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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA, . Case No. 4:09-mj-04014-HDY
Plaintiff, . Little Rock, Arkansas
v. . Monday, March 9, 2009
RANDEEP MANN, . 3:33 p.m.
Defendant. .
.

TRANSCRIPT OF DETENTION HEARING - VOLUME 1
BEFORE THE HONORABLE H. DAVID YOUNG
UNITED STATES MAGISTRATE JUDGE

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1 LITTLE ROCK, ARKANSAS, MONDAY, MARCH 9, 2009, 3:33 P.M.

2 THE COURT: All right. We have a detention hearing
3 scheduled in the case of United States of America versus
4 Randeep Mann, 4:09-mj-4014.

5 Is the Government ready to proceed?

6 MR. GORDON: Ready, Your Honor.

7 THE COURT: Defendant?

8 MR. HENDRIX: We are, Your Honor.

9 THE COURT: All right. Mr. Gordon, you want to call
10 your first witness?

11 MR. GORDON: Your Honor, we'd like to start by
12 invoking the rule.

13 THE COURT: All right. Anyone who expects to testify
14 in the case that's not a party to the case needs to step
15 outside, and you'll be called.

16 (Pause.)

17 MR. GORDON: May I proceed, Your Honor?

18 THE COURT: Yes.

19 MR. GORDON: The United States calls David Oliver.

20 DAVID OLIVER, PLAINTIFF'S WITNESS, SWORN

21 DIRECT EXAMINATION

22 BY MR. GORDON:

23 Q Please state your name for the record.

24 A My name is David Oliver.

25 Q Who do you work for?

1 A Bureau of Alcohol, Tobacco, Firearms and Explosives.

2 Q How long have you worked there?

3 A Ten years.

4 Q Are you familiar with the investigation in this case?

5 A Yes, sir, I am.

6 Q Have you been participating in it?

7 A Yes, sir, I have.

8 Q If you would please tell the Court, when did ATF get
9 involved in this case?

10 A We first got involved in the case on March 4, 2008.

11 Q And how did ATF get involved?

12 A We received a call from the Pope County Sheriff's
13 Department stating that they had some -- they had recovered
14 some explosives.

15 Q And did ATF respond out to Pope County?

16 A Yes, sir, I responded personally.

17 Q You went out there yourself?

18 A Yes, sir.

19 Q What did you learn when you got out there?

20 A I learned that the Pope County Sheriff's Office had
21 met with an employee of the City of London, I think he was out
22 there reading the water meters on Galaxy Lane. Well, he
23 stopped to urinate, and while he was walking, looking for a
24 place to go to the bathroom, he stumbled over something. He in
25 turn dug it up, he found that it was a -- something in black

1 plastic. He dug it up, opened it up, opened the plastic up and
2 found that it was military container, a green military
3 container containing what he thought was ammunition. And then
4 he called the Pope County Sheriff's Office, who responded to
5 the scene.

6 MR. GORDON: May I approach the witness, Your Honor?

7 THE COURT: Yes.

8 BY MR. GORDON:

9 Q During the course of your investigation, were there
10 agents and officers taking pictures?

11 A Yes, sir, there were.

12 Q Let me show you what's been marked as Government's
13 Exhibit 1 all the way through 63.

14 (Government's Exhibits 1 through 63 marked for identification.)

15 BY MR. GORDON:

16 Q Have you seen those pictures before?

17 A Yes, sir, I have.

18 Q Did you review them before testifying?

19 A Yes, sir, I did.

20 Q Are they a fair and accurate pictures of what's
21 depicted in there?

22 A Yes, sir, they are.

23 Q Okay.

24 MR. GORDON: Your Honor, I'd like to offer those into
25 evidence at this time, then we'll go through them individually.

1 THE COURT: All right. Mr. Hendrix, I trust you got
2 a copy of these?

3 MR. HENDRIX: Judge, I just have, and I haven't been
4 able to assess all of them for relevance. I don't have a
5 specific objection yet. I would hate to introduce all of them
6 just in toto without being able to go through and establish
7 relevance.

8 THE COURT: Just go over them with the witness, Mr.
9 Gordon, and we'll give Mr. Hendrix an opportunity after he
10 thinks he's had a chance to look at all of them.

11 MR. GORDON: Your Honor, did I provide you with
12 copies?

13 THE COURT: Yes.

14 BY MR. GORDON:

15 Q Agent Oliver, in Government Exhibit 1, 2 --
16 Government Exhibits 1 and 2, what are we looking at here?

17 A You're looking -- excuse me -- you're looking at the
18 end of Galaxy Lane.

19 Q Okay. And Government Exhibit 1, is that -- the
20 pavement there, is that actually Galaxy Lane?

21 A Yes, sir, that's where the pavement ends.

22 Q And that wooded area, is that the area where the
23 worker stumbled across something in the woods?

24 A Yes, sir, that's correct.

25 Q Government Exhibit 2, what is that?

1 A I believe that's a close-up of number 1.

2 Q Okay. A little further into the woods?

3 A That's correct.

4 Q Government Exhibit 3 --

5 A Government Exhibit 3 is the hole where they dug the
6 can up.

7 Q Okay. So if you look back at Government Exhibit 2,
8 kind of in the center, there's a branch of a tree landed in the
9 middle of the field. Is that the branch that's in Government
10 Exhibit 3?

11 A Yes, sir, it is.

12 Q What are we looking at in Government Exhibit 4?

13 A Government Exhibit 4 is the military canister that
14 was -- with the plastic that it was wrapped in and the duct
15 tape that was on the canister -- on the ground adjacent to the
16 hole that was dug up.

17 Q How about Government Exhibit 5?

18 A Same.

19 Q Government Exhibit 6?

20 A That's the interior of the canister showing the
21 grenades.

22 Q And for the record, there appear to be things in
23 bundles. Are those grenades in the bundles?

24 A Yes, sir, they are.

25 Q And there's a round object that's not in the bundle.

1 What is that?

2 A If you're talking about the object in the middle,
3 that's, in fact, one of the 40-millimeter grenades.

4 Q Okay. And is Government Exhibit 7 a close-up of that
5 grenade?

6 A Yes, sir, it is.

7 Q Government Exhibit 8, what is that please?

8 A That's a close-up of a grenade, and also a close-up
9 of one of the military practice grenades, it was found inside
10 the canister as well.

11 Q Okay. On Government Exhibit 8, one of the grenades
12 has a gold top. Is that a live round, or a practice round?

13 A That is, in fact, a live round.

14 Q The one with the blue cap, what is that?

15 A That's a practice round.

16 Q What's the difference between the two?

17 A The live round will detonate; the practice round
18 doesn't have any high explosive in it and it only contains a
19 dye. It contains propellant which will fire it out of the
20 grenade launcher, but it won't explode.

21 Q All right. So within the canister that we see in
22 Government Exhibit 4, 5, 6, how many grenades, live grenades,
23 were found in there?

24 A There were 98 live grenades found inside the
25 canister.

1 Q And one practice grenade?

2 A That's correct.

3 MR. GORDON: Your Honor, at this time we'd like to
4 offer Government Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9.

5 MR. HENDRIX: No objection.

6 THE COURT: Received.

7 MR. GORDON: Thank you.

8 (Government Exhibits 1 through 9 received in evidence.)

9 BY MR. GORDON:

10 Q Agent Oliver, tell us about these grenades. What
11 kind of grenades are they?

12 A These are military munition; they're labeled Mach
13 4 -- M406. They contain a high explosive, they're designed to
14 be fired from a grenade launcher, they have a range of
15 approximately 350 to 400 meters, they have a kill zone of
16 between three and five meters and a casualty radius of 100
17 meters.

18 Q Is there any social use for these grenades?

19 A There is no social use for these grenades, and they
20 are classified as implements of war.

21 Q Is it lawful for anyone outside of the United States
22 military to possess these within the United States?

23 A No, sir.

24 Q What about outside of the United States?

25 A I've been told that the United States military, the

1 State Department in fact, will sell munitions to foreign
2 countries, to include these munitions.

3 Q But not to private citizens?

4 A That's correct.

5 Q And these grenades, do they meet the definition of a
6 destructive device and therefore a firearm under Title 26,
7 United States Code Section 5845?

8 A Yes, sir, they do.

9 Q Are any of these grenades registered to the
10 Defendant?

11 A No, sir.

12 Q If you would describe the area that the grenades were
13 found in, describe the neighborhood.

14 A It's I guess you'd say sparsely populated -- it's not
15 like a subdivision, it's an area that has other houses and it's
16 wooded. It's about a half mile away from the nuclear power
17 plant, and like I said, it's not like a subdivision, so the
18 lots are large, they're not small like a subdivision, and
19 there's distance in between the residences.

20 This particular street, Galaxy Lane, where they were
21 found, I think there was -- I know there was one house, I don't
22 know that there were any more houses than that on that street.

23 Q So when these grenades were located and dug up, Dr.
24 Mann was developed as a suspect. Is that correct?

25 A Yes, sir, he was.

1 Q Why?

2 A He was developed as a suspect because on February 4
3 he was interviewed, and at that time when he was interviewed,
4 he told the ATF agent and the state police investigator that
5 interviewed him, he, in fact, owns a Mach -- or an M203 grenade
6 launcher, and he showed the agent and the state police
7 investigator the grenade launchers. I think he said he owned
8 two of them.

9 Q He had two grenade launchers?

10 A Yes, sir.

11 Q And the grenade launchers that he showed ATF, are
12 they capable of firing the grenades that were found off Galaxy?

13 A Yes, sir, they are.

14 Q How far away is Dr. Mann's residence from where the
15 grenades were found in the field?

16 A Approximately 875 feet.

17 Q And I believe you said there's one other house in
18 close proximity?

19 A Yes, sir.

20 Q All right. Based upon that information, did the
21 Arkansas State Police get a state search warrant?

22 A Yes, sir, they did.

23 Q Were you with them when that warrant was executed?

24 A That's correct, I was.

25 Q What was the date, please?

1 A The same day, March 4, 2009.

2 Q In the afternoon?

3 A Yes, it was about 4:15 in the -- excuse me, 3:15 in
4 the afternoon.

5 Q And where was the warrant executed?

6 A At 313 Milky Way Lane, London, Arkansas, the home
7 address of Dr. Randeep Mann.

8 Q Was Mr. Mann -- excuse me -- Dr. Mann present when
9 the search warrant was executed?

10 A He arrived at the same time we did. We had made
11 contact with Dr. Mann and told him that we had a search
12 warrant, and as I saw, he was following the state police patrol
13 car to the residence.

14 Q When Dr. Mann arrived, did you have any conversations
15 with him?

16 A I was present when the state police first informed
17 that we had a search warrant, and I did ask him, for my own
18 safety, if there was anything in the house that would harm
19 anyone, and to which he responded, no. I then asked him if
20 there were large amounts of currency, or anything expensive in
21 the house, and at that point he told me that was \$50,000 in
22 cash in the house.

23 Q What was the purpose of asking him about money?

24 A I always ask that on every search warrant I do; that
25 way someone can't come back later on and say -- or it's harder

1 for them to come back and say that we stole their money.

2 Q Okay. So Dr. Mann told you there was 50,000 in cash
3 in the house?

4 A Yes, sir.

5 Q Did he show you any cash in the house?

6 A He showed us approximately \$14,000 in cash in the
7 house. And when I asked him -- you know, he showed us where
8 the \$14,000 -- I asked him where the rest of it was and he then
9 changed his story and said that's all there is.

10 Q Did you later find an additional \$35,000?

11 A An additional \$34,000 they found in the trunk of a
12 car.

13 Q In his garage?

14 A Yes, sir.

15 Q Was Dr. Mann's wife present during the search?

16 A She was not present during the search, but she
17 arrived later on in the evening. It was dark. I'm not sure
18 what time she came, but she did come there.

19 Q Did you have any conversations with her?

20 A I was present when the state police investigator was
21 talking to her, and she was asking the investigator when she
22 could come back to the house, and the investigator explained
23 that she could stay in the house while we were conducting the
24 search, but she'd have to be confined to one room, due to the
25 fact that there were guns all about the house, for our own

1 safety. And as a result of that, she said that she wasn't
2 going to stay, that she was going to go to a hotel because they
3 didn't -- she didn't have any friends or family in the area.

4 Q During the execution of the search warrant, was there
5 anything found linking Dr. Mann to the grenades that were
6 buried down the street?

7 A Yes, sir.

8 Q What was that?

9 A In a shed off of one of the garages, we located four
10 green military canisters that were exact in size and shape and
11 color as the military canister that was located on Galaxy Lane.

12 Q Okay. Were there any lot numbers on those canisters?

13 A On the four canisters that were recovered at the
14 house there were four separate lot numbers. We compared the
15 four lot numbers with the canister that was found at Galaxy
16 Lane, and one of the canisters at the house, the lot number,
17 and the canister that was recovered on Galaxy Lane had the
18 identical lot number.

19 Q All right. What else did you find in the house?

20 A We also found -- adjacent to the green canisters we
21 found some heavy black plastic which looked identical to me to
22 the black plastic that was recovered from the scene. And in
23 addition to that, we found two grenade launchers and we also
24 found 45 practice grenades similar to the practice grenade that
25 was found with the 98 live grenades.

1 Q Agent Oliver, if you would, please look at Government
2 Exhibit 10. What are we looking at in this picture?

3 A This is the door to the storage area where the
4 military canisters were found that I just described.

5 Q Is this sort of jerry off one of the garages?

6 A Yes, sir, it is.

7 Q Government Exhibit 11, what's that?

8 A That's when you walk into the door and you turn to
9 the right. It's --

10 Q What do we see in this picture here?

11 A You can see the green military canisters. You can
12 also see ammunition; you can see boxes that contain guns and
13 weapons, and stuff on shelves.

14 Q Are the canisters kind of centered there in the
15 middle between the two shelves?

16 A Yes, sir, they are.

17 Q On the back wall?

18 A Yes, sir.

19 Q Is Government Exhibit 12 a better picture of that
20 area?

21 A Yes, sir, that's more of a close-up, and obviously
22 the photographer has stepped further into the room so you're
23 looking more towards the wall to the right hand side.

24 Q If you would, for the record, point out where in
25 Government Exhibit 12 the canisters are.

1 A To the left center of the picture.

2 Q So the green objects stacked against the wall?

3 A Yes, sir.

4 Q How about Government Exhibit 13?

5 A That's a close-up of the -- one of the four green
6 canisters that was the same size, shape and color as the
7 canister that was recovered on Galaxy Lane.

8 Q What was in the canister in Government Exhibit 13?

9 A I believe there was ammunition inside of the
10 canister.

11 Q Is that what's depicted in Government Exhibit 14?

12 A Yes, sir.

13 Q Is that foreign ammunition?

14 A Yes, sir.

15 Q Is that also depicted in Government Exhibit 15?

16 A Yes, sir, it is.

17 Q And 16?

18 A Yes, sir.

19 Q And I guess I should clarify, 14, 15 and 16 are the
20 cartons that contain ammunition. Correct?

21 A That's correct.

22 Q And then Government Exhibit 17 is the actual
23 ammunition.

24 A A cartridge that's been opened. That's correct.

25 Q Government Exhibit 18, what is that please?

1 A Those are the four canisters after they were removed
2 from the storage room and then placed in the driveway where
3 they were photographed.

4 Q And did those canisters, the other canisters, also
5 contain ammunition?

6 A Yes, sir, they did.

7 Q Is that what's depicted in Government 19 and 20?

8 A Yes, sir.

9 Q Is that also foreign ammunition?

10 A Yes, sir.

11 Q Government Exhibit 21, what is that please?

12 A That's the black plastic that matches the plastic
13 that was recovered on Galaxy Lane. It's in a trash can in that
14 same room next to the ammunition cans.

15 Q And is 22 a close-up of the black wrap?

16 A Yes, sir.

17 Q The practice grenades, were they also found in the
18 same room?

19 A Yes, sir, they were.

20 Q On the other side?

21 A Yes, sir.

22 Q Is that what's depicted in Government Exhibit 23?

23 A In Government Exhibit 23 is when you first walk into
24 the room, when you look to the left, now that's the view to the
25 left.

