



Legal Document

District Of Columbia District Court

Case No. 1:23-cv-01816-BAH

**GREENSPAN v. EXECUTIVE OFFICE FOR U.S.
ATTORNEYS et al**

Document 104, Attachment 3



View Document



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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AARON GREENSPAN,

Plaintiff,

v.

EXECUTIVE OFFICE FOR U.S.
ATTORNEYS, et al,

Defendants.

Case No. 1:23-cv-01816-BAH

**SUPPLEMENTAL DECLARATION OF AARON GREENSPAN IN SUPPORT OF
PLAINTIFF'S SECOND MOTION FOR SUMMARY JUDGMENT AND IN
OPPOSITION TO DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT**

I, Aaron Greenspan, declare as follows:

1. I am the Plaintiff in the above-styled litigation. I submit this supplemental declaration to correct one statement in my declarations of September 12, 2024 and June 25, 2026 (ECF Nos. 41-3 and 85-3) and to authenticate additional exhibits. I have personal knowledge of the facts stated here and could testify to them if called as a witness.

2. I am a citizen of the United States. I am not a citizen or national of Nigeria, have never lived in or traveled to Nigeria, and have no family, business, property, or financial ties there.

3. I have no personal interest in Bola Ahmed Tinubu or the Republic of Nigeria for that matter. I have no relationship whatsoever with any political rival of Mr. Tinubu.

4. I do have long-standing personal interests in matters of transparency, corporate malfeasance, and political corruption. I have researched and in many cases litigated matters involving Credit Acceptance Corporation, Herbalife Ltd., Facebook, Inc., Tesla, Inc., Mark Zuckerberg, Elon Musk, federal government contracts, and the federal courts themselves.

5. Paragraph 4 of my prior declarations state that Bola Ahmed Tinubu was elected President of Nigeria "[i]n 2024." The year contains a typographical error. The election was held

on February 25, 2023; Mr. Tinubu was declared the winner on March 1, 2023; and he was inaugurated on May 29, 2023. Paragraph 22 of my first Statement of Material Facts (ECF No. 41-2) and Paragraph 23 of my second Statement of Material Facts (ECF No. 85-2) repeat the same error and should be read accordingly. In response to my first Statement of Material Facts containing the error, Defendants responded “Undisputed but immaterial.” ECF No. 42-2 at 20.

6. The exhibits to my prior declaration were lettered A through F. The exhibits to this declaration continue that sequence, beginning with Exhibit G.

7. As Exhibit G, I have attached a true and correct copy of an excerpt from the transcript of the March 9, 1993 trial proceedings in *United States v. Edwards et al*, Northern District of Indiana Case No. 2:92-cr-00113-RL (captioned on the transcript as No. HCR 92-113), before the Honorable Rudy Lozano, which I obtained from the National Archives in Chicago, Illinois. The excerpt consists of the transcript’s cover page, which identifies the case, the date, the presiding judge, and the appearance of Assistant United States Attorney Daniel L. Bella on behalf of the Government; transcript pages 43 and 44; and transcript pages 85 and 86.

8. Transcript pages 43 and 44 reflect a statement by Mr. Bella to the Court, beginning at line 23 of page 43 and continuing onto page 44, concerning a request by defense counsel for “Grand Jury transcripts of witnesses Karen Pertuso, Vincent Balbo, with regard to Grand Jury proceedings that did not lead to the indictment of this case, but led to the indictments of other defendants who were at one point or another somehow connected with Mr. Edwards,” and his statement that “I pulled those Grand Jury transcripts” and “I do have them in our offices here in Hammond.” Transcript pages 85 and 86 reflect Mr. Bella calling Robert Pertuso as the Government’s first witness, Mr. Pertuso being sworn, and his testimony on direct examination that his occupation was “[a] special agent with the FBI.”

9. As Exhibit H, I have attached a true and correct copy of Document No. 778 in *United States v. Edwards et al*, the Government’s Sentencing Memorandum, which I obtained from the National Archives in Chicago, Illinois. Exhibit B to my prior declaration (ECF No. 85-4 at 22-24) was an excerpt of this document. The first page of Document No. 778 bears the file stamp of the Clerk of the United States District Court for the Northern District of Indiana dated

March 14, 1996. The pages of DEA Special Agent Vincent Balbo's testimony reproduced in Exhibit B are attached to Document No. 778 under the heading "Selected Pages Previously Submitted to Court of DEA Special Agent Vincent Balbo's Testimony at Lee Andrew Edwards' Sentencing Hearing."

10. As Exhibit I, I have attached a true and correct copy of Document No. 309 in *United States v. Edwards et al*, the Clerk's Exhibit and Witness List (Form AO 187) for the trial held March 9 through March 16, 1993 before the Honorable Rudy Lozano, filed March 16, 1993, which I obtained from the National Archives in Chicago, Illinois. The Government's portion of the list records Robert Pertuso (spelled "Petruso" on the form), Vincent Balbo, and Karen Pertuso among the witnesses called between March 9 and March 12, 1993, and records Government Exhibit 71, described as "302 Form – summary surveillance."

11. As Exhibit J, I have attached a true and correct copy of an excerpt from a compilation in the case file of *United States v. Edwards et al* captioned "Photocopies of Cassettes Which Were Introduced Into Evidence and Accompanying Transcripts," which I obtained from the National Archives in Chicago, Illinois. The compilation consists of FBI Form FD-302 transcriptions of telephone conversations intercepted in August through October 1990 on telephone number (219) 883-3811 at 460 Taft Place, Gary, Indiana, which the transcriptions identify as subscribed to by Lee Andrew Edwards. The excerpt consists of the compilation's cover page and seven of the transcriptions, at pages 12, 19, 64, 107, 114, 133, and 140 of the compilation as I obtained it. The transcriptions bear FBI file number 245F-IP-71386 with sub-file designations, and each identifies by name the FBI Special Agent who monitored the call: Dennis Phillip Hyten (page 12), William C. Haman (page 19), Kenneth A. Roper (page 64), J. J. Klaver (page 107), Robert J. Kowalski (page 114), Patrick P. Quigley (page 133), and Karen L. Pertuso (page 140). Each of these pages also bears the name of Special Agent David A. Roth in the "Investigation on . . . by" block, with handwritten initials.

12. As Exhibit K, I have attached a true and correct copy of the PACER Case Summary for Northern District of Illinois Case No. 1:93-cv-04483, *USA v. Acct 263226700, et al*, which I retrieved from the Court's CM/ECF system through my PACER account on

September 1, 2026. The Case Summary reflects that the case was filed on July 26, 1993 and terminated on October 4, 1993, and lists three Claimants—Bola Tinubu, K O Tinubu, and Alhaji Mogaji—each represented by attorney Patrick Sean Coffey.

13. As Exhibit L, I have attached a true and correct copy of the Wikipedia article “Abibatu Mogaji,” as displayed at https://en.wikipedia.org/wiki/Abibatu_Mogaji when I accessed that address on September 6, 2026. The article states that Chief Abibatu Mogaji (1916–2013) “was the mother of the president of Nigeria Chief Bola Tinubu,” and among its cited sources lists a Sahara Reporters article of June 15, 2013 headlined “Mother of Former Gov. Bola Tinubu Is Dead: Alhaja Abibatu Mogaji Was 96 Years Old.”

14. As Exhibit M, I have attached a true and correct copy of ECF No. 17 in *USA v. Acct 263226700, et al*, Northern District of Illinois Case No. 1:93-cv-04483, the Decree of Forfeiture as to Funds Held by First Heritage Bank, entered October 4, 1993 by the Honorable John A. Nordberg, which I obtained from the Court’s CM/ECF system. Paragraph (b) of the Decree states: “The defendant accounts held by Citibank and First Heritage Bank are in the name of Compass Financial and Bola Tinubu. Ownership interests in the funds in these defendant accounts have been asserted on behalf of Bola A. Tinubu, K.O. Tinubu (individually and on behalf of the Tinubu Family) and Alhaji Mogaji.” The Decree further recites that “[t]he United States and the individual claimants agreed to settle and to compromise this action,” and orders that \$460,000 in the account held by First Heritage Bank in the name of Bola Tinubu “represent proceeds of narcotics trafficking or were involved in financial transactions in violation of 18 U.S.C. §§ 1956 and 1957 and therefore these funds are forfeit to the United States.”

15. As Exhibit N, I have attached a true and correct copy of a receipt from my September 6, 2026 search of the national PACER Case Locator for any criminal case in any federal district court in which Abiodun Agbele is a party. The search returned no results.

16. As Exhibit O, I have attached a true and correct copy of the FBI National Press Office press release titled “FBI Director Wray Travels to Nigeria, Meets with President Tinubu and Senior Officials,” dated June 14, 2024, as displayed at <https://www.fbi.gov/news/press->

releases/fbi-director-wray-travels-to-nigeria-meets-with-president-tinubu-and-senior-officials, which I accessed on September 6, 2026.

17. As Exhibit P, I have attached a true and correct copy of the Washington Post article “FBI Investigates Head of Detroit Office,” dated January 31, 2004, as displayed at <https://www.washingtonpost.com/archive/politics/2004/01/31/fbi-investigates-head-of-detroit-office/59f381b5-66af-49f3-b980-9da146f72043/> when I accessed that address on September 6, 2026, with the address and date of access shown. That is the URL cited in paragraph 20 of my Statement of Material Facts.

18. As Exhibit Q, I have attached a true and correct copy of page 30047 of Volume 139 of the Congressional Record, reflecting proceedings of the House of Representatives on November 18, 1993, which I obtained from the U.S. Government Publishing Office’s govinfo.gov website. The page reprints a *Reuters* article by Tunde Obadina titled “Army Says Nigerian Interim Government Out,” which quotes “Senator Bola Tinubu” and identifies him as “the Social Democratic Party senator.”

19. As Exhibit R, I have attached a true and correct copy of Document No. 23-2 in *Abubakar v. Chicago State University*, Northern District of Illinois Case No. 1:23-cv-05099, filed September 6, 2023, which I obtained from PACER. The document is Exhibit Q to the Declaration of Angela M. Liu filed in that action and consists of email correspondence among counsel. At page 2 of the document (PageID #:686) is an email dated August 22, 2023 from Christopher W. Carmichael of Henderson Parks, LLC—the attorney who signed Intervenor’s opposition in this action, ECF No. 98—to Alexandre de Gramont of Dechert LLP, in which Mr. Carmichael wrote: “the key fact – that Bola A. Tinubu graduated from Chicago State University in June 1979 with a Bachelor of Science in Business Administration, with honors – is accurate and true.”

20. As Exhibit S, I have attached a true and correct copy of the page titled “Auto-Biography – President Bola Ahmed Tinubu GCFR – President of the Federal Republic of Nigeria” as displayed on the website of the Embassy of the Federal Republic of Nigeria in Tel Aviv, Israel, at <https://www.nigerianembassy.co.il/2015-elections/>, when I accessed that address

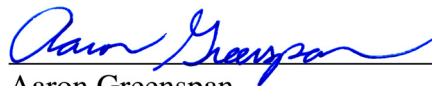
on September 6, 2026. The page states that Mr. Tinubu “returned to Nigeria in the early 1990s and was employed by Mobil Nigeria as an accountant, before entering politics as a Lagos West senatorial candidate in 1992 under the banner of the Social Democratic Party,” and that “[i]n 1992, he was elected to the Senate.”

21. As Exhibit T, I have attached true and correct copies of three news articles dated August 18, 1993, each of which reports on a speech by Nigeria’s then-military President Ibrahim Babangida to the National Assembly and quotes Senator Bola Tinubu’s reaction to it, identifying him as a Senator: (1) “Confusion increases after Babangida offers to step down,” *The Herald* (Glasgow), Aug. 18, 1993, at 4, by Tunde Obadina; (2) “General says he offered to step down,” *The Irish Times*, Aug. 18, 1993, at 7 (*Reuters*); and (3) “Nigerian leader says he’ll quit; Speech adds to worry over government,” *The Dallas Morning News*, Aug. 18, 1993, at 9A (*Reuters*). The articles were retrieved from the LexisNexis database on September 4, 2026 by a professional journalist I trust with access to that database, at my request, and were provided to me in the form attached. Each printout bears the “Nexis” header identifying the publication, date, section, page, and byline, and I have no reason to believe that any of them differs from the article as originally published.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on September 9, 2026 in Santa Clara County, California.

Dated: September 9, 2026

Respectfully submitted,



Aaron Greenspan
 440 N. Barranca Avenue #6720
 Covina, CA 91723
 Phone: +1 415 670 9350 x101
 E-Mail: aaron.greenspan@plainsite.org

INDEX OF EXHIBITS

- Exhibit G** *United States v. Edwards et al*, Case No. 2:92-cr-00113-RL, Excerpt of Trial Transcript (N.D. Indiana *held* March 9, 1993): Cover page; pp. 43-44; pp. 85-86
- Exhibit H** *United States v. Edwards et al*, Case No. 2:92-cr-00113-RL, Document 778 (N.D. Indiana *filed* March 14, 1996): Government’s Sentencing Memorandum
- Exhibit I** *United States v. Edwards et al*, Case No. 2:92-cr-00113-RL, Document 309 (N.D. Indiana *filed* March 16, 1993): Exhibit and Witness List
- Exhibit J** *United States v. Edwards et al*, Case No. 2:92-cr-00113-RL (N.D. Indiana) Excerpt, “Photocopies of Cassettes Which Were Introduced Into Evidence and Accompanying Transcripts” (FBI FD-302 intercept transcriptions, FBI File No. 245F-IP-71386)
- Exhibit K** *USA v. Acct 263226700, et al*, Case No. No. 1:93-cv-04483, PACER Case Summary (N.D. Illinois) (Accessed September 1, 2026)
- Exhibit L** Wikipedia, “Abibatu Mogaji” (Accessed September 6, 2026)
- Exhibit M** *USA v. Acct 263226700, et al*, Case No. 1:93-cv-04483, ECF No. 17 (N.D. Illinois *filed* October 4, 1993): Decree of Forfeiture as to Funds Held by First Heritage Bank
- Exhibit N** PACER Case Locator Search Receipt for “Abiodun Agbele” Dated September 6, 2026
- Exhibit O** FBI Press Release, “FBI Director Wray Travels to Nigeria, Meets with President Tinubu and Senior Officials,” June 14, 2024 (Accessed September 6, 2026)
- Exhibit P** *The Washington Post*, “FBI Investigates Head of Detroit Office” by Allan Lengel and Dan Eggen, January 31, 2004
- Exhibit Q** United States Congressional Record, 139 Cong. Rec. 30047 (November 18, 1993), citing *Reuters*, “Army Says Nigerian Interim Government Out” by Tunde Obadina
- Exhibit R** *Abubakar v. Chicago State University*, Case No. 1:23-cv-05099, ECF No. 23-2 (N.D. Illinois *filed* September 6, 2023): E-Mail of Christopher W. Carmichael Dated August 22, 2023
- Exhibit S** Embassy of the Federal Republic of Nigeria, Tel Aviv, Israel, “Auto-Biography – President Bola Ahmed Tinubu GCFR”
- Exhibit T** August 18, 1993 News Articles of Quoting Senator Bola Tinubu (LexisNexis): (1) Tunde Obadina, “Confusion increases after Babangida offers to step down,” *The Herald* (Glasgow), at 4; (2) “General says he offered to step down,” *The Irish Times*, at 7 (*Reuters*); (3) “Nigerian leader says he’ll quit; Speech adds to worry over government,” *The Dallas Morning News*, at 9 (*Reuters*)

EXHIBIT G

United States v. Edwards et al, Case No. 2:92-cr-00113-RL, Excerpt of Trial Transcript (N.D. Indiana *held* March 9, 1993): Cover page; pp. 43-44; pp. 85-86

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

NO. HCR 92-113

LEE ANDREW EDWARDS,)

JAMES DAVIS, a/k/a James)

Jefferies, a/k/a Little)

James, and LYNETTA P. DURR)

Defendants.)

94-3307

Trial in the above entitled cause was commenced before the HONORABLE RUDY LOZANO, Judge of said Court, and a jury, at the Federal Building, 507 State Street, Hammond, Indiana, on the 9th day of March, 1993, commencing at the hour of 8:35 a.m.

APPEARANCES:

MR. DANIEL L. BELLA,
Assistant United States Attorney,
1001 Main Street, Suite A,
Dyer, Indiana 46311
on behalf of the Government;

VOLUME 2

U.S.C.A. - 7th Circuit
FILED
AUG - 2 1995 CB
THOMAS F. STRUBBE
CLERK
DOC. # _____

DANIEL J. SULLIVAN
OFFICIAL COURT REPORTER - U. S. DISTRICT COURT
507 STATE STREET, HAMMOND, INDIANA 46320

1 list of witnesses. There are more witnesses there than I
2 think who will actually be called, but to be safe, I
3 thought the names of any potential witnesses be read to the
4 jury. The last name on that list, the spelling may be in
5 error. Nancy Vandegrift. V as in victory, A-N-D-E --

6 THE COURT: I have Nancy LeVechia.

7 MR. BELLA: That's an error, Your Honor.

8 THE COURT: You want to correct it, counsel.

9 MR. BELLA: Thank you, Your Honor.

10 THE COURT: No problem.

11 With regards to the ladies that are out in the
12 audience, while we're voir diring the jury and only during
13 that period of time, I am going to require you to go to the
14 back row on the far right side. Once we have a jury
15 picked, then if you want to come up, you want to sit on the
16 right side or the left side, with certain, a few
17 exceptions, you can sit anywhere you want. But while we're
18 picking the jury, I don't want the audience to be mixed
19 with the prospective jurors.

20 Counsel, do you want to make the corrections on your
21 list. The last name he has changed from LeVechia to
22 Vandegrift. V-A-N-D-E-G-R-I-F-T.

23 MR. BELLA: One other -- couple others, Your Honor.
24 The -- yesterday when we had a conference in chambers, the
25 -- some of the other defense attorneys requested or

1 inquired regarding Grand Jury transcripts of witnesses
2 Karen Pertuso, Vincent Balbo, with regard to Grand Jury
3 proceedings that did not lead to the indictment of this
4 case, but led to the indictments of other defendants who
5 were at one point or another somehow connected with Mr.
6 Edwards.

7 I pulled those Grand Jury transcripts; I do not
8 believe they had a connection with this case. I've read
9 through them. I don't -- still don't think they have a
10 connection with this case. However, I do have them in our
11 offices here in Hammond and defense counsel are welcome to
12 examine those transcripts and to obtain copies if
13 necessary.

14 Also the -- at the status conference defense counsel
15 and -- the Judge ordered defense counsel and the Government
16 to get together regarding any remaining discovery matters.
17 Since that date, additional materials were furnished to
18 defense counsel. It's my understanding there's no
19 objections or any motions based on those.

20 THE COURT: Also counsel, for the record, the
21 conference that I had with you yesterday was in an effort
22 to see if we could move the case along. We did not discuss
23 the merits in any way, shape or form, is that correct?

24 MR. BELLA: That's correct, Your Honor.

25 MR. JACKSON: That's --

1 of you have cash at home? If you have a large amount of
2 cash, does that mean you're involved in drug activity?
3 Because you carry a pager or use a pager, does that mean
4 you're involved in criminal activity? I hope not.
5 Otherwise the Marshals are going to have to take me out of
6 court.

7 So ladies and gentlemen of the jury, I implore you
8 that once the evidence has been presented, and once the
9 testimony has been elicited and once you've listened to the
10 cross examination, keep in mind these various items, keep
11 in mind the reasonable doubt, keep in mind the credibility
12 of the witnesses, keep in mind the constitutional
13 protections that my client and as a matter of fact all
14 three of these individuals enjoy. And please, use your
15 best judgment when reaching a verdict. Thank you.

16 THE COURT: Mr. Bella, how long is your first witness?

17 MR. BELLA: Not long, Your Honor.

18 THE COURT: Government may proceed with its case in
19 chief. Call your first witness.

20 MR. BELLA: First witness is Robert Pertuso.

21 THE COURT: Please be seated, pull your chair up,
22 speak directly into the microphone loud enough so that
23 everybody in the courtroom may hear.

24 You may proceed, counsel.

25 MR. BELLA: Thank you, Your Honor.

R. PERTUSO - DIRECT

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1

ROBERT PERTUSO

2

called as a witness by the Government, being first duly sworn to testify the truth, the whole truth and nothing but the truth, was examined and testified as follows:

3

4

DIRECT EXAMINATION

BY

5

MR. BELLA:

6

Q Would you state your name, please?

7

A Robert Pertuso.

8

Q And would you spell your last name for the court reporter,

9

please?

10

A P-E-R-T-U-S-O.

11

Q What is your occupation, sir?

12

A A special agent with the FBI.

13

Q Special Agent Pertuso, call your attention to October 11 of

14

1990; were you employed as a special agent with the FBI on

15

that date?

16

A Yes.

17

Q And can you tell us, did you have occasion to serve a

18

search warrant on that date?

19

A Yes, I did.

20

Q And can you tell us what address that was that you served

21

that warrant at?

22

A That was at 460 Taft, Gary, Indiana.

23

Q And this was pursuant to a Court-ordered search warrant, is

24

that right?

25

A Yes.

EXHIBIT H

United States v. Edwards et al, Case No. 2:92-cr-00113-RL, Document 778 (N.D. Indiana *filed* March 14, 1996): Government's Sentencing Memorandum

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

MAR 14 1996

STEPHEN R. LUDWIG, CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA)

v.)

WILLIE EDWARDS, JR.)

No. H CR 92-113

GOVERNMENT'S SENTENCING MEMORANDUM

Comes now the United States of America by Jon E. DeGuilio, United States Attorney for the Northern District of Indiana, and says as follows:

The government has alleged that defendant Willie Edwards, Jr. was not only a member of the Lee Edwards narcotics conspiracy, but he was so inextricably intertwined with all phases of the conspiracy that the entire amount of narcotics attributable to the conspiracy is also attributable to Willie Edwards, Jr.¹

Edwards (in this document, any reference to "Edwards" means Willie Edwards, Jr.; Lee Edwards and Lorri Edwards are referred to

¹The government has never contended that Willie Edwards, Jr. was on a par with Lee Edwards as far as being a leader in the conspiracy, but the government has always argued that Willie Edwards, Jr.'s role was such that he was more accountable for the narcotics dealt by the conspiracy than the many "independent contractors" who dealt narcotics for Lee Edwards. The government's position is set forth at paragraph 6 of the presentence report:

Additionally, the government has advised that the defendant was involved in the conspiracy longer than the months reflected above which reflect months a wiretap was monitoring the Lee Edwards residence. ... He was not an organizer or leader in the conspiracy, but is believed to be more culpable than independent contractors such as James Davis and Rosetta Pirtle, as he had a better knowledge and understanding of the scope of the conspiracy.

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by using both their first and last names) raises two objections to the presentence report. First, Edwards "objects to the fact he was involved in the conspiracy longer than the months reflected" Presentence report (fifth addendum), p. 15. Second, Edwards "objects to the amount of drugs (47 kilos of heroin) which have been attributed to him for guideline calculations." Presentence report (fifth addendum), p. 16.

I. LENGTH OF TIME EDWARDS WAS IN THE CONSPIRACY.

Edwards claims he was involved in the conspiracy for a period of approximately four weeks in August and September 1990, during which he lived at Lee Edwards' house, answered the phone, passed on messages, and on two occasions made deliveries of narcotics. Presentence report, paragraph 10.

The evidence, however, indicates that Edwards actively participated in the conspiracy from early 1988 to at least the end of September, 1990.²

Lorri Edwards testified at the sentencing hearing that Willie Edwards, Jr. began running narcotics to an apartment building on 6th and Grant Streets in Gary, out of which Lee Edwards' workers were selling narcotics. Lorri Edwards testified that while she could not pinpoint the date on which she first became aware of Willie Edwards, Jr. taking narcotics to the apartment building, Edwards began this activity at the latest no more than a year after he was released from prison, where he had been serving a State

²The conspiracy terminated on October 11, 1990, when law enforcement agents searched Lee Edwards' residence (during which Lee Edwards shot at federal agents) and arrested Lee Edwards.

prison sentence. Edwards served a sentence of incarceration in the Indiana Department of Corrections for dealing in a narcotic drug, a Class B felony in Indiana. Presentence report, paragraph 23. The probation department reported, and the parties agreed, that Edwards was released from the Indiana Department of Corrections on February 24, 1987. Presentence report, paragraph 24. That places Edwards' involvement in the Lee Edwards narcotics trafficking organization at February of 1988, at the latest.

Several, but by no means all,³ of the tape recorded telephone conversations engaged in by Willie Edwards, Jr. intercepted by virtue of the wire tap were introduced into evidence and played at trial. The most recent of the tapes played was exhibit 118, which was a tape recording of a telephone conversation occurring September 20, 1990. Therefore, Edwards' involvement in the Lee Edwards narcotics trafficking organization continued until at least near the end of September, 1990.

Edwards actively participated in the Lee Edwards' drug trafficking organization from at least February 1988 until at least the end of September, 1990, or a period of at least 2 1/2 years.

II. QUANTITY OF NARCOTICS ATTRIBUTABLE TO EDWARDS.

Edwards claims that during the four weeks he stayed at Lee Edwards' residence in August and September of 1990, Edwards made

³The wire tap lasted approximately 60 days, beginning in August, 1990 and ending in October, 1990. There were a total of 777 pages of transcripts of pertinent telephone conversations participated in by Willie Edwards, Jr. intercepted during the period of the wire tap. The latest of these conversations occurred October 3, 1990.

only two deliveries of narcotics:

He advised on two (2) occasions during this time, he made drug deliveries. On one occasion, he delivered a \$20 bag of heroin and on another occasion, a \$10 bag of cocaine. Presentence report, paragraph 10.

