

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR 17-00101 LEK
)
Plaintiff,) Honolulu, Hawaii
) February 18, 2020
vs.)
) JURY TRIAL - DAY 9
(1) ANTHONY T. WILLIAMS,)
)
Defendant.)
_____)

TRANSCRIPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE LESLIE E. KOBAYASHI
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: KENNETH M. SORENSON, AUSA
GREGG PARIS YATES, AUSA
Office of the United States Attorney
300 Ala Moana Boulevard, Suite 6100
Honolulu, Hawaii 96850

Also Present: MEGAN CRAWLEY, FBI Special Agent

For the Defendant (1) ANTHONY T. WILLIAMS, *Pro Se*
Anthony T. Williams: 05963-122
Federal Detention Center Honolulu
Inmate Mail/Parcels
P.O. Box 30080
Honolulu, Hawaii 96820

Standby Counsel: LARS ROBERT ISAACSON, ESQ.
1100 Alakea Street, 20th Floor
Honolulu, Hawaii 96813

Official Court Reporter: Debra Read, RDR
United States District Court
300 Ala Moana Boulevard
Honolulu, Hawaii 96850

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1 TUESDAY, FEBRUARY 18, 2020 8:39 A.M.

2 (Open court out of the presence of the jury.)

3 THE COURTROOM MANAGER: This is Criminal No. CR 17-00101
4 LEK, United States of America versus Anthony T. Williams.

5 This case has been called for further jury trial, day 9.
6 Counsel, your appearances for the record, please.

7 MR. SORENSON: Good morning, Your Honor.

8 Assistant United States Attorneys Ken Sorenson and Gregg
9 Yates here for the United States. We have FBI Special Agent
10 Megan Crawley with us.

11 THE COURT: Good morning to all of you.

12 Mr. Williams, good morning.

13 THE DEFENDANT: Morning.

14 Private attorney general Anthony Williams appearing sui
15 juris.

16 THE COURT: Good morning.

17 Mr. Isaacson.

18 MR. ISAACSON: Your Honor, Lars Isaacson with
19 Ms. Beecher here and Ms. Yeung who's out in the hallway with --

20 THE COURT: All right. Good morning to all of you.

21 I hope you feel better, Ms. Beecher. But please, if you
22 need to leave, do not worry about that.

23 All right. So the record will reflect the jury is not
24 present and I'm going to check in with Mr. Sorenson and
25 Mr. Yates.

1 Will you be calling any more witnesses?

2 MR. SORENSON: We will not, Your Honor. I think
3 there's something that the defendant wanted to take up.

4 THE COURT: Okay. All right. Mr. Williams.

5 THE DEFENDANT: Yeah, it was brought to my
6 attention -- I just wanted to make sure that there may not be a
7 conflict of interest in this case. I needed to ask you will
8 you be a relation to the warden of FDC, Hiromichi Kobayashi?

9 THE COURT: No, I'm not.

10 THE DEFENDANT: Okay.

11 THE COURT: Yeah. Kobayashi is like Williams; it's
12 a very common last name.

13 THE DEFENDANT: Okay.

14 THE COURT: But I'm happy to clarify that for you.

15 THE DEFENDANT: Okay.

16 THE COURT: All right. So anything else that you
17 needed to before I turn to Mr. Sorenson, Mr. Isaacson?

18 MR. ISAACSON: Your Honor, yesterday we filed a
19 document entitled Summary of Video Evidence in this case. I
20 have extra copies. The only reason I did that, Judge, is so in
21 case you were called upon to rule upon evidence, obviously,
22 video is -- can be long and cumbersome, so you might be able to
23 rule on things more easily and the parties can argue as to the
24 contents. That's why I did that. I have extra copies if
25 you -- sorry, we filed it late yesterday, Judge.

1 THE COURT: Yeah, I haven't seen that yet, but I
2 guess when the time comes, I'll do that. Let me just check
3 with Mr. Sorenson if they're going to rest and then I'll have
4 him do it on the record now, then we can take up any motions
5 and then you can formally do it when the jury comes in.

6 MR. SORENSON: Okay. Your Honor, the government
7 rests.

8 THE COURT: All right. Are there any motions that
9 the court needs to take up?

10 THE DEFENDANT: Yes. I have a motion for judgment
11 of acquittal according to Rule 29. I have a motion that I
12 drafted.

13 THE COURT: Very good. Do you have copies for
14 everyone?

15 MR. ISAACSON: No, Judge, I don't. Mr. Williams
16 gave it to me this morning. It is a lengthy document. I can
17 certainly do that later today as soon as we get -- probably
18 after court is done I can do that and file that with the Court.

19 THE COURT: All right. Very good. All right. Did
20 you want to argue in addition to the written motion?

21 THE DEFENDANT: I would really like you to do the
22 motion -- I mean --

23 THE COURT: Yes. No, no, I'm going to give you an
24 opportunity to argue it now and I'll give Mr. Sorenson and
25 Mr. Yates an opportunity to respond orally as well as in

1 writing, if they wish, once they get the motion. But we'll
2 take it up now, obviously before you're required to put on a
3 case.

4 THE DEFENDANT: Okay. Well, I mean, but my motion
5 still will be taken to -- it's not going to -- my oral argument
6 is not going to --

7 THE COURT: Right, your motion. So the problem is
8 is that none of us have a copy of it and so I want to
9 give -- let's do this. Why don't you make copies of it and
10 we'll all take a look at it now --

11 THE DEFENDANT: Okay.

12 THE COURT: -- since the jury's out. And then,
13 Mr. Sorenson, you can -- and Mr. Yates -- you can indicate
14 whether you'd like to file a written response. But we'll take
15 up the oral argument on the motion.

16 THE DEFENDANT: Okay.

17 MR. ISAACSON: It'll take me a little bit, Judge, to
18 make copies but --

19 THE COURT: We'll make copies here so that we
20 can --

21 MR. ISAACSON: Oh.

22 THE COURT: All right. So why don't we go into
23 recess. Yes, I'll leave the bench.

24 And then if you can give it to Ms. Odani and we'll have
25 our chambers make copies.

1 MR. ISAACSON: Your Honor, Mr. Williams has asked if
2 there might be an additional possibility -- he just had handed
3 me this.

4 THE COURT: Sorry. We're still on the record. Oh,
5 what? If you could go over to a microphone.

6 MR. ISAACSON: Sorry, Your Honor. Yes.
7 Mr. Williams has handed me a document he wishes to use today.
8 I would request, if your Court wouldn't mind, making a few
9 copies of this one-page document?

10 THE COURT: What is it? Is it an exhibit?

11 THE DEFENDANT: It's a sworn declaration from one of
12 my clients testifying today, but I need to provide them a copy
13 of it, you know, so they can look over the sworn statement.

14 THE COURT: Okay. So it's for a witness --

15 THE DEFENDANT: Yes.

16 THE COURT: -- that may be testifying today?

17 THE DEFENDANT: Yes.

18 THE COURT: And you're going to identify as an
19 exhibit?

20 THE DEFENDANT: Yes.

21 THE COURT: What are we going to do?

22 THE DEFENDANT: Identify it as an exhibit.

23 THE COURT: What exhibit number is it going to be?
24 Why don't you attach the exhibit tag on it, the sticker, so
25 that we have an idea how to reference it on the record, and

1 then we'll make copies with regard to that.

2 MR. ISAACSON: Yes, Your Honor.

3 THE COURT: Then all of that will be given over to
4 the government. All right. We're in recess.

5 (A recess was taken.)

6 (Open court out of the presence of the jury.)

7 THE COURT: Let the record reflect presence of
8 Mr. Williams and counsel. All right. So I understand that
9 everyone's had an opportunity to review Mr. Williams's motion.

10 Sufficient time, Mr. Yates and Mr. Sorenson?

11 MR. SORENSON: Yes, Your Honor.

12 THE COURT: All right. Then, Mr. Williams, we'll go
13 into argument with regard to your argument for motion for
14 judgment of acquittal.

15 THE DEFENDANT: The government in their case have
16 failed to meet the burden of proof beyond a reasonable doubt
17 that the undersigned committed mail and wire fraud. The
18 government's main focus in their argument was that I have a
19 private attorney general ID that they deem is fake, that I have
20 a sovereign peace officer badge that they deem is fake, that I
21 was wearing handcuffs that they deem was fake, that I had no
22 authority to wear it or show it.

23 They basically asked every client that they put up there
24 did I show them the badge, did I show them the ID, did they
25 rely on the ID to make me appear to be a real attorney.

1 They focussed nothing on the actual counts of mail and
2 wire fraud. The witnesses that they called, time and time
3 again I caught every witness lying on the stand, fabricating
4 their testimony about whether I did anything for them or not.
5 They testified that I didn't file nothing for them. I showed
6 through the government's own exhibits that not only did I file,
7 but I filed multiple motions and also showed up in court to
8 defend them as I was paid to do and I was hired to do.

9 Some of the witnesses lied about even contacting the
10 prosecutor before coming to court. Most of the -- most of the
11 testimony from the witnesses were utter lies. Ms. Pillos
12 really never met me. She only met Anabel Cabebe and was
13 scammed by them, was not scammed by me, and the documents
14 showed that we never had a contract. There was nothing with my
15 signature on it that even linked me to this lady.

16 The government's witness, Henry Malinay, which was one of
17 the culprits that actually defrauded me and the clients, he
18 lied on the stand when he said that he didn't know that I was
19 locked up, that after I got locked up is when they concocted
20 the idea to set up this company. But I showed through facts
21 and evidence that they did it prior to me being locked up. So
22 they had concocted this scheme before I was incarcerated.

23 The FBI agents that they called, every last one of them
24 stated that in no state that they investigated me were there
25 any complaints from any clients for mail fraud, mortgage fraud.

1 The Miami FBI actually declined prosecution after investigating
2 me, searching my office, confiscating all my documents and my
3 computers and all my records.

4 The government basically focussed on that I was not a
5 licensed attorney, which I'm not being charged with unlicensed
6 practice of law. They basically charged me with committing
7 mortgage fraud, which I'm not being charged with mortgage
8 fraud. They focussed on me having a badge and ID. They claim
9 it's fake, but I'm not being charged with that.

10 The State of Hawaii had an opportunity to charge me with
11 unlicensed practice of law, mortgage fraud, or any of the other
12 charges that they did in their argument in order to file the
13 state charges against me.

14 None of the witnesses they provided provided any evidence
15 of mail or wire fraud. The -- Ms. Laforteza, her testimony
16 with the -- in regards to the email account that I'm charged
17 with, showed that she lied on the stand in regards to actually
18 sending me the email which I advised her that in order for me
19 to help her, then she would have to remove her attorney, there
20 was nothing I could do, which she agreed that the attorney was
21 Keone Agard that actually did nothing for her, took her money.
22 And so she had wrote a letter, her and her husband, to have the
23 money returned to them and she hired me for my services.

24 So the government did not prove in any of their -- by
25 calling any of their witnesses, they didn't prove by providing

1 any exhibits that I committed mail or wire fraud, and
2 therefore, the burden of proof has not been met and they have
3 not proven their case.

4 THE COURT: All right. Thank you very much.

5 All right. So who will be responding on behalf of the
6 government?

7 MR. SORENSON: I will, Your Honor. May I approach?

8 THE COURT: You may.

9 MR. SORENSON: Your Honor, the defendant's charged
10 with operating a scheme to market a fake mortgage reduction
11 program. The evidence in this case, obviously, is going to be
12 looked at in a light most favorable to the U.S. at this
13 juncture.

14 The evidence has shown that the defendant represented he
15 was an attorney when he was not. He represented that to
16 mortgage clients that he could represent them in court. It's
17 clear that he could not and he was told that he could not.

18 He carried the trappings of legitimacy to augment his
19 credibility with folks: the badge, the credentials, the
20 handcuffs. He even invented a fake trust company that he put
21 into his documents to further woo them into trusting him.

22 He avoided the regulatory process. He avoided the
23 registration or the licensing process, filling out an
24 application which would have allowed him to seek a license to
25 do what he was doing, service mortgages. He did not do that.

1 It's clear from the testimony of Iris Ikeda that that vetting
2 process that occurs through the application includes a
3 background check that we submit to you that Mr. Williams
4 probably could not have passed and he probably knew that.

5 He created official-looking financial filings, the UCC
6 financing statements, the mortgages which, as we heard from our
7 expert witness Simon Klevansky, were nonsensical, with both
8 debtors and creditors being represented to be, you know, the
9 same parties essentially, again with the fake mortgage company
10 purporting and representing that they null and voided their
11 prior existing mortgages, which was false; they certainly did
12 not and this defendant certainly knew that they did not.

13 The scheme was predatory. It preyed upon the most
14 vulnerable, the most naive individuals who were not able to
15 speak English very well, certainly not able to read and write
16 English very well, certainly very trusting of an individual
17 they believed was an attorney trained in legal practice, able
18 to go to court and represent them, selling them a bill of
19 goods, essentially, that he could get rid of their mortgages
20 because there was this oblique reference to there being fraud
21 in their mortgages because they were signed. I think that's
22 how the argument went.

23 The notes in the case, Your Honor, if you add them all up,
24 it looks like on average he was looking to get about 2-,
25 \$300,000, maybe more out of each of these mortgage clients.

1 Each of the notes would have required them to pay him over time
2 this amount of money. When you times that over the 140 or so
3 victims, that's a lot of hard cash that this man was looking at
4 pulling in.

5 Your Honor, certainly we think we've shown an extensive
6 scheme to defraud with a whole lot of little facets to it that
7 are both interesting and certainly diabolical and certainly
8 convincing we think ultimately to the jury in this case and
9 hopefully to you too on the Rule 29 motions.

10 Now, the wires and mailings, Your Honor, they only have to
11 be used in the execution of the scheme. They don't have to be
12 individually fraudulent themselves. This defendant appears to
13 misunderstand that. All of these mailings and wirings the
14 government's evidence showed and demonstrated were used in the
15 execution. The wires were either sending money, they were
16 sending emails to clients. The mailings were largely sending
17 money to his mother, certainly to MEI for payments on these
18 mortgages.

19 Your Honor, we think we've met our burden and we ask the
20 Court to deny the defendant's motion.

21 THE COURT: Okay. I just have a couple questions on
22 some wire communication counts. So I look at Count 9 -- I
23 don't know if you have that in front of you.

24 MR. SORENSON: Hold on just a moment.

25 THE COURT: Yeah, page 18 of the Indictment.

1 MR. ISAACSON: What count, Judge? I'm sorry?

2 THE COURT: Page 18 of the Indictment.

3 MR. SORENSON: I'm there, Your Honor.

4 THE COURT: Okay. So I understand that Count 9,
5 when it says "Email from MV," that is for Melvyn Ventura who
6 testified, I believe; likewise for Count 10 and 11, 12, and
7 that Count 14 and 13, ML is Mary Jane Laforteza.

8 MR. SORENSON: Yes.

9 THE COURT: Okay. But let's see, 4 refers to a KF,
10 so does Count 5. Which victim or person does that refer to?
11 That I couldn't find in the --

12 MR. SORENSON: Hold on just a moment, Your Honor.
13 Let me check with --

14 THE COURT: Sure, absolutely.

15 MR. SORENSON: Your Honor, these are emails from and
16 to a Kalena Frank who was one of the victims in the case.

17 THE DEFENDANT: That's incorrect.

18 THE COURT: Okay. Wait. So --

19 MR. SORENSON: I'm sorry -- one of the employees.

20 THE COURT: -- let me hear from the government.

21 MR. SORENSON: One of his employees.

22 THE COURT: Okay. And so what exhibit's that found
23 at?

24 MR. SORENSON: Just a moment, we'll dig those up.

25 THE COURT: Okay. Great. Let me just -- while

1 you're doing that, so 6 and 15 refer to an EW. So I couldn't
2 correlate that with anyone who testified and perhaps it's an
3 exhibit. If so --

4 MR. SORENSON: It's an exhibit, Your Honor.

5 THE COURT: Okay.

6 MR. SORENSON: Your Honor, Eugene Williams. You
7 remember those. We went through some of the Williamses. That
8 was an employee of his that flew out to Hawaii. There was an
9 exchange of emails about the scheme. I think there was one
10 email from Mr. Williams where they talked about he wanted to
11 next get into buying houses at foreclosure. But Williams was
12 one of his employees.

13 THE COURT: Okay. And Kalena Frank or Franks, is
14 that what you said?

15 MR. SORENSON: Yeah, Kalena Frank, Exhibit 5, Your
16 Honor.

17 THE COURT: Okay.

18 MR. SORENSON: September 6, 2013, email.

19 THE COURT: That's the same in Count 4 and 5? Let's
20 see. Is that the same --

21 MR. SORENSON: It's probably the email chain,
22 correct? It's just 5, Your Honor.

23 THE COURT: Okay. So Count 4 --

24 MR. SORENSON: No --

25 THE COURT: -- has the date of 9 --

1 MR. SORENSON: No, that's right, Your Honor.

2 Mr. Yates has told me that yeah, this -- this email chain
3 covers two counts.

4 THE COURT: Okay. 4 and 5 is Kalena Frank in
5 Exhibit 5.

6 And then Eugene Williams for Count 6 and 15 are two
7 separate emails that are in evidence?

8 MR. SORENSON: Yes, Your Honor.

9 THE COURT: Okay. And do you have a exhibit number
10 for that, Mr. Yates?

11 MR. SORENSON: To the Williams ones, correct, Your
12 Honor?

13 THE COURT: Yes, please.

14 MR. SORENSON: Just a moment. Exhibit 7? Exhibit 7
15 I think is one, Your Honor. And give us just a moment.

16 THE COURT: Sure.

17 MR. SORENSON: I believe it's Count 15 now, Your
18 Honor. Is that the only hanging --

19 THE COURT: I believe so.

20 MR. SORENSON: If you can just give us a moment,
21 Your Honor, I apologize.

22 THE COURT: Absolutely. And while you're looking at
23 that, Count 7 and 8 refers to MJC.

24 MR. SORENSON: Mary Jean Castillo.

25 THE COURT: Oh, that's Mary Jean, okay. Got it.

1 MR. SORENSON: And I think those were money wires
2 that she indicated that she had sent.

3 THE COURT: She testified, okay. Great. So we're
4 just waiting on Count 15. Terrific. Thank you.

5 MR. SORENSON: Your Honor, that's Exhibit 10 --

6 THE COURT: Okay.

7 MR. SORENSON: -- for Count 15.

8 THE COURT: Count 15. Very good. Thank you.

9 I'll give you, Mr. Williams, an opportunity to respond and
10 the Court's going to rule from the bench followed by an EO
11 ruling.

12 MR. ISAACSON: One moment, if I may, Your Honor?

13 THE COURT: Sure.

14 MR. ISAACSON: Thank you, Your Honor.

15 THE COURT: Yes. Mr. Williams?

16 THE DEFENDANT: In regards to the emails that are
17 Count 4 and 5, Kalena Franks was a Caucasian employee of mine.
18 She wasn't charged with conspiracy, neither was I charged with
19 conspiracy. She ran the same operation where she filed the
20 documents like she was supposed to properly, but she was never
21 charged because of the color of her skin. She's not a victim,
22 she's actually an employee of mine. So she has nothing to do
23 with being a victim as far as a mail/wire fraud.

24 Eugene Williams, he's also a former employee that I flew
25 in from Florida after I got unlawfully incarcerated in order to

1 try to help the people here during my incarceration. But he's
2 not a victim also. But I end up having to fire him because he
3 end up colluding with Hep Guinn stealing my documents, so I had
4 to fire him too. So, but he's not a victim. I'm actually a
5 victim of him and Hep Guinn. So as to those victims, those
6 aren't victims and they aren't relevant to any wire fraud being
7 committed against them. So I feel like those should be
8 dismissed.

9 Now, the government did not specify with no particularity
10 as to how I committed wire and mail fraud. They did not
11 outline what particular emails were false, misrepresentation,
12 or omission, but just listed a bunch of emails and basically
13 the 16 payments from two clients that they constituted mail
14 fraud.

15 Their argument was baseless. It didn't have any merit.
16 The government by its own silent acquiescence admitted that
17 there was nothing wrong with my business as long as the
18 customers brought their payment to the office. I'm not charged
19 with any of the customer payment that actually brought their
20 payment to the office. They're charging me with two people
21 that mailed their payment to Texas but not charged with none of
22 the 300 people that brought their payments to the office.

23 So by their own admission, they're saying just as long as
24 the customer brought the payment to the office, then it was all
25 right. But if they mailed the payment, then it's, you know,

1 mail fraud, or if they emailed me regarding the payment, then
2 it's wire fraud.

3 Regards to the emails, Count 9 through 12, which
4 constitute Mr. Ventura, you got to hear Mr. Ventura's
5 testimony, how he feels about me. The man actually saw how I
6 worked. He would come by the office a lot of times while I was
7 working late so he saw how much I worked and how late I worked.
8 He did a lot research on his own. Like I say, he was one of
9 the clients that were actually knowledgeable, you know, about
10 the process, but until he was coerced and persuaded by the
11 government, now he feels like he has to honor his signature,
12 which he didn't feel like that before because he knew. So that
13 to me was -- constituted witness tampering.

14 But the government in their Indictment, they never stated
15 that anybody, any of the victims they listed, actually made a
16 complaint. When I questioned the witnesses on the stand did
17 they ever make a complaint against me, every last one of them
18 they called said no. When I had questioned them whether they
19 requested a refund, they said no, which they knew the policy if
20 they wanted a refund, they could have filed a refund request,
21 filed an affidavit, and they would have been refunded as the
22 other people that refunded.

23 Now, the government in their case, in their Indictment,
24 stated in their Indictment that my company did not refund
25 anybody that asked for a refund. But the record shows that I

1 issued at least 10 refunds, and then after I got locked up, we
2 actually sent every payment back to every client that had
3 mailed in their payment after I got locked up. So someone
4 that's trying to scam people don't send people their money
5 back. That's the first issue.

6 I was proactive in actually notifying the FBI what my
7 former employees did. I notified DCCA. I sent them a fax
8 letter, I sent them an email and a certified letter. It's
9 appealing to them to do something about my former employees,
10 but they never did anything. Instead, Megan Crawley, Joseph
11 Lavelle charged these charges against me after I had filed a
12 lawsuit against them. So the case never would have been
13 brought if I never filed the lawsuit against them.

14 Before I filed the lawsuit, I was never bothered as far as
15 any mail or wire fraud, money laundering, bank fraud. He
16 alluded to that the funds that were sent were fraudulent, but
17 he had his bank analyser -- analyst who analyzed my bank
18 account. They declined prosecution for bank fraud, money
19 laundering, so they can't say the funds were fraudulent.

20 So the wires, the MoneyGrams that was sent by Mary Jean
21 Castillo to my mom, there was nothing fraudulent about those
22 payments. The payments were actually payments that clients had
23 brought to the office and not mailed 'cause at that time I
24 still had a First Hawaiian Bank account here because prior to
25 that, the FBI -- well, after that, the FBI actually went to

1 First Hawaiian Bank and basically told them to close my
2 account; that's the reason why I had to open up the account in
3 Texas so my mom could open up the account to have the actual
4 funds, you know, being mailed there. That's one of the reasons
5 why those payments weren't actually sent, weren't brought by,
6 they had to be mailed.

7 So they're charging me with the two clients, Evelyn Subia
8 and Melvyn Ventura, for mailing their payments but not charging
9 anybody else or me for anybody else actually bringing their
10 payments. So I feel like the government hasn't proven their
11 case.

12 Their case also revealed that the real culprits in this
13 case was Anabel Cabebe and Henry Malinay who both took deals to
14 escape prison time. Henry Malinay, he perjured himself on the
15 stand on numerous occasions. If their case was a valid case,
16 they wouldn't have to have witnesses to get on the stand and
17 blatantly lie about what they did and their involvement in what
18 they did. They knew that these people defrauded me and my
19 company.

20 They knew what my company policy was when Ms. Castillo was
21 on the stand, I had everybody sign an attorney in fact
22 acceptance form which stated that they would not defraud my
23 company, the American people, or any clients, and they violated
24 that policy that I had.

25 In regards to the other email accounts with Mary

1 Laforteza, you heard her testimony. She basically saying she
2 don't remember sending the emails, which she did. But I did do
3 the work for her. I showed by the exhibits that after she had
4 to fire her attorney, that I did fight to the best of my
5 ability for their foreclosures. And what the government failed
6 to mention and didn't mention in their Indictment, that with
7 every client that signed up, they had to sign a foreclosure
8 disclosure, which that foreclosure specifically stated if they
9 was facing foreclosure or already in foreclosure, that the
10 guarantee did not apply to them. They didn't qualify for the
11 half payment for whatever amount of time. They didn't qualify.
12 So their payment that they were making were basically just to
13 fight their foreclosure.

14 And they're not understanding there's two aspects through
15 my company. There was one for the people that weren't in
16 foreclosure and that could qualify for the half, you know, and
17 if I didn't, then I would refund their money. And then the
18 money that were in foreclosure, that could not -- I could not
19 guarantee it because I can't say what a judge is going to do
20 when I present evidence. The foreclosure disclosure would
21 state we would do the best of our ability to fight for them and
22 protect their home.

23 So with that, I don't feel like the government has proven
24 their case. They keep talking about the mortgage fraud, I'm
25 not a licensed attorney. These aren't federal crimes. I'm not

1 charged with that. I'm charged with mail and wire fraud. I'm
2 not charged with any state crimes. They had a opportunity to
3 bring these state crimes against me; they failed to do it. The
4 State of Hawaii failed to do it. So for the government to step
5 in on a state charge to try to charge me for state offenses, I
6 feel like it's wrong and it was in the wrong jurisdiction.
7 Then we should have been in state court for the things that
8 they allege in their argument.

9 THE COURT: All right. Thank you. So in taking a
10 look at the Indictment, the Indictment charges 15 counts of
11 wire fraud and -- or -- right, and the underlying fraud has
12 been set forth -- or the theory has been set forth in the
13 Indictment. Each of the counts don't have to involve a victim,
14 but the use of wire communications to support the fraudulent
15 scheme.

16 And so, for instance, the emails between you and your
17 mother and between you and Eugene Williams, and those are
18 individuals who at one time at least worked for MEI, doesn't
19 have to indicate a victim but a furtherance of the scheme
20 that's alleged in the prior part of the Indictment.

21 Likewise, with Counts 16 through 19 that's alleging mail
22 fraud, it's the use of interstate mail to convey or further the
23 fraudulent scheme that's set forth in the prior part of the
24 Indictment.

25 Upon reviewing the sufficiency of the evidence, the

1 standard is under a Rule 29 motion whether after viewing the
2 evidence in light of most favorable to the prosecution, any
3 rational trier of fact could be -- could have found the
4 essential elements of the crime beyond a reasonable doubt.
5 While Mr. Williams has raised significant questions regarding
6 Mr. Malinay's credibility and the culpability of another
7 person, Anabel Cabebe, the court finds that the evidence when
8 viewed in the light most favorable to the government would
9 allow a rational trier of fact to find the essential elements
10 of both wire and mail fraud beyond a reasonable doubt.

11 Based on this standard of sufficiency of the evidence, the
12 court concludes that the motion pursuant to Rule 29 must be
13 denied.

14 All right. So the motion for judgment of acquittal is
15 denied. Mr. Williams, are you ready to call your first witness
16 in your case?