1 Q Okay. Government Exhibit 24, what's down there
2 towards the bottom marked with a "5"?

3 A That's the box that was removed from the bottom shelf
4 that contained the practice grenades.

5 Q Government Exhibit 25, what's in that picture?

6 A That's a close-up of the contents of the box with the
7 practice grenades.

8 Q Government Exhibit 25 is a silver package. What is
9 that?

10 A Yes, sir, there were a number of loose grenades and
11 then the package also contained the same practice grenades.
12 There was a total of 45 in the box.

13 Q Were there 20 loose ones and then 25 sealed up?

14 A Yes, sir, that's correct.

15 Q Government 26, what is that, please?

16 A That's a close-up of the practice grenade.

17 Q Well, in that picture you can see there's some orange
18 substance on the practice grenades. What's that?

19 A That's the dye, which I'm told when you fire these
20 down range, the dye will -- I don't want to say explode, but
21 it'll --

22 Q Make a mark?

23 A -- make a mark, make a cloud so you know where you
24 shot the grenade at.

25 Q And you testified that two grenade launchers were

1 found?

2 A Yes, sir.

3 Q Well, then depicted in Government Exhibit 27?

4 A Yes, sir.

5 Q What about 28?

6 A That is also are grenade launcher that's mounted to
7 an M-16 rifle.

8 Q Okay. And if you would, describe for the Court how
9 the weapons depicted in Government Exhibits 27 and 28, how they
10 would be used to fire grenades.

11 A The grenade would be dropped down to what we refer to
12 as the business end of the grenade launcher, or the opening in
13 the grenade launcher, and you aim it at the point where you
14 wanted to hit, and you pull that second trigger there, and the
15 grenade launcher would fire the grenade, which would travel up
16 to 400 meters in the air.

17 MR. GORDON: At this time we'd like to offer
18 Government Exhibits 10 through 28 into evidence.

19 MR. HENDRIX: Judge, this is really just for
20 clarification, and if Mr. Gordon wouldn't mind making sure I'm
21 correct on this. As I understand 14 through 20 are essentially
22 representations of what I think are 7.7-millimeter ammunition.
23 It's my understanding the Government does not allege that those
24 were illegally possessed. But the next series, which I think
25 are 21 -- probably 20 --

1 THE COURT: Do you have any objection, Mr. Hendrix,
2 to these as exhibits?

3 MR. HENDRIX: Judge, if they are a subject of the
4 count of what the allegation is, I do question --

5 THE COURT: Whether they are --

6 MR. HENDRIX: -- the relevance of them.

7 THE COURT: -- or they aren't, do you have --

8 MR. HENDRIX: I question the --

9 THE COURT: -- an objection to these --

10 MR. HENDRIX: -- relevance of them. If they are not
11 the subject of the allegations, then I don't see the relevance,
12 and I do object to them.

13 THE COURT: Mr. Gordon?

14 MR. GORDON: Your Honor, one of the issues before the
15 Court is whether to detain this Defendant, or release him. I
16 think the quantity of firearms and ammunition that he has in
17 his home is relevant for the issue of whether or not he's a
18 danger to the community. I think also what you're going to
19 find out is that he's -- Mr. -- I'm sorry, Dr. Mann has a
20 federal firearms license. All this is circumstantial evidence
21 that, with all the stuff he has in his house, those are his
22 grenades out in the field.

23 THE COURT: All right. Objection overruled;
24 received.

25 MR. GORDON: Thank you, Your Honor.

1 (Government Exhibits 10 through 28 received in evidence.)

2 BY MR. GORDON:

3 Q Agent Oliver, does Dr. Mann have a federal firearms
4 license?

5 A Yes, sir, he does.

6 Q Tell the Court about his license, please.

7 A Dr. Mann has a federal firearms license which
8 authorizes him to sell machine guns, to sell guns that fire
9 fully automatic.

10 Q And is there a federal regulatory scheme that
11 requires machine guns to be registered under the National
12 Firearms Act?

13 A Yes, sir.

14 Q The license is part of that scheme?

15 A Yes, sir.

16 Q And under the NFA, what sort of firearms have to be
17 registered?

18 A A weapon that fires fully automatic, or a machine
19 gun, weapons that are short barrel, shotguns -- rifles that are
20 short barrel, shotguns that are short barrel, destructive
21 devices, weapons along those lines that are controlled.

22 Q Okay. Did you find any machine guns in Dr. Mann's
23 residence?

24 A Yes, sir.

25 Q Approximately how many?

1 A Approximately 110.

2 Q And where were they located?

3 A Throughout the house, mainly in the lower level of
4 the residence, but we did find machine guns in upstairs
5 closets.

6 Q Okay. And the main room where you found them, where
7 was that room located?

8 A It was on the lower level of the house.

9 Q Off of the workout room?

10 A Yes, sir.

11 Q And how were the guns stored?

12 A Well, some of them were out on the floor,
13 specifically a couple of M-2 -- Browning M-250-caliber machine
14 guns that were tripod mounted, those were on the floor.

15 Q Okay. Tell us about that weapon.

16 A It's a machine gun commonly used in the military for
17 anti-personnel, anti-tank type, you know, encounters. It fires
18 a round that can penetrate a tank. It's something that if, you
19 know, you were shot with it, the round would cut you in half.

20 Q So 110 machine guns throughout the house. When you
21 found those guns, what did you do?

22 A We compared the weapons that were found in the house
23 to a list of weapons that Dr. Mann legally had registered to
24 him under NFA.

25 Q And when you made that comparison there on the scene,

1 were there any guns that you were unable to determine -- well,
2 let me put it this way, were there any firearms that were not
3 on Dr. Mann's list?

4 A Yes, sir. We came up with approximately 17 that were
5 not on the list.

6 Q Okay. And at this time, with further investigation,
7 how many firearms located in his house were not registered to
8 him, to Dr. Mann?

9 A Four of those 17 guns that we initially thought were
10 unregistered were, in fact, either registered to someone else,
11 or not registered at all.

12 Q Okay. If you would, let's look at Government Exhibit
13 29. What is that please?

14 A That's one of the four safes that was in the basement
15 that contained machine guns and it looks like there's some
16 pistols in there. It's a safe full of guns, mostly machine
17 guns.

18 Q How about Government Exhibit 30?

19 A That's kind of a closer, clearer picture of the four
20 safes that are in line and they're open. You can see that
21 there's, you know, machine guns in them, the grenade launcher,
22 on top of the safes you can see night vision equipment, night
23 vision goggles and that type of stuff.

24 Q Government Exhibit 31?

25 A Again, a picture of the four safes in line. On the

1 floor is one of the Browning .50-caliber machine guns that I
2 spoke of that -- it's kind of difficult to see, but you can see
3 the tip of the barrel next to the blue laundry basket at the
4 front -- at the bottom of the picture on the left side.

5 Q And then I guess is that -- the firearm that you were
6 describing, is that centered in the picture of Government
7 Exhibit 32? It's still kind of hard to see.

8 A Yes, sir, it is. It's kind of hard to see because
9 it's black and the background -- or the mat underneath it is
10 also black.

11 Q Government Exhibit 33, what are we looking at here?

12 A When we went through the 110 firearms that were in
13 the safes and located throughout the house, this is what we
14 were thought were going to be weapons -- this is what we
15 believed to be the weapons that weren't registered to him, so
16 we photographed them in a lot and then started taking pictures
17 of them individually.

18 Q Okay. And are the individual pictures of those guns
19 reflected in Government Exhibits 34 through 49?

20 A Yes, sir.

21 MR. GORDON: Your Honor, at this time we'd like to
22 offer into evidence Government Exhibits 29 through 49.

23 THE COURT: Any objection?

24 MR. HENDRIX: Subject to the same relevance, but I'll
25 take that up on cross, Judge.

1 THE COURT: Received.

2 MR. GORDON: Thank you.

3 (Government Exhibits 29 through 49 received in evidence.)

4 BY MR. GORDON:

5 Q Agent Oliver, you said thus far four of those
6 firearms had been determined not to be registered to the
7 Defendant. Is that correct?

8 A Yes, sir.

9 Q Okay. Is the first one depicted in Government
10 Exhibit 39?

11 A Yes, sir, it is.

12 Q With an evidence tag of 23?

13 A That's correct.

14 Q Tell us about that firearm please.

15 A That's a DC Industries, Incorporated, machine gun
16 which fires 7.62 by 39 ammunition. We checked that both by Mr.
17 Randeep's name, which came back that it wasn't -- that we
18 couldn't determine it, and then we actually took the serial
19 number off the firearm and ran the serial number through NFA,
20 and they said that that firearm is not registered to anyone, to
21 include --

22 Q To anyone.

23 A To anyone including Dr. Mann.

24 Q Then the firearm in Government Exhibit 40, which is
25 marked with a 24, how about that one?

1 A That's a Polytech, Incorporated, AK-47, it fires 7.62
2 by 39 ammunition. We did the same thing on that, we checked it
3 by name, it didn't come back to Dr. Mann, and then we ran the
4 serial number and it came back registered to someone other than
5 Dr. Mann, a person out of Connecticut.

6 Q How about the gun in Government Exhibit 42?

7 A That is a belt-fed machine gun that is either
8 Chinese- or Russian-made, it fires 7.62 by 39 ammunition. We
9 checked it both ways, by name and by serial number, and it
10 comes back unregistered.

11 Q To anybody?

12 A It's not registered to anyone, that's correct.

13 Q Okay. How about the weapon in Government Exhibit 43?

14 A In 43, that's a USAS 12-gauge shotgun. I know that
15 in 1994 the ATF determined that these didn't have a sporting
16 purpose, and they declared them as a destructive device. They
17 gave a seven-year grace period for someone to register the
18 firearm. We checked the registration on this by name and by
19 serial number, and it's not registered to anyone.

20 Q How about the weapon in Government Exhibit 44?

21 A That's an FIE model Boz 12-gauge shotgun. We checked
22 on this weapon because we originally thought it was a
23 destructive device. It was not a destructive device, but we
24 found out that it was illegal for someone to import this into
25 the United States.

1 Q If you would also look at Government Exhibit 50.
2 What's depicted in this picture?

3 A This is what we commonly refer to as "any other
4 weapon," and this is a briefcase that's designed to conceal
5 either a semi-automatic pistol or a machine gun. And you can
6 see on the handle there's a trigger mechanism so it's designed
7 to conceal the weapon and the gun. On the front of the picture
8 you can see a little black mark in the silver, that's where the
9 barrel or the round would come out. So you can conceal your --
10 either your machine gun or your pistol in this briefcase, and
11 function the weapon by pulling the trigger on the handle of the
12 briefcase.

13 Q Government Exhibit 51, is that just another one of
14 the machine guns found in the house?

15 A Fifty-one. Yes, it is, and we actually determined
16 that this machine gun was registered to Dr. Mann.

17 Q Okay. So those were the machine guns that were found
18 in the house. Were there any other firearms found in the
19 house?

20 A Yes, sir, there were.

21 Q What kinds and where?

22 A There were pistols located throughout the house, he
23 had loaded pistols in his bedroom, and that storage area where
24 we found the cans that I initially referred to, a lot of those
25 boxes were full of semi-automatic rifles that were brand new,

1 there were gun parts throughout those boxes, so I think it was
2 safe to say that he had guns throughout the house.

3 Q Okay. I guess let's go back to Government Exhibit
4 23. You talked about boxes in the storage shed.

5 A Yes, sir.

6 Q All right. The boxes that are throughout this
7 picture, what was in those?

8 A I won't say that they all contained firearms, but
9 many of the boxes that are above the ammunition to the left
10 contained firearms; some of the boxes to the right of the
11 picture that are close up, those contained firearms; some of
12 those boxes up top stacked up contained either firearms or
13 firearms parts.

14 Q And how about ammunition?

15 A He had so much ammunition that I wasn't -- didn't
16 think I was good enough to make a determination on that. One
17 of the experts in the office estimated it as ammunition in
18 excess of 500,000 rounds.

19 Q During the course of your investigation, did you
20 learn anything about Dr. Mann's father?

21 A Yes, sir, we did.

22 Q Please tell the Court what you learned.

23 A We learned from members of the Arkansas State Police
24 and the Pope County Sheriff's Office that Dr. Mann's father was
25 formerly in the military, in the Indian military, and that they

1 have information that he's an international arms trafficker.

2 Q Government Exhibit 52, who is that?

3 A That's a picture of what we believe to be Dr. Mann's
4 father, Colonel Mann, in a military uniform, that was found in
5 the residence.

6 Q And Government Exhibit 53, what is that?

7 A That's the back of the same photograph that says,
8 "Colonel Mann" on it.

9 Q You know the name of Dr. Mann's father?

10 A I believe it's, and I don't want to pronounce it
11 wrong, but I think it's Kuldip Mann.

12 Q K-U-L-D-I-P Mann?

13 A Yes, sir.

14 Q And does he also use the middle name of Singh, what
15 we would call Singh -- a middle name here in the United States?

16 A Yes, sir, he does.

17 Q Government Exhibit 52, what name is listed there on
18 the name tag of the officer depicted in the picture?

19 A K.S. Mann.

20 Q Obviously, since I keep calling him Dr. Mann, I take
21 it he's a doctor?

22 A Yes, sir, he is.

23 Q A medical doctor?

24 A A medical doctor, that's correct.

25 Q Are you aware of the current status of his medical

1 license?

2 A His medical license, I believe, was revoked in 2006,
3 and then the Medical Board stayed the imposition of that
4 revocation after they entered into an agreement with Dr. Mann
5 and his attorney that Dr. Mann will be allowed to keep his
6 medical license if he voluntarily surrendered his DEA permit
7 which gives him the authority to prescribe controlled
8 medication.

9 Q Okay. And are you aware of what effect that has had
10 on Dr. Mann's medical practice?

11 A Yes, it -- well, obviously the immediate effect
12 because it prevents him from prescribing controlled medications
13 or controlled substances, but it also keeps him from working in
14 a hospital, it also prevents him from being paid by an
15 insurance company or, you know, working for someone that's paid
16 by an insurance company.

17 Q And you have a letter from Dr. Mann to the Arkansas
18 State Medical Board?

19 A Yes, sir, I do.

20 Q And in that letter, does he state that because of the
21 status of his license he's been barred licensure in other
22 states?

23 A Yes, sir.

24 Q Despite his repeated attempts to be licensed there?

25 A Yes, sir.

1 Q And he's been denied privileges in hospitals?

2 A That's correct.

3 Q And he's been kept from participating in nearly every
4 third party payment program, and by that he means insurance,
5 insurance HMOs, et cetera?

6 A Yes, sir.

7 Q Okay. In that same letter, does Dr. Mann -- first of
8 all, where did Dr. Mann receive his medical degree?

9 A He attended the Armed Forces Medical College in
10 India, according to his letter.

11 Q And when does Dr. Mann say that he started having
12 troubles?

13 A He says that his troubles began after September 11,
14 and I'll quote from his letter, he says, "Russellville is a
15 small town. I spend a lot of time getting to know my patients.
16 After September 11 I had patients tell me that they heard
17 rumors that I was Al-Qaeda. I had strange incidents of people
18 trying to buy illegal firearms from me, and I had people
19 approach me to give them unneeded drugs."

20 Q In fact, ATF had received information about Dr. Mann
21 selling machine guns.

22 A That's correct. On two separate occasions, once in
23 2001 and a second time in 2002.

24 Q Tell the Court about that, please.

25 A On both times it involved two different confidential

1 informants, and both times the informants said that Dr. Mann
2 was attempting to sell these machine guns illegally. One of
3 those informants he had told that he needed to sell the machine
4 guns to get money so he could return to India because his
5 medical license had been suspended.

6 During another one of the dealings with the informant, the
7 informant, in fact, tried to set up an undercover purchase with
8 an undercover ATF agent. At the time they went to do the
9 undercover transaction, they couldn't find the informant and
10 Dr. Mann wouldn't deal with the undercover ATF agent in person
11 without the informant being there.