The evidence from the tape recorded telephone conversations introduced at trial alone, however, prove Edwards wrong. Exhibits number 103 through 118 were tape recordings of telephone conversations engaged in by Willie Edwards, Jr. A summary of some of the conversations where Edwards agrees to make deliveries follows:

Exhibit 105 (8/22/90 at 9:03 p.m.): Mike Sutton orders a "twenty". Sutton is at the Shell station, and Edwards tells Sutton, "Okay, come up there to the corner. Right at the corner of the street."

Exhibit 106 (8/29/90 at 6:11 p.m.): Little James orders "a three oh" ... "on the dude".⁴ Edwards says, "... I'll be on, on my way, soon as I get it." They agree to meet "on Fifteenth."

Exhibit 108 (9/7/90 at 11:01 p.m.): Gary Bradley orders a "four". Edwards tells Bradley, "... meet me at Fifth and Taft." Edwards says, "Go on, go on and leave man. I'm on my way."

Exhibit 109 (9/9/90 at 9:20 p.m.); Annette orders "a seventy boy, ... dime of girl, ... two dimes of boy, ... two dimes of girl, okay, and two dimes of boy". Edwards tells her to "just go in the lot ... you be there. ... If I don't be out there by that time, just come to the door."⁵

Exhibit 110 (9/11/90 at 6:51 p.m.): Mike Sutton orders a "twenty". Edwards tells him, "You know the next street over

⁴Lorri Edwards testified this was an order for a \$30 bag of heroin. Trial transcript, p. 440

⁵Lorri Edwards testified that "boy" meant heroin and "girl" meant cocaine. Trial transcript, p. 439. For example, this conversation "70 boy" meant \$70 worth of heroin, "dime girl" meant \$10 worth of cocaine, and "two dimes of boy" meant two \$10 bags of heroin. Trial transcript, p. 444.

from here, Rutledge? ... Okay, go, go down there, I mean, uh, go, go, go the next street over from us, stop there, go down Fifteenth, next street over from us, the street after that, about two streets over from here." Edwards tells Sutton, "we got, got the white now."⁶ Edwards says, "Just meet me down that way."

Exhibit 111 (9/11/90 at 7:09 p.m.): Robert "Bob" Brown orders "half a T." Brown asks Edwards, "... meet you where?" Edwards replies, "Go down there to that liquor store on Fifteenth. ... I'm gonna be right on down there."

Exhibit 113 (9/14/90 at 9:47 p.m.): Larry Lowe orders a dime boy and a dime girl. Edwards tells him, "... meet me behind ... behind the house here ... I mean the next street behind the house on Rutledge. The next street over ... you know, by the alley"

Exhibit 114 (9/15/90 at 7:51 p.m.): Annette orders, "A thirty cent boy ... a forty cent boy, and a twenty cent girl." Edwards tells her, "I'm going to go and get that for you know. ... 'Cause I'm gettin' ready to walk out.meet me right down there on Fifth Avenue ... by that fillin' station"

Exhibit 115 (9/15/90 at 10:50 p.m.): Elaine Hughes orders "a twenty white and a twenty brown." Edwards tells her to park "on Rutledge, the next street over from here. ... by the alley."

Exhibit 116 (9/16/90 at 6:44 p.m.): Annette orders "a thirty boy and a dime girl." Edwards tells her, "I'm gonna have to meet you somewhere. ... you know where Rutledge at ... behind the house? ... And then not that street, not Rutledge, the street before you get to that. ... Meet me, you know, just you. ...You can park them on Fifth Avenue ... and get out of the car ... and meet me in the alley down there."

Exhibit 117 (9/16/90 at 6:55 p.m.): Mike Sutton calls and asks for Willie ... "the one with the white Cadillac." Willie Edwards, Jr. gets on the phone, and Sutton orders "a dime." Sutton tells Edwards Sutton is on Fourth and Bridge Streets. Edwards tells Sutton to walk to Fifth and "... be by that church down there from, from the ... fillin' station."

Exhibit 118 (9/20/90 at 9:29 p.m.): Mike Sutton orders "a dime." Edwards tells Sutton, "Come on in back of, you know, Rutledge."

⁶Lorri Edwards testified this is a reference to white heroin.
Trial transcript, p. 447..

Edwards clearly is lying when he claims he only made two deliveries of narcotics of a \$20 bag and a \$10 bag.

Edwards obviously is accountable for much more than that to which he admits. The next question is, "For how much is he accountable?"

The Seventh Circuit recently repeated the long standing principle that a participant in a narcotics conspiracy may be held accountable for more than just the quantity of narcotics personally dealt by that participant:

Section 1B1.3 of the Sentencing Guidelines requires the district court to consider "relevant conduct" when calculating a defendant's base offense level. U.S.S.G. § 1B1.3. The court must consider, not just the criminal conduct with which the defendant was charged, but "all acts and omissions ... that were part of the same course of conduct or common scheme or plan as the offense of conviction." U.S.S.G. § 1B1.3(a)(2). "[I]n a drug distribution case," according to the Guidelines Commentary, "quantities and types of drugs not specified in the count of conviction are to be included in determining the offense level if they were part of the same course of conduct or part of a common scheme or plan as the count of conviction." U.S.S.G. s 1B1.3 cmt. 10. Thus, for example, the district court in this case was required to consider, not just the approximately 100 grams of cocaine involved in Demski's "offense of conviction" (attempted possession with intent to distribute cocaine on February 13, 1993), but the entire amount of cocaine involved during the period in which the Taylor conspiracy was active. One who participates in "jointly undertaken criminal activity," whether or not charged may be held accountable for the reasonably foreseeable acts of his co-conspirators if those acts were committed in furtherance of the conspiracy. U.S.S.G. § 1B1.3, Application Note 2; United States v. Savage, 891 F.2d 145, 151 (7th Cir.1989).

United States v. Taylor, 72 F.3d 533, 541 (7th Cir. 1995) [emphasis added]. The principle that a defendant who was participant in a narcotics conspiracy may be held accountable for the quantity of

narcotics dealt by the conspiracy is tempered by the requirement that the narcotics dealt were "reasonably foreseeable" to the defendant:

The Guidelines require district courts to sentence a criminal conspiracy defendant on the basis of all acts committed by the defendant for which the defendant "would be otherwise accountable." U.S.S.G. § 1B1.3. Application Note 1 defines conduct for which a defendant "would be otherwise accountable" as "conduct of others in furtherance of the execution of the jointly-undertaken criminal activity that was reasonably foreseeable by the defendant." U.S.S.G. § 1B1.3, comment. (n. 1) (emphasis added).

Reasonable foreseeability refers to the scope of the agreement that Fontanez entered into when he joined the conspiracy, not merely to the drugs he may have known about. United States v. Edwards, 945 F.2d 1387, 1403 (7th Cir.1991), cert. denied, ____ U.S. ____, 112 S.Ct. 1590, 118 L.Ed.2d 308 (1992).

United States v. Flores, 5 F.3d 1070, 1082-83 (7th Cir. 1993).

However, it is not enough for the District Court to reiterate the above standard and then announce a conclusion that the defendant is accountable for all the narcotics dealt by a conspiracy. The sentencing court must make an "individualized inquiry ... in order that the defendant is sentenced only on the basis of a conspiracy that was reasonably foreseeable to him ... setting forth the reasons why the particular amount of drugs was reasonably foreseeable to him, with reference to the evidence before the court." United States v. Edwards, 945 F.2d 1387, 1399 (7th Cir. 1991). "Before concluding that a given quantity of drugs was foreseeable for sentencing purposes, the district judge should make clear that he has considered the evidence of the individual defendant's agreement to join a conspiracy of the scope alleged by the government." Id. Compare, for example, United States v.

Edwards, supra, where the 7th Circuit found that the evidence indicated the defendant had joined a larger conspiracy "less than two months before federal agents arrested the defendants" [945 F.2d at 1400]; with United States v. Taylor, supra, where the 7th Circuit approved of sentences imposed wherein the sentencing court held individual defendants accountable for different quantities of narcotics based upon the length of time they were involved in the conspiracy [72 F.3d at 542]. Also see United States v. Flores, supra, wherein the Seventh Circuit found that the sentencing judge complied with Edwards by making a statement on the record in support of its determination regarding the quantity of narcotics attributable to the defendant. In Flores, the Court indicated on the record, "I do find by a preponderance of the evidence that" the defendant "was a knowledgeable conspirator with respect to the scope of the activities" among other primary co-conspirators "at least as early as August 1990". The Court also set forth some of the evidence regarding the activities that the defendant undertook in furtherance of the conspiracy. United States v. Flores, supra, 35 F.3d 1070 at 1083.

The Court therefore should examine the length of time Willie Edwards, Jr. was a participant in the conspiracy, the activities in which he engaged in furtherance of the conspiracy, and the extent of the knowledge he had of the scope of the conspiracy. Based upon those factors, the Court can make an informed determination of the quantity of narcotics dealt by the conspiracy that were foreseeable to Willie Edwards, Jr. when he joined the conspiracy and while he

continued to participate in the conspiracy. The government argues that Willie Edwards, Jr. participated in every facet of the conspiracy, and therefore Edwards was in such a position that the entire amount of narcotics dealt by the conspiracy during the time that Edwards was a participant was foreseeable to Edwards.

The evidence indicates that Edwards was involved in every phase of the Lee Edwards narcotics trafficking organization. The organization can be broken down in various elements:

1. Sources of supply. Lee Edwards used Raymond Davis as a source of supply of brown heroin, and Abiodun Agbele as a source of supply of white heroin. DEA Special Agent Vincent Balbo testified at Willie Edwards, Jr.'s sentencing hearing that Raymond Davis admitted that he supplied Lee Edwards with brown heroin and that Lee Edwards would send others to Raymond Davis to pick up the supply. Raymond Davis identified Willie Edwards, Jr. as one of the individuals who would pick up the supply of heroin for Lee Edwards. The supply of white heroin was more of a rarity, and would come from Abiodun Agbele, who in turn obtained the heroin from Nigeria. Willie Edwards, Jr. knew when there was a supply of white heroin in, as indicated by the telephone conversation recorded in Exhibit 110, summarized above, wherein Willie Edwards, Jr. tells a customer, "we got the white in now." Willie Edwards, Jr.'s activities with regard to the sources of supply, alone, distinguish Willie Edwards, Jr. from the rest of the workers and independent contractors.

2. Workers. Lee Edwards made use of workers. These people would be "fronted" narcotics by Lee Edwards and would return to Lee Edwards a portion of the sale proceeds. For example, for every \$10 bag, the seller would keep \$2, and owe Lee Edwards \$8. Trial transcript, pp. 413, and 420-21. The workers who sold narcotics out of the apartment building on 6th and Grant Streets worked on that basis. Lorri Edwards testified at the sentencing hearing that less than a year after Willie Edwards, Jr. was released from prison in February of 1987, Edwards began taking narcotics to the apartment building. Lee Edwards also had narcotics sold at the Black Horseman liquor store, on Virginia Street, which was owned by Lee Edwards. Trial transcript, p. 411. Lorri Edwards testified at the sentencing hearing that Willie Edwards, Jr. sold drugs out of the parking lot of the liquor store, as well. Lorri Edwards testified that she would keep a record of these transactions. Lorri Edwards identified a black binder seized in the search of the Lee Edwards residence at 460 Taft Place as a book that contained some of these drug records. Trial Transcript, p. 418. Lorri Edwards identified an entry dated March 7, 1990 as being a record of narcotics for which Willie Edwards, Jr. was responsible. The record for that date indicated Willie Edwards, Jr. was responsible for 100 \$10 bags of white heroin, 30 \$10 bags of brown heroin, and 42 bags of cocaine. Trial Transcript, pp. 419-421. Willie Edwards, Jr. was clearly a sizeable seller of narcotics for Lee Edwards.

3. Runners. Lee Edwards also made use of "runners". These people would answer the phone for Lee, take narcotics orders, and run the narcotics out to locations where they would meet the narcotics customers to complete the sale. The tape recorded telephone conversations introduced into evidence establish that Willie Edwards, Jr. was heavily involved in this type of activity. Factors which distinguish Edwards from the other "runners" are that Edwards actually lived at the Lee Edwards residence, and Edwards was much more heavily involved in making these transactions than other co-defendants.

4. Independent contractors. There were a couple more trusted individuals who Lee Edwards supplied with large quantities of narcotics at a time to sell from their own locations for Lee Edwards. Lee Edwards would sometimes supply narcotics customers with the telephone numbers for these individuals and refer the customers there. These individuals included Flakes Kellum and James Davis. Lorrie Edwards' testimony from Lee Edwards trial transcript, pp. 907-909 [copy attached hereto]. Willie Edwards was familiar with these individuals, the quantities of narcotics with which they were supplied to sell, and the telephone numbers where they could be reached. In Exhibit 112, for example, a recording of a telephone conversation occurring 9/14/90 at 4:07 p.m., Edwards tells Brad Guyton that, "Flakes just left here, man. He just, he just got 'bout three hundred things."⁷ Exhibit 86 from the Lee

⁷Lorri Edwards testified this meant Flakes had just left with about 300 \$10 bags of "boy", or heroin. Trial transcript, p. 449.

Edwards, et al. trial [a copy of which is attached hereto] is a tape recording of a telephone conversation wherein Willie Edwards, Jr. tells Willie Word that James Davis still has some narcotics and Edwards gives Word Davis' telephone number.

5. Switching residences. Lee Edwards would switch back and forth between two residences, to avoid attracting attention to a sustained volume of traffic at one residence. Willie Edwards, Jr. manned the phones at both residences. Trial transcript, p. 449. In Exhibit 108, summarized above, Willie Edwards, Jr. makes statements that indicate he knows the organization is about to switch residences, and arranges to meet the caller at the other residence.

For sentencing purposes, Willie Edwards, Jr. is held accountable for all the narcotics dealt by the conspiracy which are "reasonably foreseeable" to him. Since Willie Edwards, Jr. participated in every aspect of the Lee Edwards narcotics trafficking organization, all of the narcotics dealt by the organization in the last 2 1/2 years of the organization's life were attributable to him. Willie Edwards, Jr. participated in picking up brown heroin from Lee Edwards' source of supply of brown heroin in Chicago, Raymond Davis. Willie Edwards, Jr. was familiar with the shipments of white heroin, and informed the customers of when the white heroin was available. Some of the narcotics were sold from the Lee Edwards residences. Willie Edwards, Jr. answered the phones at both residences, took narcotics orders, instructed the customers where to meet, and met the customers to deliver the

narcotics and obtain the money. Lee Edwards had workers selling out of the apartment building at 6th and Grant Streets. Willie Edwards, Jr. brought narcotics to the building to be sold. Lorri Edwards kept a record of narcotics for which others were responsible. Willie Edwards, Jr. was listed in the records as being responsible for sizeable quantities of narcotics. Lee Edwards caused narcotics to be sold from his liquor store. Willie Edwards, Jr. sold narcotics from the parking lot at the liquor store. Lee Edwards had independent contractors to whom customers would be referred to purchase narcotics. Willie Edwards, Jr. knew the names and phone numbers of these individuals, knew whether or not the individuals had a supply of narcotics to be sold and the quantity of narcotics supplied to the individuals, and referred customers to the individuals. Not only was the entirety of the Lee Edwards narcotics trafficking organization "foreseeable" to Willie Edwards, Jr., but Willie Edwards, Jr. participated in every facet of the organization other than physically mixing and packaging the narcotics, including every facet of the supply and distribution network.

Willie Edwards, Jr. was not a leader in the organization. Lee Edwards was the undisputed leader. However, Willie Edwards, Jr. is not facing a sentencing enhancement for being a leader or organizer.

Willie Edwards, Jr. was involved in every part of the organization, more so than any other of the co-defendants. Not only is Willie Edwards, Jr. accountable for all the narcotics dealt

by the organization during his 2 1/2 year participation in the organization, but it is impossible to see how Willie Edwards, Jr. can be separated out from the organization and held responsible only for a finite and clearly defined quantity of narcotics.

During the Lee Edwards sentencing hearing, the government established the quantity of narcotics accountable to the conspiracy for the period of time that Willie Edwards, Jr. was an active participant in the conspiracy. A copy of a transcript of the testimony of DEA Special Agent Vincent Balbo from Lee Edwards' sentencing hearing was introduced into evidence at Willie Edwards, Jr.'s sentencing hearing [and is also attached]. A portion of the government's sentencing memorandum from the Lee Edwards sentencing hearing, dealing with the calculation of the quantity of narcotics dealt by the Lee Edwards narcotics trafficking organization, was also offered to the Court [and is also attached]. One should note from those documents that Raymond Davis said that he was a source of supply of heroin to the Lee Edwards organization since 1988. In addition Abiodun Agbele said that he supplied the Lee Edwards organization with white heroin between 1989 and January of 1990, with an additional shipment being delivered in February of 1990.

These dates are significant, because they all fall within the time period, from at least February 1988 to approximately the end of the organization in October of 1990, during which Willie Edwards, Jr. was participating in the organization. The quantities attributed to the Lee Edwards organization when Lee Edwards was sentenced, then, are the same as the quantities attributable to the

organization during the time period that Willie Edwards, Jr. was participating in the organization. The evidence and calculations used to support these quantities were upheld in Lee Edwards' appeal. United States v. Lee Andrew Edwards, ____ F.3d ____ (7th Cir. 1995) [1996 WL 83180] [a copy of the relevant portions of which is attached].

WHEREFORE, the government respectfully requests the Court to rule in favor of the government with regard to the contested sentencing issues, and to sentence the defendant in accordance with the calculations set forth in the presentence report.

Respectfully submitted,

JON E. DeGUILIO,
UNITED STATES ATTORNEY,

By: _____


Daniel L. Bella,
Assistant United States Attorney
Attorney No. 2670-45

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA

v.

WILLIE EDWARDS, JR.

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No. H CR 92-113

APPENDIX

TO

GOVERNMENT'S SENTENCING MEMORANDUM

INDEX TO APPENDIX

- TAB A: SELECTED PAGES CITED IN GOVERNMENT'S SENTENCING MEMORANDUM OF LORRI EDWARDS' TESTIMONY FROM WILLIE EDWARDS, JR. TRIAL TRANSCRIPT
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**SELECTED PAGES
CITED IN GOVERNMENT'S SENTENCING MEMORANDUM
OF LORRI EDWARDS' TESTIMONY
FROM WILLIE EDWARDS, JR. TRIAL TRANSCRIPT**

1 Q Were drugs sold out of both residences?

2 A Yes.

3 Q Were there other locations that Lee would sell drugs out of
4 besides the two houses?

5 A Yes.

6 Q And during the time that you were married to him, did you
7 come to know of another location that drugs were sold out
8 of?

9 A Yes.

10 Q What location was that?

11 A He had apartment building on 5th and Grant, and a liquor
12 store on 10th and Virginia, 10th and Virginia or 11th and
13 Virginia Street.

14 Q What was the name of the liquor store?

15 A Black Horseman.

16 Q And did Lee own that?

17 A Yes.

18 Q And there was also an apartment building that Lee had on
19 Grant Street, is that correct?

20 A Yes.

21 Q Is that apartment building still there?

22 A No.

23 Q And were drugs sold out of those locations?

24 A Yes.

25 Q What -- would Lee go to the apartment building, for

1 most common type of drug or size of drug sold, a dime bag,
2 what arrangements would he have with the workers who would
3 sell the dime bags?

4 A They would get \$2, two or \$3 off of each bag and he got the
5 rest.

6 Q When these workers would work for Lee would they -- would
7 they be given a number of bags at a time to sell?

8 A Yes.

9 Q Was any record kept of how many bags the workers were
10 given?

11 A Yes.

12 Q Also seized in the search that occurred October 11, 1990,
13 was there a black book used to keep notes of these records?

14 A Yes.

15 Q If I may I approach.

16 THE COURT: You may.

17 Q Hand you what's been marked for identification purpose as
18 Government's Exhibit 28, and ask if you can identify that
19 please?

20 A Yes, that's the book that was -- the drugs were -- the
21 workers, they got so many drugs, and it was written down
22 what they were supposed to turn in.

23 Q And is that one of the books that you would keep that
24 information in?

25 A Yes.

1 he's wearing?

2 A Right there with the glasses and the black and gray
3 sweater.

4 MR. BELLA: Your Honor, would the record reflect the
5 witness has identified the defendant, Willie Edwards, Jr.

6 THE COURT: Any objection?

7 MR. MAKSIMOVICH: No objection.

8 THE COURT: So indicated.

9 MR. BELLA:

10 Q You testified that when these packages of drugs were given
11 to workers to sell that the -- there was a record kept of
12 the amount of packages they would get?

13 A Yes.

14 Q And from that record were you able to determine or keep a
15 record of how much money they owed Lee for the drugs that
16 they would sell?

17 A Yes.

18 Q If I may approach the witness, Your Honor.

19 THE COURT: You may.

20 Q Lorri, you testified earlier that Government Exhibit 28,
21 the black binder that was seized from the house at 460 Taft
22 Place during this search contained some of these drugs
23 records, is that right?

24 A Yes.

25 Q Drawing your attention to the pages in the back of this

1 book, there are some pages that have names on them and
2 numbers and one of these pages says Joanie and Flakes, who
3 would that be?

4 A That was Flakes and his girlfriend, they worked for Lee.

5 Q And is that a record of drugs that they would get to sell
6 for Lee?

7 A Yes.

8 Q Does it have a date and certain amounts of drugs on it?

9 A Yes.

10 Q And in the case of this page it has certain amounts of
11 either W or B, what would W or B be?

12 A W was for white heroin and B was for brown heroin.

13 Q And flipping to another page in the book, it says Ella Mae,
14 who would that be?

15 A One of Lee's workers.

16 Q And where did she work out of?

17 A I really don't know. I think she just like in the street,
18 you know.

19 Q Did she also work at Lee's liquor store?

20 A Yes.

21 Q And then there's another page of the book that has the name
22 Willie on it, who would that be?

23 A Willie Edwards.

24 Q And that has certain numbers of drugs too, is that right?

25 A Yes.

1 Q And dates on that as well, is that right?

2 A Yes.

3 Q And then on the yet another page of the book Willie's name
4 appears, is that correct?

5 A Yes.

6 Q And again the same records, is that correct?

7 A Yes.

8 Q Looking at this page for a moment, it indicates on 3-7-90
9 100 W's, what would that be?

10 A 100 dime bags of white heroin.

11 Q If Willie, like the other workers, gets \$2 of each dime bag
12 sold and \$8 went back to Lee, Lee would have \$800 coming to
13 him for that 100 dime bags of white heroin, is that right?

14 A Yes.

15 Q And right next to 100 W's it says eight hundred, is that
16 right?

17 A Yes.

18 Q And then right below that it says 30 B's, what would that
19 be?

20 A Thirty \$10 bags of brown heroin.

21 Q And if 30 \$10 bags of brown heroin were sold Lee would get
22 \$8 back for each bag, that would be \$240, is that right?

23 A Right.

24 Q And right next to that that it says 240, is that correct?

25 A Yes.

1 Q Finally below that it says 42 G's, is that right?

2 A Yes.

3 Q And what would G's be?

4 A Cocaine.

5 Q What does G stand for?

6 A Girl.

7 Q Girl, which is another name for cocaine?

8 A Yes.

9 Q And then there is another dollar figure next to that, 336,
10 is that right?

11 A Yes.

12 Q And then there is a total of all three of those figures of
13 1376, is that --

14 A Yes.

15 Q And then it shows a thousand off, and then another subtotal
16 of 376, and then 96 off, and another subtotal of 280, is
17 that correct?

18 A Yes.

19 Q In addition to selling the drugs or having the workers sell
20 the drugs out of the apartment building, you testified that
21 Lee would distribute drugs from the houses on 4th and Taft
22 Place and 15th and Taft Street, is that correct?

23 A Yes.

24 Q Would Willie Edwards do anything to help sell drugs from
25 the residences at 4th and Taft Place or 15th and Taft

1 Q Boy again is what kind of drug?

2 A Heroin.

3 Q And girl?

4 A Cocaine.

5 MR. BELLA: Thank you. I have nothing further.

6 THE COURT: Cross insofar as this portion.

7 MR. MAKSIMOVICH: No cross.

8 THE COURT: You can continue on, Mr. Bella.

9 MR. BELLA: Like to play Exhibit 105.

10 MR. MAY: This should be from conversation telephone
11 219 838-3811 on August 22, 1990 at 9:03 p.m.

12 (Government Exhibit Number 105, a cassette
13 tape recording, was played in open court.)

14 MR. BELLA:

15 Q Lorri, all these conversations that we're hearing where
16 Willie Edwards is identified as the speaker on the
17 transcript, is that Willie Edwards, the defendant?

18 A Yes.

19 MR. BELLA: Let's play the next one, if you don't have
20 any questions.

21 THE COURT: Mr. Maksimovich, do you have any
22 questions?

23 MR. MAKSIMOVICH: No.

24 MR. BELLA: Thank you.

25 THE COURT: You may go on to the next one.

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1 MR. BELLA: Thank you, Your Honor. Exhibit 106.

2 MR. MAY: This conversation is to come from telephone
3 219 949-3704 on August 29, 1990 at 6:11 p.m..

4 (Government Exhibit Number 106, a cassette
5 tape recording, was played in open court.)

6 MR. BELLA:

7 Q Just two questions about this. Lorri, first of all this
8 caller ordered a three oh on the dude, do you know what
9 that would be referring to?

