

WHALEY'S REPLY TO BOA'S "RETURN" TO
WRIT OF CERTIORARI

PART 6
ATTACHMENTS-14

BOA'S ATTORNEYS' PRODUCED of FEDERAL!! COURT'S
PARTIAL TRANSCRIPT DOCUMENTS – filed
in STATE!! TRIAL COURT
in -May 8, 2012 –HEARING

Showing BOA's VOLUNTEERED BROUGHT FEDERAL Case LAW CLAIMS to be JOINT
within an ONGOING YET PENDING Open Court STATE! COURT! LAW ISSUES –
THEREFORE shows - "Where substantial constitutional issues are directly involved" SCACR 242(b)(4)
Involving Whaley's STATE! COURT! CLAIMS of "THEFT" of Cashier's Checks' named
PAYEE/CCG and
SHOWING HOW, WHEN!! WHY! BOA/and SCFCU's Federal!! Added Parties 3-HEBREW BOYS
Federal!! DISCUSSIONS with Questions always involving BOA's "INTERNAL AUDITOR"

Mr. John DEZARN-Witness!! for Plaintiff/U.S. ATTORNEY
NOV. 10, 2009

1 correct, Special Agent Bruning?

2 A Yes.

3 MR. MOORE: Your Honor, pursuant to discussion with
4 defense counsel, I'm going to move these in through
5 Ms. Samuels. I'm not going to seek to admit them at this
6 time.

7 THE COURT: All right.

8 MR. MOORE: Beg a moment. Thank you. Please
9 answer any questions defense counsel may have.

10 MR. LANG: No questions, Your Honor, from the
11 defense.

12 THE COURT: Thank you. You can step down.

13 (Witness left the stand.)

14 MR. HOLLIDAY: The Government's next witness is
15 John Dezarn.

16 JOHN DEZARN, Government's witness, after being
17 sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. HOLLIDAY:

20 Q Mr. Dezarn, please tell the jury where you work.

21 A Bank of America. *

22 Q And how long have you been working there?

23 A Twenty-nine years. * *

24 Q And what's your job at Bank of America?

25 A Internal auditor. *

10-15-2007 Bank of America - Admits! & he
18-Boxes of CCB's Depositors' Cashier Checks
John Dezaan - direct by Holliday
89 were taken!

1 Q What are some of the other jobs that you have had with
2 them?

3 A Audit investigator. *

4 Q In your capacity as an internal auditor, do you have
5 access to the bank accounts record -- bank account records?

6 A Yes, sir. *

7 Q Now, Exhibit 37 constitutes 18 boxes that are back here
8 in the back right corner of the courtroom. Have you
9 previously had a chance to review the documents in those 18
10 boxes?

11 A Yes, sir. *

12 Q And are the documents from Exhibit 37 taken from Bank of
13 America accounts? *

14 A Yes, sir. *

15 Q Are they the bank's records made at or near the time of
16 the account activity by a person with knowledge of that
17 activity?

18 A Yes, sir.

19 Q And are the records kept in the ordinary course of
20 regularly conducted business? *

21 A Yes. *

22 Q And is it the bank's regular practice to record such
23 information? *

24 A Yes, sir. *

25 MR. HOLLIDAY: Your Honor, at this time the

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BDA-0150: Admits - CCG's Depositor's Money were
John Dezarn - direct by Holliday
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Government moves to admit Government's Exhibit 37.
THE COURT: Any objection?
MR. LANG: No objection, Your Honor.
THE COURT: So the Exhibit 37 is Bank of America records; is that correct?
MR. HOLLIDAY: Yes, ma'am.
THE COURT: And it is 37A through what?
MR. HOLLIDAY: 37 -- it's actually with the boxes we have marked those as D through -- E through V. I'm going to have some excerpts that I'm going to show him here in a minute that's A through C. We are not going to request to admit D.
THE COURT: All right. So what was admitted is 37 what?
MR. HOLLIDAY: E through V.
THE COURT: Okay.
MR. HOLLIDAY: Thank you, Your Honor.
THE COURT: It's admitted.
(WHEREUPON, Government's Exhibits 37E - 37V were admitted into evidence.)
BY MR. HOLLIDAY:
Q Mr. Dezarn, what is a lockbox?
A A lockbox is a service we provide customers that provides efficient and fast processing of checks payable to them.