12 Q Are you aware of any lawsuits pending against Dr.
13 Mann?

14 A Yes, sir, I am.

15 Q Tell us about that please.

16 A I know that he has a lawsuit pending in Pope County
17 Circuit Court.

18 Q What's the nature of that lawsuit?

19 A It's a wrongful death lawsuit in which 20 to 30 of
20 his patients have died, most of them due to accidental
21 overdoses, and that a husband is filing suit for wrongful death
22 over the over-prescription of scheduled medication. I know
23 from talking to the attorney that's representing the plaintiff
24 that it's scheduled for trial on March 23, 2009.

25 Q Okay. And just to clarify that, 20 to 30 patients of

1 Dr. Mann have died, and it was one of those 20 or 30 patients,
2 the husband of one of those patients has filed suit against Dr.
3 Mann?

4 A That's correct.

5 Q Any other lawsuits pending?

6 A Not that I'm aware of.

7 Q Okay. In that lawsuit, are they seeking punitive
8 damages?

9 A They are seeking punitive damages claims and also --
10 yes, they are seeking punitive damages.

11 Q And unspecified compensatory damages?

12 A That's correct.

13 Q Are you aware of Dr. Mann's reported income?

14 A I believe that he reports that he makes \$120,000 a
15 year. And that's his own admission.

16 THE COURT: Excuse me. What did you say?

17 THE WITNESS: That's his own admission.

18 BY MR. GORDON:

19 Q \$120,000 from his medical practice?

20 A Yes, sir.

21 Q If you would, please take a look at Government
22 Exhibit 54.

23 A Sir.

24 Q And 55. What are we looking at in those two pictures
25 please?

1 A Fifty-four is the front of Dr. Mann's house at 313
2 Milky Way; 55 is a close-up showing the garage area. There's
3 actually two garages there that are shaped in an "L," so you're
4 looking at the garage -- the front of the garage doors to the
5 left of the picture, and those two windows immediately to the
6 right of the garage doors are the side of the second garage.

7 Q Okay. And then Government Exhibit 55, to the left of
8 the garage, what's parked there?

9 A Fifty-five. I believe you're talking -- the trailer
10 with the two watercraft, personal watercrafts.

11 Q Okay. Those Dr. Mann's?

12 A Yes, sir.

13 Q The cars that are parked there, are those cars
14 belonging the agents and police, or --

15 A The car, I think it's -- I don't want -- I'm not sure
16 whether it's a Lexus, but the car to the right of the pickup
17 truck was what Dr. Mann came in, and the rest of the vehicles
18 there, they're law enforcement.

19 Q Government Exhibit 56, what's that?

20 A That's a picture of the back of the garage looking
21 through to the front from the backyard.

22 Q Government 57?

23 A This is a picture of the inside of one of the
24 garages, and the vehicle that's in question is where I found --
25 or another agent found \$34,000 in cash in the trunk, in the

1 blue --

2 Q Is that in the blue car with the white stipes?

3 A Yes, sir.

4 Q Government Exhibit 58?

5 A This is the same garage, just looking kind of panned
6 to the right, I would say, with the rest of his cars.

7 Q Government Exhibit 59?

8 A That's a view from the other garage. This is the
9 garage that you actually can see the doors from the street, and
10 that's a picture of his vehicles in the garage.

11 Q Okay. And I guess if we back up, in Government
12 Exhibits 57 and 58, we see three cars there.

13 A Yes, sir.

14 Q How would you characterize these cars?

15 A Well, as expensive sports cars.

16 Q There's a motorcycle in that picture as well?

17 A Yes, sir.

18 Q Government Exhibit 59 there's four more cars.

19 A Yes, sir.

20 Q One of them's a Corvette?

21 A That's correct.

22 Q There's a --

23 A There's also a Porsche, I believe a Dodge Viper, and
24 what I was told was the modern version of a Shelby Cobra.

25 Q Those expensive cars?

1 A Very.

2 Q And there's three motorcycles also pictured in that
3 exhibit?

4 A Yes, sir.

5 Q Government Exhibit 60, is that a picture of the
6 Shelby?

7 A Yes, sir. And a picture of the Porsche.

8 Q The Porsche is the GT2?

9 A Yes, sir.

10 Q And I guess 61 is just a different angle from the
11 garage?

12 A Yes, sir.

13 Q As well as 62?

14 A That's correct.

15 MR. GORDON: Your Honor, I would like to offer
16 Government Exhibits 54 through 62 into evidence.

17 MR. HENDRIX: No objection.

18 THE COURT: Received.

19 (Government Exhibits 54 through 62 received in evidence.)

20 BY MR. GORDON:

21 Q Agent Oliver, what was the value of the guns found in
22 Dr. Mann's house?

23 A In excess of a million dollars.

24 Q During the course of your investigation in this case,
25 have you, or someone else in ATF, conducted an investigation

1 into the border crossings by Dr. Mann and the people associated
2 with his address?

3 A Yes, sir.

4 Q How was that done please?

5 A The agent who was assigned to do it used an open
6 source database called Accurint, which he searched and he
7 searched the address, 313 Milky Way Lane, and he found names
8 that were associated with that address. Then he took the names
9 that he had found associated with the address and he queried
10 the Treasury Enforcement Communications System, or the TECS
11 computer, and the TECS computer is where INS and ICE, formerly
12 Customs and Border Patrol, uses to keep track of border
13 crossings in and out of the United States.

14 Q Okay. And if you would, when the address 313 Milky
15 Way Lane, London, Arkansas, was searched, list the people that
16 came back to that address please.

17 A The Defendant, Randeep Singh Mann; Sangeeta Mann, who
18 we believe is his wife; Anju Mann; Savatri Mann -- I'm going to
19 butcher these names -- Dushan -- something Mann, it starts with
20 a D, Dushyant Mann; Serena Nikita Mann; Kuldip Mann, who is the
21 Defendant's dad; and Sandip Mann, who we think is the
22 Defendant's brother.

23 Q Okay. And so these are the people who -- how are
24 they associated with that address, what does that mean?

25 A They've used that address on something before,

1 something that we refer to as open source, so, you know, it
2 could be something like a mortgage, a hunting license. You
3 know, these databases buy information and they buy them from
4 credit bureaus, you know, and state agencies, courts, stuff
5 like that.

6 Q Okay. And then you took those names and ran them
7 through TECS?

8 A That's correct.

9 Q T-E-C-S?

10 A Yes, sir.

11 Q All right. And what did TECS tell you about Randeep
12 Singh Mann?

13 A That from the period of March 21, 2007 until March 6,
14 2009, that he had 121 border crossings.

15 Q Now, if you were to, let's say, go into Canada and
16 come back, is that one crossing or two?

17 A That would be two, because you crossed the border to
18 go out and you've crossed the border to come back in.

19 Q The name Sanjeeta Mann -- Sangeeta Mann --

20 A Yes, sir.

21 Q -- and you believe that's the Defendant's wife --

22 A Yes, sir.

23 Q -- what did TECS tell you about her?

24 A During the time period of December 20, 2007 till
25 September 13, 2008, she crossed the border four times, so,

1 again, that would be twice if she went into the United States
2 and came back.

3 Q And Anju Mann, again, we don't know who this is.
4 Correct?

5 A No, it was associated to that address. We know that
6 Anju Mann was deported to India in 2002. In August of 2008
7 there was a border crossing showing him coming back.

8 Q How about Savatri Mann?

9 MR. GORDON: Your Honor, if I may, I'll spell these
10 for the record. S-A-V-A-T-R-I Mann.

11 THE WITNESS: We believe that Savatri Mann is -- and
12 I apologize -- either a son or a daughter of Dr. Mann, and from
13 May of 2007 until September of 2008 there were four border
14 crossings.

15 BY MR. GORDON:

16 Q And how about D-U-S-H-Y-A-N-T Mann?

17 A Again, from June of 2007 till January of 2009 there
18 were seven border crossings.

19 Q How about Serena Nikita Mann?

20 A Serena Nikita Mann, from April of 2007 till January
21 of 2009 there were 11 border crossings.

22 Q Again, we believe Serena Nikita Mann is the
23 Defendant's daughter?

24 A Yes, sir.

25 Q Kuldip Mann?

1 A From March of 2007 till March of 2009 he had 325
2 border crossings, and eight of those were coming across the
3 border in a truck.

4 Q Again, we're talking about Dr. Mann's father?

5 A Yes, sir.

6 Q Was there an incident where Dr. Mann's father was
7 caught trying to smuggle in a man of Indian descent through
8 Canada?

9 A Yes, sir, he was.

10 Q Then Sandip Mann, the Defendant's brother, what did
11 TECS tell you about him?

12 A From May of 2007 till February of 2009 he crossed the
13 border 18 times.

14 Q Has DEA, the Drug Enforcement Administration,
15 received any information about Dr. Mann?

16 A Yes, sir, they did.

17 Q Did they provide that to you?

18 A Yes, sir, they did.

19 Q What information did you learn through them?

20 A That they had received information that Dr. Mann was
21 receiving drugs from a foreign country, that he was using the
22 internet to order controlled substances, and that he was having
23 Xanax and morphine delivered to his house, that he was then, in
24 fact, selling it to his patients.

25 Q When you searched Dr. Mann's residence pursuant to

1 the state's search warrant, did you find anything to support
2 that?

3 A Yes, sir, we did.

4 Q Is that what is depicted in Government Exhibit 63?

5 A Yes, sir.

6 Q All right. If you would, please tell us what we're
7 looking at here.

8 A Specifically, the boxes contain alprazolam, I can't
9 even say it, but it is -- in talking to a pharmacist, it's a
10 generic Xanax, and if you look closely at the labels, it'll say
11 that it's manufactured in India. I believe there were 750 per
12 box, and I think we found four boxes, or we took photographs of
13 four boxes.

14 Q Maybe three boxes?

15 A Maybe three boxes.

16 Q Okay. There's 750 tablets in each box?

17 A Yes, sir.

18 Q All right. What else are we looking at?

19 A The other substances that were found in his residence
20 that didn't have any prescriptions on the bottles --

21 Q Are these controlled substances?

22 A I'm not qualified to say 100 percent that they are.

23 Q Did you find any other potentially illegal drugs
24 during the search of Dr. Mann's house?

25 A Yes, sir, we did.

1 Q What was that?

2 A We found what we believe to be anabolic steroids, and
3 we believe that those anabolic steroids came from India because
4 there was a prescription from India made out to Dr. Mann's
5 father that was located along with the steroids.

6 Q Where were those found?

7 A In an upstairs bedroom in a dresser drawer.

8 Q Did you receive any information today from the
9 Arkansas State Police?

10 A Yes, sir, I did.

11 Q You received an email?

12 A Yes, I did.

13 Q And what did that email advise you?

14 A It advised me that they had received information from
15 another doctor in the area that had been to Dr. Mann's house
16 and that had previously seen C-4 at Dr. Mann's house. C-4 is a
17 military explosive that's controlled as well.

18 Q Okay. Was the source a doctor, or an electrician?
19 Wasn't there something about an electrician in that email?

20 A I do remember it saying an electrician, but I thought
21 that it also involved a doctor.

22 Q Okay. Nonetheless, the allegation was that Dr. Mann
23 had C-4 in his house?

24 A That's correct.

25 Q Was any C-4 located when you searched his house?

1 A No, sir.

2 Q Were you present in court on March 5 of this year for
3 Dr. Mann's initial appearance?

4 A Yes, sir, I was.

5 Q Were there any other ATF agents in the courtroom
6 during that time?

7 A Yes, sir.

8 Q Why were those two -- why were those other agents
9 here?

10 A Well, Dr. Mann was placed under arrest on a criminal
11 complaint, so when someone's on a complaint, they're in our
12 custody until such time as the Court either releases them, or
13 remands to the custody of the U.S. Marshal. So there were two
14 ATF agents here in the courtroom that were responsible for his
15 security. And that was Russ Littleton was one of those agents,
16 and Ed Starr was the other agent.

17 Q And after the hearing, did Agent Littleton, Task
18 Force Officer Littleton, did he make you aware of any
19 information?

20 A Yes, sir.

21 Q What did he tell you?

22 A He told me that while he was sitting in the back of
23 the courtroom watching Dr. Mann, that Dr. Mann turned, looked
24 at his wife, gave her what he described as a menacing stare,
25 and made a motion exactly as I'm describing, kind of -- and he

1 kind of interpreted that to mean as, You better keep your mouth
2 shut.

3 Q Okay.

4 MR. GORDON: And, Your Honor, for the record, may the
5 record reflect the witness has made a hand gesture in a
6 slashing motion across his throat.

7 THE COURT: All right. The record may so reflect.

8 BY MR. GORDON:

9 Q Agent Oliver, Dr. Mann was arrested on March 4, 2009.
10 Correct?

11 A Yes, sir.

12 Q Is it fair to say his investigation is still pending?

13 A Yes, sir.

14 Q You anticipate additional charges?

15 A Absolutely.

16 Q No further questions.

17 THE COURT: Cross-examination?

18 MR. GORDON: Actually, Your Honor, if I haven't done

19 so --

20 THE COURT: You haven't.

21 MR. GORDON: -- may I offer Government Exhibit 63

22 into evidence?

23 THE COURT: There may be others that you -- have

24 you --

25 MR. GORDON: And apparently --

1 THE COURT: -- yes, I think that's right.

2 MR. GORDON: -- also 50, 51, 52, and 53.

3 THE COURT: Any objections?

4 MR. HENDRIX: No, Judge.

5 THE COURT: All those may be received without
6 objection.

7 MR. GORDON: Thank you, Your Honor. Pass the
8 witness.

9 (Government Exhibits 50 through 53 and 63 received.)

10 THE COURT: All right.

11 CROSS-EXAMINATION

12 BY MR. HENDRIX:

13 Q I want to start out -- let's talk about the federal
14 firearms license, excuse me, just for a second. Your
15 information is that Dr. Mann does hold a valid license to be a
16 dealer, a federal firearms license. Is that correct?

17 A Yes, sir.

18 MR. HENDRIX: And, Judge, if you will, let me go
19 ahead and mark this, if I may.

20 BY MR. HENDRIX:

21 Q Let me show you what I've marked as Defendant Exhibit
22 1.

23 (Defendant Exhibit 1 identified.)

24 BY MR. HENDRIX:

25 Q Have you seen that before?

1 A I know what it is, but I haven't seen this particular
2 one. This is, in fact, a federal firearms license.

3 Q And it's in the name of Randeep Mann. Is that
4 correct?

5 A Yes, sir, it is.

6 Q In Russellville, Arkansas?

7 A Yes, sir.

8 Q And it's a validly issued federal firearms license.
9 Correct?

10 A It's got to be issued -- the address is different on
11 here than his home address, which is in question, but it is
12 validly issued, yes, sir.

13 Q Okay. It's Skyline in Russellville. Correct?

14 A Which is the address of his office, not where he has
15 all the guns stored.

16 Q His medical practice?

17 A Yes, sir.

18 Q He's got an office there. Correct?

19 A Yes, sir.

20 Q And it shows that this is a valid federal firearms
21 license to be a dealer in firearms. Correct?

22 A Yes, sir.

23 Q And its expiration date's not till April 1 of 2011.
24 Correct?

25 A I don't have it in front of me, but I'm assuming

1 you're reading --

2 Q I'm sorry.

3 A -- accurately from it, so I'll say, yes, sir.

4 Q Have you done any research into the status of this
5 firearms license?

6 A No, sir, I have not.

7 MR. HENDRIX: Your Honor, may I go ahead and move to
8 introduce this?

9 THE COURT: Any objection?

10 MR. GORDON: No objection.

11 THE COURT: Received.

12 (Defendant Exhibit 1 received in evidence.)

13 BY MR. HENDRIX:

14 Q Are you aware that he's had a validly issued federal
15 firearms license to be a dealer in firearms since 1990?

16 A I know that he has, yes, sir. I'm not sure if the
17 class changed along the way, but I know he's had one for quite
18 some time.

19 Q Gotcha. And it's the name -- there's a business
20 associated called Exotic Weaponry is the name that he uses as a
21 business entity as a dealer. Are you aware of that?

22 A I'm not.

23 Q Okay. Now, so a person that possesses a valid
24 federal firearms license, under the National Firearms Act, that
25 allows them to possess and engage in the transfers of firearms

1 as defined under the National Firearms Act. Correct?