10 A Pardon me? I didn't hear you?

11 Q Is this caller ordered a three oh on the dude, do you know
12 what that would be referring to?

13 A That's a \$30 bag of heroin.

14 Q And I notice that the previous conversation, the first
15 three that we listened to here were on the telephone number
16 of 460 Taft Place; whereas this one is the phone number at
17 1522 Taft street. And you testified earlier you moved back
18 and forth between the two houses, is that right?

19 A Yes.

20 Q And they also talk about meeting on Taft Street in this
21 conversation, is that right?

22 A Yes.

23 MR. BELLA: Okay. I have nothing further.

24 THE COURT: Cross.

25 MR. MAKSIMOVICH: Yes.

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1 MR. MAY: This comes from telephone number 219
2 883-3811, September 7, 1990 at 11:01 p.m.

3 (Government Exhibit Number 108, a cassette
4 tape recording, was played in open court.)

5 MR. BELLA: I have no questions about that.

6 THE COURT: Any questions, Mr. Maksimovich?

7 MR. MAKSIMOVICH: No cross.

8 MR. BELLA: I want to play Exhibit 109.

9 MR. MAY: Exhibit 109, telephone number 219 883-3811
10 which occurred on September 9, 1990 at 9:26 p.m.

11 (Government Exhibit Number 109, a cassette
12 tape recording, was played in open court.)

13 MR. BELLA:

14 Q Lorri, 70 boy is what?

15 A \$70 worth of heroin.

16 Q And dime girl is what?

17 A \$10 worth of cocaine.

18 Q And two dimes boy is what?

19 A Two \$10 bags of heroin.

20 MR. BELLA: I have nothing further.

21 THE COURT: Cross.

22 CROSS EXAMINATION

BY

23 MR. MAKSIMOVICH:

24 Q What quantity of heroin is \$70, what amount of heroin are
25 we talking about?

1 A Yes.

2 MR. BELLA: Thank you. I have nothing further.

3 THE COURT: Recross.

4 MR. MAKSIMOVICH: Nothing.

5 MR. BELLA: I would ask Your Honor that we play
6 Exhibit 110.

7 MR. MAY: Conversation was on phone 219 949-3704 on
8 September 11, 1990 at 6:51 p.m..

9 (Government Exhibit Number 110, a cassette
10 tape recording, was played in open court.)

11 MR. BELLA:

12 Q Lorri, first of all, there was some discussion about street
13 names and I notice one portion of the transcript it refers
14 to Evertt, Clayburn and 5th, sounds like street names to
15 you in instead of that?

16 A Clayburn, Ellsworth but not Clayburn.

17 Q Ellsworth. Is there a Cleveland Street near you too?

18 A Yes.

19 Q And then also -- so when there is discussion about some of
20 the streets near you would Rutledge, Ellsworth be some of
21 the streets near where you were living?

22 A Yes.

23 Q Also at one point Willie Edwards tells this caller, We got
24 the white now; do you know what that's referring to?

25 A The white heroin.

1 Q Can you tell us what that is?

2 A It's measured out of the teaspoon, the spoons that we used
3 to measure drugs with.

4 Q Half a T would be another measure?

5 A Yes.

6 MR. BELLA: That's all I have.

7 THE COURT: Cross.

8 MR. MAKSIMOVICH: No cross, Your Honor.

9 MR. BELLA: I'd ask, Your Honor, we play Exhibit 112.

10 MR. MAY: This call is from telephone 219 883-3811 on
11 September 14, 1990 at approximately 4:07 p.m..

12 (Government Exhibit Number 112, a cassette
13 tape recording, was played in open court.)

14 MR. BELLA:

15 Q Lorri, I see from this transcript now you're back at 460
16 Taft Place, is that right?

17 A Yes.

18 Q And when Willie says Flakes just left here with about three
19 hundred of those things, what does that mean?

20 A He had just left with about three hundred packs of -- \$10
21 packs of boy.

22 Q And is that the kind of thing that you testified about
23 before where Flakes would come up and pick up all those
24 packages and then leave?

25 A Yes.

**SELECTED PAGES
CITED IN GOVERNMENT'S SENTENCING MEMORANDUM
OF LORRI EDWARDS' TESTIMONY
FROM LEE ANDREW EDWARDS TRIAL TRANSCRIPT**

1 A Yes.

2 Q Do you know Willie Edwards, Jr.?

3 A Yes.

4 Q And what relationship is he to Lee Edwards?

5 A That's his nephew.

6 Q And did Willie Edwards, Jr., do anything with regard to the
7 drug trafficking?

8 A He sold packages, he would answer the telephone and he
9 would deliver packages for people who would call and want a
10 package and Lee might not want them to come to the house so
11 he -- sometimes Willie would deliver the packages, you
12 know, to them; they would meet somewhere.

13 MR. BELLA: Your Honor, I would ask permission at this
14 time to play Exhibits 82 through 86.

15 THE COURT: You may.

16 MR. MAY: This is Exhibit 82.

17 (Government Exhibit Number 82, an audio tape
18 recording, was played in open court.)

19 MR. BELLA: Maybe we should just go along right
20 through, go ahead and play.

21 MR. MAY: Exhibit 83.

22 (Government Exhibit Number 83, an audio tape
23 recording, was played in open court.)

24 MR. MAY: Exhibit 84.

25 (Government Exhibit Number 84, an audio tape
recording, was played in open court.)

1

2

MR. MAY: Exhibit 85.

3

(Government Exhibit Number 85, an audio tape recording, was played in open court.)

4

5

MR. MAY: Exhibit 86.

6

(Government Exhibit Number 86, an audio tape recording, was played in open court.)

7

8

MR. BELLA:

9

Q Lorri, we just heard about five conversations with Willie

10

Edwards. The first conversation he agreed to meet that

11

person at the corner, and the next -- second one he agreed

12

to meet at the liquor store, he said I'll be right on down

13

there. And I think the fourth one he said don't come to

14

the house, I'll meet you in the street behind Rutledge

15

Street and meet in the alley. Is that the kind of thing

16

that Willie would do for Lee?

17

A Yes.

18

Q You say take the phone calls and make deliveries, is that

19

what you're referring to?

20

A Yes.

21

Q Then that third conversation there was a beep for call

22

waiting; did you have call waiting on those phones?

23

A Yes.

24

Q And in that conversation, Willie sent someone to Flakes and

25

said he just left here with about 300 of them things. Do

1 you know what that was referring to?

2 A He just got his bags, 300 -- had to be dimes of heroin, it
3 may have been some girl, heroin, girl. Or maybe heroin, I
4 don't remember.

5 Q Where would Flakes come to to get those bags?

6 A To the house on 4th and to the house on 15th.

7 Q In that instance, Willie was referring to somebody over to
8 Flakes; would that happen sometimes where someone would
9 answer the phone at your houses and refer people to others
10 who were selling for Lee?

11 A Yes.

12 Q And was Flakes one of those people?

13 A Yes.

14 Q In the last conversation Willie referred to someone as
15 Little James, gave out his phone number.

16 A Yes.

17 Q Is that another one of those people?

18 A Yes.

19 Q What about -- who is Phenether Buchanan?

20 A Lee's niece.

21 Q And would she also do some things that would help in the
22 drug sales?

23 A Phenether, she stayed with us. Sometimes she would answer
24 the phone and sometimes she would -- somebody would call
25 and want a package and she would take them in somewhere or

**TRANSCRIPT OF TAPE RECORDED TELEPHONE CONVERSATION;
EXHIBIT 86 FROM LEE ANDREW EDWARDS TRIAL**

FD-302 (REV. 3-10-82)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/1/91

The following is a transcription of a telephone conversation between WILLIE WORD and WILLIE EDWARDS, on telephone number (219) 883-3811, located at 460 Taft Place, Gary, Indiana, and subscribed to by LEE ANDREW EDWARDS. This telephone call occurred on September 21, 1990, at approximately 2:45 PM.

This was an incoming call.

The call was monitored by SA DENNIS PHILLIP HYTEN.

Investigation on 9/21/90 at Gary, Indiana File # 245F-IP-71386-2071
by SA DAVID A. ROTH^{DAK}-ndv Date dictated 9/21/90
245F-IP-71386, Sub JC
245F-IP-71386, Sub KZ

245F-IP-71386

2

Willie
Edwards

(WE): Hello.

Willie
Word

(WW): Hey, Willie boy, how you doin'?

WE: (Unintelligible)

WW: Ask the old boy can he fix me sumpin'. I ain't
(unintelligible)

WE: He not up, man.

WW: Is Lorri up?

WE: No. Ain't none of 'em up. They 'sleep.

WW: Mmm, mmm, mmm.

WE: Mmm huh.

WW: Goddamn.

WE: Wh...what was you lookin' for, though?

WW: A twenty. I need it bad.

WE: (Unintelligible)

WW: I need it bad, Willie.

WE: Yeah, I know, but ain't nobody up, though. I tell you
can call back maybe 'bout a hour.

WW: Yeah.

WE: Uh huh.

WW: The phone been off the hook.

WE: Well, I don't know, I don't know. (Clears throat) I
don't know.

WW: Has little James still got some?

00144

245F-IP-71386

3

WE: Yeah, yeah.

WW: You know his number?

WE: Mmm huh.

WW: What is it?

WE: Eight eight six three six one one.

WW: Hey, uh, I ain't got another quarter. Put me on hold and call him for me.

WE: No, man, I'm not, no.

WW: I ain't got another...

WE: I don't even know how to do all that. I'm not gonna do that.

WW: Six three six one one.

WE: No, yeah, six three six one one.

WW: Okay.

WE: Yeah, w...'cause I don't know how to do all that, man.

WW: Okay.

WE: I wanta, I wanta lay back down.

WW: Okay.

WE: Okay.

WW: All right, all right, thanks.

WE: Okay.

(Hangs up telephone)

(End)

**SELECTED PAGES PREVIOUSLY SUBMITTED TO COURT
OF DEA SPECIAL AGENT VINCENT BALBO'S TESTIMONY
AT LEE ANDREW EDWARDS' SENTENCING HEARING**

BALBO - DIRECT

1287

1 right through the middle of the door?

2 A Yes, sir. If I would have been standing in front of the
3 doorway, it probably would have hit me by my solar plexis
4 area.

5 Q And did that shot careen out the door at an angle or go
6 'straight down the hallway?

7 A Where the slug was found it elevated in its angle and ended
8 up in the drywall or plaster in the kitchen, in the back of
9 a cupboard.

10 Q Where was the kitchen in relationship to the bedroom door?

11 A Directly at the other end of the hallway.

12 Q So beyond the bedroom door there's a hallway leading into
13 the kitchen and the bullet went straight down that hallway
14 through the kitchen door and into the kitchen, is that
15 right?

16 A Yes.

17 Q I want to draw your attention now, Special Agent Balbo, to
18 your investigation regarding the quantities of drugs that
19 Mr. Edwards was responsible for dealing during the time
20 that he participated in his drug trafficking activities;
21 there was testimony during the trial that there were some
22 sources of supply of Lee Edwards of heroin and I think
23 there was some testimony regarding a Raymond Davis and a
24 Nigerian by the name of Abiodun Agbale. A-G-B-E-L-E.

25 THE COURT: Counsel, you're going to have to slow --

BALEO - DIRECT

1288

1 A-G --

2 MR. BELLA: Last name A-G-B-E-I-E First name

3 Abiodun, A-B-I-O-D-U-N.

4 THE COURT: And the first person?

5 MR. BELLA: I'm sorry

6 THE COURT: You said --

7 MR. BELLA: First person was Raymond Davis.

8 THE COURT: Raymond Davis?

9 MR. BELLA: Yes, Your Honor.

10 THE WITNESS:

11 A Yes, there was.

12 Q During the course of your investigation did you have
13 occasion to participate in the indictment and apprehension
14 of both Raymond Davis and Abiodun Agbele?

15 A Yes, sir.

16 Q Did you also participate in interviews that were conducted
17 of both individuals?

18 A Yes, I did.

19 Q Drawing your attention first to Raymond Davis, what did he
20 tell you about his activities in being a source of supply
21 of heroin to Lee Edwards?

22 MR. JACKSON: Objection, Your Honor The question
23 calls for hearsay answer.

24 MR. BELLA: Your Honor, hearsay is admissible during
25 sentencing hearings.

BALBO - DIRECT

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1 MR. JACKSON: Your Honor, I believe the impact rule is
2 the most applicable rule to hearing even at sentencing.

3 THE COURT: Objection overruled.

4 THE WITNESS:

5 A On August 19 of 1992 I personally interviewed Mr. Davis in
6 this building on the fourth floor with FBI Special Agent
7 Karen Pertuso.

8 And during the course of that conversation, Mr. Davis
9 had indicated that on a regular basis he supplied Lee
10 Edwards with black tar heroin, normally one to two ounces a
11 week on a regular basis for approximately a two-year period
12 between 1990 and 1992.

13 Some weeks there would be more, and some weeks there
14 would be less, but Mr. Edwards consistently purchased those
15 amounts over a two-year period.

16 And in all cases we asked Mr. Davis to give Mr.
17 Edwards the benefit of the doubt, take his time regarding
18 those quantities. And he said in that case, in giving Mr.
19 Edwards the benefit of the doubt, it would have been
20 approximately two ounces a week of the heroin for a two
21 year regular basis, and that Mr. Edwards would pay -- as
22 the market fluctuated but normally pay approximately \$6700
23 an ounce of the black tar heroin.

24 THE COURT: Six to seven hundred

25 THE WITNESS: 6700.

BALBO - DIRECT

1290

1 THE COURT: 6700?

2 THE WITNESS: Yes, sir.

3 MR. BELLA:

4 Q So we're talking about \$6,700 an ounce, and Mr. Edwards
5 would buy on an average two ounces a week of black tar
6 heroin from Mr. Davis?

7 A Yes, sir. And again, in some of those case they would be
8 first -- one occasion where Mr. Edwards or some of his
9 employees would go and pick up -- usually be one to two
10 times a week that a pickup would be made in Chicago from
11 Mr. Davis.

12 Q How would these pickups be arranged?

13 A Normally there would be a phone call placed from the
14 Edwards residence to the Davis residence and arrangements
15 would be made for either -- in most cases Mr. Edwards or
16 one of the people that Mr. Edwards directed the activities
17 of regarding drug trafficking, would go make the pickup in
18 the City of Chicago or on occasion Mr. Davis did come to
19 Gary, Indiana to make the delivery

20 Q Did Mr. Davis come up with an estimate of just how much
21 total black tar heroin he supplied to Lee Edwards' drug
22 trafficking organization over that two-year period?

23 A Again when we talked to Mr. Davis we asked him to give Mr.
24 Edwards the benefit of the doubt and he said he felt very
25 comfortable with the total of six kilograms of black tar

BALEO - DIRECT

1291

1 heroin supplied to Mr. Edwards over a two-year period.

2 He felt that it was more, but I asked him to be able
3 -- what he said that he would be comfortable with, giving
4 Mr. Edwards the benefit of the doubt, basing on the fact
5 that some weeks he purchased more, some weeks he purchased
6 less, and Mr. Davis told us that six kilos of the drug were
7 given to Mr. Edwards or members of his organization.

8 Q And again this isn't six kilos in kilogram quantities at a
9 time, is it?

10 A No, this is -- again as I indicated, normally one to two
11 ounces on a pickup and on average two ounces a week for a
12 two-year period.

13 Q So over a two-year period in these one and two ounce
14 quantities Mr. Davis estimated that the total quantity of
15 black tar heroin he supplied to the Lee Edwards drug
16 trafficking organization conservatively was six kilograms?

17 A Yes, sir.

18 Q And did Mr. Davis also on occasion supply a different kind
19 of heroin, that is, white heroin, to Mr. Edwards?

20 A Yes, sir.

21 Q And did Mr. Davis give you an estimate as to how much total
22 of white heroin he had supplied to the Lee Edwards drug
23 trafficking organization?

24 A Mr. Davis said that normally what he would supply Mr.
25 Edwards would be the black tar and he knew for a fact that

BALEO - DIRECT

1292

1 there were occasions that Mr. Edwards would get the white
2 heroin from him.

3 He was certain of this because there were so few
4 occasions of that happening because normally his
5 availability was of the brown

6 He said that at least three ounces of white heroin
7 given to Mr. Edwards. And again, the price would fluctuate
8 between the mid 6500 into 7,000, but he felt comfortable
9 with the total of approximately \$6700 an ounce for white
10 heroin. And that he distributed in that two-year period
11 three ounces of the white heroin to Mr. Edwards or members
12 of his organization for distribution to his knowledge.

13 THE COURT: \$6700 per ounce?

14 THE WITNESS: Yes, sir.

15 MR. BELLA:

16 Q Now, I asked you if Mr. Davis was ultimately indicted and
17 arrested; did there come a time when you were able to,
18 through the assistance of a cooperating individual, able to
19 make a controlled purchase of heroin from Raymond Davis?

20 A Yes.

21 Q And can you tell us about that?

22 A On this particular occasion we were involved in the Title
23 III intercepts, the wiretap of the residential phone, and
24 there was an indication that Mr. Edwards would be traveling
25 to Chicago to make a purchase of the heroin from Mr. Davis.

BALBO - DIRECT

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1 On that particular occasion surveillance followed Mr.
2 Edwards to the City of Chicago to the residence of Mr.
3 Davis. And on that particular occasion we had a
4 cooperating individual who was being directed by Mr.
5 Edwards, made a consensual conversation or recording or
6 transmitter involved a conversation with Mr. Davis, wherein
7 Mr. Davis made a sale of one ounce of black tar heroin to
8 this subject, the cooperating individual.

9 Q And that ounce of heroin that Mr. Davis, Raymond Davis
10 sold, was that ultimately submitted to a DEA laboratory for
11 analysis?

12 A Yes, sir, it was.

13 Q And what was the result of that analysis?

14 A It was found to contain heroin in a strength of 35 percent.

15 Q I'm going to show you a chart, Special Agent Balbo, which I
16 will probably refer to several times. And if the Court
17 prefers, I can mark it as an exhibit or submit a one-page
18 exhibit.

19 THE COURT: I have no objection if counsel can
20 stipulate. I think we want to reduce it to size of one
21 page so it can be made part of the record.

22 MR. JACKSON: That's fine.

23 THE COURT: You may use it for right now. Counsel,
24 you may substitute. Why don't you mark it as -- or
25 identify it as an exhibit. and then when you substitute it,

BALBO - DIRECT

1294

1 put it on the exhibit itself; it will be an eight and a
2 half by eleven.

3 MR. BELLA: That's correct Your Honor.

4 THE COURT: And you're going to offer that in
5 evidence?

6 MR. BELLA: I offer it as Exhibit A.

7 THE COURT: Any objection?

8 MR. JACKSON: Show an objection for the record, Your
9 Honor.

10 THE COURT: What's the objection?

11 MR. JACKSON: Foundation, relevancy.

12 THE COURT: Lay the foundation, counsel.

13 MR. BELLA: What I would like to do, Your Honor, is
14 use it as a demonstrative exhibit for the time being, and
15 as -- as special agent Balbo testifies.

16 THE COURT: You may.

17 MR. BELLA: At the conclusion of his testimony I think
18 we'll lay the foundation; I'll resubmit at that time.

19 Q Special Agent Balbo, you testified about Raymond Davis as a
20 source of supply to Lee Edwards. and you said Raymond Davis
21 estimated a total of six kilos of black tar heroin, which
22 would be a total a 6,000 grams of black tar heroin that Mr.
23 Davis supplied to Mr. Edwards over that two-year period, is
24 that correct?

25 A Yes, sir.

BALBO - DIRECT

1295

1 Q And about three ounces of white heroin at 28.35 grams per
2 ounce for 85 grams of white heroin supplied, is that
3 correct?

4 A Yes.

5 Q For a total supplied by Mr. Davis of 6,085 grams, is that
6 correct?

7 A That is also correct.

8 Q You testified that when you were able to make a controlled
9 purchase of heroin from Mr. Davis, the heroin tested out 35
10 percent purity?

11 A Yes.

12 Q And would you say that gives you an estimate as to the
13 purity of the heroin Mr. Davis was supplying?

14 A Yes.

15 Q And at a 35 percent purity, for a total of 6,085 grams
16 supplied, if that were reduced to pure heroin, 35 percent
17 of the total supplied would be 2,130 grams, is that right?

18 A Yes.

19 Q So if we were to reduce the 6,085 grams supplied to the
20 Edwards drug trafficking organization by the 35 percent
21 purity, it would give us approximately 2,130 grams of pure
22 heroin, is that correct?

23 A Pure heroin, yes.

24 Q I want to refer to this again later in your testimony.
25 Let's turn to the other source of supply now, Abiodun

BALBO - DIRECT

1296

1 Agbele; did you also participate in the indictment and
2 arrest of Abiodun Agbele?

3 A Yes, sir, I did.

4 Q And after Mr. Agbele was apprehended did he cooperate and
5 was he interviewed by yourself and Special Agent Karen
6 Pertuso of the FBI?

7 A Yes, he did.

8 Q And I believe several times you said Raymond Davis was
9 interviewed by us or we asked him to be conservative; when
10 you say we, would you be referring to yourself and Special
11 Agent Pertuso as there as well?

12 A Yes, sir.

13 Q And with regard to Mr. Agbele now, you indicated that you
14 and Special Agent Pertuso interviewed Mr. Agbele; what did
15 Mr. Agbele tell you about his activities in supplying the
16 Edwards drug trafficking organization with heroin?

17 A He advised that he supplied Lee Edwards exclusively with
18 white heroin.

19 Q And did Mr. Agbele tell you how he got into the business of
20 supplying Mr. Edwards and how much he supplied Mr. Edwards?

21 A Yes, he said that he had come to the United States from
22 Nigeria and enrolled in college and eventually got involved
23 with his uncle who was distributing white heroin to Lee
24 Edwards. And when his uncle went back to Nigeria his uncle
25 introduced him to Mr. Edwards to hand him off as a client,

BALBO - DIRECT

1297

1 and Mr. Agbele began distributing white heroin to Mr.
2 Edwards at his Gary residence.

3 Q At Mr. Edwards' Gary residence?

4 A Both of them, sir.

5 Q I'm sorry?

6 A Both of his residences, yes.

7 Q 1522 Taft Street and 460 Taft Place?

8 A Yes.

9 Q What did Mr. Agbele tell you about the quantities of white
10 heroin he supplied to Mr. Edwards?

11 A Again in interviews with Mr. Agbele, we had two occasions
12 in October of 1991, two occasions to speak to him, two
13 interviews, myself and Special Agent Bertuso, again giving
14 Mr. Edwards the benefit of the doubt, that between 1989 and
15 1990, Mr. Agbele sold him ten ounces of white heroin.

16 And then subsequent to that on -- he distributed to
17 Mr. Edwards another 180 grams of white heroin in February
18 of 1990.

19 Q The dates on which you interviewed Mr. Agbele in October --

20 THE COURT: 180 ounces?

21 THE WITNESS: No, 180 grams

22 THE COURT: 180 grams THE COURT:

23 MR. BELLA:

24 Q The dates on which you interviewed Mr. Agbele in October,
25 do you know what those were?

BALBO - DIRECT

1298

1 A Yes, October 4th and 9th of 1991.

2 Q And during what period of time was Mr. Agbele supplying Mr.
3 Edwards with this ten ounces of white heroin first of all?

4 A Between 1989 and 1990.

5 Q And this ten ounces of white heroin that Mr. Agbele
6 supplied to Mr. Edwards, what was the source of that heroin
7 to Mr. Agbele?

8 A His uncle.

9 Q You indicated that his uncle went back to Nigeria, is that
10 correct?

11 A Yes.

12 Q And did he leave this ten ounces of heroin for Mr. Agbele
13 to supply to Mr. Edwards?

14 A Specifically for distribution to Mr. Edwards.

15 Q And then Mr. Agbele told you that in February of 1990 he
16 distributed an additional 180 grams of white heroin to Mr.
17 Edwards, is that right?

18 A Yes.

19 Q Your understanding that the ten ounces of white heroin that
20 was left with Mr. Agbele had already been distributed to
21 Mr. Edwards at that point in time?

22 A He had already gotten rid of the initial ten, and then he
23 was able through his contacts and his uncle was able to
24 secure another 180 grams of the white heroin.

25 Q And did Mr. Agbele describe to you how he was able to come

BALEO - DIRECT

1299

1 into possession of the 180 grams and what he did with it?

2 A Yes, he had indicated that through a series of phone calls
3 being made to him, that he met several couriers along
4 Cicero Avenue near the Midway Airport, Nigerian couriers
5 who had brought in quantities of white heroin and that he
6 had the 180 grams left, and that Mr. Edwards had continued
7 to make contact with him looking for additional white
8 heroin to sell, and that he made the distribution based on
9 his prior dealings with Mr. Edwards and the fact that Mr.
10 Edwards was a regular client of his.

11 Q So Mr. Agbele in total distributed ten ounces of white
12 heroin and an additional 180 grams of white heroin to Mr.
13 Edwards, is that correct?

14 A Yes, that's correct.

15 Q And you indicated these distributions would be made at Mr.
16 Edwards' residences, is that correct?

17 A Yes, sir.

18 Q Would Mr. Agbele visit Mr. Edwards' residences to make the
19 deliveries?

20 A What stuck out most in his mind that normally there was a
21 doctor's office near Mr. Edwards' residence off 460 Taft,
22 and he normally would park at the doctor's office, and then
23 Mr. Edwards or one of his people would come out of the
24 house and meet him. On occasion he would go into the house
25 to make the distribution to Mr. Edwards.

BALEO - DIRECT

1300

1 Q Draw your attention again to this chart. you indicated that
2 Abiodun Agbele distributed first of all. ten ounces of
3 white heroin to Mr. Edwards at 283.5 grams per ounce, for a
4 total of 283.5 grams, is that correct?

