

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF HAWAII

3 UNITED STATES OF AMERICA, ) CR 17-00101 LEK  
 4 )  
 5 Plaintiff, ) Honolulu, Hawaii  
 6 vs. ) February 19, 2020  
 7 ) JURY TRIAL - DAY 10  
 8 (1) ANTHONY T. WILLIAMS, )  
 Defendant. )  
 \_\_\_\_\_ )

9  
 10 TRANSCRIPT OF TRIAL PROCEEDINGS  
 11 BEFORE THE HONORABLE LESLIE E. KOBAYASHI  
 12 UNITED STATES DISTRICT JUDGE

13 APPEARANCES:

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19 Also Present: MEGAN CRAWLEY, FBI Special Agent

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WEDNESDAY, FEBRUARY 19, 2020

9:19 A.M.

1

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

2

THE COURTROOM MANAGER: Criminal 17-00101 LEK, United

3

States of America versus Anthony Williams.

4

This case has been called for further jury trial, day 10.

5

Appearances, please, counsel for the record.

6

MR. SORENSON: Good morning, Your Honor.

7

Assistant United States Attorneys Ken Sorenson and Gregg

8

Yates here for the United States. We have FBI Special Agent

9

Megan Crawley with us.

10

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

11

Mr. Williams.

12

THE DEFENDANT: Morning.

13

Private attorney general Anthony Williams appearing sui

14

juris.

15

THE COURT: All right. Good morning to you.

16

Mr. Isaacson.

17

MR. ISAACSON: Good morning.

18

Lars Isaacson with Ms. Beecher and Ms. Yeung who's in the

19

courtroom today.

20

THE COURT: Good morning to all of you. And the

21

record will reflect the jury is not present and we need to take

22

up some matters.

23

Mr. Sorenson.

24

MR. SORENSON: Yes, Your Honor. May I approach?

25

THE COURT: You may.

1                   MR. SORENSON: Your Honor, I think you might have  
2 before you Exhibit A that the defense provided to us.

3                   THE COURT: The --

4                   MR. SORENSON: It's apparently a summary of audio  
5 and videoed content from the defendant.

6                   THE COURT: Oh, I don't have that, no.

7                   THE DEFENDANT: I have a copy.

8                   THE COURT: Oh, thank you, that would be lovely, if  
9 you can give that to Ms. Feria.

10                  All right. I have it.

11                  MR. SORENSON: Okay. So we've learned today that  
12 perhaps one of the witnesses may be offered -- may offer  
13 through his testimony one or two of these exhibits. But, Your  
14 Honor, as I look at these, it's probably best that we maybe  
15 approach them probably now because they all appear to be pretty  
16 much the same thing where they are out-of-court statements by  
17 both probably Mr. Williams, I'm guessing, and others discussing  
18 his case, discussing aspects of his incarceration, discussing  
19 what he believes to be the unfairness of the situation.

20                  But it really goes on and on. If the Court wishes, we can  
21 go through each one, but the Court might want to take some time  
22 to peruse this document. Our argument, obviously, would be  
23 that these are all out-of-court statements offered to prove the  
24 truth of whatever matters are stated within the statements that  
25 are being made, certainly a lot of out-of-court statements from

1 Mr. Williams. I would guess he wants to back door a lot of his  
2 information in through some of these exhibits, if not all of  
3 them.

4 And also, you know, whether it's YouTube videos or  
5 purported radio shows where he is discussing his legal  
6 situation, Your Honor, certainly the relevance to his guilt is  
7 extremely low. These are self-serving statements, I'm  
8 guessing, made after his arrest.

9 So, Your Honor, we would just ask the Court to decline to  
10 allow any of these documents or any of these recordings or  
11 videotapes based on what we're seeing here.

12 THE COURT: Okay. Well, let's go one by one.

13 MR. SORENSON: Okay.

14 THE COURT: I don't want to, you know --

15 MR. SORENSON: Yes.

16 THE COURT: -- be generalized about it.

17 So let's look at, for instance, Exhibit 1 -- I'm sorry --  
18 Exhibit 2121-A. This is apparently an audiotape of a radio  
19 show and it indicates that there's a person by the name of Rosy  
20 Esprecion Thomas and she has a phone interview. So I believe  
21 that she's also listed as a witness who would be testifying  
22 today; is that correct, Mr. Williams?

23 THE DEFENDANT: Yes, if we get to her.

24 THE COURT: Okay. And then so Mr. Sorenson has  
25 raised a relevance and hearsay objection to the -- to this

1     taping.  So let's deal with the relevance first.  I think the  
2     hearsay aspect of it we can take up later.

3                 THE DEFENDANT:  Well, in regards to it being a  
4     out-of-court statement?

5                 THE COURT:  No, just why is it relevant to your  
6     case?  They're discussing your case, they're discussing your  
7     process, but she's going to testify, so she could say that on  
8     the stand under oath.  So what is the relevance of this radio  
9     show taping?

10                THE DEFENDANT:  Well, I mean, she -- she's one of  
11     the victims that they're saying is my victim.  Okay.  She went  
12     on -- it's a state -- well, it's a state -- I don't think it's  
13     a national -- radio station regarding the things I did for her,  
14     what they're alleging that I did to the clients, which I did  
15     not do.  She basically just telling the truth about what I did,  
16     what she saw me do for other clients and things like that  
17     nature.

18                THE COURT:  So I guess what I'm asking you, isn't  
19     she going to testify about that when she takes the stand?

20                THE DEFENDANT:  Yes.

21                THE COURT:  Okay.  So it would be then redundant,  
22     that is, duplicative to have her have this radio -- I mean, if  
23     we take the hearsay aside -- having her repeat what she said  
24     again in this radio program when she wasn't under oath.

25                So I -- help me understand why this taping is needed in

1 addition to her testifying live in court.

2 THE DEFENDANT: Well, I think when the jury goes  
3 back for deliberation, they should have as much evidence with  
4 them because this has been a long case, so they gonna forget a  
5 lot of the real statements. But if they got exhibits, audio,  
6 where they can actually go back and listen to what these people  
7 said, I think it would be beneficial in the deliberations.

8 THE COURT: So you're saying it would just reinforce  
9 because it would be basically saying the same thing that she's  
10 going to say in court.

11 THE DEFENDANT: Right.

12 THE COURT: But something they could play in the  
13 jury room.

14 THE DEFENDANT: Right.

15 THE COURT: Then I'm going to exclude it because  
16 it's duplicative, it's repetitive and, you know, it -- and it's  
17 also hearsay. But the main thing is she's going to testify.  
18 She can testify in court. They are taking notes.

19 So with regard to Exhibit No. 2121-A, that's not going to  
20 be permitted into evidence.

21 Let's now turn to Exhibit 2121-B. This is a video with  
22 William Wagner. And tell me what the relevance is of this.  
23 This -- are you on this video?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. And this shows a video of



1 homeowners in California?

2 THE DEFENDANT: Well, this is a video that he -- I  
3 appeared on his show discussing the mortgage fraud. This  
4 before I was brought any charges. I think this is one of the  
5 videos that the government got ahold of to now try to discredit  
6 me after I did this video 'cause it went national. So while I  
7 was explaining the mortgage fraud, the things I did for  
8 clients, what I would file for them in the different states,  
9 what I would do when I go to court if some judges would allow  
10 me to assist them, what I would do as far as, you know, the  
11 motion I would file to show them the U.S. Supreme Court rulings  
12 and then they would allow me to go ahead and assist my clients.  
13 So I'm discussing those things, discussing the illegal  
14 incarceration that I had went through, and basically just the  
15 whole mortgage fraud and what I was exposing.

16 THE COURT: Okay. So do any of the people that  
17 you're representing, the homeowners, were there any of the  
18 individuals identified in the Indictment or from Hawaii?

19 THE DEFENDANT: Well, I mean, they said 200 victims  
20 so they didn't name all of them, but it does deal with some of  
21 the clients that I had to fight their foreclosure. Some of  
22 them I actually had to show up with my team to run the sheriff  
23 off their property so they wouldn't evict them.

24 THE COURT: In Hawaii?

25 THE DEFENDANT: In Hawaii.

1 THE COURT: They're depicted in this video?

2 THE DEFENDANT: Well, I'm talking about it.

3 THE COURT: You're talking about your experience --

4 THE DEFENDANT: Right.

5 THE COURT: Okay -- with those individuals. All  
6 right. So again, I don't see the relevance. Certainly I think  
7 Ms. Rosy Esprecion Thomas and other people that you're going to  
8 call, such as Remie Carlos that you called, relate what you've  
9 told them in your presentation and so forth. So I'm not going  
10 to permit 2121-B or 2121-C which seems to be an extension of  
11 that same interview.

12 Yes.

13 MR. SORENSON: Your Honor, thank you. I would ask  
14 that the Court, if possible, make a hearsay ruling as well in  
15 case that is necessary on down the line to argue. We do  
16 believe these are going to be out-of-court hearsay statements,  
17 so if the Court could make a finding on that as well.

18 THE COURT: I plan to at the end.

19 MR. SORENSON: Okay.

20 THE COURT: These are all hearsay.

21 MR. SORENSON: Okay. Thank you.

22 THE COURT: Okay. So Exhibit 2121-D, this is a  
23 continuation of --

24 MR. SORENSON: -C? -C is --

25 THE COURT: I've already ruled that -C's not coming

1 in because it's not relevant and it seemed to be a continuation  
2 of 2121-B.

3 MR. SORENSON: Okay. I just want to make sure  
4 'cause I thought we did 2121-B and -C is also part of that.

5 THE COURT: Yeah. I just ruled that -C is part of  
6 that.

7 2121-D it says it's a continuation of 2121-B and -C, so  
8 that's not going to come in on relevance as well for the same  
9 reasons as 2121-B and -C.

10 Now, 2121-E this is an audiotape of -- you got  
11 interviewed, I guess, on a radio show?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. And this is about your opinions  
14 about not getting a fair trial?

15 THE DEFENDANT: Well, this is the radio show host  
16 who does interviews with political prisoners like me that are  
17 targeted by the government for what I do, exposing government  
18 corruption.

19 THE COURT: Okay. So you're -- you and the radio  
20 host are expressing your opinions about that?

21 THE DEFENDANT: Well, the fact that what they did.  
22 I mean, there's nothing opinionated about it. They targeted me  
23 after I exposed them.

24 THE COURT: Right.

25 THE DEFENDANT: That's the whole basis of this case.

1 That's why this case was brought against me.

2 THE COURT: Right. But this is you offering your  
3 opinion about that. I mean, do you have, like, witnesses  
4 who -- I mean, 'cause you could call them and they could  
5 testify with regard to, you know, retaliation or, you know --

6 THE DEFENDANT: Well, you struck them as a witness.

7 THE COURT: Well, that was a general person who's  
8 going to talk about general corruption, just sort of the  
9 specifics of this case. So -- so it's basically you and -- I'm  
10 trying to understand what this audiotape is -- you and this  
11 host and you're expressing why you believe that you're the  
12 subject of retaliation and public corruption?

13 THE DEFENDANT: That's correct.

14 THE COURT: And do you have any documents that you  
15 discuss or witnesses to that?

16 THE DEFENDANT: Well, I got -- well, now we got the  
17 documents to show about my -- the government faking my  
18 fingerprints, the FBI faking my fingerprints to try to charge  
19 me for rape and child molestation. We finally got those  
20 records that I won, 'cause they said, We don't know if he won  
21 it. Well, we got the document to show I did win it. They  
22 dismissed the case. But now we got the actual documents to  
23 show that they faked my fingerprints. So yes, we do have that  
24 documentation.

25 THE COURT: Okay. So that should be the best

1 evidence then rather than a tape of you talking about what you  
2 feel is your violation of your rights. So 2121-E is not coming  
3 in. It's not relevant.

4 2121-F, "Video: Anthony confronts FBI." So what is this?

5 THE DEFENDANT: This is the FBI put me under  
6 investigation for the same thing they're charging me with,  
7 mortgage fraud, saying I'm -- I'm defrauding consumers, you  
8 know, with my mortgage reduction program. They was calling  
9 around my clients telling them I'm a crook, that I change my  
10 number every 30 days, I'm on the FBI Most Wanted list.

11 So I went up to the FBI office and confronted them about  
12 these lies they were saying about me and I videotaped the whole  
13 incident.

14 And of course they never charged me with anything 'cause I  
15 didn't do anything wrong. But it shows that not only did this  
16 FBI put me under investigation, other FBI offices did the same  
17 thing and alleging the same thing but never charged me with  
18 anything.

19 THE COURT: Okay. But you are charged in this case.

20 THE DEFENDANT: Yes.

21 THE COURT: Okay.

22 THE DEFENDANT: But it's really 'cause they charged  
23 me the same thing. They say they investigated me for the exact  
24 same thing that they're saying.

25 THE COURT: But not the exact same thing 'cause --

1 THE DEFENDANT: Well, they said mortgage fraud.

2 THE COURT: Right, but not mortgage fraud in Hawaii;  
3 would that be correct? These are in other jurisdictions?

4 THE DEFENDANT: Well, they say I'm doing it all over  
5 the country, I mean, Hawaii, California. They saying I was  
6 doing it everywhere, not just -- he was calling my clients and  
7 telling like, "He's doing this in other states. He's scamming  
8 just like he's scamming you." So that's why I went up to the  
9 office to confront them about these lies.

10 THE COURT: Right. But those lies, as you term  
11 them, are not related to the prosecution in Hawaii because  
12 charges were brought against you in Hawaii which is why we're  
13 having the trial right now. So these have to do with other  
14 alleged victims and alleged acts in other jurisdictions.

15 THE DEFENDANT: No, they including Hawaii -- I mean,  
16 including Hawaii.

17 THE COURT: Including the charges in this case?

18 THE DEFENDANT: Yes, including Hawaii. They saying  
19 on the video -- well, what they was calling my clients and  
20 telling my clients, "Look, he's traveling around the country.  
21 He's going to other different -- all the other states same that  
22 he's doing to you all. He's defrauding you all. He's not a  
23 real minister. He's a scam artist."

24 So I went up to confront them about these lies. I said,  
25 "Well, if I'm doing this, file charges against me."

1           THE COURT: Right. And you have had charges filed  
2 against you --

3           THE DEFENDANT: No, they did not file any charges.

4           THE COURT: In Hawaii you have. That's why we're in  
5 this trial.

6           I see what you're saying, you confronted them in those  
7 jurisdictions and you weren't charged, but you have been  
8 charged in Hawaii. So I don't see why that would be relevant  
9 what FBI agents have done in other jurisdictions where, you  
10 know, charges have not resulted against you.

11          So I'm going to to have to decline to permit 2121-F.

12          THE DEFENDANT: So then why would it be relevant for  
13 charges that be charged in other states for the same thing?  
14 Why would it be relevant to this case for them to bring it up?

15          THE COURT: Because you opened the door by asking  
16 about the other -- were other charges ever brought against you.

17          THE DEFENDANT: No, I said federal. I said federal  
18 'cause that's the FBI. FBI's not state; they federal. So they  
19 had a opportunity to file federal charges in Miami and they  
20 declined.

21          THE COURT: So, you know, you keep saying federal  
22 charges.

23          THE DEFENDANT: Yes, they did.

24          THE COURT: No. So a little thing is that there's  
25 this concept, the Assimilation Act. And so there isn't federal

1 crimes for every type of -- for instance, there's no federal  
2 crime of murder. But that doesn't mean you can't be prosecuted  
3 in federal court for murder because depending on the state that  
4 you're in, murder, however that's defined, is assimilated into  
5 the federal if it happens within a federal jurisdiction. Same  
6 with burglary. Burglary's very different among states.  
7 There's no federal crime of burglary.

8         So when you asked the question about federal crimes, that  
9 also includes any state crimes that could be prosecuted in the  
10 federal courts because each district there's -- throughout the  
11 country, federal prosecutors can pursue state crimes through  
12 this Assimilation Act. So when you ask questions about federal  
13 crimes, you open the door in asking about any kind of  
14 prosecution of crimes because technically a federal crime could  
15 have incorporated any state crimes in the state of Florida  
16 where you were prosecuted on state charges.

17         So that's why it was relevant because you placed -- if you  
18 hadn't asked that question, I would not have permitted them to  
19 bring in any questions about your Florida conviction. And I  
20 believe it was Mr. Sorenson who was questioning the agent and  
21 he did not in his direct examination ask because he probably  
22 knows I wouldn't let him inquire about your state conviction.

23         But once you asked those questions, then he recognized,  
24 under the law, you had opened that door by asking questions in  
25 that area; so he, on redirect, could then ask those questions.



1 So it wasn't -- that's how it's relevant.

2 But anyway, back to what you're seeking. All right. So  
3 now we're looking at 2121-G and this is a video of William  
4 Wagner Internet Show and he's reading a letter from you?

5 THE DEFENDANT: Yes.

6 THE COURT: And the letter from you is regarding  
7 your arrest and almost being killed by an inmate.

8 THE DEFENDANT: That's correct.

9 THE COURT: So how is that relevant to either the  
10 charges in the Indictment or the defenses that you're raising?

11 THE DEFENDANT: Well, because I was retaliated  
12 against. I mean, this whole -- you keep saying about Hawaii.  
13 If it's just Hawaii, then nothing from the mainland -- there  
14 should have been no FBI from Washington, D.C. or Florida  
15 brought into this case. But you're saying they relevant, but  
16 they're not to these charges. And so I'm -- anything I'm  
17 talking about was talking about here, I was here, this was in  
18 Hawaii I was attacked because of the false charges they brought  
19 against me. This was in Hawaii.

20 THE COURT: Well, it's a little attenuated. It's  
21 because you were being held at FDC Honolulu, right? But you're  
22 not being held at FDC Honolulu because of the charges in this  
23 case. I mean, FDC Honolulu, the location. But you're being  
24 held because you actually were -- weren't you brought over on a  
25 writ? Because you're being incarcerated in Florida 'cause you

1     need to stand trial in Hawaii.

2             So it's a little attenuated. It's sort of because you got  
3     convicted in Florida and then charges were brought against you  
4     in the District of Hawaii, you're held at FDC Honolulu, and  
5     then I don't know what happened with the inmate, but it's  
6     pretty attenuated. So I'm having a hard time seeing how that's  
7     relevant to the charges or any defense in this case.

8             THE DEFENDANT: Well, wouldn't these charges that  
9     they brought, that constitute double jeopardy? 'Cause their  
10    whole argument is he's doing -- he's done the same thing and  
11    convicted with the same thing in Florida. That's the epitome  
12    of the Fifth Amendment Double Jeopardy Clause that you can't be  
13    twice put in jeopardy for the same act and the same crime. So  
14    this case should have never been brought because they knew what  
15    happened to me in Florida.

16            THE COURT: Well, you know, if you bring a motion  
17    with regard to that, I'll certainly take a look at it and rule  
18    on it.

19            THE DEFENDANT: I already did.

20            THE COURT: Not going to rule -- well, then I ruled  
21    on it and, you know, it'll be maybe a matter for the Ninth  
22    Circuit to take a look at.

23            Okay. So I don't find, respectfully, any relevance with  
24    regard to this reading of the letter by Mr. Wagner. So 2121-G  
25    the court finds is not relevant and will not be permitting it

1 into evidence.

2 2121-H is an audiotape and it's an interview of you in a  
3 radio station, and you're calling from FDC Honolulu and you're  
4 discussing your rights being violated and being falsely  
5 arrested; is that correct?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. Again, this goes to your theory  
8 about being wrongfully prosecuted; is that correct?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. So for the same reasons I  
11 don't find that relevant 'cause it goes to your belief that  
12 these are false charges, but it doesn't go to the specifics as  
13 to, you know, what the witnesses have testified in the  
14 government's case. It goes to your opinions about the lack of  
15 evidence against you, so that's not relevant.

16 2121-I is a video Conspiracy to Frame Hero Anthony  
17 Williams, video of September 18, 2013, extradition hearing in  
18 front of Richard K. Perkins at the First Circuit Court of  
19 Hawaii. And this was Georgia requesting your transfer back to  
20 Georgia on child molestation charges.

21 Okay. How is this relevant to the charges or defenses?

22 THE DEFENDANT: Well, my defense because the  
23 homeowners they're claiming that I scammed is because of this.  
24 I was taken out of Hawaii, illegally incarcerated for  
25 nine months, so I couldn't finish their process.

1           Now they keep contesting that I didn't win it or the time  
2 frame that I was incarcerated. This proves that I was  
3 illegally incarcerated during the exact time frame, and on this  
4 video it shows the FBI faking my fingerprints and they still  
5 extradited me after the fingerprints was proven to be fake.

6           THE COURT: All right. But the best evidence would  
7 be any documentation you have of this, not the videotape of  
8 your extradition.

9           THE DEFENDANT: Well, it's the documentation that's  
10 presented on the video when the expert -- you see that on the  
11 video and you see the judge telling her, "Well, ma'am, these  
12 can't be his fingerprints. If this -- if this document you  
13 telling me is true, then we know these aren't Mr. Williams's  
14 fingerprints." That's coming from a judge. That's documented  
15 evidence. That's not hearsay. Those are documented evidence  
16 in a judicial proceeding and it was proven by Dr. Horowitz.

17           THE COURT: Okay. So if you have a judicial order  
18 or a finding or something like that, then the court could take  
19 judicial notice of that. There's ways that that could be an  
20 exception to the hearsay rule.

21           But I don't see how the extradition hearing is going to be  
22 relevant to the issues in this case or even relevant to whether  
23 or not your conviction was wrongful. An extradition hearing is  
24 merely determining whether there's reasonable cause  
25 to -- or -- yeah, reasonable belief or probable cause to

1 believe that you're the person --

2 THE DEFENDANT: Exactly.

3 THE COURT: -- charged and that they have a valid  
4 warrant, so --

5 THE DEFENDANT: The video.

6 THE COURT: -- just on the charges. Yeah, so that's  
7 not going to come --

8 THE DEFENDANT: The video shows clearly that they  
9 violated because you have to bear five fingerprints before you  
10 can extradite somebody. The case should have been dismissed  
11 right there because they -- I proved those weren't my  
12 fingerprints. They didn't have no fingerprint identification.  
13 And that's part of how this whole system, the FBI been trying  
14 to frame me from that point all the way up to now, and that  
15 will show that, that will prove that.

16 THE COURT: Okay. I'm not sure about this  
17 fingerprint requirement. I've never heard about it for  
18 extradition. But at any rate, if that's what you believe was  
19 the finding by this judge -- I assume in Georgia.

20 THE DEFENDANT: No. This was here. The extradition  
21 was here.

22 THE COURT: Yes, I know. But you said that the  
23 judge in Georgia found that you were wrongfully convicted and  
24 that fingerprints were incorrect or something like that.

25 THE DEFENDANT: Well, the district attorney

1 dismissed it.

2 THE COURT: So if you have documentation with regard  
3 to that, those are the types of things -- certified documents  
4 can sometimes be an exception to the hearsay rule or I can take  
5 judicial notice, but I'm not going to allow this video to be  
6 played because it's not relevant and it would lead to jury  
7 confusion. So 2121-I is not going to be received.

8 2121-J it says it's a video of a Hit News Piece which you  
9 Take Legal Advice TV Report from Florida. So what is this news  
10 segment on you and why is it relevant to this case? This  
11 is -- involves your sentencing in Florida by a Judge Siegel; is  
12 that correct?