2 A Yes, sir.

3 Q And that includes machine guns. Right?

4 A Yes, sir.

5 Q Okay. And we know a little bit about machine guns;
6 essentially May 19, 1986, they were essentially outlawed.
7 Correct?

8 A That is one of the laws that regulates machine guns.
9 There are laws that go further back to the '30s, the gangster
10 era, and that's when Congress enacted what's commonly referred
11 to as NFA to control firearms. So they made a tax on machine
12 guns, so to speak.

13 Q Correct. And so machine guns that were in lawful
14 possession, say, before 1986, they can continue to now be
15 transferred and a person can lawfully be in possession of a
16 machine gun today. Correct?

17 A If they have in fact paid the tax like I explained.

18 Q Yes, and just to be clear on taxes, I think what
19 we're talking about is we have -- dealers have an occupational
20 tax they pay every year. Correct?

21 A Yes, sir.

22 Q And to your knowledge, has Dr. Mann paid the
23 occupational tax to keep his valid license since 1990?

24 A I don't have any information on that, but I can
25 assume if that license is valid, he paid the tax or we wouldn't

1 give it to him.

2 Q Sure. Well, and it raises this question, I mean this
3 is an important investigation; you knew that he was -- that he
4 had a federal firearms license. You've not taken the occasion
5 to investigate the status of his license and what is or is not
6 lawful for him to be in possession of?

7 A Sir, I know in fact what he cannot possess, and those
8 are firearms that are not registered to him.

9 Q Correct. And so we've been shown a bunch of pictures
10 of ammunition and of machine guns, and there's no allegation --
11 for the most part I understand now you're saying that there
12 were four weapons that were not properly registered, but to the
13 exclusion of those and the exclusion of the grenades, is there
14 any allegation that those things are unlawfully possessed by a
15 valid holder of a dealer's license?

16 A No, sir.

17 Q Okay. And in fact did you find transfer records and
18 stuff?

19 A Yes, sir, we did.

20 Q Well, I think they're called 4473s?

21 A No, they're not.

22 Q What are transfer records?

23 A Sir?

24 Q Transfer records, that's right. Yes.

25 A Transfer records, yes. But a 4473 is for a weapon

1 other than an NFA weapon. There's a different form and we call
2 it the tax stamp that is just for NFA weapons.

3 Q And did you find any of the transfer records as well?

4 A Yes, we did.

5 Q And to show that they were valid lawfully transfers
6 by Dr. Mann as a dealer to purchasers of firearms. Correct?

7 A That's correct.

8 Q And that's very traceable because we know that I
9 think there's a \$200 tax on each transfer. Right?

10 A That's correct, if you're not a dealer. If you're
11 not a dealer there's a \$200 tax; that's correct.

12 Q So all that stuff is very easily documented.
13 Correct?

14 A Yes, sir.

15 Q And, in fact, the Code of Federal Regulations and the
16 ATF regulations are -- I mean, these are regulatory matters;
17 there's lots of paperwork involved. Correct?

18 A Well, it's correct that they're regulatory matters,
19 but they're also criminal matters.

20 Q Yes.

21 A I mean if you violate the law, you've committed a
22 felony, you didn't --

23 Q And I'm just wondering how far we've actually
24 investigated his license and the lawfulness of his transfers.

25 A For the four firearms in question, we have, in fact,

1 determined that they did not come back to him by his business
2 license and by the serial number of the weapon.

3 MR. HENDRIX: May I approach, Judge?

4 THE COURT: Yes.

5 BY MR. HENDRIX:

6 Q I want to show you Government Exhibit 10. And now
7 let's talk about -- this goes back to March 4 of '09. I think
8 in your direct testimony there was a little blip on the screen,
9 you said '08. But we're talking about just a couple of days
10 ago.

11 A Yes, sir, '09.

12 Q So on March 4 of '09, you guys got information that
13 some city workers, or something, had stumbled across a canister
14 in some woods. Correct?

15 A Yes, sir.

16 Q And so let's go through -- and if you will, describe
17 for me this area. You were in actually London, Arkansas. Is
18 that right?

19 A Yes, sir.

20 Q And London is real close -- it's right there by the
21 nuclear reactor off I-40. Right?

22 A That's correct.

23 Q And it's a neighborhood with some nice houses.
24 Correct?

25 A Yes, sir.

1 Q Okay. And there's Milky Way Lane, which just for
2 your and my and Judge's sort of internal visualization, if you
3 envision Milky Way Lane where the house is running
4 horizontally, Galaxy Lane runs vertically sort of as a T. Is
5 that right?

6 A Well, to me it's more accurate to describe it --
7 well, that's accurate. Galaxy Lane is directly in front of Dr.
8 Mann's house, so when you walk back up, or drive back up Galaxy
9 Lane, you literally come out in Dr. Mann's front yard.

10 Q Right. And Galaxy Lane then is like a cul-de-sac?

11 A Yes, sir.

12 Q And those are the first series of exhibits that --
13 the first series of the photographs that you all introduced.
14 Correct?

15 A Yes, sir.

16 Q And so what happened is these city workers got out in
17 the woods and stumbled across this canister. You all measured
18 that to be about 875 feet from Dr. Mann's property line. Is
19 that right?

20 A Yes, sir.

21 Q And that's down Galaxy Lane?

22 A Yes, sir.

23 Q And my calculator tells me 875 feet is essentially
24 300 yards; it's about three football fields. Does that sound
25 about right?

1 A Yes, sir.

2 Q And as you go down Galaxy Lane, there's another house
3 down there, isn't there?

4 A I believe there's a house on the right-hand side.

5 Q And, in fact, from the place where the canister was
6 found, his is not the closest house. Correct?

7 A Dr. Mann's is not the closest house?

8 Q Correct.

9 A That's correct.

10 Q Okay. And so you guys get this call and you go out
11 and you see this canister and it has the 40-millimeter HE
12 M406s. Is that right?

13 A That's correct.

14 Q Okay. That's the brand name. And can you give me a
15 little bit more information, who's the manufacturer of those
16 devices?

17 A I'm not sure. They're manufactured, my
18 understanding, by different manufacturers and they're
19 manufactured solely for the United States military.

20 Q And do you have any notion of how old those
21 particular items are?

22 A I don't. I know that -- well, I know that, in
23 talking to people who were in the Vietnam War, that these
24 weapons were used -- weapons similar to these were used as far
25 back as Vietnam, and I believe that they're still used today.

1 Q And so they may be as much as 30 to 40 years old, if
2 they're from the Vietnam era?

3 A That's possible. They didn't look that old to me, or
4 they didn't -- they weren't corroded, they were very clean.
5 You can tell by looking at the pictures that, you know, they're
6 not something that's been laying around for a long time and
7 it's got corrosion on it.

8 Q Well, and have they been submitted for an analysis?

9 A Yes, sir, they have.

10 Q And that -- we don't know the results of any of that
11 just yet. Correct?

12 A No, sir.

13 Q Okay. All right. Go back then, the canister is
14 found, it's wrapped in plastic and there's some duct tape. Is
15 that right?

16 A Yes, sir.

17 Q And that's sort of where you're saying it connects
18 back to Dr. Mann's house. Right?

19 A I'm not sure I understand your question.

20 Q I understood your testimony to be you found similar
21 black plastic in the room off the garage at Dr. Mann's house.
22 Right?

23 A Yes, sir.

24 Q And I think you all also seized duct tape. Right?

25 A We did not seize any duct tape.

1 Q Did not? Okay.

2 A No, sir.

3 Q On the black plastic, I'm assuming there's not been
4 any analysis to compare the black plastic found on the
5 canisters in the woods with the black plastic that was found at
6 Dr. Mann's house?

7 A Not yet.

8 Q You're relying on a visualization?

9 A Right. Correct.

10 Q Okay. Now let's talk about where -- let's talk about
11 his house. There's the garage that has the cars. Right?

12 A Yes, sir.

13 Q Now this room that's portrayed in Exhibit 10, and the
14 next series I think of exhibits, you have the garage, and this
15 is a room that's part of the garage? What's the best way to
16 describe that?

17 A I guess the door -- if you're standing -- when
18 you're looking at Exhibit 10, if you're standing on the --
19 looking at the door, you're standing in the garage. When you
20 walk through the door, you've walked out of the garage, so it's
21 a room that's attached to the garage.

22 Q And does this got your basic standard door? Right?

23 A It has a door.

24 Q In other words, when I went there, my -- see if you
25 agree with this -- when I went there, my impression is you've

1 got a garage and you've got a couple of closets in a person's
2 garage, and this is one of two of the closets that are a part
3 of the garage. Right?

4 A I suppose that you could also call it a closet.

5 Q And the other one's got like vacuum cleaners and
6 stuff like that, the household stuff in it. Did you go into
7 that one?

8 A It had more than vacuum cleaners in it, but those
9 were in there. There were also other firearms-related material
10 in that room, and I remember there were a lot of car parts and
11 stuff like that.

12 Q Car parts that -- and sort of fit some of the, you
13 know, car part stuff that's going on in a garage. Right?

14 A Yes, sir.

15 Q So in this one closet, that's where there's a lot of
16 ammo. Correct?

17 A In the closet that we're talking about in --

18 Q That's right.

19 A -- Exhibit 10?

20 Q In Exhibit 10

21 A Yes, sir.

22 Q Right. And a lot of the canisters and stuff like
23 that.

24 A That's where all the canisters are, yes, sir.

25 Q Okay. Now that door, is that in any way secured?

1 Does that look like a secured door?

2 A It looks to me like it's got a door handle with a
3 lock on it.

4 Q It looks like your standard door you'd find in
5 somebody's house or in somebody's garage. In other words,
6 there's -- it's not bolted, there are no bars, anything that
7 wouldn't be typical for -- just the door that acts as a closet
8 in somebody's home. Right?

9 A I'm not sure that I understand what you're trying to
10 ask me. This is a door with a lock on it. What's your
11 question?

12 Q That it's not any sort of hyper-secured door, is it?

13 A No, sir.

14 Q It looks like your standard door that you find in
15 somebody's house.

16 A It looks like a standard exterior door that's metal
17 with a lock on it.

18 Q Was it locked when you guys got there?

19 A I don't recall. I didn't go into -- I wasn't the
20 first one in that room, so I don't know. I can find out for
21 you.

22 Q Okay. Do you have any idea who all has access to
23 that room?

24 A No, sir, I don't.

25 Q And do you have any idea who all has access to the

1 Mann home in general?

2 A No, sir. I'm assuming Dr. Mann does because it's his
3 house, but --

4 Q Sure. And his wife, kids, friends. One would make
5 that assumption. Right?

6 A I'd make the assumption that Dr. Mann and his wife
7 probably have a key to their own house, but, you know, whether
8 the friends and anybody has a key, I'm not sure.

9 Q Right. So if I'm understanding, the things that,
10 again, that connect in you all's mind the canister that was
11 found in the field with Dr. Mann's home are, first, you've got
12 the green military ammo canisters is what they are. Right?

13 A Yes, sir.

14 Q And you describe that as somehow fitting a lot
15 number? Yes, and could you -- I don't quite understand it.

16 A There's lot numbers stenciled on the side of the
17 cans.

18 Q Oh.

19 A And the four cans in the house had different -- four
20 different lot numbers on them. Okay.

21 Q Right.

22 A We looked at the lot number on all of those cans, the
23 four different lot numbers, and compared the lot number that
24 was stenciled on the outside of the can that was recovered on
25 Galaxy Lane, and I have it written down if you want it. But we

1 determined that the lot numbers were the same. They matched
2 exactly.

3 Q In other words, the lot number on all -- we're
4 dealing now with five canisters. There were four --

5 A That's right.

6 Q -- in the closet there at the garage, and one in the
7 field.

8 A Yes, sir.

9 Q They all had the same number on them?

10 A No, sir. Four of the canisters in the house have
11 four different lot numbers. The canister at the scene has the
12 same lot number as one of the canisters in the house.

13 Q Okay. Those canisters are basic military issue ammo
14 canisters. Right?

15 A They're military canisters that contained ammo at
16 some point, and I believe that -- yes, I mean to say they're
17 basic issue, they're military canisters that contained ammo.

18 Q It's like when my dad came back from NATO in Germany
19 and my house had several of those growing up. There's nothing
20 really uncommon about having those canisters. Right?

21 A I don't have any in my house, but I mean people have
22 them in their house, yes, sir.

23 Q On the canister and the devices that were in the
24 woods, have we dusted for fingerprints and done any other more
25 forensic examinations to try to make any connections?

1 A Yes, sir, we have.

2 Q Where are we on that?

3 A We've dusted for fingerprints; they've raised some
4 ridged detail from what I'm told, and we've swabbed for DNA.

5 Q And no results?

6 A It only happened less than a week ago, so no results,
7 sir.

8 Q Okay. Seize any shovels?

9 A I saw shovels there, but we didn't take them.

10 Q Could you tell at all how long the canister in the
11 woods may have been there?

12 A That was my question, and in looking at the way it
13 was situated, the way it was buried, there was hardly any dirt
14 on it, so it looked to me like it hadn't been there for a long
15 time. It doesn't look like something that I've seen in the
16 past, something that's been buried for years and you come
17 across it and it's corroded and it's, you know, got dirt caked
18 all over it. It appeared that it hadn't been there for a long
19 time.

20 Q We don't know.

21 A You asked me if it had been there -- how long it had
22 been there. It hadn't been there for a long time.

23 Q Got it.

24 MR. HENDRIX: May I approach again, Judge?

25 THE COURT: Yes.

1 BY MR. HENDRIX:

2 Q I'm going to hover over you for a minute.

3 A I understand.

4 Q I'm looking at Government's -- I'm going to start
5 with 15. Okay?

6 A Yes, sir.

7 Q Oh, you've got them?

8 A Yes, sir, I do.

9 Q Government's 15 is a box, and we assume that it
10 contains ammunition. Right?

11 A Yes, it contains ammunition and it looks like the
12 marking on it is German, so we assume it's German ammunition.

13 Q Sixteen would be of the same item?

14 A Yes, sir.

15 Q And 17 then the contents?

16 A Yes, sir, that's correct.

17 Q And those are 7.7-millimeter cartridge casings, or
18 bullets and cartridges rather? Is that --

19 A I'm not sure on that. I think Glen Jordan, who's the
20 expert on this said that they were 7-millimeter, but I'm not
21 sure personally.

22 Q Okay. Knowing that Dr. Mann has an FFL, federal
23 firearms license, there's nothing illegal about the possession
24 of these items that are marked in 14 -- 15, 16 and 17.
25 Correct?

1 A Are you talking the ammunition itself, or the cans,
2 or both?

3 Q The ammo.

4 A No, sir, there's nothing illegal.

5 Q Okay. Eighteen, nineteen, twenty is the same thing I
6 take it. Are those the same cartridges, the 7.7-millimeter?

7 A Yes, 19 and 20 are those same ammunition cans, that
8 inside the cans we're showing that it contained the ammunition
9 before we took it out.

10 Q And, again, as a licensed dealer, not unlawful to
11 possess. Correct?

12 A Yes, sir, not unlawful.

13 Q Okay. Twenty-one is the black plastic.

14 A Yes, sir.

15 Q Are those -- is that garbage can lining? I can't
16 tell.

17 A The black plastic?

18 Q Yes.

19 A It's thicker than garbage cans, it's kind of
20 something like you'd use outside you'd put under your garden,
21 something like that. It's much thicker than a trash bag.

22 Q Nothing unique about it, stuff you can get at Kroger
23 or Harvest Foods, that sort of thing?

24 A I don't know that you can get it at a Kroger, but you
25 could probably get it at Lowe's or something like that.

1 Q Got it. Twenty-two is a close-up of it. Twenty-
2 three, again, this is the closet that we're talking about off
3 the carport. Correct?

4 A Yes, sir.

5 Q Okay. Twenty-four, and those are the canisters that
6 I see. And 25, now 25 is a close-up, those are practice
7 rounds. Right?

8 A Yes, sir, they are.

9 Q And there's nothing unlawful about possessing
10 practice rounds. Right?

11 A That's correct.

12 Q They're non-lethal?

13 A That's correct.

14 Q Non-combat?

15 A They're not lethal. I don't know -- I know that the
16 military uses them. I'm assuming they don't fire them at the
17 enemy, but I've never been in the military.