5 A That's correct.

6 Q And 180 grams of heroin delivered in February of 1990 and
7 the total of the 180 grams and 283.5 grams was 463.5 grams,
8 is that correct?

9 A Yes.

10 Q Now, did you also have occasion to make a controlled
11 purchase of heroin from Mr. Agbele?

12 A Yes.

13 Q Prior to his arrest?

14 A Yes, we did.

15 Q And can you tell us how that came about?

16 A On November 20, 1990 cooperating individual, an individual
17 that Mr. Edwards was controlling and directing in the drug
18 trafficking, agreed to make a controlled purchase for us.
19 And in fact made phone contact with Mr. Agbele, and in fact
20 completed a transaction for the purchase of one ounce of
21 white heroin at McDonald's Restaurant on Kennedy Avenue in
22 Hammond, Indiana.

23 On that particular date a quantity -- one ounce of
24 heroin was purchased for \$11,000.

25 Q And what was that date again?

BALBO - DIRECT

1301

1 A November 20 of 1990.

2 Q Was that ounce of heroin purchased for \$7,000 then
3 submitted to a DEA laboratory for analysis?

4 A Yes, North Central Laboratory in Chicago, Illinois.

5 Q And what was the result of that analysis?

6 A It was found to contain heroin in a purity of 50 percent.

7 Q Drawing your attention back to the chart, did that
8 controlled purchase give you an idea of the percentage of
9 -- percentage purity of heroin Mr. Agbele was selling?

10 A Yes.

11 Q And you said it was 50 percent purity?

12 A Yes.

13 Q Drawing your attention back to the chart -- Your Honor,
14 just a moment, Your Honor.

15 THE COURT: You may.

16 Q If I may refer to a smaller version of this, I don't think
17 it got blown up on the chart. You already testified that
18 the total of heroin that Mr. Agbele testified to or said
19 that he delivered to Mr. Edwards was 163.5 grams, is that
20 right?

21 A Yes, sir.

22 Q And at a 50 percent purity that would translate into 232
23 grams of pure heroin, is that correct?

24 A That's correct.

25 Q Now, if we may put those totals together, your previous

BALDO - DIRECT

1302

1 testimony was that the Raymond Davis heroin at 35 percent
2 purity translated to 2,130 grams of pure heroin, and the
3 Agbele heroin at 50 percent heroin -- at 50 percent purity
4 translates into 232 grams of pure heroin, and that the
5 total of pure heroin was then 2,362 grams, is that right?

6 A Yes, sir.

7 Q Have you had occasion to review these calculations before
8 and do those appear to be accurate to you?

9 A That is correct.

10 Q Now, we have -- from Raymond Davis and Abiodun Agbele an
11 equivalent of 2,362 grams of pure heroin coming into the
12 possession of Lee Edwards. Would Lee Edwards turn around
13 and sell that pure heroin on the street or would he do
14 something to the heroin before selling it?

15 A No, he would always cut the heroin; he would never put it
16 out on the street as he purchased it. And that's backed up
17 by informant information, as well as some of the
18 conversations on the telephone indicating that the heroin
19 was not ready yet to be distributed.

20 Q And there was testimony at trial about Mr. Edwards using a
21 coffee grinder, I think it was even introduced in evidence
22 that he would use to cut heroin, and I think some lactose
23 was also introduced in evidence that Mr. Edwards used to
24 cut the heroin, is that correct?

25 A Yes, as well as paraphernalia for cutting the paper, the

BALEO - DIRECT

1303

1 aluminum foil and various other items

2 Q Now, there was also testimony at trial about a Walter
3 Pettigrew making a series of controlled buys of heroin from
4 Mr. Edwards, and I think there was testimony at trial as
5 well about the heroin that Mr. Pettigrew bought from Mr.
6 Edwards during those controlled buys being submitted to the
7 DEA laboratory for analysis, is that correct?

8 A That is correct.

9 Q And would that analysis show the approximate percentages of
10 purity of heroin that Mr. Edwards was selling on the
11 street?

12 A Yes, sir.

13 Q Do you have before you a series of those lab reports and a
14 summary of those lab reports indicating the purchase dates,
15 the quantities purchased by Mr. Pettigrew and the purity of
16 heroin purchased?

17 A Yes.

18 Q And can you tell us what those were?

19 A Yes, on March 23 of 1990 a controlled purchase of 11.6
20 grams was made; it was submitted to the DEA North Central
21 Laboratory and analyzed to contain heroin in purity of 4.7
22 percent.

23 On April 23 of 1990 two separate packets of heroin
24 were purchased, one in quantity of 5.8 grams, the other in
25 5.7 grams. They were both submitted to the DEA North

BALEO - DIRECT

1304

1 Central Laboratory in Chicago Illinois and analyzed to be
2 4.8 and 4.7 percent pure

3 On June 11 of 1990 approximately 11.0 grams of heroin
4 were purchased from Mr. Edwards in a controlled purchase,
5 and it was submitted to the DEA North Central Laboratory
6 and analyzed to contain heroin in 3 percent purity.

7 On September 5 of 1990, approximately 14.1 grams of
8 heroin were purchased from Mr. Edwards in a controlled
9 purchase. It was submitted to DEA North Central Laboratory
10 and analyzed to contain heroin in 1.6 percent purity.

11 On October 10 of 1990 two exhibits were purchased of
12 heroin from Mr. Edwards in controlled purchases, one 85.8
13 grams and the other 1 gram. They were both submitted to
14 the DEA North Central Laboratory in Chicago; the first
15 exhibit of 85.8 grams was analyzed to be 4 percent pure and
16 contained heroin. The other one contained heroin 47
17 percent pure.

18 Q The --

19 THE COURT: Just a minute, counsel. The third
20 purchase, which was 11.0 grams three percent pure, what
21 date was that?

22 THE WITNESS: June 11th of 1990.

23 THE COURT: I'm sorry go ahead

24 MR. BELLA:

25 Q I notice that the first six quantities of heroin purchased,

BALEO - DIRECT

1305

1 two of them on one date. from Dr. Edwards, were less than
2 five percent purity. And then there's one purchase that
3 stands out of one gram of 17 percent purity. To the best
4 of your recollection was that a special purchase that was
5 attempted to have been made for Dr. Edwards, that last one?

6 A Yes.

7 Q And was extra money paid for that last purchase?

8 A Yes, sir, it was a little bit higher than what normally
9 would be charged for that type of quantity. If you notice,
10 as I indicated, it was one gram. And that was for \$600.

11 Q Okay. Let's draw your attention to the purchases made on
12 April 23, 1990; you said there were two packets of heroin,
13 5.8 grams and 5.7 grams for a total of 11.5 grams purchased
14 on April 23, 1990; what was the total --

15 THE COURT: 11.5 or 11.6?

16 MR. BELLA: 11 point --

17 A March 23 was 11.6. On April 23 there were two separate,
18 and they would be totalling 11.5 .

19 MR. BELLA:

20 Q I'm referring to April 23rd. there were two separate
21 packets.

22 THE COURT: I'm sorry. Clear.

23 MR. BELLA:

24 Q 5.8 grams and 5.7 grams for I think a total of 11.5 grams
25 on that particular date. What was the total purchase price

BALEO - DIRECT

1306

- 1 paid for that?
- 2 A \$1,000.
- 3 Q So a thousand dollars for 11.5 grams on that date?
- 4 A Yes.
- 5 Q And for just the one gram on October 10. \$600 was paid, is
- 6 that right?
- 7 A Yes.
- 8 Q And on June 11 there was another eleven grams purchased;
- 9 what was the total purchase price of that?
- 10 A \$1,000.
- 11 Q So the purchase price per gram for the one gram of more
- 12 pure heroin was quite a bit higher?
- 13 A Correct.
- 14 Q You testified that you became familiar with the
- 15 investigation, did you become familiar with the phone calls
- 16 that were purchased -- that were made to Lee Edwards or to
- 17 his residences during the period of the Title III wiretap
- 18 and the kinds of quantities that Lee Edwards would usually
- 19 sell?
- 20 A Yes, sir.
- 21 Q And what kind of quantities were those?
- 22 A It was correct that normally people that would call on the
- 23 phone would be purchasing 120 bags or 320 bags of heroin
- 24 and boy and girl, heroin, cocaine.
- 25 Q And so would you say that Mr Edwards was purchasing small

BALEO - DIRECT

1307

1 quantities in a high volume rather than large quantities?

2 A That's exactly correct.

3 Q And these \$10, \$20 bag quantities of heroin that would be
4 sold on the street, in the course of your experience as a
5 DEA agent have you come to have an expertise or knowledge
6 as to what the usual street level purity of heroin in those
7 small quantities would be?

8 A In my experience as a law enforcement officer working
9 narcotics for over 12 years, it is very common on the
10 street, exhibits purchased by myself or controlled
11 purchases made to be analysed on the street it would
12 consistently be percentages of less than ten percent on a
13 regular basis.

14 Q And these percentage of heroin that Edwards, that Mr.
15 Edwards was selling around four percent, give or take a
16 few, portions of a percentage point, would that match with
17 your expectations of what would be sold on the street?

18 A That's consistent with my experience.

19 Q And is it also consistent with the intelligence information
20 you received about the heroin Mr. Edwards was selling?

21 A Yes, sir.

22 Q Let me draw your attention back to the chart now; we have
23 established that from Raymond Davis and Abiodun Agbele
24 there was the equivalent in pure heroin of 2,362 grams
25 going to Lee Edwards and his drug trafficking organization.

BALEO - DIRECT

1308

1 At a five -- that would be 100 percent pure heroin to
2 achieve -- to give Mr. Edwards the benefit of the doubt,
3 and assume a five percent mixture. Would that -- would it
4 be accurate to multiply that by 20 times to receive a five
5 percent mixture of heroin?

6 A Yes, sir.

7 Q And that would then translate into 47,240 grams or in
8 excess of 47 kilos of heroin sold by Mr. Edwards on the
9 street at a five percent mixture and again giving Mr.
10 Edwards the benefit of the doubt. Is that correct?

11 A Yes, sir.

12 Q And again you have examined these figures and find that
13 these were calculated accurately?

14 A Yes, I have.

15 THE COURT: Counsel, if you just want to mark it on
16 the exhibit.

17 MR. BELLA: Your Honor, at this point I move to admit
18 as exhibits Government Exhibit A, being an eight and a half
19 by eleven representation of the chart that was used for
20 Special Agent Balbo's testimony, and also Government
21 Exhibit B, being a summary of the controlled purchases made
22 by Walter Pettigrew and the pricing of those purchases.

23 MR. JACKSON: No objection.

24 THE COURT: They are both admitted.

25 (Government Exhibit Numbers A and B were
admitted into evidence)

BALBO - DIRECT

1309

1

2

MR. BELLA: If I may I approach the witness, Your

3

Honor.

4

THE COURT: May.

5

Q

I show you Government Exhibit B. which has been introduced in evidence, does that accurately reflect the dates, amounts of quantities purchased, and percentages of purity of heroin purchased from Mr. Edwards, and with the exception of the very first occasion where the -- there is no amount shown, the correct amounts paid for all those purchases?

11

12

A

Yes, sir, it does.

13

Q

And I believe at the trial of this matter there was testimony regarding each and every one of those controlled purchases and the amounts paid, including the very first purchase as well, is that correct?

16

17

A

Yes, there was.

18

Q

If I may submit this, Your Honor. Special Agent Balbo, would you say that -- you testified that you asked Raymond Davis and Abiodun Agbele to be somewhat conservative in their indications to you how much they distributed to Mr. Edwards, is that right?

22

23

A

Yes, they did.

24

Q

In addition to those two source of supply, are you aware of other sources of supply of heroin to Mr. Edwards?

25

BALEO - DIRECT

1310

1 A Yes.

2 Q And was there also an individual by the name of Raymond
3 Burrell who was indicted along with Mr. Edwards?

4 A Yes, sir.

5 Q And does your information indicate that he was also a
6 source of supply to Mr. Edwards?

7 A That's correct.

8 Q Was there even in fact a meeting between Mr. Burrell and
9 Mr. Edwards during the period of the Title III wiretap
10 where conversations between Mr. Burrell and Mr. Edwards
11 were intercepted and where Mr. Burrell was actually
12 observed to be meeting an associate of Mr. Edwards to make
13 a delivery?

14 A That's correct.

15 Q That meeting that was observed by surveillance agents, that
16 was not a controlled buy, I take it, is that correct?

17 A No, it was just observed by surveillance units.

18 Q So you were unable to come into possession or did not come
19 into possession of that quantity of heroin to be able to
20 tell how much was delivered or the percentage of heroin
21 that Mr. Burrell delivered to Mr. Edwards, is that right?

22 A No, we did not.

23 Q In any event, you're aware of other sources of supply of
24 heroin to Mr. Edwards that are not even taken into account
25 in these calculations?

BALBO - CROSS

1311

1 MR. JACKSON: Objection, relevancy, Your Honor.

2 THE COURT: Overruled

3 THE WITNESS:

4 A Yes, there are other sources that are not taken into
5 account in these totals.

6 MR. BELLA:

7 Q Would you say that these totals are somewhat conservative,
8 the totals as to the amount of street level heroin dealt by
9 Mr. Edwards over the period of time that we have talked
10 about?

11 A I believe that these totals give Mr. Edwards the benefit of
12 the doubt in all cases.

13 MR. BELLA: Thank you, sir. I have nothing further.

14 THE COURT: Cross.

15 MR. JACKSON: Thank you, Your Honor.

16 CROSS EXAMINATION

BY

17 MR. JACKSON:

18 Q Mr. Balbo, at what time did you and your -- the other
19 agents execute the warrant on Mr. Edwards' residence?

20 A I believe it was between nine and 10 a.m..

21 Q That was your testimony at trial?

22 A I believe it was, yes.

23 Q Now, you executed a warrant, was this a surprise warrant or
24 did you have -- or did Mr. Edwards to your knowledge have
25 any advance notice of your serving this warrant?

RECYCLED



SELECTED PAGES PREVIOUSLY SUBMITTED TO COURT
OF GOVERNMENT'S SENTENCING MEMORANDUM
FILED WITH THE COURT
IN CONNECTION WITH LEE ANDREW EDWARDS' SENTENCING HEARING

~~admitted to his guilt. Even now, paragraph 11 of the presentence report indicates, "The defendant ... vehemently denies the magnitude of drugs involved and the role he played in the commission of the instant offenses." The jury convicted Edwards of maintaining a continuing criminal enterprise, which Edwards evidently still denies. Edwards is not entitled to an adjustment for acceptance of responsibility.~~

II. Is the amount of heroin used for guidelines calculations supported by the evidence.

Evidence presented both at trial and at the evidentiary sentencing hearing held May 5, 1994 support the amount of heroin used for guidelines calculations in the presentence report.

DEA Special Agent Vincent Balbo testified at the sentencing hearing that Raymond Davis and Abiodun Agbele were sources of supply of heroin to Lee Edwards.

Special Agent Balbo testified that Raymond Davis was interviewed on August 19, 1992. Davis had pled guilty to conspiracy to distribute heroin, and had agreed to cooperate with the government.

Davis said that he was a source of supply of heroin to Lee Edwards since 1988. Edwards or one of his workers would come to Davis' residence and pick up ounce quantities of heroin, that would normally cost about \$6,500, for which they would pay cash. On a regular basis, Edwards' workers would travel to Davis' Chicago residence at least twice a week to purchase black tar heroin. Usually, Edwards or his workers would drive Edwards' Ford pick up truck. Davis said that over a two year period he supplied Edwards

with approximately 6 kilograms of black tar heroin. Davis said he also supplied Edwards with 3 ounces of white heroin for \$6,700 per ounce paid in cash. Special Agent Balbo testified that physical surveillance and intercepted telephone conversations corroborated Davis' information.

The amount of heroin delivered by Davis to Edwards is summarized as follows:

6 kilos of black tar heroin	=	6,000 grams
3 oz. of white heroin x 28.35 g./oz.	=	<u>85 grams</u>
TOTAL		6,085 grams

Special Agent Balbo also testified regarding the purity of the heroin being supplied by Davis. Special Agent Balbo testified that on September 14, 1990, cooperating individual Jimmy Edwards, in cooperation with the DEA, made a purchase of heroin from Davis. The cooperating individual purchased 24.4 grams of heroin for \$6,700. A DEA laboratory tested the heroin, and found it to be 35% pure.

If one were to calculate the quantity of pure heroin in the quantities that Davis sold to Lee Edwards, one would engage in the following calculation:

6 kilos of black tar heroin	=	6,000 grams
3 oz. of white heroin x 28.35 g./oz.	=	<u>85 grams</u>
TOTAL		6,085 grams
Davis heroin is 35% pure		<u>x 35 %</u>
TOTAL OF PURE HEROIN		2,130 grams

Special Agent Balbo testified that Abiodun Agbele also pled guilty to conspiracy to distribute heroin, and that Agbele also agreed to cooperate with the government. Special Agent Balbo testified that Agbele was interviewed on October 4 and October 9, 1991.

Agbele said that he was a source of supply of white heroin to Lee Edwards. Agbele said that his uncle from Nigeria who had been living in this country was about to return to Nigeria, and that his uncle provided Agbele with a supply of heroin to sell to Edwards. Agbele said that between 1989 and January, 1990, Agbele sold 10 oz. of white heroin to Edwards. Agbele obtained a resupply of another 180 grams of heroin from a courier who Agbele understood had brought the heroin into this country from Nigeria, and Agbele delivered this additional amount of heroin to Edwards in February, 1990.

10 oz. of white heroin x 28.35 g./oz.	=	283.5 grams
180 g. of heroin delivered in Feb., 1990	=	<u>180 grams</u>
TOTAL		463.5 grams

Special Agent Balbo also testified regarding the purity of the heroin being supplied by Agbele. Special Agent Balbo testified that on November 20, 1990, cooperating individual Jimmy Edwards, in cooperation with the DEA, made a purchase of white heroin from Agbele. The cooperating individual purchased 25.87 grams of heroin for \$7,000. A DEA laboratory tested the heroin, and found it to be 50% pure.

If one were to calculate the quantity of pure heroin in the quantities that Davis sold to Lee Edwards, one would engage in the following calculation:

10 oz. of white heroin x 28.35 g./oz	=	283.5 grams
180 g. of heroin delivered in Feb., 1990	=	<u>180 grams</u>
TOTAL		463.5 grams
Agbele heroin is 50% pure		<u>x 50 %</u>
TOTAL OF PURE HEROIN		232 grams

Special Agent Balbo also testified regarding the purity of the heroin being sold by Lee Edwards at street level. Testimony at trial established that cooperating individual and government witness Walter Pettigrew made a series of six controlled purchases of narcotics from Lee Edwards. The narcotics purchased by Pettigrew were introduced into evidence at trial, and DEA laboratory analyst Sanford Angelos testified at trial regarding his analysis of the narcotics purchased. At the sentencing hearing, Special Agent Balbo summarized the evidence regarding the narcotics purchased by Pettigrew. The following chart summarizes the relevant facts of the purchases made by Pettigrew from Lee Edwards²:

²In addition to the purchases of heroin made from Lee Edwards by Walter Pettigrew, there were also two purchases of cocaine: On 9/1/90, 2.6 grams of cocaine of a purity of 87% purchased for \$250, and on 9/5/90, 20.5 grams of cocaine of a purity of 83% purchased for \$1,800. The evidence indicated that Walter Pettigrew purchased cocaine from Edwards in addition to heroin; and the tape recordings of intercepted telephone conversations introduced into evidence indicated that Lee Edwards was selling cocaine in addition to heroin. However, the guidelines calculations discussed here only

PURCHASES OF HEROIN FROM LEE EDWARDS BY WALTER PETTIGREW³

<u>Date</u>	<u>Amount</u>	<u>Substance</u>	<u>Purity</u>	<u>Price</u>
3/23/90	11.6 g.	heroin	4.7 %	\$ 500
4/23/90	5.8 g.	heroin	4.8 %	\$ 1,000
"	5.7 g.	"	4.7 %	(for both)
6/11/90	11.0 g.	heroin	3.0 %	\$ 1,000
9/5/90	14.1 g.	heroin	1.2 %	\$ 700
10/10/90	85.8 g.	heroin	4.0 %	\$ 5,400
"	1.0 g.	"	47.0 %	\$ 600

Special Agent Balbo testified that after Edwards would purchase supplies of heroin from Edwards' suppliers, Edwards would "cut" the heroin, or mix it with other substances to increase the quantity of heroin available for sale. As a result, the purity of the heroin sold by Edwards would be decreased. Special Agent Balbo

take into account the street level quantity of heroin attributable to Lee Edwards, for the reason that the majority of the evidence from which calculations of quantity may be made involved heroin, and the government believes the quantity of cocaine attributable to Edwards based upon the evidence would not be large enough to affect the guideline calculations.

³A trial transcript has already been prepared. Pettigrew's trial testimony regarding the purchases on the various dates referred to in this chart appear at the following locations in the trial transcript: 3/23/90, pp. 339-44; 4/23/90, pp. 344-48; 6/11/90, pp. 348-52; 9/5/90, pp. 352-58 (this purchase was the consummation of a partial purchase made on 9/1/90); 10/10/90, pp. 358-71. Sanford Angelos was the DEA laboratory chemist who testified regarding his examination of the heroin purchased by Pettigrew from Edwards, including the identity of the substance as heroin, the weight of the substance purchased, and the relative purity of the heroin. Mr. Angelos' testimony regarding the heroin purchased on the various dates referred to in this chart appear at the following locations in the trial transcript: 3/23/90, pp. 565-71; 4/23/90, pp. 571-72, 580-81, 583-84; 6/11/90, pp. 582-83; 9/5/90, pp. 585-86; 10/10/90, pp. 588-90.

testified that the above purchases were typical concentration of the heroin sold by the Edwards organization. Assuming an average concentration of the heroin sold by Edwards of 5% would be generous towards Edwards, in that his heroin often was of an even lesser concentration. An examination of the Pettigrew purchases listed above reveals that the purity of the Edwards heroin generally ranged from 3% to 5%. There was one purchase, the one-gram purchase made on October 10, 1990, where the purity was higher. Special Agent Balbo testified that was a special purchase for which Pettigrew paid a substantially higher sum, and was a rarity. Special Agent Balbo's testimony was corroborated by the intercepted telephone conversations introduced into evidence at trial, which uniformly indicated that Edwards was selling small, inexpensive amounts of heroin. It is safe, and even gives Edwards the benefit of the doubt, to assume that Edwards was selling heroin at a concentration of 5%.

Given the amounts of heroin supplied to Edwards by Davis and Agbele as set forth above, and given the concentrations of the heroin sold by those suppliers, one is able to determine the quantity of pure heroin contained in the supply that Edwards obtained. That calculation of the amount of pure heroin attributable to Edwards from his sources of supply has already been set forth above. In order to turn pure heroin into a mixture at a concentration of 5%, one would have to cut pure heroin 20 times. (Cutting pure heroin 20 times would mean that 1/20th, or 5%, of the heroin was pure.) Given the 5% concentration of heroin that

Edwards was selling, one can determine the weight of the heroin that Edwards actually sold by taking the pure heroin attributable to Edwards from his sources of supply, and multiplying that amount by 20. The result would accurately approximate the amount of heroin sold by Edwards as a result of the heroin supplied to Edwards by Davis and Agbele. The calculations in their entirety are shown below:

CALCULATION OF STREET LEVEL HEROIN ATTRIBUTABLE TO LEE EDWARDS

RAYMOND DAVIS

6 kilos of black tar heroin	=	6,000 grams
3 oz. of white heroin x 28.35 g./oz.	=	<u>85 grams</u>
TOTAL		6,085 grams
Davis heroin is 35% pure		<u>x 35 %</u>
TOTAL OF DAVIS PURE HEROIN		2,130 grams

ABIODUN AGBELE

10 oz. of white heroin x 28.35 g./oz	=	283.5 grams
180 g. of heroin delivered in Feb., 1990	=	<u>180 grams</u>
TOTAL		463.5 grams
Agbele heroin is 50% pure		<u>x 50 %</u>
TOTAL OF AGBELE PURE HEROIN		232 grams

PURE HEROIN TOTALS

DAVIS pure heroin	2,130 grams
AGBELE pure heroin	<u>232 grams</u>
TOTAL OF PURE HEROIN	2,362 grams

Multiply total of pure heroin by 20	2,362 grams
to obtain a 5% mixture of heroin	<u>x 20</u>

TOTAL ATTRIBUTABLE TO LEE EDWARDS	47,240 grams -- or 47 kilos
--	------------------------------------

Edwards was selling, one can determine the weight of the heroin that Edwards actually sold by taking the pure heroin attributable to Edwards from his sources of supply, and multiplying that amount by 20. The result would accurately approximate the amount of heroin sold by Edwards as a result of the heroin supplied to Edwards by Davis and Agbele. The calculations in their entirety are shown below:

CALCULATION OF STREET LEVEL HEROIN ATTRIBUTABLE TO LEE EDWARDS

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TOTAL OF DAVIS PURE HEROIN		2,130 grams

ABIODUN AGBELE

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TOTAL		463.5 grams
Agbele heroin is 50% pure		<u>x 50 %</u>
TOTAL OF AGBELE PURE HEROIN		232 grams

PURE HEROIN TOTALS

DAVIS pure heroin	2,130 grams
AGBELE pure heroin	<u>232 grams</u>
TOTAL OF PURE HEROIN	2,362 grams
Multiply total of pure heroin by 20 to obtain a 5% mixture of heroin	<u>2,362 grams</u> <u>x 20</u>
TOTAL ATTRIBUTABLE TO LEE EDWARDS	47,240 grams -- or 47 kilos

Even this amount is conservative, in that Edwards also had other suppliers of heroin. For example, Robert Burrell, one of Edwards' co-defendants, pled guilty to supplying Edwards with heroin. Edwards' wife, Lorri, also testified regarding Edwards repeatedly obtaining supplies of heroin from Burrell.