17 THE DEFENDANT: Yes. I have one question, though.

18 THE COURT: Uh-huh.

19 THE DEFENDANT: My motion that I drafted --

20 THE COURT: Yes.

21 THE DEFENDANT: -- 'cause I really wanted that motion
22 to be answered 'cause it's more detailed than I could just
23 oral.

24 THE COURT: The motion for judgment of acquittal?

25 THE DEFENDANT: Yes.

1 THE COURT: What do you mean? Answer it -- I'm
2 going to deny it. I mean, I've just ruled with regard to that.
3 I'm not taking your oral argument separately. If your oral
4 argument is in supplement of your written motion for judgment
5 of acquittal, which is why we took a recess to give the
6 government an opportunity to review it and to respond to it. I
7 gave them an option if they wanted to file a written filing. I
8 haven't heard that they wanted to. So I'm taking that that
9 they're declining that opportunity.

10 THE DEFENDANT: Well, that's what I asked earlier,
11 'cause I would rather that this just be my argument instead of
12 me having to oral argument because this is more detailed --

13 THE COURT: Yes. No, no, I have accepted -- I've
14 reviewed your motion for judgment of acquittal and there's
15 nothing in here that challenges the government's sufficiency of
16 the evidence in looking at it in the light most favorable to
17 the government. If I look at all of the evidence presented by
18 the government, even with your arguments, there is sufficient
19 evidence for a rational trier of fact to find that you're
20 guilty of all of those counts, and that's why I'm denying the
21 motion for judgment of acquittal in its totality.

22 I asked for the clarification from Mr. Sorenson and
23 Mr. Yates because those were the counts that I was unclear that
24 there was evidence in the record that would support a rational
25 trier of fact to determine guilt beyond a reasonable doubt.

1 But with that clarification, those exhibits are in the
2 record, then there is sufficient evidence for a rational trier
3 of fact to find that you are guilty of those counts as well.

4 THE DEFENDANT: Well, this is why -- 'cause, I mean,
5 this -- this motion is 23 pages, so I know you couldn't have
6 went through all that.

7 THE COURT: I read through all of this and I sat
8 through all of the entirety of the trial. And while you may
9 have a different point of view with regard to the evidence and
10 its significance -- for instance, Mr. Malinay, you believe that
11 he's not credible, that he's perjured himself.

12 THE DEFENDANT: He clearly did.

13 THE COURT: But there's evidence in the record with
14 regard to documentation and so forth. So while I do agree with
15 you that you've raised serious questions about his credibility
16 and his involvement in the subsequent entity Mortgage
17 Enterprise that he and apparently Anabel Cabebe created after
18 you were incarcerated and unable to service your MEI clients,
19 there's still sufficient evidence with regard to the documents
20 and also this whole scheme, I guess, or organization or process
21 that you developed with regard to the UCC financing statements
22 and the liens and so forth that supports each of the counts in
23 the Indictment, and that's why I've denied it.

24 Again, you've argued with regard to each of those, but
25 I -- in looking at the light most favorable to the nonmoving

1 party, that is, the government, I can see how 12 jurors would
2 believe the Lafortezas, Mr. Ventura, et cetera, that they
3 believe you promised certain things and that you gave the
4 appearance that you could legally represent them with your
5 badge, your handcuffs.

6 Now, they're not -- as I understand the Indictment,
7 they're not charging you with unlawful practice of law.
8 They're charging you with giving false representations that you
9 could do certain things for these individuals that caused them
10 to rely on your representations and to give you money.

11 THE DEFENDANT: Where is that in the email or the
12 mail? That wasn't represented in no email or e-mail that's --

13 THE COURT: Right, and doesn't have to be. What you
14 use, they allege and have presented evidence of, is that you
15 used the wire communications and the mail to further these
16 false representations and this false process or procedure or as
17 they refer to it scheme or artifice. So that's what they're
18 alleging in the Indictment and that's what I'm finding, that
19 there is sufficient evidence, when reviewed in the light most
20 favorable to the government, that a reasonable juror could find
21 that they have proven beyond a reasonable doubt.

22 THE DEFENDANT: So I just wanted to get this
23 clarity. So if I never used the email, if I never sent these
24 emails and those people never made those payments, what would I
25 be charged with? Because I'm still doing the same thing:

1 people coming to my office, I'm still filing the same UCC
2 documents, I'm still filing the same mortgage. So if I
3 didn't -- if they didn't get none of these emails or mail, what
4 would I be charged with?

5 THE COURT: So that's an interesting question, but
6 that's not a question for the court to answer. The government
7 chooses what charges they bring and then they are charged with
8 responsibility of proving that by evidence beyond a reasonable
9 doubt. They've chosen to bring wire and mail fraud counts
10 against you.

11 Could they have brought mortgage fraud? Could they have
12 brought whatever other charges? That's a question for them
13 because they are the master of the Indictment; that is, they
14 choose which charges to make and there's nothing in the law
15 that requires them to charge you with everything under the sun.
16 In fact, they get criticized if they do that. So they have to
17 choose. So they have chosen to bring quite a number -- 32
18 counts -- of wire and mail fraud, and that's all we're trying
19 today. You're not being tried for anything that happened in
20 Tennessee, or Florida, or the payments that you did not receive
21 by mail.

22 THE DEFENDANT: Right. But --

23 THE COURT: Now, that might be part of the evidence
24 with regard to what was further evidence of you, in the
25 government's allegations, luring these people into this

1 procedure or process, they call it a scheme, to give you money
2 under the belief that they were reducing their mortgage and
3 didn't have to pay their original mortgage company. That's
4 what they've charged you with and that's what they are required
5 to prove under the law, and that's what's the subject of your
6 motion for judgment of acquittal.

7 And I've reviewed your submissions. I've reviewed -- gone
8 back over my notes with regard to the evidence that's
9 presented, which is why I asked Mr. Sorenson those questions
10 with regard to the wire communication fraud counts. And so
11 this is where we find ourselves for your motion for judgment of
12 acquittal is denied and we're going to proceed now with your
13 witnesses, if you wish to call any.

14 THE DEFENDANT: Yeah, I do. But with Melvyn
15 Ventura, he gave me sworn affidavits that none of the payments
16 were fraudulent or none of the emails. So how could he be
17 viewed as a victim when he testified that no, he's not? Gave
18 affidavits and said no, he's not; there's nothing fraudulent
19 about what I was doing. That's 16 of the counts.

20 THE COURT: Well, with regard to Mr. Ventura, you
21 know, the jurors have an opportunity to evaluate his
22 credibility. I've looked at it under the sufficiency of
23 evidence and have taken his sworn testimony under oath in the
24 courtroom where he has stated that he was misled by you, that
25 he believed that he could get out from his obligation to the

1 mortgage company, and now he's looked at everything. He's also
2 admitted that you drafted those affidavits. Those weren't his
3 words.

4 So his testimony on the stand, I agree with you, is very
5 different than the affidavits that you prepared for him and he
6 signed. But his testimony on the stand was quite clear that he
7 now realizes that it was wrong and that he was wrongfully
8 backing out of his written contract with the mortgage company.

9 THE DEFENDANT: Well, he was coerced by the
10 prosecution. He was intimidated, clearly.

11 THE COURT: There's no evidence from what he
12 testified. I mean, you can argue that and that's certainly
13 something for --

14 THE DEFENDANT: Well, he said in his testimony,
15 remember? He said after speaking with them, then he said, Oh,
16 they convinced me that once I put my seal on it, then I'm
17 supposed to pay the note.

18 THE COURT: Right.

19 THE DEFENDANT: They persuaded him.

20 THE COURT: Right.

21 THE DEFENDANT: He didn't believe that.

22 THE COURT: I think we can differ on how his
23 testimony came out and you certainly can argue it, but that's
24 not sufficient for me to grant a motion for judgment of
25 acquittal.

1 So who would you like to call as your first witness, if
2 you want to put on a case?

3 THE DEFENDANT: Brittany Lucas.

4 THE COURT: And that person is present?

5 THE DEFENDANT: Yes.

6 THE COURT: If you could go get that witness and
7 we'll go into recess and we'll bring in the jury. All right.
8 We are in recess.

9 (A recess was taken.)

10 (Open court in the presence of the jury.)

11 THE COURTROOM MANAGER: This is Criminal
12 No. 17-00101 LEK, United States versus Anthony Williams.

13 This case has been called for a further jury trial, day
14 9.

15 Counsel, your appearances for the record, please.

16 MR. SORENSON: Good morning, Your Honor.

17 Assistant United States Attorneys Ken Sorenson and Gregg
18 Yates here for the United States, with FBI Megan Crawley with
19 us.

20 THE COURT: Good morning to all of you.

21 Mr. Williams.

22 THE DEFENDANT: Good morning.

23 Private attorney general Anthony Williams appearing sui
24 juris.

25 THE COURT: Good morning. Mr. Isaacson.

1 MR. ISAACSON: Good morning, Your Honor.

2 Lars Isaacson with Ms. Beecher in the courtroom today and
3 Ms. Yeung assisting as well.

4 THE COURT: All right. Good morning to all of you.
5 And good morning, ladies and gentlemen of the jury. Welcome
6 back. Thank you for your kind patience. We had to take
7 several matters up which we've now resolved and we're ready to
8 proceed.

9 Mr. Sorenson.

10 MR. SORENSON: Yes, Your Honor. At this time the
11 government rests its case-in-chief.

12 THE COURT: All right. Thank you.

13 And Mr. Williams, will you be calling any witnesses?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. And who do you wish to call
16 first.

17 THE DEFENDANT: Ms. Lucas.

18 THE COURT: Please administer the oath to the
19 witness. Thank you.

20 **BRITTANY ESPRECION LUCAS, DEFENDANT'S WITNESS, WAS SWORN**

21 THE COURTROOM MANAGER: Thank you. Please be
22 seated.

23 If you could state your name and spell your last name for
24 the record.

25 THE WITNESS: Brittany Esprecion Lucas. My last

1 name is swelled E-s-p-r-e-c-i-o-n - L-u-c-a-s.

2 THE COURT: All right. Your witness, Mr. Williams.

3 DIRECT EXAMINATION

4 BY THE DEFENDANT:

5 Q Ms. Lucas, where were you born?

6 A August 27, 1994.

7 Q And where were you born?

8 A Oh, where. Honolulu, Hawaii.

9 Q And what is your nationality?

10 A I am African-American, Caucasian, and Filipino.

11 Q And how did you find out about me, Ms. Lucas?

12 A Through my aunty, Rosy Esprecion.

13 Q And so did you have a legal issue that you were
14 dealing with?

15 A I did --

16 Q And what was the legal issue?

17 THE COURT: You just have to wait till she finishes
18 her answer.

19 THE WITNESS: Oh, sorry. Yeah, I did. I had been
20 served for joint custody.

21 Q (BY THE DEFENDANT:) Okay. And so what was the
22 custody about?

23 A Uhm, for my son for joint custody.

24 Q Okay. And so your son's father filed to get custody
25 of your son?

1 A Yes.

2 Q Okay. And could you afford an attorney at law to
3 try to represent you?

4 MR. SORENSON: Objection. Relevance. If this
5 relates to custody, child custody, Your Honor, we fail to see
6 the relevance.

7 THE COURT: All right. So I'll let you ask her a
8 few more questions, but I'll tell you, Mr. Williams, we've gone
9 a bit far afield from the issues in the Indictment. All right?
10 So you need to tie it up to the claims that have been made
11 against you by the government.

12 Q (BY THE DEFENDANT:) Okay. Ms. Lucas, did your
13 aunty tell you that I was an attorney at au law?

14 A Yes, she did.

15 Q Did she say I was a private attorney general?

16 A I do not recall.

17 Q You don't recall?

18 A I know she said attorney, yeah.

19 Q Okay. And what did she say I could do for you?

20 A She told me that she would reach out to you and see
21 if you could help me --

22 MR. SORENSON: Objection to the hearsay.

23 THE COURT: All right. So it is hearsay, so I'm
24 going to strike her last answer on that basis. So the jury is
25 to disregard the witness's last answer.

1 Q (BY THE DEFENDANT:) Okay. Ms. Lucas, did I file
2 the documents for you for your case? Did I draft the documents
3 on your behalf?

4 A Yes, you did.

5 Q And did you file those documents in the court?

6 A Yes, I did.

7 Q And did you win your case based on the documents I
8 filed?

9 A Yes, sir.

10 Q And did you get everything that I put in the
11 document for you to get your son?

12 A Uh-huh.

13 Q All right. I have no more questions -- oh, one more
14 question.

15 And did you file a declaration regarding the
16 services I provided to you? A declaration?

17 A Yeah, yeah.

18 Q Okay. I'd like to show you that.

19 MR. SORENSON: Objection, Your Honor. I think
20 he -- I think he's trying to take an affidavit of hers and
21 offer it as an exhibit. We object to that.

22 THE COURT: Okay. Well, let's wait until he -- try
23 to wait and see what he's going to do with this.

24 MR. SORENSON: Okay.

25 THE COURT: So...

1 Q (BY THE DEFENDANT:) Can you see that Ms. Lucas?

2 THE COURT: Are you referring to an exhibit number?

3 THE DEFENDANT: Yes, Exhibit 2183.

4 THE COURT: Okay. That's before the witness.

5 Q (BY THE DEFENDANT:) And is that your signature,
6 Ms. Lucas?

7 A Yes, it is.

8 Q Okay. And in this declaration --

9 MR. SORENSON: Objection to what I think is going to
10 come as a statement about what's in it --

11 THE COURT: All right. So it's not in evidence, so
12 you can't refer to anything in the exhibit.

13 THE DEFENDANT: Okay. I would like to enter it in
14 evidence 'cause this is the person that --

15 MR. SORENSON: Well, we object. Certainly, Your
16 Honor, first off on relevance ground, but also this appears to
17 be a hearsay statement. It's a statement of this witness out
18 of court offered to prove the truth of the matters asserted in
19 the document itself. He's got her testimony.

20 THE COURT: Yes. So she is here and I believe she's
21 testified to everything that's in the affidavit, so on that
22 basis the court is not going to receive it into evidence.

23 Q (BY THE DEFENDANT:) Ms. Lucas, was you satisfied
24 with my services?

25 A I was very satisfied with your services.

1 Q And would you recommend anyone that had any legal
2 issue to my office?

3 A Definitely.

4 THE DEFENDANT: Okay. I have no more questions.

5 THE COURT: Mr. Sorenson, do you have any questions?

6 MR. SORENSON: Yes, Your Honor.

7 THE COURT: Your witness.

8 CROSS-EXAMINATION

9 BY MR. SORENSON:

10 Q Good morning, Ms. Lucas.

11 A Good morning.

12 Q And would you recommend folks to Mr. Williams
13 because you believe he's a good attorney?

14 A Yes.

15 Q And why do you think he's a good attorney?

16 A You know, uhm, he helped me without even knowing my
17 situation or who I am, just out of the goodness of his heart.

18 Q He didn't charge you?

19 A He did not.

20 Q Do you believe he's a licensed attorney? Is that
21 why you trust him?

22 A Yeah.

23 Q Okay. And do you believe he's a licensed attorney
24 because he told you he was a licensed attorney?

25 A I believe 'cause my aunty told me and I trust my

1 aunty.

2 Q But you believed he was an attorney at law, is it
3 fair to say?

4 A Yeah.

5 Q You believed he was licensed by the Hawaii Bar
6 Association; is that correct?

7 A Uhm, can't say that, but, you know, he knew what he
8 was doing. He has experience, so I trusted him.

9 Q Experience in what?

10 A In legal stuff, being an attorney.

11 Q Okay.

12 A Yeah.

13 MR. SORENSON: All right. Thank you. Your Honor,
14 that's all the questions I have.

15 THE COURT: All right. Any redirect?

16 THE DEFENDANT: Yes.

17 REDIRECT EXAMINATION

18 BY THE DEFENDANT:

19 Q So, Ms. Lucas, you said your aunty referred you to
20 me, right?

21 A Yes.

22 Q And did she tell you about --

23 MR. SORENSON: Objection to the hearsay
24 solicitation.

25 THE DEFENDANT: Still, she's --

1 THE COURT: Well, all right. Overruled. Ask the
2 next question.

3 Q (BY THE DEFENDANT:) So your aunty told you that I
4 could --

5 MR. SORENSON: Objection again. We're about to hear
6 what his aunty told.

7 THE COURT: So it's not hearsay saying that your
8 aunt referred you to me. But if you're asking what the aunt
9 told her, then it would be hearsay. So -- but you can ask her
10 her understanding about you.

11 THE DEFENDANT: Okay.

12 Q (BY THE DEFENDANT:) So was it your understanding or
13 did your aunty use the words "attorney at law" or did she say I
14 was a private attorney general? Do you remember the actual
15 words?

16 MR. SORENSON: Objection. Leading.

17 THE COURT: So don't answer that question. So what
18 her aunt said is what's called hearsay, an out-of-court
19 statement, okay? So, but you can ask this witness for her
20 understanding or what she did or her opinion of you, but you
21 can't ask her what her aunt told her.

22 Q (BY THE DEFENDANT:) Okay. So, Ms. Lucas, have you
23 ever talked to me directly and I told you I was an attorney at
24 law?

25 A No.

1 THE DEFENDANT: Okay. No more questions. Thank
2 you.

3 THE COURT: All right. Thank you very much. You're
4 excused as a witness.

5 THE WITNESS: Thank you.

6 THE COURT: Please don't discuss your testimony with
7 anyone until the trial's concluded. Good day.

8 Your next witness? Who do you wish to call next?

9 THE DEFENDANT: Arnold Subia.

10 **ARNOLD SUBIA, DEFENDANT'S WITNESS, WAS SWORN**

11 THE COURTROOM MANAGER: Thank you. If you could
12 please be seated.

13 State your name for the record and spell your last name.

14 THE WITNESS: My name is Arnold Subia, S-u-b-i-a.

15 THE COURT: Your witness, Mr. Williams.

16 DIRECT EXAMINATION

17 BY THE DEFENDANT:

18 Q Mr. Subia, where were you born?

19 A In the Philippines.

20 Q And in the Philippines did you go to school?

21 A Yes.

22 Q Did you graduate high school?

23 A Yes.

24 Q Did you attend college?

25 A No.

1 Q Okay. So in the Philippines, did you learn how to
2 read, write, and speak English?

3 A Yes.

4 Q And are you married?

5 A Yes.

6 Q And what's your wife's name, Mr. Subia?

7 A Evelyn Subia.

8 Q Okay. And was she born in the Philippines also?

9 A Yes.

10 Q And did she also go to school in the Philippines?

11 A Yes.

12 Q So she learned to read, write, and speak English
13 also, correct?

14 A Yes.

15 Q Okay. And do you remember you and your wife coming
16 to my office to inquire about the fighting your foreclosure?

17 A I remember.

18 Q Okay. And do you remember the name of the company
19 that was filing foreclosure proceedings against you?

20 A I don't recall.

21 THE DEFENDANT: Exhibit 2163, I think it's already
22 in evidence. I'd like to publish it.

23 THE COURT: Is it received?

24 THE DEFENDANT: Yeah, it's already --

25 THE COURT: I'm sorry. I'm asking Ms. Elkington.

1 THE COURTROOM MANAGER: It is, Your Honor.

2 THE COURT: It's been received. You may publish.

3 Q (BY THE DEFENDANT:) Okay. Mr. Subia, is that your
4 wife's name at the top -- top left-hand corner?

5 A Yes.

6 Q Okay. And this is a letter from American Servicing
7 Company, correct? The top.

8 A Yes.

9 Q Okay. And do you remember going into default in
10 2011?

11 A I don't remember anymore.

12 Q Okay. So when you came to my office with your wife,
13 did you all have an interpreter or did you all talk to me
14 directly?

15 A I remember we talk with some other people before we
16 came to you.

17 Q Right. But I'm saying when you came to my office,
18 you and your wife, you all spoke to me personally, correct?

19 A Correct.

20 Q And did you have an interpreter present or did you
21 talk to me directly?

22 A I remember we talked to you directly.

23 Q Okay. Well, can you explain, Ms. Subia, why your
24 wife came and had an interpreter as if she couldn't speak
25 English?

1 A Can you repeat that?

2 Q Can you explain why your wife testified with an
3 interpreter as if she couldn't speak English?

4 A Can you repeat one more time, please?

5 Q Can you explain why your wife, Evelyn Subia,
6 testified through an interpreter as if she couldn't speak or
7 understand English?

8 A Do you mean is that the time when we came to your
9 office?

10 Q No. She testified here with an interpreter.

11 THE COURT: All right. Let me just ask you.

12 Mr. Subia, do you know whether or not your wife came to court
13 to testify in this case?

14 THE WITNESS: Yeah, I know he came here to testify.

15 THE COURT: So he's going to ask you what you know
16 about her coming to court to testify, okay?

17 So now ask him the question.

18 Q (BY THE DEFENDANT:) Did you know that your wife had
19 an interpreter as if she couldn't speak English when she
20 testified?

21 A Yeah, I know she testified with the interpreter.

22 Q Okay. But you just testified that in the
23 Philippines you and your wife both learned to speak, write, and
24 read English. So I'm asking you why would your wife come to
25 court as if she can't speak English or understand it?

1 A Maybe it's because some words maybe she don't
2 understand; that's why she choose to have an interpreter.

3 THE DEFENDANT: Okay. Can I get government
4 Exhibit 16, please.

5 MR. SORENSON: Mr. Williams, are you asking us to
6 pull that up? 16?

7 THE DEFENDANT: Exhibit 16.

8 Q (BY THE DEFENDANT:) Okay. Mr. Subia, is this the
9 application that you and your wife filled out?
10 I'd like to publish 'cause it's already in evidence.

11 THE COURT: Has it been received? All right. You
12 may publish.

13 THE WITNESS: I don't recall, but it's showing our
14 name on the paper or on the monitor.

15 Q (BY THE DEFENDANT:) Okay. Do you remember when you
16 came to the office that I sat down with you and your wife and
17 explained what I could do as far as assist you in fighting your
18 foreclosure?

19 A I don't remember, but that time we came to your
20 office it's still not under foreclosure.

21 Q Okay. Well, Mr. Subia, you had went in default and
22 foreclosure in 2011? You remember American Service Company,
23 the exhibit I just showed you, 2163?

24 MR. SORENSON: Objection, Your Honor,
25 mischaracterizes that document. It does not indicate he's in

1 foreclosure.

2 THE COURT: All right. Sustained.

3 Q (BY THE DEFENDANT:) So, Mr. Subia, the -- when you
4 went into default in 2011, did you and your wife pay the
5 default of \$8,893? Can you show that check?

6 A I don't recall any more.

7 Q Okay. So when you came to my office, you were in
8 foreclosure, do you not remember?

9 A I don't remember.

10 Q Do you remember me being illegally incarcerated in
11 September 2013, Mr. Subia?

12 MR. SORENSON: Objection to the characterization,
13 Your Honor, of "illegally incarcerated."

14 THE DEFENDANT: It was illegal. I proved my case.

15 THE COURT: We have no evidence of that in this
16 case. So the objection's sustained.

17 So you're asking him if he knew you were incarcerated?

18 THE DEFENDANT: Yes.

19 Q (BY THE DEFENDANT:) Do you remember me being
20 incarcerated in 2013 September?

21 A I don't remember.

22 Q Do you remember receiving a letter from my company
23 regarding sending your payments back because I was
24 incarcerated? Do you remember that?

25 A Can you repeat again, please?

1 Q Do you remember my company sending you a letter
2 stating that we were going to send your December payment back
3 and your January payment back because I was unlawfully
4 incarcerated?

5 A I don't remember, but I remember we sending
6 payments.

7 Q Do you remember receiving the payments back?

8 A I don't remember.

9 THE DEFENDANT: Exhibit 2145. It's already been
10 admitted and I'd like to publish.

11 THE COURT: All right. Yes, he can publish, but we
12 don't have a document. Do we have a document?

13 THE DEFENDANT: 2145.

14 THE COURT: 45?

15 THE DEFENDANT: Yes, 2145.

16 THE COURT: Oh, 2-1-4-5.

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. That's been received, correct.
19 Okay. Yeah, it's up in front of the -- okay.

20 THE DEFENDANT: And I'd like to publish it.

21 THE COURT: Yes.

22 Q (BY THE DEFENDANT:) Okay. Mr. Subia, can you see
23 this letter?

24 A Yes.

25 Q And do you see the first line where it states, "I

1 regret to inform you that due to unforeseen circumstances that
2 have occurred with Common Law Office of America and Mortgage
3 Enterprise Investments, we need to communicate with you about
4 changes that are very necessary at this time"?

5 Do you see that?

6 A Yes.

7 Q Okay. And do you see the next paragraph where it
8 says, "Your December payment has been sent back to you"?

9 A I don't recall anymore.

10 Q I'm saying do you see -- do you see the letter that
11 was sent to you, what it states?

12 A I don't recall anymore if I see -- I am seeing this
13 letter.

14 THE DEFENDANT: Okay. I'd like to publish this,
15 Exhibit 2144. It's already in evidence. I'd like to publish
16 it.

17 THE COURT: You may publish.

18 Q (BY THE DEFENDANT:) Okay. Mr. Subia, you recognize
19 this check? Is that your check?

20 A I recognize that check because it's under my name
21 and my wife's name, but I don't recall because my wife is the
22 one sending checks, so it's not -- it's not me.

23 Q So she was the one that received the check back when
24 it was sent back?

25 A I don't know.

1 MR. SORENSON: Objection to the mischaracterization
2 again, Your Honor.

3 THE COURT: All right. Overruled. He doesn't know.
4 So next question?

5 Q (BY THE DEFENDANT:) Okay. So, Mr. Subia, do you
6 remember how many motions I filed -- or do you remember some of
7 the motions I filed in order to fight your foreclosure to keep
8 you in your home?

9 A No, I don't remember.

10 THE DEFENDANT: Exhibit 2072. This one already's in
11 evidence already.

12 THE COURT: What's the exhibit number again?

13 THE DEFENDANT: 2072.

14 THE COURT: 2072.

15 MR. SORENSON: Your Honor, could we just confirm --

16 THE COURT: Yes. That's what we're doing right now.

17 THE COURTROOM MANAGER: Your Honor, it is not in
18 evidence.

19 THE COURT: It has not been received.

20 THE DEFENDANT: Okay.

21 THE COURT: Do you wish to show it to him to refresh
22 his recollection?

23 THE DEFENDANT: Yes, yes.

24 THE COURT: Okay. It's before the witness.

25 Q (BY THE DEFENDANT:) Okay. Mr. Subia, do you

1 remember this motion I drafted for you and your wife?

2 A No, I don't remember.

3 Q Okay. Can you verify your signature on the back
4 page?

5 A Yeah, that's my signature.

6 Q Okay. So you verified your signature, but you don't
7 remember having this motion filed?

8 A No, I don't remember.

9 Q Okay. Now, when you came to my office, Mr. Subia,
10 did I introduce myself as private attorney general Anthony
11 Williams?