18 Q They wouldn't be very effective I suspect.

19 A No, sir.

20 Q Twenty-six is the same. All right. Now let's go
21 back to machine guns and other weaponry. As you go then into
22 Dr. Mann's house, did it seem like the house was sort of in two
23 divisions, there had been a wing built on to it at on point?

24 A It appeared --

25 Q Did you get that sense?

1 A It appeared to me there had been an addition, yes,
2 sir.

3 Q And in between there's sort of a step down and
4 there's a workout facility?

5 A Yes, sir.

6 Q Yes, and, you know, he's got sons. Right?

7 A Yes, sir, he does.

8 Q Okay. And it's a place where they've got treadmills,
9 and that sort of thing. Right?

10 A That's correct.

11 Q TVs?

12 A Right.

13 Q Then, and I don't know what direction it is, but I
14 guess towards the back of that is the weapons room, for lack of
15 a better term?

16 A Yes, when you first walk down the stairs into the
17 workout room, when you turn to the right there's -- obviously
18 there's machine guns out -- there's a machine gun out, but
19 there's a room to the back, that's correct.

20 Q And it's a specially constructed room. Right?

21 A I don't know that it was specially constructed. It
22 looked like a room to me.

23 Q Was one of the walls -- one or more of the walls
24 concrete?

25 A It could have been, just because of the way it was in

1 the house, you know, that was the addition.

2 Q And we're really starting at Exhibit 29 at this
3 point. And then you walk into that room and there are four
4 safes. Correct?

5 A Yes, sir.

6 Q And that four safes contain the weapons. Right?

7 A They contain some of the weapons, yes, sir.

8 Q Yes, and these are high security safes.

9 A Yes, sir.

10 Q Yes. It is not like the door to the carport -- the
11 garage there to the closet. Right?

12 A That's correct.

13 Q This is a highly secured thing. And in them are
14 inventories weapons. Right?

15 A Inventories weapons?

16 Q Yes, when you look at them you see the tags on them.

17 A There were tags on some of the weapons, yes, sir.

18 Q And they're numbered.

19 A That's correct.

20 Q And those were not tags that you guys put on there.
21 Right?

22 A That's correct.

23 Q So it would be clear that he is inventorying the
24 weapons like a dealer would do. Right?

25 A Yes, sir.

1 Q Okay. I notice the doors are open. Do you remember
2 when you got there, did you guys have to open the doors, or
3 have Dr. Mann open them for you?

4 A I believe at the time Dr. Mann was on the phone with
5 his attorney. His attorney told him not to open them, but Dr.
6 Mann did, in fact, open the doors.

7 Q Okay. And until it's -- let me take one step back.
8 When you guys got there and you get to -- I'm calling it the
9 weapons room, was the exterior door to that room locked?

10 A I don't recall it being locked, and I -- that was one
11 of the doors -- I did go down there with him. I don't recall
12 that door being locked.

13 Q Okay. Then the weapons are in the safes and the
14 safes are locked?

15 A Yes, sir, the safes were locked.

16 Q Now 33, and let me make sure that I -- before we get
17 to all that, I'm actually a little bit out of order, we can
18 start with 27 here in a minute when I get to it. But let's
19 talk about machine guns more. As I read your affidavit that
20 was the basis for the complaint from last week --

21 A Yes, sir.

22 Q -- I understood that you said you guys found 117
23 machine guns. Right?

24 A I thought it said approximately 110.

25 Q What'd I say?

1 A A hundred and seventeen.

2 Q A hundred and ten.

3 A Yes, sir.

4 Q Gotcha. And at that point in time you guys said that
5 you were unable to determine whether there was proper
6 registration on 17 of them. Correct?

7 A Yes, sir.

8 Q And so just describe for me what -- how do you check?
9 I mean physically run through the process of how you check in
10 the field a registration under the National Firearms transfer
11 and registration data.

12 A Right. Prior to going into the residence, I asked my
13 supervisor to query the NFA branch of all weapons that are
14 registered to Dr. Mann in his business. I received a printout
15 at the sheriff's department of all the weapons that Dr. Mann
16 had registered to him by name. And I took that printout with
17 me to the house. We systematically went through each firearm
18 determining, number one, if it was fully automatic or semi-
19 automatic, and if it were fully automatic, we then compared
20 that weapon to the list of firearms that I had received from
21 the NFA branch by name of Dr. Mann and his business.

22 Q Okay. And at that point you came up with, of the
23 110, 17 were not properly registered.

24 A That's correct.

25 Q Or you said, I think in the complaint, unable to

1 determine whether they were properly registered. Right?

2 A That's correct.

3 Q So we know that all but the -- at least at that point
4 in time of the -- all but 17 of the -- of the remaining of
5 those were properly lawfully registered, there was no crime
6 involved in him having those in his possession. Correct?

7 A Well --

8 Q Of 110 exclusive of the 17.

9 A I'm not sure that that is accurate now because his
10 license has a different address on it than his residence, and
11 so I'll have to research that to find out if that's, in fact, a
12 violation of the law.

13 Q Okay.

14 A If it is, then he's committed a crime by not having
15 the right address where the weapons are stored. If it's not,
16 then the answer to your question is, no, there's no violations.

17 Q You've got an FFL, those weapons are not unlawful to
18 possess, unless not properly registered.

19 A Not properly registered --

20 Q Okay.

21 A -- and you don't abide by the -- there's very strict
22 regulations.

23 Q And I think that's the point, it is a highly
24 regulated business. Right? It's like the IRS Tax Code.

25 A Yes, sir.

1 Q It can be confusing. Right?

2 A Yes.

3 Q Okay. Now over the weekend you guys were able to
4 look at this closer, I take it, and while you first said that
5 you thought that there were 17 that were not properly
6 registered, we're down to four. Is that right?

7 A Yes, sir. Now --

8 Q What's the difference?

9 A -- instead of inquiring by name and name of
10 business, we took the actual serial numbers that were off the
11 firearms and we queried NFA by serial number, and we were able
12 to determine that four of the weapons -- one of the weapons was
13 registered to someone else, and three of the weapons weren't
14 registered at all.

15 Q Well, we know that in one method of searching there
16 is apparently a large margin for error, because at first you
17 said 17 unregistered. Now you've looked a little bit closer
18 and you're at four. So I'm interested in the methodology that
19 you used to determine whether these things are properly
20 registered on. And so is the second attempt at this more
21 thorough than the first?

22 A Well, the second attempt obviously is by -- it's
23 weapon-specific, so it's by the serial number that's on that
24 weapon so that the methodology would be that you pick up the
25 weapon, you look at the serial number, and you put that into

1 NFA and query that weapon by serial number.

2 Q Is there a third methodology to use in searching the
3 accuracy of ATF's records on this?

4 A Not that I'm aware of.

5 Q You're saying that you're at the point where you're
6 going to use the methodology that you use now at trial on this
7 thing to try to establish proof beyond a reasonable doubt?

8 A That and we're also going to send the weapons to the
9 ATF laboratory and get a determination that they're either a
10 destructive device or a machine gun.

11 Q Okay. You've done all the records searching that
12 you're going to do?

13 A Have I done it all? No, sir, I have not.

14 Q So there are additional methods to search for the
15 accuracy of these ATF records. Correct?

16 A I'm going to go back and double-check.

17 Q Any evidence that any of these weapons had been
18 fired?

19 A I didn't check, to be honest with you.

20 Q Did they appear to you to have been fired?

21 A Some of the weapons I have -- I saw photographs of
22 Dr. Mann and other people firing them, so I'm assuming they've
23 been fired. Based on those photographs and --

24 Q Yes, based on the assumption that it would be these
25 same weapons. Right?

1 A Yes, sir.

2 Q Okay. Let's start at 27 then. Is 27 an offending
3 weapon, is this a subject of a charge against Dr. Mann?

4 A Twenty-seven is a grenade launcher that's capable of
5 firing the grenades that were recovered on Galaxy Lane, and
6 also capable of firing the practice grenades that were
7 recovered on Galaxy Lane and the practice grenades recovered in
8 the shed.

9 Q And a person with a dealer's license, this is lawful
10 to possess. Correct?

11 A Well, it's -- not get into generalities. Even though
12 he has a dealer's license, this weapon has to be specifically
13 registered to him, so he could have a dealer's license and if
14 this weapon were registered to someone else, or not registered
15 to him, he could not lawfully possess it.

16 Q Are you alleging that this is not one of the weapons
17 that's not properly registered?

18 A I'm not alleging that, I'm trying to answer your
19 question properly.

20 Q I gotcha. Gotcha. So what about 28, is that the
21 same situation?

22 A Yes, this is, in fact, a different grenade launcher,
23 there's two of them, but that is, in fact, a second grenade
24 launcher that's mounted to the bottom of an M-16 rifle.

25 Q Then 33, these are the 17 weapons that you initially

1 thought were not properly registered. Correct?

2 A This is some of the weapons, I'm not sure if there's
3 all 17 of them there, but the agents that were doing it --
4 taking them from the room, comparing them to the list, were
5 laying them out on the floor and then, you know, they took a
6 picture of what they thought were unlawfully unregistered at
7 the time.

8 Q And I'm going to endeavor -- I understood your direct
9 testimony to be 33 is a picture of the weapons that at the
10 scene you thought were unlawful. Let me count them real quick.
11 I count 15 but I may be wrong. Do you see that?

12 A You count 15, I count 14, so.

13 Q I defer to your expertise on that. What I'm trying
14 to get to now is, so that's at least the better part of the
15 weapons that were originally thought to be unlawful because not
16 properly registered, but now they're four, I believe, that
17 you're identifying, and I now want to go through, and can you
18 identify for me the four weapons that we're talking about?

19 A You're asking me to identify the four weapons that
20 are unlawfully registered?

21 Q Yes, sir.

22 A I have to look at my cheat sheet here, there's so
23 many guns involved.

24 Q If you could give us the exhibit number, I just want
25 to separate out exactly Mr. -- Dr. Mann is being accused of.

1 A Exhibit Number 39.

2 Q Thirty-nine.

3 A Which is identified by evidence item tag number 23.

4 Q Okay. Let's stop at 39 real quick. I take it that
5 in your check to determine whether this was properly
6 registered, you're checking to see if it's a machine gun.
7 Right?

8 A Yes, sir.

9 Q And a machine gun is a weapons that fires fully
10 automatically with one squeeze of a trigger. Correct?

11 A When you pull the trigger once the gun would continue
12 to cycle and fire rounds, so, yes.

13 Q And then semi-automatic --

14 A You have to pull the trigger, and every time you'd
15 pull the trigger a round would be fired.

16 Q And is there a way to tell whether this is semi-
17 automatic or fully automatic?

18 A You can field-test it in the field.

19 Q Did we field-test Exhibit 39?

20 A I personally did not, someone else did.

21 Q So are we sure that it's a fully automatic and not a
22 semi-automatic?

23 A I'm told that it's fully automatic.

24 Q Who told you?

25 A I think Glen Jordan is one of the ones that was

1 responsible for field-testing it.

2 Q Do you know whether Glen field-tested it or not?

3 A I'm assuming that he did.

4 Q Okay. There are mechanisms that are inserted into
5 weapons like this that will prohibit it from being fired fully
6 automatically. Correct?

7 A Prohibit it from being fired fully --

8 Q Yes.

9 A -- automatic? I think it's more accurate that there
10 are stuff that's inserted into a gun that would make it fire
11 fully automatic.

12 Q There are conversion kits that will make a semi-
13 automatic fully automatic.

14 A That's correct.

15 Q Okay. Now, if it is a semi-automatic weapon, it does
16 not need to be registered under the NFA. Correct?

17 A That's correct.

18 Q Okay. What's their next weapon?

19 A Exhibit -- Government Exhibit Number 40.

20 Q And what is 40?

21 A It's an AK-47.

22 Q And how -- go through -- do you -- by any chance did
23 you bring the records that you're relying on to show that these
24 are not properly registered?

25 A I think the Government might have them. I don't have

1 them on the stand with me. And what -- I can answer your
2 question though. What I'm relying on is the serial number, and
3 we queried the serial number of this weapon and it comes back
4 to someone else other than Dr. Mann, someone in Connecticut.

5 Q Okay.

6 MR. HENDRIX: And, Your Honor, I know that it's
7 getting late, now my sense is this thing is going to continue
8 on for some time because we have witnesses too. And if we have
9 a break over night, if I could ask the Court to direct the
10 Government to be able to give me the records to be able to look
11 at about which Agent Oliver's testifying.

12 THE COURT: Mr. Gordon, do you have those records
13 available?

14 MR. GORDON: Your Honor, at this point, I don't
15 believe he's entitled to those records. Furthermore, I know
16 the Court can exclude for good cause, or allow us not to
17 produce records for good cause, and given the ongoing nature of
18 this investigation, we'd ask for a good cause shown, that even
19 if there is a requirement, that we not be required to turn them
20 over.

21 MR. HENDRIX: It just --

22 THE COURT: I'll take it under advisement. Just go
23 ahead with this examination of this witness, and we'll take
24 that up before we conclude.

25 MR. HENDRIX: Thanks, Judge. And I don't mean to

1 belabor the point, but it just seems to me if we've got a
2 margin of error in what they've done so far, we need to sit
3 down and these records may be able to give us the correct
4 answer.

5 I'll move on.

6 BY MR. HENDRIX:

7 Q So Exhibit 40, you've determined somehow that it is
8 not registered to Dr. Mann. Is that right?

9 A Yes, sir.

10 Q Who did you determine it was registered to?

11 A I don't remember the gentleman's name. It was
12 somebody out of Stamford, Connecticut.

13 Q Okay. Which is the next?

14 A Government Exhibit Number 42.

15 Q Forty-two?

16 A Yes, sir.

17 Q What kind of weapon is it?

18 A It's a belt-fed machine gun that fires 7.62 by 39
19 rounds. We were unable to determine the manufacturer, but we
20 could tell that it was made in either Russia or China.

21 Q Do you -- on all of these, by the way, do you have a
22 notion of the date of manufacture of these things?

23 A I don't have it with me. I'm sure we can find it
24 out.

25 Q Forty and forty-two visually look to me to be older

1 weapons. Do you have an idea about that?

2 A No, sir, I don't.

3 Q What are dealer samples?

4 A Sir?

5 Q Dealer samples?

6 A What are dealer samples? I don't know the answer to
7 that.

8 Q Under the NFA some weapons are lawful to possess by
9 dealers as samples to be shown to, for instance, the military
10 or law enforcement. Are you familiar with that idea?

11 A I'm not.

12 Q Okay. What's the next weapon?

13 A That was 42; the next one is Government Exhibit
14 Number 43.

15 Q Forty-three. All right. Can you tell us a little
16 bit about it?

17 A That's a 12-gauge shotgun that the ATF has determined
18 to be a destructive device. And, again, they made this
19 determination in 1994 after someone determined that it doesn't
20 have a sporting purpose.

21 Q So it's a shotgun, and you begin with the basic
22 proposition that shotguns are not -- they don't need to be
23 registered under the NFA unless they're considered destructive
24 devices?

25 A That's correct.

1 Q And this is, by the ATF's estimation, considered a
2 destructive device why?

3 A I'm not sure why they considered it a destructive
4 device. I can -- I think it's because the number of rounds
5 that it's capable of firing, but I'm not sure of that.

6 Q So those are the four weapons that are at issue.
7 Right?

8 A Yes, sir.

9 Q No other ones?

10 A No, sir.

11 Q Okay. Dealer samples. I wanted to deal with that
12 for a minute. The regulations for ATF are not only contained
13 in Title 18, the Criminal Code, but also the National Firearms
14 Act is in Title 26 of the Federal Code. Is that right?

15 A Yes, sir.

16 Q In addition, there are just a wealth of regulations
17 under the Code of Federal Regulations. Right?

18 A That would be accurate.

19 Q And I know you guys have to study them. Right?

20 A We study some of them, yes, sir.

21 Q Dealer samples. Have you run across a portion of the
22 Code of Federal Regulations dealing with dealer samples?

23 A No, sir.

24 Q Okay. I'll find it in a minute. C.F.R. Section
25 479.105(d) dealer sales samples, provides that essentially

1 dealers may lawfully possess what are otherwise unlawful items
2 if they're using them as sale samples to the government or to
3 law enforcement. Are you familiar with that?