13 THE DEFENDANT: Well, it's a culmination of things.  
14 7News came to my house, interviewed me about how I'm able to  
15 fly with my ID that they claim is false, which they know it's  
16 not false, that's why no charge has never been brought and  
17 never will be brought. And she's interviewing me as to how I  
18 was able to get my own sovereign peace officer badge, my  
19 private attorney general, and I'm explaining to her and she's  
20 showing the video of me going through the TSA with my badge, my  
21 ID, and it being accepted as valid and not false.

22 So the jury needs to see that because he's focused so much  
23 time on questioning some of my clients, "Did you know this  
24 badge was fake? Did you know this ID was fake?" No, it's not  
25 fake. He know it's not fake and he's basically trying to make

1 it appear that it's fake, and this video clearly show that it's  
2 not.

3 THE COURT: It shows that it's not because it shows  
4 you talking about it.

5 THE DEFENDANT: Well, it shows me going through the  
6 TSA with it.

7 THE COURT: Okay. But in this case the evidence  
8 that they're using the badge and your ID and the handcuffs is  
9 asking the witnesses that they are saying are your victims --

10 THE DEFENDANT: And he saying it's fake.

11 THE COURT: Well, they're asking did they rely on  
12 that to make them believe that you were a private attorney  
13 general, that you had the ability to practice law.

14 THE DEFENDANT: And that it was -- that it was fake.

15 THE COURT: Well --

16 THE DEFENDANT: He used that term -- terminology,  
17 said it's a fake badge, it's not real.

18 THE COURT: Right. But that's not a charge that you  
19 can be convicted of 'cause they haven't charged you with that.

20 THE DEFENDANT: Well, they tried to in Tennessee.  
21 They tried to try me with criminal impersonation of a police  
22 officer. I got this dismissed because I showed the sovereign  
23 peace officer was actually issued to me by the law enforcement  
24 agency that give the FBI and the marshals their ID.

25 THE COURT: Okay. So if you have a court order

1 certified in that case, that would be an exception to the  
2 hearsay rule. Or I could take judicial notice of it if it had  
3 some sort of indicia of, you know, a court order.

4 But I really don't see the relevance and --

5 THE DEFENDANT: The relevance is because they making  
6 it relevant by every client they bring up, they bringing it up.  
7 So I can't prove that it's not fake by the --

8 THE COURT: Sure you can. Sure you can.

9 THE DEFENDANT: I'm saying the video, not by me --

10 THE COURT: You can give me an order.

11 THE DEFENDANT: -- telling them.

12 THE COURT: You can give me an order.

13 THE DEFENDANT: I don't have a order. They never  
14 issued an order.

15 THE COURT: Okay.

16 THE DEFENDANT: Only thing I did when I talked to  
17 the FBI, they scrutinized it. They didn't give me a letter.  
18 They talked to me on the phone, like, "Mr. Williams, we see  
19 there's nothing fraudulent about it. It's valid. You won't  
20 have no problem when you fly." So when I started flying with  
21 it, I had no problem. If I did, I would tell the TSA agent,  
22 "Please call the FBI immediately." They would call the FBI and  
23 I would be gained entrance.

24 THE COURT: Okay. Well, call somebody from TSA --

25 THE DEFENDANT: But that's not no order.



1 THE COURT: -- that would --

2 THE DEFENDANT: That's the video.

3 THE COURT: -- testify to that.

4 THE DEFENDANT: No, I'm saying that's the video.

5 THE COURT: Nobody on the TSA is on the video.

6 THE DEFENDANT: Yes, they are.

7 THE COURT: No, their testimony I mean, under oath.

8 Yes, Mr. Isaacson?

9 MR. ISAACSON: May I just have one moment to speak  
10 to Mr. Williams?

11 THE COURT: Yes.

12 MR. ISAACSON: Thank you.

13 THE COURT: Do you have any witnesses here? Is  
14 Ms. Colon here?

15 MR. ISAACSON: Yes.

16 THE COURT: Okay. So I'm going to finish this page  
17 and then we're going to start the witnesses because Ms. Colon,  
18 Milagros Castro, and Brenda Turville, they're not going to talk  
19 about any of these videos, right?

20 MR. ISAACSON: Uhm, no --

21 THE DEFENDANT: No.

22 THE COURT: You weren't planning to introduce the  
23 videos through them?

24 THE DEFENDANT: No. The only ones gonna be  
25 introduced is through Mr. and Mrs. Horowitz. That's 2121-M,

1 the sheriff eviction standoff.

2 THE COURT: And also Rosy Esprecion Thomas can also  
3 talk about what's going on. Okay. So I'd like to get the jury  
4 in. So this I'm going to take up -- so 2121-I is not coming in  
5 based on relevance.

6 MR. ISAACSON: One moment, Your Honor.

7 THE COURT: 2121-J Hit Piece Would You Take Legal  
8 Advice, this is regarding the unlicensed practice of law and  
9 the sentencing in Florida, correct? Yes.

10 THE DEFENDANT: Yeah.

11 MR. ISAACSON: Your Honor, if I may, just one quick  
12 point?

13 THE COURT: Yes.

14 MR. ISAACSON: I suggested -- Mr. Williams has asked  
15 me to address the Court in regard to him going through TSA. If  
16 the video was turned off so no hearsay, but the jury could see  
17 that he was able to go through TSA with the badge, Judge, I  
18 don't think there would be any hearsay and that could be  
19 relevant to show that it actually did work.

20 So I think Mr. Williams is suggesting in the alternative  
21 if you will allow him to turn off the volume, then the hearsay  
22 problems would be taken care of.

23 THE COURT: Well, who's going to lay the foundation  
24 that it's a true and accurate depiction of the video?

25 MR. ISAACSON: Mr. Williams could. That is him on

1 the video. He could certainly do that, I think. That would  
2 be, I guess --

3 THE COURT: But then he'd have to take the stand to  
4 do that.

5 MR. ISAACSON: Obviously he would.

6 THE COURT: Okay. What's your position on that,  
7 Mr. Sorenson? Then I want to bring the jury in.

8 MR. SORENSON: Well, Your Honor, I think first off,  
9 I don't know how relevant it is because clearly his ID mimics a  
10 government-issued ID, and I believe if TSA looked at it and  
11 made a mistake, that's probably what they did. They probably  
12 let him through because they thought it was a issued government  
13 ID, which it does have the appearance of which is why we argued  
14 it's fake.

15 I don't know how helpful it is to his cause that he's been  
16 clearing TSA with this particular privately-issued ID which is  
17 clearly not something TSA sanctions. People can't crank out  
18 their own IDs and go through. So I really -- I think there's a  
19 403 issue and argument for us here, Your Honor. I think it  
20 confuses the issues because he wants to argue that this is  
21 validation of his ID. The way to argue that's a valid ID is  
22 bring the issuing authority in to say this is a official  
23 government-issued ID. That would be the way to do it, not that  
24 he's fooled people with it in the past, which is our argument.  
25 His position actually serves us in a probative fashion, but not

1 his defense.

2 THE COURT: All right.

3 THE DEFENDANT: Okay. Now let me --

4 THE COURT: So over your objection, I'm going to --  
5 without the sound on, I'm going to permit that portion of it  
6 in. But, you know, it'd have to be authenticated. He'd have  
7 to have a sponsoring witness for that --

8 THE DEFENDANT: Well, at the next--

9 THE COURT: -- when that's going to be.

10 THE DEFENDANT: At the next hearing -- well, I guess  
11 at the next break, it's another video of me going through  
12 another TSA, but they didn't let me go through. They actually  
13 had to take it back to the back.

14 THE COURT: Is it on this list?

15 THE DEFENDANT: Yeah, it's on this list.

16 THE COURT: We'll get to it when we get to this.

17 2121-J, about your sentencing hearing, "Court regarding  
18 unlicensed practice of law," okay, why is that relevant?

19 THE DEFENDANT: Well, I mean, it just --

20 THE COURT: You're not charged with unlicensed  
21 practice of law in this case.

22 THE DEFENDANT: No, I mean, but --

23 THE COURT: And then it just goes through the whole  
24 thing you want me to give, you know, an instruction on, about  
25 the fact that they're going to know that you were sentenced in

1 another -- in Florida. I don't know why you want to underline  
2 that. But again, besides the hearsay, which I'm going to take  
3 up in total as to all of them, you know, these are different  
4 charges in a different jurisdiction. You know, I'm going to  
5 decline to receive it into evidence based on relevance.

6 All of these I'll also make a hearsay finding, but I'm  
7 going to wait till I go through all of them and just do it at  
8 one time.

9 All right. So that's going to be it for now. We're going  
10 to start with at least those first three witnesses on your  
11 list, and then -- I don't want to hold up the jury any longer  
12 with regard to that, and we'll come back and -- in the break  
13 and handle 2121-K, et cetera.

14 MR. SORENSON: Your Honor, could we just inquire?

15 THE COURT: Yes.

16 MR. SORENSON: I think Mr. Horowitz was the witness  
17 that was identified as the person who is going to authenticate  
18 or at least be the introducer for a particular video. Is that  
19 one of the three witnesses coming up?

20 THE COURT: No, it's not. The first three are  
21 Catherine Awakuni Colon, DCCA director, Milagros Castro, and  
22 Brenda Turville.

23 MR. SORENSON: But we understand that list changed;  
24 is that correct? The order; is that right?

25 MR. ISAACSON: We just said we're going to go with

1 Castro first, I thought.

2 MR. SORENSON: Okay. All right. Your Honor, thank  
3 you.

4 THE COURT: All right. Very good.

5 Yes, I'm sorry. Did you have a question? Okay. But  
6 those first three are going to go and we'll take a recess  
7 before Dr. Horowitz. So I'm going to have Ms. Feria get the  
8 jury and we're in recess.

9 (A recess was taken.)

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

11 THE COURTROOM MANAGER: Criminal 17-00101 LEK,  
12 United States of America versus Anthony Williams.

13 This case is called for a further jury trial, day 10.  
14 Appearances, please, counsel, for the record.

15 MR. SORENSON: Good morning, Your Honor.

16 Assistant U.S. Attorneys Ken Sorenson and Gregg Yates  
17 here for the United States. We have FBI Special Agent Megan  
18 Crawley with us.

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

21 THE DEFENDANT: Good morning.

22 Private attorney general Anthony Williams appearing sui  
23 juris.

24 THE COURT: Good morning. Mr. Isaacson.

25 MR. ISAACSON: Good morning, Your Honor.

1           Lars Isaacson here with Ms. Beecher at counsel table.

2           THE COURT: All right. Good morning to both of you.  
3 And good morning, ladies and gentlemen of the jury. Thank you  
4 for your patience.

5           We're ready to proceed with our next witness. And who do  
6 you call, Mr. Williams?

7           THE DEFENDANT: Ms. Castro.

8           THE COURT: Please administer the oath to the  
9 witness.

10           **MILAGROS CASTRO, DEFENDANT'S WITNESS, WAS SWORN**

11           THE COURTROOM MANAGER: Please be seated.

12           THE WITNESS: Thank you.

13           THE COURTROOM MANAGER: State your full name and  
14 please spell your last name for the record.

15           THE WITNESS: Hi. My name is Milagros Castro. My  
16 last name is C-a-s-t-r-o.

17           THE COURT: All right. Your witness.

18                               DIRECT EXAMINATION

19 BY THE DEFENDANT:

20           Q       Good morning, Ms. Castro.

21           A       Good morning.

22           Q       Ms. Castro, where were you born?

23           A       I was born in the Philippines.

24           Q       And did you attend school in the Philippines?

25           A       Yes, I did.

1           Q       And did you graduate high school?

2           A       I graduated high school in Hawaii.

3           Q       Okay. And did you go to college?

4           A       Yes.

5           Q       Okay. So when you -- when you went to school in the

6   Philippines, did you learn to speak, read, and write English?

7           A       Yes.

8           Q       Okay. So you have no problem understanding the

9   English language, correct?

10          A       Yeah, no.

11          Q       I know some of the events I'm going to ask you is

12   about five to seven years, so if you don't remember it, then

13   you just say Don't remember, okay?

14          A       Yes.

15          Q       Do you remember the first time you met me,

16   Ms. Castro?

17          A       Yes, I did.

18          Q       And where did you meet me at?

19          A       I think it was in Democrat.

20          Q       Okay. And who referred you to me, Ms. Castro?

21          A       It was Edna Franco.

22          Q       Okay. And what were you referred to me for,

23   Ms. Castro?

24          A       To do a loan modification or to redo my loan.

25          Q       Were you in foreclosure?



1           A       Yes.

2           Q       Okay. So was I hired to assist you with your  
3 foreclosure?

4           A       Part of it.

5           Q       Okay. Do you remember me being illegally  
6 incarcerated?

7           A       I don't remember.

8           Q       Okay. Do you remember around the time that you  
9 signed up, like what year?

10          A       I think it was in 2013.

11          Q       2013? So do you not remember me being gone for a  
12 little while?

13          A       I don't.

14          Q       You don't, okay.

15                   Do you remember what I addressed myself as,  
16 Ms. Castro?

17          A       Attorney general.

18          Q       Was it attorney general or private attorney general?

19          A       I think it was attorney general.

20          Q       Okay. Did I show you my badge and my ID card?

21          A       I had a calling card from you.

22          Q       Okay. Did you get to look at any of my videos of me  
23 representing clients in court?

24          A       I don't remember that.

25          Q       Okay. Do you remember going on to the website?

1 A No.

2 Q Okay. Do you remember how many payments you made?

3 A I think I did three payments.

4 Q Three payments? And do you remember after those  
5 payments that I was incarcerated? Do you remember that?

6 A I think so.

7 Q Okay. Ms. Castro, did I ever tell you that I was a  
8 part of the bar association like the prosecutors?

9 A I can't remember.

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

11 THE COURT: Any questions, Mr. Yates?

12 MR. YATES: Briefly.

13 THE COURT: All right.

14 CROSS-EXAMINATION

15 BY MR. YATES:

16 Q Ms. Castro, you mentioned that Mr. Williams  
17 introduced himself as an attorney general. Do you recall that?

18 A Yes.

19 Q What did you understand an attorney general was?

20 A I guess like a attorney general is like -- well, I  
21 haven't been to court before so I can't really -- they can do a  
22 lot of things for you.

23 Q But you thought that an attorney general could act  
24 as an attorney, correct?

25 A Yes.

1           Q       Okay. And you thought that an attorney general  
2 could represent you in court, correct?

3           A       Yes.

4           Q       And if you had a foreclosure proceeding, you thought  
5 that an attorney general could represent you in the foreclosure  
6 proceeding, correct?

7           A       Yes.

8           Q       And that's why you hired Anthony Williams and MEI,  
9 correct?

10          A       Yes.

11          Q       Okay. And you recall that you paid some checks to  
12 MEI, correct?

13          A       Yes.

14          Q       Mortgage Enterprise Investments, correct?

15          A       Yes.

16                 MR. YATES: Okay. I have no further questions, Your  
17 Honor?

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

19                 THE DEFENDANT: Yes.

20                 THE COURT: Your witness.

21                         REDIRECT EXAMINATION

22   BY THE DEFENDANT:

23          Q       Ms. Castro, did you call the FBI and have them to  
24 come interview you about me?

25          A       No.

1 Q Did you contact the DCCA and have them --

2 MR. YATES: Out of the scope, Your Honor.

3 THE WITNESS: No.

4 THE COURT: Sorry.

5 MR. YATES: Objection, Your Honor. Scope.

6 THE COURT: All right. So the objection is  
7 sustained. It's beyond the scope of what he asked her on  
8 cross-examination.

9 All right. So what's your next question?

10 THE DEFENDANT: I have no more questions.

11 THE COURT: All right. All right. Thank you very  
12 much, Ms. Castro. You're excused as a witness. Please don't  
13 discuss your testimony with anyone until after the trial. Good  
14 day to you.

15 Your next witness?

16 THE DEFENDANT: Catherine Colon.

17 **CATHERINE AWAKUNI COLON, DEFENDANT'S WITNESS, WAS SWORN**

18 THE COURTROOM MANAGER: Please be seated.

19 THE WITNESS: Thank you.

20 THE COURTROOM MANAGER: State your full name and  
21 please spell your last name for the record.

22 THE WITNESS: My name is Catherine Awakuni Colon.  
23 My last name is spelled C-o-l-o-n.

24 THE COURT: Thank you. All right. Your witness,  
25 Mr. Williams.

1 DIRECT EXAMINATION

2 BY THE DEFENDANT:

3 Q Good morning, Ms. Colon.

4 A Good morning.

5 Q Ms. Colon, where do you work?

6 A The Department of Commerce and Consumer Affairs for  
7 the State of Hawaii.

8 Q And what is your job description?

9 A I'm the director.

10 Q Okay. And as a director, do you oversee the whole  
11 operation of the DCCA?

12 A Correct, yes.

13 Q And do you know who Bruce Kim is?

14 A I do.

15 Q And do you know who Collette Watanabe is?

16 A Yes.

17 Q Do you know who James Evers is?

18 A Yes.

19 Q And who are they?

20 A Well, Mr. Kim is the former executive director of  
21 the Office of Consumer Affairs, and Jim Evers and Collette  
22 Watanabe are existing employees.

23 Q Okay. So who's in charge with investigating like  
24 consumer complaints at your office?

25 A It really does vary because the entire department

1 does some form of consumer protection.

2 Q Okay.

3 A So depending on the type of case, you know, we would  
4 assign it to different divisions.

5 Q Okay. But you personally wouldn't be the one that  
6 does the investigation or anything like that?

7 A That's correct, yes.

8 Q But when, say, James Evers or Collette Watanabe, if  
9 they did an investigation, would they report that back to you  
10 and notify you of what their findings were?

11 A Very often they will report it to their supervisor.

12 Q Okay.

13 A Currently that is Stephen Levins. He's the  
14 executive director for the Office of Consumer Affairs. And  
15 then Steve usually will give me and the deputy director  
16 updates.

17 Q Okay. So you would be aware if they had brought to  
18 Mr. Levins any type of consumer complaint against a business or  
19 against individuals, correct?

20 A Usually. It depends on sort of the -- the -- maybe  
21 the complexity of the case.

22 Q Okay.

23 A And whether there's sort of unusual circumstances  
24 surrounding those type of complaints because we get -- that  
25 division gets just, you know, dozens each day complaints. And

1 so sort of the -- the everyday complaint I usually am not aware  
2 of in detail especially.

3 Q Okay. So are you aware of any complaints made  
4 against Anthony Williams by the DCCA?

5 A To some extent, yes.

6 Q And what type of complaints are you familiar with  
7 that were made personally against me?

8 A So I think I first became aware of the complaint  
9 against you was when you actually filed a -- a summons or  
10 served a summons upon me at my home.

11 Q Okay. So you -- so I introduced you to the  
12 complaint, that I was making a complaint. Do you remember what  
13 I was making a complaint about?

14 A My recollection was that it involved -- well, you  
15 served me with a summons and I believe it was like a 2014-case,  
16 so preceding my taking this position, involving sort of  
17 allegations of -- I remember there was a complaint about the  
18 articles in the newspaper in particular.

19 Q Do you remember any specific complaint that were  
20 made against me, like, by a particular consumer or a particular  
21 business? Are you aware of like a particular complaint that  
22 was actually filed against me?

23 A My recollection is that there were many complaints  
24 that were filed relating to the business that you were  
25 associated with, the Mortgage Enterprise -- MEI I think was the

1 abbreviation that I recall.

2 Q Okay. So was the complaints against Mortgage  
3 Enterprise or Mortgage Enterprise Investments?

4 A I believe both is the best that I can recall.

5 Q Okay. This is a copy of all the complaints that  
6 were filed at your office.

7 Can I let her see the complaints and who they was  
8 against?

9 THE COURT: What exhibit is it?

10 THE DEFENDANT: It says CC No. 6 MQ.

11 MR. ISAACSON: That's not exhibits.

12 THE DEFENDANT: It's not an exhibit?

13 MR. ISAACSON: No. It's discovery.

14 THE COURT: Okay. So you -- all right. So you want  
15 to show it to her for what purpose? To refresh her  
16 recollection?

17 THE DEFENDANT: Well, yeah, to show that none of the  
18 complaints were actually against me or my company. It was  
19 against Mortgage Enterprise and the other people.

20 THE COURT: Okay. So right now her testimony is  
21 that she has said that she thought it was against MEI and ME,  
22 right?

23 THE DEFENDANT: Right.

24 THE COURT: Okay. But -- so you wanted to show her  
25 that to say there were none against you individually?



1 THE DEFENDANT: Right.

2 THE COURT: She hasn't testified to that, though.

3 So you need to ask her -- I'll ask her.

4 So, Ms. Colon, are you aware of any complaints that were  
5 made against Anthony Williams personally?

6 THE WITNESS: I cannot recall. I'm sorry. And  
7 again, I think, you know, the Office of Consumer Protection  
8 would be better able to -- yeah -- better able to describe. I  
9 just -- I don't recall.

10 THE COURT: Okay.

11 THE DEFENDANT: Okay. Yeah. I'll just reserve  
12 probably these questions for Mr. Evers because he would  
13 probably know more. So I don't want to waste the Court's time  
14 with issues that he's the one that actually prepared these.

15 THE COURT: You've listed him on the witness list.  
16 Do you have any other questions for Ms. Colon?

17 THE DEFENDANT: No, that's all.

18 THE COURT: Do you have any cross-examination?

19 MR. SORENSON: We do not.

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

22 THE WITNESS: Thank you.

23 THE COURT: Please don't discuss your testimony with  
24 anyone until the conclusion of the trial.

25 THE WITNESS: Yes, Your Honor.

1 THE COURT: Good day.

2 THE WITNESS: Thank you.

3 THE COURT: I believe the --

4 THE DEFENDANT: Brenda Turville.

5 THE COURT: All right. Your next witness is Brenda  
6 Turville.

7 **BRENDA BIEHLER TURVILLE, DEFENDANT'S WITNESS, WAS SWORN**

8 THE COURTROOM MANAGER: Please be seated.

9 THE WITNESS: Thank you.

10 THE COURTROOM MANAGER: State your full name and  
11 please spell your last name for the record.

12 THE WITNESS: First name is Brenda Biehler, last  
13 name Turville, T-u-r-v, as in Victor, -i-l-l-e.

14 THE COURTROOM MANAGER: Thank you.

15 THE COURT: Your witness, Mr. Williams.

16 DIRECT EXAMINATION

17 BY THE DEFENDANT:

18 Q Good morning, Ms. Turville.

19 A Good morning.

20 Q Ms. Turville, how long have you lived in Hawaii?

21 A Thirty-three years.

22 Q Okay. And do you remember a lady named Hep Guinn?

23 A Very well.

24 Q And explain to the jury how you met Hep Guinn and  
25 what Hep Guinn was supposed to do for you.

1           A           In October of 2012, I was facing losing my house,  
2   and because the economy had changed and, long story, you know  
3   what mortgage was during that time. And a good friend of mine  
4   that lived on Kauai but had moved to Oahu had come over to  
5   Kauai, was advising me. I told her what was going on and she  
6   told me about Hep Guinn. She was working for her at the time  
7   and she said she could help me get my house by doing  
8   the -- doing a modification loan for me -- I mean, working with  
9   Green Tree, my mortgagee, with getting the loan modified for  
10  me.