12 A Don't remember anymore.

13 Q Do you remember me wearing a private attorney
14 general ID badge?

15 A No.

16 Q Do you remember me wearing a sovereign peace officer
17 badge?

18 A No.

19 Q Do you remember -- you don't remember my handcuffs?

20 A I don't remember.

21 Q Okay. So what happened with your foreclosure,
22 Mr. Subia?

23 A We end up to sell the property as a short sale.

24 Q And did you have to do that when I was incarcerated
25 or after?

1 A Can you repeat that, please?

2 Q Did you have to sell it while I was incarcerated or
3 did you do it after?

4 A After.

5 Q After I was incarcerated?

6 A What does that mean?

7 Q I'm saying when I was in jail.

8 A We sold it like to short sale.

9 Q Oh, so in 2018?

10 A Yeah, 2018.

11 Q Okay. So even after I was incarcerated and
12 reincarcerated, you were still in your home until 2018 is what
13 you're stating?

14 A Yeah, we still lived there.

15 Q Okay. And do you know who Henry Malinay is?

16 A Yeah, I know him.

17 Q You know Henry Malinay? And do you know Anabel
18 Cabebe also?

19 A Yes.

20 Q And did he promise you anything?

21 A No.

22 Q He didn't?

23 A No. I remember Henry Malinay is the one who
24 approach us and then later he introduce us to you.

25 THE DEFENDANT: Okay. I have no more questions for

1 Mr. Subia.

2 THE COURT: Mr. Sorenson, any questions?

3 MR. SORENSON: Yes, Your Honor. Just briefly.

4 CROSS-EXAMINATION

5 BY MR. SORENSON:

6 Q Good morning, Mr. Subia.

7 A Good morning, Attorney.

8 Q Okay. So when you went to see Mr. Williams, when
9 you first met him, did you believe that he was an attorney?

10 A That's what he heard from Henry Malinay and his
11 group.

12 Q And so did you believe you were dealing with an
13 attorney when you were dealing with Mr. Williams here?

14 A Yes, sir.

15 Q And did that cause to you trust him more and believe
16 in him more?

17 A Yes.

18 Q Now, he asked you a little bit about foreclosure.
19 Did you employ his services? Did you sign up for his services?

20 A Hmm, I think so, Attorney.

21 Q You started sending him checks, right?

22 A Yes.

23 Q And you started sending him checks because you
24 believed that he was taking care of your mortgage; is that
25 correct?

1 A Yes, Attorney.

2 Q And was he taking care of your mortgage?

3 A That's what we think because we sending payments
4 already.

5 Q So you believed he was taking care of your mortgage,
6 is it fair to say?

7 A Yes.

8 Q And do you remember was he actually taking care of
9 your mortgage?

10 A Yeah. Yes.

11 Q You think he was?

12 THE DEFENDANT: Objection. Improper.

13 THE COURT: It's overruled.

14 Q (BY MR. SORENSON:) Let me ask you this. After you
15 signed up for him, did you stop paying your mortgage company?

16 A That's what I heard from my -- from my wife because
17 she is the one taking care of sending payments.

18 THE DEFENDANT: Objection. That's hearsay.

19 THE COURT: All right. Overruled.

20 Ask him the next question.

21 Q (BY MR. SORENSON:) And did there come a time when
22 your house went into foreclosure because you weren't paying
23 your mortgage company anymore?

24 A Yes, Attorney.

25 Q And I think you testified that you were forced to

1 sell your house at a short sale; is that correct?

2 A Yes.

3 Q Okay. And I think you also testified that you
4 thought that was back in 2019; is that correct?

5 A I'm not sure if 2018 or 2019, Attorney.

6 Q Is there -- if I showed you something, would it help
7 you refresh your recollection, something like a purchase
8 contract?

9 A I think so.

10 MR. SORENSON: Okay. Your Honor, I'm going to show
11 the witness a document to refresh his recollection.

12 Q (BY MR. SORENSON:) Can you look up on the screen?
13 Just look this document over. Can you read it?

14 A Yes, Attorney.

15 Q And there's a date down at the bottom right corner?

16 A Yes.

17 Q Okay. I'll ask you again, do you recall when you
18 sold your house at this short sale?

19 A Excuse me, Attorney?

20 Q Does this help refresh your recollection as to when
21 you sold your house?

22 A Yes.

23 Q When was it?

24 A Per the date on the screen, it's showing 8-20 --

25 THE DEFENDANT: Objection.

1 Q (BY MR. SORENSON:) Don't read from the document,
2 Mr. Subia. Does it help you --

3 A Sorry.

4 Q -- remember when you were forced to sell your house?

5 A Yes, Attorney.

6 Q Okay. And when was that?

7 A I don't remember the date any more.

8 Q Okay. Does looking at that document help
9 you -- does that refresh your recollection?

10 A Yes.

11 Q Okay. So tell the jury then when was it you sold
12 your property.

13 THE DEFENDANT: Objection. It's leading. He's
14 reading.

15 THE COURT: Yeah, it's foundational. Overruled.

16 MR. SORENSON: It's also cross-examination.

17 THE COURT: So when you look at this, does it help
18 you remember the month and the year that you sold your house?

19 THE WITNESS: I know we sold the house, but I don't
20 exactly remember the exact dates.

21 MR. SORENSON: Okay. Your Honor, I'm not going to
22 pursue this any further and that's all the questions I have.

23 Thank you, Mr. Subia.

24 THE COURT: All right. Thank you. Any redirect?

25 THE DEFENDANT: Yes.

1 REDIRECT EXAMINATION

2 BY THE DEFENDANT:

3 Q Okay. Mr. Subia, I just asked you when you met me
4 did I introduce myself as a private attorney general and you
5 said you didn't remember. Remember that you just said you
6 didn't remember?

7 A I don't remember, but I remember you give us
8 something like calling card.

9 Q Okay. But when the prosecutor just asked you, you
10 said you remember me saying I was an attorney. Do you remember
11 answering that and said now you remember? Do you remember
12 that?

13 A I'm just little bit confused now.

14 Q Okay. The prosecutor asked you was I an attorney --
15 did you believe I was an attorney and you said, "Yes." Do you
16 remember your answer, "Yes"?

17 A Yes, because we used to call you Attorney every time
18 we come and see you.

19 Q Okay. But I asked you -- remember I asked you when
20 I introduced myself, do you remember me introducing myself as
21 Private Attorney General Anthony Williams? Do you remember
22 that now, Mr. Subia?

23 A No, I don't still remember. But every time we come
24 to you and then that's what we heard from -- from the people
25 who helping us.

1 Q Okay. Do you know the difference between a private
2 attorney general and an attorney at law, Mr. Subia?

3 A No.

4 Q Do you know what an attorney in fact is, Mr. Subia?

5 A No.

6 THE DEFENDANT: Okay. I have no more questions.

7 THE COURT: All right. Thank you very much,
8 Mr. Subia. You're released as a witness. Please don't discuss
9 your testimony with anyone until after the trial. All right.
10 Good day, sir.

11 THE WITNESS: Thank you.

12 THE COURT: Your next witness?

13 THE DEFENDANT: Anabel Cabebe.

14 **ANABEL CABEBE, DEFENDANT'S WITNESS, WAS SWORN**

15 THE COURTROOM MANAGER: Thank you. Please be
16 seated.

17 If you could state your name and spell your last name for
18 the record.

19 THE WITNESS: I am Anabel Cabebe. My last name is
20 C as a cat, -a apple, -b as a boy, -e-b as a boy, -e, Cabebe.

21 THE COURT: Mr. Williams, do you wish to question?

22 DIRECT EXAMINATION

23 BY THE DEFENDANT:

24 Q Ms. Cabebe, where were you born?

25 A Excuse me?

1 Q Where were you born?

2 A Philippines.

3 Q And in the Philippines, did you go to school?

4 A Yes.

5 Q Okay. Did you graduate high school?

6 A Yes.

7 Q Did you attend college?

8 A Yes.

9 Q And did you graduate college?

10 A Yes.

11 Q Okay. So in the Philippines, you learned to read,
12 write, and understand English, correct?

13 A Yes.

14 Q And is that the normal practice for all Filipinos
15 when they go to school, they have to learn to read, write, and
16 speak English?

17 A Yes.

18 Q Okay. So none of the Filipino people would have any
19 difficulty understanding English, correct?

20 MR. SORENSON: Objection to the leading, Your Honor.

21 THE COURT: Sustained. You can ask her if she
22 knows.

23 Q (BY THE DEFENDANT:) So anyone that went to school
24 in the Philippines, they would have no problem understanding
25 English, reading and write it?

1 A Not all Filipinos --

2 THE COURT: No. Wait, wait, wait, wait. I have to
3 rule. So it's the same question. So he had the objection that
4 it's leading. You're calling her as a witness, so you have to
5 ask her open-ended questions.

6 Q (BY THE DEFENDANT:) Okay. So if you graduated
7 Philippines, then you know how to speak English, correct?

8 THE COURT: Same problem. It's -- that's a
9 directing -- that's a leading question. Okay. So you're
10 calling her as a witness, so you can ask her her knowledge
11 about whether everyone from the Philippines understands and
12 reads and writes English.

13 Q (BY THE DEFENDANT:) So anyone that's go to school
14 in the Philippines, are they taught to learn to read, write,
15 and speak English in the Filipino school?

16 A Yes.

17 Q Okay. Thank you.

18 Now, Ms. Cabebe, how do you know me?

19 A I know you when you have a first meeting with Henry
20 Malinay in their house.

21 Q Okay.

22 A That's where I met you.

23 Q Okay. And what was the meeting about?

24 A The meeting is about you are telling people,
25 including me, that you want to half the mortgage payment and

1 half the balance payment.

2 Q And what else was the meeting about, Ms. Cabebe?

3 A That's what I understand and you're telling us
4 you're also a private attorney general.

5 Q Okay. Now, did I tell you I was an attorney at law?

6 A Common law. That's what you said.

7 Q Right. But did I tell you I was an attorney at law,
8 like them? Did I tell you I was a part of the bar like them?

9 A You said that.

10 Q No. I'm asking you did I tell you I was an attorney
11 at law like them, that I'm part of their association?

12 MR. SORENSON: Objection --

13 THE WITNESS: You're not.

14 THE COURT: Wait. I'm sorry. So what's the
15 objection?

16 MR. SORENSON: It's a compound question. He asked
17 two different questions.

18 THE COURT: All right. Sustained. So the jury is
19 to disregard the last answer.

20 So ask a question. It has to be one question and not
21 leading.

22 Q (BY THE DEFENDANT:) So did you ever hear me tell
23 you that I was an attorney at law?

24 A You said you are a private attorney general.

25 Q Okay. And did I explain the difference between a

1 private attorney general and corrupt attorneys at law?

2 MR. SORENSON: Objection, Your Honor. Again, the
3 characterization of "corrupt attorneys at law." We're not all
4 corrupt.

5 THE COURT: All right.

6 Q (BY THE DEFENDANT:) Is that --

7 THE COURT: Wait, wait. So I overrule the
8 objection.

9 Do you understand the question?

10 THE WITNESS: Yes, Your Honor.

11 THE COURT: So what's your answer?

12 THE WITNESS: Repeat -- repeat your question again.

13 Q (BY THE DEFENDANT:) Did I tell you I was a private
14 attorney general -- did I tell you the difference between a
15 private attorney general, what I am, and a corrupt attorney at
16 law?

17 MR. SORENSON: Objection to the same form of
18 question, Your Honor.

19 THE COURT: All right, and same ruling. Overruled.

20 Do you have the question before you?

21 THE WITNESS: I know that you said that you are a
22 private attorney general and I don't understand from before you
23 said that you are coming to help us to lower the monthly
24 payment and half of the monthly payment and half of the balance
25 of the mortgage.

1 Q (BY THE DEFENDANT:) Okay. Now, when you met me,
2 Ms. Cabebe, was your properties in foreclosure?

3 A Not yet. It's not foreclosure yet.

4 Q When did your properties go in foreclosure,
5 Ms. Cabebe?

6 A When you said that Don't -- Don't pay. I'll be the
7 one to help you. That's why I have to pay you for the fees to
8 make sure that you will follow up to be able to help me to know
9 where the half mortgage and half balance of the mortgage.
10 That's what you said.

11 Q So, Ms. Cabebe, so you stating on the record that
12 you made some payments to me?

13 A Yes.

14 Q When did you make a payment?

15 A When you and Edna were together, Edna Franco.

16 Q No. So you made a payment to Mortgage Enterprise
17 Investments?

18 A Yes.

19 Q You have cancelled checks --

20 A You --

21 THE COURT: I'm sorry. So only one at a time. So
22 he gets to ask a question and then you get to give the answer.

23 THE WITNESS: Sorry. I'm sorry about that.

24 THE COURT: So you said -- the question was, "You
25 have cancelled checks?" And your answer is what?

1 THE WITNESS: I paid you cash.

2 Q (BY THE DEFENDANT:) Who did you pay cash?

3 A You and Edna Franco.

4 Q No. Did you pay Edna Franco or did you pay me?

5 A Both of you.

6 Q Okay. So are you stating on the record right now,
7 Ms. Cabebe, that I'm the one that scammed you? You're under
8 oath right now, Ms. Cabebe.

9 A You scammed me, that's right, because you know I
10 lose my two house.

11 Q Okay. So, Ms. Cabebe, so you did not file a sworn
12 affidavit that it was Edna and Henry that scammed you? You
13 didn't file a sworn affidavit? You didn't make that?

14 A You came to scam us.

15 Q Answer the question, Ms. Cabebe. Did you file a
16 sworn affidavit of actually who scammed you, yes or no?

17 A Affidavit of what?

18 Q That Edna Franco, Henry Malinay, and Rowena Valdez
19 scammed you.

20 A Well, Mr. Williams, you're the one who came to tell
21 us to lower the mortgage and to lower the balance half -- half,
22 you said. You are the one who came.

23 Q That's not the question I asked you, Ms. Cabebe. I
24 asked you did you sign a sworn affidavit stating that Edna
25 Franco, Henry Malinay, and Rowena Valdez was the one that

1 scammed you? Did you sign a sworn affidavit, Ms. Cabebe, yes
2 or no?

3 A No.

4 THE DEFENDANT: Exhibit 2024, please.

5 MR. SORENSON: It's not in evidence, Your Honor, so
6 if this is used to refresh --

7 THE DEFENDANT: It's used to refresh right now.

8 THE COURT: Okay.

9 Q (BY THE DEFENDANT:) Can you see the affidavit on the
10 screen, Ms. Cabebe?

11 A Is this the one that you made and then you made me
12 sign?

13 Q I made you sign that affidavit, Ms. Cabebe? Or did
14 you sign it on your own free --

15 A You did not explain to me that.

16 Q Okay. So --

17 A You just said, "Sign it." I thought this included
18 to my mortgage, you know, information.

19 Q So, Ms. Cabebe, did you have this notarized?

20 THE COURT: Can she see the bottom of the document?

21 THE DEFENDANT: Let me show the notary page.

22 THE WITNESS: Yeah, I had it notarized because you
23 want me to have it notarized.

24 Q (BY THE DEFENDANT:) And do you understand when you
25 sign an affidavit that you're swearing that the truth of the

1 contents of that statement is true and correct and that you're
2 swearing under oath that you're telling the truth?

3 A But you made this and you made me sign.

4 Q So Edna Franco didn't take 10,000 -- you didn't pay
5 Edna Franco \$10,000 to help you with your foreclosure?

6 A I paid her too.

7 Q Okay. So you paid her \$10,000 to -- for the
8 foreclosure, correct?

9 A Yes, I did.

10 Q Okay. And did you --

11 A Cash.

12 Q You paid her in cash. Okay. Now, was it my policy
13 to take cash or only check? Do you remember that?

14 A No, you take cash too.

15 Q When did I take cash, Ms. Cabebe? When?

16 A When clients come to you.

17 Q So do you not remember me firing you and Henry and
18 Edna for accepting cash and not getting it by check and not
19 giving people receipt? Do you remember that, Ms. Cabebe?

20 A What's that?

21 Q Do you not remember me firing you all for taking
22 cash from customers and not giving them receipts? Do you
23 remember that?

24 A You fired Angie and you fired all of -- three of
25 them. I don't know if you include me at that time --

1 Q So is that your signature --

2 A -- because you continue to ask me to help you to
3 notarize.

4 Q Is that your signature on this affidavit,
5 Ms. Cabebe?

6 A Yes.

7 Q Okay. So you signed a affidavit. You read the
8 affidavit. Do you remember me going over the affidavit and
9 asking you 'cause you told me about what Edna charged? Do you
10 remember that?

11 THE COURT: So which question do you want her to
12 answer? You have to pick one, so --

13 Q (BY THE DEFENDANT:) Do you remember me going over
14 the affidavit with you?

15 A You just said, "Sign this," because you gave Edna
16 10,000 and that's why I signed it.

17 Q No, I didn't give Edna 10,000.

18 MR. SORENSON: Objection, Your Honor.

19 THE COURT: All right. So --

20 MR. SORENSON: Is that a question?

21 THE COURT: I'm sorry. So are you finished with
22 your answer?

23 THE WITNESS: Yes, Your Honor.

24 THE COURT: Okay. All right. So your objection is?

25 MR. SORENSON: He made a statement, Your Honor. It

1 was not a question.

2 THE COURT: Okay. So ask a question.

3 Q (BY THE DEFENDANT:) So you're saying that it's not
4 true that Edna Franco collected thousands of dollars from
5 homeowners and didn't give them a receipt?

6 A I just told you that I gave -- that's why you made
7 this, you type it. But I did not know that, you know, I'm
8 signing for -- what did you say now? -- affidavit.

9 Q Yes.

10 A Because when you explain to me, you said that you
11 sign this affidavit because you gave Edna 10,000.

12 Q So I did explain what you told --

13 A You were -- you were --

14 THE COURT: Wait. I'm sorry. So are you done with
15 your answer?

16 THE WITNESS: Yes, Your Honor.

17 THE COURT: Okay. Now ask another question.

18 Q (BY THE DEFENDANT:) So then I drafted the affidavit
19 based on your statements, correct, Ms. Cabebe?

20 A Yes. The statement is 10,000 I paid to Edna.

21 Q Okay. Is that the second -- where it says that,
22 "The affiant paid Edna Franco over \$10,000 under the pretense
23 that she was helping" --

24 THE COURT: If you're going to read things into the
25 record, you got to slow down.

1 THE DEFENDANT: Okay.

2 MR. SORENSON: And, Your Honor, this is not in
3 evidence.

4 THE COURT: Right. So it's not in evidence.

5 THE DEFENDANT: Well, I'm --

6 THE COURT: Are you objecting to him reading?

7 MR. SORENSON: Yes, Your Honor, I am.

8 THE DEFENDANT: I'm asking a question 'cause she
9 just paid \$10,000. So I'm asking a question on the statement
10 that she had me put in this affidavit.

11 THE COURT: All right. So you can't read from the
12 affidavit. You can ask for her understanding or where -- what
13 her understanding is. Let me just ask her.

14 So did you pay Edna Franco \$10,000?

15 THE WITNESS: Cash, Your Honor.

16 THE COURT: All right. And why did you pay her
17 \$10,000?

18 THE WITNESS: She want -- she -- she promised to
19 help me to lower the monthly payment and lower my balance, and
20 she also assist me to answer my delinquent letters because
21 William is not around at that time because they are together
22 before. They are close together and they were in business
23 together, that's what they said.

24 THE COURT: All right. So what's your next
25 question?

1 Q (BY THE DEFENDANT:) So, Ms. Cabebe, so when I
2 went -- when I was incarcerated in September '13, you remember
3 that right?

4 A What?

5 Q Do you remember me going to jail in September 13,
6 2013?

7 A What jail? What did you say?

8 Q Do you remember me going to jail in 2013?

9 A What month?

10 Q September 2013. September 13, 2013. Do you
11 remember me being arrested at the attorney general's office?

12 A Yes. I think so, yeah.

13 Q Okay. So -- so I was in jail for -- do you remember
14 how long?

15 A I can't remember.

16 Q Okay. Do you remember me winning my case and coming
17 back?

18 A I can't remember the dates.

19 Q I'm saying but do you remember me winning my case
20 and coming back to Hawaii?

21 A What's that?

22 Q Do you remember me winning my case --

23 MR. SORENSON: Objection to the --

24 Q (BY THE DEFENDANT:) -- and coming back to Hawaii?

25 MR. SORENSON: -- unless there's a foundation on how

1 she might know he won something.

2 THE WITNESS: I don't know --

3 THE COURT: Wait, wait, wait. All right. So
4 sustained.

5 Do you remember when he came back to Hawaii?

6 THE WITNESS: I know he came back November. That's
7 the last time I saw him.

8 THE COURT: All right. November of what year?

9 THE WITNESS: November 2014, I think, or '15,
10 approximately those dates -- I mean, year.

11 Q (BY THE DEFENDANT:) Okay. Now, do you remember
12 when I came back that you told me that Edna had flew to the
13 mainland with Henry --

14 MR. SORENSON: Objection to the leading and the
15 solicitation of hearsay.

16 THE DEFENDANT: No --

17 THE COURT: So he's asking for her memory, so that's
18 not hearsay.

19 But -- so ask her the question. If it's leading, he's
20 going to object.

21 Q (BY THE DEFENDANT:) Okay. Do you remember when I
22 came back that you told me that Edna, Henry, and I think you
23 said Angie --

24 MR. SORENSON: Objection to the leading.

25 Q (BY THE DEFENDANT:) -- opened up a bank account?

1 THE COURT: Wait. You have to let him finish his
2 question. So overruled. It's foundational.

3 Do you remember telling him that?

4 THE WITNESS: Yes.

5 THE COURT: Okay. What's your next question?

6 Q (BY THE DEFENDANT:) Okay. And what did you tell me
7 what they had did?

8 A What did you say?

9 Q What did you tell me that they had did?

10 A Opened a mortgage.

11 Q A mortgage what?

12 A Company.

13 Q And what did they name it?

14 A Mortgage Enterprise.

15 Q And you told me that you didn't agree with what they
16 was doing, remember that?

17 A Yes.

18 Q Okay. And you said they was scamming people using
19 that account, correct?

20 A I said I did not agree on that, but I did not
21 mention that word. But I said I just didn't like. It's like
22 you trained -- you trained them, you trained us -- okay? -- to
23 do that, but it's all lies. You lie. All the mortgages that
24 you said cut into half, cut into half mortgage monthly payment
25 and the balance payment, it's all lies. So I have to cancel.

1 Within four months I went back to the mainland to cancel my
2 name.

3 Q No. So when was this account set up, Ms. Cabebe?
4 Was it after I got put in jail when the Mortgage Enterprise
5 account was set up?

6 A I don't have all the paperwork 'cause it was taken,
7 but I know approximately 13th. Then I got out like
8 February 14th -- I mean, February 14th I remove my name.

9 Q No. I'm saying so when the account was opened up,
10 was that after I got incarcerated when -- when Edna then opened
11 up the account?

12 A After you were inside? Is that what you saying?

13 Q Yeah. So after I got locked up, is that when they
14 opened up the Mortgage Enterprise company and the bank account?

15 A Yes.

16 Q Okay. So after I went to jail, Edna came to you and
17 said, "Hey, let's open up this other company without Anthony"?

18 A Yes.

19 Q And so during the time I was incarcerated, that's
20 when you all would collect the money under the disguise of
21 Mortgage Enterprise, correct?

22 A Yes.

23 Q Okay. And do you remember a lady named Ms. Pillos,
24 Macrina Pillos?

25 A Pillos?

1 Q Yes.

2 A Yes.

3 Q So did you fly to Maui to meet Ms. Pillos?

4 A I went to Maui and we met her there.

5 Q And did you charge her \$1,500 cash?

6 A She paid you with a check, if you remember.

7 Q No.

8 A She paid you and that is payable to your company.

9 Q Well, Ms. Cabebe, Ms. Pillos testified here already
10 and stated that you --

11 MR. SORENSON: Objection. Objection, Your Honor.

12 THE DEFENDANT: I'm fid'na ask the question. I
13 gotta lay the foundation.

14 MR. SORENSON: Ask a question, not a cross-question.

15 THE COURT: Okay. So you can ask the question and
16 then Mr. Sorenson will -- you can object.

17 And don't answer the question before --

18 Q (BY THE DEFENDANT:) Okay. Now, Ms. Pillos has
19 already testified, Ms. Cabebe, that you were the one that came
20 over to Maui, not me. She never met me.

21 MR. SORENSON: Objection to the leading and --

22 Q (BY THE DEFENDANT:) Now, my question to you --

23 THE COURT: Wait, wait. Yeah, you got to wait till
24 the question is -- he's finished.

25 MR. SORENSON: He's characterizing the testimony of

1 another witness. That's highly improper.

2 THE COURT: I know. So sit down and wait till he
3 finishes his question.

4 What's your question?

5 Q (BY THE DEFENDANT:) Is Ms. Pillos lying,
6 Ms. Cabebe, that you paid her -- that she paid you \$1,500 cash?

7 THE COURT: Okay. Don't answer it.

8 What's your objection?

9 MR. SORENSON: Well, that mischaracterizes the
10 testimony, I believe, Your Honor.

11 THE COURT: All right. Sustained.

12 Okay. So ask her a question.

13 Q (BY THE DEFENDANT:) So when you went to meet
14 Ms. Pillos, what -- how did she pay you?

15 A I know that when she paid, she paid check to you.
16 If she pay cash, it has to be Edna because Edna is the one who
17 is helping her.

18 Q Okay. So why would Ms. Pillos say on the witness
19 stand that she paid you, Ms. Cabebe?

20 A Did she have any evidence as to what she paid me?

21 Q Yeah, she said --

22 MR. SORENSON: Objection. Same objection, Your
23 Honor, characterizing -- mischaracterizing the testimony of
24 Ms. Pillos.

25 THE COURT: Okay. You have to let him finish asking

1 the question.

2 So you can't -- you can't state what you believe she
3 testified to. You can only ask her for her knowledge, personal
4 knowledge. All right?

5 THE DEFENDANT: Okay.

6 THE COURT: That's why he's objecting and that's why
7 I'm going to sustain the objection.

8 Q (BY THE DEFENDANT:) So you never collected any cash
9 from any of their clients when you was part of Edna's group
10 after I fired you?

11 A I collected notary and then -- what did you say now?

12 Q So you never collected any cash from any of their
13 clients?

14 A For your mortgage?

15 Q No, for your mortgage company. Wasn't your mortgage
16 company Mortgage Enterprise, Ms. Cabebe?

17 A Yeah, we have Mortgage Enterprise, but they paid
18 check. They paid check.

19 THE DEFENDANT: Okay. I need Government
20 Exhibit 724. And I'd like to move this -- the affidavit into
21 evidence since she really couldn't remember but --

22 THE WITNESS: I can't remember. It's --

23 THE COURT: Stop. It's not a question to you.

24 THE WITNESS: I'm sorry about --

25 THE COURT: All right. So he wants to move it into

1 evidence, the affidavit.

2 MR. SORENSON: Yes, Your Honor. We object for the
3 same basis we objected to the last affidavit; he's the
4 proponent of this evidence.

5 THE DEFENDANT: No, she verified her signature.

6 THE COURT: All right. So the objection is
7 sustained. It's not coming in. You have her on the stand.

8 All right. So what do you want to do with Exhibit 724?

9 THE DEFENDANT: I think it's already in evidence.

10 THE COURTROOM MANAGER: It's not, Your Honor.

11 THE COURT: It's not in evidence.

12 THE DEFENDANT: Okay. I need to publish it for her.

13 Q (BY THE DEFENDANT:) Okay. Ms. Cabebe, let me be
14 clear, make sure we not understanding. So after I went to jail
15 is when Mortgage Enterprise was set up, correct?