4 A No, sir.

5 Q Okay. What -- tell us how weapons that fit under the
6 NFA can be lawfully possessed, and let me -- let's go back to
7 the 40-millimeter ammunition, the 40-millimeter HE M406. Okay.
8 First, to get a visual idea, and I know you've got these, but
9 these things are about, what, a little over three inches long?

10 A Yes, sir.

11 Q Okay. Under what circumstance could an item like
12 that, or specifically that item, be lawfully possessed?

13 A It could be lawfully possessed if you applied to NFA
14 and they issued you a tax stamp for it. But I'm told by ATF
15 that if you apply to ATF and try to get a tax stamp for it,
16 since it's an implement of war, something that they only want
17 the military to have, that they wouldn't give you a tax stamp
18 for it.

19 Q Okay. Items like that are also not unlawful to
20 possess if they have been redesigned for what's essentially a
21 non-military purpose. Right?

22 A What do you mean by that? You mean if you disarmed
23 it?

24 Q Well, let's read the Code. I'm looking at Section
25 479.11, destructive devices, which this would be. Correct?

1 A I'm assuming. I don't have it in front of me, you're
2 reading it.

3 Q Okay. See if you recognize this. "The term
4 'destructive device' shall not include any device which is
5 neither designed or redesigned for use as a weapon. Any
6 device, although originally designed for use as a weapon, which
7 is redesigned for use as, for instance, a signaling
8 pyrotechnical line throwing safety or similar device, is not
9 unlawful to possess."

10 So there's an example of how an item like a 40-millimeter
11 HE M406 can be lawfully possessed. Correct?

12 A So then it wouldn't be a 40-millimeter grenade
13 anymore, it would be something that's redesigned to be
14 something else.

15 Q Correct. What about collectors items?

16 A You can't collect 40-millimeter grenades.

17 Q Let's read the Code. 479.25, "The director shall
18 determine in accordance with 26 U.S.C. 5845," that's part of
19 the NFA. Right?

20 A That's correct.

21 Q "Whether a firearm or device, which although
22 originally designed as a weapon, is by reason of the date of
23 its manufacture, its value, its design, and other
24 characteristics, primarily a collector's item and is not likely
25 to be used as a weapon." And collector's items don't have to

1 be registered. They're not part of the NFA. Right?

2 A That's correct.

3 Q And so, again, I go back to -- we were talking about
4 Vietnam era. Have we checked the date of manufacture of this
5 item?

6 A No, sir. I can tell you this, that I've checked with
7 the experts at ATF and they have told me that no one, and I'll
8 repeat it, no one can lawfully possess these in the United
9 States, other than the U.S. military.

10 Q Except, if you agree with me, collector's items are
11 exempted out, as are weapons or devices that --

12 A But we're not talking --

13 Q -- are redesigned.

14 A -- you're talking about apples and oranges here.
15 These are not collector's items. These are grenades; they're
16 armed. I mean if one were in the courtroom today, it would
17 kill every body in the courtroom if it detonated.

18 Q Sure. But so would the lawful weapons that we all
19 know are lawful to possess. Right?

20 A That's correct.

21 Q My shotgun will do the same thing, right, it will
22 kill people.

23 A That's correct.

24 Q That's not the determinative factor. Correct?

25 A Well, the determinative factor is if it has a social

1 value or not. And ATF has determined that these grenades have
2 no social value, that they're implements of war.

3 Q You're going to -- you put that in your affidavit for
4 the complaint when you said that you'd interviewed, I think it
5 was Agent Henson, that it has no social value. And I've not
6 found that anywhere in either the Criminal Code or the C.F.R.
7 Where does it talk about social value?

8 A I think that comes in, and I'm not a hundred percent
9 certain, but I think that comes into ATF's determination
10 whether they're going to allow it to be licensed or not,
11 registered.

12 Q So a World War II era carbine is a destructive
13 device, yet I'm sure you can understand how that could have
14 collector's items value, a curio value to someone. Correct?

15 A That's correct.

16 Q Okay. And did you see World War II era weapons in
17 the house, Vietnam era weapons in the house?

18 A Yes, sir, I did.

19 MR. HENDRIX: Your Honor, could I -- I could use
20 about 10 minutes just for a break for a second to get my
21 thoughts together. Here's what I expect is where we're going
22 to go. The next section with agent may be a bit lengthy. It
23 has to do with the allegations he brought up regarding his
24 father, the border crossings and stuff like that. It may take
25 a bit. Or do we want to --

1 THE COURT: We'll just take a 10-minute recess. We
2 can do that.

3 THE MARSHAL: All rise.

4 (Whereupon, a short recess was taken.)

5 THE MARSHAL: The United States District Court is
6 again in session. Please be seated.

7 MR. HENDRIX: Thanks, Judge.

8 THE COURT: All right. Mr. Hendrix, before I forget
9 it, I'm not going to require the Government to produce the
10 documents you requested at this stage of the proceedings. It's
11 merely a detention, a preliminary examination, so that's not
12 necessary.

13 Examine your witness.

14 MR. HENDRIX: Understood, Judge.

15 BY MR. HENDRIX:

16 Q Now I want to cover the topics then that were raised
17 in really the latter part of your direct examination. And part
18 of this is you have had an opportunity now to investigate Dr.
19 Mann, his background, his family circumstances, and so forth.
20 Correct?

21 A Yes, we've started that investigation.

22 Q Okay. And you understand he was born in India.
23 Correct?

24 A Yes, sir.

25 Q Along -- as well as his wife.

1 A Yes, sir.

2 Q Correct? His children were all born in America.

3 A I don't know whether they were or not.

4 Q Okay. Do you have any idea of the ages of the kids?

5 A I think they're college age, but I'm not a hundred
6 percent certain on that.

7 Q And do you know what family he's got, let's say in
8 Arkansas?

9 A According to his wife, they don't have any family in
10 Arkansas.

11 Q You're basing that on what?

12 A On her statement that she made on the night of the
13 search warrant.

14 Q And describe for us again that statement, and what
15 context it was made, when, where, what time.

16 A It was in the evening, she came to the residence, she
17 noted the state police investigator, who was the affiant on the
18 warrant, I was standing behind the investigator and she was
19 asking whether she'd be allowed to come back into the residence
20 tonight. The investigator explained to her that she -- you
21 know, it was her house, she could come back any time that she
22 wanted to, but if she did come back while we were still there
23 that she'd be confined to one area because of all the -- you
24 know, to the danger to us because of all the firearms
25 throughout the house, you know, the risk that she might get rid

1 of some of the evidence.

2 At that point she mentioned that she -- if we were going
3 to be too late, or -- she was going to be staying in a hotel
4 because she didn't have any family or friends in the area is
5 what she said.

6 Q Okay. She told some agent, and this was Stacy Rhodes
7 I gather?

8 A Yes, sir.

9 Q With the state police?

10 A Correct.

11 Q And Stacy Rhodes passed this information on to you?

12 A I was standing there and I heard it.

13 Q Okay. So what time is this?

14 A I'm guessing -- I can guess -- I know it was dark
15 out, it was past -- it was in the evening, sometime between
16 eight and ten o'clock.

17 Q Okay. And the question, essentially for her was,
18 Where are you going to stay tonight?

19 A Her question to Trooper -- is it Rose?

20 Q I think it's Rhodes.

21 A Rhodes -- was whether she could come back to the
22 house or not --

23 Q Oh.

24 A -- that evening, and the trooper was explaining to
25 her that, you know, it was her house, she could come back any

1 time that she wanted to, and, you know, then it occurred during
2 that explanation.

3 Q Okay. And are you aware she had been advised at that
4 point that there was a search warrant, it's a lawful court
5 order, let the ATF do its job, don't get in the way, are you
6 aware of that, or not?

7 A No, sir, I'm not.

8 Q Okay. And so when the topic of where was she going
9 to stay that night, she said, In a hotel because I don't have
10 any family around here, or friends?

11 A Because I don't have any family or friends. She was
12 going to stay in a hotel.

13 Q Okay. Are you aware that her children are in college
14 at the University of Arkansas?

15 A I am not, but I did see some indication that they
16 lived in -- one of them lived in the Fayetteville area.

17 Q Okay. Tell me if this is consistent with the
18 information that you've got, that both Mr. -- pardon me -- Dr.
19 and Mrs. Mann came here from India in about 1983?

20 A I don't know what year they came here from India.

21 Q Are you aware that they've been lawful residents of
22 the country for about 25 years?

23 A No, sir.

24 Q Okay. His medical degree was from a university in
25 India. Correct?

1 A Yes, sir.

2 Q You're aware also that internships and so forth were
3 done at Johns Hopkins in Baltimore?

4 A He did mention that in his letter, yes, sir.

5 Q And are you aware that he is board-certified in
6 internal medicine?

7 A Yes, sir.

8 Q Board-certified in emergency medicine?

9 A I'm not sure of that. I remember the internal
10 medicine.

11 Q Are you aware that he's board-certified in a third
12 specialty, pain management?

13 A No, sir, I'm not.

14 Q Okay. You're aware that he is a licensed physician?

15 A That's correct.

16 Q And has practiced here for essentially 25 years?

17 A I don't know how long he's practiced here.

18 Q The problems with the Medical Board has resulted in
19 one essential thing, which is the temporary suspension of his
20 DEA permit. Is that correct?

21 A That's correct.

22 Q And all that does is prohibit him from dispensing
23 controlled substances, or prescribing controlled substances.
24 Is that correct?

25 A Yes, sir.

1 Q And are you aware that his practice -- you can still
2 engage in the practice of medicine without a DEA permit.
3 Correct?

4 A Yes, sir.

5 Q And you can engage in internal medicine?

6 A Presumably, yes.

7 Q And pain management and emergency medicine. Correct?

8 A I'm not sure how you would do pain management if he
9 couldn't prescribe drugs, but.

10 Q And are you aware that he still has an existing
11 client or patient base of about a thousand patients that he's
12 seeing?

13 A No, sir, I'm not.

14 Q Are you aware that he's the only Medicaid provider in
15 Pope County that is accepting new Medicaid patients?

16 A No, sir.

17 Q You all seized the passports. Correct?

18 A Yes, sir.

19 Q There was an Indian passport and an American
20 passport.

21 A Yes, sir.

22 Q Do you have the passports?

23 A Not with me.

24 Q Have you looked at them?

25 A I have looked at them.

1 Q And the Indian passport is expired, and has been
2 expired for some time. Correct?

3 A I didn't look at the expiration dates.

4 Q If you can get those and confirm that information for
5 me?

6 A Yes, sir, I could.

7 Q Okay. Any record of any criminal history?

8 A Not that I'm aware of, no, sir.

9 Q Okay. You talked about cash, the cash that was in
10 his house. Have you done -- seen any bank statements yet to
11 determine whether those were withdrawals?

12 A I have not.

13 Q Okay. Sources of income, he has a medical practice
14 with over a thousand patients. That's going to be a source of
15 income. Correct?

16 A If that's what you're testifying to, yes, sir.

17 Q Sure. And he's a federal -- he's got a dealer's
18 license. Right? That's a money --

19 A He does have a dealer's license.

20 Q Beg your pardon?

21 A He does have a dealer's license, yes, sir.

22 Q Yes, and you buy and sell weapons and it's a --
23 people do it for a living. Right?

24 A Yes, sir, they do.

25 Q Okay. Are you aware that he has disability income

1 from a neck injury of I think about 40,000 a year?

2 A No, sir, I'm not.

3 Q Let's talk about the cars. There are several nice
4 cars there, aren't there?

5 A Yes, sir.

6 Q Lexuses?

7 A I don't recall -- there was a Lexus outside the
8 garage that I wouldn't characterize as one of the nice cars.

9 Q About how many cars did you see?

10 A I think there were eight cars that were in the
11 garages.

12 Q Did you check the model on them and the make, what
13 year are they?

14 A I have not yet.

15 Q Did anything look like it was a brand new 2009
16 anything?

17 A The Corvette could have been, but I'm not a car
18 enthusiast.

19 Q Really they look ancient, like older model cars,
20 didn't they?

21 A Again, I'm not a car enthusiast.

22 Q Okay. Do you know what kit cars are?

23 A Yes, sir, I do.

24 Q That Shelby Cobra, are you aware that it's a kit car?

25 A I'm not.

1 Q The difference between a real Shelby Cobra is about
2 \$500,000 to a kit Shelby Cobra that's about \$20,000, isn't it?

3 A I have no idea.

4 Q Okay. You said there was about a million dollars'
5 worth of weapons in the house. How do you determine that?

6 A Glen Jordan, who was with me, I looked at him and
7 said, Glen, give me your best estimate, and Glen said, There's
8 over a million dollars' worth of machine guns there. Glen has,
9 you know, previously testified in federal court as an expert in
10 the recognition of firearms and their value and stuff like
11 that.

12 Q As an expert witness one would assume that he applied
13 a methodology and came up with an opinion. This sounded like
14 just guesswork, didn't it?

15 A Well, we also saw in Dr. Mann's -- a letter that Dr.
16 Mann sent to the Medical Board, or I believe it was to the
17 Medical Board -- we saw in correspondence from Dr. Mann where
18 he admitted in the letter that he had 150 machine guns valued
19 over a million dollars.

20 Q You have some writing to that effect?

21 A I've seen it, I'm not sure if I have it with me here
22 on the stand.

23 Q You don't have it up there that I can look at it?

24 A No, sir.

25 Q The letter you testified about to the Medical

1 Board --

2 A Yes, sir.

3 Q -- do you have that?

4 A I do.

5 Q Can I look at it?

6 A You sure can.

7 Q Agent, I also want to say, while I'm talking about
8 documents, didn't you testify about an email I think?

9 A Yes, sir, I did.

10 Q Do you have that as well?

11 A I don't. I -- we were in a hurry to get over here,
12 we had a sentencing hearing at two o'clock, and we were late,
13 so I wasn't able to bring it with me. But I did just receive
14 it today.

15 Q ATF conducts audits of dealers, don't they?

16 A Yes, sir.

17 Q And I say that not as a term of art, because I don't
18 even know what they're called. What are they called?

19 A Audit --

20 Q ATF audit's close enough?

21 A Yes, that'd be good.

22 Q And it is sort of a random thing like an IRS audit.
23 Right?

24 A I don't believe that it is.

25 Q Oh, you think it's -- there's some regularity to it?

1 A Unfortunately, yes, there is.

2 Q Okay. Gotcha. And you're familiar that Dr. Mann has
3 been the subject, as a dealer, of ATF audits. Correct?

4 A I have not checked the regulatory file on Dr. Mann
5 yet.

6 Q Are you aware of any irregularities then in the ATF
7 audits that have been conducted, if any were conducted?

8 A Again, I haven't checked the regulatory file.

9 Q You're not aware of anything?

10 A At this point, no, sir.

11 Q Okay. You testified about, and it was a little fuzzy
12 for me, undercover transactions. Confidential informants were
13 brought up.

14 A Yes, sir.

15 Q Tell me that one more time.

16 A There were -- it's my understanding from reading
17 the -- briefly reading the investigation there were two
18 confidential informants, one in 2001 and one in 2002. Both, by
19 the report, it was determined, were separate confidential
20 informants, and both of these confidential informants provided
21 information that Dr. Mann was unlawfully selling machine guns.

22 Q Were -- was a sting operation in place?

23 A I'm sorry, I don't understand.

24 Q Was a sting operation in place?

25 A What do you mean by sting operation?

1 Q Was he arrested?

2 A No, sir, he was not arrested.

3 Q Were there any charges brought?

4 A No, sir.

5 Q Were those charges or accusations founded in any
6 respect?

7 A No, sir.

8 Q Okay. Lawsuits, there is a pending lawsuit that
9 you're aware of. Correct?

10 A Yes, sir.

11 Q And I gather your information I think you said was
12 from the plaintiff's lawyer?

13 A That's correct.

14 Q Who wants to win the lawsuit. Right?

15 A I'm assuming every lawyer that's a plaintiff wants to
16 win the lawsuit.

17 Q Are you aware that the autopsies in that case prove
18 that no medication that Dr. Mann prescribed was in the system
19 of that, or any, decedent?