11                   And so I contacted her on about October 12th, 2012,  
12  and it proceeded there. I did fly over here to meet her and  
13  she set up the financial arrangements with me to pay her, which  
14  was about -- what? -- \$4,395 for her to represent me and to get  
15  the cease and desist order with Green Tree, my mortgage company  
16  at the time, and --

17                   MR. YATES: At this time I'm going to object to the  
18  narrative form of the answer and also to relevance -- on the  
19  basis of relevance.

20                   THE COURT: All right. So I agree this is a  
21  narrative. So why don't you ask another question and then --

22           Q           (BY THE DEFENDANT:) Okay. Did you -- did she have  
23  you sign like blank documents that just -- with a signature and  
24  you just sign your name? Do you remember that?

25           A           I can't really recall that. I know that I signed

1 papers with her, but I don't know that they were blank. I  
2 don't remember that.

3 Q Okay. Do you remember reaching out to me through an  
4 email about what she had did to you?

5 A Yes, I do.

6 Q Okay. I'd like to show you Exhibit 2164 starting at  
7 page 121.

8 MR. YATES: Could I get the page number reread?

9 THE DEFENDANT: 121. Is she -- can she see it?

10 THE WITNESS: No.

11 THE COURT: 2164. He added a bunch.

12 THE DEFENDANT: Let's do 121 through 125.

13 THE COURT: Hold on. I think it might be in the  
14 hard copy over there. It hasn't been received yet. But if you  
15 just put it on the -- yeah, but mute for the jury.

16 THE COURTROOM MANAGER: Yes.

17 THE COURT: Okay. That looks good.

18 Q (BY THE DEFENDANT:) Okay. Can you see that email,  
19 Ms. Turville?

20 A Yes, I can.

21 Q And is that your email address?

22 A Yes, it is.

23 Q And that's addressed to me?

24 A Yes, it was.

25 Q And what was this email -- just read the email and

1 kind of --

2 MR. YATES: Objection, Your Honor. This has not  
3 been introduced into evidence.

4 THE DEFENDANT: Okay. I would like to introduce it  
5 into evidence because it's a direct email from her to me.

6 MR. YATES: It's hearsay.

7 THE DEFENDANT: And it's dealing with one of my  
8 clients.

9 THE COURT: Okay. So this -- this -- so you want  
10 just the email from you to her or --

11 THE DEFENDANT: Yeah, this whole thing is just  
12 between us.

13 THE COURT: I know, but there's one where you're  
14 writing it to her and she's writing it to you.

15 THE DEFENDANT: Right.

16 THE COURT: So you want part of it. You just want  
17 the part you wrote to her?

18 THE DEFENDANT: No -- well, both.

19 THE COURT: Okay. So there's several emails. You  
20 want -- yeah, there's 1, 2, 3, 4, 5, 6, 7, 8.

21 THE DEFENDANT: Well, the other ones we don't have  
22 to enter in right now. We'll do that through the other  
23 clients.

24 THE COURT: Okay. So what are you asking the court  
25 to receive then? What pages or identified by dates?

1 THE DEFENDANT: It would be page 121 and 122 and  
2 120- -- well, portions of 124 and 125, the part that deals with  
3 Dr. Horowitz, not that part for right now.

4 MR. YATES: Your Honor, if I may?

5 THE COURT: Well, these involve emails from persons  
6 other than this witness.

7 THE DEFENDANT: Right. That's what I'm saying.  
8 That portion then we don't have to publish that until we have  
9 Dr. Horowitz testify.

10 THE COURT: Well, there's somebody by the name of  
11 Sherri Kane that's referred to.

12 THE DEFENDANT: Yeah, she's gonna testify too.

13 THE COURT: Right. So -- so anyway, so with regard  
14 to this, so she can testify with regard to -- you know, she can  
15 verify her own emails --

16 THE DEFENDANT: Right.

17 THE COURT: -- that she received or sent to you.

18 THE DEFENDANT: Right.

19 THE COURT: But not the others.

20 THE DEFENDANT: Right.

21 THE COURT: And so it can't all come in, only those  
22 portions that she did, and it's not in a format where we could  
23 show it to the jury because on page, for instance --

24 THE DEFENDANT: Well, I can just show like --

25 THE COURT: -- 2164 --

1           THE DEFENDANT: I can show only the portion on here  
2 just have to deal with her.

3           THE COURT: Okay. So I'll allow you to testify  
4 about it, but until you have everybody on this whole email  
5 chain verify it, I'm not going to display it to -- receive it  
6 into evidence and display it to the jury.

7           MR. YATES: Your Honor, if I may also --

8           THE COURT: Yes.

9           MR. YATES: -- add an objection? A couple things.  
10 First, I noted the hearsay objection and the Court has ruled.  
11 We're also going to note that even the substance of this is  
12 nonrelevant and therefore the witness here appears to be  
13 completely nonrelevant.

14          This is not a charged victim. It's not a victim who  
15 appears even amongst those who paid money to MEI. It appears  
16 this is a victim who was unfortunately defrauded by someone  
17 else and who has had no substantive communication with  
18 Mr. Williams until after she had her unfortunate incident.

19          THE COURT: Right. So what's the relevance with  
20 regard to this witness's testimony?

21          THE DEFENDANT: Well, the relevance is that this  
22 whole charge that was falsely brought against me was because of  
23 people like Hep Guinn that defrauded people like Ms. Turville.  
24 That's the reason why I filed a FBI complaint against Hep Guinn  
25 and Edna Franco because they scammed people like that, and

1     that's the whole point, that I was not the one that scammed  
2     anybody. The email communication I told --

3             THE COURT: So this goes to your defense.

4             THE DEFENDANT: Yes.

5             THE COURT: Okay. So over your objection on  
6     relevancy, so -- all right. So I'm not going to receive it  
7     into evidence at this time, but you can ask her questions about  
8     it.

9             Q         (BY THE DEFENDANT:) Okay. Ms. Turville, how much  
10    money did you pay to Hep Guinn?

11            A         I paid her 4,000 of the contract. It was 4,395.

12            Q         And did you see any work that she actually did for  
13    you?

14            A         I know the first paperwork I sent to her she totally  
15    lost and I had to redo it all again.

16            Q         Uh-huh.

17            A         And I waited for months and finally I got -- I  
18    started getting concerned 'cause Green Tree hadn't been in  
19    touch with her. And then I called her and she finally did  
20    contact them.

21            Q         Right.

22            A         I found out after -- long after, weeks after, that  
23    she had received -- well, they did a modification for  
24    her -- for me, and I didn't even know about it, and she turned  
25    it down without talking to me, and it was a deal that I could



1 have lived with and saved my house.

2 Q Right. And so when you contacted me, did you know  
3 at that time that I had fired her for doing things similar to  
4 that?

5 MR. YATES: Objection. Testifying and leading.

6 THE COURT: All right. So rephrase. Sustained.

7 Q (BY THE DEFENDANT:) Do you remember why I had fired  
8 her previously to you contacting me?

9 MR. YATES: Objection. Assumes facts not in  
10 evidence.

11 THE COURT: Sustained.

12 Okay. Just ask her if she knew that you had fired Hep  
13 Guinn.

14 Q (BY THE DEFENDANT:) Did you know I fired her?

15 A At the time I contacted you I didn't -- I don't  
16 recall, but I don't believe I knew that she was fired already.

17 Q Okay. But did I tell you that I would investigate  
18 what you told me, and if I found out, then I would have, you  
19 know, make a complaint against her? Do you remember that?

20 A Absolutely.

21 Q Okay. And did you -- did you ever get to meet me  
22 personally, like, in person?

23 A No. This is the first time I've ever seen you.

24 Q Right. So your only correspondence with me was  
25 through the email?

1           A           The email and we did talk on the phone.

2           Q           Right. Now, when you emailed me, did I immediately  
3 respond to you?

4           A           Yes, very fast.

5           Q           Okay. My email, did you feel like my email was  
6 sincere when I told you that I would investigate it and if she  
7 did that, that I would do something about it and I would file a  
8 complaint against her?

9                   MR. YATES: Objection. Relevance and leading.

10                  THE COURT: All right. So sustained. It is  
11 leading.

12                  So you're calling her as a witness so you need to ask  
13 open-ended questions.

14           Q           (BY THE DEFENDANT:) Did I ever represent to you,  
15 Ms. Turville, that I was like a member of their bar  
16 association?

17                   MR. YATES: Objection. Leading.

18                  THE COURT: Sustained.

19                  What kind of representations did Mr. Williams make to you  
20 about what he could help you with?

21                  THE WITNESS: I remember from the email that I was  
22 concerned that with having to short sale my house that I was  
23 going to be hit with what they call the gift tax from the IRS  
24 from doing that because of the timing that all this was taking  
25 place. And he told me that if I ever needed his help with

1 dealing with that, that he would gladly just help me out  
2 because of what Hep had put me through. There was no strings  
3 attached to it. He just said if I needed his help, he was  
4 there for me.

5 Q (BY THE DEFENDANT:) And did I say I would charge  
6 you?

7 A You did not --

8 MR. YATES: Objection.

9 THE WITNESS: -- say you would charge.

10 MR. YATES: Objection. Leading.

11 THE COURT: All right. Overruled.

12 Okay. What's the next question?

13 THE DEFENDANT: I have no more questions for  
14 Ms. Turville.

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

16 All right. Mr. Yates, your witness.

17 CROSS-EXAMINATION

18 BY MR. YATES:

19 Q Good morning, Ms. Turville.

20 A Good morning.

21 Q So I understand that you had -- you had been a  
22 client of Hep Guinn; is that correct?

23 A Yes.

24 Q And Ms. Hep Guinn was an associate of Anthony  
25 Williams, correct?

1           A       Not at the time.

2           Q       You were not aware that -- that Hep Guinn was  
3 associated with Anthony Williams?

4           A       No.

5           Q       Is it possible that Anthony Williams and Hep Guinn  
6 were associated at that time?

7           A       They were not. She had her own company.

8           Q       And what was the name of that company?

9           A       H -- I don't know -- HCL or -- I can't remember  
10 exactly, but it was her own -- it was her own company.

11                   MR. YATES: Your Honor, may I publish Exhibit 5  
12 which has been introduced into evidence?

13                   THE COURT: You may.

14                   MR. YATES: Turn to the second page, please.

15           Q       (BY MR. YATES:) So I'm going to direct your  
16 attention to your screen next to you.

17                   THE COURTROOM MANAGER: Hold on, counsel.

18           Q       (BY MR. YATES:) Does that refresh your  
19 recollection?

20           A       I knew there was an H --

21                   THE COURT: It's not up before the jury.

22                   MR. YATES: May we publish?

23                   THE COURT: You may. Just give us a second.

24           Q       (BY MR. YATES:) Does that refresh your  
25 recollection?

1           A       Yes, it does, yes.

2           Q       And so what was the name of Ms. Guinn's company?

3           A       HYL Consultants, LLC.

4           Q       And what was the period of time during which you  
5 were working with Hep Guinn and HYL Consultants?

6           A       Like I said earlier, I started talking to her  
7 October 12th about -- I know I have correspondence from her  
8 around that time of 2012, and I started realizing she wasn't  
9 doing anything for me really in the spring of 2013. She  
10 stopped all correspondence with me, would not answer my emails,  
11 would not answer my text messages, would not answer my phone  
12 calls, my letters that I would send to her, so on, so forth.  
13 So I actually got on a plane and flew over here to her office  
14 to try and find out what on earth was going on with my home --  
15 cost another \$800 to fly over here with the car and all that  
16 stuff -- and when I -- there was nothing.

17          Q       I'm going to stop you a bit 'cause we're going a  
18 little far afield of my question.

19          A       Yeah.

20          Q       So the last time period I heard you say was spring;  
21 is that correct?

22          A       Yeah. So when I was there -- when I got to her  
23 office --

24          Q       What date was that?

25          A       -- it was vacated.

1 Q What date was that approximately?

2 A I wish I knew for sure. I believe it was around  
3 June of 2013.

4 Q Okay. Turn to the first page of Exhibit 5. And now  
5 I'm going to direct your attention to the second of these  
6 emails, has the email at the bottom portion of Exhibit 5 which  
7 is an email from kfrank.hyl --

8 THE DEFENDANT: Objection. She has nothing to do  
9 with this email. This is a email between Kalena Frank and  
10 myself.

11 MR. YATES: It is an exhibit; it is entered into  
12 evidence. I'm going to ask her whether she knows anything  
13 about this question.

14 THE COURT: All right. Overruled.

15 Q (BY MR. YATES:) I'm going to read to you the first  
16 paragraph here. It says, "Hello, Anthony, I'm trying to  
17 educate myself on the process so as to take -- so -- as well so  
18 I can take some pressure off of Hep when it comes to answering  
19 questions. So I have a couple of questions and concerns on  
20 behalf of clients that I hope I can get some answers to.  
21 Number one, when does the client start paying their new  
22 mortgage payment to MEI?"

23 Do you see that?

24 A Yes.

25 Q Do you understand Hep to be Hep Guinn?

1           A       Well, I would assume because it's not a name that's  
2 really like -- it's not like John Smith, you know.

3           Q       Uh-huh.

4           A       So, but --

5           Q       At some point you understand that Hep Guinn was  
6 working with Anthony Williams, correct?

7           A       It would appear so.

8           Q       And prior to your email communication that you  
9 testified to, you had never met Anthony Williams, correct?

10          A       I've never met him.

11          Q       You worked only with Hep Guinn, correct?

12          A       I only worked with Hep.

13                 MR. YATES: Okay. No further questions, Your Honor.

14                 THE COURT: All right. Any redirect?

15                 THE DEFENDANT: No redirect.

16                 THE COURT: All right. Thank you very much. You're  
17 excused as a witness. Please don't discuss your testimony with  
18 anyone until the conclusion of the trial. Good day, ma'am.

19                 THE WITNESS: Thank you.

20                 THE COURT: All right. So we are going to take a  
21 recess now. We have to take up some more documents and some  
22 issues with regard to the upcoming witnesses. Hopefully this  
23 will streamline it for all of you, but we're going to take at  
24 least 30 minutes to get those things resolved.

25                 So I'm going to excuse the jury now for at least a

1 30-minute recess. Please leave your iPad and your notes  
2 behind, of course, and don't discuss the case with anyone or  
3 allow anyone to discuss it with you. Thank you.

4 And please rise for the jury. They are in recess.

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

6 THE COURT: Why don't we take a 10-minute recess and  
7 come back and we'll address the documents. All right? We're  
8 in recess.

9 (A recess was taken.)

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

11 THE COURT: The record will reflect the jury's not  
12 present. Present are Mr. Williams and counsel and we're going  
13 to go over the other videos that we had discussed previously.

14 All right. I believe we were on Exhibit 2121-K, and this  
15 involves a video -- 2015 video interview with Mr. Williams by  
16 William Wagner. Okay. So we're now looking at all of these  
17 for relevance.

18 Mr. Williams, what's the relevance to this case?

19 THE DEFENDANT: It's the same thing. He's  
20 discussing the mortgage fraud and the fraud has been committed  
21 against homeowners that I was exposing and the reason I was  
22 being targeted.

23 THE COURT: Okay. All right. So I'm not going to  
24 permit this in on relevance, and then I'll deal with the  
25 hearsay. But this certainly is hearsay and so it's not going



1 to be permitted.

2 2121-L, this is an audio interview with Rosy Esprecion.  
3 Again, she's going to be testifying, right?

4 THE DEFENDANT: Yes.

5 THE COURT: So clearly there's a hearsay issue, and  
6 also she can testify in person and will be. So 2121-L is not  
7 going to be admitted.

8 2121-M, as in Mary, video of sheriff eviction standoff.  
9 Okay. So what's the relevance of this? Apparently Hep Guinn  
10 is being interviewed by a homeowner and then you're also  
11 present.

12 THE DEFENDANT: This is one of my clients that  
13 they're saying is a victim of mine, that we actually showed up  
14 to make sure that the sheriff didn't evict them because in  
15 order for a eviction to be lawful, you have to have a trial by  
16 jury according to Seventh Amendment.

17 So I went there, you know, to protect my client's  
18 property. And that video was taken by Mr. Horowitz. He  
19 actually videotaped the whole thing. So you see, you know, me  
20 corresponding with the guy from the sheriff office, letting  
21 them know that their actions are illegal, unlawful, and that I  
22 would not allow them to evict my clients out of their home  
23 without a trial by jury, which they say I never did. One of  
24 the clients testified here that I didn't do stuff like that,  
25 which it shows that I actually do.

1 THE COURT: Okay. So --

2 THE DEFENDANT: That's part of my defense.

3 THE COURT: All right. So this was for the client  
4 who testified in court?

5 THE DEFENDANT: Well, in Hawaii. Well, one -- I  
6 mean, they didn't -- they never called them, but that's one of  
7 the Hawaii clients that I have here.

8 THE COURT: Okay. All right. So, Mr. Sorenson, did  
9 you want to address -- that's his proffer with regard to  
10 relevance.

11 MR. SORENSON: Well, Your Honor, I don't know who  
12 this person is. I think -- I think he could have easily told  
13 us who this person is so we would know whether it's somebody  
14 even involved in this case. Again, it has minimal relevance.  
15 And if he's offering it to prove the truth of the matters  
16 asserted in his statements on the videotape, which I'm guessing  
17 he is, then it's going to be hearsay.

18 But again, him showing up at an eviction has minimal  
19 relevance, and certainly from a 403 perspective it's -- it's  
20 going to confuse the issues. It's a waste of time. I'm not  
21 sure -- I'm not sure what it's offered to show.

22 THE COURT: Well, I think he's saying it's offering  
23 to show that he did perform services for people in Hawaii who  
24 hired MEI.

25 MR. SORENSON: Do we have a name or, I mean --

1 THE COURT: Yeah. So who was the client?

2 THE DEFENDANT: Mele Lehaula.

3 THE COURT: Okay.

4 MR. SORENSON: How do we spell that?

5 THE DEFENDANT: L-e-h-a-u-l-a. It's Mele Lehaula  
6 and Troy Broadenstein.

7 MR. SORENSON: We do not have that person listed as  
8 any of our victims in this case, Your Honor.

9 THE DEFENDANT: Well, you had listed you said over  
10 200, but you didn't list all 200 of them. You didn't list all  
11 200 so-called victims either.

12 MR. SORENSON: We have a chart --

13 THE DEFENDANT: That have 156.

14 MR. SORENSON: -- and that has not a person --

15 THE DEFENDANT: But you don't have 200.

16 THE COURT: Okay. Sorry. We can only take one  
17 person at a time speaking on the record.

18 So my concern is that this is 8 minutes and 36 seconds  
19 long and it involves several people speaking, not just Mele I  
20 don't know if it's Haula, and yourself, but Hep Guinn and so  
21 forth? So there's a lot of hearsay going on and --

22 THE DEFENDANT: Well, I'm not offering it as the  
23 truth of the matter. I'm offering that this is one of the  
24 processes that I would perform, one of the services that I  
25 would perform if you hired me to protect you. This is what

1 it's being offered for, not the truth of the matter. This is  
2 what -- a part of my service that I would protect your home.  
3 Because one of the clients here said that I wouldn't have done  
4 that, which I would have, but I was locked up when she got  
5 evicted.

6 THE COURT: Okay. So I'm not going to allow 2121-M  
7 in. You are offering it for the truth of the matter. It's on  
8 a hearsay ground. It has some relevance, but it's really  
9 tangential and it's certainly outweighed by the multiple  
10 hearsay in it, all of these other people who are being  
11 interviewed and so forth.

12 THE DEFENDANT: But they had the government witness  
13 testify that I don't do stuff like that, and so this is  
14 offering to show that I do. This is part of my service --

15 THE COURT: Right. And you could --

16 THE DEFENDANT: -- to protect --

17 THE COURT: -- Mele Haula to come in and verify  
18 that. You could call in Hep Guinn to come and qualify that.  
19 So I'm not going to allow the video in.

20 2121-N is an audio, Williams Has Been Thrown Into the  
21 Hole. Again, it's Rosy Esprecion. She can testify to that  
22 when she's called. I'm not sure I'm going to let her testify  
23 how you were treated at FDC Honolulu because I don't know what  
24 the relevance is with regard to that. But the audio's not  
25 going to come in since she'll be testifying.

1           2121-0 is a video of your extradition hearing again on  
2     September 13, 2013; is that right?

3           THE DEFENDANT: This is part 2 of it.

4           THE COURT: Part 2 of it. Okay. So that's not  
5     going to come in based on my relevancy ruling previously.

6           2171 is an audio recording of you speaking in prison with  
7     a female regarding your charges and your company. Okay. So,  
8     you know, you've indicated you're going to testify. I don't  
9     know if you are going to testify, but you -- I'm not going to  
10    let this in in terms of relevance and, you know, hearsay.

11          2172, video of you walking through the airport going  
12    through TSA with your private attorney general ID. We already  
13    have another one of you doing that, so --

14          THE DEFENDANT: You have multiple because his  
15    assertion is that maybe one TSA didn't recognize it was  
16    fraudulent. Well, I'm showing multiple TSA agents, I'm going  
17    through multiple airports. So he's asserting that all the TSA  
18    agents are idiots and they don't know what's a valid ID and  
19    what's a not valid ID.

20          THE COURT: I don't know if he's saying they're  
21    idiots.

22          MR. SORENSON: I don't think we used that  
23    terminology --

24          THE DEFENDANT: Well, that's what he's saying.

25          THE COURT: But anyway, 2172, 2173 are the same type

1 of thing and so it's redundant, so I'm not going to  
2 allow -- you can show one, and the one that we talked about  
3 with the video off and you going through with your badge and  
4 that was earlier on. I don't know.

5 Mr. Isaacson, do you remember that -- number of that?

6 MR. ISAACSON: I put down -I, but --

7 THE COURT: -I, okay. So just -- no, -I is the  
8 extradition hearing. -J.

9 MR. ISAACSON: I'm sorry, Judge, -J.

10 THE DEFENDANT: No, that was not -J.

11 THE COURT: -J is the unlicensed practice of law  
12 sentencing.

13 MR. ISAACSON: Oh, no. Sorry.

14 THE COURT: Okay. Well, identify one of the  
15 exhibits of him going through TSA with his badge and without  
16 sound on and just that portion of it, and that will be  
17 permitted. But you have to identify it and let the court and  
18 Mr. Sorenson know.

19 MR. ISAACSON: All right, Judge, we'll do that.

20 THE COURT: Okay. 2174 is a video recording of a  
21 telephone call of Mr. Williams speaking to someone about her  
22 brother's mortgage and Mr. Williams asking Edna to help with  
23 the credit union and paid her \$5,000.

24 Okay. Why is this relevant?

25 THE DEFENDANT: This is a client that was scammed by

1 the people I made a complaint. He actually did a -- uhm, I  
2 have a sworn affidavit from this client. I actually have it,  
3 signed sworn affidavit as one of the exhibits.

4 THE COURT: Okay. But so this is clearly hearsay  
5 'cause you're offering it for the truth of the matter and this  
6 is an out-of-court statement. You could bring these people as  
7 witnesses and put them under oath.