The facts and evidence, consisting of the information provided by Davis and Agbele, the purchases by Jimmy Edwards from Davis and Agbele, the purchases by Walter Pettigrew from Lee Edwards, the physical surveillance, and the intercepted telephone calls, all support the above analysis of the amount of heroin attributable to Lee Edwards.

~~III. Was defendant on probation when the defendant committed the offense of conviction.~~

Paragraph 25 of the presentence report indicates that Edwards was sentenced on November 17, 1986 to 2 years, which was suspended, and he was placed on 2 years probation on November 17, 1986. Both Count 3, charging conspiracy to distribute heroin and cocaine, and Count 4, charging the offense of maintaining a continuing criminal enterprise, allege that the offenses occurred from at least January, 1986, through in or about October, 1990. Edwards was convicted on both counts. In addition, Lorri Edwards testified she married Lee Edwards in 1986, and that Lee Edwards was operating his drug trafficking organization at that time. Therefore, Edwards committed the instant offense while he was on probation, and paragraph 30 of the presentence report properly assesses 2 additional criminal history points.

PORTION OF OPINION
DEALING WITH CALCULATION OF QUANTITY OF NARCOTICS
FROM 7TH CIRCUIT COURT OF APPEALS DECISION IN
UNITED STATES V. LEE ANDREW EDWARDS

Copr. (C) West 1996 No claim to orig. U.S. govt. works
---F.3d----

(Cite as: 1996 WL 83180 (7th Cir.(Ind.)))

UNITED STATES of America, Plaintiff-Appellee,
v.

Lee Andrew EDWARDS, Defendant-Appellant.

No. 94-3307.

United States Court of Appeals,
Seventh Circuit.

Argued Sept. 8, 1995.

Decided Feb. 27, 1996.

Appeal from the United States District Court for the Northern
District of Indiana, Hammond Division. No. 92 CR 113--Rudy Lozano,
Judge.

Before BAUER, COFFEY and EVANS, Circuit Judges.

COFFEY, Circuit Judge.

*1 Lee Edwards appeals his conviction and sentence for
engaging in a continuing criminal enterprise, conspiring to
distribute narcotics, distributing narcotics, using a communication
facility to facilitate drug trafficking, and using a firearm during
and in relation to a narcotics offense. We affirm.

I. Background

Lee Edwards operated a drug ring from his two residences, 460
Taft Place and 1522 Taft Street, in Gary, Indiana and from the
liquor store he owned in Gary, the "Black Horseman." The
investigation of Edwards included wiretaps, surveillance, and
controlled drug buys, and culminated in a search of Edwards's
residence.

* * *

B. Sentencing

1. Quantity of Attributable Heroin

Edwards argues that the sentencing court erred in determining
that he was responsible for 47 kilograms of heroin. The first of
Edwards's contentions is that the district court erred in relying
on unreliable, hearsay testimony to determine the total amount of
pure heroin that he purchased for distribution. Second, the
defendant argues that the sentencing court improperly calculated
the weight of diluted heroin that Edwards sold on the street level.
We review the district court's calculation of the quantity of
narcotics attributable to Edwards for clear error. *United States*
v. Taylor, 72 F.3d 533, 542 (7th Cir.1995); *United States v. Vold*,
66 F.3d 915, 918 (7th Cir.1995). The law regarding the evaluation
of evidence supporting sentencing determinations is well settled:
Information may properly be used in sentencing when it has
"sufficient indicia of reliability" to support its probable
accuracy. *United States v. Ewers*, 54 F.3d 419, 421 (7th Cir.1995)
(citing *United States v. Lueddeke*, 908 F.2d 230, 234 (7th
Cir.1990)). However, this reliability standard "must be rigorously

applied." United States v. Beler, 20 F.3d 1428, 1432 (7th Cir.1994); see U.S.S.G. s 6A1.3(a) ("In resolving any reasonable dispute concerning a factor important to the sentencing determination, the court may consider relevant information without regard to its admissibility under the rules of evidence applicable at trial, provided that the information has sufficient indicia of reliability to support its probable accuracy."). United States v. Townsend, 73 F.3d 747, 751-52 (7th Cir.1996).

At the sentencing hearing, DEA Agent Vincent Balbo testified that he had interviewed two of Edwards's heroin suppliers: Raymond Davis and Abiodun Agbele. [FN9] According to Balbo, Davis told him that Edwards purchased one to two ounces of "black tar" heroin a week for two years, between 1990 and 1992, paying approximately \$6700 per ounce. Davis made a conservative estimate that he had sold Edwards a total of six kilograms of black tar heroin over the course of the two years. Additionally, Davis told Agent Balbo that he sold Edwards 85 grams of "white" heroin.

*7 From the Davis evidence, the sentencing court calculated that 6,035 grams of total sold heroin (six kilograms black tar heroin plus 85 grams white heroin) at 35 percent purity [FN10] yields 2,130 grams of pure heroin.

Agent Balbo next testified that in October 1991 he interviewed Abiodun Agbele, another source of Edwards's heroin. Abiodun told Agent Balbo that he had sold a total of 463.5 grams of "white" heroin to Edwards in 1989 and early 1990. From the Abiodun evidence the sentencing court calculated that 463.5 grams of total heroin at 50 percent purity [FN11] yields 232 grams of pure heroin. Thus, the combined pure heroin supplied by Davis and Abiodun amounted to 2,362 grams (232 plus 2,130).

DEA Agent Balbo testified that from his experience in law enforcement, pure heroin is almost always "cut" or diluted before it is sold on the street. In order to calculate the street or retail level purity of Edwards's sales, Agent Balbo summarized the drug purchases made by a cooperating individual, Walter Pettigrew, from Edwards. [FN12] A DEA lab had analyzed the narcotics purchased by Pettigrew from Edwards and calculated the percent purity of each sample; the majority of the purchases contained less than 5 percent pure heroin, confirming Agent Balbo's testimony regarding the practice of diluting narcotics before street sale.

Applying the street level purity of 5 percent to the 2,362 grams of pure heroin supplied by Davis and Abiodun, the district court calculated street level sales of 47,240 grams of heroin. [FN13]

Although Edwards argues that the information provided by heroin suppliers Davis and Abiodun is unreliable because they were cooperating witnesses (and hence had a motive to exaggerate Edwards's purchases to receive more favorable treatment from the government), we observe that their statements were corroborated by other evidence at trial. Jimmie Edwards, Edwards's brother, testified that Davis and Abiodun were two out of defendant Edwards's four sources of heroin. Lorri Edwards, the defendant's wife, also testified that she was aware Abiodun was a regular

supplier of heroin. Edwards himself, upon arrest, told the DEA that he had been purchasing ounce quantities of heroin a week from Davis for the previous year-and-a-half. Moreover, the government's calculation was conservative: it ignored the heroin supplied by Matthews and Burrell, two additional sources of narcotics for Edwards.

We conclude that the information relied upon to calculate the total amount of Edwards's drug supply bore "sufficient indicia of reliability." See Taylor, 72 F.3d at 543 (Because the individuals who provided this information gave largely consistent and mutually corroborating accounts, we are not overly concerned that some of these individuals were drug users). United States v. Rose, 12 F.3d 1414, 1425 (7th Cir.1994) ("We cannot expect that witnesses will possess the credibility of people of the cloth, such as rabbis, priests, and nuns...."). Although the quantity of pure heroin supplied by Davis and Abiodun was determined by analyzing the purity of a single sample purchase, "the district court may base its findings as to the quantity of drugs involved in an offense on estimation." Vega, 72 F.3d at 512 (citing United States v. Sturman, 49 F.3d 1275, 1284 (7th Cir.1995)).

*8 Edwards also asserts that it was clear error for the sentencing court to assume that the 2,362 grams of pure heroin attributable to Edwards was all sold on the street at 5 percent purity (yielding 47,240 grams of total "retail" heroin). Edwards points to the fact that he sold one gram of heroin to Walter Pettigrew, a cooperating individual, that was 47 percent pure heroin. See United States v. Nobles, 69 F.3d 172, 191 (7th Cir.1995) ("Judges in the federal system, whether they are in the trial or appellate system, do not operate in a vacuum, shielded from knowledge of drug operations in the real world.") (quoting United States v. Hatchett, 31 F.3d 1411, 1420 (7th Cir.1994)).

However, according to the testimony at sentencing, that sale of a single gram was an exception: the DEA lab determined that six other sales to Pettigrew were of heroin in purities of 4.7 percent, 4.8 percent, 4.7 percent, 3.0 percent, 1.6 percent, and 4.0 percent, respectively. Agent Balbo testified that these purity figures confirmed his own knowledge that heroin distributed at the street level is almost always cut to less than 10 percent purity.

Further, according to the information set forth in the DEA wiretaps and the defendant's own admissions, the bulk of Edwards's drug sales were street level and in the form of \$10 cut bags of heroin, weighing one tenth of a gram. Edwards's own drug sellers, Barefield, Kellum, and Campbell, testified at trial that Edwards fronted them \$10 packages of cut heroin to sell. Thus, the street level purity of 5 percent accurately portrayed Edwards's criminal enterprise. We conclude that the district court did not commit clear error in its determination of the quantity of heroin attributable to Edwards. See Sasson, 62 F.3d at 889 (stating that it is rational to penalize a defendant for the combined weight of a drug's active ingredient and the carrier medium because the carrier facilitates distribution and sale of the narcotics); United States v. Tucker, 20 F.3d 242 (7th Cir.1994) (defendant

accountable for the weight of water and baking soda contained in a cocaine-base mixture).

* * *

III. Conclusion

The convictions and sentences of Lee Edwards are
AFFIRMED.

* * *

FN9. Upon his arrest, Edwards had named Davis, Abiodun, Burrell, and Matthews as suppliers of heroin. The DEA arrested Davis and Abiodun, who cooperated with the government in its prosecution of Edwards.

FN10. The 35 percent purity for the Davis heroin was determined as follows: Agent Balbo testified that during the investigation of Edwards, a cooperating individual, working within Edwards's drug ring, had intercepted a weekly drug shipment from Davis to Edwards and forwarded it to the DEA. The DEA laboratory reported that the shipment contained one ounce of 35 percent pure black tar heroin. The 35 percent purity figure was applied to all of Edwards's heroin purchases from Davis.

FN11. According to Agent Balbo, a cooperating individual under DEA supervision had purchased one ounce of white heroin for \$7000 from Abiodun in November 1990. The DEA laboratory determined the heroin to be 50 percent pure.

FN12. The Pettigrew purchases were: 11.6 grams of 4.7 percent pure heroin for \$500 on March 23, 1990; 5.8 grams of 4.8 percent pure heroin and 5.7 grams of 4.7 percent pure heroin for \$1000 total on April 23, 1990; 11 grams of 3.0 percent pure heroin on June 11, 1990; 14.1 grams of 1.6 percent pure heroin on September 5, 1990; 85.8 grams of 4.0 percent pure heroin on October 10, 1990; and a special \$600 purchase of 1 gram of 47 percent pure heroin also on October 10, 1990.

FN13. Given that Pettigrew paid \$600 for one gram of 47 percent pure heroin, the value of 2,362 grams of pure heroin would be in excess of \$3 million.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA)
)
) CAUSE NO. 2:92 CR 113 (08)
)
WILLIE EDWARDS, JR.)

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of Indiana and is a person of such age and discretion as to be competent to serve papers. That on March 14, 1996, she served a copy of the attached Government's Sentencing Memorandum by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail:

ADDRESSEE:

Attorney Scott L. King
c/o Office of the Mayor
City of Gary
401 Broadway
Gary, IN 46402

Barbara J. Ronciak

Barbara J. Ronciak, Legal Secretary
U.S. Attorney's Office
1001 Main Street, Suite A
Dyer, Indiana 46311
(219) 322-8576

EXHIBIT I

United States v. Edwards et al, Case No. 2:92-cr-00113-RL, Document 309 (N.D. Indiana *filed* March 16, 1993): Exhibit and Witness List

EXHIBIT AND WITNESS LIST

[illegible]

Page 1 of 1 Pages

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AO 187 (Rev. 4/82)

EXHIBIT AND WITNESS LIST

UNITED STATES OF AMERICA vs. LEE ANDREW EDWARDS, JAMES DAVIS AND LYNETTA DURR					DISTRICT COURT NO. INDIANA HAMMOND DIVISION	
PLAINTIFF'S ATTORNEY DANIEL L. BELLA					DEFENDANT'S ATTORNEY BENJAMIN JACKSON ROBERT TRUITT JOHN MCGRATH	
PRESIDING JUDGE RUDY LOZANO					COURT REPORTER DANIEL J. SULLIVAN	
					DOCKET NUMBER HCR 92-113(01)(06)(07)	
					TRIAL DATE(S) 3/9/93 - 3/16/93	
					COURTROOM DEPUTY KURT W. KOCH	
PLF. NO.	DEF. NO.	DATE OFFERED	Marked	Admitted	DESCRIPTION OF EXHIBITS* AND WITNESSES	
WIT		MAR 09 1993			ROBERT PETRUSO	
40		"	✓	✓	Photograph	FILED MAR 16 1993 AT GERALDINE J. BROCKERT, CLERK U.S. DISTRICT COURT NORTHERN DISTRICT OF INDIANA
41		"	✓	✓	Photograph	
42		"	✓	✓	Photograph	
30		"	✓	✓	Photograph	
35		"	✓	✓	Gun	
WIT		"			GARY WALTON	
1		"	✓	✓	Black duffle bag (CONTAINING 1A → 1J INCLUSIVE)	
2		"	✓	✓	Photograph	
3		"	✓	✓	Photograph	
4		"	✓	✓	Photograph	
36		"	✓		Bowl	
37		"	✓		Blondie Peanut can	
7		"	✓	✓	Paper cutter	
8		"	✓	✓	Photograph	
9		"	✓	✓	Manila envelope	
10		"	✓	✓	Photograph	
11		"	✓	✓	Large piece of plastic glass	
12		"	✓	✓	Photograph	
13		"	✓	✓	Cookie container	
14		"	✓	✓	Photograph	
15		"	✓	✓	Photograph	
16		"	✓	✓	Photograph	

*Include a notation as to the location of any exhibit not held with the case file or not available because of size.

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EXHIBIT AND WITNESS LIST - CONTINUATION

UNITED STATES OF AMERICA			VS. LEE ANDREW EDWARDS, JAMES DAVIS AND LYNETTA DURR		CASE NO. HCR 92-113 (01)(06)(07)
PLF. NO.	DEF. NO.	DATE OFFERED	Marked	Admitted	DESCRIPTION OF EXHIBITS AND WITNESSES
39		MAR 09 1993	✓		Small plastic container
17		..	✓	✓	Photograph
38		..	✓		Brown powdery substance
21		..	✓		Brass plated headset top
22		..	✓	✓	Photograph
23		..	✓	✓	Photograph
WIT		MAR 10 1993			GARY WALTON
WIT		..			THOMAS TRATHEN
24		..	✓	✓	Photograph
25		..	✓	✓	Photograph
26		..	✓	✓	30 caliber carbine rifle
26A		..	✓	✓	Magazine - (6) 30 caliber rounds
27		..	✓	✓	Photograph
WIT		..			VINCENT BALBO
43		..	✓		clear bag containing white powder
34		..	✓	✓	.380 caliber Sterling Arms pistol
44		..	✓	✓	Photograph
45		..	✓	✓	Photograph
29		..	✓	✓	Photograph
31		..	✓		Photograph
32		..	✓	✓	Photograph
33		..	✓	✓	Photograph
WIT		..			VICTOR JASEVICIUS
21		..		✓	(previously worked)
18		..	✓	✓	Handgun
19		..	✓	✓	Photograph
20		..	✓		Photograph

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EXHIBIT AND WITNESS LIST - CONTINUATION

UNITED STATES OF AMERICA			VS. LEE ANDREW EDWARDS, JAMES DAVIS AND LYNETTA DURR		CASE NO. HCR 92-113(01)(06)(07)	
PLF. NO.	DEF. NO.	DATE OFFERED	Marked	Admitted	DESCRIPTION OF EXHIBITS AND WITNESSES	
WIT		MAR 10 1993			MARK BECKER	
WIT		"			M. THOMAS ALLISON	
WIT		"			WILLIAM HAMAN	
WIT		"			CHRISTINE HOOVER	
WIT		"			DENNIS HYTEN	
WIT		"			ROBERT LANCE	
WIT		"			ROBERT KOWALSKI	
WIT		"			PATRICK QUIGLEY	
WIT		"			JOHN TEELING	
WIT		"			J.J. KLAVER	
WIT		"			WILLIAM WARNER	
WIT		"			KENNETH ROPER	
WIT		"			KAREN PETRUSO	
WIT		"			THEODORE MAY	
WIT		"			WALTER PETTIGREW	
46		"	✓	✓	Tape cassette } remarked by Expert mar 4.1.	
45		"	✓	✓		
46A		"	✓		Transcript	
45A		"	✓			
WIT		MAR 11 1993			TIMOTHY ANDREWS	
WIT		"			KENNETH ROPER	
WIT		"			STEPHEN DORSEY	
64		"	✓		Two small envelope packages	
WIT		"			KAREN PERTUSO	
60		"	✓		Pocket	
61		"	✓		Pocket	
66		"	✓		Pocket	
65		"	✓		Pocket	

AO 187A (Rev. 7/87) ©

EXHIBIT AND WITNESS LIST – CONTINUATION

UNITED STATES OF AMERICA vs. ^{LEE ANDREW EDWARDS,} JAMES DAVIS & LYNETTA DURA						CASE NO. HCR 92-113(01)(06)(07)
PLF. NO.	DEF. NO.	DATE OFFERED	Marked	Admitted	DESCRIPTION OF EXHIBITS AND WITNESSES	
67		MAR 11 1991	✓	✓	Pocket	
68		..	✓	✓	Pocket	
69		..	✓	✓	Pocket	
70		..	✓	✓	Interview: Admin of Rights - again Rights	
WIT		..			SANFORD ANGELOS	
36		..		✓	(previously marked)	
37		..		✓	(previously marked)	
38		..		✓	(previously marked)	
39		..		✓	(previously marked)	
43		..		✓	(previously marked)	
60		..		✓	(previously marked)	
61		..		✓	(previously marked)	
63		..	✓		Pocket	
WIT		..			KAREN PERTUSO	
WIT		..			SANFORD ANGELOS	
63		..		✓	(previously marked)	
64		..		✓	(previously marked)	
66		..		✓	(previously marked)	
67		..		✓	(previously marked)	
65		..		✓	(previously marked)	
68		..		✓	(previously marked)	
69		..		✓	(previously marked)	
WIT		..			DAVID ROTH	
47		..	✓	✓	Cassette	
48		..	✓	✓	Cassette	
49		..	✓	✓	Cassette	
50		..	✓	✓	Cassette	

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EXHIBIT AND WITNESS LIST - CONTINUATION

UNITED STATES OF AMERICA VS. LEE ANDREW EDWARDS, JAMES DAVIS AND LYNETTA DURR					CASE NO. HCR 92-113 (01)(06)(07)
PLF. NO.	DEF. NO.	DATE OFFERED	Marked	Admitted	DESCRIPTION OF EXHIBITS AND WITNESSES
51		MAR 11 1993	✓	✓	Cassette
52		..	✓		Cassette
53		..	✓		Cassette
54		..	✓		Cassette
55		..	✓		Cassette
WIT		..			BRETT GUYTON
WIT	MAR 12 1993				BRETT GUYTON
WIT	..				THEODORE MAY
56		..	✓		Cassette
57		..	✓		Cassette
WIT	..				WILLIE MCINTOSH
56		..		✓	(previously marked)
57		..		✓	(previously marked)
71		..	✓		302 Form - summary surveillance
WIT	..				ROBERT PERTUSO
WIT	..				JIMMIE EDWARDS
58		MAR 15 1993	✓	✓	Cassette
59		..	✓	✓	Cassette
72		..	✓	✓	Cassette
82		..	✓	✓	Cassette
83		..	✓	✓	Cassette
84		..	✓	✓	Cassette
85		..	✓	✓	Cassette
86		..	✓	✓	Cassette
87		..	✓	✓	Cassette
88		..	✓	✓	Cassette

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EXHIBIT AND WITNESS LIST - CONTINUATION

UNITED STATES OF AMERICA VS. LEE ANDREW EDWARDS, JAMES DAVIS AND LYNETTA DURR					CASE NO. HCR 92-113(01)(06)(07)
PLF. NO.	DEF. NO.	DATE OFFERED	Marked	Admitted	DESCRIPTION OF EXHIBITS AND WITNESSES
WIT		MAR 15 1993			THEODORE MAY
WIT		..			FLAKES KELLUM
WIT		..			DAVID ROTH
WIT		..			JAMES BAREFIELD
WIT		..			GWENDOLYN CAMPBELL
89		..	✓	✓	Cassette
93		..	✓	✓	Cassette
94		..	✓	✓	Cassette
95		..	✓	✓	Cassette
96		..	✓	✓	Cassette
97		..	✓	✓	Cassette
77		..	✓	✓	Cassette
73		..	✓	✓	Cassette
74		..	✓	✓	Cassette
75		..	✓	✓	Cassette
76		..	✓	✓	Cassette
52		..		✓	Cassette (previously marked)
53		..		✓	Cassette (previously marked)
54		..		✓	Cassette (previously marked)
55		..		✓	Cassette (previously marked)
90		..	✓	✓	Cassette
91		..	✓	✓	Cassette
92		..	✓	✓	Cassette
78		..	✓	✓	Cassette
79		..	✓	✓	Cassette
80		..	✓	✓	Cassette

EXHIBIT AND WITNESS LIST – CONTINUATION

Page 7 of 7 Pages

EXHIBIT J

United States v. Edwards et al, Case No. 2:92-cr-00113-RL (N.D. Indiana)
Excerpt, “Photocopies of Cassettes Which Were Introduced Into Evidence and Accompanying
Transcripts” (FBI FD-302 intercept transcriptions, FBI File No. 245F-IP-71386)

PHOTOCOPIES OF CASSETTES
WHICH WERE INTRODUCED INTO EVIDENCE
AND ACCOMPANYING TRANSCRIPTS

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription January 6, 1992

The following is a verbatim transcription of a telephone conversation between LARON LAWRENCE, WALTER PETTIGREW, and LEE EDWARDS, on telephone number 219-883-3811, located at 460 Taft Place, Gary, Indiana, and subscribed to by LEE ANDREW EDWARDS. This telephone call occurred on October 9, 1990, at approximately 7:48 PM.

This was an incoming call.

This call was monitored by SA DENNIS PHILLIP HYTEN.

Investigation on 10/9/90 at Gary, Indiana File # 245F-IP-71386-1757
by SA DAVID A. ROTH /SSC Date dictated 10/9/90

FD-302 (REV. 3-10-82)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/1/91

The following is a transcription of a telephone conversation between DAWN "TUCCI" LAWRENCE, (FIRST NAME UNKNOWN) "WALT" WALTON, also known as ROOSTER, and BRETT "BRAD" GUYTON, on telephone number (219) 883-3811, located at 460 Taft Place, Gary, Indiana, and subscribed to by LEE ANDREW EDWARDS. This telephone call occurred on September 21, 1990, at approximately 10:12 PM.

This was an incoming call.

The call was monitored by SA WILLIAM C. HAMAN.

Investigation on 9/21/90 at Gary, Indiana

245F-IP-71386 - 2035
245F-IP-71386, Sub GGG
File #245F-IP-71386, Sub HHHH

by SA DAVID A. ROTH -ndv

Date dictated 9/21/90

00014

FD-302 (REV. 3-10-82)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/1/91

The following is a transcription of a telephone conversation between JAMES BAREFIELD and LORRI EDWARDS, on telephone number (219) 883-3811, located at 460 Taft Place, Gary, Indiana, and subscribed to by LEE ANDREW EDWARDS. This telephone call occurred on September 18, 1990, at approximately 12:01 AM.

This was an incoming call.

The call was monitored by SA KENNETH A. ROPER.

Investigation on 9/18/90 at Gary, Indiana

File # 245F-IP-71386, Sub HH
245F-IP-71386, Sub WW

by SA DAVID A. ROTH -ndv

Date dictated 9/18/90

00059

FD-302 (REV. 3-10-82)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/29/91

The following is a transcription of a telephone conversation between Little JAMES (LAST NAME UNKNOWN), LARON LAWRENCE, and PHENEATHER BUCHANAN, on telephone number (219) 883-3811, located at 460 Taft Place, Gary, Indiana, and subscribed to by LEE ANDREW EDWARDS. This telephone call occurred on October 2, 1990, at approximately 10:32 PM.

This was an incoming call.

The call was monitored by SA J. J. KLAVER.

Investigation on 10/2/90 at Gary, Indiana File # 245F-IP-71386-1550
by SA DAVID A. ROTH -ndv Date dictated 10/2/90
245F-IP-71386, Sub II
245F-IP-71386, Sub SS

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription June 19, 1991

The following is a transcription of a telephone conversation between WILLIE EDWARDS, LYNETTA DURR, and PHENEATHER BUCHANAN, on telephone number 219-883-3811, located at 460 Taft Place, Gary, Indiana, and subscribed to by LEE ANDREW EDWARDS. This telephone call occurred on August 19, 1990, at approximately 5:34 PM.

This was an incoming call.

This call was monitored by SA ROBERT J. KOWALSKI.