First! Mailed Directly!
Bank of America account sent in a "lockbox" so to "process" CCG's Depositor's Cashier's Checks and Money orders
Never! Sent! to Receiver Ashmore's Personal Bank - S.C. Bank and Trust

CCG's Money Also ~~was~~ Never! Mailed to First Citizen Bank. But Shows At All Times CCG's Money were Always in Banks

Bank
* BOA Admits CCB - had a P.O. Box with Bank of America
John DeLoach direct by Holliday

~~SECRET~~

Q And how does a lockbox work?
A There is a P.O. Box set up for the customer where their
customers would mail checks to that P.O. Box, a representative
from the bank would pick up those checks and take them
back and process the items and then credit to the customer's
account the customer chooses.
Q All right. I'm going to hand up to you Government's
Exhibit 37A. Have you previously had the opportunity to
review Government's Exhibit 37A?
A Yes, sir.
Q And is that are those documents taken from Bank of
America account?
A Yes, sir.
Q Are they bank records made at or near the time of the
account activity by a person with knowledge of that activity?
A Yes, sir.
Q And are the records kept in the ordinary course of
regularly conducted business?
A Yes.
Q Is it the bank's regular practice to record such
information?
A Yes, sir.
Q Okay.
MR. HOLLIDAY: Your Honor, at this time Government
would move to admit Government's Exhibit 37A.

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First!
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Depositor
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THE COURT: Any objection?
MR. DUNCAN: No objection.
MR. LANG: No objection, Your Honor.
THE COURT: 37A is admitted.
(WHEREUPON, Government's Exhibit 37A was admitted into evidence.)
MR. HOLLIDAY: Thank you, Judge.

BY MR. HOLLIDAY:

Q Now directing your attention to page two of Government's Exhibit 37A. Just next. Great. Would you tell the jury please what the name on the lockbox is?

A Brunson Outreach.

- CCG Shows Incorporator M.S. I sold Brunson only 1 and no other Name of party a. Incorporator which show the 3-CCG's Agents Brunson, McQueen, Nor Pough never fully controlled CCG. Nor BOA's said LockBox that BOA - only provided its Cust Amer's - CCG and 3-HBS - Businesses

Q And is there a lockbox number that's associated with that?

A Yes, sir.

Q And to which account were the checks sent to that lockbox supposed to be credited?

A Checking account 782025895. * *

Q Now Mr. Dezarn, do you know what a sweep account is?

A Yes, sir.

Q Please explain to the jury what a sweep account is.

A A sweep account gives the customer a way to invest any excess cash that they may have in their checking account.

Q And does Bank of America offer sweep accounts? * *

A Yes, sir. * *

BOA Illegals
Transaction
CCG's
Account
Number
to
be a different
Account
from
The CCG's
FBI's Aid
No: 0007745520
to Illegally
be the same
No: 782025895

Account
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a
Bank
check
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CCG
Agents
Brunson,
McQueen,
Nor
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never
fully
controlled
CCG
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BOA's
said

LockBox that BOA - only provided its Cust Amer's - CCG and 3-HBS - Businesses

BOA - Does Not provide a ^{Bank} account number to
their EXH. 37-B. But was Admitted as Evidence on
John Dezarn - direct by Holliday
Federal Court
93 Records

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Q Mary, the elmo? Handing up what's been marked as
Government's Exhibit 37B Have you seen Government's
Exhibit 37B?

A Yes, sir.

Q And are the records, the documents contained in 37B
taken from Bank of America accounts?

A Yes, sir.

Q Are they the bank's records made at or near the time of
the account activity by a person with knowledge of that
activity?

A Yes, sir.

Q And are the records kept in the ordinary course of
regularly conducted business?

A Yes, sir.

Q And is it the bank's regular practice to record such
information?

A Yes, sir.

Q Okay.

MR. HOLLIDAY: Your Honor, at this time the
Government would move to admit Government's Exhibit 37B.

~~Admitted~~
Admitted

THE COURT: Any objections?

MR. SMALL: No objection.

THE COURT: Admitted.

(WHEREUPON, Government's Exhibit 37B was admitted
into evidence.)

EXH. 37B

1 BY MR. HOLLIDAY:
2 Q Now showing you the first page it looks marked as
3 Government's Exhibit 37B Do you know what -- first of all,
4 what's the name on the account?