8 THE DEFENDANT: They never was able to serve them.  
9 The marshals said they were never able to serve them.

10 THE COURT: Okay. Well, 2174's not coming in. So  
11 there's no exception, so witness unavailable or declarant  
12 unavailable. There are exceptions, but I don't see that this  
13 falls within any of the exceptions of the hearsay rule.

14 Okay. 2175 is an audio recording of you speaking to a  
15 female believed to be Anabel discussing clients who want their  
16 money back.

17 Okay. Was this Anabel Cabebe who's --

18 THE DEFENDANT: Yes.

19 THE COURT: -- that you recorded?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. So you could have confronted her  
22 with this when she was on the stand, right?

23 THE DEFENDANT: Well, we didn't have the -- this  
24 discussion about whether you was going to allow the audio.

25 THE COURT: Right. But you could have asked her

1     about what -- what you spoke to her on the stand.

2                 THE DEFENDANT: I did.

3                 THE COURT: Okay. Well then for one, it's hearsay,  
4     and two, it's already been covered. So 2175 --

5                 THE DEFENDANT: Well --

6                 THE COURT: -- is not going to be permitted in.

7                 2176 is a video of you visiting Hawaii Legal Documents  
8     branch and speaking to a clerk there.

9                 What's the relevance of this?

10                THE DEFENDANT: Because this is what I do. Part of  
11     my service is to protect my clients here because the Hawaii  
12     Circuit Court is extorting money from Hawaii consumers by  
13     charging them \$200 just to file a demand for trial by jury  
14     which is a constitutional right and it's illegal. You can't  
15     charge a defendant to file a demand for a trial; it's a  
16     constitutional right. And so I'm going there confronting them  
17     about my clients here that they keep charging this \$200 and if  
18     they don't pay the \$200 then they can't even file the motion  
19     for trial by jury. This goes to my defense.

20                THE COURT: Okay. Mr. Sorenson, any position with  
21     regard to 2176? I'm inclined to allow it in.

22                MR. SORENSON: Well, Your Honor, I don't know how he  
23     gets past the hearsay. He's offering it in quotes. He's got  
24     "One of my clients filed a demand for oath of affirmation.  
25     She's a defendant on a foreclosure case." He's offering it to



1 prove the truth of the matter asserted in that statement. "She  
2 received a letter she had to pay \$200 to file which is illegal.  
3 I'm here to correct this."

4 Also, this has minimal relevance. I'm not --

5 THE DEFENDANT: Has maximum relevance.

6 MR. SORENSON: But certainly this is a hearsay  
7 statement. This is a out-of-court statement of his. He's  
8 offering to prove the truth of the matters asserted in the  
9 statement in the context of what he says is doing his business.

10 THE COURT: Okay. Over your objection, I'm going to  
11 allow 2176 in. Goes to his defense that he says he does offer  
12 services with regard to, you know, what he charged and so  
13 forth.

14 Okay. 2177, starts off with a license on a Ford vehicle.

15 THE DEFENDANT: Yes.

16 THE COURT: Okay. This is about your common law  
17 license plate.

18 THE DEFENDANT: Right.

19 THE COURT: That's not coming --

20 THE DEFENDANT: Because they saying that I'm -- my  
21 tag is fake, my ID's fake --

22 THE COURT: Understood. But you're letting -- I'm  
23 letting you have that thing about the TSA, so there's nobody  
24 said they saw any license plate, really, on the whole thing.  
25 You just made representations, but nobody saw that,

1 so 21- -- and if they did, it's minimal relevance. 2177's not  
2 coming in.

3 2178, it's a video of you in the sheriff's office speaking  
4 to a sheriff. Why is this relevant?

5 THE DEFENDANT: About recording the same mortgage  
6 docs that they're claiming is fraudulent and I had to -- I went  
7 to the sheriff's office first because the clerk would not allow  
8 me to file the documents to say that they never seen no  
9 language like that in a mortgage document, they never seen the  
10 terms I put in a mortgage document, that they felt like it was  
11 fraudulent. So I went to the sheriff to come assist me. If  
12 they didn't file it, I wanted them arrested.

13 THE COURT: Okay. This is in Hawaii?

14 THE DEFENDANT: This one -- this particular one was  
15 in California.

16 THE COURT: Okay. So it's not relevant. It's not  
17 coming in.

18 2179, this is a video of you and a female discussing a  
19 document with Rene Powers' name on it. This is in the Orange  
20 County, California Clerk's Office.

21 THE DEFENDANT: Yep.

22 THE COURT: That's not coming in. It's not  
23 relevant.

24 2180, this is a video of you speaking to another clerk.  
25 That's in California; is that correct?

1 THE DEFENDANT: 2180?

2 THE COURT: 2180.

3 THE DEFENDANT: Yeah.

4 THE COURT: Okay. That's not coming in. It's not  
5 relevant.

6 2181, this is you and Ms. Guinn.

7 THE DEFENDANT: This is when I went to the attorney  
8 general office here in Hawaii regarding them not doing anything  
9 about the fraud that's been perpetrated against my clients,  
10 that I show the fraudulent documents that's being used to  
11 foreclose on a lot of my clients that I was fighting their  
12 foreclosures here in Hawaii. This is part of my service that I  
13 promised my clients that I would do.

14 THE COURT: Okay. And so who are you with?

15 THE DEFENDANT: Uhm, I wasn't with Guinn.

16 THE COURT: Hep Guinn?

17 THE DEFENDANT: Nah. I was with I think it Mary  
18 Jean Castillo.

19 THE COURT: And who are the employees you're  
20 complaining about to the attorney general?

21 THE DEFENDANT: I can't remember her name, but you  
22 could clearly see her face and you -- I mean, because I'm  
23 videotaping the whole conversation when I was making a  
24 complaint about the fraud that's being perpetrated here.

25 THE COURT: By whom?

1           THE DEFENDANT: By the lawyers for the banks and a  
2 few of the judges that not allowing the evidence to be  
3 submitted on the record. And so I went to the attorney  
4 general's office on behalf of a lot of my clients to make a  
5 complaint, but he never saw me. He sent an assistant out  
6 twice. But I videorecorded the conversation about my clients  
7 and what they're going through, the fraud and the things that  
8 they paid me to assist them with.

9           THE COURT: Okay. You're going to have to lay a  
10 foundation for this. And you want seven minutes to be played;  
11 is that right? "Defendant requests from seven minutes to be  
12 played to the jury to end."

13           THE DEFENDANT: Right. So it's like, yeah, about  
14 seven minutes because it goes to show --

15           THE COURT: No, I'm just asking about the length.

16           THE DEFENDANT: Yeah.

17           THE COURT: Okay. All right. So seven minutes?

18           THE DEFENDANT: Right.

19           MR. SORENSON: Your Honor --

20           THE COURT: So you need to make sure the exhibit  
21 only has those seven minutes.

22           THE DEFENDANT: Yeah. I think she had it -- I think  
23 she had it truncated.

24           THE COURT: Do you have it in a edited format?

25           THE DEFENDANT: Oh, you can just start at seven and

1 play it from seven to the end.

2 THE COURT: No.

3 THE DEFENDANT: That's seven minutes.

4 THE COURT: That's not -- so if it's going to be  
5 received in evidence and they ask to see it again, we have to  
6 have a version that's identical to what they saw during the  
7 trial. It doesn't go back with them into the jury room. They  
8 can't play it. If they want to see it again, they have to  
9 request it and we come back into the courtroom.

10 THE DEFENDANT: Well, no, I'm saying like the  
11 portion that's relevant starts at 7 minutes and ends at  
12 14 minutes.

13 THE COURT: I understand. But if I receive it into  
14 evidence, it can only be from the seven minutes point; it can't  
15 be from the beginning. It's not a matter like playing the  
16 record or something and you can start at a different -- the  
17 exhibit itself has to be completely contained as to what we  
18 showed the jury. So that's why I'm asking you folks do you  
19 have a DVD or whatever you're using the recording that just has  
20 that portion?

21 MR. ISAACSON: Apparently not, Judge, but we will  
22 endeavor to make sure that's done, if we can.

23 THE COURT: Okay. It's not going to be received if  
24 it isn't in that format.

25 MR. ISAACSON: Understood, Your Honor.

1 THE COURT: All right. Very good.

2 MR. SORENSON: Thank you, Your Honor.

3 I just wanted to say obviously we're just going on the  
4 representations here. Perhaps once we get a chance to look at  
5 these, I don't know if we'll have an objection, but I do want  
6 the Court to know that we're going on the representations here.  
7 Once we look we may come back with something else, but thank  
8 you very much.

9 THE COURT: Yes. And to make it clear, they're not  
10 going to be received until after Mr. Yates and Mr. Sorenson  
11 have had an opportunity to review the format that it is  
12 intended to be presented to the jury. Okay?

13 MR. SORENSON: Thank you.

14 MR. ISAACSON: May I just make sure I understand?

15 THE COURT: Yes.

16 MR. ISAACSON: Sorry, Your Honor, to bug.

17 THE COURT: Yes.

18 MR. ISAACSON: My understanding is one video showing  
19 him going through TSA with no volume will be acceptable.

20 THE COURT: Correct.

21 MR. ISAACSON: We'll pick out one, make sure it  
22 works, probably the briefest one.

23 THE COURT: But somebody has to lay a foundation for  
24 it before it comes in.

25 MR. ISAACSON: We'll lay the foundation.

1           And 2176, you're inclined to allow that in?

2           And 2181 as well, 7 to the end, but we have to make sure  
3 it's only that seven minutes?

4           THE COURT:   Correct.

5           MR. ISAACSON:   And foundation will have to be for  
6 each one?

7           THE COURT:   Yes.

8           MR. ISAACSON:   Very well, Your Honor.

9           THE COURT:   All right.   So what are we going to do  
10 with regard to the next witness?   Who's going to be called?

11          THE DEFENDANT:   Elevila Giles.

12          THE COURT:   Elevila Giles.

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

14          THE COURT:   Yes.

15          MR. ISAACSON:   Oh, yes, yes, yes, -68.

16          THE DEFENDANT:   I have two exhibits.   It's 2168 and  
17 2169.   I want to go ahead and pre put it in so we don't have to  
18 go through any objections with it.   This is actually my  
19 dismissal of the rape and child molestation charges.   That way  
20 they can't say it's hearsay, not in evidence when I mention it.

21          THE COURT:   Okay.   Why don't you take a look at --  
22 did you say 2168 and 2169?

23          THE DEFENDANT:   Yes, ma'am, I did.

24          THE COURT:   Okay.

25          THE DEFENDANT:   Yeah, it's 2168 and 2169.

1           THE COURT: Any objection to me receiving it into  
2 evidence?

3           MR. SORENSON: Oh, yes, Your Honor. I'm sorry.  
4 Were you waiting?

5           THE COURT: Yes. I thought you were still looking  
6 at it.

7           MR. SORENSON: I'm sorry. I apologize. I'm sorry.

8           Well, Your Honor, I mean, this has absolutely no relevance  
9 whatsoever with this case. We have an Indictment alleging six  
10 counts of child molestation and cruelty to a child that were  
11 apparently *nol prossed* against Mr. Williams back in  
12 September -- September 3rd of 2014, by the Assistant District  
13 Attorney in Georgia in the Fulton Superior Court.

14           This has no relevance whatsoever. And even if it had  
15 some, this is certainly 403 material. There is no probative  
16 value to this. If there was, it would be outweighed by the  
17 danger of confusion of the issues and certainly waste of time.

18           The next document, the order of commitment, is simply the  
19 State of Hawaii, I guess, picking him up on the original  
20 Indictment and shipping him -- ordering him extradited to  
21 Georgia which, again, is much of the same reasons we just  
22 articulated, would not be admissible because it's nonrelevant  
23 to the mortgage fraud allegations we have in this case.

24           THE COURT: All right. Over the objections of the  
25 government, I'm receiving both in evidence. You know, it



1 certainly has been brought up, and as I understand it, it's  
2 part of Mr. Williams's defense that he was incarcerated for a  
3 period of time and therefore could not be responsible for the  
4 wire and mail fraud that the government's alleged. I think  
5 it's part of his defense.

6 So 2169 and 2168 are received over the objection of the  
7 government.

8 (Exhibits 2168,2169 received into evidence.)

9 MR. ISAACSON: Might I inquire, Your Honor, would  
10 you like when the jury comes back, can he introduce them then  
11 so -- I don't know how you would prefer it, Judge.

12 THE COURT: They're received.

13 MR. ISAACSON: Okay.

14 THE COURT: Yeah.

15 MR. ISAACSON: All right. Thank you, Judge.

16 THE COURT: Yeah. So you're ready with your  
17 witnesses then?

18 MR. ISAACSON: Are you ready, Mr. Williams?

19 THE DEFENDANT: Elevela Giles, I guess.

20 THE COURT: I'm going to have Ms. Feria go get the  
21 jury then. We're in recess.

22 (A recess was taken.)

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

24 THE COURT: So, Mr. Williams, you're going to call  
25 everybody on your list except for Rosy Esprecion and

1 Dr. Horowitz, is that right today?

2 THE DEFENDANT: Well, I mean, we might get to them  
3 today.

4 THE COURT: Well, they got to review the videos  
5 before you can show them and you're going to lay that with Rosy  
6 and -- well, definitely with her, right?

7 THE DEFENDANT: Well, no. I mean, they had nothing  
8 to do with those videos.

9 THE COURT: Oh, okay.

10 THE DEFENDANT: And the video that --

11 THE COURT: So you're going to put in all the  
12 videos, that's right. You're authenticating all the videos.  
13 Okay. So we can maybe go through everybody. All right. And  
14 you guys can review it overnight then. Okay.

15 MR. ISAACSON: Your Honor, we've provided copies of  
16 those except redacted ones, so we've already given copies of  
17 those --

18 MR. YATES: Which?

19 MR. ISAACSON: Of the exhibits, the videos that we  
20 talked about, so -- but we'll make the redacted one, if we can.

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

22 THE COURT: The record will reflect the presence of  
23 the ladies and gentlemen of the jury, counsel, and  
24 Mr. Williams.

25 Your next witness is on the stand. Please administer the

1 oath to the witness and, Mr. Williams, if you would come up to  
2 the podium.

3 **ELEVILA GILES, DEFENDANT'S WITNESS, WAS SWORN**

4 THE COURTROOM MANAGER: Please be seated. Speak  
5 into the microphone.

6 THE WITNESS: Okay.

7 THE COURTROOM MANAGER: State your full name and  
8 please spell your last name.

9 THE WITNESS: My full name?

10 THE COURTROOM MANAGER: State your full name and  
11 please spell your last name.

12 THE WITNESS: Okay. My first name is Elevila Giles,  
13 G-i-l-e-s.

14 THE COURTROOM MANAGER: Thank you.

15 THE COURT: Your witness, Mr. Williams.

16 DIRECT EXAMINATION

17 BY THE DEFENDANT:

18 Q Good morning, Ms. Giles.

19 A Good morning.

20 Q Ms. Giles, how long have you lived in Hawaii?

21 A Have I lived in Hawaii?

22 Q Yes, ma'am.

23 A A long time, since 1972.

24 Q Okay. And do you remember the first time that you  
25 met me?

1           A       I don't remember offhand.

2           Q       Okay.

3           A       'Cause --

4           Q       I know it's been a while.

5           A       -- I'm 73 years old. I don't remember what I did

6 yesterday. But it's been a while.

7           Q       I do understand. A lot of things I'm going to ask

8 you is probably six or seven years old. So if you can't

9 remember, just say you can't remember, okay?

10          A       Okay.

11          Q       Do you remember you going into foreclosure?

12          A       Yes.

13          Q       Okay. And do you remember me assisting you in

14 trying to fight that foreclosure?

15          A       Yes.

16          Q       And I'm going to show you a document, see if you

17 recognize this document as one of the documents I filed on your

18 behalf.

19                   THE COURT: Do we have an exhibit number for this?

20                   THE DEFENDANT: Exhibit 2071 starting at page 1.

21                   THE COURT: And I don't believe this is received.

22                   THE WITNESS: Were you asking me?

23                   THE COURT: No. Yeah, it's not in evidence. Okay.

24 Thank you.

25                   THE DEFENDANT: Not yet.

1           Q       (BY THE DEFENDANT:) Do you recognize this document,  
2   Ms. Giles?

3           A       Yes.

4           Q       And you recognize your signature on the back page?

5           A       I do, yes.

6           Q       And was this the normal practice that I would answer  
7   for you, like when the bank would file a motion and you would  
8   bring the motion to me and I would file on your behalf to fight  
9   the foreclosure?

10          A       Yes.

11          Q       And did you have an experience with a lady named  
12   Edna Franco?

13          A       I did.

14          Q       And what was your experience with Ms. Franco?

15          A       Well, I met her at a friend's house, the same friend  
16   where I met you.

17          Q       Okay.

18          A       And when you weren't around, she was the one who was  
19   supposed to be helping me.

20          Q       Now, when you say when I wasn't around, what  
21   happened while -- the reason why I wasn't around?

22          A       Well, I heard you were in jail.

23          Q       Right. And do you remember what I was unlawfully  
24   locked up for?

25          A       I'm assuming that it was for what you were trying to

1 help me with. I can't remember.

2 Q Okay. But while I was away, Edna was supposed to be  
3 helping people that she said, correct?

4 A That was my understanding.

5 Q Okay. Now, did she charge you to do some work for  
6 you?

7 A She did, unfortunately.

8 Q And how much did you pay her, Ms. Giles?

9 A I believe it was \$2,000.

10 Q And did she give you a receipt?

11 A No.

12 Q Did she require that you pay her in cash?

13 A She did.

14 Q Okay. And what did she do for that two grand,  
15 Ms. Giles?

16 A She was supposed to write a letter for me, which I  
17 then read and it didn't seem like it was correctly written and  
18 I had to question her about that. And then I had to  
19 rewrite -- rewrite it because it -- it didn't serve me.

20 Q So you basically paid her for nothing?

21 A Yes.

22 Q And now I'm going to show you another document that  
23 I had filed on your behalf. Let me know if you recognize this  
24 document.

25 A I do, yes.

1 Q And you recognize your signature on that page?

2 A I do, yes.

3 Q And do you see the number of page -- the page

4 number -- how many pages that was I filed for you?

5 A Twenty.

6 Q Twenty. And so when I would file things on your

7 behalf, Ms. Giles, did I file things that were very

8 comprehensive when I would answer the banks?

9 A I'm sorry?

10 Q Would my answer be very extensive and comprehensive

11 when I would file --

12 A Very extensive, yes.

13 Q Okay. And do you remember my trying to file a

14 demand for a trial by jury on your behalf?

15 A I do.

16 Q Do you remember it being rejected by the court?

17 A Yes.

18 Q I'm going to show you a rejection letter. You

19 remember receiving this letter?

20 A I do.

21 Q And they were charging you \$200 --

22 A Yes.

23 Q -- just to file?

24 THE COURT: Okay. You have to wait till he finishes

25 the question.

1 THE WITNESS: I'm sorry.

2 THE COURT: Thank you.

3 Q (BY THE DEFENDANT:) And do you remember I had told  
4 you that that was against the law; that was your constitutional  
5 right to have to file for trial by jury?

6 A Yes.

7 Q Do you remember we actually going up to the circuit  
8 court and questioning them about it? Do you remember that  
9 incident?

10 A I do.

11 Q Okay. Now, Ms. Giles, when you met me, did I  
12 introduce myself as Private attorney general Anthony Williams?

13 A Yes.

14 Q Did I say I was a member of the bar association like  
15 them?

16 A Absolutely not.

17 Q And was I adamant that I was not a member of the  
18 bar?

19 A Yes.

20 Q And that I did not have a license to practice law?

21 A Yes.

22 Q But I was adamant that the U.S. Supreme Court  
23 actually gave me authorization to assist people like yourself  
24 and others in court, correct?

25 A You did.



1           Q       So, Ms. Giles, I end up getting incarcerated so I  
2 wasn't able to finish your process, correct?

3           A       Correct.

4           Q       And so by -- it was by my incarceration, not none of  
5 my work, the reason why I wasn't able to finish, correct?

6           A       Correct.

7           THE DEFENDANT: All right. I have no more  
8 questions.

9           THE COURT: Okay. Any questions?

10          MR. SORENSON: Maybe just a couple, Your Honor.

11          THE COURT: All right.

12          THE DEFENDANT: Oh, I would like to -- can I receive  
13 that into evidence, her motions?

14          THE COURT: The --

15          THE DEFENDANT: Yeah, the motions that I filed on  
16 her behalf.

17          THE COURT: That you filed on her behalf?

18          THE DEFENDANT: Yes.

19          MR. SORENSON: No objection.

20          THE COURT: All right. Received.

21          THE DEFENDANT: Okay.

22          THE COURT: That's Exhibit 27 -- 2071 --

23          THE DEFENDANT: Yes.

24          THE COURT: -- is received in its entirety.

25          THE DEFENDANT: All right. Thank you.

1 (Exhibit 2071 received into evidence.)

2 CROSS-EXAMINATION

3 BY MR. SORENSON:

4 Q Good morning, Ms. Giles.

5 A Good morning.

6 Q Mr. Williams filed documents for you in court; is  
7 that correct?

8 A That is correct.

9 Q And because he did so, you believed that he could  
10 represent you in court, is that fair to say?

11 A I guess it's fair.

12 Q Well, he's filing documents for you. Is he  
13 representing you?

14 A I don't know that. Uhm, he was filing for me on my  
15 behalf.

16 Q Right. And he was drafting them, correct?

17 A Yes.

18 Q Was he representing your interests?

19 A I believe so, yes.

20 Q Did you believe that he could represent you in  
21 court?

22 A I didn't even think about that.

23 Q Well, he was drafting things for you in court. Were  
24 there going to be court appearances that were going to be  
25 necessary based on those filings?

1           A       Quite frankly, I didn't think about that. I was  
2 just focussed on saving my home.

3           Q       Okay. And you believed Mr. Williams could help you  
4 save your home?

5           A       Yes.

6           Q       But he didn't help you save your home, did he?

7           A       'Cause he was put in jail, I heard. I believe that  
8 he would do everything he could to help me because he seemed  
9 like he wanted -- I mean, he -- from what I saw of him, he  
10 wanted to help people to save their homes. That was my  
11 impression.

12          Q       If you learned that many people lost their homes  
13 because of Mr. Williams, would you change your mind?

14                   THE DEFENDANT: Objection. That's not relevant and  
15 it's leading.

16                   THE WITNESS: I don't know --

17                   THE COURT: Wait, wait. Sorry. I have to rule on  
18 the objection. Objection's overruled. It's cross-examination.

19           Do you have the answer?

20                   THE WITNESS: Okay. Would you mind asking me the  
21 question again?

22          Q       (BY MR. SORENSON:) If you learned a whole lot of  
23 people lost their homes because of Mr. Williams and his  
24 program, would that change your views about what he could do  
25 for you?

1           A       I would definitely have some doubt, yes. But I  
2       didn't know that people had lost their homes.

3           Q       And is it fair to say you don't know what this jury  
4       has heard in this case, correct? You haven't -- you don't know  
5       what the evidence is in this case, right?

6           A       I don't know anything, yeah, other than me being  
7       here right now.

8           Q       And did Mr. Williams tell that you he was a private  
9       attorney general?

10          A       He was a private -- I can't remember. Whatever the  
11       name he said to me earlier is what I know. But he was emphatic  
12       that he wasn't part of a regular attorney -- you know, attorney  
13       general.