16 A Yes.

17 THE DEFENDANT: Okay. Can I get the exhibit up,
18 please?

19 THE COURT: Okay. This is Exhibit 724?

20 THE DEFENDANT: Yes. I need the signature page.

21 THE COURT: The signature is there on --

22 THE DEFENDANT: No, it's --

23 THE COURTROOM MANAGER: I can provide her a hard
24 copy, Your Honor.

25 THE DEFENDANT: -- it's another page that has the

1 signature card.

2 THE COURT: Is there another portion of Exhibit 724?

3 THE DEFENDANT: Yeah. It should be more than just
4 that one page.

5 THE COURT: I'm asking the government.

6 MR. SORENSON: Oh, Your Honor, these are bank
7 records. 724 starts with an affidavit.

8 THE COURT: All right. Is there -- is there a
9 signature card?

10 MR. SORENSON: There is.

11 THE COURT: All right. I think that's the
12 portion --

13 MR. SORENSON: Oh, no, the signature card is 725. I
14 think that's probably what he wants.

15 THE DEFENDANT: 725 then.

16 MR. SORENSON: We don't object to 725 coming in.

17 THE DEFENDANT: Well, 724 and 725.

18 MR. SORENSON: Well --

19 THE DEFENDANT: I'd like 724 to come in also.

20 MR. SORENSON: -- 724 is just the authentication.
21 We stipulate to authentication.

22 THE COURT: All right. 725 will be received. 724
23 will not 'cause it's not relevant.

24 (Exhibit 725 received into evidence.)

25 THE COURT: Okay. So can you see that or would you

1 like the hard copy in front of you, Ms. Cabebe? Yeah, why
2 don't we get you a hard copy. You need your glasses?

3 THE WITNESS: I have my bag there with the glasses.
4 Can I have my glasses?

5 THE COURT: Yes. She's going to get the glasses for
6 you.

7 THE WITNESS: Please? Sorry about that. Thank you.

8 THE COURT: 725 before her? Yes. Thank you. So
9 the record will reflect the witness has the hard copy of
10 Exhibit 725.

11 THE WITNESS: Excuse me, Your Honor.

12 THE COURT: Yes. So what you have in the folder is
13 the same as what's on the screen. All right. So if you could
14 take a moment to look over it, and when you're done, look up at
15 Mr. Williams and he'll ask you a question.

16 And do you wish to publish?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. It may be published.

19 Q (BY THE DEFENDANT:) Okay. Ms. Cabebe, can you see
20 the names that opened up this bank account?

21 A Yes.

22 Q And do you recognize all those names?

23 A Yes.

24 Q And you see your name at the bottom?

25 A Yes.

1 Q And what does this say your title is?

2 A It says Partner.

3 Q Okay. And what date was that account opened up?

4 A 8-27-13.

5 Q So you just testified that I went to jail in
6 September 2013 and you remembered that. Remember that?

7 MR. SORENSON: Objection, Your Honor. That
8 mischaracterizes her testimony.

9 Q (BY THE DEFENDANT:) You just testified --

10 A But I just told you --

11 THE COURT: Wait, wait. So the objection's
12 overruled.

13 Do you remember that he went to jail in September 2013?

14 THE WITNESS: Yes, Your Honor.

15 THE COURT: Okay. So now ask her a question.

16 Q (BY THE DEFENDANT:) So, Ms. Cabebe, I had just
17 questioned you earlier was the company opened after I went into
18 jail, but the record shows that you all opened this before I
19 went to jail.

20 A Mr. Williams, I just told you that I can't remember
21 everything. It's like when you ask me about you go to jail or
22 whatnot and, you know, how could I remember? I don't have all
23 the information. I can't. That's so many years ago.

24 Q Okay. Ms. Cabebe --

25 A I don't have the paperwork.

1 Q Okay. Ms. Cabebe, you knew what you were doing with
2 Edna Franco and Henry Malinay, did you not, Ms. Cabebe? Yes or
3 no?

4 A Yes, I did. You trained all of us to do that. But
5 after four months, approximately four months, I know then that,
6 you know, all of these things that you trained us is all lies,
7 it's all --

8 Q Ms. Cabebe, that's not what I asked you.

9 A It's not -- you know, Mr. Williams, I lose my two
10 house. You told me you gonna be half of my payment and half of
11 my balance. You never do nothing.

12 Q Ms. Cabebe, so I didn't fight your four properties'
13 foreclosures, Ms. Cabebe?

14 A No, you only answer, but what did you do? It's
15 still foreclosure. Did you do something about it?

16 Q Yes.

17 A No, you didn't. If you did, then -- then I should
18 have got my properties. Now I lose all of them.

19 Q Okay. Ms. Cabebe, you remember me going to jail,
20 correct? You remember that, right?

21 A I don't -- I don't want to say any more 'cause I
22 can't remember. I don't want to hear anything about you going
23 to jail and everything 'cause I don't know. I can't remember.

24 Q So Ms. Cabebe --

25 A And then you trying to tell me that, you know, I

1 told you a while ago and then you told me like this. But how
2 do I know when you went to jail and when you get out of jail?

3 Q Ms. Cabebe, did you not plead that you were a scam
4 artist? Did you not take a plea deal with the government,
5 Ms. Cabebe, that you were a scam artist? Yes or no?

6 A Scam artist what?

7 Q Yes or no, Ms. Cabebe?

8 A No. I was helping you.

9 Q Ms. Cabebe, let me ask the question again.

10 A I was helping you.

11 Q Did --

12 THE COURT: Okay. Wait. Stop. All right. So you
13 need to ask a question.

14 You need to wait till he asks the question and then you
15 can answer it.

16 THE DEFENDANT: She's not answering the questions.

17 THE COURT: So --

18 Q (BY THE DEFENDANT:) Did you take a plea deal with
19 the government that you scammed people, yes or no, Ms. Cabebe?

20 A Yes, because that's the truth.

21 Q Now, Ms. Cabebe --

22 A You were the one who --

23 Q -- when you set up --

24 THE COURT: Wait. Let her finish her answer.

25 All right. Finish your answer.

1 THE WITNESS: You were the one who told us that you
2 came here in Honolulu to help us to lower the mortgage payment,
3 lower the -- the balance of the mortgage. And what did you do?
4 Nothing.

5 Q (BY THE DEFENDANT:) Now, Ms. Cabebe, did I explain
6 to you the mortgage program, that there was two aspects to it?
7 Do you remember that, Ms. Cabebe?

8 A What program? The program is all lies.

9 Q So, Ms. Cabebe, if it was all lies, do you remember
10 the foreclosure disclosure on the application?

11 A You never do anything to any of the homes. We lost
12 all our homes.

13 Q So, Ms. Cabebe --

14 A Some people they are very --

15 THE COURT: Okay. So, Ms. Cabebe, you have to wait
16 till he asks the question.

17 THE WITNESS: Oh, I'm sorry.

18 THE COURT: All right. So ask the question.

19 Q (BY THE DEFENDANT:) So, Ms. Cabebe, do you -- when
20 you took this plea deal to admit that you a scam artist --
21 which you are -- what were the terms of your plea deal?

22 MR. SORENSON: Objection to the statement.

23 THE COURT: Wait, wait. So objection sustained.

24 All right. You cannot, you know, in the question call her
25 names, all right? You do it again, I'm going to yank your pro

1 se representation and Mr. Isaacson will step in. All right?

2 Those are the rules of the courtroom.

3 All right. So if you have a question, then pose the
4 question and wait for the answer.

5 Q (BY THE DEFENDANT:) So you took a plea deal that
6 you scammed people, Ms. Cabebe, correct?

7 A Why are you asking me again?

8 Q Yes or no?

9 A I already said I assist you and help you to do this.

10 Q No, Ms. Cabebe --

11 THE COURT: All right. So she answered it. Ask
12 another question.

13 Q (BY THE DEFENDANT:) So you assisted -- you didn't
14 assist me; you assisted Edna and Henry Malinay --

15 A No, I --

16 Q -- is that correct?

17 THE COURT: Wait. He has to ask the question and
18 then you have an opportunity, one at a time.

19 THE WITNESS: I am sorry. I apologize.

20 THE COURT: All right.

21 THE WITNESS: It's just that --

22 THE COURT: Yes. Okay. So wait for the question
23 and then you answer it. Okay? All right.

24 In fact, you know what? Let's take a recess now, and
25 we'll take our first recess, ladies and gentlemen, and try to

1 get this straightened out, and when you come back, hopefully
2 it'll go more smoothly.

3 All right. So you can put your notebooks and your iPads
4 down, and of course, don't discuss the case with anyone or
5 allow anyone to discuss it with you.

6 All right. Please rise for the jury. They're on a
7 15-minute recess. It may take a little bit longer, but it
8 won't be longer than 25 minutes.

9 (A recess was taken.)

10 (Open court out of the presence of the jury.)

11 THE COURT: The record will reflect the presence of
12 Mr. Williams and counsel. The witness is on the stand. The
13 jury is no longer present.

14 All right. So we're going to take a recess. But what I
15 need to tell you, Ms. Cabebe, is you have to wait until
16 Mr. Williams finishes his question, just give it a beat because
17 Mr. Sorenson may wish to lodge an objection. I have to rule on
18 the objection, and then you can answer the question. All
19 right?

20 THE WITNESS: Sorry, Your Honor.

21 THE COURT: That's the rules. I just want to let
22 you know.

23 THE WITNESS: I apologize.

24 THE COURT: Mr. Sorenson will have an opportunity to
25 ask you questions; same rules apply. He needs to get the

1 question out first before you can answer. And we'll let you
2 finish your answer before the attorneys ask the next question.

3 Okay. Mr. Williams, you got to ask one question at a
4 time. You've already established that she's pled guilty
5 pursuant to the plea agreement. If you want to ask more
6 questions with regard to that, you're welcome to do so, but you
7 can't lead her, and you also have to ask only one question at a
8 time and wait till she finishes her answer. All right?

9 The more I have to interrupt you folks, the more
10 disrupting it is for the jury. I don't know if they're going
11 to remember everything because it's just me coming in and
12 telling you guys to wait for each other over again which is why
13 I took the recess. So now that everybody knows the ground
14 rules, let's take a 15-minute recess and let's proceed in that
15 fashion.

16 All right? Any questions or clarifications needed? There
17 being none, we're in recess. Thank you.

18 (A recess was taken.)

19 (Open court out of the presence of the jury.)

20 THE COURT: All right. So we're back on the record.
21 Present are Mr. Williams, counsel.

22 Anything we need to take up before we bring the witness
23 and the jury back in?

24 MR. SORENSON: Not from us, Your Honor.

25 THE COURT: All right. Mr. Williams, anything?

1 THE DEFENDANT: Well, just to make sure the witness
2 answered the question and don't do all that rambling. I'm
3 asking you specific questions and then she's going off on a
4 tangent.

5 THE COURT: All right. Well, she has a right to
6 answer your questions.

7 THE DEFENDANT: Well, I'm saying but if I ask her
8 yes or no question, yes or no, don't need all the other
9 ramblings.

10 THE COURT: She has a right to answer the questions
11 and that's her answer. All right. You've chosen to call this
12 witness.

13 All right. So we're going to recess and we'll direct
14 Ms. Elkington to get the witness and the jurors. Thank you.

15 (A recess was taken.)

16 (Open court in the presence of the jury.)

17 THE COURT: The record will reflect the presence of
18 the ladies and gentlemen of the jury, Mr. Williams, counsel.

19 The witness is on the stand. Your witness, Mr. Williams.

20 Q (BY THE DEFENDANT:) Okay. Ms. Cabebe, you said
21 that four months after you all formed the fraudulent company,
22 Mortgage Enterprise, that you knew it was a scam and you
23 stopped; is that correct?

24 A Yeah, approximately. I'm not saying exactly.
25 Approximately.

1 Q So that would have been around --

2 A February, the month that I withdraw myself.

3 Q So about --

4 A February.

5 Q So February 2014?

6 A Yes.

7 Q Okay. So at that point you knew that you, Edna, and
8 Henry were scamming people?

9 A I know that that -- that, uhm -- that mortgage that
10 you trained us is not -- is a lie. So I -- that's why I
11 withdraw myself.

12 Q So is it safe to say after 2014 you considered me a
13 scam?

14 A Yes.

15 Q Okay.

16 A Because nothing happened to my house. I lost my
17 house.

18 Q So --

19 A You did not do like what you told us to do. We paid
20 you to do what you told us -- you told us that you will lower
21 the monthly payment, you will lower the balance -- mortgage
22 balance, so nothing happened.

23 Q So --

24 A Because my house is not foreclosed yet, and then the
25 only time foreclose is when you said don't pay.

1 Q So you wasn't in foreclosure when you met me,
2 Ms. Cabebe?

3 A I -- well, I don't have the paperwork, but not yet.

4 Q Okay.

5 A I don't have any -- any -- I only have delinquency.
6 I think that's what I have before.

7 THE DEFENDANT: Exhibit 2066.

8 THE WITNESS: I'm not -- I can't remember everything
9 any more because it's been so long. And so if you ask me a
10 certain amount of time, I can't remember 'cause all my
11 paperworks are all gone.

12 THE COURT: All right. So there's not a question
13 right now. So wait for the question, okay?

14 THE WITNESS: Okay.

15 THE COURT: So Exhibit 2066. Is this in evidence?

16 THE COURTROOM MANAGER: It is not.

17 MR. SORENSON: No, Your Honor.

18 THE DEFENDANT: Not yet.

19 THE COURT: All right. So you wish to show it to
20 the witness?

21 THE DEFENDANT: Yes.

22 THE COURT: All right.

23 Q (BY THE DEFENDANT:) So, Ms. Cabebe, is that your
24 name at the top of the document?

25 A Yes.

1 Q And do you recognize this document?

2 A Where's my name?

3 THE COURT: Have you seen this document before
4 today?

5 THE WITNESS: Yeah. You type this I know. I
6 remember you type this with my name.

7 Q (BY THE DEFENDANT:) Okay. Now, is that your
8 signature, Ms. Cabebe?

9 A Yes, that's my signature.

10 Q Okay. Now, can you see the date on this document,
11 Ms. Cabebe?

12 A Yes, I can see the date.

13 Q Okay. And what does that date say?

14 A July 3, 2013.

15 Q Okay. Now, do you remember why I had to send this
16 17-page document to your mortgage company?

17 A I can't remember the rest of the contents, but I
18 know it says here "transfer funding" or whatever, you know.
19 That's what it says.

20 THE COURT: So, Ms. Cabebe, he's asking do you know
21 why the letter was sent to your mortgage company? Do you know
22 why it was sent?

23 THE WITNESS: Because I have a letter -- I think I
24 have delinquency letter, yeah?

25 Q (BY THE DEFENDANT:) 'Cause you was in foreclosure.

1 Do you remember?

2 A No, I don't have foreclosure yet because they send
3 me the foreclosure December 15th -- December 1st, I
4 think -- December 1st, 2015, I think.

5 Q So you were in default already, correct? You just
6 testified that, correct? Yes or no?

7 A Well, I been -- yeah, yeah.

8 Q So did you pay the money back to the mortgage
9 company that you was in default?

10 A I did not pay any money.

11 Q Okay. So when you didn't pay, you remember you went
12 into foreclosure? Remember?

13 A Yes.

14 Q Okay. So do you remember me having to file this
15 type of document to fight your foreclosure?

16 A The fight, but you never did anything.

17 Q So --

18 A Nothing.

19 Q So I didn't do -- so I didn't file none of the
20 documents to stop the auctions before -- before I got locked up
21 and after I got locked up? You don't remember that,
22 Ms. Cabebe?

23 A No. It went -- it still went to foreclosure. You
24 write letters, but it still went to foreclosure.

25 Q Okay. Now, you just testified that after

1 February 2014, you didn't utilize my service 'cause you felt
2 like it was a scam, correct?

3 A Yes.

4 Q Okay. So --

5 A Like I told you, Mr. Williams --

6 THE COURT: Wait. So there's not a question
7 pending, so you have to wait for him to ask a question. Thank
8 you.

9 THE WITNESS: Okay. Sorry.

10 THE DEFENDANT: Government Exhibit 314.

11 Q (BY THE DEFENDANT:) You recognize this document,
12 Ms. Cabebe?

13 A Yes.

14 Q And did I draft this document for you, Ms. Cabebe?

15 A I can't remember if that's you. I think so.

16 Q Okay.

17 A I can't remember anymore, like what I told you.

18 Q Is that your signature on the back page, Ms. Cabebe?

19 A Yes, that's my signature.

20 Q And what date did you file this document I drafted
21 for you?

22 MR. SORENSON: Objection. Leading.

23 THE COURT: Foundational. Overruled.

24 Do you remember what date he drafted this for you?

25 THE WITNESS: I can't remember, Your Honor, but the

1 date is June -- when it's filed is June 10, 2000- -- 2015.

2 THE COURT: Okay. Is that what you remember?

3 THE WITNESS: I signed it, Your Honor.

4 THE COURT: All right. But do you remember signing
5 it on that date?

6 THE WITNESS: Yes, Attorney -- I mean, Your Honor.

7 THE COURT: All right. So next question.

8 Q (BY THE DEFENDANT:) Okay. So, Ms. Cabebe, you just
9 testified that after February 2014 you felt like what I was
10 doing was a scam. So why a year-and-a-half later you still
11 utilizing my service, Ms. Cabebe?

12 A Because you said you will help me again on my
13 property to save my property.

14 Q But if you deemed me a scam, Ms. Cabebe, why would
15 you continue to use someone that's a scam artist if you knew I
16 was a scam artist? Does that make any sense to you,
17 Ms. Cabebe?

18 THE COURT: Which question do you want her to
19 answer?

20 Q (BY THE DEFENDANT:) Why would you continue to
21 utilize my service if you felt I was a scam artist?

22 A You promise again to help me because I was losing
23 already my two properties.

24 Q But if I'm a scam, Ms. Cabebe, why would you
25 knowingly use somebody that you said is a scam?

1 A You come back and promise that you will help me on
2 my two properties.

3 Q So you didn't believe I was a scam no more then?

4 A Yeah, you were a scam, but I still was able to -- to
5 continue to help you because you told me to help you -- you
6 gonna help me on my two homes.

7 Q So, Ms. Cabebe, I'm trying to understand this
8 because you're so adamant that after February 2014, you knew
9 what I was doing and that everything I was doing was a scam.
10 I'm trying to understand why would you continue to use my
11 services if you felt I was a scam artist?

12 A You came back, okay? Because you live in my 1604
13 Democrat Street. You came straight there with Edna, yeah?

14 Q So but why -- you still not answering the question,
15 Ms. Cabebe. Why after 2014 that you -- as I said, you felt
16 like what I was doing was a scam --

17 A Because you promise. You promise to help me again
18 to save my properties.

19 Q No, I promised you I would fight your foreclosure.
20 And is that not what I did, Ms. Cabebe?

21 A But nothing -- you never do anything. I lost my two
22 homes. You write the letter to the lender, but I lost them.

23 Q So do you remember that I went to jail again,
24 Ms. Cabebe, and I couldn't finish?

25 A I can't remember all the months, like I told you

1 earlier, Mr. Williams. You always ask me remember, remember,
2 but I don't know.

3 Q So --

4 A I don't know everything the dates and everything. I
5 know I heard you went to jail, like Edna said, but I don't
6 remember exactly the dates that you go to jail. Do I have to
7 remember everything when you went to jail or you went out to
8 jail?

9 THE COURT: All right. So just answer his question.
10 Do you remember the second time that he went to jail? Yes or
11 no? If you remember, fine, then he'll ask you a question.

12 THE WITNESS: November was the last time I know you
13 went -- you went in.

14 THE COURT: Okay. So what's your question?

15 Q (BY THE DEFENDANT:) Okay. So when I went in the
16 second time, who was handling your foreclosure?

17 A I know you went to write again but nothing happen --
18 write a letter to my lender.

19 Q No, I was locked up, Ms. Cabebe. So when I was
20 incarcerated again, wrongfully, who was doing your foreclosure?
21 Who was helping you?

22 A When you went November?

23 Q Yes.

24 A Nothing. I -- it has to be foreclosed. Nothing.
25 So that's why I have to file bankruptcy.

1 Q So nobody helped you, correct?

2 A No. No more.

3 Q Okay. So you just mentioned bankruptcy. So when
4 you filed bankruptcy, what happened, Ms. Cabebe?

5 A I lost all my homes.

6 Q Do you remember what the bankruptcy court stated
7 about you scamming people? Do you remember that?

8 A I file bankruptcy and that's what I have. Whatever
9 statement they made over there and that's what it is.

10 Q Okay.

11 A I can't remember everything.

12 THE DEFENDANT: Government Exhibit 209.

13 Q (BY THE DEFENDANT:) Okay. Ms. Cabebe, do you
14 recognize this document? You recognize that document?

15 A Yes.

16 THE DEFENDANT: Okay. And can you all turn to
17 page 3, please?

18 Q (BY THE DEFENDANT:) And, Ms. Cabebe, who was the
19 plaintiff in this case against you?

20 A State of Hawaii.

21 Q And what else?

22 A Consumer Protection.

23 Q Okay. And why did they file a suit against you,
24 Ms. Cabebe?

25 Turn to page 4, please?

1 You see page 4, Ms. Cabebe?

2 A It says, "The monetary declaratory" --

3 THE COURT: No. He's asking you if you remember
4 seeing this. Are you familiar with that document?

5 THE WITNESS: Yes.

6 THE COURT: Okay. What's your question?

7 Q (BY THE DEFENDANT:) And so did they get a
8 injunction against you for the people that you scammed,
9 Ms. Cabebe?

10 A If they give me a copy for people?

11 Q Well, did OCP get an injunction, a judgment against
12 you, for all the people that you scammed?

13 A I received a big paper before, yes.

14 Q And do you recognize Sally Haber Pico?

15 A I don't know her.

16 Q What about Rodrigo Simon?

17 A Rodrigo Simon I know, yeah.

18 Q Do you know Hilaria Taborada?

19 A Where is that? I know him -- I know them through
20 Henry.

21 Q Okay.

22 A Rodrigo, I know him through Henry.

23 Q What about Romeo Lopez?

24 A Romeo Lopez. Romeo Lopez?

25 Q Yes. You know Romeo Lopez?

1 A I know him through I think Henry. I see him through
2 Henry; he introduced me.

3 Q What about Primal Gijal?

4 A Which one?

5 Q Primal Gijal?

6 A It's all through Henry.

7 Q Marites C. Quedding?

8 A Which one?

9 Q Marites C. Quedding. You don't know --

10 A I don't remember. Can't remember.

11 Q Do you remember Margarita Barut, Reyna M. Mata and
12 Robert Mata?

13 A Robert -- what's that?

14 Q Reyna and Robert Mata?

15 A Yeah, through Henry, yeah.

16 Q You remember those people? What about Ceasar Lizada
17 and Luz Lizada?

18 A Through Henry.

19 Q Loreto Callos and Clarita Callos?

20 A Yeah, I know through -- he was introduced to me,
21 yeah.

22 Q Through Henry?

23 A Yes. And Rowena and also Mata. They all know each
24 other.

25 Q So what about Froilen Lagazo? You know who that is?

1 A Froilen?

2 Q Lagazo.

3 A Through Rowena.

4 Q Rudy Gazmen and Bessie Gazmen?

5 A I don't know them.

6 Q You're not related to them?

7 A No, I'm not related to them.

8 Q You recognize Felicitas C. Pasion?

9 A Felicitas Pasion. I think maybe Angie. I'm not

10 really sure.

11 Q Elvira --

12 A They're all from the other island, yeah?

13 Q Elvira Andaya?

14 A What's that? What's the first name?

15 Q Elvira Andaya?

16 A Not recall.

17 Q Nelia Fabella? Do you recognize Gudencia Simon and

18 Herminio Simon?

19 A What's the first one, the Simon? That's the one

20 that I know --

21 Q Gudencia Simon and Herminio Simon?

22 A Yeah, they're all from the other island.

23 Q So when you say "other island," are you saying Maui?

24 A I'm not really -- I think the -- the one that

25 Gazman, I know that Gazman. They went to other island with

1 Edna.

2 Q Okay.

3 A But it was just introduced to me.

4 Q So --

5 A When they fax --

6 THE COURT: Wait. I'm sorry. You need to talk one
7 at a time. So are you finished with your answer? Do you
8 remember these people?

9 THE WITNESS: Uhm, I remember the name, but I just
10 don't know them that well.

11 THE COURT: Okay. What's your next question?

12 Q (BY THE DEFENDANT:) You remember Rosario Kalb?

13 A What is that? Rosario? What's the last name?

14 Q Rosario Kalb, K-a-l-b.

15 A Kalb.

16 Q You recognize them?

17 A I recognize them, but I don't know them.

18 Q Okay. What about --

19 A They just calling to the -- because they cannot
20 get -- they cannot get in touch any more with Henry, Edna and
21 everybody, so they have to call me.

22 Q So what about Antonio Palacio and Enriqueta Palacio?

23 A I just recognize, but I don't know them.

24 Q Zenaida and Rogelio Magbual?

25 A I know her, but I don't know him -- know her

1 personally.

2 Q Okay. Wengie and Danilo and Macrina Pillos?

3 A Yeah, that's your client.

4 Q No, that's your client, Ms. Cabebe.

5 THE COURT: Well, it's not an exchange. You need to
6 ask a question.

7 Q (BY THE DEFENDANT:) Okay. You recognize Josephine
8 Leano?

9 A Josephine Leano?

10 Q Uh-huh.

11 A Can't remember, but I heard -- I heard -- I know he
12 was -- she was calling also before.

13 Q Okay. Can you read the rest -- look at the rest of
14 the names? Do you recognize any of those names on that list?

15 A Avelina -- Eleonor and Esmenio Sabas, Riza Magsayo,
16 that I'm not really familiar. Avelina Laurel, I know her
17 because she's been calling, but I don't know her personally.

18 Q Okay. So these people, did they make a complaint
19 against you, though, Ms. Cabebe?

20 A Yeah, they made a complaint against me.

21 Q And for what reason, Ms. Cabebe?

22 A For getting money from them for the mortgage.

23 Q For the company that you and Edna and Henry set up?

24 A No, for your -- some of the client is your client.

25 Q No, none of those are my client, Ms. Cabebe --

1 A Yes.

2 THE COURT: Wait, wait. Okay. So it's not an
3 exchange. So your question to her, "Are any of these your
4 clients?" Is that your question? What's your question?

5 Q (BY THE DEFENDANT:) Right. So are you saying some
6 of these are my clients?

7 A Yes.

8 Q Okay. So in the bankruptcy, did they mention my
9 name that any of these clients made a complaint against me?
10 Anywhere in the bankruptcy did it mention my name?

11 A Well, you have the Mortgage Enterprise.

12 Q No, that's your company, Ms. Cabebe, remember? You
13 set up -- you, Anabel, Henry, and Angelita set up Mortgage
14 Enterprise. My company is Mortgage Enterprise Investments.
15 You know this, Ms. Cabebe.

16 THE COURT: No, so --

17 Q (BY THE DEFENDANT:) Correct?

18 THE COURT: So what's your question?

19 Q (BY THE DEFENDANT:) So you know the difference
20 between your company, Mortgage Enterprise, and my company,
21 Mortgage Enterprise Investments, do you not?

22 A I know, but you are denying it that some -- that the
23 client are yours. They even make a payment to you, the checks.