Investigation on 8/19/90 at Gary, Indiana File # 245F-IP-71386 Sub KK
245F-IP-71386 Sub XX
245F-IP-71386-832
by SA DAVID A. ROTH *DR* /ssc Date dictated 8/19/90

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription July 1, 1991

The following is a transcription of a telephone conversation between MIKE SUTTON and WILLIE EDWARDS, on telephone number 219-883-3811, located at 460 Taft Place, Gary, Indiana, and subscribed to by LEE ANDREW EDWARDS. This telephone call occurred on August 22, 1990, at approximately 9:03 PM.

This was an incoming call.

This call was monitored by SA PATRICK P. QUIGLEY.

Investigation on 8/22/90 at Gary, Indiana File # 245F-IP-71386 Sub K
245F-IP-71386 Sub Q
245F-IP-71386-941
by SA DAVID A. ROTH /ssc Date dictated 8/22/90

FD-302 (REV. 3-10-82)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/30/91

The following is a transcription of a telephone conversation between BRETT "BRAD" GUYTON and WILLIE EDWARDS, on telephone number (219) 883-3811, located at 460 Taft Place, Gary, Indiana, and subscribed to by LEE ANDREW EDWARDS. This telephone call occurred on September 14, 1990, at approximately 4:07 PM.

This was an incoming call.

The call was monitored by SA KAREN L. PERTUSO.

Investigation on 9/14/90 at Gary, Indiana

245F-IP-71386-1397
245F-IP-71386, Sub K
File # 245F-IP-71386, Sub G

by SA DAVID A. ROTH -ndv

Date dictated 9/14/90

EXHIBIT K

USA v. Acct 263226700, et al, Case No. No. 1:93-cv-04483, PACER Case Summary (N.D. Illinois) (Accessed September 1, 2026)

1:93-cv-04483 USA v. Acct 263226700, et al

John A. Nordberg, presiding

Date filed: 07/26/1993

Date terminated: 10/04/1993

Date of last filing: 10/04/1993

Case Summary

Office: Chicago

Jury Demand: None

Nature of Suit: 625

Jurisdiction: U.S. Government Plaintiff

County: Cook

Origin: 1

Lead Case:

Related Case:

Defendant Custody Status:

Flags: KEYS,TERMED

Filed: 07/26/1993

Demand: \$0

Cause: 21:0881 Forfeiture of Property

Disposition: Judgment - Other

Terminated: 10/04/1993

Reopened:

None

None

Other Court Case: None

Plaintiff: USA

represented Marsha A. **Phone:** (312) 353-5300

by McClellan **Fax:** US Govt Attorney

Email: marsha.mcclellan@usdoj.gov

Defendant: Funds in Account Number 263226700 held by First Heritage Bank in the name of Bola Tinubu

Defendant: Funds in Account Number 39483134 held by Citibank, N.A. in the name of Bola Tinubu or Compass Finance & Investment Co

Defendant: Funds in Account Number 39483396 held by Citibank, N.A. in the name of Bola Tinubu or Compass Finance & Investment Co.,

Defendant: Funds in Account Number 4650279566 held by Citibank, N.A. in the name of Bola Tinubu or Compass Finance & Investment Co.,

Defendant: Funds in Account Number 00400220 held by Citibank, N.A. in the name of Bola Tinubu or Compass Finance & Investment Co.,

Defendant: Funds in Account Number 39936404 held by Citibank, N.A. in the name of Bola Tinubu or Compass Finance & Investment Co.,

Defendant: Funds in Account Number

39936383 held by Citibank, N.A. in the name of Bola Tinubu or Compass Finance & Investment Co.,

Defendant: Funds in Account Number 52050-89451952 held by Citibank, International in the name of Bola Tinubu

Defendant: Funds in Account Number 52050-89451953 held by Citibank, International in the name of Bola Tinubu

Claimant: Bola Tinubu

represented Patrick
by Sean Coffey

Phone:(312) 523-2080

Fax: Active

Email:patrick.coffey@huschblackwell.com

Claimant: K O Tinubu

represented Patrick
by Sean Coffey

Phone:(312) 523-2080

Fax: Active

Email:patrick.coffey@huschblackwell.com

Claimant: Alhaji Mogati

represented Patrick
by Sean Coffey

Phone:(312) 523-2080

Fax: Active

Email:patrick.coffey@huschblackwell.com

PACER Service Center

Transaction Receipt

09/01/2026 20:13:29

PACER Login:	thinkcomp	Client Code:	
Description:	Case Summary	Search Criteria:	1:93-cv-04483
Billable Pages:	1	Cost:	0.10

EXHIBIT L

Wikipedia, “Abibatu Mogaji” (Accessed September 6, 2026)

Abibatu Mogaji

Chief Abibatu Mogaji ONN MFR (16 October 1916 – 15 June 2013) was a Nigerian business magnate and the Ìyál'ọ́jà of Lagos.^{[1][2]} She was the mother of the president of Nigeria Chief Bola Tinubu.

Early life

Abibatu Mogaji was born on 16 October 1916, in Lagos, Southern Nigeria.

Family

Chief Mogaji is the wife of Alhaji Abdurazak Mogaji^[3] and was also the mother of the All Progressives Congress leader President Bola Tinubu, who became president in 2023.^{[4][5]} Chief Tinubu's daughter, Folashade, would go on to succeed her grandmother as Ìyál'ò'jà of Lagos.but there is speculation of an older daughter,whoses name is allegedly original Bola, often a female name

	Arafat Abiodun Kasunmu
Relatives	<u>Oluremi Tinubu</u> (daughter-in-law)

Career

Prior to her appointment as the Iyaloja of the Association of Nigerian Market Women and Men, Chief Mogaji was the vocal leader of the market women's association in Lagos State.^[6] In this capacity, she served as the successor of the powerful Alimotu Pelewura.

In recognition of her contributions to trading in Nigeria, Chief Mogaji was bestowed with National awards by the Federal Government of Nigeria.^[7] She also received several honorary doctorate degrees from recognized Nigerian Universities, such as Ahmadu Bello University and the University of Lagos.^[8]

Death

Chief	
Abibatu Mogaji	
<u>OON MFR</u>	
Born	23 October 1916 <u>Lagos</u> , Southern Region, <u>British</u> <u>Nigeria</u>
Died	15 June 2013 (aged 96) <u>Ikeja</u> , <u>Lagos</u> , Nigeria
Citizenship	Nigeria
Occupation	<u>Business magnate</u>
Spouse	Alhaji Abdurazak Mogaj
Children	<u>Bola Tinubu</u> Arafat Abiodun Kasunmu
Relatives	<u>Oluremi Tinubu</u> (daughter-in-law)

Chief Mogaji died on Saturday, 15 June 2013 at the age of 96 in her home at Ikeja, the capital of Lagos State. She was buried at Ikoyi Vaults and Gardens in Lagos State.^{[9][10][11]}

Awards

- Order of the Federal Republic
- Order of the Niger

References

1. "Abibatu Mogaji, dies at 96" (<https://web.archive.org/web/20150222095659/http://www.punchng.com/news/tinubus-mother-abibatu-mogaji-dies-at-96/>). *The Punch*. Archived from the original (<http://www.punchng.com/news/tinubus-mother-abibatu-mogaji-dies-at-96/>) on 22 February 2015. Retrieved 20 February 2015.
2. "We'll miss Mogaji's motherly role – Traders" (<https://web.archive.org/web/20150222094149/http://www.punchng.com/news/well-miss-mogajis-motherly-role-traders/>). *The Punch*. Archived from the original (<http://www.punchng.com/news/well-miss-mogajis-motherly-role-traders/>) on 22 February 2015. Retrieved 20 February 2015.
3. "Chief Abibatu Mogaji Biography, Interesting Early Life, Strong Career, Death, Burial, and 19 FAQs" (<https://skiword.com/2024/10/28/chief-abibatu-mogaji-biography/>). skiword.com. Retrieved 28 October 2024.
4. "ACN leader, Tinubu's mum, Abibatu Mogaji, dies at 94 | Newswatch Times" (<https://web.archive.org/web/20160304082442/http://www.mynewswatchtimesng.com/acn-leader-tinubus-mum-abibatu-mogaji-dies-at-94/>). mynewswatchtimesng.com. Archived from the original (<http://www.mynewswatchtimesng.com/acn-leader-tinubus-mum-abibatu-mogaji-dies-at-94/>) on 4 March 2016. Retrieved 20 February 2015.
5. "Mother of Former Gov. Bola Tinubu Is Dead: Alhaja Abibatu Mogaji Was 96 Years Old | Sahara Reporters" (<http://saharareporters.com/2013/06/15/mother-former-gov-bola-tinubu-dead-alhaja-abibatu-mogaji-was-96-years-old/>). saharareporters.com. Retrieved 20 February 2015.
6. "Late Abibatu Mogaji: Mixed feelings over closure of markets - Vanguard News" (<http://www.vanguardngr.com/2013/06/late-abibatu-mogaji-mixed-feelings-over-closure-of-markets/>). *Vanguard*. Lagos, Nigeria. Retrieved 20 February 2015.
7. "Lawmaker's Wife Becomes Iyaloja General" (<http://www.pmnewsnigeria.com/2010/10/26/lawmaker's-wife-becomes-iyaloja-general/>). *P.M. News*. Lagos, Nigeria. Retrieved 20 February 2015.
8. "Mogaji: A tale of politics and commerce" (<http://thenationonlineng.net/new/mogaji-a-tale-of-politics-and-commerce/>). *The Nation*. Retrieved 20 February 2015.
9. Akinsanmi, Gboyega; Okolie, Anayo. "Tinubu's Mother, Abibatu Mogaji, Dies at 96" (<https://web.archive.org/web/20150222024757/http://www.thisdaylive.com/articles/tinubu-s-mother-abibatu-mogaji-dies-at-96/150533/>). *This Day*. Archived from the original (<http://www.thisdaylive.com/articles/tinubu-s-mother-abibatu-mogaji-dies-at-96/150533/>) on 20 February 2015. Retrieved 20 February 2015.
10. "Lagos stands still as Tinubu's mother, Abibatu Mogaji is buried" (<http://www.vanguardngr.com/2013/06/lagos-stands-still-as-tinubus-mother-abibatu-mogaji-is-buried/>). *Vanguard*. Lagos, Nigeria. Retrieved 20 February 2015.

11. "Abibatu Mogaji: 11 years after" (<https://thenationonline.ng.net/abibatu-mogaji-11-years-after/>). The Nation. Lagos, Nigeria. Retrieved 9 July 2024.

Retrieved from "https://en.wikipedia.org/w/index.php?title=Abibatu_Mogaji&oldid=1373591298"

EXHIBIT M

USA v. Acct 263226700, et al, Case No. 1:93-cv-04483, ECF No. 17 (N.D. Illinois *filed* October 4, 1993): Decree of Forfeiture as to Funds Held by First Heritage Bank

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

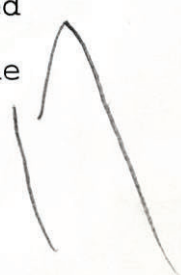
DOCKETED
OCT 5 - 1993

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	No. 93 C 4483
	)	
v.	)	Judge Nordberg
	)	
FUNDS IN ACCOUNT 263226700	)	
HELD BY FIRST HERITAGE BANK IN	)	
THE NAME OF BOLA TINUBU,	)	
	)	
	)	
FUNDS IN ACCOUNTS 39483134,	)	
39483396, 4650279566, 00400220,	)	
39936404, 39936383,	)	
HELD BY CITIBANK, N.A.	)	
IN THE NAME OF BOLA TINUBU OR	)	
COMPASS FINANCE & INVESTMENT CO.,	)	
	)	
	)	
FUNDS IN ACCOUNTS 52050-89451952,	)	
52050-89451952, 52050-89451953	)	
HELD BY CITIBANK, INTERNATIONAL	)	
IN THE NAME OF BOLA TINUBU,	)	
	)	
Defendants.	)	

**DECREE OF FORFEITURE AS TO FUNDS
HELD BY FIRST HERITAGE BANK**

This matter coming before the Court upon the motion of the
the United States of America, the Court finds as follows:

(a) The United States filed a Verified Complaint for
Forfeiture against the funds in the above-captioned defendant
accounts because there was probable cause to believe that the
property represented proceeds of narcotics trafficking or was
property involved in financial transactions in violation of 18
U.S.C. §§ 1956 and 1957 and therefore was forfeitable to the United
States pursuant to 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981. The



funds in the defendant accounts were seized initially by seizure warrants;

(b) The defendant accounts held by Citibank and First Heritage Bank are in the name of Compass Financial and Bola Tinubu. Ownership interests in the funds in these defendant accounts have been asserted on behalf of Bola A. Tinubu, K.O. Tinubu (individually and on behalf of the Tinubu Family) and Alhaji Mogaji. These individuals warranted that they had exclusive right, title and interest to the defendant property seized;

(c) The Court has jurisdiction over the defendant accounts and over the subject matter of this action;

(d) A verified complaint was filed on July 26, 1993;

(e) Warrants of seizure and monition were served by the United States Marshal's Service;

(f) The United States and the individual claimants agreed to settle and to compromise this action upon terms previously presented to the Court;

(g) A Settlement Order relating to the individual claimants was approved and signed by this Court on September 15, 1993;

(h) Pursuant to the stipulation for compromise settlement made a part of the Settlement Order, funds remaining in the amount of \$460,000 in the defendant account held by First Heritage Bank in the name of Bola Tinubu were to be forfeited by the United States when publication was completed if no other claims to the funds were made;

(i) Pursuant to Rule C of the Supplemental Rules Governing

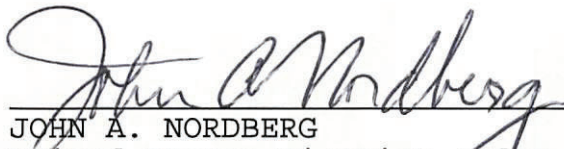
Certain Admiralty and Maritime Claims, the United States Marshal published notice of the seizure on September 1, 1993, directing that any claim be filed within ten days of said date and any answer be filed within twenty days of the filing of the claim;

(j) Neither a claim nor answer has been filed on behalf of the defendant funds other than the claims previously resolved by this Court in its Settlement Order dated September 15, 1993 accordingly, it is hereby

ORDERED that the funds in the amount of \$460,000 in account 263226700 held by First Heritage Bank in the name of Bola Tinubu represent proceeds of narcotics trafficking or were involved in financial transactions in violation of 18 U.S.C. §§ 1956 and 1957 and therefore these funds are forfeit to the United States pursuant to 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981; it is further

ORDERED that First Heritage Bank shall issue a check in the amount of \$460,000 payable to Federal Reserve Bank of Chicago and that these funds shall be disposed of according to law; it is further

ORDERED that the Court shall retain jurisdiction over this action in order to implement and enforce the terms of this Decree of Forfeiture.


JOHN A. NORDBERG
United States District Judge

Dated: Oct 4, 1993

EXHIBIT N

PACER Case Locator Search Receipt for “Abiodun Agbele” Dated September 6, 2026

PACER Service Center

09/06/2026 21:18:59

User thinkcomp

Client Code

Description All Court Types Party Search
All Courts; Name Agbele, Abiodun; All
Courts

Results The search returned no results.

Billable Pages 1 (\$0.10)

EXHIBIT O

FBI Press Release, “FBI Director Wray Travels to Nigeria, Meets with President Tinubu and Senior Officials,” June 14, 2024 (Accessed September 6, 2026)

An official website of the United States government. [Here's how you know](#)

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Washington, D.C.
FBI National Press Office
(202) 324-3691

June 14, 2024

FBI Director Wray Travels to Nigeria, Meets with President Tinubu and Senior Officials

FBI Director Christopher Wray traveled to Abuja, Nigeria, this week and met with Nigerian President Bola Ahmed Tinubu, National Security Advisor Nuhu Ribadu, and senior law enforcement and security officials to discuss the FBI's partnership with Nigeria to combat terrorism, violent crime, and cybercrime.

During his June 12-14 visit, Director Wray expressed appreciation to Nigerian President Tinubu and the Office of the National Security Adviser (ONSA) for Nigeria's commitment to collaborating with the FBI to confront transnational criminal and terrorist threats. He discussed the FBI's work with the Nigerian National Counter Terrorism Center (NCTC) and ONSA to support counterterrorism investigations, an initiative closely aligned with both nations' security priorities.

Director Wray also met with the chairman of the Economic and Financial Crimes Commission (EFCC) and commended the EFCC's close cooperation with the FBI to combat cyber-enabled crimes and sextortion schemes emanating from Nigeria. He discussed opportunities for the FBI to provide additional training and resources to expand the EFCC's capacity to investigate cyber threats.

Additionally, Director Wray addressed the concerning issue of kidnappings for ransom in Nigeria. He noted that the FBI's International Violent Crimes Unit is engaging with Nigerian law enforcement to provide investigative assistance and training to help combat this threat.

Throughout his engagements, Director Wray underscored the robust relationship between the FBI and Nigerian law enforcement. He thanked the U.S. Mission in Nigeria for its close collaboration with the FBI's legal attaché office in Abuja to advance shared security objectives.

The FBI collaborates with international law enforcement through a network of legal attaché offices worldwide, including in Lagos, Nigeria. Joint investigations, information sharing, and capacity-building with global partners like Nigeria are key to the FBI's mission to protect the American people and uphold the rule of law.

Resources:

- [FBI Director Travels to Africa to Meet with Vital Law Enforcement and Intelligence Partners](#)



Terrorism

The FBI is the nation's lead federal agency for investigating and preventing acts of domestic and international terrorism.

Inside the FBI Podcast: Fighting Violent Crime

On this episode of Inside the FBI, we sit down with FBI Executive Assistant Director Brian Turner to talk about violent crime, why it's increasing, and what the FBI is doing about it.

Cyber

The FBI is the lead federal agency for investigating cyberattacks by criminals, overseas adversaries, and terrorists. The threat is incredibly serious—and growing.



Sextortion

Sextortion is a crime that involves adults coercing kids and teens into sending explicit images online. The FBI has several resources to help caregivers and young people better understand what sextortion is, how to protect against it, and how to talk about this growing and devastating threat.

EXHIBIT P

The Washington Post, “FBI Investigates Head of Detroit Office” by Allan Lengel and Dan Eggen, January 31, 2004

The Washington Post

Democracy Dies in Darkness

FBI Investigates Head of Detroit Office

Agent Reassigned as Agency Looks Into Handling of Confidential Informants

January 30, 2004

More than **22 years ago**

By Allan Lengel and Dan Eggen

The head of the FBI field office in Detroit has been temporarily removed from his post, making him the latest of several law enforcement officials there to face review by federal investigators over the handling of high-profile terrorism cases in recent months.

Special Agent in Charge Willie Hulon has been temporarily reassigned to FBI headquarters in Washington while teams from the FBI and the Justice Department investigate his agents' use of confidential informants, according to law enforcement sources.

Hulon's transfer came just weeks after authorities launched an internal affairs investigation of Assistant U.S. Attorney Richard G. Convertino, who was removed as the lead prosecutor of a case involving a suspected al Qaeda sleeper cell.

A federal judge is now considering whether to overturn the convictions of three defendants in the case, including two who were convicted of conspiring to provide material support to terrorists because prosecutors allegedly failed to turn over documents to defense attorneys. The convictions were hailed by Attorney General John D. Ashcroft as a major victory in the domestic war on terrorism.

With doubts now growing about both cases, the developments have affected law enforcement agencies' already difficult task of improving relations with eastern Michigan's Arab American community, one of the largest in the United States.

Imad Hamad, regional director of the American-Arab Anti-Discrimination Committee in Dearborn, Mich., said the investigations have been a "double-edged sword" in the Arab community, eroding some people's faith in the government but heartening others who see that the government is willing to investigate itself.

"It's never been an easy challenge to sell trust to the people. Usually people are skeptical. But this is where authorities can show such misconduct will not be tolerated," Hamad said.

Ed Cogswell, an FBI spokesman in Washington, said Hulon is "working on a special project" at FBI headquarters. Michael Wolf, head of the FBI's New Haven, Conn., office, is filling in for Hulon in Detroit. FBI officials stressed that it is standard procedure to temporarily reassign an employee who is the subject of an internal investigation.

FBI officials declined to make Hulon available for comment.

A primary focus of the Hulon investigation are claims by a confidential FBI informant, Marwan Farhat, 34, of Dearborn, who said in a letter left with an immigration officer two weeks ago that he was forced to flee the country after he was identified in a local newspaper story and someone fired a shot at him but missed.

Pertuso and his wife, Karen, who is also an FBI agent, were involved in the investigation of two brothers, Ali Abdul-Karim Farhat and Hassan Farhat of Dearborn, who were arrested Jan. 20 on charges of drug trafficking and providing financial support to the Hezbollah terrorist group.

The couple has been removed from the counterterrorism squad during the investigation, sources said. Neither returned telephone calls for comment.

Marwan Farhat, who is not related to the defendants in the drug trafficking case, left behind the letter as he fled the country Jan. 21. He alleged that Pertuso ordered him to steal mail from people under investigation and promised him 25 percent of all money taken from terrorism suspects, according to sources who have copies of the letter. Marwan Farhat also alleges that Pertuso paid him nothing.

The six-page letter, which was first reported in the Detroit News, includes a stamp of Marwan Farhat's fingerprint, sources said. Farhat said in the letter that he supplied more than 400 pages of notes to Pertuso, who, he contended, also asked him to obtain information from a defendant in jail, sources said.

"I assisted the FBI in giving information on about 242 (two hundred and forty two) Arab Muslims who are criminals, radicals and extremists," the letter reads, according to one source. "I worked around the clock helping and assisting the government of the United States to put Muslims in jail. My life has been destroyed, abused and used to benefit your interests."

According to law enforcement sources, Pertuso also put his wife on his squad, a practice frowned upon by the FBI. It is improper for related agents to keep tabs on one another's handling and payment of informants.

To further complicate matters, authorities are looking into who leaked an internal investigative document containing Marwan Farhat's name that was the focus of a Jan. 17 article in the Detroit Free Press. The leaked document was part of a Justice Department Office of Professional Responsibility investigation of Convertino.

The OPR investigation includes allegations that Convertino failed to get approval before arranging plea deals with certain defendants, including Farhat, and that he inappropriately sought information about a defense witness in the sleeper cell case.

Convertino, on temporary assignment as an expert on terrorism financing for the Senate Finance Committee, called the allegations "ridiculous" and insisted the investigation was politically motivated because he frequently clashed with Justice officials in Washington over the handling of the terror cell case. He said he got approval from his supervisor before seeking the plea agreements and did nothing improper when he asked a court employee about the witness.

In the terror cell case, the defense accused Convertino and co-counsel Keith Corbett of failing to disclose a letter to officials from a convicted drug dealer, Butch Jones. Jones wrote that he had spent time in jail with the government's key witness in the case, Yousef Hmimssa, and that Hmimssa said he was lying about the defendants' involvement in terrorism. The letter also accused President Bush's family of being involved in drug trafficking.

Richard Helfrick, an attorney for Karim Koubriti, one of the men convicted of terrorism charges, said "from our perspective it's very disturbing that exculpatory evidence was withheld and that it may turn out that there's more that wasn't turned over."

At a Dec. 12 hearing, Corbett told U.S. District Judge Gerald E. Rosen that he did not find the letter credible and therefore did not turn it over. Rosen said it should have been turned over.

Lawyer William M. Sullivan Jr., who represents Convertino, said "turning over this type of material is always a judgment call that prosecutors are compelled to make every day. The letter on its face was not credible and would not have affected the outcome of the trial. . . ."

Convertino said his removal from the case "was clearly in retaliation" for his decision to testify before the Senate Finance Committee about terror financing after the Detroit case concluded. The Justice Department had opposed his appearance, but Convertino said he was subpoenaed.

Willie Hulon, special agent in charge of Detroit's FBI office, has been reassigned to Washington during the internal investigation.

EXHIBIT Q

United States Congressional Record, 139 Cong. Rec. 30047 (November 18, 1993), citing *Reuters*, “Army Says Nigerian Interim Government Out” by Tunde Obadina

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *103^d* CONGRESS
FIRST SESSION

VOLUME 139—PART 21

NOVEMBER 17, 1993 TO NOVEMBER 19, 1993
(PAGES 29537 TO 30924)



UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1993



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Congressional Record

PROCEEDINGS AND DEBATES OF THE 113TH CONGRESS
FIRST SESSION

VOLUME 139—PART 21

APPROXIMATELY 17 PAGES TO NOVEMBER 18, 1993
(PAGES 139-21 TO 139-21)



UNITED STATES GOVERNMENT PRINTING OFFICE: WASHINGTON, 1993



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 103^d CONGRESS, FIRST SESSION

SENATE—Wednesday, November 17, 1993

(Legislative day of Tuesday, November 2, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. Today's prayer will be offered by the guest chaplain, the Reverend Dr. M. Craig Barnes, National Presbyterian Church, Washington, DC.

PRAYER

The Reverend Dr. M. Craig Barnes, National Presbyterian Church, Washington, DC, offered the following prayer.

Let us pray:
O God, be gracious to the leadership of our land this day. Give them the wisdom of Your spirit that they may find their way through the complex issues we now confront. Give them the courage to hold to what they believe to be right, and the humility to discover more truth than they have.

Most of all, O God, we pray that You will give these leaders Your own great dreams for the future of our people, that we may participate in the kingdom You would build here.