14          Q       What kind of attorney did you think he was?

15          A       A private -- a private one and I had read some  
16       private -- about private attorneys in some constitutional  
17       things that were being circulated in the community.

18          Q       What community was that?

19          A       Well, in Hawaii there were people that had documents  
20       about private constitutional attorneys, so...

21          Q       And were these attorneys that could represent people  
22       in court?

23          A       I'm not sure.

24          Q       You don't know; is that correct?

25          A       I don't know for sure.

1           Q       Okay.

2           A       I don't know.

3           Q       And your testimony here today to this jury is you

4       don't know whether he could represent you in court, is that

5       fair to say?

6           A       Well, I -- in my dealings with Mr. Williams, all I

7       know is he was trying to help me save my home from foreclosure.

8           Q       Uh-huh. How much did you pay him?

9           A       How much did I pay Mr. Williams?

10          Q       Yes.

11          A       I don't remember. I know I gave Edna a check, but I

12       don't remember giving Mr. Williams a check.

13          Q       Do you remember paying him \$500?

14          A       Okay. Yeah, that was when I first met and I heard

15       about the program.

16          Q       Uh-huh. And what did you hear about the program?

17          A       When did I hear?

18          Q       What did you hear about the program?

19          A       Oh, gosh. Like I said, I have a bad memory, but I

20       know that I -- not that I know -- what I heard is the program

21       could help me --

22                   THE DEFENDANT: This is beyond the scope --

23                   THE COURT: Wait. I'm sorry --

24                   THE WITNESS: -- lower my mortgage payment --

25                   THE COURT: I'm sorry. I'm sorry. So the

1 objection's overruled.

2 So what you heard is that the program would do what?

3 THE WITNESS: Would help me to lower my mortgage  
4 payment, I think.

5 Q (BY MR. SORENSON:) Did Mr. Williams tell you that  
6 he could lower your mortgage payment in half?

7 A I don't remember how much exactly, but I know it was  
8 appealing because I was having a struggle paying my mortgage  
9 because my husband was sick.

10 Q Did he tell you that he could make your mortgage  
11 null and void or eradicate it?

12 A What I remember is that -- I don't know about null  
13 and void, but he could dramatically lower my mortgage payment.

14 Q Did you believe him when he said that?

15 A Well, you know, when you're having financial  
16 difficulties --

17 Q Yep.

18 A -- of course I want to believe that there's help  
19 there for me.

20 Q You wanted to believe what he said, is that fair to  
21 say?

22 A Yes, yes, yeah. I wanted to seek wherever I could  
23 if there's a legal way to do -- lower my mortgage payment and I  
24 would -- I was all ears.

25 Q But you wanted a legal way to do it; that's correct?

1           A           Yes, of course. I don't want to be illegal.

2                   MR. SORENSON: All right. Thank you. That's all  
3 the questions I have. Appreciate it, Ms. Giles.

4                   THE WITNESS: Okay.

5                   THE COURT: Any other questions?

6                   THE DEFENDANT: Yes.

7                                 REDIRECT EXAMINATION

8 BY THE DEFENDANT:

9           Q           Ms. Giles, so when you met me, you were already in  
10 foreclosure, correct?

11          A           Yes.

12          Q           Okay. So do you remember the way my program was, if  
13 you was in foreclosure, then you didn't have the guarantee of  
14 someone that wasn't in foreclosure? Remember that form you had  
15 to sign?

16          A           Say that again. Sorry.

17          Q           Do you remember the foreclosure disclosure form  
18 that's on the application where it says if you're in  
19 foreclosure, then the half reduction is not guaranteed to you  
20 because you're already in foreclosure, but I would fight as  
21 hard as I could to save you from foreclosure to keep you in  
22 your home?

23          A           Yes.

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

25 Thank you.

1 THE COURT: All right. Thank you very much. You're  
2 excused as a witness. Good day to you. Please don't discuss  
3 your testimony with anyone until after the trial.

4 All right. Your next witness?

5 THE DEFENDANT: James Evers.

6 **JAMES EVERS, DEFENDANT'S WITNESS, WAS SWORN**

7 THE COURTROOM MANAGER: Please be seated, sir.

8 Please state your first and last name and spell your last  
9 name for the record.

10 THE WITNESS: James Evers, E-v-e-r-s.

11 THE COURTROOM MANAGER: Thank you, sir.

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

13 DIRECT EXAMINATION

14 BY THE DEFENDANT:

15 Q Good morning, Mr. Evers.

16 Mr. Evers, who do you work for?

17 A I work for the State of Hawaii Office of Consumer  
18 Protection.

19 Q And what is your job description?

20 A I'm an enforcement attorney enforcing laws aimed at  
21 protecting consumers.

22 Q So you are a member of the bar association?

23 A I am a member of the bar association, yes.

24 Q Okay. And so you handle when consumers make a  
25 complaint against individuals or businesses?



1           A       What we do does sometimes entail consumer  
2   complaints, but we're not limited strictly to consumer  
3   complaints.  If we have reason to suspect that laws are being  
4   violated -- excuse me -- we will investigate that as well.

5           Q       Okay.  So did you investigate me for the unlicensed  
6   practice of law?

7           A       The State of Hawaii attorney general did.

8           Q       And did you -- did DCCA, did you all charge me  
9   criminally with unlicensed practice of law or did the attorney  
10  general?

11          A       The attorney general did.  I'm not really the person  
12  to speak to that.  My office doesn't really deal with the  
13  unauthorized practice of law because it's a misdemeanor.  So  
14  that's something that the attorney general handles.  But I am  
15  aware that they were investigating that case and, in fact, they  
16  brought a lawsuit against yourself and others, yes.

17          Q       And so did they charge me criminally?

18          A       That I don't know.  I don't believe so.  I think  
19  they were just seeking an injunction.

20          Q       So you say your office handles different  
21  investigations.  So what type of investigation does your office  
22  handle?

23          A       Well, a variety of things, but my specialty is  
24  mortgage rescue fraud, so people in foreclosure or at risk of  
25  foreclosure who are offered assistance by someone.  There are

1 many rules and regulations in place, both at the federal level  
2 and at the state level, and that's what I focus on.

3 Q So if an attorney at law doesn't have a mortgage  
4 company or a mortgage license to assist people with mortgage,  
5 but they are hired to help stop a foreclosure, would they be  
6 sanctioned for not having a business license in the DCCA for  
7 assisting others in fighting their foreclosure?

8 A That's a very convoluted question which I don't  
9 think is -- I -- there's no -- the attorneys to practice in  
10 this area don't need any sort of special licensing with respect  
11 to mortgages, so I don't know how to answer your question. It  
12 didn't make sense to me, quite frankly.

13 Q Okay. So -- so what you're telling me is that  
14 attorneys at law have a special privilege that the average  
15 American citizen does not?

16 A Well, certainly attorneys have the right to practice  
17 law and come into the courtroom on behalf of other people, but  
18 they still have laws pertaining to what they do in the area of  
19 mortgages and there are just different laws than would apply to  
20 somebody who's not an attorney trying to help somebody with  
21 their mortgage.

22 Q Okay. So how long have you been practicing law,  
23 Mr. Evers?

24 A Almost 30 years.

25 Q So it's fair to say if you've been practicing for

1 30 years, you should be very versed in the law, correct?

2 A I'm very versed in mortgage rescue fraud.

3 Q Well, just -- when you went to law school, did you  
4 learn about the Constitution? Correct?

5 A I studied the Constitution, right, constitutional  
6 law. I can't say I've done much with it since, but --

7 Q Well, didn't you take an oath to uphold the  
8 Constitution?

9 A I did.

10 Q So if you swore to an oath to uphold something,  
11 wouldn't it be in your best interest to know that in and out?

12 A I don't think I've ever come close to violating my  
13 oath.

14 Q So then you would understand what the Fourteenth  
15 Amendment states, correct?

16 A I understand the truth.

17 Q Can you tell me what the Fourteenth Amendment  
18 states?

19 A No.

20 Q Do you know what the Fifth Amendment state?

21 A No.

22 Q Do you know what the Fourth Amendment states?

23 A Actually, the Fifth Amendment I do. The Fifth  
24 Amendment is the right to -- not to incriminate yourself, which  
25 is something that I do deal with in my practice. The other

1 amendments I don't know that I deal with.

2 Q Okay. So you just mentioned the Fifth. What else  
3 in the Fifth Amendment? 'Cause that's not the only thing the  
4 Fifth Amendment right is in there, just self-incrimination.  
5 Something else also?

6 THE COURT: Wait. There's going to be an objection.

7 Yes.

8 MR. YATES: Objection to the relevance of this line  
9 of questioning.

10 THE COURT: Sustained. Okay. Ask him a question  
11 about what he did or what he saw.

12 THE DEFENDANT: Well, I'm going to --

13 THE COURT: He's not being offered as an expert in  
14 constitutional law.

15 THE DEFENDANT: Well, I'm going for his  
16 qualifications to be able to say that I have to be a member of  
17 the bar.

18 THE COURT: Okay. He's not here -- he can testify  
19 what he said, what he did, what he saw and so forth. So this  
20 is -- you're not qualifying him as an expert.

21 Q (BY THE DEFENDANT:) Okay. So would it be safe to  
22 say you really don't know that much about the Constitution?

23 MR. YATES: Objection. Mischaracterizes his  
24 testimony. Also leading question.

25 THE COURT: Anyway it's not relevant. So sustained.

1           Ask him a question about what he -- any involvement with  
2   regard to you or whatever it is that you're bringing him to  
3   testify about.

4           Q       (BY THE DEFENDANT:) Well, you just stated it's your  
5   position that only attorneys can be able to represent people in  
6   court, correct?

7           A       Represent people other than themselves. I think  
8   that is the law, correct.

9           Q       Okay. And what law are you relying on that states  
10   that?

11           THE COURT: Okay. So he's not -- so you can ask  
12   him --

13           THE DEFENDANT: He's an attorney.

14           THE COURT: No, but he's not here as an expert to  
15   testify about *pro se* representations and so forth. So ask him  
16   with regard to --

17           THE DEFENDANT: I'm talking about representing  
18   'cause, see, they're claiming that I'm not authorized to  
19   representing, so I'm asking him does he know of any law, 'cause  
20   I know I got a plethora of them I can quote right now --

21           THE COURT: No, no --

22           THE DEFENDANT: -- that give me the opportunity.

23           THE COURT -- they're not offering him for that  
24   purpose. You've called him as a witness. He's not been named  
25   as an expert. He's not, I'm assuming, being paid as an expert

1 witness. So you can ask him about his job and what he did with  
2 regard to your company or yourself, but it has to be relevant  
3 to the case at hand.

4 All right. So what question do you want to ask him?

5 Q (BY THE DEFENDANT:) So you said that your -- your  
6 position in your office, you investigate mortgage fraud,  
7 correct?

8 A Correct.

9 Q Okay. And so you have an extensive knowledge of me  
10 and what I do in Hawaii, correct?

11 A To the extent that you have been investigated for  
12 violating consumer protection laws pertaining to those people  
13 who were in foreclosure or at risk of foreclosure -- we call  
14 those distressed property owners -- to the extent that, you  
15 know, we've investigated you and others like you, yes, I think  
16 I have extensive knowledge of that.

17 Q Well, Mr. Evers, you said others like me. Have you  
18 ever met anybody like me? 'Cause I don't think there's nobody  
19 like me. I'm one of a kind.

20 A Well, you are familiar with Anabel Cabebe, Henry  
21 Malinay, Rowena Valdez, Ms. Magbual, Angie Pasion, Mary Jean  
22 Castillo, and the list goes on and on.

23 Q So now --

24 A These are people who have dealt with you in one  
25 fashion or another. Some have been working as part of Mortgage

1 Enterprise Investments. Some went off and did their own thing  
2 as Mortgage Enterprise. We investigated all of that.

3 Q I'm glad you mentioned those names 'cause I'ma show  
4 you a letter that was faxed to you -- faxed to your office.

5 THE COURT: You have an exhibit number?

6 THE DEFENDANT: Exhibit 2164 starting at page 98.

7 Q (BY THE DEFENDANT:) Do you recall receiving this  
8 fax from my office, Mr. Evers?

9 A You want to show the rest of it? I'm just looking  
10 at the cover.

11 Q Okay.

12 THE COURT: We'll give you the hard copy of that.

13 Ms. Feria, if you could go over and pull that for him.  
14 Thank you.

15 THE WITNESS: I recognize the document. This is  
16 something that we produced in response to your subpoena to my  
17 office.

18 Q (BY THE DEFENDANT:) Correct. And so the content of  
19 the document, am I making a complaint to your office against  
20 those people that you just enumerated?

21 A Hmm, I'd have to --

22 MR. YATES: I'm going to object that this is not a  
23 document that's in evidence.

24 THE COURT: All right. So you can't talk about the  
25 contents of the exhibit 'cause the document speaks for itself.

1 So I'm going to sustain that objection.

2 THE DEFENDANT: Well, I'd like to move it into  
3 evidence because this is actually one of the documents that --

4 THE COURT: All right. If you want -- you don't  
5 have to explain it or testify. All right? You want to move it  
6 into evidence?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. Do you have any objection?

9 MR. YATES: Yes, Your Honor. This is a hearsay  
10 document. It's an out-of-court statement apparently written by  
11 Mr. Williams himself. We're certainly not offering it, so  
12 there's no hearsay exception that covers this document.

13 THE COURT: Really? Really? He just testified that  
14 he received it in the ordinary course of his business in his  
15 position. Isn't that an exception to the hearsay rule?

16 MR. YATES: Well, he hasn't been -- he's not the  
17 records custodian of this document and he's not the person  
18 who's being offered for this document.

19 THE COURT: He's offering him for the document.

20 Anyway, do you have any other questions to lay the  
21 foundation for this?

22 THE DEFENDANT: Yes.

23 THE COURT: And he also testified they produced it  
24 as part of their business files. But anyway, yes, do you have  
25 any other questions with regard to this before I accept it into



1 evidence?

2 THE DEFENDANT: Yes.

3 Q (BY THE DEFENDANT:) In this document am I lamenting  
4 did I --

5 THE COURT: No, it's not received in evidence so you  
6 can't -- set the foundation for it to be received. So he said  
7 he recognizes it. So what else do you have to ask him?

8 Q (BY THE DEFENDANT:) And were there other documents  
9 like this that I sent to your company, to DCCA?

10 THE COURT: Okay. Don't answer that. No, set the  
11 foundation for it to be received. They're objecting saying  
12 it's hearsay. An exception to the hearsay rule is a business  
13 records exception.

14 THE DEFENDANT: So --

15 THE COURT: Set the foundation.

16 Q (BY THE DEFENDANT:) Okay. Is this one of the  
17 business records from the DCCA that you were provided in the  
18 subpoena?

19 A We received the subpoena from you. We were  
20 researching all of our records. We had come up close to in  
21 excess I think of 8,000. There was a hearing that followed,  
22 and my understanding is from the attorney representing the  
23 state as part of that that you had indicated you really weren't  
24 interested in most of what we had. You were really focussing  
25 on the correspondence.

1                   So we did identify 170 pages, and I do recognize  
2 this document as coming from that.

3           Q       Okay.

4           A       This document is dated in December of 2014.

5           Q       Okay.

6           A       And you were asking about other letters.

7                   Our investigation started, I believe, in the summer  
8 of 2013, so sometime before this, and we had subpoenaed records  
9 pertaining to Hep Guinn and Henry Malinay and I think it was  
10 about a year later Anabel Cabebe and Cecelia Piros, various  
11 notaries, and we got a lot of hostile communications from you  
12 saying that you didn't want us asking any of them questions,  
13 that you were supposed to -- you had all the knowledge, we  
14 should direct everything to you. And so that took place all  
15 prior to this, if that's what you were asking me about.

16          Q       Well, no, I'm just asking you that you remember this  
17 document, you verify this document. And it's a document that  
18 was sent to your organization and that you provided in the  
19 subpoena. That's all I was asking.

20          A       This document was sent to us and it was --

21          Q       That's a true and accurate copy?

22                   THE COURT: No. Wait for him to finish the answer.

23                   THE WITNESS: It was put together with the files we  
24 maintained -- could you flip back to the first page?

25                   THE COURT: Yeah. He should have the hard copy.

1 Thank you.

2 THE WITNESS: Oh, thank you. Okay. So the first  
3 page there's a reference to Common Law Office of America and  
4 that's the letterhead.

5 And the second page --

6 THE COURT: Do you recognize this as something that  
7 you received in the ordinary course of business of your office?

8 THE WITNESS: Well, this was sent to Maui and I'm on  
9 Oahu. I take it -- we did have an investigator over there and  
10 I suspect that she shared it with us, which would -- that's our  
11 protocol.

12 THE COURT: All right. Is it in the same or similar  
13 condition as the last time you saw it?

14 THE WITNESS: Yes.

15 THE COURT: All right. It's received. All right.

16 THE DEFENDANT: I'd like to publish.

17 THE COURT: You may.

18 (Exhibits received into evidence.)

19 THE WITNESS: In fact, it has my office's Bates  
20 stamp on it.

21 THE COURT: What's your question?

22 MR. YATES: Your Honor, can we get a clarification  
23 of exactly what document is being received because it's -- is  
24 it just the letter that's referenced?

25 THE COURT: That's all that's been given to this

1 witness, I believe.

2 THE DEFENDANT: Three pages.

3 THE COURT: What are the pages?

4 THE DEFENDANT: 98, 99, and 100.

5 THE COURT: All right. Only that's being received  
6 of this exhibit. What's the exhibit number?

7 THE DEFENDANT: 2164.

8 THE COURT: Okay. 2164 and only those three pages.

9 THE DEFENDANT: Okay.

10 THE COURT: All right. What's your next question?

11 Q (BY THE DEFENDANT:) And you said that before this  
12 letter that the DCCA had sent letters to, you say, Henry  
13 Malinay, Ms. Piros, and Anabel, and in you said what? 2013?

14 A I believe Anabel was mid 2014, but in 2013 it would  
15 have been Hep Guinn, I believe, and definitely Henry Malinay.

16 Q Okay. But this letter that I sent you, am I  
17 complaining about their actions and what I discovered what they  
18 was doing to me and to customers?

19 A I believe that's what you were doing. But, you  
20 know, I think you have to look at everything in the whole  
21 scheme of things.

22 Q Okay. So the complaints that you received at your  
23 office, who was those complaints directed at? Who did the  
24 actual customers call and say, "Hey, this person scammed me"?  
25 Who was the name of the person that you received?

1           A       I'm not following.  What -- restate your question,  
2   please.

3           Q       Like, consumers would call -- this right -- this is  
4   a -- these are the complaints?

5                   THE COURT:  You have to stay at a microphone.  
6   Just --

7           Q       (BY THE DEFENDANT:)  These are the complaints --

8                   THE COURT:  No, they're not in evidence.  Ask him a  
9   question.

10          Q       (BY THE DEFENDANT:)  The complaints that you  
11   received, was there any complaint that said "Anthony Williams  
12   scammed me"?

13          A       Do you want to show those to me?

14          Q       No, I'm asking you.

15                   THE COURT:  Are you saying does he recall --

16                   THE DEFENDANT:  Right.

17          Q       (BY THE DEFENDANT:)  Do you recall any complaint  
18   that was filed against Anthony Williams?

19          A       Well, my preference would be to see the complaints.  
20   Now, I've litigated this case in federal court.  We had, I  
21   think, a complaint filled out from every single consumer.  We  
22   did it in two stages because there were two bankruptcies.

23                   The first was Henry Malinay, and at that point we  
24   were aware of 20 victims, and I believe we had a complaint for  
25   each one, so each one had its own OCP civil number assigned to

1 it.

2           So when you're talking about complaints, for the  
3 benefit of the jury, it's not legal complaints filed in court.  
4 These are complaints filed with my office as if to say I signed  
5 up for this service, and I'm not happy with it, and this is  
6 what happened. We have a standard form for that. I think  
7 those 20 consumers did file that.

8           And then a year later Anabel's case came about,  
9 Anabel Cabebe. At that point we had more complaints and I want  
10 to say hers was 38, and I think there was an individual  
11 complaint for -- for each of those cases.

12           And all of that stuff was submitted into evidence as  
13 part of the -- each of the federal cases. So I think if you  
14 want me to opine on any particular complaint, you'd have to  
15 show them to me. If you just want me to wing it, do I think  
16 they were pointing the finger at you? Yes, I do.

17           Q       You talking about the clients or Anabel and Henry?

18           A       No, I think the clients were. But, you know, if you  
19 want me to testify to this -- I mean, the consumers basically  
20 said that they would go to these workshops where you would  
21 speak and then there would be follow-up, the door-to-door sales  
22 pitch, and that was mostly Henry Malinay. Most of them  
23 associate the hands-on stuff with Henry, but they understand  
24 that this is your business and your forms and all of that, and  
25 nobody's mistaken that this wasn't Henry's idea about how to

1 help them with their mortgage. It was your business, it was  
2 your thoughts, that whole thing.

3 Q No. Do you remember the facts that you had before  
4 you is that I fired these charlatans before --

5 A I'm sorry.

6 Q -- and what they did? Remember --

7 THE COURT: One question at a time. Does he recall  
8 whether or not he knew that you fired them?

9 THE DEFENDANT: Right.

10 THE WITNESS: Well, you have to be very specific as  
11 to the point in time.

12 THE DEFENDANT: Okay.

13 THE WITNESS: Because it was a long period of time  
14 where they did work for you.

15 THE DEFENDANT: Okay.

16 THE WITNESS: And you didn't fire them. And, in  
17 fact, you went out of your way to protect them.

18 Q (BY THE DEFENDANT:) And what year was that?

19 A Because we were trying to subpoena the information  
20 to get to the bottom, you know, what is going on here, and you  
21 protected them and prevented us from doing that for like the  
22 better part of a year.

23 Q Now, that wasn't --

24 A It wasn't until Henry -- it wasn't until this  
25 letter, actually, when things changed because Henry couldn't

1 hide behind you anymore and he knew we were going to proceed  
2 with our investigation, and the only way to stop it was to file  
3 bankruptcy, which is what he did in January 2015. Like within  
4 a month of this exhibit that you've shown me, Henry filed  
5 bankruptcy to shut us down. And that actually backfired  
6 because as soon as he was in bankruptcy, we had the right under  
7 Bankruptcy Rule 2004 to examine him, which we did. I examined  
8 him personally.

9 He made a statement to me under oath for several  
10 hours and testified and said he acknowledged that the thing was  
11 a fraud because you failed to save his house, and things kind  
12 of snowballed from there.

13 Q Okay. So now you say I sent the letters in 2013 to  
14 your office, correct?

15 A Well, what letters are you referring to?

16 Q About protecting them. 'Cause remember, you sent me  
17 letters regarding that there was complaints filed against them  
18 and CLOA?

19 A No, I didn't send you letters. We issued subpoenas  
20 for information pertaining to Henry and others. But, you know,  
21 just to simplify it, let's just stick with Henry for now. We  
22 issued a subpoena for information pertaining to Henry Malinay.  
23 The response that came back was from you saying, you know,  
24 he -- "Henry doesn't know anything. I know everything, and you  
25 have to cease and desist. I don't want you having any further



1 contact with this. There are people violating the law. You  
2 should go investigate them. If you don't do it, you know, I'm  
3 gonna send the IRS after you." I mean, it just went on and on.  
4 It was a lot of craziness, quite frankly.