24 Q So, Ms. Cabebe, so in this injunction why am I not
25 in this injunction? Why is none of these clients have a

1 complaint against me in the injunction; it's only against you?

2 THE WITNESS: Excuse me, Your Honor. Can you check
3 on the -- the --

4 THE COURT: You want to see the document?

5 THE WITNESS: Yeah, the first page because I know
6 it's like --

7 THE COURT: Wait, wait. Okay. We'll get you a hard
8 copy of the first.

9 THE COURTROOM MANAGER: That's government
10 Exhibit 209.

11 THE WITNESS: It says there Mr. --

12 THE COURT: Wait, wait, wait. Okay. Get her 209
13 and have her be able to take a look at that. Thank you.

14 THE DEFENDANT: I'd also like to enter this into
15 evidence and publish it.

16 MR. SORENSON: It's already an exhibit, Your Honor.

17 THE COURT: All right. It's already received.

18 MR. ISAACSON: Is it?

19 THE COURT: You wish to publish?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay.

22 Q (BY THE DEFENDANT:) Go to page 4. Have you looked
23 at the whole document, Ms. Cabebe?

24 A The first page says Mortgage Enterprise Investment.
25 That's what I told them, What's the name of your companies when

1 they asked me.

2 Q So --

3 A I was the one who is helping you, remember?

4 Q No, not at this time. Ms. Cabebe, you was fired.

5 Do you remember?

6 MR. SORENSON: Objection to the leading question.

7 THE COURT: All right. So overruled.

8 And then do you have the question in front of you? Do you
9 know what he's asking you?

10 Okay. Can you repeat the question for her, please?

11 Q (BY THE DEFENDANT:) These were not my clients and
12 your company was not my company. Do you remember I fired you
13 and the rest of your cohorts?

14 THE COURT: All right. So -- so what question do
15 you want to ask her?

16 Do you remember that he fired you from Mortgage Enterprise
17 Investments.

18 THE DEFENDANT: Yes. And Common Law, yes.

19 THE COURT: Uh-huh.

20 THE WITNESS: Did you have that letter -- copy of
21 the letter that you fired us?

22 THE DEFENDANT: Yes, I do, Exhibit 2170.

23 Q (BY THE DEFENDANT:) Do you remember this email that
24 I sent to you, Edna, and Henry, Ms. Cabebe?

25 A Yes, I saw this email.

1 Q Okay.

2 A But can I say something? When -- when you send this
3 email, you still came back to my 1604 Democrat Street and used
4 me to help you to notarize and to do -- you know, to send
5 paperworks to you.

6 Q No.

7 A Remember? So even do you -- you send this one, you
8 still use me.

9 Q So, Ms. Cabebe, you still notarized some of my
10 documents, that is true, right?

11 A Yes.

12 Q But was you working for me at that time?

13 A Yeah, because you stayed in my -- my apartment, all
14 your things and everything there until November.

15 Q No, I had a office there. You do -- I had a office
16 there 'cause you remember why I had a office there at your
17 place?

18 A Yes. But you telling me that, "I fired you." You
19 said September you fired.

20 Q Yes.

21 A But when you came back on November, you still -- you
22 still using me.

23 Q No. Remember you just said, Ms. Cabebe, that after
24 February 14th, 2014, I was a scam? You didn't utilize me no
25 more. Remember?

1 A No. What I said was I -- I said that you -- what
2 I'm -- what I'm saying is that your paperworks and everything
3 like that that you have given us or you have train us is not
4 true, it's a lie.

5 Q No. So how much training did you get, Ms. Cabebe,
6 you personally? What did I train you to do?

7 A You train me to tell people that, you know, you have
8 to lower the mortgage payment. You told me myself, my house,
9 okay? And then you will have to half the balance of the
10 mortgage. That's what I understand.

11 Q And do you recall signing the MEI application,
12 Ms. Cabebe?

13 A Yeah, I -- you know I signed it.

14 Q And so do you remember what the foreclosure
15 disclosure and the terms and conditions on the foreclosure
16 disclosure is, correct?

17 A I can't remember too many things. It's been so
18 long. But I know I signed it. If you show me and I signed it,
19 I will accept it. But it's like you're telling me that I
20 remember everything.

21 THE DEFENDANT: Can I get a copy of the Exhibit 16?
22 This is just a MEI application. This is not -- I don't have a
23 copy of her -- but this is the MEI application.

24 And go to the foreclosure disclosure page.

25 Q (BY THE DEFENDANT:) Okay. You see that page right

1 there, Ms. Cabebe?

2 A Yeah, but that's a common law, you know, when we use
3 you, we have to pay you, right?

4 Q You never paid me --

5 A Yes, I did.

6 THE COURT: Wait. Okay. So the question is did you
7 ever pay Mr. Williams?

8 THE WITNESS: Yes.

9 THE COURT: All right. What's your next question?

10 Q (BY THE DEFENDANT:) When did you pay me,
11 Ms. Cabebe?

12 A When you start doing my paperwork.

13 Q And do you have any checks that you can provide the
14 Court?

15 A I only pay you cash.

16 Q So, Ms. Cabebe, let's see --

17 Let me get Government Exhibit 142. And go to the
18 next page. Go to the next page, please. Go to the next page,
19 please.

20 MR. SORENSON: That's the only page.

21 THE DEFENDANT: Oh, that's the only page? That's
22 not it.

23 Q (BY THE DEFENDANT:) Do you remember a cover page I
24 had to put on the application, Ms. Cabebe, because Henry and
25 Anabel was collecting cash from people? Do you remember that

1 cover page?

2 A What's that?

3 Q Do you remember the cover page I had to insert and
4 put on the application because Henry and Anabel and Edna were
5 charging people cash and not giving them receipts? Remember
6 that?

7 MR. SORENSON: Objection. Leading.

8 THE COURT: Overruled. Foundational.

9 Q (BY THE DEFENDANT:) Do you remember --

10 THE WITNESS: I can't remember everything, but
11 I -- I know I remember something like that, but I can't
12 remember.

13 Q Okay. So if I placed that on the cover page because
14 they was doing that, why would I charge you cash, Ms. Cabebe?

15 A You do charge cash, Mr. William.

16 Q So why --

17 A Sometimes --

18 THE COURT: Wait until he finishes the question.

19 What's your question?

20 Q (BY THE DEFENDANT:) So why is my bank account that
21 was analyzed by the FBI shows that all my clients paid by
22 check?

23 MR. SORENSON: Objection. Mischaracterization of
24 the evidence.

25 THE COURT: Sustained and beyond this witness's

1 knowledge.

2 Okay. So ask another question.

3 Q (BY THE DEFENDANT:) Well, so is it a normal
4 practice that I taught you all to collect cash, Ms. Cabebe?

5 A I collected cash from clients.

6 Q And --

7 A Not only me, yeah?

8 Q So who I collect the cash from, Ms. Cabebe?

9 A I don't know. They come there and they give you
10 cash.

11 Q So I -- so you saying clients gave me cash and I
12 didn't give them a receipt or I accepted the cash and didn't
13 tell --

14 A I don't know. It's up to you --

15 THE COURT: Wait until he finishes the question.

16 Okay. What's your question?

17 THE WITNESS: Sorry about that.

18 THE COURT: Yes, you have to just wait a beat.

19 Okay?

20 So what's your question?

21 Q (BY THE DEFENDANT:) So you saying you saw me accept
22 cash instead of check from clients? You saw me do that?

23 A I did not say you collect cash instead of check.
24 You collect them both, check and cash.

25 Q Saying so you saw me collect cash from clients?

1 A Yes.

2 Q What client did you see me collect cash from,
3 Ms. Cabebe?

4 A I can't remember.

5 Q Can't remember at least one client?

6 A Forgot their names, but they come to see you because
7 sometimes you close your door.

8 Q So, Ms. Cabebe, when you, Anabel, and Henry set up
9 the account, why didn't --

10 A Edna.

11 Q And Edna.

12 A Not -- not Anabel. I'm Anabel.

13 Q Well, when you, Edna, Angelita, and Henry set up the
14 fraudulent bank account, why didn't you set up an account here
15 in Hawaii?

16 A I don't know. It was Edna who was an idea and
17 Henry.

18 Q So it was Edna and Henry's idea for you to fly from
19 Hawaii to California to open up a fraudulent bank account and
20 name it after my company to make it look like my company?

21 A They said to open an account in L.A. or Las
22 Vegas -- L.A., I think, that one.

23 Q Okay. So why didn't you call me and let me know
24 about this account, Ms. Cabebe?

25 A Edna said you already talk about it because you were

1 partner, remember? In the beginning you were partner together.

2 Q So if we was a partner, wouldn't I have to sign like
3 the rest of you, quote/unquote, partners signed on the bank
4 account?

5 A I don't know. You have to check with Edna about
6 that.

7 Q So you just believed what Edna said and -- but you
8 had access to me, you saw me constantly, Ms. Cabebe. So why
9 didn't you divulge this to me?

10 A She said that you discuss already with her.

11 Q So my question again is if she told you that, you
12 saw me after that, why didn't you question me whether I
13 authorized that or not, Ms. Cabebe?

14 A How could I question you when in fact that Edna said
15 you have already discussed together?

16 Q So, okay. So you just trust that what Edna said was
17 the truth and don't check with me. 'Cause this was my company
18 was Mortgage Enterprise Investments, correct?

19 A Yes.

20 Q Okay. So whose idea was it to forge the documents,
21 to make the documents not say Mortgage Enterprise Investments
22 but now to read Mortgage Enterprise? Was that your idea or was
23 it Edna or was it Henry's idea?

24 A Edna.

25 Q So Edna was the mastermind behind this fraudulent

1 scheme?

2 A Yes.

3 Q So you knew that the documents was forged? You knew
4 it didn't have Investments on it, so why didn't you question me
5 after you saw the documents?

6 A That was my fault. I accept that, that I wasn't
7 able to get in touch with you because I just base upon what
8 Edna said that you discuss together because you were partner in
9 the beginning.

10 Q But you -- you had contact with me after that,
11 Ms. Cabebe. You had every opportunity to let me know about
12 this. Why didn't you?

13 A I did let you know that we opened, remember?

14 Q No, you did not, Ms. Cabebe.

15 A Yes, I --

16 THE COURT: Okay. You know what? This is not a
17 discussion. This is a question and an answer. So she said she
18 discussed that with you. Now what's your next question?

19 Q (BY THE DEFENDANT:) So if you discussed this with
20 me, Ms. Cabebe, what was my answer to you?

21 A I can't remember, but you said, "I already fired all
22 of you." That's what you said. "They are fired," you said.

23 Q And do you remember after I found out, that I went
24 to the FBI office, her office, and made a complaint against
25 them? Do you remember that now?

1 A No, I can't remember.

2 Q Do you remember me going to the DCCA office and
3 making a complaint?

4 A You're asking me everything dates. I can't. I
5 can't remember.

6 Q So you don't remember me putting their picture on my
7 website as scam artists? You don't remember that?

8 A Yeah, I saw that.

9 Q Okay. So when you saw the website, do you remember
10 what I put on the website about them?

11 A Yes, I saw it.

12 Q Okay. Do you recognize those pictures on there,
13 Ms. Cabebe?

14 A Yes.

15 Q And that's the website that you remember seeing?

16 A Yes. You showed me that.

17 Q And what about this page on the website? You
18 remember seeing this one?

19 A Yes.

20 THE DEFENDANT: Okay. I'd like to move this into
21 evidence.

22 THE COURT: What exhibit numbers are they?

23 THE DEFENDANT: 2161 --

24 THE COURT: Speak into the microphone, please. I'm
25 sorry. Speak into the microphone.

1 THE DEFENDANT: 2161-45, -46, and -47.

2 THE COURT: -45 and -67? 2161 --

3 THE DEFENDANT: -45 through -47.

4 THE COURT: -- -45 through -47.

5 All right. Any objections?

6 MR. SORENSON: Yes, Your Honor. First off, I mean,
7 these would be hearsay statements offered by what appears to be
8 the proponent of the statements so they can't be party opponent
9 statements.

10 Additionally, we think they lack relevance because, again,
11 this is him talking about the Mortgage Enterprise
12 Investments -- or Mortgage Enterprise operation and our case is
13 not about Mortgage Enterprise. So we object on both hearsay
14 and relevance grounds.

15 THE COURT: All right.

16 THE DEFENDANT: It is.

17 THE COURT: So I'll receive it into evidence, but
18 you have to have the exhibit -- exhibit numbers. This is like
19 from something else. It's not from this court.

20 THE DEFENDANT: It's 2161.

21 THE COURT: Where is it?

22 THE DEFENDANT: It's at the bottom, right here.

23 THE COURT: Show me the exhibit number.

24 THE DEFENDANT: Right there (pointing).

25 THE COURT: Okay. So you only want those pages 45

1 through 47?

2 THE DEFENDANT: Yes, just those pages.

3 THE COURT: All right. 2161 pages 45 through 47 are
4 received.

5 (Exhibit 2161-45 to -47 received into
6 evidence.)

7 THE DEFENDANT: Okay. And I'd like to publish it.

8 THE COURT: All right. You may publish. You have
9 to take off the Post-its though 'cause that's not part of the
10 exhibit.

11 Q (BY THE DEFENDANT:) Now, Ms. Cabebe, when I put
12 their picture up on the public notice on my website, do you
13 remember Edna and Henry getting very upset with me?

14 A For putting this?

15 Q Yes.

16 A Yeah, I remember.

17 Q Okay. And do you remember they wanted me to take it
18 down?

19 A Who said that?

20 Q Do you remember? And Henry --

21 THE COURT: All he's asking you is do you remember
22 this. If you don't remember, just say you can't remember.

23 THE WITNESS: I can't remember.

24 THE COURT: Okay. Next question.

25 Q (BY THE DEFENDANT:) I'm going to go back to the

1 email, the Exhibit 2170.

2 MR. SORENSON: Your Honor, again this document is
3 not in evidence --

4 THE COURT: It's not in evidence.

5 MR. SORENSON: -- and we have not seen it before
6 either.

7 THE COURT: Okay.

8 Q (BY THE DEFENDANT:) No. You already testified,
9 Ms. Cabebe, that you remember this email. You remember?

10 THE COURT: Yeah, she testified to that.

11 THE WITNESS: You told me earlier --

12 THE COURT: No, no. Stop.

13 So what's your question about the document?

14 Q (BY THE DEFENDANT:) Now, you said that you wanted
15 me to show you where I said I fired you, correct?

16 A Yes.

17 Q Okay. Can you turn to page 4? Can you see that,
18 page 4? And it's under -- can you see the scripture I have
19 right there? Can you see the scripture First Thessalonians?

20 THE COURT: Do you want her to review it to see if
21 it refreshes her recollection?

22 THE DEFENDANT: Yes, yes.

23 THE COURT: Can you take a look at that? If you
24 can't see it on the screen, we can get you a hard copy.

25 THE WITNESS: Which one do you want me to read?

1 THE COURT: So do you see the third paragraph?

2 THE DEFENDANT: Where it says, "Therefore" --

3 THE COURT: Why don't you circle it so she can see?

4 THE DEFENDANT: Okay.

5 THE COURT: Okay. Read that to yourself, not out
6 loud, and then when you're done, look up.

7 Q (BY THE DEFENDANT:) You read it all, Ms. Cabebe?

8 A Yes.

9 Q Okay. Now, do you remember me giving you seven days
10 and if you don't respond that I was firing you and terminating
11 you?

12 A That's what it says in the letter.

13 THE DEFENDANT: Uh-huh. Now, I'd like to move this
14 into evidence?

15 THE COURT: All right. Mr. Sorenson?

16 MR. SORENSON: We object. I mean, first off, we
17 haven't seen it before. It's not included in any discovery.
18 We're just seeing it today, so we don't know the authorship,
19 when it was authored. The witness hasn't even indicated she
20 remembers it.

21 THE COURT: All right. So your objection's
22 sustained. It's not coming into evidence.

23 All right. What's your next question?

24 THE DEFENDANT: No, she -- they saying they never --
25 they had this --

1 THE COURT: She did not author this document.

2 THE DEFENDANT: No, I'm saying but she remembered
3 this document sent to her in a email.

4 THE COURT: She said now she's read it it refreshed
5 her recollection about the firing, so you can ask her questions
6 about it, but this document is not coming in.

7 THE DEFENDANT: But I'm saying but she just said she
8 remembered receiving the letter, the email.

9 THE COURT: I don't know how many times you want me
10 to rule, but I'm ruling again it's not coming into evidence.
11 There's no foundation. You can ask another question. If
12 you're done with this witness, then Mr. Sorenson and Mr. Yates
13 will have their opportunity to question her.

14 Q (BY THE DEFENDANT:) So according to this document,
15 Ms. Anabel, you just verified that you, in fact, was fired,
16 correct?

17 A What did you say?

18 THE COURT: Does the -- after reading this document,
19 does that refresh your recollection that you were fired by
20 Mr. Williams?

21 THE WITNESS: Yes, I -- yes. I saw that email from
22 Angie Pasion. She showed me. But I did not see it in my
23 email.

24 THE COURT: All right. So did you understand that
25 Mr. Williams fired you?

1 THE WITNESS: Yes. That's what it says, Your Honor.

2 THE COURT: All right. So Mr. Williams, what's your
3 next question?

4 Q (BY THE DEFENDANT:) So, Ms. Cabebe, when you had
5 formed this fraudulent company, Mortgage Enterprise, and you
6 traveled to Maui and the other states, why did you continue to
7 deceive homeowners as if you was still working for me?

8 A Didn't you ask that question earlier already?

9 Q No, I did not.

10 THE COURT: No. So do you understand the question?
11 You need to answer the question if you understand it.

12 THE WITNESS: Can you repeat that again?

13 Q (BY THE DEFENDANT:) Can you read the question for
14 her, please?

15 (Question read by the court reporter.)

16 THE WITNESS: Trying to help them, uhm, same way
17 that you said, lower monthly payment and lower the mortgage
18 payment.

19 Q (BY THE DEFENDANT:) So, Ms. Cabebe, how would you
20 know how to do that when you wasn't trained to know how to
21 respond to motions? You don't know the law, correct?

22 A Yes.

23 Q So how would you help them if you don't know the
24 law, Ms. Cabebe?

25 A You know who's doing that, you trained Edna, yeah,

1 to do -- to answer all those things, remember?

2 Q So you saying Edna was answering the motions of the
3 people that you signed up?

4 A Yes. We don't do that. Only you and Edna does
5 that.

6 Q Okay. So when you all formed Mortgage Enterprise,
7 did she answer any of the motions?

8 A For -- I don't know. I don't know. All I know is
9 myself.

10 Q So you don't know if Edna ever did any work?

11 A For client?

12 Q Yes.

13 A Yes, she does.

14 Q Okay. So if she did the work, then why all these
15 people made complaints against you and her?

16 A Because I was assisting them too and helping, the
17 same way how I helped you.

18 Q No. But didn't you know they didn't know how to
19 help people, Ms. Cabebe? Didn't you know that?

20 A Excuse me?

21 Q Didn't you know they did not know how to help
22 people?

23 A Who? Who?

24 Q Edna and Henry? Didn't you know that?

25 A Yeah, they only know how to scam people.

1 Q Right. So why did you continue to work with them if
2 you knew this, Ms. Cabebe?

3 A I just told you that I got out February 14th. I
4 remove my name February 14th.

5 Q So if that's true, Ms. Cabebe, then why did you fly
6 to Maui in 2015 and accept money from Ms. Pillos under Mortgage
7 Enterprise?

8 A The cash money that, you know, whatever they give
9 the clients and Edna is the one answering those, uhm,
10 paperwork. She charge 1500 every time. You know that.

11 Q But you said -- you saying after 2014 you stopped.
12 But you went to Maui in 2015 and got money from Ms. Pillos. Do
13 you remember?

14 A December.

15 Q Yeah. So why would you collect money from them
16 knowing you, Edna, or Henry could not help these people?

17 A I can't remember December 15th, but I know before
18 that that, you know, Edna cannot answer that if there's no more
19 payment. Same way with you. You know, she gave you couple of
20 checks. Pillos gave you a couple of checks.

21 Q And when did she give me those checks, Ms. Cabebe?

22 A 2000- -- I can't remember. But I -- I gave it to
23 you. She gave it to you.

24 Q But she testified that she gave the payment cash
25 money to you, Ms. Cabebe.

1 A Yeah.

2 Q So is she lying?

3 A No. Whatever I receive, I receive, okay? But I
4 don't answer the -- whatever the problem.

5 Q Well, we know that --

6 A I take that responsibility, if. I receive it, I
7 take that responsibility. But it's not for me. It's for, you
8 know, whoever answer that paperwork. It's like you; you
9 receive all those checks that Pillos gave you.

10 Q So --

11 A I don't know how to answer that.

12 Q So, Ms. Cabebe, what did the government promise you
13 in your plea deal?

14 A They did not promise me anything. Before that I
15 already know that what you doing is scam. So before I
16 even -- before -- they don't have to tell me because before
17 that I know already that it's our -- you know what you're doing
18 is not working, it's a lie.

19 Q So again, Ms. Cabebe --

20 A Because if it works, yeah --

21 THE COURT: All right. You need to wait for him to
22 ask a question.

23 THE WITNESS: Sorry about that.

24 THE COURT: No, that's all right.

25 THE WITNESS: Can I state --

1 THE COURT: Wait, wait. No, you can't.

2 Ask a question.

3 Q (BY THE DEFENDANT:) Have you spent any jail time
4 from scamming all these people, Ms. Cabebe?

5 A You know that I did not go to jail.

6 Q Do you feel like you should go to jail for scamming
7 these people, Ms. Cabebe?

8 A You should go to jail because you're the one who
9 came here to ruin my life.

10 Q Ms. Cabebe --

11 A You know you're the one who came here to ruin
12 everybody's life and I lose --

13 THE COURT: Wait, wait. Stop. Okay. So his
14 question to you is do you feel you should go to jail?

15 THE WITNESS: No.

16 THE COURT: All right. Next question.

17 Q (BY THE DEFENDANT:) Oh, you feel like it's okay to
18 scam people and not go to jail?

19 A You are the one who scammed people.

20 Q That's a yes or no question, Ms. Cabebe. You've
21 already admitted that you scammed people; that's why you took
22 the deal, Ms. Cabebe.

23 A Yeah, I assist you, yes. I have to take that
24 responsibility because I did. So what's wrong with accepting
25 that?

1 Q No --

2 A I accept the responsibility and I'm sorry that
3 I -- I did it.

4 Q So -- so are you sorry that you scammed me,
5 Ms. Cabebe?

6 A What you mean scam you?

7 Q By forging my documents and forming a fraudulent
8 company to name it after mine and then having people --

9 A I did not forge.

10 THE COURT: Wait, wait. Wait for him to finish his
11 question.

12 So your -- what's your question to her?

13 Q (BY THE DEFENDANT:) So do you feel sorry about
14 scamming and defrauding me and my company?

15 A What do you mean by that?

16 Q You knew what you were doing was wrong, Ms. Cabebe.
17 You knew by opening up that fraudulent Mortgage Enterprise
18 account -- and you opened it up before I went to jail, so you
19 did this behind my back. So did you not know you was doing
20 wrong?

21 A That's why I said before that you're asking me about
22 the government. I already know what you did. That is all lies
23 because I lost my two homes.

24 Q So, Ms. Cabebe, can you answer this question for me?
25 If I was such a scam, how come I have no complaints in Hawaii

1 against me like you, Edna and Henry? How come I have zero
2 complaints, Ms. Cabebe?

3 THE COURT: So that's your question. Do you know if
4 he has any complaints --

5 MR. SORENSON: Well, objection, Your Honor.

6 THE COURT: Yeah.

7 MR. SORENSON: I understand. If you can just give
8 me a moment.

9 THE COURT: Yeah.

10 MR. SORENSON: Objection. That mischaracterizes
11 facts that are not in evidence in this case and so this witness
12 wouldn't know that.

13 THE COURT: So sustained.

14 You have to ask her what she knows.

15 Q (BY THE DEFENDANT:) Okay. So, Ms. Cabebe, do you
16 know if OCP filed a complaint against me like they filed
17 against you?

18 A I am not sure. I don't -- I don't know your case.
19 I don't read your case. But it all begins to you because all
20 of this.

21 THE COURT: All right. So next question. What's
22 the next question?

23 Q (BY THE DEFENDANT:) So your fraudulent actions was
24 done under Mortgage Enterprise, correct?

25 THE COURT: Do you understand the question?

1 THE WITNESS: No.

2 THE COURT: Okay. So he's asking you about Mortgage
3 Enterprise.

4 THE WITNESS: Uh-huh.

5 THE COURT: All right. So what's your question
6 about Mortgage Enterprise?

7 Q (BY THE DEFENDANT:) All the people that were
8 scammed, they were scammed under Mortgage Enterprise, correct?

9 A Yes.

10 Q Okay. Now, so -- and you, Edna, Henry, and Angelita
11 is the one that formed Mortgage Enterprise, correct?

12 A Yes.

13 Q And I was not a signer on any of the Mortgage
14 Enterprise accounts, was I?

15 A No.

16 Q Did I ever authorize you to open up a fraudulent
17 account?

18 A No.

19 Q So why would you do that, Ms. Cabebe, when you knew
20 me? Why would you go behind my back and do that to me?

21 A You -- we just discussed earlier that I went to
22 discuss to you after that. Remember when I come back?

23 Q No. Do you remember --

24 A I told --

25 THE COURT: Let her finish her answer.

1 THE WITNESS: I told you that and you even said that
2 you -- I told you. You even said a while ago that I told you
3 that.

4 Q (BY THE DEFENDANT:) No, Ms. Cabebe --

5 THE COURT: So what's your question?

6 Q (BY THE DEFENDANT:) My question is when you told me
7 about the fraudulent account in California, you didn't tell me
8 you was a signer on it, Ms. Cabebe. Why didn't you tell me you
9 was a signer?

10 A I did. They made me -- I'm also a signer. I told
11 that.

12 Q You did not --

13 THE COURT: All right. So that's her answer. It's
14 not an argument. Ask a question.

15 Q (BY THE DEFENDANT:) So, Ms. Cabebe, do you remember
16 a young lady from the Big Island named Robbin Krakauer?

17 A What's that?

18 Q Do you remember a Caucasian lady named Robbin
19 Krakauer that flew over to see me here because she worked for
20 me in the Big Island? Do you remember her? Caucasian lady?

21 A Yeah, you introduced me to her when she came here.
22 But I don't know her personally. But you were the one who
23 introduced. She came here.

24 Q Right. And so you knew she knew me and she knew
25 Edna too, correct?

1 A I don't know about Edna, but I -- my concern only is
2 that you introduced me to her and that's it. I don't discuss
3 any information about whatever you talk about anything to her.

4 Q So, Ms. Cabebe, your testimony, did the government
5 tell you that if you testify favorably that you would get a
6 favorable sentence once you go to sentencing with your plea
7 deal?

8 MR. SORENSON: Objection, Your Honor.
9 Mischaracterizes what's going on here 'cause she never did
10 testify for us.

11 THE WITNESS: I just told you --

12 THE COURT: Wait, wait. Sorry, sorry. So you're
13 asking -- all right. So he's objecting about the
14 mischaracterize -- she never testified in the government's
15 case.