20 A No, sir, I'm not.

21 Q Okay. And do you understand that the Medical Board
22 reviewed that and conceded that point?

23 A I don't know that either.

24 Q Okay. Did you talk to the defense lawyer in the case
25 to find out what the defense is?

1 A No, sir, I haven't.

2 Q Border crossings, and, again, bear with me, please go
3 through that process again of how you determine border
4 crossings. I'm gathering that you're not looking at a passport
5 and the notations that generally would come on a passport.
6 Right?

7 A That's correct, I wasn't looking at the passport.

8 Q Beg your pardon?

9 A I was not looking at a passport.

10 Q Okay. How did -- and you came up with a fairly
11 extraordinary number, 121 border crossings for Randeep Singh
12 Mann. Correct?

13 A Yes, sir.

14 Q And so each time you go back and forth it's --

15 A Assuming if you come out, you've got to come back in.

16 Q It's 60 trips.

17 A Yes, sir.

18 Q Okay. Now how do you determine that?

19 A I believe it's maintained through either -- I think
20 it's through ICE, the Immigration -- they maintain what's
21 called the Treasury Enforcement and Communication System, or
22 TECS, and every time you leave the country or come back into
23 the country, you're -- it's a notation is made into this
24 database, and we queried this database and came up with those
25 figures.

1 Q And so you were able to get ICE's database. Is that
2 right? You got into ICE's database?

3 A One of our analysts queried it, yes, sir. One of the
4 other agents.

5 Q Okay. Somebody else did.

6 A Yes, sir.

7 Q And they reported these results back to you?

8 A Yes, sir.

9 Q Do you have those results in written form?

10 A I just have an email that they typed up for me.

11 Q May I?

12 THE COURT: Any objection?

13 MR. GORDON: No, Your Honor.

14 BY MR. HENDRIX:

15 Q All right. So it begins with you take 313 Milky Way
16 Lane where he lives --

17 A Yes, sir.

18 Q -- and there's some database that shows people that
19 at some point that have lived there. Right?

20 A That's correct.

21 Q Okay. And all it does is give a name. Right?

22 A The database?

23 Q Yes. In other words, I'm not seeing a social
24 security number or other any identifiers. I'm just seeing a
25 name, for instance, Randeep Singh Mann. There's nothing else

1 to identify Randeep Singh Mann except at 313 Milky Way. Right?

2 A When you query that database, you get -- you can also
3 get date of births and social security numbers.

4 Q And do you know whether that occurred?

5 A I don't.

6 Q And all it does -- all this does is give us
7 conclusions, Randeep Singh Mann from 3/21/07 to 3/6/09, 121
8 border crossings. Right?

9 A Yes, sir.

10 Q My concern is, how do we know the accuracy of that.
11 You've given us a conclusion in court, but no way to determine
12 whether that's accurate. How do we know that that was Dr.
13 Mann? How do we know -- do you know where the crossings
14 allegedly occurred?

15 A No, sir, I don't.

16 Q You don't know whether this is America to Canada,
17 U.S. to Mexico, U.S. to India?

18 A No, sir, I don't.

19 Q You don't know whether these were vacation trips?

20 A No, sir.

21 Q You have nothing else to provide us to shore up --
22 you understand the significance of that. Correct?

23 A That's what I was provided. That's all I have, sir.

24 Q Okay. But you understand the significance. One of
25 the central questions for Judge Young is whether he is a flight

1 risk. Correct?

2 A Yes, sir, I do.

3 Q Okay. And you're making an allegation to shore up
4 that, and that is that he crosses some border all the time.
5 Yes? A hundred and twenty-one times in two years.

6 A I'm providing the Court with the information that I
7 had. If you want to characterize it as an allegation, so be
8 it.

9 Q Well, let me say it like this, just to be clearer.
10 You have no other information to support that conclusion.

11 A No, sir.

12 Q A correction, are you aware that his disability
13 income is \$240,000 a year?

14 A No, sir.

15 Q Okay. Father is an international firearms trafficker
16 was in your direct testimony. Correct?

17 A I think it was international arms dealer.

18 Q International arms dealer. And are we in the same
19 situation like in the border crossings, do you have anything to
20 support that allegation?

21 A Not at this point, no, sir.

22 Q No documents, no proof, nothing.

23 A No, but I got the information from, again, the state
24 police and the sheriff's department.

25 Q Okay. The Arkansas State Police -- somebody at state

1 police told you that father is an international arms
2 trafficker?

3 A Yes, sir.

4 Q Who was that person? Who told you?

5 A I'd have to go back and look through my notes. It
6 was the uniformed trooper that was out, familiar with the
7 Russellville area that's assigned out there.

8 Q Where did that conversation occur?

9 A At the house.

10 Q And that's some state trooper that's assigned to the
11 Russellville area?

12 A Yes, sir.

13 Q And so what did they do, just come up to you and go,
14 Oh, and by the way, did you know that his dad's an
15 international arms broker?

16 A It wasn't quite like that, but in conversation he
17 told me that, you know, that he had learned that his dad -- his
18 dad, I mean the Defendant's dad, was an international arms
19 dealer.

20 Q Did he give you anything to support that conclusion?

21 A No, sir.

22 Q All right. You said that it then came from another
23 source?

24 A It's from inside the Pope County Sheriff's Office.

25 Q And who was that?

1 A I believe it was one of the lieutenants that was
2 there, but, again, you know, these aren't people that I deal
3 with every day, so.

4 Q So this, again, was at the scene of the search?

5 A I think that was back at the sheriff's office.

6 Q Okay. And, again, I'm getting a sense this is some
7 sort of idle chat among cops at the station house. Is that
8 sort of an accurate representation?

9 A I mean, I didn't take it as that, no, sir.

10 Q Anybody go, here's the proof I've got?

11 A Well, at this point we've queried with the State
12 Department and the CIA and we're waiting for the proof to come
13 back, or if there's any -- going to be any confirmation of it.
14 But obviously we just learned this information on Thursday, or
15 Wednesday, so to speak, and haven't had a chance to get those
16 results back.

17 Q Yes. I mean it's a big, not to do a pun, but it's a
18 pretty big bombshell to throw out in a detention hearing
19 without any support, wouldn't you agree?

20 A Again, it's the information that I was provided
21 before I came to the hearing, sir.

22 Q Okay. Then it sounded like here within the past
23 couple of days some other allegations came up, a DEA allegation
24 about back-selling Xanax and steroids? Is that right?

25 A After DEA allegation I didn't hear the rest of it.

1 Q About back -- I understood you to say back-selling
2 Xanax and steroids?

3 A What's back-selling mean?

4 Q I thought that was the word that you used, but I
5 gathered what you're talking about was his DEA license is
6 suspended, but he's still selling, or prescribing?

7 A The allegation that I received from DEA is that he's
8 using the computer and he's buying drugs over the internet and
9 bringing the drugs into the United States, to his house, where
10 he, in fact, dispenses them to his patients.

11 Q And that information comes from?

12 A DEA.

13 Q A specific agent of the DEA?

14 A One of the analysts that's in diversion.

15 Q Say that one more time?

16 A One of the analysts that's in the diversion branch of
17 DEA, or the division, you know --

18 Q Is that somebody in Arkansas?

19 A Yes, sir.

20 Q Who is that?

21 A Shelly Chupik [phonetic].

22 Q Shelly Chupik. Yes. And so do you know the source
23 of Shelly's information?

24 A Yes, sir, I do.

25 Q What is it?

1 A The Arkansas State Medical Board.

2 Q So this is information that comes from the State
3 Medical Board.

4 A Yes, sir.

5 Q And are there allegations pending against him about
6 that?

7 A I assume there's an investigation.

8 Q Have you seen any documents on that?

9 A I just got it today on the phone, sir, on the way
10 here.

11 Q Okay. Were the controlled substances identified, did
12 Shelly identify those for you?

13 A Yes, she did.

14 Q And what were they?

15 A Xanax and morphine.

16 Q Xanax and morphine?

17 A Yes, sir.

18 Q And how do you know -- how does she know, or did she
19 explain to you where the Xanax and the morphine came from?

20 A She told me that, again, I'll repeat the allegation
21 that he was using the internet to buy the stuff, that it was
22 coming, you know, from overseas and that he was getting it at
23 this house.

24 Q You don't know where?

25 A From a foreign country is what she told me.

1 Q India?

2 A Well, I can make that assumption considering we found
3 the stuff at his house from India, but she didn't say that.

4 Q Well, and your investigation has revealed that his
5 folks come over and spend several months at a time. Right?

6 A I never said that.

7 Q Are you aware of that?

8 A No, I'm not.

9 Q Okay. Are you aware, if they do, that they bring
10 their medicine, their prescribed medicine, with them since
11 obviously their son right now can't prescribe their medication.

12 A I'm not aware of that.

13 Q Okay. Have any patients been interviewed to support
14 these allegations?

15 A Not that I'm aware of.

16 Q C-4, somebody's reported to you within the very
17 recent near future that Dr. Mann was in possession of C-4?

18 A Yes, sir.

19 Q Okay. And in your direct testimony there seemed to
20 be a bit of a contradiction. I heard that you thought it was
21 from a doctor on leading from Mr. Gordon, he said it was an
22 electrician.

23 A Again --

24 Q Have you got any information here to shore up that
25 allegation?

1 A Not at this point.

2 Q And it sounds contradictory, we don't know whether
3 that's an allegation from some doctor, or some electrician.
4 Right?

5 A Well, it -- you're making it contradictory. I just
6 don't recall whether it was a doctor or an electrician. But in
7 the email that I got it said that one of those, either a doctor
8 or an electrician, was at Dr. Mann's house and saw C-4 at Dr.
9 Mann's house. And that person has made a report to the state
10 police.

11 Q Right. And that --

12 A And then the state police conveyed it to me.

13 Q And that's the email. Right?

14 A Yes, sir.

15 Q But you didn't bring that one to court?

16 A No, sir.

17 Q Okay. No C-4 was found during the search?

18 A No, sir.

19 Q Okay. Any notion of when they say they saw this?

20 A I don't remember that. I don't think that it had a
21 time frame in it.

22 Q Did the email identify who this person was?

23 A It had a name and it -- it did have in it.

24 Q You don't know it?

25 A No, I don't know it.

1 Q Who was the ATF agent that said he was sitting here
2 and saw Dr. Mann make a slashing motion towards his wife?

3 A Russ Littleton. He's an --

4 Q That was -- yes.

5 A -- ATF task force officer from Little Rock Police.

6 Q And is he here to testify?

7 A He's here.

8 Q Did you see it?

9 A Sir?

10 Q Did you see that?

11 A Sorry, someone coughed. I didn't --

12 Q Sure. Did you see it?

13 A I did not.

14 Q Okay.

15 MR. HENDRIX: May I have a minute?

16 THE COURT: Uh-huh.

17 (Pause.)

18 BY MR. HENDRIX:

19 Q Are you aware of the medical condition of his father,
20 and that he's dying of prostate cancer?

21 A No, sir, I'm not.

22 Q I'm looking back over this letter. It's the
23 memorandum from Dr. Mann to the members of the Medical Board,
24 and that was apparently done during the matter that was pending
25 in front of the Medical Board. Right?

1 A Yes, sir, I believe that to be true.

2 Q Do you know when that concluded?

3 A I do not.

4 Q [inaudible] explanation from him, from one doctor to
5 the Board. Correct?

6 A I think it's a letter from Dr. Mann to the Board,
7 yes, sir.

8 Q What was significant to you about it?

9 A I'm not sure. You asked to see it from me.

10 Q Beg our pardon?

11 A You asked to see it from me. I mean, what's your
12 question?

13 Q Yes, what was your testimony? Why was this
14 significant to you?

15 A I'm not sure I understand your question. What was my
16 testimony --

17 MR. GORDON: Your Honor, I'll object. He was merely
18 answering questions asked of him. The witness is not a
19 determiner --

20 THE COURT: Correct, and I'll --

21 MR. GORDON: -- of what's significant --

22 THE COURT: -- decide whether it's significant or
23 not.

24 MR. HENDRIX: And I'm trying to remember what the
25 testimony was.

1 BY MR. HENDRIX:

2 Q What did you testify to about this?

3 A At this point, you've asked me so many questions, I
4 don't recall.

5 Q If you'll take a look at it?

6 A Sir. I think, in looking at this, what I've
7 testified to as being in this is that he was in the Armed
8 Forces in the Medical College of India. And then I read this
9 other part in yellow where he talked about his troubles after
10 September 11.

11 Q Yes, I mean that is what I remember. He's explaining
12 to the Board, and read the very first sentence of that
13 paragraph, the very first clause.

14 A The September 11 paragraph? "Although it might sound
15 a little ridiculous in 2008, my troubles seem to begin after
16 September 11, 2001."

17 Q Okay. And so that's what he's saying, he's not
18 saying, I was Al-Qaeda, or anything. In fact, he's saying, As
19 ridiculous as this may sound to some, I've had some problems as
20 an Indian living in American post-9/11.

21 A That would be a summarization of it, yes, sir.

22 MR. HENDRIX: Pass the witness.

23 THE COURT: Any redirect?

24 MR. GORDON: Briefly, Your Honor.

25 REDIRECT EXAMINATION

1 BY MR. GORDON:

2 Q Agent Oliver, just so we're clear, in the house there
3 were 110 machine guns that should have been registered to Mr.
4 Mann under the NFA. Correct?

5 A Yes, sir.

6 Q At the time of the search there were 17 machine guns
7 that you could not determine whether or not they were
8 registered to him. Correct?

9 A That's correct.

10 Q And as you're sitting here today, you can say that
11 there were four that definitely were not registered to him.
12 Correct?

13 A Yes, sir.

14 Q And then there are additional guns that are still
15 being checked out. Correct?

16 A Yes, sir.

17 Q All right. So there may be more than four?

18 A That's correct.

19 Q Eventually, but there may not be.

20 A That's correct.

21 Q There's at least four.

22 A There's at least four, yes, sir.

23 Q Okay. For the TECS search that was done on the names
24 associated with Dr. Mann's residence, you said the initial
25 search through Accurint comes back with these names. Correct?

1 A Yes, sir.

2 Q And that initial search does or does not give social
3 security numbers and dates of birth?

4 A When you query Accurint, you will -- you can get
5 names and -- names, dates of birth, social security numbers,
6 addresses, stuff like that.

7 Q Okay. But then the subsequent search using the TECS
8 database was only run using names. Correct?

9 A I believe that to be correct.

10 Q Not dates of birth or social security numbers?

11 A That's correct.

12 Q Is there a reason why that was done?

13 A I believe when they started looking at the dates of
14 births of the people in question, it was explained to me that
15 it appeared that they were using each other's dates of birth.

16 Q The firearms that were in the house, all those
17 machine guns and the other weapons, were those seized by ATF?

18 A No, sir.

19 Q Were the original 17 that were undetermined, were
20 they seized by ATF?

21 A Yes, sir, they were.

22 Q And obviously ATF has the grenades.

23 A That's correct.

24 Q Where are all the other firearms?

25 A As far as I know, they're still back at the

1 residence.

2 Q And that's legally where they're required to be.
3 Correct?

4 A I believe they're legally required to be on the
5 address that's on his application, which is a different address
6 than that, but he is legally required to keep them in a certain
7 location.

8 Q Okay. Okay. And I guess my question then would be,
9 does his wife have authority to dispose of those guns?

10 A Absolutely not.

11 Q Anyone in his family?

12 A No, sir.

13 Q Can a friend with another FFL come along and dispose
14 of those firearms for him?

15 A Another machine gun dealer could apply to have the
16 paperwork transferred, but it's not something that's going to
17 happen today or tomorrow. I mean, let's face it; the
18 government takes a little bit.

19 Q And then I'm assuming you all did not seize the
20 ammunition that was found?

21 A No, sir.

22 Q Thank you.

23 MR. GORDON: No further questions.

24 THE COURT: Mr. Hendrix?

25 RECROSS-EXAMINATION

1 BY MR. HENDRIX:

2 Q I'm concerned about the border crossings. I'm
3 looking at this document that says 121 border crossings for
4 Randeep Mann from March 21 of '07 to March 6 of '09. That's
5 essentially 24 months, two years.