5 Q Is this one of the letters right here? Can you see  
6 this letter --

7 A No.

8 Q -- that you sent to me on August --

9 THE COURT: We'll give him the hard copy, but what  
10 exhibit number is it?

11 THE DEFENDANT: It's still Exhibit 2164, page 59.

12 THE WITNESS: We were talking, I thought, about the  
13 letters you were sending me.

14 Q (BY THE DEFENDANT:) Yeah, I am, I'm fid'na show you  
15 your response to me first and then I'ma show you the letters I  
16 sent to you. We gone -- we gone go through this whole -- we  
17 gonna do this whole timeline to show what happened.

18 A Okay.

19 Q So you can actually get a real picture --

20 THE COURT: All right. Listen. You're not here to  
21 give a story, all right? You're here to ask a question and  
22 he's to answer.

23 THE DEFENDANT: Well --

24 THE COURT: So what exhibit is it and what --

25 THE DEFENDANT: It's 2164, page 159.

1 THE COURT: Okay. So that's before the witness.

2 All right. What question do you have about this? You can't  
3 have him testify. It's not in evidence.

4 Q (BY THE DEFENDANT:) Is this one of the documents  
5 that you received or that you sent me in your normal course of  
6 the business?

7 A Well, you're taking it somewhat out of context. If  
8 you look at the re line, it says Information Request. And --

9 Q But is that addressed to me?

10 A I'm sorry?

11 Q Is it addressed to me?

12 A The letter is addressed to you, right.

13 Q And that's from you? That's your signature?

14 A That's my electronic signatures, right. That's our  
15 letterhead, right.

16 THE DEFENDANT: And so I'd like to move this into  
17 evidence.

18 THE COURT: Okay. Any objections?

19 MR. YATES: No objection.

20 THE COURT: All right. Received.

21 (Exhibit 2164-159 received into evidence.)

22 THE DEFENDANT: I'd like to publish it.

23 THE COURT: You may. What page number again?

24 THE DEFENDANT: 159.

25 THE COURT: Okay. So the 159 is received of the

1 exhibit. What's your question?

2 Q (BY THE DEFENDANT:) Now, this is one of your  
3 responses to one of the clients, Ms. Piros, and you sent me a  
4 similar response like this to Henry Malinay and Anabel in 2013,  
5 correct?

6 A Right. But it's important that you understand what  
7 preceded this. So we had issued subpoenas and you had given us  
8 this lengthy reply that was all over the place saying you were  
9 threatening us and cease and desist and this, that, and the  
10 other thing. And one of the things -- one of the many things  
11 that you included in your letter was a request for information  
12 from us under the Freedom of Information Act. That's the only  
13 thing this is responding to.

14 And as a matter of our normal protocol, if we have a  
15 pending investigation, we can't give you any information --

16 THE DEFENDANT: Okay --

17 THE WITNESS: -- that's going to compromise --

18 THE DEFENDANT: I'm going to object 'cause you just  
19 going to a narrative. I'm asking you a question and you going  
20 into the whole narrative.

21 THE COURT: Overruled. Ask the next question.

22 Q (BY THE DEFENDANT:) Okay. The letters that  
23 you -- that you sent to me regarding your investigation for  
24 records for Henry, Anabel, and Ms. Piros, and I sent you a  
25 response, you had just confirmed, correct?

1           A       Well, again, you're -- what we sent you -- what we  
2 originally sent to Mr. Malinay, for instance, was a subpoena.  
3 What we got back in response was a lengthy rambling letter from  
4 you, harassment, threats, all this sort of stuff. And included  
5 in that was a request for our documents. Just that one little  
6 thing is what this letter's responding to.

7           Q       Okay. Is this the letter that you're referencing to  
8 by Mr. Malinay?

9           A       Well, again, this is simply responding to the  
10 request that you made for records. This isn't responding to  
11 anything else.

12                   THE DEFENDANT: I'd like to move this into evidence.

13                   THE COURT: Any objection?

14                   MR. YATES: No objection.

15                   THE COURT: All right. Received.

16                   (Exhibit 2164-163 received into evidence.)

17                   THE COURT: What's the number on that?

18                   THE DEFENDANT: It's 2164, page 163.

19                   THE COURT: 163, okay.

20           Q       (BY THE DEFENDANT:) Now, you mentioned a letter.  
21 Is this the letter you're referring to, Mr. Evers, that I sent  
22 to you?

23           A       Well, this would not have been the original because  
24 it's marked as Exhibit A, but --

25           Q       You see the date on that?

1           A       September the 13th, right?  September the 5th, 2013.  
2   I'm sorry.

3           Q       Right.  So this message was in regards to  
4   Mr. Malinay, correct?  And this is one of the documents?

5                   THE COURT:  Did you want the hard copy of that?  We  
6   can give it to you.

7                   THE WITNESS:  Yeah, please.

8                   THE COURT:  Okay.

9                   THE COURTROOM MANAGER:  What's the number?

10                  THE DEFENDANT:  2164 starting at page 177.

11                  MR. YATES:  I'm sorry.  Could you repeat that?

12                  THE DEFENDANT:  2164 starting at 177.

13                  THE LAW CLERK:  Until what page?

14                  THE DEFENDANT:  It's to 187 -- actually 188 'cause  
15   they got a blank page on there.

16           Q       (BY THE DEFENDANT:)  Now, you see the first two  
17   lines that I wrote, Mr. Evers?

18                   Well, let me qualify.  This one of the documents  
19   that you provided in your response to the subpoena that the  
20   court sent you?

21                  THE COURT:  Wait.  He's taking a look at the  
22   exhibit.

23                  THE WITNESS:  Yeah, I apologize simply because I  
24   know everybody's patience is probably wearing thin.  I mean, I  
25   haven't seen these documents in years and years, aside from,

1     you know, when we produced them in response to the subpoena.

2             I think that there were other documents in the chain.

3             THE DEFENDANT: I'm going to show those documents,  
4     go through them.

5             THE COURT: Wait. Let him finish his answer.

6             Go ahead.

7             THE WITNESS: I'm not sure -- I just don't want our  
8     discussion to be confusing because I'm not looking at the  
9     documents in sequence. I think my general recollection is we  
10    subpoenaed Henry. The response came back from you which  
11    included the information request which is what we looked at  
12    earlier.

13            THE DEFENDANT: That's correct.

14            THE WITNESS: There would have been another letter  
15    from us saying -- probably addressing your unauthorized  
16    practice of law, that you're not able to -- okay. So there  
17    would have been a letter like that saying you're not able to  
18    represent him, so we're not going to communicate with you with  
19    respect to Henry.

20            Q     (BY THE DEFENDANT:) Well, I'm a show you those  
21    documents. We gonna go through these documents 'cause we have  
22    to set this timeline.

23            A     Okay.

24            THE DEFENDANT: Now, I want to enter this into  
25    evidence.

1 THE COURT: All right. Any objection?

2 MR. YATES: I didn't hear that Mr. Evers did lay a  
3 foundation. I'm just going to note we won't object to it, but  
4 we will note for the record this is not a signed document. But  
5 we do recognize that this was apparently produced by the OCP  
6 office.

7 THE COURT: All right. Received.

8 (Exhibit 2164-177-188 received into evidence.)

9 THE DEFENDANT: I'd like to publish.

10 THE COURT: You may.

11 THE WITNESS: Yeah. Just to clarify, I mean, it did  
12 come from our office. The only question I have is --

13 THE DEFENDANT: Well, I'm fid'na ask the  
14 questions --

15 THE WITNESS: This was Exhibit A, but something was  
16 on top of this.

17 THE DEFENDANT: This was how it was provided to me  
18 so --

19 THE COURT: All right. Ask the question.

20 Q (BY THE DEFENDANT:) So you see it says it was in  
21 response to a letter dated August 30th, 2013, correct, that  
22 you --

23 A Well, that's what you say. I don't know that to be  
24 true.

25 Q Okay. So why would I be responding to --

1           THE COURT: Well, ask him a question about the  
2 document. The document speaks for itself, so whatever it says  
3 in there, that's what the document said. But do you have a  
4 question about his knowledge or his recollection?

5           Q       (BY THE DEFENDANT:) Well, in this document I'm  
6 telling you that Henry Malinay is not a responsible party  
7 because he's no longer a part of my company. And so you  
8 understanding the letter, I'm telling you if you got a question  
9 about Common Law Office of America, you need to talk to me,  
10 correct?

11           THE COURT: You're asking for his understanding?

12           THE DEFENDANT: Yes. That's what the letter --

13           THE COURT: Okay. What was your understanding of  
14 the letter?

15           THE WITNESS: What was my understanding of the  
16 letter?

17           THE DEFENDANT: Yes.

18           THE WITNESS: I kind of have to read through the  
19 whole thing --

20           THE DEFENDANT: Okay.

21           THE WITNESS: -- which I hate to take up everybody's  
22 time to do that.

23           THE COURT: No. Or we can take a recess and then  
24 come -- are there several letters that you --

25           THE DEFENDANT: Yes.



1           THE COURT: Then why don't we have him review it  
2 during the recess and then you can follow up with questions.

3           THE DEFENDANT: Okay.

4           THE COURT: Okay? So, ladies and gentlemen, why  
5 don't we take a recess. It'll be at least 15, probably closer  
6 to 25. So leave your iPads and your notebooks behind, and, of  
7 course, don't discuss the case with anyone.

8           Thank you. Please rise for the jury. They're in recess.

9           (A recess was taken.)

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

11          THE COURT: And then, Mr. Williams, the  
12 correspondence you want him to look at, is it all within this  
13 one exhibit?

14          THE DEFENDANT: Yeah, it's all -- all the documents  
15 are from this one, Exhibit 2164.

16          THE COURT: We'll provide that to Mr. Evers during  
17 the recess.

18          THE DEFENDANT: Can we just go ahead and enter all  
19 of them in since they're all the documents? And that way I  
20 don't have to go back and forth like that?

21          THE COURT: You can ask Mr. Yates if he's willing to  
22 stipulate or what he's going to do during the recess.

23          MR. YATES: Which documents?

24          THE DEFENDANT: All of them.

25          THE COURT: And then let's have the hard copy before

1 Mr. Evers so he can review it.

2 And there's water there, too, if you'd like some.

3 THE WITNESS: Thank you, Your Honor.

4 THE COURT: Please help yourself.

5 (A recess was taken.)

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

7 THE COURT: All right. The record will reflect the  
8 presence of Mr. Williams, counsel, and the witness is on the  
9 stand. You may be seated. The jury's not present.

10 All right. So I believe Mr. Evers has had an opportunity  
11 to review the exhibit. Are there any other matters we need to  
12 take up before we bring the jury back?

13 Mr. Yates?

14 MR. YATES: Yes. So briefly, so far we've been  
15 looking at the Exhibit 2164 piecemeal which I think is the  
16 appropriate approach. Mr. Williams asked the witness to review  
17 the entire document and I foresee, as Mr. Williams then later  
18 confirmed out of the presence of the jury, that he wishes to  
19 seek admission of the entire document, 2164.

20 I would like to raise, you know, the government's concern  
21 with that -- with the admission of this document as a single  
22 document because it is not one, and each -- each discrete  
23 document within this however many -- hundred-page -- 192-page  
24 document.

25 THE COURT: Okay. So which parts do you object to?

1           MR. YATES: Okay. So to cut to the chase, we  
2 understand and accept that the communications between Anthony  
3 Williams and the DCCA is of interest to the jury and the  
4 Court's ruled on several of these documents. So we're going  
5 to -- we're not going to rest on our objections to all of  
6 those.

7           There are, however -- there are some discrete documents  
8 that we've noted that don't fall into that category.

9           THE COURT: Okay.

10          MR. YATES: Among them it appears from  
11 approximately --

12          THE COURT: Can we start from the front and work our  
13 way?

14          So the first one, the order, do you have an objection to  
15 that?

16          MR. YATES: We do, although this is -- it just  
17 appears to be a court order and so --

18          THE COURT: Right.

19          MR. ISAACSON: Your Honor --

20          THE COURT: I don't know why that's relevant.

21          MR. ISAACSON: Your Honor, may I address? Your  
22 Honor, this is what the packet given to us that we received.  
23 That document is I believe still under seal. So that was done  
24 by the magistrate in a separate case dealing with the DCCA. So  
25 I think it's technically still under seal. I just would

1 alert --

2 THE COURT: So you're not asking for it to be  
3 admitted, are you?

4 MR. ISAACSON: I don't know.

5 THE DEFENDANT: Talking about just the court order?

6 THE COURT: Yes.

7 THE DEFENDANT: We don't need the court order.

8 THE COURT: So that's not coming in.

9 So 2164 at page 11, is that being sought to be received?

10 THE DEFENDANT: Nah, nah, not 2011.

11 THE COURT: Okay. 2164-12 --

12 THE DEFENDANT: Yes.

13 THE COURT: -- through --

14 THE DEFENDANT: 12 through the rest of the document  
15 I want in.

16 THE COURT: Okay. Well, let's look at 12 through I  
17 think it's 15. That looks like one document. Are you guys  
18 objecting?

19 MR. YATES: Yes, Your Honor. This is a hearsay  
20 statement and email. It appears that Mr. Williams is seeking  
21 to introduce this to demonstrate his own legal arguments  
22 regarding sovereign immunity which does not -- is not relevant  
23 to this case as well.

24 THE COURT: So how is this relevant, Mr. Williams?

25 THE DEFENDANT: Well, this is actually a email

1 letter to and from the DCCA before I set up my Mortgage  
2 Enterprise Investments company. This whole email I was showing  
3 them that my company has to be set up as a foreign sovereign  
4 entity. It shows the application that I applied for the  
5 registration and trade name, what I applied for, that it was  
6 not mortgage servicing but mortgage and foreclosing assistance.

7       You'll see on page 18 there was some more communication  
8 from the DCCA back and forth per our telephone conversation  
9 regarding the approval process, how much it cost, you know, and  
10 basically showing that -- 'cause they say Oh, he didn't try to  
11 get a license. Well, I did. But they saying I couldn't  
12 license it because I was -- my company was asserted as a  
13 foreign sovereign entity. They didn't have nothing to  
14 license -- they didn't have nothing that could be licensed for.  
15 And this email shows --

16               THE COURT: All right. So 2164-12 through -21 is  
17 received over the government's objection.

18               (Exhibits received into evidence.)

19               THE COURT: All right. 2164-22 through -- what is  
20 it? -- 25? Are these the attachments to the letter?

21               THE DEFENDANT: 26, 27, 28, 29, 30 -- actually to  
22 page -- page 35.

23               THE COURT: Okay, up to page 35. Any objections?

24               MR. Yates: We're not going to object.

25               THE COURT: Okay. So that's received. So that

1 would be 2164-22 through -35.

2 (Exhibits received into evidence.)

3 THE COURT: All right. And then the next letter,  
4 any objection, Mr. Yates?

5 MR. YATES: We won't object, Your Honor.

6 THE COURT: So are there any more objections to the  
7 rest of this? It looks like it's correspondence and then I'll  
8 indicate which --

9 MR. YATES: We're seeking where the correspondence  
10 stops --

11 THE COURT: Yes.

12 MR. YATES: -- is approximately -- one moment, Your  
13 Honor -- I believe it's at 101 --

14 THE COURT: All right.

15 MR. YATES: -- going through 132. This appears to  
16 be a lawsuit that Mr. Williams had filed in the Southern  
17 District of Florida and it's exhibit attachments, and at least  
18 one of those exhibit attachments had been offered previously  
19 and denied as a separate free-standing document.

20 And we do object to this as a hearsay document. Also it  
21 is not relevant to this matter. This -- you know, this is a  
22 lawsuit and certainly not relevant for this  
23 particular -- particular witness, but this is a lawsuit that  
24 Mr. Williams filed in the Southern District of Florida.

25 THE COURT: Understood. Are you asking that this be

1 received, Mr. Williams?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. The objection's sustained  
4 and so it will not be received.

5 THE DEFENDANT: Can I argue it?

6 THE COURT: It's not relevant and it's not --

7 THE DEFENDANT: Well, can I argue it?

8 THE COURT: No.

9 THE DEFENDANT: Because --

10 THE COURT: I understand. You argued it before  
11 'cause you asked for it, so I'll incorporate your argument --

12 THE DEFENDANT: No, I never argued this document --

13 THE COURT: We had addressed this. I'll give you  
14 one minute. Go ahead.

15 THE DEFENDANT: This document was filed based on the  
16 letter that I sent to him on December the 11th, 2014, about  
17 these former employees. And in that letter I stated that's  
18 what I was going to do, I was going to file a lawsuit.

19 Plus this letter, this came from the OCP in a document  
20 order. This is per the court order they sent this to me. I  
21 didn't produce this. The OCP produced this lawsuit.

22 THE COURT: It doesn't matter if they produced it.  
23 That's not what we're talking about. We're talking about  
24 relevancy.

25 All right. So --

1 THE DEFENDANT: But because --

2 THE COURT: -- it's not coming in.

3 What's next? What are we looking at next? What date?

4 What page are we on next, Mr. Williams?

5 THE DEFENDANT: Not yet. 121, but that's already  
6 in, 121 through --

7 THE COURTROOM MANAGER: 121 is not in.

8 THE DEFENDANT: -- through 125 is already in.

9 THE COURT: So it's 101 through 120 is not in.

10 MR. YATES: Yeah. And actually to 132 I believe is  
11 the end of the exhibit.

12 THE COURT: Oh, does it -- I see. I see what you're  
13 saying. Yeah, to 132. Okay. That's the whole entirety of  
14 that. Got it.

15 Okay. So 1- -- 2164, pages 101 through 132 have been  
16 refused.

17 THE DEFENDANT: Well, no, the page 121 through 125  
18 is the email between Ms. --

19 THE COURT: Yeah, right, that was with another  
20 witness. But --

21 MR. YATES: And it was denied.

22 THE DEFENDANT: And it has to deal with Mr. and  
23 Mrs. Kane-Horowitz that's going to be testifying.

24 THE COURT: Well, it's not coming in during  
25 this -- this witness.



1           Okay.  What's next?

2           THE DEFENDANT:  126 --

3           THE COURT:  130 -- we're at 133.  Everything before  
4  that.

5           THE DEFENDANT:  No, 126 is the actual DCCA letter  
6  that I sent to them.  126 is a letter from me to the DCCA.

7           MR. YATES:  It appears that those are exhibits to  
8  the filed lawsuit, Your Honor, so they should be included in  
9  the previous exhibit ruling.

10          THE COURT:  Right.  To the extent they're an  
11  exhibit -- if you have a separate one that doesn't say Exhibit  
12  E on it, then you can submit that.

13          Okay.  What's next?  We're at 133.  All right.  So 133  
14  through 135 is received.

15                   (Exhibits received into evidence.)

16          THE COURT:  136 appears to be that Florida lawsuit  
17  and the attachments to that lawsuit --

18          THE DEFENDANT:  133 --

19          THE COURT:  -- to --

20          THE DEFENDANT:  -- DCCA letter that I sent to DCCA.

21          THE COURT:  136.  We're looking at 136, yeah.  133,  
22  to 135 is received.  136 through is it 142?  Is that what's  
23  part of this lawsuit?

24          THE DEFENDANT:  No.

25          THE COURT:  Let's actually do page by page.

1           THE DEFENDANT: That's the first page of the  
2 lawsuit.

3           THE COURT: 136 is refused.  
4 137 is refused.

5           Okay. 138 appears to be a letter to the Office of  
6 Consumer Protection. So you don't have any objection to that,  
7 Mr. Yates?

8           MR. YATES: No, Your Honor.

9           THE COURT: Okay. So 138 through 142 is received.  
10 (Exhibits received into evidence.)

11          THE COURT: 143 through 145 is received. Any  
12 objection to that, Mr. Yates? That's to Mr. Levins.

13          MR. YATES: Does appear to be duplicative of the  
14 previous exhibit, Your Honor.

15          THE COURT: Okay. Well, it's received.  
16 (Exhibits received into evidence.)

17          THE COURT: 146 is just an envelope. It's not  
18 received.

19 147 through is it 154? Is that a exhibit?

20          THE DEFENDANT: Well, to 158 'cause it shows it was  
21 received by the OCP to Mr. Evers. Actually I sent this to him  
22 from couple of these -- the last two pages from jail.

23          THE COURT: Okay. 147 through 1- --

24          THE DEFENDANT: -58.

25          THE COURT: -- 154 are received.

1 (Exhibits received into evidence.)

2 THE COURT: And then -- okay. 155 through 156 is  
3 received.

4 (Exhibits received into evidence.)

5 THE COURT: 157 is not received.

6 158 is not received.

7 And I believe -- have we already received 159?

8 THE COURTROOM MANAGER: Yes.

9 THE COURT: Okay. 159 is received.

10 160 has to do with Cecilia Piro. I don't know why that's  
11 relevant.

12 THE DEFENDANT: Because it talked about me. I sent  
13 them a letter in regards to --

14 THE COURT: Oh, yeah, 160's received.

15 161's received.

16 162's received.

17 163 is received.

18 164 is received.

19 165 is received.

20 166 is received.

21 167 through 168 is received.

22 169 is received.

23 170 is received.

24 171 is received.

25 172 is received.

1 173 is received.

2 MR. YATES: Actually, Your Honor with respect to  
3 173, this appears to be a letter that was directly sent from  
4 Ms. Cabebe to DCCA and did not appear -- at least there's no  
5 indication that Mr. Williams is involved in this communication.

6 THE COURT: All right. Your objections's noted.  
7 It's received.

8 174 -- what is 174? This is Ms. Cabebe -- is received.

9 MR. YATES: It looks like 174 through 176, are they  
10 the same document? Oh, I apologize. No, Your Honor, I take  
11 that back.

12 THE COURT: I think that the 175 through 176 has to  
13 do with Mr. Malinay. That's received.

14 177 through 183 -- no -- I'm sorry -- doesn't have  
15 attachments --

16 THE DEFENDANT: Actually 187.

17 THE COURT: -- through 188's received.

18 189's received.

19 Okay. 190's received.

20 (Exhibits received into evidence.)

21 THE COURT: 19- -- who is Zenaida Magbual,  
22 M-a-g-b-u-a-l?

23 THE DEFENDANT: She was one of the people that  
24 worked with Henry Malinay and all them with the Mortgage  
25 Enterprise, and so they sent her -- well, she sent the letter

1 'cause DCCA sent her a letter about the complaints that were  
2 filed against her, Henry Malinay, and so she's sending a letter  
3 saying Hey, I wasn't a part of this company or whatever.

4 THE COURT: Okay. That's not relevant and we  
5 haven't heard about her. So that's not coming in.

6 And 192's not coming in 'cause it's just the cover letter  
7 of that.

8 MR. YATES: Your Honor, if I might put on the record  
9 the government's objection with respect to 189 and 190.

10 THE COURT: Okay. You may.

11 All right. We're going to get the jury now.

12 THE DEFENDANT: Well, we got one more.

13 THE COURT: We're in recess. That's all we're going  
14 do now. We're going to bring in the jury. They've waited way  
15 too long, so we'll bring them in.

16 All right. So you have 20 minutes left with this  
17 witness: You have 10 for your cross and you have 5 or so  
18 minutes left for redirect, and then we're going to let this  
19 witness go.