16 THE DEFENDANT: No, I didn't say she testified.

17 THE COURT: Anyway, so rephrase -- sustained.
18 Rephrase the question, but you're asking her about her plea
19 agreement.

20 Q (BY THE DEFENDANT:) So in your plea agreement, when
21 you discussed it with the government, was one of the deals that
22 you don't go to jail?

23 A What you say?

24 Q When you took your plea agreement, when you agreed
25 that you scammed all these people, was one of the agreements

1 that you don't do any jail time?

2 A No, they never tell me anything. What I did was I
3 know it's already a scam, okay? So I have a lawyer to review
4 all my paperworks too to help me.

5 Q So --

6 A Okay?

7 Q So you had a lawyer to review the documents to help
8 you --

9 A I have --

10 Q -- get a deal?

11 THE COURT: Wait. Let him finish the question. Did
12 you have a lawyer to review your documents?

13 THE WITNESS: Yeah, I have lawyer too to review.

14 THE COURT: Okay. What's your question?

15 Q (BY THE DEFENDANT:) And so your lawyer told you
16 sign the plea deal, and if you sign the plea deal did he tell
17 you you would go to jail?

18 A No.

19 THE COURT: All right. So I'm not going to let you
20 ask her questions about what her attorney and she discussed
21 because that's privileged.

22 THE DEFENDANT: Okay. So --

23 THE COURT: You can't ask that question.

24 Q (BY THE DEFENDANT:) So was it your understanding
25 that once you took the plea deal, that you would not go to

1 jail?

2 A Mr. William.

3 Q Yes or no?

4 A Mr. William.

5 Q Ms. Cabebe?

6 THE COURT: Wait. Stop. What's your answer? Did
7 you understand that you were going -- you're not going to go to
8 jail?

9 THE WITNESS: Okay. What is that?

10 THE COURT: With the plea agreement, do you
11 understand that you will not -- is it -- the agreement include
12 that you will not go to jail?

13 All right. Let me just start over. Have you been
14 sentenced yet?

15 THE WITNESS: Not yet.

16 THE COURT: Okay. You have to come to court for
17 your sentence, right?

18 THE WITNESS: Yes, uh-huh.

19 THE COURT: All right. And part of your agreement
20 with the government, the plea agreement, did they promise you
21 that they would not ask for jail time?

22 THE WITNESS: No, Your Honor.

23 THE COURT: Okay. What's your question?

24 Q (BY THE DEFENDANT:) So what was the stipulation if
25 you not -- if they're saying that they're not going to

1 guarantee that you don't go to jail?

2 A There's no stipulation. My sentence is not done
3 yet. I just -- I just take that responsibility, plead guilty
4 because I did it --

5 Q So --

6 A -- you know.

7 Q So my question to you then, since you pled guilty
8 and you did it, don't you feel like since you scammed all those
9 people, Ms. Cabebe, that you should go to jail?

10 MR. SORENSON: Objection. That's asked and
11 answered.

12 THE COURT: Sustained. She's already said no, she
13 doesn't feel she should go to jail. What's your next question?

14 Q (BY THE DEFENDANT:) So do you feel like anybody can
15 scam anybody and not go to jail?

16 MR. SORENSON: Objection. Asked and answered also.

17 THE COURT: Well, so anyway, no. I'm going to
18 sustain the objection on the grounds that it's not relevant.
19 Her punishment is not relevant. You've asked her if she thinks
20 she should go to jail; she says no. Ask her another question.
21 Or if you're concluded, then it's Mr. Sorenson or Mr. Yates's
22 turn to cross-examine. Do you want a few moments to look over
23 your notes.

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. All right. So why don't we take

1 our recess now, ladies and gentlemen, and when you return, then
2 we'll continue with Ms. Cabebe's testimony.

3 Please leave your iPads and notebooks behind, and of
4 course, don't research or investigate any people or issues.

5 Please rise for the jury. They're on a 15-minute recess
6 as are we.

7 (A recess was taken.)

8 (Open court out of the presence of the jury.)

9 THE COURT: All right. The record will reflect the
10 presence of counsel and Mr. Williams.

11 Ms. Cabebe, if you would retake the stand.

12 All right. If there's nothing that we need to address,
13 then we'll call in the jury. All right. Thank you. We're in
14 recess.

15 (A recess was taken.)

16 (Open court in the presence of the jury.)

17 THE COURT: And the record will reflect the presence
18 of the ladies and gentlemen of the jury, counsel, and
19 Mr. Williams. The witness is on the stand.

20 Your witness, Mr. Williams.

21 THE DEFENDANT: Exhibit 2024, page 4 and 5.

22 Q (BY THE DEFENDANT:) Ms. Cabebe, is this an accurate
23 account of the affidavit that you did?

24 A What's that?

25 Q Is the things represented in the affidavit, is this

1 an accurate account of what you told me in this affidavit that
2 you signed?

3 A Yes, that's paid Edna 10,000 cash.

4 Q Okay. And what about the other contents of it?

5 MR. SORENSON: Your Honor, I'm going to object only
6 because we've gone through this document extensively already.

7 THE COURT: All right. So I'll have her answer that
8 question, then you got to move on.

9 Is the rest of the affidavit correct?

10 THE WITNESS: Yes, it's correct.

11 THE DEFENDANT: Okay. I'd like to move it into
12 evidence under the same rule.

13 MR. SORENSON: I object to that, Your Honor. Again,
14 her testimony is what comes into evidence, not this document.

15 THE DEFENDANT: I would like to move it because the
16 same evidence that I presented with Mr. Ventura, his affidavit
17 basically stating the same thing, so how could that affidavit
18 get in and this one don't? It's the same person, same person
19 that wrote it, signed it, notarized it. It's their statement.

20 THE COURT: All right. You have the witness here so
21 you can ask her questions. It's not going to come into
22 evidence.

23 All right. Next question.

24 Q (BY THE DEFENDANT:) So on the -- on the fifth line,
25 Ms. Cabebe, you swore that Edna Franco stated that she was

1 opening her own company?

2 MR. SORENSON: Objection. Your Honor --

3 THE COURT: Right. So well, anyway, sustained. So
4 you can ask her -- you can ask her -- she's here to testify.
5 So you can ask her a question.

6 Q (BY THE DEFENDANT:) So is the statement true that
7 you applied on this document?

8 THE COURT: No, you can't ask her about the
9 document. Okay? You've already asked her about the document.
10 She says those statements are true. So do you have a specific
11 thing you want to ask her about?

12 THE DEFENDANT: I mean, how the jury gonna
13 deliberate if they don't have --

14 THE COURT: 'Cause you ask her. Ask her the
15 question and that's the testimony that they will hear and
16 they'll determine whether that's something they want to believe
17 or not. That's how the trial works with all the witnesses.

18 So you can ask her a question that you haven't already
19 asked her. You already asked her about the creation of
20 Mortgage Enterprise with Edna Franco and Henry Malinay. So
21 what other areas do you wish to ask her questions --

22 Q (BY THE DEFENDANT:) So, Ms. Franco, is the account
23 that you opened up in California --

24 THE COURT: I'm sorry. This is Ms. Cabebe, not
25 Ms. Franco.

1 Q (BY THE DEFENDANT:) I'm sorry. Ms. Cabebe, is the
2 account you opened up with Ms. Franco on August 27th, 2013, the
3 only account that you all opened up?

4 A You already asked earlier, right?

5 Q No, I --

6 A That one?

7 Q Is that the only account -- did you open up any
8 other accounts with Mortgage Enterprise or it was just this one
9 that you flew to California?

10 A I don't -- uhm.

11 Q The one --

12 A Wells Fargo we went to open, yeah, Wells Fargo. And
13 then it's changed to -- I forgot what bank is that.

14 Q Well, it was Chase that I showed you --

15 A Chase, yeah, I think Chase. I'm not really sure
16 because I don't have the information, yeah? I don't have a
17 copy.

18 THE DEFENDANT: Okay. Exhibit 2161 page 37 and 38.

19 Q (BY THE DEFENDANT:) Can you see the date on this
20 account, Ms. Cabebe?

21 A Oh, where's that thing? Yeah.

22 Q And what date is that?

23 MR. SORENSON: Your Honor, this document is not in
24 evidence at this point.

25 THE COURT: All right. So --

1 THE COURTROOM MANAGER: It actually is, Your Honor,
2 these specific pages.

3 MR. SORENSON: Is this in?

4 THE COURTROOM MANAGER: 37 and --

5 THE DEFENDANT: Yes.

6 THE COURTROOM MANAGER: Exhibit 2161 pages 31 to 41
7 were admitted.

8 THE COURT: Do you wish to publish?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. You can publish. So what's the
11 question you want to ask her about this document?

12 Q (BY THE DEFENDANT:) Do you recognize the date that
13 this account was opened?

14 THE COURT: Yes, it's in evidence, so you can read
15 the date. The document speaks for itself. So the date is on
16 there. What question do you want to ask her about this
17 document?

18 Q (BY THE DEFENDANT:) So this was done August 7,
19 2013, Ms. Cabebe, so this was done 20 days before the Chase
20 account. So whose idea was it to open up this account --

21 THE COURT: So what question do you want to ask her?
22 Was this account opened first or the Chase account? Which
23 question --

24 Q (BY THE DEFENDANT:) Right. Which account was
25 opened first?

1 A Wells Fargo, I think, yeah. Wells Fargo.

2 Q Okay. And this is your signature on the back?

3 THE COURT: Is that your signature?

4 THE WITNESS: Yes, Your Honor.

5 THE COURT: What's the next question?

6 Q (BY THE DEFENDANT:) Okay. So whose idea was it to
7 open up this account before the other account was opened?

8 A Edna Franco and Henry and -- all of us.

9 Q So all of you all --

10 A The head is Edna Franco, but all of us. I accepted
11 that.

12 Q Okay. So --

13 A Because we sign everything.

14 Q Now, you had said that after 2014, you knew what I
15 was doing was a scam. You felt it was a scam. So why did you
16 approach me and ask me that you wanted to also be a private
17 attorney general?

18 A I did not say that. You gave me one to put in
19 your -- to put it on your computer, you said.

20 Q No --

21 A I did not ask you for me to become a private
22 general. You were the one who wants me to be a private
23 attorney general.

24 Q So did you sign the paper, Ms. Cabebe?

25 A What?

1 Q Did you sign the paper?

2 A Paper for what?

3 Q To be a private attorney general to help people.

4 A Yeah, because you said that you -- you have to sign
5 it in order for me to put you on the -- on the computer.

6 Q No, Ms. Cabebe --

7 THE COURT: Okay. So ask her a question.

8 Q (BY THE DEFENDANT:) Okay. So you saying I had to
9 sign the paper?

10 A No. You made me sign whatever paper to become a
11 private attorney general because I don't know what's the
12 meaning of private attorney general until, you know, you said
13 you can be a private attorney general because if you are a
14 private attorney general, you don't have to pay registration,
15 you don't have to pay insurance when you have a car, and then
16 when you -- you know, when you present this -- when they know
17 that you have an ID like that, they can be scared, that's what
18 you told me.

19 Q No. So --

20 A And then common law --

21 THE COURT: Wait, wait. So then you finished your
22 answer. Now what's your next question?

23 Q (BY THE DEFENDANT:) So, Ms. Cabebe, when you asked
24 me what the job of a private attorney general is, what did I
25 explain to you what a private attorney general do?

1 A I did not ask for private attorney general. You
2 offered me that thing so you can -- you can put it on your
3 website, that's what you told me. I did not ask you.

4 Q I asked you a question. When I told you that I was
5 a private attorney general, what did I tell you that a private
6 attorney general does?

7 A What I understand is that you told me that as a
8 private attorney general, you have that common law, number one.
9 Number two, you also have that, you know, you can be
10 a -- you can do the mortgage to lower the mortgage and into
11 half. That's what you telling me.

12 Q So that's what I told you the duty of a private
13 attorney general is?

14 A That's what I understand. I don't -- I don't really
15 know well about private attorney general. You just give me
16 that ID.

17 Q So didn't I --

18 A Because I don't -- I'm not doing the job as a
19 private attorney general. It's only you who's doing it and
20 Edna.

21 THE COURT: Okay. Question. All right.

22 Q (BY THE DEFENDANT:) Okay. Didn't I tell you that
23 any American can be a private attorney general? It's not a
24 special position; that Congress made it that any citizen can be
25 a private attorney general --

1 MR. SORENSON: Objection. Leading.

2 THE COURT: All right. Did he -- overruled.

3 Did he tell you that? Do you remember him telling you
4 that?

5 THE WITNESS: I can't remember, but I know that part
6 of the things that he said was we don't have to get like -- we
7 don't have to pay our car registration. There's so many lawful
8 things that the government is doing that is not right. I know
9 you told me that.

10 Q (BY THE DEFENDANT:) I did tell you that. Now, did
11 you see --

12 A But I did not -- excuse me. But I did not follow
13 what you said.

14 Q Did you see the website where I explain in detail
15 with the case law and the Supreme Court rulings what a private
16 attorney general is and what private attorney generals do? Do
17 you remember seeing my website?

18 A I see your website, but then I don't pay attention
19 with it because I'm not using it --

20 Q Okay. So --

21 A -- whatever you gave me.

22 Q So didn't I -- after you signed your private
23 attorney general oath because you swore that you would help
24 people and that you wanted to help people, didn't I put your
25 picture on the website?

1 A Yeah, but that's a lie. We are not a private
2 attorney general. I was not trained to be a private attorney
3 general. So why should I call myself private attorney general?

4 Q So --

5 A It's only you.

6 THE COURT: Wait. Okay. So, all right, she
7 finished her answer. So what's your next question?

8 Q (BY THE DEFENDANT:) So why did you sign the oath to
9 become a private attorney general?

10 A You told me to sign that.

11 THE COURT: Okay. So that's her answer. So let's
12 move on.

13 Q (BY THE DEFENDANT:) Do you recognize this oath that
14 you took, Ms. Cabebe? Is that your signature?

15 A Yes. It says I signed it.

16 Q Okay. That's your signature, correct? And that's
17 swearing to an oath that you would uphold the Constitution; is
18 that correct? Can you read the document and see if that's
19 correct?

20 THE COURT: No. So she's recognized her signature,
21 she did sign it. All right. So what's your question about it?

22 Q (BY THE DEFENDANT:) So you didn't knowingly sign
23 this document, Ms. Cabebe? You was ignorant of what you was
24 signing?

25 A It's not the matter of ignorance, but you said in

1 order for you to give me an ID, I have to sign this.

2 THE COURT: All right. So ask another question.
3 Move on to another area.

4 Q (BY THE DEFENDANT:) So did you get a private
5 attorney general ID?

6 THE COURT: So this is not relevant so move on,
7 okay? She's answered all the questions about the private
8 attorney general. So if you have other questions, you can ask
9 her in other areas; otherwise, we'll give Mr. Yates or
10 Mr. Sorenson an opportunity to question the witness.

11 Q (BY THE DEFENDANT:) So, Ms. Cabebe, did you see my
12 car that I travel in in Hawaii?

13 A The private attorney general?

14 Q My car.

15 A Your car?

16 Q Yes.

17 A Yeah. You had your car before it was towed away.

18 Q Okay. Now -- what -- did I have a State of Hawaii
19 tag or did I have a private attorney general tag?

20 A You don't have any license plate because you don't
21 believe in government law, that's what you said.

22 Q No. So on my car, did I have a private attorney
23 general tag, my own tag, or did I have a State of Hawaii tag?

24 THE COURT: She testified you didn't have any
25 license.

1 THE DEFENDANT: No.

2 THE COURT: Yes.

3 THE DEFENDANT: I don't have a driver's license.

4 I'm saying the tag, so --

5 THE COURT: I'm sorry. So were you talking about
6 the license on the car or were you --

7 THE WITNESS: Yeah. Are you talking -- I'm
8 confused. What do you want me to tell you?

9 Q (BY THE DEFENDANT:) Okay. You know the tag, the
10 tag that you put on your car, your license plate, right?

11 A License plate, yeah.

12 Q Okay. Now, where license plates go, did I have my
13 private attorney general tag, my tag says Private Attorney
14 General or did I have a State of Hawaii tag?

15 A I can't remember, but --

16 THE COURT: Okay. If you can't remember, that's
17 your answer. What's your next question?

18 Q (BY THE DEFENDANT:) So how long did I have my car
19 there, Ms. Cabebe?

20 A In Democrat?

21 Q Right.

22 A I can't remember, Anthony. I can't.

23 Q So you never looked behind my car and saw the tag
24 that was on there?

25 THE COURT: She said she can't remember, so ask her

1 another question, please.

2 Q (BY THE DEFENDANT:) You recognize this application,
3 Ms. Cabebe, of one of your clients that you scammed?

4 A Usually we have the referral here, but there's no
5 referral, yeah?

6 THE COURT: Okay. Do you --

7 THE WITNESS: Referred by --

8 THE COURT: Wait, wait, wait. Do you recognize it?
9 Have you seen this before?

10 THE WITNESS: Uhm, I'm not really sure about it.

11 THE COURT: Okay.

12 THE WITNESS: But I know that it's referred by Nelia
13 Castillo.

14 THE COURT: Okay. So this is something that you've
15 seen before? Did you fill this out?

16 THE WITNESS: I did not fill it up, Your Honor, but
17 it says here --

18 THE COURT: Right. No, no, no, don't read from it.
19 All right. So do you know who filled this out?

20 THE WITNESS: It looks like --

21 THE COURT: Do you know? Yes? I don't want you to
22 guess.

23 THE WITNESS: I'm not really sure.

24 THE COURT: You don't. All right.

25 So what's your question about this document with her?

1 Q (BY THE DEFENDANT:) Was this a normal form that
2 you, Edna, and Henry would give the people that you scammed?

3 A Yes.

4 Q Is this also the power of attorney form that you all
5 would give them with Mortgage Enterprise on it?

6 A Yes.

7 Q Is this also the foreclosure disclosure that you
8 copied from my company?

9 A Yes.

10 Q Is this your insurance and tax disclaimer?

11 A Yes.

12 Q Is this your cover page that you as a notary would
13 collect \$1900, cash only?

14 A This is recording fee, Bureau of Conveyance, UCC
15 filing.

16 THE COURT: Yes. Don't read from it. Do you
17 recognize this document? Did you use it?

18 THE WITNESS: Yes, I recognize.

19 THE DEFENDANT: Okay. I'd like to move this into
20 evidence.

21 THE WITNESS: But can I -- can I see one more time,
22 please?

23 THE COURT: All right. So do you recognize that?

24 THE WITNESS: I think so, yeah --

25 THE COURT: All right.

1 THE WITNESS: -- Your Honor.

2 THE COURT: So what --

3 THE DEFENDANT: I'd like to move it into evidence.

4 THE COURT: Any objection?

5 MR. SORENSON: Your Honor, could I voir dire the
6 witness?

7 THE COURT: Oh, what exhibit number is this?

8 THE DEFENDANT: It's 2161, 1 through 7.

9 THE COURT: We're just checking.

10 THE COURTROOM MANAGER: It is in evidence, Your
11 Honor. Page 1 through 7 has already --

12 THE COURT: Oh, it's already in evidence.

13 MR. SORENSON: In evidence?

14 THE COURT: It's already in evidence, pages 1
15 through 7.

16 MR. SORENSON: In that case, we have no objection.

17 THE COURT: That's nice of you. Thank you.

18 So did you -- do you have any more questions about the
19 document?

20 THE DEFENDANT: No more questions about that
21 document.

22 THE COURT: Okay.

23 Q (BY THE DEFENDANT:) Ms. Cabebe, do you remember the
24 DCCA writing you a letter and you coming to me asking me to
25 answer on your behalf?

1 A Which letter was that? I can't remember.

2 Yes, I remember this letter.

3 Q Okay. And you remember what I was fighting against
4 the DCCA on your behalf for?

5 A Yeah. You were telling them that you speak to this
6 letter. You were trying to defend me.

7 Q Uh-huh.

8 A Yeah.

9 Q Right. Now, this was before I knew that you were
10 part of Mortgage Enterprise, correct?

11 A Before what?

12 Q Before I knew you was a signer on the Mortgage
13 Enterprise account.

14 A Before you know. This is March 2014.

15 Q Yes.

16 A Yes.

17 Q Okay. So I'm defending you to the DCCA that you
18 were a woman of integrity and that it was Edna them that was
19 scamming the people, correct?

20 A Yes.

21 Q But it was you with them all along that was scamming
22 the people, correct?

23 A In the -- after we, you know -- we did -- we went to
24 get the license after.

25 Q But you deceived me, Ms. Cabebe, did you not?

1 A I don't understand. What do you mean deceive?

2 Q Because you had me write this letter, remember, on
3 your behalf stating that Edna was the one that opened up
4 Mortgage Enterprise. You didn't tell me that you were a signer
5 on there.

6 A I did mention that I am a signer. I did mention it
7 to you, otherwise I will not, you know, even -- but then again,
8 you said, "I want to defend you by writing a letter to the
9 DCCA."

10 THE DEFENDANT: I have no more questions for this
11 witness.

12 THE COURT: All right. Thank you.

13 MR. SORENSON: Your Honor --

14 THE COURT: Okay? Mr. Sorenson, your witness.

15 MR. SORENSON: Thank you.

16 Your Honor, I have a few exhibits that I'd like to pass up
17 for the witness?

18 THE COURT: To the witness? All right.

19 CROSS-EXAMINATION

20 BY MR. SORENSON:

21 Q Good afternoon, Ms. Cabebe.

22 A Afternoon.

23 Q Okay. So I just wanted to go back to those
24 beginning days with Mr. Williams when you all started in the
25 business together with Mortgage Enterprise Investments, okay?

1 And I'll ask you first off when you first met

2 Mr. Williams, did you believe him to be an attorney?

3 A Yes.

4 Q And why did you think he was an attorney?

5 A He said, "I am a private attorney general." At that
6 time I still don't know what's the meaning of a private
7 attorney general.

8 Q You didn't understand that there was --

9 A No.

10 Q -- any difference at all?

11 A Not too much yet. He only say that, "I am a private
12 attorney general. I don't have the license, but I can -- I am
13 representing Common Law" -- something like "Common Law Office
14 of America."

15 Q Did he tell you that he could represent you and
16 other people in court?

17 A Yes.

18 Q Did you believe that he could do that?

19 A I believe him at that time in the beginning.

20 Q And did you subsequently then hire him for his
21 services to help you with your mortgages?

22 A Yes, I hired him.

23 Q And when you hired him to do that, did you believe
24 that he could help you?

25 A On the beginning, yes.

1 Q And did you believe that he could help you because
2 he was an attorney?

3 A Yes.

4 Q And did you believe that he could help you because
5 he could represent you in court?

6 A Yes.

7 Q And in those early days did he have some meetings at
8 your Democrat Street address?

9 A Yes.

10 Q Were you present for those meetings?

11 A Not all the time, sir. I -- sometimes I -- I'm
12 there. Not all the time because I also have another job at
13 home.

14 Q Did you hear the representations that he made to
15 people from time to time about what he could do for them?

16 A Yes, sir.

17 Q Do you remember him telling people that he could
18 lower the mortgage payments?

19 THE DEFENDANT: Objection. That's hearsay.

20 THE COURT: I'm sorry. What's your objection?

21 THE DEFENDANT: It's hearsay.

22 MR. SORENSON: I think it's a statement of the
23 defendant, actually.

24 THE COURT: Yeah, so overruled.

25 So the question is, "Do you remember him telling people

1 that they could lower their mortgage payments?"

2 THE WITNESS: Yes, Your Honor.

3 Q (BY MR. SORENSON:) And do you remember him
4 representing to people that he could get rid of their mortgage?

5 A Yes, Your Honor.

6 Q You can call me Mr. Sorenson.

7 A Oh.

8 Q But I appreciate the promotion.

9 A Confused. Sorry.

10 Q No problem.

11 A I'm sorry.

12 Q Now, did there come a time when you found out or
13 came to the conclusion that what he was telling people wasn't
14 true?

15 A Excuse me, Your Honor?

16 Q Did there come a time when you came to the
17 conclusion that he was lying to people that he couldn't get rid
18 of mortgages?

19 A Yes.

20 Q Okay. And when you came to that conclusion, did you
21 see him continue to tell people that he could get rid of their
22 mortgage?

23 A Yes.

24 Q And you have pled guilty, haven't you?

25 A Yes. I pled -- yes.

1 Q And you pled guilty to conspiracy to commit wire
2 fraud; is that correct?

3 A Yes, Your Honor -- I mean, Attorney.

4 Q It's okay. I'm not going to object to that. Some
5 people might.

6 Okay. And when you -- when you heard people -- when
7 you heard him tell people he could get rid of their mortgages
8 and you didn't step in to tell them any different, is that why
9 you pled guilty?

10 A I pled guilty because I take that responsibility of
11 helping.

12 Q And --

13 A Yes.

14 Q And you pled guilty to conspiracy to commit wire
15 fraud; is that correct?

16 A Yes, Your --

17 Q And that conspiracy to commit wire fraud was with
18 Mr. Williams?

19 A Yes, Attorney.

20 Q And you pled guilty to agreeing with him to defraud
21 homeowners; is that correct?

22 A Yes, Your Honor.

23 Q Thank you again.

24 Now, on your plea of guilty, Mr. Williams asked you
25 questions about this, but did anybody make any promises to you

1 from the government?

2 A No, Attorney, no.

3 Q And you knew that you were going to be sentenced by
4 the Court at some point; is that correct?

5 A Yes, Attorney.

6 Q And you weren't even called to the stand to be the
7 government's witness; is that true?

8 A No, Attorney. Nobody convinced me to anybody.

9 Q Now, when you would see Mr. Williams interact with
10 people over at your Democrat Street address and elsewhere, did
11 you see him from time to time use credentials and a badge to
12 convince people that he was legitimate?

13 A Yeah, I saw this one, Attorney.

14 Q Okay. I'm going to ask you to look at Exhibit 500
15 first. If you flip that shield over, the badge -- yeah, that
16 one.

17 A You want me to flip --

18 Q Yes. Is that Exhibit 500 you're looking at?

19 A Government -- I did not see this. Only now I saw
20 it.

21 Q Okay. No, let's stay on the badge first, okay?

22 A Uh-huh.

23 Q Have you seen that before?

24 A I've seen him putting in his waist.

25 Q Uh-huh.

1 A Yeah.

2 Q Is that where he carried it?

3 A He carried it.

4 Q And did you see him carry that when he was talking
5 to people about helping them with their mortgage?

6 A He does.

7 Q Uh-huh. Does he make any reference -- or did you
8 ever hear him make any reference to the fact that he was a
9 private attorney general and that he had this badge? Do you
10 remember that?

11 A I know that he mentioned that he can arrest people.

12 Q Uh-huh. Did he tell you that he could arrest
13 people?

14 A I heard him saying to people.

15 Q Uh-huh. And did he have a set of handcuffs with
16 him?

17 A This one, yes.

18 Q Have you seen that before?

19 A I've seen it.

20 Q Would he sometimes show people those handcuffs?

21 A Yes, Attorney.

22 Q And was that in the context of telling people that
23 he could arrest others?

24 A Yes.

25 Q Look at Exhibit 501, if you would. It's right up

1 there. It's the credential.