This we pray in the name of the Lord, whose way we prepare. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 17, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FEINGOLD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

HABEAS CORPUS REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1657, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1657) to reform habeas corpus procedures.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The time until 9:30 a.m. will be equally divided and controlled by the Senator from Delaware, Mr. BIDEN, and the Senator from Pennsylvania, Mr. SPECTER.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that we await the commencing of the 30-minute time period until the Senators who are involved in the presentation arrive. I think they are on their way but they are not in the Chamber at the moment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 12 minutes as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NAFTA AND HISTORY

Mr. GRASSLEY. Mr. President, I rise to discuss the North American Free-Trade Agreement which the other body will vote on, I believe, today. Pending the outcome, we are probably going to vote on that same item later this week.

The vote on NAFTA is clearly an agonizing and very difficult choice. Congress is as divided on this issue as any I have seen. Yesterday's Washington Post-ABC Poll shows that the public is also divided—42 percent in favor and 42 percent opposed.

Today, I will attempt to make the argument for vision and leadership, in support of NAFTA. I would suggest lessons we can learn from history, and dangers that loom if we fail to learn. I hope that my colleagues in the other body, about to vote on NAFTA, will give some weight to these thoughts.

On June 28, 1919, the Treaty of Versailles was signed in Paris, ending the alleged "war to end all wars"—the First World War.

The United States did not ratify the Treaty of Versailles, despite a fierce crusade for it by President Woodrow Wilson. Wilson criss-crossed the Nation, pitching his case to the people, urging their support. He was rebuffed by a turf-conscious U.S. Senate. In the end, America chose isolationism over involvement in the world's affairs.

The consequences of America's failure to ratify this treaty carry a profound learning experience which, in my view, should come to bear as we decide on NAFTA.

There are differences, to be sure, between circumstances surrounding the Treaty of Versailles, and those surrounding this trade agreement. But there are lessons to be learned that are parallel, Mr. President. Those lessons involve the question of American engagement and leadership in the world, versus isolationism. They also involve the issue of the vision of an American President and its political consequences.

Wilson's failed campaign for the treaty foreshadowed two fateful events—one political, one global.

Politically, many historians ascribe the beginning of the decline of the Wilson Presidency to his failed campaign for ratification of the treaty. His inability to win ratification weakened his administration in the eyes of the

HOUSE OF REPRESENTATIVES—Thursday, November 18, 1993

The House met at 10 a.m.
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to focus not only on what must be accomplished in our duties and in our lives, but also on what should be done for our good and the good of people everywhere. We have received the gifts of faith and hope, but we concentrate on what seems near at hand and forget the nurture of our hearts and souls and the very fabric of our character. Ennoble us, sustain us, support us, and strengthen our resolve that we will grow in grace and in the knowledge of Your will, now and evermore. Amen.

NOTICE

To save costs, no interim issues of the Congressional Record will be printed between the last meeting of the first session of the 103d Congress and the first meeting of the second session. Statements submitted by Members to be printed in the Congressional Record should be received by the Official Reporters of Debates no later than the 1st day of the session.

By order of the Joint Committee on Printing.

WENDELL H. FORD, CHAIRMAN.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. TORRES] come forward and lead the House in the Pledge of Allegiance.

Mr. TORRES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3341. An act to amend title 38, United States Code, to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 433) entitled "An act to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, LA, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2401), "An act to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 986. An act to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, and for other purposes;

S. 1667. An act to extend authorities under the Middle East Peace Facilitation Act of 1993 by six months; and

S. Con. Res. 31. Concurrent resolution concerning the emancipation of the Iranian Baha'i community.

CONTINUING SAGA OF JOHN DEMJANJUK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the saga of John Demjanjuk continues. The Sixth Circuit Court in Cincinnati officially revoked the 1986 extradition order. The court said the Justice Department played a game, win at any cost, and threw out the facts, withheld the facts.

The court also said that the Justice Department perpetrated a fraud on the courts, lying to the courts.

The court also said that the Justice Department succumbed to outside pressures, and with reckless disregard for the truth, even after knowing since 1981 this man was not Ivan, they prosecuted him as Ivan.

Mr. Speaker, win at any cost, fraud, reckless disregard for the truth. Who looks like the Nazi now?

Israel did not go forward with any case against Demjanjuk because, Members of Congress, Germany said the ID card is a phony.

Mr. Speaker, let us get some justice in this case.

PASS THE UNEMPLOYMENT COMPENSATION BILL

(Mr. APPELEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPELEGATE. Mr. Speaker, first of all I want to extend my congratulations to the President for his big victory yesterday, and although I opposed him, now the wounds must be healed, and I think what we have to do is try to work together with the President to achieve his hopes and goals.

No. 2, I appeal to the leadership of this Congress to get the unemployment compensation bill out of committee and get it passed. The unemployed are either running out of money or they are out of money right now.

This is the most critical issue we have to face right now. Do not let American workers suffer because of political bickering.

Christmas is coming on, my friends. Let us get it out now. And I say to my colleagues: Do not leave Washington without it, because you may not be coming back.

THE VOTERS WILL NOT WAIT MUCH LONGER

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the taxpayers we are sworn to serve are not going to take it much longer. If you do not believe me, take a look at any public opinion poll. And if you don't believe the polls, take a look at the latest election results.

Last November, dozens of Members were elected to this body because they promised a program of reform—congressional reform, tax and budget reform, campaign reform, lobbying reform. And the Democrat leadership promised that we would get the opportunity to vote on those reforms.

Well, it has not worked out that way. Budget and tax reform? Nope. In fact, the Democrat majority in this Congress enacted the largest single tax increase in American history and added a trillion dollars to the national debt.

Campaign reform? Nope.

Lobbying reform? Nope.

Congressional reform? Nope.

Mr. Speaker, the Democrat leadership would do well to heed the message received in Virginia and New Jersey and New York. Because if you do not soon allow us to vote on meaningful reform, the same message is going to be

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

job creation, and after the passage of NAFTA, I think it is more important than ever we do that. I believe we could have a bipartisan effort on crime. I believe we could have a bipartisan effort on illegal aliens. I believe it is possible for us to work together on reinventing government to apply the principles of the information revolution and the contents of Alvin Toffler's third wave and Edwards Deming's concepts of quality and profound knowledge to truly have a revolution in the cost and quality of government.

I believe it is possible for us to work together on a bipartisan basis to save the inner city. I am prepared, and I think the gentleman from Illinois [Mr. MICHEL] and the entire Republican leadership is prepared, to work to have a genuine bipartisan effort next year. If that is the direction the Clinton administration wants to go, then it is important from the very beginning in planning next year's budget, in looking at next year's legislative initiatives, and developing the State of the Union, in a broad range of areas, it is very important that we be bipartisan from the beginning. It is very important that we work together.

I found, frankly, the last few weeks a very positive experience. I found working with the Clinton administration on the North American Free-Trade Agreement to be a good thing. I thought it was good for America to have Democrats and Republicans working in the same room trying to pass the same bill, trying to get something done.

I think it would be tragic if the administration now felt that it had to move to the left, that it had to become partisan, and that it could not continue that tradition.

And so I wanted to take just a few minutes this evening to encourage my friends on the Democratic side of the aisle to encourage the Clinton administration to continue this experiment in bipartisan effort. And I wanted to pledge on behalf of House Republicans that we would like to work together to see if we could not cut spending, increase the penalties against violent crime, stop illegal aliens from coming into the United States, pass a good health bill that would work, and that would help Americans and create jobs and economic growth, so America can compete in the world market.

We are pledged that we will work in that kind of a bipartisan way if we can get cooperation from the Democratic leadership and if the Clinton administration is willing to continue this experience in bipartisan effort.

□ 1930

**UNITED STATES SHOULD REJECT
NEW DICTATOR IN NIGERIA,
SUPPORT ELECTION OF PRESIDENT
MOSHOO ABIOLO**

The SPEAKER pro tempore [Mr. BARCA of Wisconsin]. Under a previous

order of the House, the gentleman from Louisiana [Mr. JEFFERSON], is recognized for 10 minutes.

Mr. JEFFERSON. Mr. Speaker, I rise today to urge President Clinton and the State Department to move quickly and hand-in-hand with the United Nations to institute broad-based diplomatic and economic sanctions against the latest military dictatorship in Nigeria headed by General Sani Abacha.

Once again, with a democratically elected President—Moshood K.O. Abiola—poised to take control of the reins of government in Nigeria, military generals have moved to take power and thwart the will of the Nigerian people.

I commend the Foreign Affairs Subcommittee on African Affairs for voting their support earlier this week when it approved House Concurrent Resolution 151 by Representative DONALD PAYNE, myself and more than 60 other Members which acknowledges President-elect Abiola's victory on June 12 and encourages the international community to accept only a democratically elected government in Nigeria.

The actions of Nigerian military over the last 72 hours underscores the need for immediate action by our Government and the United Nations and confirms that the current interim civilian government was nothing more than a puppet government for the generals.

Less than 7 days ago, Judge Dolapo Akinsanya who sits on the High Court in Lagos courageously ruled that military dictator Gen. Ibrahim Babangida had no authority to establish a puppet interim government and overturn results from the June 12 Presidential election earlier this year.

Judge Akinsanya's decision appeared to move Nigeria further down the road to democracy ruling that the 1989 Constitution, which is nearly identical to our Constitution, be put into effect.

To quote Judge Akinsanya's own words:

A judge is not meant to shy away from the law of the state.

Based on last week's court decision, the actions this Congress took earlier this week takes on added significance. It sent a clear signal that those of us who know most about the benefits of democracy were unprepared to shrink from supporting and defending those who want to establish a government based on support from the people in Nigeria.

Mr. Speaker, I rise also to offer my continued support and encouragement to Moshood Abiola, who persists in his pursuit of the Nigerian Presidency. Mr. Abiola won the June Presidential election, only to have General Babangida, the outgoing military dictator, scrap the election and set up the hand-picked puppet government of Ernest Shonekan.

Mr. Speaker, last week Mr. Abiola praised Judge Akinsanya's decision in

the lawsuit he brought in pursuit of his legitimate claim to be President of Nigeria. I quote from a Reuters news report and ask that four Reuters news reports on recent development in Nigeria be included in the RECORD.

It takes us one step closer to the establishment of government based on the consent of the people.

The high court has stated clearly and eloquently that ours must be a government based on civilized laws and not on the caprice of rulers.

This is a significant victory for the people of Nigeria.

Mr. Speaker, it appears that Mr. Abiola's acknowledgement of the court decision taking Nigeria one step closer to democracy has been followed by the Nigerian military's two steps backwards to dictatorship.

While recent developments clearly demonstrate President-elect Abiola's commitment to a democratic form of government in Nigeria similar to the United States and based on the Constitution of Nigeria which mirrors the United States Constitution, the Nigerian military clearly remains committed to military dictatorship.

The people of Nigeria and the courts in Nigeria have made a clear choice for government of the people, for the people and by the people.

Mr. Speaker, the full Foreign Affairs Committee, the United States Congress, and the President must now stand up for democracy in Nigeria, repudiate the new military dictatorship of General Abacha, and take the necessary steps to bring stable and democratic government to Nigeria.

**NIGERIA DEMOCRACY GROUP HAILS
SHONEKAN'S EXIT**

LAGOS, November 18.—Nigeria's pro-democracy alliance welcomed the exit of interim leader Ernest Shonekan and urged people to stay at home on Thursday until new military ruler General Sani Abacha unfolds his political plans.

But it hinted that its response to Abacha would depend on his attitude to scrapped June 12 presidential elections.

"We think Shonekan's resignation is a positive development," said Beko Ransome-Kuti, head of the Campaign for Democracy (CD). "We call on all Nigerians to continue to stay at home . . . until the broadcast of General Abacha later today believing the reasonable demands of the people will be met," he told Reuters.

Ransome-Kuti said CD was hoping that Abacha, who became Nigeria's seventh military ruler on Wednesday, would uphold the results of the election widely believed to have been won by businessman Moshood Abiola. "If things turn out differently we have to react appropriately," he said.

CD earlier in the week called for two days of protests from Thursday to Force Shonekan's interim government to rescind huge increases in fuel prices and to cede power to the winner of the election.

Ransome-Kuti said the police arrested three people, including the president of the University of Lagos students union, during protests in Lagos on Thursday. Residents said protesters lit bonfires and marched in the university district.

November 18, 1993

CONGRESSIONAL RECORD—HOUSE

30047

Ransome-Kuti said there were protests in other areas of Nigeria's biggest city. "We had many rallies in different parts of Lagos," he said.

ARMY SAYS NIGERIAN INTERIM GOVERNMENT OUT

(By Tunde Obadina)

LAGOS.—Nigeria's new military leadership said Thursday the interim government no longer existed following the resignation of its head, Ernest Shonekan.

"With Chief Shonekan's resignation, the interim national government is also out," military spokesman Brigadier-General Fred Chijuka told reporters after a meeting between the new head of state General Sani Abacha and military brass.

Chijuka said Abacha had the full support of the armed forces and had met officers from the rank of brigadier upwards for nearly two hours.

"He was asking us for contributions on how we feel the government should be run," he said.

Many elected officials guessing Abacha's motives said they did not expect the general to embark on a one-man rule.

"I am sure he does not want to be another military dictator," said Senator Bola Tinubu.

"His utterances in the past have reflected his concern for discipline, honor and patriotism of the military," the Social Democratic Party senator told Reuters.

Abacha, the defense minister and only serving military officer in the unelected government, assumed power Wednesday after Shonekan's surprise resignation.

The industrialist threw in the towel amid a general strike over his government's widely unpopular decision to raise fuel prices six-fold. Pro-democracy activists also weighed in with more protests against his military-installed government, declared illegal by a Lagos high court last week.

Abacha was preparing his first national address as head of state and commander in chief of the armed forces Thursday.

Abacha, 50, has not signalled if his take-over amounts to a full return of rule by the army, which surrendered power in August leaving Nigeria in crisis over a successor.

Some politicians in the SDP and National Republican Convention parties created by the military fear Abacha will freeze a return to civilian rule and dismantle democratic institutions already put in place.

"The democratic institutions must not be tampered with. The military brought us into this mess and civilians should be allowed to solve the problem," Wole Osun, SDP Majority Whip in the House of Representatives, told Reuters in Abuja.

"Everyone here is confused and anxious. Many of us hope this is no military regime," said a senior member of the NRC.

The National Assembly in the inland capital Abuja did not sit Thursday. Armed police guarded the legislative building and searched people going in.

Abacha's takeover is a direct result of the political crisis left by previous military leader General Ibrahim Babangida, who annulled June 12 elections for a successor president as businessman Moshood Abiola headed for victory.

Abiola's supporters and pro-democracy campaigners have staged several protests over the poll cancellation. More demonstrations were held Thursday.

Most Nigerians are anxious to see what Abacha plans to do about the scrapped election. Abiola has not yet commented on the general's takeover.

The Defense headquarters in Lagos was a beehive of activity as the focus of power shifted, for the moment, from Abuja.

Despite anxiety over the change of leadership, hundreds of student marched near the University of Lagos, a hotbed of protests over the interim government and fuel prices.

ABIOLA HAILS COURT VERDICT ON NIGERIAN GOVERNMENT

LAGOS, November 10.—Moshood Abiola, Nigeria's thwarted presidential candidate, hailed a court ruling on Wednesday that the interim government was illegal and said he was nearing his goal of the presidency.

"It takes us one step closer to the establishment of government based on the consent of the people," Abiola said in a statement.

"The high court has stated clearly and eloquently that ours must be a government based on civilised laws, not on the caprice of rulers.

"This is a significant victory for the people of Nigeria." Abiola, a millionaire businessman, has been campaigning for the reversal of the annulment of the June presidential election which he claims to have won.

The election was scrapped by military ruler General Ibrahim Babangida when Abiola was heading for victory. Babangida later handed over to a handpicked government led by Ernest Shonekan.

Judge Dolapo Akinsanya of the Lagos high court declared that Babangida had no authority to install the interim government.

The government said it was appealing against the judgment.

LAGOS COURT RULES NIGERIAN GOVERNMENT ILLEGAL

(By James Jukwey)

LAGOS, November 10.—Nigeria faced a constitutional crisis on Wednesday after a Lagos court declared its military-appointed stop-gap government illegal.

The government said it was immediately appealing against the verdict to a higher court.

Judge Dolapo Akinsanya issued the ruling in a Lagos High Court case brought by thwarted presidential contender Moshood Abiola.

She told a packed courtroom that military ruler Ibrahim Babangida, who stepped down on August 26, had no authority to install an interim government led by Ernest Shonekan in his place.

Thousands cheered the verdict and poured onto the streets of Lagos calling for Abiola's installation in the presidency, which he is widely believed to have won in the June 12 election annulled by Babangida.

"The government has taken immediate action to appeal against the decision," Mustapha Umara, secretary to the Shonekan government, said in a statement issued in the capital Abuja.

"The government appeals to the good people of Nigeria to remain calm because there is no cause for alarm," he said.

"It is the strong hope of the government that the higher interests of the nation, especially the imperatives of national stability and corporate existence, will continue to remain the decisive and critical factor in the parameters of governance of our country," the statement said.

Shonekan, also under fire for dissolving local councils and raising petrol prices, is due to make a "state of the nation" address to the elected national assembly on Thursday.

The address, his first to the assembly, would seek the assembly's support on a wide range of controversial issues.

The assembly will sit in a joint session of both the House of Representatives and the Senate, which has a new leadership largely favourable to the interim government.

Nigeria has been in crisis since June over the military's messy ending of its 10 year rule.

"President Babangida has no legitimate power to sign a decree after August 26, 1993, after his exit, so the decree is void and of no effect," Judge Akinsanya declared.

She ordered that a civilian constitution, which was drawn up under Babangida in 1989 but never implemented, should be put into effect.

Abiola, who was not in court, is now expected to press his claim to the presidency more forcefully.

His first court challenge of the annulment failed when Babangida was still in power and the Supreme Court ruled it lacked jurisdiction to hear the case.

Judge Akinsanya said on Wednesday: "A judge is not meant to shy away from the law of the state."

Shonekan's government, whose mandate ends on March 31, 1994, triggered a new controversy on Monday when it dissolved all local councils ahead of fresh presidential and local council polls in February.

Democracy activists have criticised the dissolution but State radio said local councils in some parts of the country were already handing over to senior bureaucrats.

The government plans to appoint administrators to oversee the local councils before the February 19 ballot.

It is now updating the register of voters but the registration process is being boycotted in southwestern Nigeria, Abiola's political stronghold.

Shonekan's government also faces possible strikes by unions over a 600 percent increase in domestic prices of oil products.

Petrol prices have risen to five naira (23 cents) a litre from 0.70 naira (three cents) a litre, doubling public transport fares nationwide.

But the government says the increase is needed to help refiners cover some of their costs and that otherwise Nigeria's oil industry would collapse.

Previous increases in fuel prices have provoked riots.

The unions plan to meet Thursday to decide their reaction.

□ 1930

NUCLEAR TEST BAN TREATY

The SPEAKER pro tempore (Mr. BARCA of Wisconsin). Under a previous order of the House, the gentleman from Oregon [Mr. KOPETSKI] is recognized for 60 minutes.

Mr. KOPETSKI. I thank the gentleman for raising this important issue and encouraging us and other members in the White House to take action in this important area of the world.

Mr. Speaker, tonight I would like to revisit the area of nuclear weapons testing. This House has given a significant amount of attention to this issue. As the House prepares to adjourn for the year, I would like to take this opportunity to examine recent events and, more importantly, to look forward to the first few months of 1994 and the beginning of comprehensive test bank talks at the conference on disarmament in Geneva.

EXHIBIT R

Abubakar v. Chicago State University, Case No. 1:23-cv-05099, ECF No. 23-2 (N.D. Illinois filed September 6, 2023): E-Mail of Christopher W. Carmichael Dated August 22, 2023

EXHIBIT Q

From: Chris Carmichael <ccarmichael@henderson-parks.com>
Sent: Tuesday, August 22, 2023 2:01 PM
To: de Gramont, Alexandre <Alexandre.deGramont@dechert.com>
Cc: Liu, Angela <Angela.Liu@dechert.com>; Victor P. Henderson <VPHenderson@henderson-parks.com>; Hayes, Michael <Michael.Hayes@huschblackwell.com>
Subject: RE: Abubakar v. Chicago State University, 1:23-cv-05099

[EXTERNAL EMAIL]

Hello Alex,

On your first question below, the key fact – that Bola A. Tinubu graduated from Chicago State University in June 1979 with a Bachelor of Science in Business Administration, with honors – is accurate and true. And, we believe you’ve already seen the document to that effect. With regard to the diplomas, there was a scrivener’s error in the diploma issued in response to the illegal subpoena about the date of graduation/award of the degree. Likely the result of human error typing in the wrong digit, the 27 should have been 22. The remainder of the differences reflect formatting changes that occurred over time, including in the logo and font used. Lastly, because a diploma bears the signatures of officials of the school, those too change over time, and the signatures on a diploma are of the personnel in those positions at the time of issuance. Hence, personnel in those positions at the time of issuance have signature lines on a diploma issued recently. Likewise, an earlier diploma would bear the names of the personnel in those positions at the time. When exactly the earlier diploma was formally issued is not known, but it’s accurate nonetheless, and the date or reason for the issuance is irrelevant.

On your second question, Michael I’m sure can elaborate later, but as I mentioned on our call that Illinois subpoena contained only a request for a deposition, albeit overbroad. Now there is both a document request and a deposition request, both of which are expansive and go well beyond even the “issue” about the earlier provided documents. Delving into a person’s academic records is invasive according to federal and state law, and would be opposed on principle. Regardless, since President Tinubu graduated with the degree, the other “questions” are immaterial. Although President Tinubu might want to know why CSU responded to an illegal subpoena and created a new diploma, that issue is really of no import to anyone else.

We’ll file our response tomorrow laying out these points and others, and supply an affidavit from CSU attesting to the essential points above.

Best,
Chris

From: de Gramont, Alexandre <Alexandre.deGramont@dechert.com>
Sent: Thursday, August 17, 2023 4:21 PM
To: Hayes, Michael <Michael.Hayes@huschblackwell.com>; Chris Carmichael <ccarmichael@henderson-parks.com>
Cc: Liu, Angela <Angela.Liu@dechert.com>; Victor P. Henderson <VPHenderson@henderson-parks.com>
Subject: RE: Abubakar v. Chicago State University, 1:23-cv-05099

Dear Counsel,

Thank you for the meet-and-confer call we had last week.

First, if I recall correctly, you were going to discuss further whether your clients would agree to at least proffer an explanation as to the discrepancies between the two diplomas. As discussed, it is unlikely that your explanation will obviate the need for a deposition, but at the very least, it might streamline it. And again, if your position is that there is an innocent explanation, I fail to see why we need to wait until a deposition to obtain it. We may want to test the explanation. But why are your clients not willing to provide it in the meantime?

Second, I asked Mike if CSU had any objections to the document requests or deposition topics, so that we could attempt to resolve or narrow them in advance of any opposition to be filed by CSU next week.

Please let us know.

Best, Alex

From: Hayes, Michael <Michael.Hayes@huschblackwell.com>
Sent: Monday, August 7, 2023 9:55 AM
To: Chris Carmichael <ccarmichael@henderson-parks.com>; de Gramont, Alexandre <Alexandre.deGramont@dechert.com>
Cc: Liu, Angela <Angela.Liu@dechert.com>; Victor P. Henderson <VPHenderson@henderson-parks.com>
Subject: RE: Abubakar v. Chicago State University, 1:23-cv-05099

[EXTERNAL EMAIL]

I, too, am available this Wednesday at either 9am or 2pm.

Thanks,

Mike

Michael Hayes
Partner
Direct: 312-341-9830
Michael.Hayes@huschblackwell.com

From: Chris Carmichael <ccarmichael@henderson-parks.com>
Sent: Sunday, August 6, 2023 6:52 PM
To: de Gramont, Alexandre <Alexandre.deGramont@dechert.com>
Cc: Hayes, Michael <Michael.Hayes@huschblackwell.com>; Liu, Angela <Angela.Liu@dechert.com>; Victor P. Henderson <VPHenderson@henderson-parks.com>
Subject: Re: Abubakar v. Chicago State University, 1:23-cv-05099

[EXTERNAL EMAIL]

I can do 9 am or 2 pm.

On Aug 6, 2023, at 2:07 PM, de Gramont, Alexandre <Alexandre.deGramont@dechert.com> wrote:

All – Thanks for your emails. Below are times when we can be available on Wednesday. Our preference would be for 2:30 pm CT, but if that doesn't work, please suggest one of the other times below. Best, Alex

9 am (CT)
2 pm (CT)
2:30 pm (CT)
3:00 pm (CT)

From: Chris Carmichael <ccarmichael@henderson-parks.com>
Sent: Saturday, August 5, 2023 7:15 PM
To: Hayes, Michael <Michael.Hayes@huschblackwell.com>
Cc: de Gramont, Alexandre <Alexandre.deGramont@dechert.com>; Liu, Angela <Angela.Liu@dechert.com>; Victor P. Henderson <VPHenderson@henderson-parks.com>
Subject: Re: Abubakar v. Chicago State University, 1:23-cv-05099

[EXTERNAL EMAIL]

Correction, before 1:30 central.

On Aug 5, 2023, at 7:12 PM, Chris Carmichael <ccarmichael@henderson-parks.com> wrote:

I'm open before 3:30 CST on Wednesday.

On Aug 5, 2023, at 6:55 PM, Hayes, Michael <Michael.Hayes@huschblackwell.com> wrote:

All, sorry but I am not available on Tuesday. I am open most of the day on Wednesday (have a few things scheduled but could move them around), so please pick a time that day that works for all of you and I'll make it work for me.