20 (A recess was taken.)

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

22 THE COURT: The record will reflect the presence of  
23 the ladies and gentlemen of the jury -- I thank you for your  
24 patience -- counsel and Mr. Williams. The witness is on the  
25 stand.

1           So you have 20 minutes left on your direct examination,  
2   and Mr. Yates will have 10 minutes for his cross, and you'll  
3   have the remainder of the time for your redirect, and then  
4   we're going to excuse this witness for the end and the jury for  
5   the day, Mr. Williams.

6           Q       (BY THE DEFENDANT:) Okay. Mr. Evers, you recognize  
7   this document right here?

8           A       It's one of the documents we produced, yes.

9           THE DEFENDANT: Okay. I'd like to publish it.

10          THE COURT: Could you identify it for the record?

11          THE DEFENDANT: It's 2164-038.

12          THE COURT: All right. That's been received. You  
13   may publish.

14          Q       (BY THE DEFENDANT:) And would this be the first  
15   communication that your office had with mine, Mr. Evers,  
16   according to your records?

17          A       I don't know.

18          Q       But in this letter am I stating about one of my  
19   former employees, Ms. Hep Guinn, about your company -- about  
20   your company stating that she was in violation of being a  
21   distressed property consultant?

22          A       Well, it -- the document speaks for itself.

23          Q       Okay. And so this was the normal practice of me for  
24   defending a lot of the former employees before I fired them,  
25   correct?

1           A        Could you restate that?

2           Q        Was this a normal practice of me to respond --

3                   THE COURT:  Wait.  It has to be published.  Do you  
4 have it on the screen?

5                   THE COURTROOM MANAGER:  He took it.

6                   THE COURT:  Oh, you took it off -- that makes sense.  
7 Sorry.  Go ahead.

8           Q        (BY THE DEFENDANT:)  Was this a normal procedure for  
9 me to respond when your office contacted one of my employees at  
10 this time?

11          A        There was a routine that you would routinely  
12 follow -- you would normally follow where you were objecting to  
13 our getting any evidence against any of your people, and at one  
14 time Hap was one of your people and there came a time when she  
15 was fired or she quit or whatever, and then you wanted us to  
16 investigate her.  But she was already under investigation.

17          Q        Well, at this time, right, in 2013?

18          A        2013 she would have I think been already under  
19 investigation.

20          Q        Okay.  So she was under investigation prior to  
21 meeting me?

22          A        Uhm, I would be speculating, but it wouldn't  
23 surprise me.

24          Q        Okay.

25          A        She's been doing it forever and she's still doing

1 it.

2 Q Okay. So has she been charged criminally for the  
3 crimes she's been committing?

4 A She was convicted several years ago, I believe, of  
5 forgery. She's -- we -- my office only has civil jurisdiction,  
6 so when we come across crimes, we refer it out for criminal  
7 prosecution or criminal investigation, I should say.

8 Hep is an individual that we referred out for  
9 criminal investigation and recently she attempted to  
10 revoke -- she was out on -- I think she was four years'  
11 probation. She was attempting to have that shortened to two  
12 years, and that was on the basis that, I guess, good behavior.

13 It turned out that she had been arrested and that  
14 motion was withdrawn. And as part of that proceeding, I  
15 learned that the attorney general is intending to bring an  
16 Indictment against her on at least four felony counts.

17 Q Okay. So when I contacted your office and told you  
18 the crime that she was committing, why didn't you all refer  
19 that at that time for criminal prosecution?

20 A Well, I think she was already under -- she was part  
21 of the investigation with your group when the state attorney  
22 general filed the lawsuit. It was yourself, it was Hep Guinn,  
23 it was Common Law Office of America, and it was a Mr. Byrd.  
24 Those were the four defendants as part of the AG's lawsuit for  
25 the unauthorized practice of law and for I think mortgage fraud



1 as well.

2 Q No, that's not what it was brought --

3 THE COURT: Well, you can't testify.

4 MR. YATES: Objection. Testifying.

5 THE COURT: Ask a question.

6 Q (BY THE DEFENDANT:) But when I came to your office,  
7 do you remember me actually coming up to your office after I  
8 faxed the complaint to you all?

9 A I'm not aware that you've ever come to our offers.

10 Q Are you aware of the email that I sent of the fax?  
11 I actually emailed you also a copy. Are you aware of the email  
12 that I sent?

13 A The only thing that I'm aware of are the 170 pages  
14 that were produced in response to the subpoena. Now, there  
15 were other pages, but you apparently didn't want them, but this  
16 is what you wanted. This is the universe today.

17 Q Okay. So you remember the lawsuit that I filed  
18 against Hep Guinn, Edna Franco, Henry Malinay, Rowena Valdez as  
19 part of the documents that you submitted with a court order?

20 MR. YATES: Objection. Relevance.

21 THE COURT: So, I'm sorry. You said relevance?

22 MR. YATES: Leading and relevance.

23 THE COURT: So it's foundational. It's overruled on  
24 that ground.

25 What's the relevance about your lawsuit?

1 THE DEFENDANT: Well --

2 THE COURT: He -- he doesn't -- he didn't  
3 participate in the lawsuit and his knowledge of it is not  
4 relevant, so I'm going to sustain the objection. Ask him  
5 another question.

6 Q (BY THE DEFENDANT:) So can you produce any document  
7 like you created with this one where a customer complained  
8 about me and mentioned my name that I scammed them? Can you  
9 produce one complaint?

10 A Like I said, there are at least 38 different  
11 complaints that are part of the federal -- part of the record  
12 in the federal case brought against Anabel Cabebe, 38  
13 complaints, and I'm sure some of those mention you.

14 Q Well, here they are. Would you like to go through  
15 all of them? 'Cause they're right here and none of them is  
16 against me.

17 THE COURT: All right. You can't testify, okay?  
18 That's not a question.

19 Q (BY THE DEFENDANT:) I'm saying, would you like to  
20 go through it --

21 THE COURT: No, I'm not going to let him go -- ask  
22 him a question.

23 THE DEFENDANT: Well, this is filed by him. This is  
24 his document.

25 THE COURT: So you can ask him questions.

1 THE DEFENDANT: Okay.

2 THE COURT: But you can't be asking people to review  
3 stuff that they're not exhibits.

4 Q (BY THE DEFENDANT:) Of the 44 complaints that you  
5 filed right here, can you point out which one was filed against  
6 me?

7 A I don't know which 44 you're referring to. I seem  
8 to recall that there were 38 specific consumers who were  
9 awarded restitution against Mortgage Enterprise Investments,  
10 which is your company. Whether they named you personally or  
11 not, I don't know, but it was your company and that's what they  
12 were complaining about. They signed up for your service. That  
13 was the fraud, that's why they got restitution.

14 Q Okay. I would like to show you the -- one of the  
15 complaints, and all of these are exactly the same way. Is that  
16 your name at the top of that, Mr. Evers?

17 A It is.

18 Q Okay. And is that a declaration from one of the  
19 victims?

20 A Could you go back to the first page, please?

21 Okay. So this was in Mr. Malinay's lawsuit. Okay.  
22 I'm familiar with where it came from.

23 Q Okay.

24 A This is our -- this is my office's lawsuit against  
25 Henry Malinay.

1           Q       Right. Now, I'm asking you where's your office  
2 lawsuit against me for any people I scammed? 'Cause I don't  
3 have a record of not a one of them.

4           THE COURT: So what's the question you asked? Do  
5 you want him to answer whether you have any records --

6           Q       (BY THE DEFENDANT:) Yes. Where's the record of the  
7 lawsuit you filed against me for any customer that complained  
8 against my service?

9           A       I heard different questions. Are you asking me do  
10 we have a complaint filed against you?

11          Q       Yes, like you filed against --

12          THE COURT: Wait. Okay. Let him answer the  
13 question.

14          THE WITNESS: Okay. So because the attorney general  
15 named you personally in its lawsuit and got an injunction  
16 prohibiting you from engaging in this conduct any more --

17          THE DEFENDANT: They did not.

18          THE WITNESS: -- I did not need to go get an  
19 injunction. The other conduct was criminal. That was referred  
20 out and that's why we're here today.

21          But my office did -- in connection with the Anabel Cabebe  
22 lawsuit, they did sue -- we did sue Mortgage Enterprise  
23 Investments and you were personally served with that as was  
24 the -- were the other agents of the company, like Henry and  
25 Anabel and various other people, Hep Guinn, and we got a

1 judgment against Mortgage Enterprise Investments --

2 Q (BY THE DEFENDANT:) So when did you --

3 A -- for \$1 million.

4 Q So when did you get a judgment? What date?

5 A That would have been I would guess the fall of 2016.

6 Q The fall of 2016?

7 A No. I take that back. It was sometime in early  
8 2017, I think.

9 Q Early 20-- so you got a judgment against me while  
10 I was incarcerated?

11 A This was a judgment against Mortgage Enterprise  
12 Investments.

13 Q So how was I ever served? I never was served no  
14 injunction. I was incarcerated --

15 THE COURT: Okay. You cannot testify, okay?

16 Q (BY THE DEFENDANT:) So you have --

17 THE COURT: So you can ask him why he states that  
18 you got served personally.

19 Q (BY THE DEFENDANT:) Okay. Do you have any  
20 documents to show I was served an injunction? Can you produce  
21 it for the Court today?

22 A Well, the question is --

23 Q Yes or no?

24 A -- were you aware of the lawsuit?

25 THE COURT: You're asking about the injunction or

1 the lawsuit?

2 THE DEFENDANT: No. I'm asking him did he have any  
3 proof that I was served any injunction --

4 THE COURT: Wait. You talking about the injunction?

5 THE DEFENDANT: -- that he's saying that was filed  
6 against me, 'cause I never received nothing.

7 THE COURT: Okay. So he -- what you just asked him  
8 about was the judgment of a million dollars.

9 THE DEFENDANT: Right.

10 THE COURT: So is that what you're asking about? Or  
11 there was an injunction that he testified about that the  
12 attorney general's office got against you.

13 THE DEFENDANT: Well, that's the same --

14 THE COURT: No, it's different. It's different. An  
15 injunction is different from the judgment. And then there's a  
16 judgment of a million dollars. Which one do you want to ask  
17 him about?

18 THE DEFENDANT: Both of them.

19 THE COURT: Okay. So why don't you take it one at a  
20 time?

21 With regard to the \$1 million judgment, you had testified  
22 that MEI, that is, Mortgage Enterprise Investments was sued and  
23 a judgment of a million dollars was awarded and that  
24 Mr. Williams was personally served. Okay. What do you base  
25 that on?

1           THE WITNESS: If you look at part of Exhibit 2164,  
2 the pages marked 155 and 156, this is actually a handwritten  
3 letter that we received from Mr. Williams while he was out of  
4 the state.

5           THE DEFENDANT: Where was I?

6           THE WITNESS: I'm sorry?

7           THE COURT: Let him finish his answer, okay?

8           THE WITNESS: So this was at a time when he had been  
9 served with the complaint and the -- there was no answer filed  
10 on behalf of Mortgage Enterprise Investments, so we moved for I  
11 think default judgment and summary judgment in the alternative.

12          And Mr. Williams submitted this letter in opposition to  
13 that which ended up being considered by the court as part of  
14 its ruling because the letter acknowledges that he was engaged  
15 in this business. And the court went on to find that the  
16 business was fraud, and it was from that judgment -- or as part  
17 of that same proceeding that the permanent injunction was  
18 issued.

19          Q       (BY THE DEFENDANT:) So you still haven't given me  
20 one document where a client in Hawaii filed a complaint like  
21 one of these complaints that you did. Give me one complaint,  
22 'cause there was no complaints --

23          THE COURT: Which -- you can't ask five questions at  
24 a time. What question do you want to ask him? Does he  
25 have --

1           Q           (BY THE DEFENDANT:) Yes, one complaint like this  
2 one against me by you by a client that I scammed here in  
3 Hawaii. Is there one complaint that you filed --

4           THE COURT: All right. So you can only ask one  
5 question.

6           All right. Has there been any complaint that the Office  
7 of Consumer Protection filed against Anthony Williams?

8           THE WITNESS: Again, there were 38 complaints filed  
9 as part of the record in the Cabebe case, and I would view all  
10 those complaints against you because MEI is the company of  
11 Anthony Williams.

12          THE COURT: All right. So ask another question.

13          Q           (BY THE DEFENDANT:) Okay. So did these customers  
14 here, did they say Mortgage Enterprise Investments or Mortgage  
15 Enterprise?

16          A           Well, they're two very different things. So  
17 Mortgage Enterprise was the spinoff after you had left the  
18 state, and I understand that maybe you didn't have knowledge of  
19 it. But Henry Malinay, Anabel Cabebe, Angelita Pasion, and  
20 Edna Franco used the MEI forms to create their own business and  
21 they did engage in mortgage rescue fraud of a different nature  
22 than MEI. They were both fraudulent, but they were different.  
23           Those individuals, some of them are also connected  
24 with MEI. You terminated them. I get that. But these were  
25 standalone cases for fraud.



1 Q So my question again --

2 THE COURT: Okay. So you have six more minutes, I  
3 just want to let you know. All right.

4 Q (BY THE DEFENDANT:) -- can you produce one  
5 complaint like you have here? 'Cause all these against  
6 Mortgage Enterprise, not Mortgage Enterprise Investments. Now,  
7 I want to see one complaint that you filed against Mortgage  
8 Enterprise Investments and Anthony Williams.

9 THE COURT: All right. So asked and answered. Ask  
10 another question.

11 THE DEFENDANT: But he didn't say yes or no.

12 THE COURT: He already answered. He already  
13 answered the question. You need to ask another question. Or  
14 if you're done --

15 THE DEFENDANT: But, see, he didn't answer yes or  
16 no. He went on about the 38 complaints --

17 THE COURT: So are you done? Are you done  
18 questioning?

19 THE DEFENDANT: No, I'm not done.

20 THE COURT: Then get on your next question.

21 Q (BY THE DEFENDANT:) You recognize this complaint  
22 right here that you drafted, correct?

23 A That's not a complaint. It's the cover sheet to a  
24 declaration filed in the case against Henry Malinay.

25 Q Okay. Does that not say OCP versus Henry Malinay?

1 A Right.

2 Q Okay. So that's -- and that's your name, James F.  
3 Evers at the top?

4 A Right.

5 Q Okay. Now, is that one of the people that  
6 complained about being scammed?

7 A I'm sure she is, right.

8 Q Okay. And does she says Mortgage Enterprise  
9 Investments or Mortgage Enterprise?

10 A This particular case was in bankruptcy court and the  
11 reason it was filed in bankruptcy court is because Henry  
12 Malinay filed bankruptcy.

13 Q Okay. That's not what I asked --

14 THE COURT: Wait. So he's finishing his answer.

15 THE WITNESS: So that's the scope of the testimony.  
16 The issue was his involvement in Mortgage Enterprise.

17 Q (BY THE DEFENDANT:) So the complaint was against  
18 Mortgage Enterprise, right?

19 A This complaint was against Mortgage Enterprise.

20 Q Okay. Is that also a complaint that you filed?

21 A But this is, again, the Malinay case. If you show  
22 me the Cabebe case and show me the caption, you'll see that  
23 Mortgage Enterprise Investments is a named defendant. In fact,  
24 the document I was referring to, your handwritten letter, the  
25 re line says Defendant Mortgage Enterprise Investments.

1 Q Well --

2 A You're acknowledging that Mortgage Enterprise  
3 Investments was a defendant.

4 Q No. And why was Mortgage Enterprise Investments a  
5 defendant?

6 A Because it defrauded all the consumers.

7 Q No. Do you have any complaints from consumers  
8 against Mortgage Enterprise Investments?

9 A That's what that whole case was about. Every one of  
10 those mortgages --

11 Q Can you provide the Court --

12 THE COURT: Let him finish his answer.

13 THE WITNESS: Every one of the consumers identified  
14 in the judgment had a Mortgage Enterprise Investments mortgage  
15 recorded that was completely bogus. All of these people had  
16 legitimate mortgages; they went to Mortgage Enterprise  
17 Investments for the mortgage assistance relief service, and all  
18 you did was record another mortgage in addition to the real  
19 mortgage that was already there, and the bankruptcy court said  
20 it's all a fraud, the real mortgages stay, all of the Mortgage  
21 Enterprise Investments mortgages are void.

22 Q (BY THE DEFENDANT:) So --

23 A So those consumers are all identified by name in  
24 that judgment.

25 Q So now you still not answering the question. You

1 got complaints filed at the OCP about people scamming someone,  
2 right?

3 A We have complaints about --

4 Q Okay.

5 THE COURT: Wait. Let him finish.

6 You have complaints --

7 Q (BY THE DEFENDANT:) So where -- produce one  
8 complaint from customer such and such against Anthony Williams  
9 that was filed at your office. I was just wanting one.

10 A It should all be part of the record in the Cabebe  
11 case.

12 Q It's not. There was no --

13 THE COURT: All right. You can't have a discussion  
14 with him. You need to ask a question.

15 Q (BY THE DEFENDANT:) So can you --

16 THE COURT: You have one more minute left.

17 Q (BY THE DEFENDANT:) Can you produce any document  
18 like this -- like the one that's on the screen where it says,  
19 Maurice whatever her name is and she complained about my  
20 services and that I scammed her? Can you provide one of those?

21 A All of those people complained about you.

22 Q Can you provide the documentation to prove that?

23 A It's on the record. We've already gone through the  
24 whole --

25 Q It's not.

1           A       -- process.

2           Q       There is the whole thing right here?

3                   THE COURT:  Let him finish --

4                   THE WITNESS:  We've gone through the process from

5 investigation to filing the complaint to obtaining the

6 judgment.  All your mortgages have been declared void --

7           Q       So --

8           A       -- for a reason.

9                   THE COURT:  Wait.

10                  THE WITNESS:  Because the court considered all the

11 evidence that we submitted.  The court didn't say that all the

12 evidence we submitted had nothing to do with Anthony Williams.

13 You were the one claiming responsibility for Mortgage

14 Enterprise Investments.

15                  THE DEFENDANT:  Right.

16                  THE WITNESS:  It's your company.

17                  THE DEFENDANT:  Right, that my company didn't do

18 nothing wrong.

19                  THE COURT:  Okay.  It's not a discussion.  It's a

20 question and you're out of time.

21           All right.  So, Mr. Yates, you have 10 minutes.  I'm going

22 to put 10 minutes on the clock, if I can figure out how to do

23 this.  All right.  You have 10 minutes.

24                                   CROSS-EXAMINATION

25 BY MR. YATES:

1 Q Good afternoon, Mr. Evers.

2 Mr. Evers, I believe you were asked regarding the  
3 OCP action against Anabel Cabebe and Mortgage Enterprise  
4 Investments. You recall that?

5 A Yes.

6 Q Okay. And then you referred to a handwritten letter  
7 that Mr. Williams had submitted to the court?

8 A Correct.

9 MR. YATES: Your Honor, may I publish  
10 Exhibit 2164-155 and 156? It's just been admitted into  
11 evidence.

12 THE COURT: Yes, it's been received. You may  
13 publish.

14 Q (BY MR. YATES:) Mr. Evers, do you recognize  
15 Exhibit 2164-155 as that letter that you just referred to?

16 A Yes, I do.

17 Q Okay. And do you understand that Mr. Williams was  
18 asking you whether he was aware of the Anabel Cabebe complaint  
19 against Anabel Cabebe and Mortgage Enterprise Investments?

20 A Yes.

21 Q Okay. And I believe you testified that he was so  
22 aware as evidenced by this letter, correct?

23 A Correct.

24 Q Mr. Evers, you also testified regarding the  
25 bankruptcy action that Anabel Cabebe and Mortgage Enterprise

1 Investments was involved in. Do you recall that?

2 A Only Anabel was the debtor.

3 Q I see. How did that action come about?

4 A Well, I think it came about because we had already  
5 obtained judgment against Henry and we were pursuing the other  
6 people, uhm, and we were trying to get her records and we had  
7 an impossible time. She happened to be a notary, so we were  
8 really trying to get her notary records so that we could  
9 identify the other consumer victims. One of the books was  
10 apparently lost, one of the books was apparently stolen, so we  
11 never did identify the whole universe of people.

12 But I think to shut down our investigation, she  
13 filed bankruptcy. So same with Malinay. We just brought our  
14 investigation into the bankruptcy court. We filed suit there,  
15 we went through the whole process. There were actually two  
16 judgments. We got a judgment initially against Anabel, but the  
17 ultimate relief we really needed was to void the bogus  
18 mortgages of Mortgage Enterprise Investments, and the judge  
19 said for that you're going to have to go back and --

20 THE DEFENDANT: Object. That's hearsay.

21 THE COURT: All right. Overruled.

22 THE WITNESS: The judge asked us -- or invited us to  
23 amend the complaint to name Mortgage Enterprise Investments and  
24 give all the individual agents of Mortgage Enterprise  
25 Investments notice so that we could void those mortgages

1 because consumers couldn't save their houses. If they had the  
2 real mortgage to contend with as well as the additional  
3 Mortgage Enterprise Investments, it looked like they had more  
4 debt instead of getting rid of the original debt.

5 THE DEFENDANT: Objection. That's illegal  
6 conclusory statement and that's not how it happened.

7 THE COURT: All right. Overruled.

8 MR. YATES: Your Honor, may we publish Exhibit 209  
9 which is in evidence?

10 THE COURT: You may.

11 MR. YATES: Can I have that switched over? That has  
12 to happen on your end.

13 THE COURT: You have three more minutes.

14 THE COURTROOM MANAGER: VGA? What are you saying?

15 MR. YATES: Yeah, it's our monitor.

16 THE COURTROOM MANAGER: PGA.

17 MR. YATES: PGA, correct.

18 Q (BY MR. YATES:) And, Mr. Evers, do you recognize  
19 what's been marked as Exhibit 209?

20 THE COURT: It's not up for the jury.

21 THE WITNESS: Right.

22 MR. YATES: Oh, it isn't.

23 THE COURT: Right. There we go.

24 Q (BY MR. YATES:) Mr. Evers, do you recognize what's  
25 been marked as Exhibit 209?



1           A       Yes. That is the judgment that we got in the  
2 bankruptcy case. Actually now that you show it to me, yeah,  
3 we -- we -- there wasn't really a company called Mortgage  
4 Enterprises Investments, but there were a few documents out  
5 there with that misspelling. So just to be safe, we included  
6 that as a defendant.

7                   But certainly the Mortgage Enterprise  
8 Investments -- so if you scroll through this document, you'll  
9 see all those consumers named that Mr. Williams was so anxious  
10 to have identified, they're all in this document.

11                 MR. YATES: Can we go ahead and do that to the first  
12 page where those consumers' names appear? And then one page  
13 longer.

14           Q       (BY MR. YATES:) Is that a reference to the consumer  
15 names that you were referring to?

16           A       These people all lost money. But if you continue to  
17 go through the document -- and, in fact, the court awarded  
18 these people these amounts.

19                   But if you continue to go through the document,  
20 you'll actually see the bogus mortgages identified starting  
21 right there.