2 A This one?

3 Q Yes. Okay. Hold that up so we can see what it is.

4 A (Witness complies.)

5 MR. SORENSON: All right. For the record, the
6 witness is holding up Exhibit 501, Your Honor.

7 Q (BY MR. SORENSON:) Okay. So have you seen that
8 before?

9 A Yes, sir.

10 Q And when have you seen that?

11 A He carries it with him.

12 Q Uh-huh. And where does he carry that?

13 A He clip it -- he clip it on his -- in his clothes
14 sometimes or --

15 Q Is it clipped in a place where people can see it?

16 A Yes.

17 Q When you saw him wearing that, did that impress you?

18 A Yeah. It was -- I -- to tell you truth, it
19 impressed me in the beginning, yes.

20 Q Uh-huh. And did him wearing that have any effect on
21 your decision to sign up with him?

22 A Yes. I -- I -- it like convinced me to help me.

23 Q And did you see him using all three of those when he
24 would talk to other people?

25 A Yes.

1 Q And try to sell them his mortgage reduction program?

2 A Yes.

3 Q Now, the private attorney general thing, I want to
4 ask you a little bit about that. I think you indicated that
5 Mr. Williams believed that because he was a private attorney
6 general that he didn't have to comply with state laws; is that
7 correct?

8 A Yes.

9 THE DEFENDANT: Object. That's an incorrect
10 classification. That's not what I stated.

11 THE COURT: All right. So overruled. You're asking
12 for her understanding.

13 MR. SORENSON: Yeah. We're going to move into this,
14 Your Honor.

15 THE COURT: All right.

16 Q (BY MR. SORENSON:) Now, you indicated that he
17 didn't have a registration on his vehicle; is that correct?

18 A Yes.

19 Q And he didn't have a registration on the vehicle
20 'cause Mr. Williams didn't think that these traffic laws
21 applied to him, is it fair to say?

22 A Yes, uh-huh.

23 Q And why did he believe that?

24 A Excuse me, Attorney?

25 Q Why did he believe that, if you know?

1 A Well, because he is a private attorney general.

2 That's what I understand.

3 Q And he also told you that he didn't need a driver's
4 license to drive on the state's --

5 A Oh, yes.

6 Q -- roads?

7 THE COURT: Wait. Wait till he finishes the
8 question, okay?

9 Q (BY MR. SORENSON:) He also told you that he didn't
10 need a driver's license to drive on the state's roads because
11 he was a private attorney general --

12 A Yes.

13 Q -- right?

14 A Exactly, yeah.

15 Q And what about license plate? Did he ever tell you
16 anything about having a license plate or not needing one?

17 A Well, I can't remember, Attorney, but I know he
18 mentioned that he doesn't need to have a -- a license plate --

19 Q Is that --

20 A -- the State of Hawaii.

21 Q Is that because he was a private attorney general?

22 A That's what he said.

23 Q Now, you've indicated you weren't trained to be a
24 private attorney general; is that correct?

25 A A little bit.

1 Q Okay. And what kind of training did you get?

2 A Training to tell me that this private attorney
3 general is like what you said, when you have a car, you don't
4 need the license, you don't need registration, and then when
5 you show this to people, you know, they can believe -- you
6 know, they'll believe you more.

7 Q Did he tell you that being a private attorney
8 general would give you more credibility with people when you
9 were selling this -- this mortgage reduction plan?

10 A Part of it, yes, Attorney.

11 Q Now, you don't deny that you were involved in
12 scamming people with Mortgage Enterprise; is that correct?

13 A No, I don't deny it, Attorney. I -- I -- I take
14 that responsibility and I'm sorry and apologize.

15 Q And you don't deny that you were scamming people
16 with Mr. Williams here also with Mortgage Enterprise
17 Investments; is that correct?

18 A No, no, I don't deny.

19 Q And the fact is Mortgage Enterprises was really just
20 the same thing as Mortgage Enterprise Investments, wasn't it?

21 A Yes, Attorney.

22 Q And in Mortgage Enterprises, you were selling this
23 idea that you could cut people's mortgages in half for half the
24 term, right?

25 A Yes, attorney.

1 Q And trying to get them to sign up with these
2 promises, right?

3 A Yes, Attorney.

4 Q And you went into bankruptcy; is that right?

5 A Yes, Attorney.

6 Q You've indicated that you lost a couple houses,
7 right?

8 A Yes, Attorney.

9 Q And you lost them to foreclosure, correct?

10 A Yes, Attorney.

11 Q And did you lose them to foreclosure because
12 Mr. Williams told you to stop paying your mortgage?

13 A Yes.

14 Q And was that part of the reason you went into
15 bankruptcy?

16 A Yes, Attorney.

17 Q And when you went into bankruptcy, did Mr. Williams
18 go to bankruptcy with you? Was he part of your bankruptcy
19 action?

20 A He was -- he was not here I think, Attorney. I
21 don't know where he is.

22 Q That was just your bankruptcy, right?

23 A Yes, Attorney.

24 Q And we looked at Exhibit 209. Remember Mr. Williams
25 was showing that to you? And Exhibit 209 was the order from

1 the bankruptcy court. Do you remember that?

2 A The one that --

3 Q Right. We'll pull it up.

4 Your Honor, if we can publish 209? It's in?

5 THE COURT: Exhibit 209?

6 THE WITNESS: No, is this -- this --

7 THE COURT: He'll show it to you. He'll show it to
8 you. It's right there on the screen.

9 Q (BY MR. SORENSON:) Anabel, do you see that up on
10 your screen?

11 A Yeah, yeah.

12 THE COURT: And that's in evidence.

13 Q (BY MR. SORENSON:) Okay. So this document that
14 we've looked at was actually a document that came out of the
15 bankruptcy court; is that correct?

16 A Yes, Attorney.

17 Q And again, Mr. Williams was not part of this,
18 correct? He was not part of your bankruptcy, right?

19 A He's not a part of my bankruptcy. He just went to
20 get me about the name of -- they include that. I'm not really
21 sure, Attorney, because they did not put his name there also.

22 Q Right. But this was your bankruptcy, correct?

23 A Yes, it's my bankruptcy.

24 Q But that being the case -- I'm going to circle right
25 here -- do you see where it --

1 THE COURT: I'm sorry?

2 THE COURTROOM MANAGER: I'm just double-checking. I
3 don't believe it is.

4 THE COURT: Oh, you don't believe 209 is in
5 evidence.

6 MR. SORENSON: Oh, I think it is in evidence.

7 THE COURT: Wait. She's just going to double-check.

8 THE COURTROOM MANAGER: It is.

9 THE COURT: All right. It is in evidence. Very
10 good. Thank you for checking.

11 MR. SORENSON: All right?

12 THE COURT: Did you want it published or not?

13 MR. SORENSON: Yes, Your Honor.

14 THE COURT: All right. So you may publish.

15 Q (BY MR. SORENSON:) Okay. Ms. Cabebe, looking at
16 this document, do you see where I've circled in blue there?

17 A Yes.

18 Q You see your name at the top, Defendants Anabel
19 Gasmen Cabebe?

20 A Yes.

21 Q And right below you see Mortgage Enterprise
22 Investments; is that right?

23 A Yes, Attorney.

24 Q Now, Mortgage Enterprise Investments, that was
25 Mr. Williams's company, right?

1 A Yes, that was him, yes.

2 Q And so this court order does apply to Mortgage
3 Enterprise Investments as well, is it fair to say?

4 A Yes.

5 Q And you've taken responsibility for what you did
6 with Mortgage Enterprise Investments, right?

7 A Yeah, 'cause I help him.

8 Q Right. And you helped yourself, too, isn't that the
9 case?

10 A Yes.

11 MR. SORENSON: All right. Your Honor, we can take
12 that down.

13 THE COURT: All right.

14 MR. SORENSON: Your Honor, just a moment.

15 THE COURT: Okay.

16 MR. SORENSON: Your Honor, that's all I have for
17 this witness. Thank you.

18 THE COURT: All right. Thank you.

19 Redirect, Mr. Williams.

20 REDIRECT EXAMINATION

21 BY THE DEFENDANT:

22 Q So, Ms. Cabebe, so he showed you my private attorney
23 general ID, my badge and handcuffs. Now, when you saw me with
24 those items on, how did I have them on me?

25 A What?

1 Q How did I have them on me?

2 A I don't understand.

3 Q How did I wear them on me?

4 A This -- this one when you have -- I saw you -- I
5 don't see you all the time because I'm not with you all the
6 time. But when you wear this, you put it in here
7 (demonstrating), yeah. I don't know where you put this. I
8 don't -- I don't know where you put this. But I know that you
9 showing it to clients.

10 Q So --

11 A This one, this one, you put it sometimes over here,
12 like that (demonstrating) and then it not in here. You put
13 different places.

14 Q So when I got -- so when I'm wearing it, it's right
15 here and the cuffs are right here, right?

16 A Wherever. Like I just show it to you because you
17 have pants, yeah?

18 Q Right. So I have pants so anybody could see me with
19 this on, right? So it was clear to see for everybody, right?

20 A Yeah, that's where you put. You want everybody to
21 see it.

22 Q Okay. Now, when you would pick me up from the
23 airport, did I not have that on me when I come from the
24 airport? Did I not have it on me?

25 A You have it, but sometimes you close it like this.

1 I don't pay attention all the time, but you said you always
2 wear it.

3 Q Right. Well, you picked me up from the airport on
4 numerous occasions, right, Ms. Cabebe?

5 A Excuse me?

6 Q You picked me up from the airport on numerous
7 occasions, correct?

8 A Yeah. I --

9 Q So you saw me with this ID, the badge and the cuffs
10 on me, right?

11 A Yeah, but --

12 Q Okay.

13 THE COURT: Wait, wait. Okay. So you have to wait
14 till she finishes her answer and then ask the question. All
15 right. So what's your question?

16 Q (BY THE DEFENDANT:) Okay. So when I told you about
17 the travelling without a license, a driver's license and a tag
18 on the car, did I not show you the videos of me traveling
19 without a tag? Did I show you my videos?

20 A You show to a group, not only me.

21 Q So all you all saw my video, correct?

22 A I saw it in the video but --

23 Q Okay.

24 A -- can I ask you before if I forget?

25 THE COURT: So what's your -- what is your answer?

1 Did you see the videos?

2 THE WITNESS: I saw the video with a group.

3 THE COURT: Okay. So what's your next question?

4 Q (BY THE DEFENDANT:) So if you saw the videos, did I
5 not show you all the Title 18 U.S.C., 31, paragraph 6 and 10
6 where it defines what a motor vehicle is? 'Cause that was on
7 the video, remember?

8 A Mr. Williams, I cannot remember everything. You are
9 knowledgeable of all the lies that you have. I cannot remember
10 'cause that's not all what I'm thinking. You know, I cannot
11 remember everything that you want me to remember. But I know,
12 you know -- I remember this badge that you already and all
13 these things and everything like that.

14 And my question is that if you said that if you wear
15 this you cannot be arrested, how come you went all over the
16 places and then you went to the mainland you got arrested?
17 Because you told us that nobody can arrest you if you have
18 this. But my question is I'm so confused because you said
19 before, Hey, you know, if I wear this one, you said, nobody can
20 touch me, nobody can arrest me. But how come, you know, they
21 arrest you with this?

22 Q (BY THE DEFENDANT:) Ms. Cabebe --

23 A You don't --

24 THE COURT: Okay. All right. So you need to ask a
25 question and then she'll give you an answer.

1 Q (BY THE DEFENDANT:) So, Ms. Cabebe, so you're
2 saying that I told you and others that I couldn't be arrested?

3 A Yes.

4 Q And when did I tell you this, Ms. Cabebe?

5 A When -- when you are at the building.

6 Q When I was at the building?

7 A Yes.

8 Q So I told you --

9 A I can't -- I can't remember everything that you --
10 you know, the dates, the month I cannot remember. It's been so
11 long. You're going back and forth --

12 THE COURT: Okay. So let him ask you a question.

13 THE WITNESS: Can I finish?

14 THE COURT: No.

15 Q (BY THE DEFENDANT:) So do you remember --

16 THE COURT: Stop. Okay. So ask a question and just
17 wait a second and you can answer.

18 Q (BY THE DEFENDANT:) So do you remember having that
19 badge and stuff on in 2013?

20 A I can't remember what year or what -- what --

21 Q When you met me in 2013, do you remember me having
22 that on?

23 A Yeah.

24 THE COURT: Right. So asked and answered. She said
25 she would wear it.

1 THE WITNESS: Yes.

2 THE COURT: So what are you going to ask her now?

3 Q (BY THE DEFENDANT:) So now after I got locked up
4 and I came back to Hawaii, did I have that on also?

5 A You have. But my question to you is that
6 it's -- I'm so confused because --

7 THE COURT: Okay. All right. Stop. All right.
8 That's not an answer to that question.

9 All right. So she said you had it. So what's your next
10 question?

11 THE DEFENDANT: So he tried to allude to --

12 THE COURT: No, no, no. You need to ask her a
13 question. This is your last question on these badges and
14 things like that.

15 Q (BY THE DEFENDANT:) So when I was talking to people
16 about fighting their foreclosures or signing them up for if
17 they can qualify for the reduction, so you're saying I was
18 showing them a badge and said, Hey, I can do this? That's what
19 you're alleging, that I was taking it off my belt and showing
20 people?

21 A You took it off from your thing and you show
22 it -- this one, this badge, you took it off and show them, Hey,
23 look, I have badge. I can arrest people. And then you show
24 also this one, and then you also show this one one time. I'm
25 not there all the time when you're showing that, but I saw you

1 couple times --

2 Q So --

3 A -- you showed that.

4 Q So you saying that convinced you that I was a
5 attorney at law?

6 A You are the one who's saying that you are private
7 attorney general.

8 Q Right. So I never told you I was an attorney at
9 law?

10 A I can't remember. You said you are a private
11 attorney general, that you can arrest people, that you don't
12 have to be -- you don't need a driver's license, you can drive
13 without a license, you don't need to pay the, uhm,
14 registration. These are -- and you said this is all the
15 government that they're asking. But you said that you're
16 blaming the government, that we're not supposed to be paying
17 all of this. That's what you said. And we're not supposed to
18 be using driver's license and paying it.

19 Q So, Ms. Cabebe, did I not explain to you who would
20 need a driver's license and who would need a state tag? Did I
21 explain the difference to you?

22 A That what did you explain? I can't remember
23 everything, like I told you.

24 Q Okay. So do you remember me explaining to you that
25 in order for you to have to have a driver's license, that you

1 have to be driving in commerce with -- in connection with a
2 business, like to be a taxi driver or Uber driver or Lyft
3 driver or truck driver or you using the highways in connection
4 with the business? Now, do you remember me explaining to you
5 that yes, those people would have to have a driver's license
6 and a state tag? Now do you remember?

7 A No, I cannot remember. All I remember is that when
8 you are a private attorney general, I don't need to have a
9 license you have, and then the government is not giving us a
10 good deal, you said, that we don't need to pay registration,
11 why should I pay, and I'm a private attorney general, you said.

12 Q So when I talk about attorneys at law, did I talk
13 good about attorneys at law?

14 THE COURT: All right. So this is going far afield.
15 So you can ask a question that has to do with --

16 THE DEFENDANT: 'Cause he's claiming that I'm
17 claiming to be a licensed attorney.

18 THE COURT: No. So I'm not going to let you ask any
19 more questions about attorneys at law or licensed attorneys.
20 Ask another question in another area, or if you're done with
21 your examination --

22 Q (BY THE DEFENDANT:) So, Ms. Cabebe --

23 THE COURT: -- let her go.

24 Q (BY THE DEFENDANT:) -- last question. So do you
25 feel guilty about scamming me and my company?

1 MR. SORENSON: I think that's asked and answered,
2 Your Honor.

3 THE COURT: Overruled. Do you understand the
4 question?

5 THE WITNESS: Can you repeat that?

6 THE COURT: Yeah. Question is do you feel guilty
7 about scamming him and his company?

8 THE WITNESS: I plead guilty and I take
9 responsibility, you know, of assisting you and helping you and
10 doing that.

11 THE DEFENDANT: No --

12 THE WITNESS: And I'm sorry, like I said, that was
13 involved with them. I take responsibility.

14 Q (BY THE DEFENDANT:) So you take responsibility of
15 scamming me and my company, correct?

16 A No, not scamming your -- your -- I'm not saying
17 that.

18 Q So you saying what you did was right by forming a --

19 A I did not --

20 Q -- fraudulent company --

21 THE COURT: Wait, wait, wait till he finishes the
22 question.

23 Q (BY THE DEFENDANT:) So you saying that you were
24 right by forming a fraudulent company, copying my documents,
25 and telling people you still work for me when you knew you

1 didn't?

2 A I did not scam your company. You scammed us.

3 Q So what do you call that forming a fraudulent
4 company and naming it similar to mine, Ms. Cabebe? What do you
5 call that without my authorization? What do you call that,
6 Ms. Cabebe?

7 A I don't know what you call, but I take
8 responsibility whatever I did wrong. I take responsibility and
9 I plead guilty for whatever I did.

10 THE DEFENDANT: I have no more questions.

11 THE COURT: All right. So you're excused as a
12 witness. Please don't discuss your testimony with anyone till
13 the conclusion of the trial.

14 THE WITNESS: Yes. Yes, Your Honor.

15 THE COURT: All right. Good day.

16 Who's your next witness?

17 THE DEFENDANT: Robbin Krakauer.

18 THE COURT: So you can step down and you can go over
19 there. Ms. Yeung will help you.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: Thank you.

22 **ROBBIN KATHLEEN KRAKAUER, DEFENDANT'S WITNESS, WAS SWORN**

23 THE COURTROOM MANAGER: If you can please be seated.

24 THE WITNESS: Hello.

25 THE COURT: State your full name and spell your last

1 name for the record.

2 THE WITNESS: Okay. So my name is Robbin Kathleen
3 Krakauer, and it's K-r-a-k-a-u-e-r. Hi, Anthony.

4 THE COURT: So you have something with you. So
5 could you give that to the courtroom manager? You're not
6 allowed to have any documents.

7 THE WITNESS: Oh, I was going to write on this. Can
8 I -- so if I give this -- can I have this paper to write on?

9 THE COURT: No. So you need to give that to her.
10 You don't need to write anything down.

11 THE WITNESS: Okay. Let me put this all in there.
12 Do I take --

13 THE COURT: If you need your reading glasses, you
14 can keep them.

15 THE WITNESS: Okay.

16 THE COURT: All right. Do you have any questions --

17 THE WITNESS: Hello.

18 THE COURT: -- for this witness, Mr. Williams? And
19 you need to come to the podium.

20 THE WITNESS: All right.

21 THE COURT: All right. So there's a court reporter
22 taking everything down, so please don't speak unless that's
23 part of your answer.

24 THE WITNESS: Okay.

25 THE COURT: Otherwise, she has to take it down.

1 THE WITNESS: Okay. Thank you.

2 THE COURT: And if you could wait till Mr. Williams
3 finishes his question before you answer, and likewise he'll
4 wait until you finish your answer until he starts his next
5 question.

6 THE WITNESS: Thank you.

7 THE COURT: Mr. Williams, your witness.

8 DIRECT EXAMINATION

9 BY THE DEFENDANT:

10 Q Good afternoon, Ms. Krakauer.

11 A Good afternoon, Anthony.

12 Q Ms. Krakauer, do you remember first time you called
13 me and talked to me?

14 A I remember talking to you. I cannot recall like
15 what day --

16 Q Okay.

17 A -- it was. But I do picture that day in my mind,
18 yes, where I was sitting and talking to you on the phone, yes.

19 Q Okay. And was the content of the call you all were
20 calling me because you all saw some videos of me online?

21 A I was trying to recall the -- why I called you and
22 how I got your number and how -- what I saw, and it may have
23 been a video. You know what? As you say that, yes, I think it
24 was a video of you in a courtroom --

25 THE COURT: All right. So that's her answer. Next

1 question, please.

2 THE WITNESS: Okay.

3 Q (BY THE DEFENDANT:) And so did you and others call
4 and ask for my help, like for foreclosure here in Hawaii?

5 A I called you, yes.

6 Q Okay. And did I fly over to assist you in fighting
7 your foreclosure?

8 A Uhm, yes.

9 Q Okay. And so did you personally see me sometimes
10 stay up till like 3:00 or 4:00 in the morning and work on --

11 MR. SORENSON: Objection to the leading.

12 THE DEFENDANT: -- foreclosures?

13 THE COURT: Sustained. She's your witness; you
14 can't lead her. You need to ask open-ended questions.

15 THE DEFENDANT: Okay. That was an open-ended
16 question.

17 THE COURT: That was not an open-ended question
18 which is why I sustained it. Ask another question.

19 Q (BY THE DEFENDANT:) Do you remember me working on
20 clients' cases?

21 A Yes.

22 Q Do you remember being early hours in the morning I
23 would be working?

24 A Sometimes I would --

25 THE COURT: That's a yes or no.

1 THE WITNESS: It's a yes or no --

2 THE COURT: If you're going to lead her -- you have
3 to ask an open-ended question: What kind of hours do you
4 remember --

5 Q (BY THE DEFENDANT:) What kind of hours do you
6 remember me working?

7 A Sometimes very late, sometimes very early. A lot of
8 times I would call and you would still be working, knowing I
9 had questions 'cause I was up late trying to work also and
10 trying to figure things out.

11 Q And so with the foreclosure, you've done a lot of
12 research too on the foreclosure and what's going on with the
13 foreclosure crisis too, haven't you?

14 MR. SORENSON: Objection. Leading.

15 THE COURT: So I'll permit it 'cause it's
16 foundational, but it's a yes or no.

17 THE WITNESS: Yes or no. And so I need to have the
18 question again.

19 THE COURT: All right. So with the foreclosure,
20 you've done a lot of research on foreclosure; is that correct?

21 THE WITNESS: Yes, yes.

22 THE COURT: Then what's your question, open-ended?

23 Q (BY THE DEFENDANT:) And so in your research have
24 you found that a lot of foreclosures are implemented illegally?

25 MR. SORENSON: Objection. Leading. Foundation.

1 THE COURT: Sustained. Yeah. So what have you
2 found in your research?

3 Q (BY THE DEFENDANT:) So what have you found in your
4 research, Ms. Krakauer?

5 A What have I found in my research. Many things in my
6 research, many things. I've found -- I learned about banking.
7 I learned why -- I learned how some people won. I learned a
8 lot about how banking can be very fraudulent to the homeowners.
9 I learned how many courts were siding with banks that were
10 fraudulent, no matter what evidence was brought forward. I
11 read lots of court cases.

12 MR. SORENSON: Objection, Your Honor. First off,
13 this witness is percipient, not an expert witness. So --

14 THE DEFENDANT: She's saying what she did --

15 MR. SORENSON: -- no foundation to testify as an
16 expert on these matters or what she learned is irrelevant.

17 THE DEFENDANT: The testimony's not solicited as
18 expert.

19 THE COURT: Stop. So it's overruled. So ask the
20 next question. What's your next question?

21 Q (BY THE DEFENDANT:) So in your foreclosure that I
22 was assisting you with, did we find multiple cases of fraud?

23 A If I had to recall what fraud I -- I'm going to say
24 I don't recall. It was -- we found many things, but I don't
25 really recall exactly what -- what they were.

1 Q All right. Okay. So in the foreclosure that you
2 were going through, do you remember filing documents with the
3 court?

4 A Many documents, yes.

5 Q And do you remember providing the court with
6 documented evidence of the fraud?

7 A Yes.

8 Q And would the court --

9 A What I would consider evidence, yes.

10 Q And would the court disregard this evidence?

11 A On my -- when I was there, I don't know really how
12 they looked at the evidence. I can't say they disregarded it.

13 I -- I would say meaning that there's a lot to do
14 with court on how things are presented or how they're put in or
15 worded. So whether -- I really think that whether I put them
16 in court, if I didn't do it the exact way that was proper, they
17 were going to disregard if I did not properly do things.

18 So I -- it sometimes doesn't -- from what I see as I
19 work through putting evidence in and things in the court, no
20 matter what, if I did not know their proper procedures, then it
21 doesn't matter how you put it in.

22 Q All right. Okay. And did you see me assist other
23 people on the Big Island with their foreclosures? Do you
24 remember any --

25 A I saw you talking to people, yes.

1 Q Okay. And do you -- go ahead?

2 THE COURT: Did you finish your answer?

3 THE WITNESS: What you did with them with their
4 foreclosures, I do not have evidence of that.

5 Q (BY THE DEFENDANT:) Okay. Do you remember a
6 Ms. Joyce Benoist?

7 A Yes.

8 Q Do you remember the attorney that she hired before
9 me?

10 A Uhm, possibly.

11 Q Okay. Do you remember her -- we was at -- I think
12 it was at Edna Franco's house and her and her husband, they
13 interviewed me. And do you remember her husband saying he
14 didn't want to go with me because I wasn't a licensed attorney?

15 MR. SORENSON: Objection. Leading and soliciting
16 hearsay.

17 THE COURT: Sustained.

18 Q (BY THE DEFENDANT:) Do you remember the interaction
19 with Ms. Benoist?

20 A Slightly.

21 Q Do you remember me taking on her case? I know it's
22 been a while.

23 A It's been a long time.

24 Q It's been seven years.

25 A It's been a long time. I do remember you

1 interacting with -- with the Benoists.

2 Q Okay. Do you remember they had a 10-day notice to
3 be evicted?

4 A They had a notice to be evicted. I don't know
5 whether it was 10 days, but it was an eviction notice, yes.

6 Q Right. And do you remember me filing documents to
7 stop the eviction?

8 A I -- I remember you talking to them about taking
9 action. I do not remember -- I was not with you I don't think
10 when you filed them --

11 Q Okay.

12 A -- so you were talking to them about taking action.

13 Q Okay. Did you get to talk to them after I filed the
14 documents?

15 A Hmm, I talked to them on many occasions, but it's
16 not real clear how everything turned out.

17 Q Okay. Do you remember flying from the Big Island
18 over here with me on the plane one time -- maybe one or twice?

19 A I flew over here a couple times. I don't remember
20 it being with you.

21 Q Okay.

22 A But I remember seeing you here. But I did fly
23 over --

24 Q Okay.

25 A -- a couple times.

1 Q Okay. And so you got to see me interact with
2 different clients and things like that, correct?

3 A Yes. Let me think here how -- we had meetings.

4 Q Uh-huh.

5 A And there was lots of questions asked.

6 Q Uh-huh.

7 THE COURT: What's your next question?

8 Q (BY THE DEFENDANT:) And did I answer any question
9 that was asked of me?

10 A I think, yes, you answered questions.

11 Q And did I ever tell anyone that I was a licensed
12 attorney?

13 A Never. You were stressing you were never a licensed
14 attorney. That was something you were very dogmatic about
15 making sure people knew you were not a licensed attorney.

16 Q And what did I tell people I was, Ms. Krakauer?

17 A Oh, good question.

18 Q Did I tell people I was a private attorney general?

19 THE COURT: Stop. Which question do you want her to
20 ask? Do you want to not ask a question that you just asked her
21 which is, "What did I tell people I was, Ms. Krakauer?" So
22 that's the question pending.

23 THE WITNESS: I do remember you saying that you were
24 a private attorney general.

25 Q (BY THE DEFENDANT:) Right. And when I would tell

1 you things, did I always show you laws and case law of what I
2 was doing?

3 A Yes.

4 Q So in your interaction with me, I never would just
5 say something and not actually show you case law or laws
6 regarding what I was doing?

