verdict should be. That is entirely
12 for you to decide.

13 Finally, the verdict form in this case is simply
14 the written notice of the decision that you reach.

15 The form reads, as to Count 1, False Declaration
16 Before a Grand Jury, We, the jury, unanimously find the
17 defendant Muse Mohamud Mohamed, and then there's a check
18 mark for either guilty or not guilty, of the crime of making
19 a false declaration before a grand jury, as charged in
20 Count 1 of the indictment.

21 And the second page reads, Count 2, False
22 Declaration Before a Grand Jury, We, the jury, unanimously
23 find the defendant Muse Mohamud Mohamed, and then there's a
24 check mark for either guilty or not guilty, of the crime of
25 making a false declaration before a grand jury, as charged

1 in Count 2 of the indictment.

2 And then there is a place for the foreperson to
3 sign and date the form.

4 You will take this form to the jury room. When
5 each of you has agreed on the verdicts, your foreperson will
6 fill out the forms, sign and date them, and advise the court
7 security officer that you are ready to return to the
8 courtroom.

9 That concludes my instructions. Other than as
10 previously noted on the record, are there any objections,
11 additions or corrections from the government?

12 MS. MUNOZ: No, Your Honor. Thank you.

13 THE COURT: And from the defense?

14 MR. CLIPPERT: No, Your Honor.

15 THE COURT: The courtroom deputy, Ms. Wegner, is
16 going to work with the lawyers to gather all of the exhibits
17 to you so that we get them to you quickly in the jury room.

18 This is my least favorite part of a trial. I must
19 excuse the alternate jurors now from serving as a
20 deliberating juror on the case. I'd like you both to leave
21 the courtroom, go to the jury room, gather your belongings.

22 I don't know whether this will be good news or bad
23 news for you, but I do want you to know that serving as an
24 alternate is equal to serving as a juror in this case. You
25 have fulfilled your commitment as a citizen. You have

1 fulfilled your commitment to the Constitution, and you have
2 the appreciation of the court and the parties.

3 Ms. Gilbertson and Mr. Mickelson, you are the
4 alternates in this case. So I'll excuse you now. If you'd
5 wait for just a few minutes, I will come back and greet you,
6 when you are back in the jury room, but I'm going to excuse
7 you now.

8 (Alternate jurors exit the courtroom)

9 THE COURT: Would the court security officer
10 please come forward to be sworn?

11 COURTROOM DEPUTY: Please raise your right hand.

12 (Oath administered)

13 COURT SECURITY OFFICER: I do.

14 COURTROOM DEPUTY: Thank you.

15 THE COURT: Members of the jury, you will have
16 access to your notes, the instructions that I've given you
17 and the verdict form. That includes -- the instructions
18 include the essential elements that must be proven. You
19 will also have access, as soon as we can get them to you, to
20 the exhibits that were admitted into evidence.

21 So I will now instruct you to go to the jury room
22 and deliberate. Good luck to you. The case is submitted.

23 All rise.

24 2:00 p.m.
25

1 **IN OPEN COURT**

2 **(JURY NOT PRESENT)**

3 THE COURT: You may all be seated.

4 Counsel, if there are questions from the jury,
5 please make sure that Ms. Wegner knows how to reach you. I
6 will propose an answer and get back to you with that answer,
7 and we can discuss it. I'll probably hold a telephone
8 conference to do that. That can either be on the record or
9 not, depending on the circumstances.

10 I want to express my appreciation to you. You
11 have tried this case civilly and with cooperation with each
12 other, and that has been beneficial to the process and to
13 the court and to both parties. So I thank you for that.

14 Is there anything that needs to come before the
15 court before I leave you to gathering the exhibits for the
16 jurors? From the government, Ms. Munoz?

17 MS. MUNOZ: Thank you, Your Honor.

18 With respect to the exhibits, we've provided a
19 binder with one copy of everything, 1 through 24. We also
20 have extra copies -- we brought 12 extra copies of
21 Exhibits 1 through 4, which are the transcripts. Being
22 mindful that we are still in this pandemic, we brought
23 extra. So we have them here and are able to send them back
24 with the jury.