22           Q       That's at page 10 of Exhibit 209, correct?

23           A       Right. And so each one of those paragraphs actually  
24 identifies a consumer and identifies a mortgage by number that  
25 corresponds with whatever was assigned by the Bureau of

1 Conveyances. All of those mortgages have been voided.

2 Q And those are MEI mortgages, correct?

3 A Those are MEI mortgages.

4 MR. YATES: No further questions, Your Honor.

5 THE COURT: All right.

6 RECROSS-EXAMINATION

7 BY THE DEFENDANT:

8 Q Now, you just mischaracterized this document. Now,  
9 I'm fid'na go back up and show you that what you just stated  
10 was a lie.

11 THE COURT: Okay. So no editorializing. Just ask a  
12 question. You have eight minutes.

13 Q (BY THE DEFENDANT:) Go back to the victims' page,  
14 names of the victims, the page of all the victims.

15 Now, those names, Mr. Evers, are you saying any one  
16 of those was my client?

17 A I'm saying that the court --

18 Q Yes or no.

19 A -- the court awarded restitution. In other words,  
20 these people get their money repaid. And if you see it in  
21 paragraph 4, from Anabel Cabebe --

22 Q Right, 'cause she was the owner of Mortgage  
23 Enterprise, and you know that.

24 A -- Mortgage Enterprise there, it appeared to be like  
25 a joint venture, so it was a -- like a partnership. It took us

1 a while to figure it out. But when we actually got the bank  
2 records, there're four people who signed up.

3 Q Was my name on there?

4 A No.

5 THE COURT: Wait. He's finishing his answer.

6 THE WITNESS: The four people were Henry Malinay,  
7 Anabel Cabebe, Angelita Pasion, and Edna Franco.

8 Q (BY THE DEFENDANT:) Exactly. So these people that  
9 you got listed on here, that's with their clients. None of  
10 them were clients of Mortgage Enterprise Investments; none of  
11 them made a complaint against me, correct?

12 MR. YATES: Objection. Leading.

13 THE COURT: So overruled. Foundational.

14 You can answer the question.

15 THE WITNESS: Remember, there were two components to  
16 that case. The first case being against Anabel for  
17 restitution. We got judgment --

18 THE DEFENDANT: I just asked you a simple question.

19 THE COURT: So he's answering. Stop.

20 THE DEFENDANT: It's nonresponsive.

21 THE WITNESS: So you're pointing -- I don't know.  
22 Do you want me to answer?

23 THE COURT: Yes, I do.

24 THE WITNESS: You're pointing to the portion of the  
25 judgment that pertains to Anabel personally. But the balance

1 of the judgment pertains to Mortgage Enterprise Investments.  
2 All the consumers you're interested in that were defrauded,  
3 those are there, but they're not in that first section.

4 Q (BY THE DEFENDANT:) Let's go down to the mortgages.  
5 Let's go to the mortgages. Go down to mortgages where they  
6 listed at.

7 Okay. Now -- okay. You see No. A? You see where  
8 it says A?

9 A Yes.

10 Q And who's the mortgage that they voided?

11 A Catherine Awakuni Colon.

12 Q Okay. Did Ms. Krakauer call the OCP and void her  
13 mortgage out?

14 A She didn't have to.

15 Q Do you know she testified for me yesterday, right?

16 A No, I wasn't aware of that.

17 Q You weren't aware of that? Now --

18 THE COURT: Well, he's a witness. He can't be in  
19 the courtroom during other witness's testimony.

20 Q (BY THE DEFENDANT:) You see Jean-Francois Benoist?

21 A The fact that --

22 Q Hold on. I'm asking -- I'm not finished asking the  
23 question.

24 THE COURT: All right. So you asked him to look at  
25 the name; he did.

1 THE DEFENDANT: Okay. Now --

2 THE COURT: What's your question?

3 Q (BY THE DEFENDANT:) Now, did Jean-Francois Benoist  
4 file a complaint against Mortgage Enterprise?

5 A Not that I know of.

6 Q Go down the next page. Now, did Myrna Sullivan file  
7 a complaint against Mortgage Enterprise Investments?

8 A It doesn't matter.

9 Q Yes or no, sir?

10 A They were all defrauded.

11 Q No. Yes or no, sir?

12 THE COURT: Okay. So --

13 THE DEFENDANT: It's a yes or no question.

14 THE COURT: All right. So let him answer the  
15 question.

16 Q (BY THE DEFENDANT:) Yes or no?

17 A I'm not aware that all of these people filed a  
18 complaint--

19 Q None of them.

20 A -- but I am aware that not a single person actually  
21 was loaned real money by Mortgage Enterprise Investments to  
22 support a mortgage.

23 Q Okay. Did you --

24 A There was no consideration.

25 Q Okay. Mr. Evers, did you know that my company's not

1 a mortgage loan company? Did you know that?

2 A Then why did you take mortgages?

3 Q Did you know that --

4 A Why did you take mortgages?

5 THE COURT: All right. So that's his answer.

6 What's your next question?

7 Q (BY THE DEFENDANT:) Okay. Now, did you know that  
8 the mortgages that I filed for my clients where they were the  
9 secure-party creditor and not my mortgage company, did you  
10 understand that?

11 MR. YATES: Objection. Leading.

12 THE COURT: Well, overruled.

13 All right. And your answer?

14 THE WITNESS: Did I understand that there was a  
15 difference in the creditors?

16 Q (BY THE DEFENDANT:) Yes, that the actual homeowner  
17 was the creditor and not my company?

18 A I understand -- I understood that that's what, you  
19 know, your scam involved.

20 Q So how come none of these people made a complaint  
21 that I scammed them then?

22 A We see consumers all the time who are very  
23 unsophisticated; they don't get it. But if any of these people  
24 think that they benefitted by your service, they need to call  
25 me up.

1 Q So they have?

2 A Because none of these mortgages -- it did them a  
3 disservice. Most of these people -- I shouldn't say  
4 most -- but a lot of them, maybe like eight, actually had to  
5 file bankruptcy.

6 Q Not because of me.

7 A Exactly because of you.

8 Q No. Now, do you know a Dr. Leonard Horowitz,  
9 Mr. Evers? You know Dr. Leonard Horowitz, right?

10 A I've heard the name.

11 Q Okay. Now, you know he's one of my clients, right?

12 A I --

13 Q He's --

14 A I don't know.

15 Q His name is on here, one of the mortgages you  
16 voided.

17 A Okay.

18 Q Okay. So now he gonna testify tomorrow,  
19 Mr. Evers --

20 THE COURT: Well, you can't say what he's going to  
21 testify about, all right? You can't testify yourself. You can  
22 ask him a question about his knowledge.

23 Q (BY THE DEFENDANT:) So did Mr. Horowitz and his  
24 wife tell you to void their mortgage?

25 A Not necessarily.

1 Q Did they file a complaint to OCP against me?

2 A Not necessarily.

3 Q Okay. So can you provide one document, a document,  
4 a complaint that you filed on anybody in DCCA filed against me  
5 personally? I want one complaint.

6 MR. YATES: Objection. Asked and answered.

7 THE COURT: Sustained. Okay. So ask him another  
8 question, please.

9 Q (BY THE DEFENDANT:) This document you say they  
10 voided out the mortgages, now, who gave them authority to  
11 mortgage[sic] out someone's mortgage that they didn't request  
12 it?

13 A None of these mortgages are real.

14 Q Well, they're very real.

15 THE COURT: Again, it's not a conversation.

16 Q (BY THE DEFENDANT:) Okay. Now --

17 THE COURT: It's a question and answer.

18 Q (BY THE DEFENDANT:) So did you research me in the  
19 other seven states I have offices, Mr. Evers?

20 A I hope you haven't been doing this in seven other  
21 states.

22 Q Yeah, seven or so. Did you research me in the seven  
23 other states other than Hawaii that I'm in?

24 A I only know that you had some affiliation with  
25 Tennessee and there is no proper business registration is what



1 we concluded.

2 Q So --

3 A And that you also did this in Florida and  
4 California.

5 Q So now, did you -- did you call Florida OCP and  
6 Tennessee OCP and see if there was any complaints filed against  
7 me in those other states?

8 A We don't need complaints. My office has  
9 jurisdiction based merely on a suspicion.

10 Q Oh, so --

11 A We had cause to go issue subpoenas and, I mean, I  
12 don't know why you'd argue with us now at a point in time where  
13 we've actually proven the fraud --

14 Q Against --

15 A -- by clear and convincing evidence.

16 Q -- of course my former employees, my former reps.

17 THE COURT: Now let him finish the answer.

18 THE WITNESS: We've proven the fraud by clear and  
19 convincing evidence to the bankruptcy court.

20 THE DEFENDANT: No, no.

21 THE COURT: You have one more minute.

22 Q (BY THE DEFENDANT:) Okay. So you proved to the  
23 bankruptcy court that Anabel Cabebe, Henry Malinay, Rowena  
24 Valdez, and Edna Franco scammed those people. Yes, you did  
25 prove that. But what you did not prove is that anybody was

1     scammed by Mortgage Enterprise Investments and Anthony  
2     Williams, did you?

3             A       You misspoke. Rowena Valdez had nothing to do with  
4     the bankruptcy. Edna Franco had a prior case of mortgage  
5     rescue fraud. We sued her in state court separately. There is  
6     no point in suing her again. We have a judgment against her  
7     for in excess of a million dollars.

8             The bottom line is when we did sue Mortgage  
9     Enterprise Investments, you were given the complaint, you were  
10    aware of all the allegations, and you didn't defend, and I've  
11    got your letter indicating that you had notice of the complaint  
12    and you did not defend and you lost.

13            Q       So what is this then if I did not defend? What is  
14    this?

15            A       I don't know what you're holding up.

16            Q       The letter that you had, the letter that I sent. So  
17    how didn't I defend it? In the letter I'm explaining to you.  
18    You see the letter? Can you see it on the screen?

19            THE COURT: No, it's the other documents on the  
20    screen. All right. So this is your last question. This is  
21    the letter that he sent with regard to setting aside the entry  
22    of default.

23            THE DEFENDANT: Yes.

24            THE WITNESS: Right.

25            Q       (BY THE DEFENDANT:) Now, let's look at the letter.

1 THE COURT: So what's your question?

2 Q (BY THE DEFENDANT:) Okay. Now in the letter, did I  
3 state that these former employees used my company name and  
4 tricked people into thinking they still worked for me? Isn't  
5 that not in the letter that I answered?

6 A That isn't a defense.

7 THE COURT: All right. That's the last question.

8 THE DEFENDANT: So --

9 THE COURT: You're done. You are done and we are  
10 done with this witness.

11 Mr. Evers, thank you. You're excused as a witness.  
12 Please don't discuss your testimony with anyone until the  
13 conclusion of the trial. I wish you a very good day.

14 Ladies and gentlemen, we've reached the end of our trial  
15 day. I'll see you tomorrow morning. Please put aside your  
16 notebooks and your iPads. Don't discuss the case with anyone  
17 or allow anyone to discuss it with you. Don't investigate,  
18 Google, or research any of the people or issues. Of course,  
19 don't post anything on social media about the trial, and don't  
20 read, watch, or listen to any media account should there be  
21 any. I wish you a very good day and thank you again for your  
22 patience.

23 Please rise for the jury.

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

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

1 THE WITNESS: Thank you.

2 THE COURT: All right. So the record will reflect  
3 the jury's no longer present. Present are counsel and  
4 Mr. Williams.

5 So let's talk about tomorrow. The remaining witnesses  
6 then will be Dr. Horowitz, Rosy Esprecion Thomas, Sherri -- is  
7 it Kane or Ka-ne?

8 THE DEFENDANT: Kane.

9 THE COURT: -- and Bruce Kim; is that right?

10 THE DEFENDANT: Kane.

11 THE COURT: Kane. And so they're all teed up for  
12 tomorrow?

13 MR. ISAACSON: Everyone but Mr. Kim, Judge. May not  
14 be able to have him served in time. We attempted to have him  
15 served today.

16 THE COURT: So he's a question mark. All right.

17 Are there any exhibits that we need to go over for  
18 tomorrow? I believe there's the videos that will be redacted  
19 and shown to the government's attorneys this evening. Is there  
20 any other exhibits that we need to go over before we recess for  
21 the evening?

22 MR. SORENSON: Your Honor, I have an issue, but --  
23 and it doesn't really relate to an exhibit, although it could.

24 THE COURT: Okay.

25 MR. SORENSON: But if Mr. Williams has nothing else?

1 THE COURT: You have something that you --

2 THE DEFENDANT: Yeah. The 2188 exhibit we didn't  
3 get to go over before the witness because we had to hurry up  
4 and bring the jury in.

5 THE COURT: Right.

6 THE DEFENDANT: I wanted to enter this into  
7 evidence.

8 THE COURT: Okay. Oh, thanks. Thank you.

9 Okay. So is Mr. Yates will be handling this? This is the  
10 Avelina Laurel declaration in the matter of Henry Malinay and  
11 his wife, their Chapter 13 case, 15-0044.

12 MR. YATES: We would object to the admission of this  
13 document. This is a hearsay document, out of court. If they  
14 wanted this person to testify, they could have called this  
15 person to testify directly. There was no reason for this to be  
16 admitted through -- into evidence.

17 THE COURT: All right.

18 THE DEFENDANT: The Exhibit 209, they just showed  
19 about the injunction, her name is on there as one of the  
20 victims. And they're trying to say that she's a victim of mine  
21 and this document shows that she's not. She's a victim of  
22 Mortgage Enterprise and Henry Malinay. But they used that  
23 document 'cause they put my company name on there because Edna,  
24 Anabel, and Henry was telling people that they was still part  
25 of.

1           THE COURT: Okay. So over the objection of the  
2 government, I'm receiving Exhibit 2188.

3           Okay. It is hearsay, but you've indicated that you want  
4 it. It's marginally related to the actions that were pursued  
5 by the Office of Consumer Affairs and bankruptcy court. Okay.

6           (Exhibit 2188 received into evidence.)

7           THE COURT: Any other documents? And then we'll go  
8 to Mr. Sorenson's issue, Mr. Isaacson.

9           MR. ISAACSON: One moment. May I have one moment?

10          THE COURT: You may.

11          MR. ISAACSON: Go ahead.

12          THE DEFENDANT: Got some -- well, Ms. Thomas, she's  
13 going to be testifying tomorrow, and I have some documents that  
14 I'ma need to enter in as exhibits 'cause these are actually  
15 documents I drafted on her behalf to protect her from  
16 foreclosure, like I did all my clients.

17          THE COURT: Right. So what are the exhibit numbers?

18          MR. ISAACSON: Sorry, Your Honor, they were just  
19 given to us today. May I say something to identify them?

20          THE DEFENDANT: Yes.

21          MR. ISAACSON: Your Honor, they seem to be a series  
22 of pleadings from *Green Tree Servicing v. Ms. Thomas*, Civil No.  
23 13-1-2392909B --

24          THE COURT REPORTER: Could you say that again,  
25 please?

1           MR. ISAACSON: Ms. Rosy Thomas, Civil  
2 No. 13-1-239209BIA, and apparently the same caption  
3 Intermediate Court of Appeals CAAP180000825.

4           May I just say what they are? They appear to be pleadings  
5 related to those cases -- may I -- do you mind me, Judge?

6           -- that case and also pleadings from a foreclosure case, *MTGLQ*  
7 *Investors, Inc. v. Ms. Thomas, et al.*, Civil No. 16-1-197610,  
8 in the Circuit Court of the First Circuit State of Hawaii.

9 They seem -- that's what these documents -- they are pleadings.

10           THE COURT: All right. Very good. Then make sure  
11 they have exhibit numbers on them, that copies are made for the  
12 government, and then we need I believe three copies, the  
13 original plus two, and make sure that they're brought before we  
14 start court at 8:30 tomorrow morning before they're asked to be  
15 admitted. I'll give the government an opportunity once they've  
16 had a fair opportunity to review it to make any objections or  
17 if they're going to stipulate. Okay? But I'm not going to  
18 deal with them in a vacuum now. They don't even have exhibit  
19 numbers on them.

20           All right. Mr. Sorenson?

21           MR. SORENSON: Yes, Your Honor. I don't know if  
22 we're going to get to this tomorrow or even if it will happen,  
23 but in the event the defendant does choose to testify, we have  
24 in our trial brief identified some issues that we may want to  
25 explore with him. One of them certainly is a Florida

1 conviction. One of them involves tax returns, the nonfiling of  
2 tax returns.

3 We've provided the Court with authority in our trial brief  
4 with respect to both of these two areas of inquiry. There  
5 could be another with respect to -- obviously now to the  
6 Hawaii -- unauthorized practice of law here in Hawaii.

7 But I just want to give the Court a heads-up because  
8 probably easier to deal with it ahead of time. We have done  
9 some briefing on it. If the Court wants more, that's fine,  
10 although we believe it's pretty straightforward.

11 THE COURT: All right. So what I plan to do is, of  
12 course, we would take a recess. If Mr. Williams decides that  
13 he wants to testify in his -- well, even if he doesn't, we're  
14 going to take a recess and I'm going to go over with him --

15 MR. SORENSON: Yes.

16 THE COURT: -- his right to testify on his own  
17 behalf or to not testify and remain silent. So I'm going to go  
18 through that entirety.

19 Depending on the choice that he makes, specifically if he  
20 decides to acknowledge that he has these rights and what the  
21 risks are of going forward and indicates that he wants to  
22 testify -- now, I don't mean to indicate that that's what you  
23 should do, Mr. Williams. I'm just saying in the event that's  
24 what you choose to do, then I will rule on those areas.

25 But I don't want to rule on them beforehand --



1 MR. SORENSON: Right.

2 THE COURT: -- because I think that'd be unnecessary  
3 and I don't want, you know, Mr. Williams to factor that into  
4 whether he should testify or not.

5 MR. SORENSON: Exactly.

6 THE COURT: It's entirely his right to decide  
7 whether or not he wants to.

8 THE DEFENDANT: No, I think that it would be prudent  
9 to rule on it now because I feel like it would disadvantage me  
10 and it would be unfair to me that if they get to bring in stuff  
11 that has nothing to do with Hawaii, then I should be able to  
12 bring out the stuff that I did outside of Hawaii also to prove  
13 my innocence 'cause they're trying to use that to prove that  
14 I'm guilty of this crime.

15 THE COURT: All right. So I've already ruled on  
16 other matters, that they're not relevant with regard to what  
17 you're trying to show in your defense of what you did in other  
18 places, whether or not the Office of Consumer Protection or  
19 what have you brought actions. So I'm not going to revisit  
20 that. Again, it doesn't become relevant for me to rule on  
21 these issues until you've decided what you want to do and  
22 whether to testify or not.

23 But one of the risks I will go through with you on if you  
24 choose to exercise your right to testify is that -- and I'm  
25 going to point out that they can bring up the state of Florida

1 conviction because that's already been put into play with  
2 regard to Agent Lavelle and you questioning him about those  
3 issues with regard to the tax returns. I'll go over that.

4 And then the third matter I think is less related and  
5 so -- but I'll also rule on that --

6 MR. SORENSON: It's been alluded to already.

7 THE COURT: It has been. It has been. But I'm not  
8 sure that that really is sufficient to trigger that. I think  
9 definitely the Florida, the income tax returns, you know,  
10 again, that might be less tenuous. I'm going to have to do a  
11 Rule 403.

12 MR. SORENSON: We've briefed it for the Court, Your  
13 Honor.

14 THE COURT: Exactly, exactly. So I'll go through  
15 that. But clearly I think at this point in the trial, the  
16 Florida conviction and so forth, that's already -- I've already  
17 ruled in letting questioning in that area. So you would be  
18 able -- they'd be able to question you, Mr. Williams, on that,  
19 if you choose -- if you choose to testify. If you don't, then  
20 they won't be able to bring that up.

21 THE DEFENDANT: Well, let's deal with the IRS. If  
22 they want to bring it up, I have no problem. But I want my IRS  
23 exhibits in, so let's go with my IRS exhibits.

24 THE COURT: I don't know what you're talking about  
25 your IRS exhibits. But that's entirely up to you. If that's

1 something you want to offer, that's not a decision that I make.  
2 I just decide whether or not it's going to come in or not.

3 All right. So who's going to start off tomorrow morning  
4 then? Are you folks all aware of --

5 MR. SORENSON: We're not sure of the order at this  
6 point, Your Honor.

7 THE COURT: Is Dr. Horowitz testifying in person or  
8 by videoed conference?

9 THE DEFENDANT: In person.

10 THE COURT: Okay. So we don't need any  
11 videoconferencing. Is he the first witness up tomorrow?

12 THE DEFENDANT: No. It'd be Sherri Kane.

13 THE COURT: All right. Sherri Kane. And again, the  
14 video snippets are not going to come in unless you have  
15 somebody who can lay the foundation with regard to those. And  
16 I believe -- if I recall correctly, I think the only person  
17 that would be would be Mr. Williams. But if you think there's  
18 somebody else that can sponsor those videos, then, you know,  
19 you just have to lay the right foundation for that.

20 But you have to let us know ahead of time so we have to  
21 make sure that Mr. Sorenson, Mr. Yates have had an opportunity  
22 to review it and then we have all the equipment that's  
23 necessary to play it.

24 MR. ISAACSON: Your Honor, if I may address the  
25 Court?

1 THE COURT: Yes.

2 MR. ISAACSON: Your Honor, these witnesses tomorrow  
3 may be short, may be long, probably at least a little bit  
4 lengthy. Mr. Williams has to make an important decision about  
5 testifying and I may suggest to him and to the Court that maybe  
6 we end a little bit early and that he can -- he and I could  
7 consult over the weekend and maybe he makes a final decision on  
8 Monday? I don't want to hold things up, Judge, but it's such  
9 an important issue.

10 THE COURT: We'll see how long the day goes.  
11 Obviously, if you finish all these witnesses, for instance, in  
12 an hour, then there'll be time for you to take an extended  
13 break or what have you.

14 MR. ISAACSON: Yes.

15 THE COURT: If we go a pretty lengthy time, then  
16 maybe that makes sense. I'm not saying we're doing closing on  
17 Monday, okay? I'm going to have to see how tomorrow goes. At  
18 this point I don't anticipate it because we did go through a  
19 lot of witnesses today, but I know these witnesses are meatier  
20 than perhaps many of them today.

21 So, but I think Friday for sure we'll carve out a time to  
22 settle jury instructions so that we'll be ready with regard to  
23 that. Okay?

24 All right. If nothing further, then you can stay for  
25 15 minutes with Mr. Williams, Mr. Isaacson, if you need to

1 today.

2 MR. ISAACSON: Judge, 20 with Mr. Williams.

3 THE COURT: All right. You'd like 20 minutes?

4 MR. ISAACSON: Yes, Judge.

5 THE COURT: All right. So you may.

6 MR. ISAACSON: Thank you, Your Honor.

7 THE COURT: And then to everyone and Mr. Williams, I  
8 wish you a very good evening.

9 Mary, is there something I need to address?

10 Yes. And before you leave, if you could stay for a few  
11 minutes and then go over with Ms. Feria on the exhibits. And I  
12 want to thank Ms. Feria for sitting in. She's coming in the  
13 middle of the trial and we certainly appreciate her hard work  
14 and effort. So thank you very much.

15 All right. Have a good evening, everyone. We're in  
16 recess.

17 (Proceedings adjourned at 2:13 P.M., until  
18 Thursday, February 20, 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 5, 2020.

/s/ Debra Read  
DEBRA READ, CSR CRR RMR RDR