7 A Yes, because I had a lot of questions of what you
8 were doing and how that was all coming about, so I would want
9 to see. So, yes, I would -- I would be somewhat not knowing,
10 so I wanted to know what was going on and what you were using
11 to get that answer.

12 Q Right. Now, when I interact with clients, did I
13 make sure I explained myself and explain what I was doing for
14 clients?

15 A To me, when you would talk to me, yes. Does it mean
16 I totally understood? I was comprehending? Not -- I wasn't
17 always comprehending. But you would explain -- try to explain
18 as best you could as far as I saw.

19 Q Okay. And so with your interaction with me, just
20 you knowing me the time that you knew me, would you say that I
21 was a person that was out to scam people?

22 A Anthony, no. I never saw you as trying to scam
23 people. I -- in my interaction with you, I know -- knew I
24 needed help and I was reaching out and I would -- I would
25 question what you were doing because I wasn't fully

1 comprehending. But I would never have seen you as scamming.

2 No, I never saw you as scamming in my life in what
3 you were helping me with and what, uhm -- I don't know how
4 others -- you know, I wasn't there when you were fully
5 interacting with anyone else, so -- but with my personal
6 circumstances, no, you were not trying to scam.

7 Q And were there -- do you remember a woman named Edna
8 Franco?

9 A Yes.

10 Q Now, when you met Edna Franco, did you feel like
11 that she genuinely -- when you first met her, genuinely wanted
12 to help people?

13 A Yes.

14 Q And so did Ms. Franco contact me to also help her in
15 helping people?

16 A I don't know who contacted who, whether you called
17 her or she called you, but somehow you got together with her
18 and it's -- as far as it looked from the outside, it looked
19 like you both were trying to help some people.

20 Q And -- but what happened later with Edna and what
21 she was doing with people?

22 A You know, Anthony, I don't really know all the
23 details because it was happening it seemed like -- a lot seemed
24 like it was happening on Oahu and I wasn't there, so I don't
25 really have details.

1 Q Right. Do you remember an attorney saying that Edna
2 was using his name? Do you remember that incident?

3 A I -- I don't -- I remember -- I don't know if she
4 was -- it was said that she was using his name, but something
5 was happening that I heard secondhand.

6 MR. SORENSON: Objection, Your Honor. This witness
7 is not testifying from personal experience.

8 THE WITNESS: Yeah. I don't have --

9 THE COURT: Sustained. So that'll be the end of her
10 answer. You have another question for her?

11 Q (BY THE DEFENDANT:) So now when you heard about the
12 complaints with Edna, did you ever get complaints from people
13 that she wouldn't return calls?

14 A Yes.

15 Q And she wouldn't return emails?

16 A Uhm, I just heard complaints.

17 Q Right.

18 A I don't recall exactly what those complaints were.

19 Q Okay. Do you remember me getting very upset at
20 those complaints?

21 A Yes.

22 Q And was I very adamant about people not being taken
23 care of?

24 A Yes.

25 Q And so when these complaints happened, did you see

1 me or did you know that I would try to call these people, let
2 them know if there was something I can do for them or anything
3 like that?

4 A I do remember little bits of that happening with a
5 few of her -- or maybe one or two or maybe more.

6 Q Okay.

7 A I don't know.

8 Q Okay. Do you remember in the midst of me coming to
9 Hawaii that I was unlawfully incarcerated?

10 A Say that in a different question.

11 Q Do you remember in 2013 when I was falsely
12 incarcerated for rape and child molestation?

13 A In another state?

14 Q Well, I was charged in another state, but do you
15 remember that I was extradited --

16 A Yes.

17 Q -- back? And do you remember the time frame that
18 they're saying I had committed this -- that crime?

19 A Yes.

20 Q And do you remember you being a witness that I
21 wasn't there?

22 A Yes.

23 Q And how were you a witness that I wasn't there?

24 MR. SORENSON: Objection. Relevance.

25 THE WITNESS: The date.

1 THE COURT: All right. So I think he's doing it for
2 the period of time --

3 THE DEFENDANT: Right.

4 THE COURT: -- that he was incarcerated.

5 THE DEFENDANT: Incarcerated.

6 THE WITNESS: So --

7 THE COURT: So overruled. So what do you remember?

8 THE WITNESS: So when I read your charges -- or I
9 guess they were charges --

10 THE DEFENDANT: Right.

11 THE WITNESS: I'm really not sure what that was.

12 THE DEFENDANT: Right.

13 THE WITNESS: I knew that was not correct because I
14 picked you up at the airport with my son on that very day they
15 said it happened.

16 So I wrote an affidavit to the court in another state
17 saying, you know, the facts, and I even called the airlines and
18 had them give me something showing that you were on a flight to
19 Kona that very morning.

20 Q (BY THE DEFENDANT:) Uh-huh. And so you picked me
21 up?

22 A Yes.

23 Q At the Kona Airport, correct?

24 A Yes.

25 Q And so after I was extradited on the false charge,

1 did I come back after I got the case dismissed?

2 A You're here, so, yes.

3 Q Do you remember when I got the case dismissed?

4 THE COURT: Wait. Do you know whether or not his
5 case got dismissed or how --

6 THE WITNESS: I heard it got dismissed.

7 THE COURT: Okay.

8 THE WITNESS: Because I did not read anything. I
9 believe it -- I do not know who told me or how I found out,
10 whether it was your mother.

11 THE DEFENDANT: Okay.

12 THE WITNESS: I'm not really sure how I heard.

13 Q (BY THE DEFENDANT:) Okay. So in your whole
14 interaction with me, Ms. Krakauer, have I always been a man of
15 integrity?

16 A Yes.

17 Q Have I always been a man of my word?

18 A You always did what you said you were trying to do
19 or trying to accomplish. Does the outcome always come out like
20 you would have said? Not really. But what you said you were
21 going to do and try, yes.

22 Q Okay. And so was one of my whole premises is that
23 the homeowners are being defrauded by the mortgage companies?
24 Was that one of my premises?

25 A Yes.

1 Q And was I very adamant and passionate about what I
2 did in fighting the foreclosures?

3 A Very passionate, very much.

4 Q Do you remember us going to the police station to
5 file a arrest warrant for a crooked attorney named Paul Sula?

6 MR. SORENSON: Objection. Relevance.

7 THE COURT: Yeah, so I don't know how this is
8 relevant.

9 THE DEFENDANT: Well, because they had -- the
10 prosecution had said one time that what I said in the
11 foreclosure disclosure that I wouldn't go after the crooked
12 attorneys that defrauded people, and I'm proving that I did and
13 this is what I did.

14 THE COURT: All right. So it's sustained. Do you
15 have another question for her?

16 Q (BY THE DEFENDANT:) So, Ms. Krakauer, do you feel
17 like anything that I did for you or anybody would be considered
18 scamming people?

19 A Not that I saw.

20 Q Okay. And so your experience, you saw that I would
21 do what I promised I could do in order to try to help people?

22 A You followed through with what your statements of
23 saying what you would do. You did that. Doesn't mean the
24 outcome was what you thought, no, but it doesn't -- it means
25 that you followed through with what you said --

1 Q Right. So --

2 A -- in my case. I don't know about any other cases.

3 Q Right. So did you ever see me with my badge and my
4 handcuffs and my ID that I wore all the time when I would fly
5 in? Do you remember seeing my badge and my private attorney
6 general ID?

7 A I do, yes.

8 Q Now, do you remember seeing me interact with people
9 and taking it off and saying, "Hey, this is my badge," doing
10 like that (demonstrating)?

11 A I don't remember that.

12 Q Okay. So do you remember me doing several seminars?
13 Do you remember the seminars I used to give?

14 A I remember talks. Was it a seminar? I'm not really
15 sure, but it was talks.

16 Q Okay. Did you -- was you present at the seminar I
17 did here on Oahu?

18 A I do not know. We had a meeting, but it -- I did
19 not go to any of your seminars.

20 Q Okay. Okay. But in your personal experience, you
21 didn't see anywhere where I'd be trying to scam people, get
22 over on someone or lying to them?

23 THE COURT: All right. So asked and answered.
24 You've asked her that several times and she's answered. Do you
25 have another question for her?

1 THE DEFENDANT: No more questions right now.

2 THE COURT: Okay. Do you have any
3 cross-examination?

4 MR. SORENSON: We do, Your Honor, but it could take
5 a while. So --

6 THE COURT: I'll give you five minutes for her.
7 There's no more. You don't need more than five minutes to ask
8 her questions. We're going to get done with this witness
9 today.

10 MR. SORENSON: Yes, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. SORENSON:

13 Q Ms. Krakauer, I guess fair to say that you're
14 experience with Anthony Williams, as you've indicated, is
15 largely based on your interactions with him doing your work; is
16 that correct?

17 A Yes.

18 Q And when he was doing work for you, did you believe
19 that he could represent you in court?

20 A I believed he could, but he also encouraged me to be
21 my own -- 'cause I was *pro se*.

22 Q And you understood that you could represent
23 yourself; is that correct?

24 A Yes.

25 Q Did you believe that he could represent you too?

1 A I -- I do not -- I do not recall that he ever said
2 he was going to be representing me. I do remember talking to
3 him about him encouraging me to go into court and how to deal
4 with my own -- some of my own issues, some of my own solutions.

5 Q Do you recall or do you know that he told people
6 that he could represent them in court?

7 A Uhm, I do not recall -- I do not recall that.

8 Q So you -- everything you've testified about him
9 being honest and all that stuff is -- is partially grounded in
10 the understanding that you didn't know he was telling people
11 that he could represent them in court?

12 A I'm just not recalling what he was saying to others.
13 I heard him speak, but I remember more vivid of what he said to
14 me.

15 Q And so your experience, for the most part, is
16 confined to the time he represented you at a foreclosure; is
17 that correct?

18 A Yes.

19 Q And -- but he didn't go to court for you in that?

20 A No.

21 Q Is that the case?

22 A No.

23 Q And you ended up losing that foreclosure, didn't
24 you?

25 A I lost and I also had an attorney that I had hired,

1 I had myself, I had many people helping me.

2 Q Mr. Williams didn't help you in that foreclosure,
3 did he?

4 A Did he not help me in that foreclosure? I would
5 say --

6 Q Let me put it this way.

7 THE COURT: Wait. Let her finish her answer.

8 THE WITNESS: I would say a lot of people
9 were -- were involved in talking and helping and all kinds of
10 things and I still lost.

11 Q (BY MR. SORENSON:) Okay. His assistance to you did
12 not result in you winning the foreclosure, correct?

13 A Uhm, no. No.

14 Q You lost your home, didn't you?

15 A I did lose my home.

16 Q And what was the decision you made to start working
17 with Mr. Williams?

18 A First of all, let me make that clear because by the
19 time -- my foreclosure went on for many, many years even after
20 he was in jail I think in somewhere else. So he was not able
21 to even help at certain periods of my time.

22 Q Okay. Were you aware of him helping anybody else
23 during that period of time?

24 A I do not know for sure -- I do not recall.

25 Q Were you aware of the mechanism that he was using,

1 that is, filing UCC filing statements?

2 A Yes.

3 Q And MEI mortgages?

4 A Yes.

5 Q You're aware of that?

6 A Yes.

7 Q Were you aware that he was telling people that by
8 filing those that he would render their prior mortgage null and
9 void? Do you know that?

10 A Uhm, I do not recall the exact wording he would use.

11 Q Have you ever heard of the Federal Mortgage American
12 Trust?

13 A No, I've never heard of that.

14 Q If you knew that was a company that in his mortgages
15 he represented was going to be the trustee but it turned out to
16 not exist, would that change your mind about him?

17 A If he -- say that question again.

18 Q If you knew that he was using a fraudulent fake
19 company --

20 THE DEFENDANT: Objection.

21 Q (BY MR. SORENSON:) -- as a trustee --

22 THE DEFENDANT: Nothing fraudulent or fake.
23 Mischaracterization.

24 THE COURT: All right. Overruled. Ask the
25 question.

1 Q (BY MR. SORENSON:) If you knew he was using a fake
2 company as the trustee in his mortgage documents, would that
3 change your idea about him being honest and trustworthy?

4 A If he was using a fake company?

5 Q Yes.

6 A If -- yes.

7 Q Would that affect your opinion of him?

8 A Uhm, it all depends on the facts of that fake
9 company, of who is deeming it fake and how it's deemed fake
10 and --

11 Q Well, I'm just asking --

12 THE COURT: Let her finish.

13 THE WITNESS: Let me finish -- because in laws
14 there's many jurisdictional laws and so many of the
15 jurisdictional laws might consider other laws from whether it's
16 common law, admiralty law, maritime law. They all have their
17 own laws. And so one might say ours -- we're going to consider
18 that fictional compared to your law or somebody else's law. So
19 it all depends on the circumstance.

20 Q (BY MR. SORENSON:) Okay. But --

21 THE COURT: You have one more minute.

22 MR. SORENSON: Okay.

23 Q (BY MR. SORENSON:) But if we're talking about a
24 fake company, that's the question. If indeed this was a fake
25 company that he came up with and he gave it a fake address, a

1 place that it really didn't exist, would that change your
2 opinion of him?

3 A Like I said, it all depends on who and what law are
4 they using that it's fake and there's many -- it all depends on
5 the circumstances.

6 Q You don't want to answer that question, is it fair
7 to say?

8 A I'm -- I'd like to ask you some questions. What
9 law --

10 Q Wait, wait? I don't think --

11 THE COURT: No, no.

12 MR. SORENSON: -- that's the way this works.

13 THE COURT: Okay. All right. So I'm going to
14 strike that last answer and you're to disregard the question.

15 You got one more question to ask her and then it's
16 redirect.

17 MR. SORENSON: That's all I've got.

18 THE COURT: All right. Do you have any redirect?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. You're limited to the areas that
21 he asked, that Mr. Sorenson asked, and I'll give you two
22 minutes.

23 REDIRECT EXAMINATION

24 BY THE DEFENDANT:

25 Q So, Ms. Krakauer, any paperwork that I filed for

1 you, did you see where I used any fake company, anything like
2 that sort of?

3 A I don't recall. I don't recall.

4 Q Do you recall me being charged with having a fake
5 company in Hawaii?

6 A Do I recall you having a fake company --

7 Q My being charged with a fake company?

8 A -- in Hawaii?

9 THE COURT: Wait. And let her answer.

10 THE WITNESS: I don't recall.

11 Q (BY THE DEFENDANT:) Okay.

12 A As far as I -- I don't -- I don't know.

13 Q Right. But you had personal experience with me. Is
14 it my personality or disposition to do anything fake or
15 fraudulent?

16 A As far as I know you, Anthony, no.

17 Q Okay. So you know that my knowledge in law, would
18 you say it's sufficient?

19 A I cannot -- it's hard for me to answer because all
20 of my studying, even when I didn't know you, is still so much
21 different laws and different court cases and different codes
22 and statutes that it's -- to me it's such a jumbled amount that
23 it's hard for me to even put it together of what laws are best
24 to use and how to use those.

25 So when I study, I -- it's -- it's just so much, so

1 massive to me that to say that even an attorney is using them
2 correctly, I can't say yes or no.

3 Q Right. So in your experience, the people that used
4 attorneys at law, did they win their cases, the foreclosures?

5 A No, no, they did not. A lot of them did not.

6 Q And did they spend a whole lot of money on them
7 attorneys?

8 A Many thousands and thousands of dollars that I
9 couldn't afford.

10 Q Right. So did I charge as much as corrupt
11 attorneys?

12 A I do not know what you charged anyone, if you did at
13 all. I was not -- I don't think I've given you any money.

14 Q Right. So I never asked for any money from you, did
15 I?

16 A Not that I recall.

17 THE COURT: Okay. Last question.

18 Q (BY THE DEFENDANT:) Okay. So did you see me ask
19 for money from any other clients in your presence?

20 A One client.

21 Q One client.

22 THE COURT: All right. Then that's --

23 THE DEFENDANT: I have no more questions.

24 THE COURT: Thank you very much. All right. You're
25 excused as a witness. Please don't discuss your testimony with

1 anyone, Ms. Krakauer. Good day to you.

2 THE WITNESS: Thank you.

3 THE COURT: All right. Ladies and gentlemen, we're
4 concluded for the today. You'll return tomorrow morning at
5 8:30. Thank you for your kind attention and patience.

6 If you would leave your iPads and your notebooks behind,
7 and of course my daily instruction to you: Don't discuss the
8 case with anyone or allow anyone to discuss it with you. Don't
9 investigate or Google or research any of the cases or
10 witnesses. Don't go on social media about the trial, and of
11 course, don't read, listen to, or watch any media accounts
12 should there be any.

13 Please have a very good evening. Please rise for the
14 jury. We are now in recess.

15 (Open court out of the presence of the jury.)

16 THE COURT: The record will reflect the presence of
17 Mr. Williams and counsel. You may be seated. The jury is not
18 present.

19 So just having a quick conference about tomorrow's trial.
20 First of all, did -- I can't remember -- but did I send out an
21 order about the government preparing a special jury verdict
22 form? I did. Okay. Good. So that was on my to-do list, so I
23 make sure I did that. I know I gave you a date for that.

24 I've gone through the jury instructions, so I'll give you
25 ones I intend to instruct on. I'll give you that. It'll be

1 available with copies tomorrow morning. And then I'll go on
2 the record.

3 I'm declining some of the ones from the government because
4 they don't apply to the case, multiple defendants, et cetera.

5 And, Mr. Williams, I'm declining all of yours because they
6 don't state the laws. But we'll go on the record and I'll give
7 you an opportunity to object, particularly as to the willfully
8 instruction. That is not an element of the case with regard to
9 the Indictment. And so we can go on the record tomorrow with
10 regard to that and I'll give you an opportunity to state any
11 objections or positions for the record.

12 I can't remember which ones that I'm not for the
13 government. I know there's a few. Maybe it's not multiple
14 defendants, but it's something that really didn't apply. But I
15 don't think you'll have much of a problem with that. But you
16 can take a look at it. We'll set forth in an entering order
17 and you'll have it tomorrow morning.

18 Okay. So tomorrow we have all of our witnesses lined up
19 for Mr. Williams? And you've disclosed to the government?
20 You're all set?

21 Okay. So you think you'll -- how many witnesses do you
22 think we'll go through tomorrow?

23 THE DEFENDANT: We'll try to get through all of
24 them.

25 THE COURT: No, I'm just trying to figure out in

1 terms of timing, like, when do you think we'll be finished with
2 the defense case so we can figure out -- we've got to settle
3 the jury instructions. We need a special verdict form.

4 THE DEFENDANT: I mean, it should be tomorrow or
5 Thursday.

6 THE COURT: Okay.

7 THE DEFENDANT: I don't see it going past that.

8 THE COURT: All right. And then maybe by the end of
9 tomorrow I'll ask the government if they're thinking that they
10 are going to be asking to put on rebuttal witnesses. So just
11 be prepared. I'll ask you at the end.

12 MR. SORENSON: Yes, Your Honor. I mean,
13 obviously --

14 THE COURT: You have to wait.

15 MR. SORENSON: -- we have to hear it all. But we
16 can give you an idea if we've heard things.

17 THE COURT: Exactly.

18 MR. SORENSON: I think there might be a couple
19 documents, but I don't know about percipient testimony.

20 THE COURT: Okay. All right. So we will reconvene
21 on that issue tomorrow and we'll anticipate at this point that
22 the witnesses for the defense -- that the defense will rest
23 Thursday at this point. We don't know. So we'll see how
24 tomorrow goes.

25 And that would mean that we would target jury instruction

1 and closing then next week Monday. That's --

2 MR. SORENSON: Monday? Okay.

3 THE COURT: Right. I mean, that's right now based
4 on how things go. Obviously, if, you know, it takes longer
5 than Thursday to complete the evidence and so forth, then we'd
6 push that back. But I just wanted to have a discussion with
7 you folks so you could prepare. All right?

8 MR. SORENSON: Thank you very much, Your Honor.

9 THE COURT: Okay.

10 MR. ISAACSON: So may I chime in one thing?

11 THE COURT: Yes, absolutely.

12 MR. ISAACSON: Let me ask Mr. Williams.

13 Your Honor, I don't know if Mr. Williams addressed this,
14 but there is evidence about his criminal history that came out
15 during the government's case. I don't know if he requested a
16 limiting instruction as to what that evidence can be used for,
17 and if he does testify and they attempt to use his convictions,
18 you may already have that covered, Judge, but I don't know if
19 that --

20 THE COURT: No, no, I don't. So I guess you'd have
21 to -- either put in a motion or articulate more specifically.

22 As I recall in the government's case on cross-examination
23 and since then, Mr. Williams has brought out about his
24 conviction for rape and child molestation -- his incarceration
25 for that, which he has characterized, you know, as improper or

1 that he somehow was wrongfully convicted.

2 What are you referring to with regard --

3 MR. ISAACSON: Well, Your Honor, just the mere fact
4 that he has been convicted by Florida or another state, it
5 can't be used as evidence that he committed these crimes here.
6 That's all --

7 THE COURT: Right. But where he's put it at
8 issue -- I mean, what are you pointing out specifically the
9 government raising? I recall Mr. Williams bringing it out in
10 questions which is not evidence, but --

11 MR. ISAACSON: There has been evidence that he was
12 convicted in Florida in response to Mr. Williams as this Court
13 ruled. But merely the fact that if he has been convicted of
14 other crimes, that the jury should not use that to infer he's
15 guilty of these crimes.

16 THE COURT: Well, I'm happy to look at any limiting
17 instructions if you want to propose language, and I would give
18 them, the government, an opportunity to respond. But in a
19 vacuum, I don't -- so because it's kind of unusual, everything
20 with regard to that was either Mr. Williams asking in a
21 question about witnesses' knowledge of his conviction or when
22 he opened the door on the cross-examination of FBI Agent
23 Lavelle, then, you know, Mr. Sorenson -- I believe it was
24 Mr. Sorenson -- followed up with questions with regard to, you
25 know, federal convictions. But again, Mr. Williams opened the

1 door to that.

2 So if you want a limiting instruction with regard to that,
3 I'm happy to take a look at what you propose and give the
4 government an opportunity to respond either with a memo or
5 their position on the wording or what have you. But in a
6 vacuum, I really can't rule.

7 THE DEFENDANT: Well, we actually went over this and
8 I did not bring up the Florida conviction. When I
9 questioned -- cross-examined Special Agent Lavelle, 'cause he's
10 a FBI agent, I asked him was there any federal, because this is
11 a federal offense, this is a federal trial. So I asked him did
12 they file any federal charges 'cause they're the ones
13 investigating me in Miami. They said no. Now, he brought up
14 the Florida trial, the state charges. So he's the one -- I
15 didn't bring it up; he brought it up.

16 So now I'm going to have to explain to the jury why I was
17 convicted of a charge that's not even a crime in Florida, grand
18 theft of a house. There's no such charge, but that's what I
19 was convicted of.

20 THE COURT: Well, regardless, one, I've already made
21 the ruling. Two is that you specifically asked him about
22 federal charges --

23 THE DEFENDANT: Right.

24 THE COURT: -- and also him testifying against you,
25 which he testified in the state matters.

1 THE DEFENDANT: But I didn't ask him about
2 testifying. I asked him was there any federal charges 'cause
3 they put me under federal investigation --

4 THE COURT: No, I'm not going to reiterate. My
5 basis is is you opened the door talking about criminal charges.
6 You can't just limit it to federal charges. You asked him
7 about, you know, federal -- you did ask him about federal
8 charges.

9 THE DEFENDANT: 'Cause he --

10 THE COURT: But it had opened the door to any other
11 kind of charges. And you also asked him about him testifying
12 against you, and so he testified against you in the state
13 proceeding. At any rate, my ruling is not going to be
14 revisited. It stands.

15 Again, if you want to propose anything with regard to a
16 limiting instruction, I'll take a look at it. That's a good
17 point.

18 Ms. Odani points out I had given you folks till the 20th
19 to submit the special verdict form, but we may be -- well,
20 actually we'll finish on the 20th, right? So that you wouldn't
21 close till the 24th if we finish by the 20th. So that should
22 be enough time. And then we'll just get the response to it,
23 then we'll move up the response from the defense to the 21st.

24 So you guys take a look at it and we can either meet on
25 the 21st or whatever and have your folks' responses as to that,

1 what they're proposing should be the special verdict form.

2 All right. Shouldn't be any law in it, just going to be
3 basically a recitation of what's in the Indictment.

4 But anyway, so if we close Monday, we're going to have to
5 settle it as well as the jury instructions on the -- by the
6 21st.

7 MR. SORENSON: Your Honor, just a point of
8 clarification on the special verdict form. And I think that's
9 a great idea. Obviously, it'd be guilty/not guilty on each one
10 of the counts. Does the Court want some kind of unanimity on
11 the findings of misrepresentation in that or as far as it being
12 a special verdict form as opposed to a general verdict, is
13 there an interrogatory the Court wants us to have answered by
14 the jury?

15 THE COURT: No. So I mean special verdict form in
16 the sense that it isn't just guilty or not guilty, you find the
17 defendant guilty or not, because there are separate counts, so
18 arguably they could come back --

19 MR. SORENSON: Oh, no, yeah. We'll have that
20 individually --

21 THE COURT: Right. That's all I want from you, not
22 any specific --

23 MR. SORENSON: Sometimes there are questions the
24 Court wants or one party or the other does.

25 THE COURT: Right. So if that's what you folks want

1 to propose and if they want to do other questions, we'll --

2 MR. SORENSON: Right.

3 THE COURT: But I just meant for each count it just
4 has to be --

5 MR. SORENSON: No, that's good.

6 THE COURT: -- warranted. They could find guilty
7 for some or not guilty on some, or all, or one. It's not just
8 one question, guilty or not guilty.

9 MR. SORENSON: Yes.

10 THE COURT: Okay. Very good. Then if nothing
11 further -- and of course you can remain for 15 minutes to
12 discuss with Mr. Williams.

13 MR. ISAACSON: Your Honor, if I may, one last thing?

14 THE COURT: Yes.

15 MR. ISAACSON: Your Honor, there's been a lot of,
16 obviously, material provided to the government and there may be
17 more. We may have to on Monday -- I don't want to just say
18 we're going to be done -- it's up to Mr. Williams of
19 course -- but we may have to bring some records custodians in,
20 Judge. We'll do whatever we can --

21 THE COURT: No, I'm not saying you're going to be
22 done by Thursday and that we're going to close on Monday. But
23 your representation to me -- or Mr. Williams was he might be
24 done by the end of tomorrow or Thursday. If that's the case,
25 then we're going to close on Monday. We'll settle jury

1 instructions and the special verdict form on Friday. If --
2 obviously if he doesn't get through all of his witnesses, I'm
3 not going to make you guys close. So I think that's pretty
4 clear.

5 All right. If nothing further, then we're in recess till
6 tomorrow at 8:30, and we are in recess. Good evening,
7 everyone.

8 (Proceedings adjourned at 2:14 P.M., until
9 Wednesday, February 19, 2020, at 8:30 A.M.)

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COURT REPORTER'S CERTIFICATE

I, DEBRA READ, Official Court Reporter, United States District Court, District of Hawaii, do hereby certify that pursuant to 28 U.S.C. §753 the foregoing is a complete, true, and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

DATED at Honolulu, Hawaii, April 3, 2020.

/s/ Debra Read
DEBRA READ, CSR CRR RMR RDR