25 THE COURT: Thank you.

1 Is there any objection to that process,
2 Mr. Clippert?

3 MR. CLIPPERT: Initially I was going to say yes,
4 but actually, as I spell it out, I think it makes sense,
5 because that way we don't have one person kind of in control
6 of the notebook with the exhibits. So I think that makes
7 sense, Your Honor.

8 THE COURT: Normally I wouldn't allow multiple
9 copies of a particular exhibit to go back, but here --
10 because it would maybe unnecessarily emphasize that piece of
11 evidence. Here it's very clear what the critical piece of
12 evidence or it is, because the transcripts are the record of
13 what the defendant said in front of the grand jury, which is
14 central to the case, and I think that's an obvious precept
15 and accepted by everyone. So I will allow that process.
16 And I thank you.

17 I think it's also helpful to COVID protocol and
18 separation of the jurors, to the extent that they can be
19 separated back in the jury room. So thank you.

20 Anything further from the government then?

21 MS. MUNOZ: No, Your Honor. Thank you.

22 THE COURT: Thank you.

23 Mr. Clippert, anything from you, sir?

24 MR. CLIPPERT: Nothing further, Your Honor.

25 THE COURT: All right. And so make sure that

1 you're -- that you stay close.

2 The jurors, just so you know, I had indicated that
3 they were free to go at four today, because the court had an
4 obligation. I had not anticipated ending so quickly. And,
5 therefore, I think they've asked if they can deliberate till
6 five. And I will allow them to do that. So please stay
7 close until five. I can hop out of my commitment should a
8 verdict come at that time.

9 Thank you, everyone.

10 COURTROOM DEPUTY: All rise.

11 (Recess taken at 2:04 p.m. till 2:57 p.m.)

12 **IN OPEN COURT**

13 **(JURY PRESENT)**

14 THE COURT: You may all be seated.

15 We are on the record in the presence of the jury.

16 Members of the jury, I've been informed that you
17 have reached a unanimous verdict; is that correct?

18 FOREPERSON: We have.

19 THE COURT: And is it Legare?

20 FOREPERSON: Yes.

21 THE COURT: Mr. Legare, you have been chosen to be
22 the foreperson of the jury?

23 FOREPERSONN: That is correct.

24 THE COURT: Would you hand the jury verdict up to
25 the court? I'll have the court security officer come and

1 hand it to me.

2 Thank you.

3 I will take this form and make sure that it is
4 regular in form and unqualified.

5 Members of the jury, I'm going to now publish the
6 verdict, which simply means that I'm going to read it aloud.
7 I want you to listen carefully. After it is published, I'm
8 going to poll each of you individually and ask you if these
9 are your true and correct verdicts.

10 The verdict form reads as follows:

11 Count 1, False Declaration Before A Grand Jury.
12 We, the jury, unanimously find the defendant Muse Mohamud
13 Mohamed guilty of the crime of making a false declaration
14 before a grand jury, as charged in Count 1 of the
15 indictment.

16 Count 2, False Declaration Before The Grand Jury.
17 We, the jury, unanimously find the defendant Muse Mohamud
18 Mohamed guilty of the crime of making a false declaration
19 before a grand jury, as charged in Count 2 of the
20 indictment.