Thanks,

Mike

Michael Hayes
Partner
Direct: 312-341-9830
Michael.Hayes@huschblackwell.com

From: Chris Carmichael <ccarmichael@henderson-parks.com>
Sent: Saturday, August 5, 2023 3:29 PM
To: de Gramont, Alexandre <Alexandre.deGramont@dechert.com>; Liu, Angela <Angela.Liu@dechert.com>
Cc: Hayes, Michael <Michael.Hayes@huschblackwell.com>; Victor P.

Henderson <VPHenderson@henderson-parks.com>

Subject: RE: Abubakar v. Chicago State University, 1:23-cv-05099

[EXTERNAL EMAIL]

2 PM on Tuesday can work on my end.

From: de Gramont, Alexandre <Alexandre.deGramont@dechert.com>

Sent: Friday, August 4, 2023 12:24 PM

To: Chris Carmichael <ccarmichael@henderson-parks.com>; Liu, Angela <Angela.Liu@dechert.com>

Cc: Hayes, Michael <Michael.Hayes@huschblackwell.com>; Victor P. Henderson <VPHenderson@henderson-parks.com>

Subject: RE: Abubakar v. Chicago State University, 1:23-cv-05099

Dear Chris,

In other federal courts, including in other 1782 proceedings, we have stipulated to intervention and we could have always filed a joint or consent motion. Also, as I am sure you know, it is customary (and in most courts required) to submit proposed orders. Even if the Court had entered the order, either you or CSU could have moved to quash. In any event, we have responded to the Court that we consent to Mr. Tinubu's intervention and to his submitting his opposition on or before August 11. Also, since we did not hear otherwise from you, we have asked to submit our reply on or before Aug. 16. I am attaching a courtesy copy of the response hereto.

But in the future, let's try to reach out to one another and meet and confer on these issues. We might reach compromise on some of the issues, and thereby avoid submitting unnecessary filings to the Court while also saving time and money. As I think about it, we probably should have asked for Mike's comments on scheduling too. But if CSU has objections beyond those presented by Mr. Tinubu, let's discuss next week to see if can work those out. If we can't, we can discuss a way to put them to the Court for resolution.

Let me suggest that we have our meet-and-confer on the proposed discovery on Tuesday, August 8, at 2pm CT. Chris, please let us know if that works for you, and Mike, please let us know if that works for you. If so, we will send around a Teams invite.

Best regards, Alex

From: Chris Carmichael <ccarmichael@henderson-parks.com>

Sent: Friday, August 4, 2023 12:51 PM

To: Liu, Angela <Angela.Liu@dechert.com>
Cc: de Gramont, Alexandre <Alexandre.deGramont@dechert.com>;
Hayes, Michael <Michael.Hayes@huschblackwell.com>; Victor P.
Henderson <VPHenderson@henderson-parks.com>
Subject: RE: Abubakar v. Chicago State University, 1:23-cv-05099

[EXTERNAL EMAIL]

Good morning Angela, we don't believe you should have been surprised by the motion, as that is, in our view, the proper vehicle to intervene or join the proceedings. At least in the ND ILL, we do not believe that parties can simply stipulate as to who can and cannot join a proceeding.

We also filed the motion quickly, and did not have time to reach out, because the Applicant had already submitted a draft order granting the Application, and that draft order required CSU to comply. If the intention was to have either CSU or Mr. Tinubu heard from before the Application was granted and the discovery issued, that draft order did the opposite.

We're happy to discuss further on Tuesday afternoon.

Best,
Chris

Christopher W. Carmichael | **hendersonPARKS**

140 South Dearborn Street, Suite 1020 | Chicago IL 60603

Direct 312.262.2905 | Fax 312.262.2901

ccarmichael@henderson-parks.com

<https://henderson-parks.com/>

<image001.jpg>

<image002.png>

From: Liu, Angela <Angela.Liu@dechert.com>
Sent: Thursday, August 3, 2023 9:24 PM
To: Hayes, Michael <Michael.Hayes@huschblackwell.com>; Chris Carmichael <ccarmichael@henderson-parks.com>; Victor P. Henderson <VPHenderson@henderson-parks.com>
Cc: de Gramont, Alexandre <Alexandre.deGramont@dechert.com>
Subject: Abubakar v. Chicago State University, 1:23-cv-05099

Dear Counsel,

We were surprised to receive Mr. Tinubu's motion to intervene, given that we previously advised you and stated in our petition that we would stipulate to your intervention. We plan to file a short response tomorrow, advising that we have already agreed to Mr. Tinubu's intervention and that we agree that Mr. Tinubu may file a response to the application on or before August 11. We would then propose to the Court that Petitioner will file its reply on or

before August 16. Please let us know if that date is acceptable to you.

We continue to be puzzled by Mr. Tinubu's vigorous opposition to our asking CSU about documents that are already in the public domain and/or have already been submitted in the Nigerian proceedings, so that we can learn CSU's position on whether, how, and when they were provided to other Nigerian litigants, and CSU's position on the authenticity of the documents. If there is an explanation for the discrepancies we have identified, we would think that Mr. Tinubu would be eager to provide it. If you would like to provide an explanation to us, we are happy to consider it. That might preclude the need for, or at least expedite, the deposition. In candor, the vehemence of Mr. Tinubu's opposition to this discovery is increasing rather than mitigating our suspicions.

In any event, as I'm sure you know, Local Rule 37.2 requires that the parties undertake good faith efforts to resolve discovery motions. As you will see below (under my signature line), Judge Gilbert emphasizes the importance of the parties' good faith compliance with that rule. Accordingly, we would like to have a meet-and-confer with you and counsel for CSU, to continue the discussions we began in advance of submitting the Application. We would be grateful if you and counsel for CSU would let us know your availability on Monday or Tuesday (August 7 or 8) for a joint call. In addition to discussing Mr. Tinubu's concerns, we would like to know if CSU has any objections or concerns about any of the document requests or deposition topics that we should discuss.

Also, given the briefing schedule, it is possible that we will need to push back the dates in our discovery requests for the production of documents and the deposition, depending on how and when the Court rules. Accordingly, we would ask counsel for CSU to provide alternative dates during the week of August 28 and September 4 for the deposition. (We assume it will be relatively easy for CSU to produce whatever documents it has already produced to other Nigerian litigants, should the Court so order.) During our meet-and-confer, we can then try to agree on alternative dates that are convenient for counsel as well as for the deponent.

Sincerely,

Angela Liu (she/her/hers)
Partner

Dechert LLP

+1 312 646 5816 (CHI)
+1 646 731 6140 (NY)
+1 816 304 7770 (Mobile)
angela.liu@dechert.com
dechert.com

<image003.jpg>

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EXHIBIT S

Embassy of the Federal Republic of Nigeria, Tel Aviv, Israel,
“Auto-Biography – President Bola Ahmed Tinubu GCFR”



Embassy of the Federal Republic
of Nigeria, Tel-Aviv, Israel

34 Gordon Street, Tel-Aviv 61030
03-5222144 |  | 

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BIBLIOGRAPHY



Chief Bola Ahmed Adekunle Tinubu [GCFR](#)

His Excellency Chief Bola Ahmed Adekunle Tinubu [GCFR](#) (born 29 March 1952) is a Nigerian politician who has served as the 16th [president of Nigeria](#) since 2023. He was previously the [governor of Lagos State](#) from 1999 to 2007, and [senator](#) for [Lagos West](#) in the [Third Republic](#).

Bola Ahmed Tinubu spent his early life in [southwestern Nigeria](#) and later moved to the United States where he studied accounting at [Chicago State University](#). He returned to Nigeria in the early 1990s and was employed by [Mobil Nigeria](#) as an accountant, before entering politics as a Lagos West senatorial candidate in [1992](#) under the banner of the [Social Democratic Party](#). After the military head of state [Sani Abacha](#) dissolved the Senate in 1993, Tinubu became an activist campaigning for the return of democracy as a part of the [National Democratic Coalition](#) movement.

In the [first post-transition Lagos State gubernatorial election](#), Bola Ahmed Tinubu won by a wide margin as a member of the [Alliance for Democracy](#). Four years later, he won re-

election to a second term. After leaving office in 2007, he played a key role in the formation of the [All Progressives Congress](#) in 2013. In 2023, he was [elected](#) president of Nigeria.

Early life and career

His Excellency President Bola Ahmed Tinubu was born in Lagos into the merchant family of [Abibatu Mogaji](#), the [Ìyál'ójà](#) of [Lagos](#). President Tinubu attended St. John's Primary School, Aroloya, Lagos before proceeding to Children Home School in Ibadan. He completed undergraduate studies in the United States, first at [Richard J. Daley College](#) in Chicago and then at [Chicago State University](#). He graduated in 1979 with a Bachelor of Science [degree](#) in Accounting.

President Tinubu worked as an accountant for the American companies [Arthur Andersen](#), [Deloitte](#) and [GTE](#) Services Corporation. After returning to [Nigeria](#) in 1983, he joined [Mobil Oil](#) Nigeria, and later became a company executive.

Early political career

President Tinubu's political career began in 1991,^[10] when he joined the [Social Democratic Party](#).

Third Republic

In 1992, he was [elected](#) to the [Senate](#), representing the Lagos West constituency in the short-lived [Nigerian Third Republic](#).

After the results of the [12 June 1993 presidential elections](#) were annulled, Chief Bola Ahmed Tinubu became a founding member of the pro-democracy [National Democratic Coalition](#), a group which mobilized support for the restoration of democracy and recognition of [Moshood Abiola](#) as winner of the 12 June election.

Exile and return

Following the [seizure of power](#) as [military head of state](#) of General [Sani Abacha](#),^[12] he went into exile in 1994 and returned to the country in 1998 after the death of the military dictator, which ushered in the transition to the [Fourth Nigerian Republic](#).

In the run-up to the 1999 elections, Chief Bola Tinubu was a protégé of [Alliance for Democracy](#) (AD) leaders [Abraham Adesanya](#) and Ayo Adebajo.¹ He went on to win the AD primaries for the Lagos State governorship elections in defeating [Funsho](#)

Case 1:23-cv-01816-BAH Document 104-3 Filed 09/09/26 Page 155 of 166
Williams and Wahab Dosunmu, a former Minister of Works and Housing. In January 1999, he stood for the position of Governor of Lagos State on the AD ticket and was elected governor.

Governor of Lagos State (1999–2007)

During his 8 years in government, Tinubu initiated new road construction, required to meet the needs of the fast-growing population of the state.

Tinubu, alongside a new deputy governor, Femi Pedro, won re-election into office as governor in April 2003. All other states in the South West fell to the People's Democratic Party in those elections.^[18] He was involved in a struggle with the Olusegun Obasanjo-controlled federal government over whether Lagos State had the right to create new Local Council Development Areas (LCDAs) to meet the needs of its large population. The controversy led to the federal government seizing funds meant for local councils in the state.^[19] During the latter part of his term in office, he was engaged in continuous clashes with PDP powers such as Adeseye Ogunlewe, a former Lagos State senator who had become minister of works, and Bode George, the southwest chairman of the PDP.

In 2006, Bola Ahmed Tinubu attempted to persuade the then-vice president of Nigeria Atiku Abubakar to become the head of his party, the Action Congress (AC). Abubakar who was a member of the People's Democratic Party (PDP), had recently fallen out with President Olusegun Obasanjo over Abubakar's ambition to succeed Obasanjo as president. Bola Ahmed Tinubu offered Atiku Abubakar the chance to switch parties and join the AC, offering him his party's presidential candidacy, with the condition that he, Tinubu, would be Atiku Abubakar's running mate. Atiku declined the proposition and, having switched to the AC, chose a running mate from the South East, Senator Ben Obi. Although Atiku ran for office on Tinubu's platform in the election, the PDP still won, in a landslide.

Relations between Tinubu and deputy governor Femi Pedro became increasingly tense after Pedro declared his intention to run for the gubernatorial elections. Pedro competed to become the AC candidate for governor in the 2007 elections, but withdrew his name on the eve of the party nomination. He defected to the Labour Party while still keeping his position as deputy governor.^[22] Tinubu's tenure as Lagos State Governor ended on 29 May 2007, when his successor Babatunde Fashola of the Action Congress took office.

Pre-presidency (2007–2023)

In 2009, following the landslide victory of the People's Democratic Party (PDP) in the [April 2007 elections](#), Tinubu became involved in negotiations to bring together the fragmented opposition parties into a "mega-party" capable of challenging the then ruling PDP.^[25] In March 2009, there were reports that a plot had been identified to assassinate Tinubu.^[26] In February 2013, Tinubu was among several politicians who created a "mega opposition" party with the merger of Nigeria's three biggest opposition parties – the [Action Congress of Nigeria](#) (ACN), the [Congress for Progressive Change](#) (CPC), the [All Nigeria Peoples Party](#) (ANPP), a faction of the [All Progressives Grand Alliance](#) (APGA) and the new PDP (PDP), a faction of the then ruling People's Democratic Party – into the [All Progressives Congress](#) (APC).

All Progressives Congress

In 2014, Tinubu supported former [military head of state](#) General [Muhammadu Buhari](#), leader of the CPC faction of the APC – who commanded widespread following in Northern Nigeria, and had previously contested in the [2003](#), [2007](#) and [2011](#) presidential elections as the CPC presidential candidate. Bola Ahmed Tinubu initially wanted to become General Buhari's vice presidential candidate but later conceded to [Yemi Osibanjo](#), his ally and former commissioner of justice. In 2015, General Buhari rode the APC to victory, ending the 16-year rule of the PDP, and marking the first time an incumbent Nigerian president lost to an opposition candidate.

Chief Bola Ahmed Tinubu went on to play an important role in President Buhari administration, supporting government policies and holding onto the internal party reins, in lieu of his long-held rumored presidential aspiration.^[32] In 2019, he supported Buhari's re-election campaign defeating the PDP candidate Alhaji [Atiku Abubakar](#). In 2020, following an internal party crisis which led to the removal of Bola Ahmed Tinubu's ally and party chairman [Adams Oshiomole](#), it is believed the move was to scuttle Chief Tinubu's presidential prospects ahead of 2023.

2023 presidential election

On 10 January 2022, Chief Bola Ahmed Tinubu made his formal announcement of candidacy for president. On 8 June 2022, Bola Tinubu won the party convention vote of the ruling APC, scoring 1,271, to defeat Vice President [Yemi Osinbanjo](#) and Rotimi Amaechi who scored 235 and 316 respectively.

On 1 March 2023, [INEC](#) declared Chief Bola Ahmed Tinubu winner of the [2023 presidential election](#). He was declared [president-elect](#) after he polled 8,794,726 votes to defeat his opponents.^[39] His runner-up Atiku Abubakar of the opposition People's Democratic Party (PDP) polled 6,984,520 votes. Labour Party's Peter Obi had 6,101,533 votes to come third.

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of Nigeria, Tel-Aviv, Israel

EXHIBIT T

August 18, 1993 News Articles of Quoting Senator Bola Tinubu (LexisNexis):

(1) Tunde Obadina, “Confusion increases after Babangida offers to step down,” *The Herald* (Glasgow), at 4; (2) “General says he offered to step down,” *The Irish Times*, at 7 (*Reuters*); (3) “Nigerian leader says he’ll quit; Speech adds to worry over government,” *The Dallas Morning News*, at 9 (*Reuters*)



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Confusion increases after Babangida offers to step ...

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Confusion increases after Babangida offers to step down

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The Herald (Glasgow)**August 18, 1993**

Copyright 1993 Caledonian Newspapers Ltd.

Section: Pg. 4**Length:** 542 words**Byline:** Tunde Obadina

Body

Lagos, Tuesday

NIGERIA'S military President Ibrahim Babangida said today he had offered to quit after eight years in power, but he did not say whether his military colleagues accepted his offer.

"Following lengthy deliberations with my service chiefs, I offered as my personal sacrifice to voluntarily step aside as the President and Commander-in -Chief of the Federal Republic of **Nigeria**," he told the elected National Assembly in the inland capital, Abuja.

The speech added to confusion and did little to dispel anxiety among Nigerians eager to know who will govern them if and when Babangida keeps to the August 27 deadline he has set for a handover of power to civilians.

Citing malpractices, Babangida's Government cancelled June presidential elections, widely believed to have been won by businessman Moshood Abiola. Local and foreign observers, however, said the elections were free and fair.

Babangida's address on his 52nd birthday came a day after two new state decrees outlawed several newspapers, a move which has done little to allay doubts the handover will take place.

Babangida told a joint session of the **senate** and house of representatives that details of an interim government would be made public soon.

Senator Bola **Tinubu** said that the president made it clear that the military would disengage from power by August 27.

Babangida told the legislators that the interim government would have constitutional powers and was the "heir apparent" of his administration and not a transitional administration.



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"It was not clear what he is stepping down from. Is it as president or commander-in-chief of the armed forces or both?" **Tinubu** said.

Babangida told the lawmakers the decision to annul the poll was taken in the national interest, but he and his family had been subject to personal attacks over the matter.

"It is unfortunate that I have been portrayed as the main obstacle to democracy in **Nigeria** by people who are supposed to know better," he said.

"At no time in the eight years of this administration have the darts been so dangerously and viciously focused on my person than now."

In an apparent reference to Abiola, he said: "The decision to annul the result of the June 12 election was seen by my friend as an act of betrayal."

Abiola, 55, has denounced the plans for an interim administration and says there were no circumstances in which he would withdraw his claim to be **Nigeria's** legitimate leader.

The **Nigeria** Union of Journalists today condemned the new state decrees which outlaw several newspapers and prescribe stiff penalties for publication of false rumour or reports.

"This act by the military government is most unfortunate and unacceptable," the Abuja-based NUJ said in a statement.

Nigeria's press has run into trouble with the authorities because of its criticism of the government's delays in handing over power to civilians.

One of the decrees, released on Monday, outlaws newspapers and magazines published by the Concord group, the Punch, Daily Sketch and Bendel Newspaper Corporation. The Concord group is owned by Abiola.

Classification

Language: English

Subject: ELECTIONS (90%); LEGISLATIVE BODIES (90%); ARMED FORCES (89%); GOVERNMENT & PUBLIC ADMINISTRATION (89%); TYPES OF GOVERNMENT (89%); DEMOCRACIES (78%); ELECTIONS & POLITICS (78%); HEADS OF GOVERNMENT ELECTIONS (78%); JOURNALISM (78%); RESIGNATIONS (78%); CAMPAIGNS & ELECTIONS (76%); WRITERS (73%); GOSSIP & RUMORS (70%)

Industry: ARMED FORCES (89%); NEWSPAPER PUBLISHING (73%); WRITERS (73%)

Geographic: ABUJA, **NIGERIA** (92%); LAGOS, **NIGERIA** (59%); **NIGERIA** (97%)

Load-Date: March 30, 1994



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General says he offered to step down

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General says he offered to step down



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The Irish Times

August 18, 1993, CITY EDITION

Copyright 1993 The Irish Times

Section: WORLD NEWS; Pg. 7**Length:** 338 words**Byline:** --(Reuter)

Body

NIGERIA'S military president, General Ibrahim Babangida, said yesterday he had offered to quit after eight years in power. But he did not say whether his military colleagues accepted his offer.

"Following lengthy deliberations with my service chiefs, I offered as my personal sacrifice to voluntarily step aside as the President and Commander-in-Chief of the Federal Republic of **Nigeria**," he told the elected National Assembly in the capital, Abuja.

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The speech added to confusion and did little to dispel anxiety among Nigerians eager to know who will govern them if and when General Babangida keeps to the August 27th deadline he has set for a handover of power.

Citing malpractices, his government cancelled June presidential elections, widely believed to have been won by a businessman, Mr Moshood Abiola. Local and foreign observers, however, said the elections were free and fair.

General Babangida's address on his 52nd birthday came a day after two new state decrees outlawed several newspapers, a move which has done little to allay doubts that the handover will take place.

President Babangida told a joint session of the **Senate** and the House of Representatives that details of an interim government would be made public soon. Senator Bola **Tinubu** said that the president made it clear that the military would disengage from power by August 27th.



In a apparent reference to Mr Abiola, he said: "The decision to annul the result of the June 12th election was seen by my friend as an act of betrayal." Mr Abiola (55) has denounced the plans for an interim administration and says there were no circumstances in which he would withdraw his claim to be **Nigeria's** legitimate leader.

The **Nigeria** Union of Journalists yesterday condemned the new state decrees which outlaw several newspapers and prescribe stiff penalties for publication of false rumour or reports. "This act by the military government is most unfortunate and unacceptable," the Abuja-based NUJ said.

Editorial comment: page 11

Classification

Language: ENGLISH

Subject: ELECTIONS (90%); LEGISLATIVE BODIES (90%); GOVERNMENT & PUBLIC ADMINISTRATION (89%); ELECTIONS & POLITICS (78%); HEADS OF GOVERNMENT ELECTIONS (78%); JOURNALISM (78%); TYPES OF GOVERNMENT (78%); CAMPAIGNS & ELECTIONS (76%); ARMED FORCES (73%); GOSSIP & RUMORS (73%); WRITERS (67%)

Company: **NIGERIA** UNION OF JOURNALISTS (68%)

Organization: **NIGERIA** UNION OF JOURNALISTS (68%); **NIGERIA** UNION OF JOURNALISTS (68%)

Industry: ARMED FORCES (73%); WRITERS (67%)

Geographic: ABUJA, **NIGERIA** (91%); **NIGERIA** (96%)

Load-Date: August 18, 1993



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Nigerian leader says he'll quit;Speech adds to worry...

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Nigerian leader says he'll quit; Speech adds to worry over government

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THE DALLAS MORNING NEWS

August 18, 1993, Wednesday, HOME FINAL EDITION

Copyright 1993 The Dallas Morning News

Section: NEWS; Pg. 9A**Length:** 527 words**Byline:** Reuters**Dateline:** LAGOS, Nigeria

Body

LAGOS, **Nigeria** - **Nigeria's** military President Ibrahim Babangida said Tuesday he had offered to quit after eight years in power, but he did not say whether his military colleagues accepted his offer.

"Following lengthy deliberations with my service chiefs, I offered as my personal sacrifice to voluntarily step aside as the president and commander-in-chief of the Federal Republic of **Nigeria**," he told the elected National Assembly in the inland capital, Abuja.

The speech added to confusion and did little to dispel anxiety among Nigerians eager to know who will govern them after the Aug. 27 deadline Gen. Babangida has set to transfer power to civilians.

Citing irregularities, Gen. Babangida's government cancelled June presidential elections, widely believed won by businessman Moshood Abiola. Local and foreign observers said the elections were free and fair.

Gen. Babangida's address on his 52nd birthday came a day after two new state decrees outlawed several newspapers, a move which heightened doubts the transfer will take place.

Gen. Babangida told a joint session of the **senate** and house of representatives that details of an interim government would be made public soon.



Mr. Abiola, 55, has denounced plans for an interim administration and said he will not withdraw his claim to be **Nigeria's** legitimate leader.

Vice President Augustus Aikhomu told Transitional Council members Tuesday to prepare to facilitate a final handover to the interim national government Aug. 25, the News Agency of **Nigeria** reported.

Mr. Aikhomu was addressing the council in Abuja. The all-civilian council, comprising a chairman and heads of government ministries, was inaugurated last January after the government delayed for a third time a move to civil rule.

Sen. Bola **Tinubu** said that the president made clear that the military would disengage from power by Aug. 27.

Gen. Babangida told the legislators that the interim government would have constitutional powers and was the "heir apparent" of his administration and was not a transitional administration.

He told the lawmakers the decision to annul the poll was taken in the national interest, but he said he and his family had been subject to personal attacks over the matter.

"It is unfortunate that I have been portrayed as the main obstacle to democracy in **Nigeria** by people who are supposed to know better," he said.

"At no time in the eight years of this administration have the darts been so dangerously and viciously focused on my person than now."

In an apparent reference to Mr. Abiola, he said, "The decision to annul the result of the June 12 election was seen by my friend as an act of betrayal."

The **Nigeria** Union of Journalists Tuesday condemned the new state decrees which outlaw several newspapers and prescribe stiff penalties for publication of false rumor or reports.

"This act by the military government is most unfortunate and unacceptable," the Abuja-based NUJ said in a statement.

Nigeria's press has run into trouble with the authorities because of its criticism of the government's delays in handing over power to civilians and its annulment of the June vote.

Graphic

PHOTO(S): 1. Nigerians in Lagos listen to a radio broadcast of a speech Tuesday by military ruler Gen. Ibrahim Babangida to a special joint session of the National Assembly. Gen. Babangida offered his resignation but did not say whether his colleagues had accepted it. (Associated Press). 2. Ibrahim Babangida

Classification

Language: ENGLISH

Subject: ELECTIONS (90%); GOVERNMENT & PUBLIC ADMINISTRATION (90%); LEGISLATIVE BODIES (89%); MILITARY RULE (89%); TYPES OF GOVERNMENT (89%); JOURNALISM (79%); DEMOCRACIES (78%); ELECTIONS & POLITICS (78%); HEADS OF GOVERNMENT ELECTIONS (78%); HEADS OF STATE & GOVERNMENT (78%); CAMPAIGNS & ELECTIONS (77%); GOSSIP & RUMORS (74%); ARMED FORCES (73%); NEWS REPORTING (72%); WRITERS (67%); FINES & PENALTIES (63%)

40

Company: NEWS AGENCY OF **NIGERIA** (54%); NEWS AGENCY OF **NIGERIA** (54%)

Organization: NEWS AGENCY OF **NIGERIA** (54%); NEWS AGENCY OF **NIGERIA** (54%)

Industry: ARMED FORCES (73%); NEWS REPORTING (72%); WRITERS (67%); PRESS AGENCY RELEASES (64%)

Geographic: ABUJA, **NIGERIA** (93%); LAGOS, **NIGERIA** (90%); **NIGERIA** (98%)

Load-Date: August 21, 1993



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