5 A Brunson Outreach. *

6 Q And do you know how that account was initially funded?

7 A Yes, sir. * A ↑ A ↑ A ↑ A ↑

8 Q And is this the sweep account? *

9 A Yes, sir. *

10 Q Now showing you a page from 37B. You look down there at
11 the last transaction on July the 31st.

12 A Yes, sir. *

13 Q Would you tell the jury please what's happening with
14 that transaction.

15 A This is a daily sweep out of the account in the amount
16 of \$1,461,937.

17 Q Now, what we're doing is turning the page here. And
18 again, is this from the same account?

19 A Yes, sir. *

20 Q Okay. And now the transaction we just went over was
21 from July 31st; is that correct?

22 A Yes, sir. *

23 Q And so if we go here to August the first, what is
24 happening on August the first?

25 A It's a -- the sweep into the account on August 1st in

EXH. 14

1 the amount of \$1,461,937.

2 Q Now, is that the same amount that was swept out on July
3 the 31st?

4 A Yes, sir.

5 Q Is that money earning interest when it's being swept
6 out?

7 A Yes, sir.

8 Q How often does Bank of America credit a sweep account
9 with interest?

10 A The interest is accrued daily but paid monthly. *↓↓↓*

11 Q Okay. So if we look down further, three transactions
12 lower, would you explain to the jury what that means, sweep
13 dividends credit?

14 A This is the interest the -- this account earned for the
15 month of July in the amount of \$2681.35. *↓↓↓*

16 Q So the balance in the account was \$1,461,937 and then
17 they're being credited with the 26, \$2,700 worth of interest
18 in August; is that right?

19 A Yes, sir.

20 Q And that was for July; is that correct?

21 A Yes, sir.

22 Q And just to walk through a few months of account
23 activity. Showing you now we are in September. What is the
24 balance on September the first?

25 A \$2,607,102.35.

1 Q Okay. And is there an interest credit that's being
2 extended to that account?

3 A Yes, sir.

4 Q Same date? And what is that amount?

5 A \$6,684.85.

6 Q And now going over to October. What is the balance in
7 the account on October the 2nd?

8 A \$3,663,848.60.

9 Q And how much interest has that \$3,663,848 made in
10 September since it's credited to the account in October?

11 A \$10,737.61.

12 Q In November how much money is in the account on November
13 the first?

14 A 5 million 1 dollar.

15 Q And how much interest has been earned on this account?

16 A \$17,924.85.

17 Q Do you know where the money in this account is being
18 swept to?

19 A It is swept through a mutual fund account.

20 Q And does Bank of America keep track of the interest
21 rates that are earned by mutual fund accounts?

22 A Yes, sir.

23 Q And roughly how much money -- interest was being earned
24 on this account?

25 A Between 4.4, 4.5 percent.

1 Q And then just finally to show the jurors one more month.

2 ~~Erron~~ In December of 2001 how much money was in the -- I'm sorry --

3 ~~*~~ December 1st of 2006, how much money was in the account on

4 the first date of December, 2006?

5 A \$5,017,291.93.

Sweep Account Offered By GOA

6 Q And how much interest is being credited to that account?

7 A \$19,305.16. ~~*~~

8 Q And was this the only lockbox account that --

9 established by these principals?

10 A Yes, sir.

11 Q Well, let me show you this, Government's Exhibit 37C. I

12 know we were just going over B. You had a chance to review

13 Government's Exhibit 37C?

14 A Yes, sir.

15 Q And is that are the records contained in

16 Government's Exhibit 37C Bank of America records?

17 A Yes, sir.

18 Q Are they bank records made at or near the time of the

19 account activity by a person with knowledge with that

20 activity?

21 A Yes, sir.

22 Q And are the records kept in the ordinary course of

23 regularly conducted business? ~~*~~

24 A Yes, sir.

25 Q And is it the bank's regular practice to record such

1 A Yes, sir.

2 Q And that's normally done over the weekend period when
3 the bank is closed; is that... do I have the right idea about
4 what a sweep account is? In other words, when do you put
5 money into a sweep account?

6 A Well, typically what happens, you have a checking
7 account and you deposit money, and then overnight any excess
8 cash in that account, meaning funds not needed to cover
9 checks, is swept into the investment account.

10 Q Okay. So if I had a thousand dollar balance in my bank
11 account, overnight the bank could use that and put in a sweep
12 account; is that correct?

13 A Yes, sir.

14 Q Would you have to have my permission to do that?

15 A Yes, sir.

16 Q Okay. Now, what about the bank itself? Now, the bank
17 has assets. Does the bank put assets into sweep accounts ? ?
18 overnight?