21 And it is signed and dated by the foreperson.

22 I'm now going to poll each of you.

23 Ms. Siems, are these your true and correct
24 verdicts?

25 JUROR: Yes.

1 THE COURT: Ms. Becker, are these your true and
2 correct verdicts?

3 JUROR: Yes, Your Honor.

4 THE COURT: Ms. Craig, are these your true and
5 correct verdicts?

6 JUROR: Yes.

7 THE COURT: Ms. Jones, are these your true and
8 correct verdicts?

9 JUROR: Yes.

10 THE COURT: Ms. Juanita Flores Soria, are these
11 your true and correct verdicts?

12 JUROR: Yes, Your Honor.

13 THE COURT: Ms. Fasbender, are these your true and
14 correct verdicts?

15 JUROR: Yes, Your Honor.

16 THE COURT: Mr. Molde, are these your true and
17 correct verdicts?

18 JUROR: Yeah.

19 THE COURT: Ms. Burstrand, are these your true and
20 correct verdicts?

21 JUROR: Yes.

22 THE COURT: Ms. Stroos, are these your true and
23 correct verdicts?

24 JUROR: Yes, Your Honor.

25 THE COURT: Ms. Peters, are these your true and

1 correct verdicts?

2 JUROR: Yes.

3 THE COURT: Ms. Friederich, are these your true
4 and correct verdicts?

5 JUROR: Yes.

6 THE COURT: Mr. Legare, are these your true and
7 correct verdicts?

8 JUROR: Yes.

9 THE COURT: I'm going to order that the verdicts
10 be filed.

11 I want to say to the jurors thank you for your
12 service. Every time that I go through this process and talk
13 to a jury I am always so impressed with the work that the
14 jury does. And I have to tell you that every single time I
15 do it I get chills, because you have fulfilled our
16 constitutional obligation and our constitutional rights and
17 responsibilities, and it's an enormous right and
18 responsibility of citizenship that you fulfilled. So thank
19 you. You go with the thanks of the court and the thanks of
20 the parties.

21 I'm going to ask you to go back to the jury room.
22 If you wait just a few minutes, I'd like to come back and
23 thank you personally.

24 All rise for the jury.

25 3:01 p.m.

1 **IN OPEN COURT**2 **(JURY NOT PRESENT)**

3 THE COURT: The court will enter judgment on each
4 count of the indictment, Counts 1 and 2, a judgment of
5 guilty.

6 Mr. Mohamed, here is what happens next. You will
7 be interviewed by probation for a presentence report; and
8 after that presentence report is prepared, we will set a
9 sentencing date.

10 I need to tell you that it is a separate crime for
11 you not to appear at sentencing. Do you understand that,
12 sir?

13 THE DEFENDANT (through interpreter): Yes.

14 THE COURT: Does the government have a position as
15 to whether the defendant should remain on bond pending
16 sentencing? Ms. Munoz?

17 MS. MUNOZ: No, Your Honor. We defer to the
18 court.

19 THE COURT: Is probation here? You are here. Are
20 there any changes to your release report since the time that
21 you gave it to me at the beginning of trial?

22 PROBATION OFFICER: Your Honor, I'm not the author
23 of the pretrial report, but there have been no changes.

24 THE COURT: No changes, yes. Thank you so much.

25 So I'm going to allow you to continue to be

1 released on bond under the same conditions as before.
2 That's what's recommended by probation. It's really
3 important that you continue to follow the conditions of
4 release upon which you were released. Do you understand
5 that?

6 THE DEFENDANT: Yes.

7 THE COURT: Mr. Clippert, anything from you, sir?

8 MR. CLIPPERT: Nothing further, Your Honor.

9 THE COURT: Anything from the government?

10 MS. MUNOZ: No, Your Honor. Thank you.

11 THE COURT: Again, I'd like to thank you all for a
12 well-trying case. And I'll set a sentencing date after the
13 presentence report is prepared and after the parties have
14 made their objections and any sentencing position papers.

15 Again, Mr. Mohamed, it's important that you abide
16 by the conditions of your release and that you appear for
17 sentencing.

18 All right. Thank you, everyone.

19 COURTROOM DEPUTY: All rise. Court is in recess.

20 (Court adjourned at 3:03 p.m., 05-10-2022.)

21 * * *

22 I, Renee A. Rogge, certify that the foregoing is a
23 correct transcript from the record of proceedings in the
24 above-entitled matter.

25 Certified by: /s/Renee A. Rogge
Renee A. Rogge, RMR-CRR