19 A I don't know. ?

20 Q Okay. Would there be any reason why they could not? * *

21 A Not to my knowledge. * * ↓ ↓ ↓ ↓ ↓

22 Q Okay. And do you know -- and would there be any limit
23 to how much money a bank could put into a sweep account? ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓

24 A For the bank itself, sir? ↑

25 Q Yes. ↑

SMALL Shows the BOA - Does the EXACT Same Transactions as the CCG and is Nat. Alleged
John Dezarn - cross by Lang NO! wrong! doings.
103

1 A I would think not, no, sir.
2 Q So that it would be unlimited. Just be limited by the
3 assets that they have?
4 A I would think so, yes, sir.
5 Q Very good, sir.
6 MR. LANG: Just a few questions, Your Honor.
7
8 CROSS-EXAMINATION
9 BY MR. LANG:
10 Q Mr. Dezarn, good morning. My name is Louis Lang. I
11 represent Tim McQueen. Just a couple of questions. On the
12 sweep account -- the use of a sweep account is not a
13 particularly unusual way to have your accounts arranged; is
14 that correct?
15 A That is correct.
16 Q It's an efficient way to manage money, isn't that right?
17 A Yes, sir.
18 Q And the same goes for a lockbox, isn't that correct, in
19 terms of large companies or companies which have a lot of
20 deposits made on a daily basis?
21 A Yes, sir.
22 Q I mean, it's an efficient way to handle those deposits;
23 correct?
24 A Yes, sir.
25 Q It puts them to work more quickly than one could just
depositing at a teller window; isn't that correct?

BoA Shows Foreign Exchange
#5 how BoA Foreign Money
Sweep Account
that paid Triple Money Interest to
CCG Bank Depositors

By BOA with the said U.S. District Attorney. File BOA Auditor Admits that CCG said transaction are good. Business transaction Includes the transaction involving the LockBox.

Handwritten marks and scribbles at the bottom of the page.

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A Yes, sir.

Q No further questions.

MR. DUNCAN: I have no questions.

MR. HOLLIDAY: No redirect, Your Honor.

THE COURT: All right. Thank you very much. You can please step down. You're excused.

THE WITNESS: Thank you.

(Witness left the stand.)

THE COURT: All right. At this time since it's five of one, we will break for lunch and we will come back at 2:30. Thank you.

(Jury left the courtroom at 12:57 pm.)

THE COURT: We are in recess until 2:30.

MR. SMALL: Can we have one... hold on just a minute.

MR. LANG: Judge, the only thing we were going to mention is in agreement with and consultation with the Government in terms of Exhibits 5A through 5K, there is some handwriting that appears on these individual exhibits -- not all of them, but some of them -- and I think the Government and the defense will stipulate that that handwriting is not relevant to any issue in this case rather than pulling out the handwriting which would just be too difficult to do.

THE COURT: You're stipulating so that the handwriting is not relevant. Are you going to enter into

The Show
Personal
CASHIER
Checks
were
given
Handwritten!!
Contract!
Numbers!!
Written
on CCG's
CASHIER
check
provided

Showing Conspiracy
with Lawyers
Defense
and
Prosecutors
+ 0

By BANK - BOA - who received CCG's money and contracts
with CCG's Depositors - Byou! CCG's staff
or Agents receive CCG's Depositors signed
contracts...

1 some kind of written stipulation? What are you going to do?

2 MR. MOORE: No, ma'am. We'll just put that on -- I
3 can state that on the record before I introduce the document
4 through Ms. Samuels.

5 THE COURT: Okay.

6 MR. LANG: We just wanted to make the Court aware
7 of that so we know what--

8 MR. MOORE: And it will move much quicker if we do
9 that.

10 THE COURT: All right. Thank you.

11 MR. MOORE: Thank you, Your Honor.

12 MR. LANG: Thank you, Your Honor.

13 (Whereupon, a lunch recess was taken.)

14 THE COURT: Ready for the jury to come in?

15 MR. MOORE: Just a couple points, Your Honor, if I
16 could. And if I don't say this now, I will forget it, so I
17 would just like to say that we respect Your Honor's
18 preliminary instructions, and I don't think we need to do any
19 correction now, but with respect to the money laundering I
20 think there was an additional element that's not an element
21 of the 1957 charge. The 56 you do have to show promotion or
22 concealment. The 57 you don't.

23 And so I think we can deal with all that at the time of
24 Your Honor's jury charge. I don't think we need to say
25 anything to them now, but if I don't say anything now about