6 A Yes, sir.

7 Q A hundred and twenty-one crossings equals 60
8 international trips.

9 A Correct, 121 crossings means he left the country 60
10 times, and came back 60 times.

11 Q Right. And so I'm working through the math on that,
12 and that's going to be like three trips per month for 24
13 months. Yes?

14 A Yes, sir.

15 Q We're not close to that border in Little Rock, or
16 Russellville, so we're talking at least a day to cross an
17 international border, if not two, three or four. Right? Yes?

18 A I'm not sure I understand your question.

19 Q My point is that --

20 A Are you asking me how far it is from Russellville to
21 the border?

22 Q Yes, good question.

23 A I suppose the closest border would be the Mexican
24 border. I don't know if Canada's closer.

25 Q And even to get in and out of Mexico from Arkansas by

1 plane, you're talking a two-day trip at a minimum. Right?

2 A I also assume that you cross the border when you go
3 to an international airport and you fly out of an international
4 airport. So if, per se, Memphis is an international airport,
5 which I don't know if it is, I'm assuming that when you travel
6 from Memphis out of the country, that's considered a border
7 crossing.

8 Q Okay. I think we're talking the same thing. I'm
9 just trying to work through the math of 121 border crossings in
10 24 months, and how that is physically possible for a man that
11 has a thousand patients sitting in Russellville, Arkansas.

12 A It's -- I don't have information that he has a
13 thousand patients. That came from you, sir.

14 Q The C.F.R. notes that a person paying a special tax
15 covering his principal place of business may utilize other
16 locations solely for storage of firearms without incurring
17 special occupational tax liability in such locations. Does
18 that sound right?

19 A It does.

20 Q Okay.

21 A I think you answered my question that I wanted to
22 look up. Thank you.

23 Q My pleasure. Take care.

24 MR. HENDRIX: Thank you, Judge.

25 THE COURT: All right. You can step down.

1 THE WITNESS: Thank you, Your Honor.

2 (The witness was excused.)

3 THE COURT: Mr. Gordon, are you going to call any
4 other witnesses?

5 MR. GORDON: I do have one more, Your Honor.
6 Hopefully --

7 THE COURT: Short or long, or what --

8 MR. GORDON: It'll be a lot shorter. I can't
9 guarantee that though. I would, just so the Court knows, she's
10 pregnant and so I think she would much appreciate if we can get
11 her on and off this evening and not require her to come back.

12 THE COURT: All right. Let's call her. Try to make
13 me feel guilty in all this.

14 MR. GORDON: We call Bobbie Spradlin.

15 THE COURT: Counsel, we've gone sufficiently in the
16 merits here, I'm treating it -- I know we talked about this in
17 terms of a detention hearing, but it looks like we're covering
18 a preliminary examination matter. Is that -- that's the way
19 I -- that's my assumption.

20 Mr. Hendrix?

21 MR. HENDRIX: Yes, sir, I think that's right.

22 THE COURT: Mr. Gordon?

23 MR. GORDON: This is a combined hearing, Your Honor?

24 THE COURT: Yes.

25 MR. GORDON: Yes, sir.

1 THE COURT: All right.

2 BOBBIE SPRADLIN, PLAINTIFF'S WITNESS, SWORN

3 DIRECT EXAMINATION

4 BY MR. GORDON:

5 Q Please state your name for the record.

6 A My name is Bobbie Spradlin.

7 Q How are you employed, ma'am?

8 A I'm a special agent with the Internal Revenue
9 Service, Criminal Investigation Division.

10 Q How long have you worked there?

11 A Five and a half years.

12 Q What sort of criminal offenses do you investigate?

13 A We investigate criminal offenses of the Internal
14 Revenue Code, Title 26, and also other financial crimes
15 including Title 18 and Title 31.

16 Q Are you familiar with the name of Randeep Mann?

17 A Yes, I am.

18 Q How -- I'm not sure how to ask this question. How
19 did the IRS get involved in this case that we're here on today?

20 A One of our agents located in the Ft. Smith office
21 received some information on Randeep Mann from a couple of
22 sources. And after hearing about the rest through the
23 newspaper of Mr. Mann, he contacted ATF and then in turn I
24 talked to that agent as well about the sources of information.

25 Basically these sources provided that Mr. Mann was

1 involved in a civil lawsuit, and in response to that lawsuit,
2 that he moved much of his money and his assets in order to not
3 have to pay out any money pending the outcome of that lawsuit.
4 Mr. Mann also made comments that he moved money overseas,
5 especially particularly in India, and that he had vehicles
6 entitled in nominee names, which a nominee name is just a name
7 other than his own, and that he also had financial accounts in
8 nominee names.

9 Q Did you receive any information from a bank?

10 A Yes. In response to this information, we had pulled
11 the records from one of our databases and in response to that I
12 contacted Bank of America, and the bank official from Bank of
13 America informed me that during March 31, 2003 and April 28,
14 2003, some unusual activity occurred on an account for an
15 individual named Sandip S. Mann. Family members of Sandip
16 Mann --

17 Q If you don't mind, just -- these are uncommon names,
18 so just so we --

19 A Would you like me to spell --

20 Q -- can spell out for the record, Sandip is S-A-N-D-
21 I-P Mann?

22 A Yes.

23 Q Okay. And it was Sandip's account?

24 A Yes.

25 Q All right. Please continue.

1 A And that Sandip Mann's family members, which are
2 Randeep Mann and Sangeeta Mann --

3 Q Spell that for us, please.

4 A -- Sangeeta is S-A-N-G-E-E-T-A, and her last name
5 Mann, that those two individuals, who are both customers of the
6 bank but not listed on Sandip Mann's account, came in and
7 requested that \$600,000 be debited from Sandip Mann's account
8 and transferred to another bank, which was Union Planters in
9 Memphis, Tennessee.

10 Randeep and Sangeeta presented a power of attorney, which
11 the bank attempted to verify and could not authenticate. As a
12 result of that, the bank required about the whereabouts of
13 Sandip Mann, and were only told that he could possibly be in
14 Tennessee, but could never -- were the actual whereabouts of
15 him.

16 Sangeeta also attempted to wire the funds from another
17 bank in Russellville, Arkansas, but was denied. And then the
18 bank told Randeep and Sangeeta that they were -- they could not
19 wire the money without making contact with Sandip Mann, and so
20 they never wired the money for them.

21 Q Okay. Did you come across any CTRs?

22 A Yes, we had --

23 Q Tell the Court what a CTR is please.

24 A A CTR is a currency transaction report, which the
25 bank is required to file if there is any cash transactions over

1 \$10,000.

2 Q Okay. And I guess let's go back the furthest and
3 take the one from September 8 of 2005. What did that CTR show?

4 A It showed that Randeep Mann took a total of \$50,000
5 cash out. What was a negotiator was a negotiable instrument.
6 I made contact with the bank, and the bank informed me that the
7 only negotiable instrument they would have cashed for that
8 amount would have been a cashier's check drawn on their bank.

9 Q Okay. And just so we're clear, it was Randeep Mann?

10 A Yes.

11 Q And he -- it was a \$50,000 negotiable instrument
12 deposited into Randeep Mann's account?

13 A Well, he actually cashed the negotiable instrument,
14 it wasn't --

15 Q Okay.

16 A -- deposited.

17 Q Okay. Thank you. And what's the date of the next
18 CTR?

19 A It is September 29, 2005.

20 Q Please tell us what happened on that one.

21 A In this one there's also \$50,000 withdrawn from the
22 account of Skyline Medical Clinic, and the person that
23 conducted that transaction was Randeep Mann.

24 Q Okay. Was that a deposit or a withdrawal?

25 A A withdrawal of \$50,000.

1 Q From the medical clinic's account by Randeep Mann?

2 A Yes.

3 Q And what's the next CTR that you have?

4 A The next one is dated August 28, 2007, and in this
5 one it was actually a currency exchange of \$30,000.

6 Q Please tell the Court what that means.

7 A A currency exchange is where you bring in currency of
8 certain denominations and request other denominations.

9 Q Okay.

10 A And in speaking with the bank, they said generally
11 people come in with lower denominations of money and exchange
12 for larger denominations of money.

13 Q Okay. And who was the person that came in and did
14 this currency exchange?

15 A It was Randeep Mann.

16 Q And how much cash are we talking about?

17 A \$30,000.

18 Q Thank you, ma'am.

19 MR. GORDON: No further questions.

20 THE COURT: Cross?

21 MR. HENDRIX: Excuse me, Judge, can I have just one
22 second?

23 THE COURT: Sure.

24 (Pause.)

25 CROSS-EXAMINATION

1 BY MR. HENDRIX:

2 Q Agent Spradlin, the -- to begin -- let me sort of
3 begin where we were close to ending. The CTRs, the currency
4 transaction reporting forms, what was the date of that first
5 one?

6 A The first one was September 8 of 2005.

7 Q And the second one was September 29 of '05.

8 A Yes, sir.

9 Q And the last one, the currency exchange, August 28 of
10 '07.

11 A Yes, sir.

12 Q The last one, the currency exchange, did I understand
13 what you're saying is that's when -- like I go to Mexico and
14 I've got all these pesos in my pocket, I can go to the bank and
15 I exchange them for dollars?

16 A No, it's if you have let's say twenties, tens and
17 fives --

18 Q Oh.

19 A -- and you go in and you get hundred-dollar bills --

20 Q Oh.

21 A -- in exchange --

22 Q All American dollars.

23 A -- for that.

24 Q I gotcha. The source of your information is what?

25 A For that exchange?

1 Q Yes.

2 A It's the bank. I contacted the bank and they said
3 that -- they couldn't because it -- remember the denominations
4 that were exchanged, but they knew it was a currency exchange.

5 Q That was my next question is what -- did it go from
6 big bills to little bill, or little bills to big bills. You
7 don't know?

8 A I don't know.

9 Q And they did not remember that?

10 A No, they did not remember --

11 Q They just have the CTR evidencing the transaction.

12 A Yes, sir.

13 Q And then how do we know that it was Randeep Mann?

14 A Because they filed the CTR stamp. I mean they file
15 the -- he's the one that came in and provided his bank account
16 and his identification to them.

17 Q Well, two sources of identification it would seem to
18 me is his name and his signature on the CTR.

19 A His signature is not, that's just a form that the
20 bank fills out.

21 Q And who identified him as the person involved in that
22 transaction?

23 A It would have been the bank, the bank teller.

24 Q So some bank teller who can't remember whether the
25 exchange was for big bills to little bills, or little bills to

1 big bills, but they do remember that it was Randeep Mann.

2 A Yes.

3 Q Did they say -- did they have any connection to Dr.
4 Mann, do they know him?

5 A I don't know.

6 Q The next one up was the September 29 of '05, a 50,000
7 withdrawal out of the medical clinic.

8 A Yes, sir.

9 Q And that's just a cash withdrawal?

10 A Yes, sir.

11 Q Okay. And he -- I'm assuming there's no -- you all
12 haven't been able to trace the funds?

13 A I have not done any tracing of the funds.

14 Q Okay. And then the -- was the first CTR of September
15 8, '05, the same scenario -- I got confused on that one. Was
16 that a cash out?

17 A Well, it was -- he came in with a negotiable
18 instrument and cashed it, which negotiable instrument is a
19 cashier's check, a money order, or something of that nature.

20 Q Do you know the source of that cashier's check?

21 A The bank did not say what the source was, they did
22 not know, but they said normally for that amount they would not
23 cash anything other than a cashier's check drawn on their bank.

24 Q But we don't know, again, the source of it, whether
25 it was payment for a medical service, payment for selling

1 something, or -- we have no idea. Is that right?

2 A No, sir.

3 Q Beg you pardon?

4 A No, sir.

5 Q Okay. So where that leaves us then is he's got
6 \$50,000 in pocket from September 8 as a result of the cashier's
7 check being cashed. Were there any corresponding deposits into
8 a personal account or business account following September 8 of
9 '05?

10 A I do not know.

11 Q You have not been able to research the financial
12 records on that?

13 A I have not looked at the financial records.

14 Q Okay. And then on September 29, \$50,000 we've got in
15 hand coming out of the medical clinic.

16 A Yes, sir.

17 Q Okay. And you're aware that about 40,000 was found
18 in this -- at their house recently?

19 A I do not know that.

20 Q Okay. All right. A \$60,000 wire transaction is what
21 I heard. Is that correct?

22 A 600,000.

23 Q Pardon me, a \$600,000 wire transaction. When was
24 that transaction?

25 A It occurred between March 31, 2003, and April 28,

1 2003.

2 Q How -- why does it take a month to do a wire
3 transaction?

4 A They just -- I think there was several correspondence
5 of them coming into the bank attempting to do that and so they
6 just did a -- you know, they just had a general time frame of
7 when that happened, because the wire didn't actually -- they
8 didn't actually approve the wire.

9 Q Do you know what source of the \$600,000 is?

10 A I do not know.

11 Q Or was.

12 A No, sir.

13 Q You don't know whether it was a bank loan and the
14 bank wiring the loaned money?

15 A I do not know.

16 Q Do you know where the money went?

17 A My understanding is they never wired the money, so.

18 Q So it never left?

19 A It never left the account of Sandip Mann.

20 Q Okay.

21 A That's whose account it was trying to come out of.

22 Q Did the money ever get anywhere?

23 A I don't know.

24 Q And you have no idea what purpose there would be for
25 a \$600,000 transaction. Right?

1 A I do not know the purpose --

2 Q And we've not done any research here to determine
3 whether there was an asset -- if the money actually did go out,
4 whether there was some asset that was bought for \$600,000, like
5 a piece of land?

6 A I have not done that research, no.

7 Q Okay. When was that lawsuit filed that you were
8 talking about?

9 A I do not know. That was just information we had
10 received.

11 Q From?

12 A From a source, I don't know who the individual was.

13 Q So from an unnamed source you are aware of the
14 existence of some lawsuit at some unidentified time after which
15 Mr. Mann moved assets and put them in other people's names?

16 A Yes.

17 Q The house is in his name, isn't it?

18 A I do not know.

19 MR. HENDRIX: Okay. That's all I've got.

20 THE COURT: Redirect?

21 MR. GORDON: Briefly.

22 REDIRECT EXAMINATION

23 BY MR. GORDON:

24 Q The source that you mention, are you saying the
25 source was unnamed, or you just don't know the name?

- 1 A I just don't know the name.
- 2 Q This is not your source?
- 3 A Correct.
- 4 Q Okay. Now the CTR for September 8 of 2005, where
5 Randeep Mann cashed some sort of negotiable instrument for
6 \$50,000. The triggering dollar amount for a CTR is more than
7 \$10,000. Correct?
- 8 A Yes, sir.
- 9 Q Okay. So \$50,000 was cashed. Theoretically if that
10 \$50,000 was then turned around and deposited, there should be
11 another CTR. Correct?
- 12 A Correct.
- 13 Q But we don't have any of those, do we?
- 14 A No, we do not.
- 15 Q And we don't have a CTR like that after the
16 withdrawal of \$50,000 cash on September 29 of '05 either, do
17 we?
- 18 A We do not.
- 19 Q And for the October 28 -- excuse me, August 28, '07,
20 transaction, again, it's here's \$30,000, give me some bigger
21 bills and the \$30,000 then went back to Dr. Mann.
- 22 A Correct.
- 23 Q Randeep Mann.
- 24 A Correct.
- 25 Q And then there's no CTR that would show that that

1 money was then deposited anywhere. Correct?

2 A Correct.

3 Q Now of course you could -- I guess theoretically you
4 could break it down into smaller amounts and scatter it.

5 A Yes, sir.

6 Q Okay. For the \$600,000 incident, the information you
7 learned was that Randeep Mann and Sangeeta Mann, family members
8 of Sandip Mann, tried to debit \$600,000 from Sandip Mann's
9 account.

10 A Correct.

11 Q Debit means the money's there. Correct?

12 A Correct. It should be --

13 Q Okay.

14 A -- if they're expecting to --

15 Q So they're not trying to get a loan from their
16 brother or anything like that. This is he's got 600 -- he's
17 got money; we want \$600,000 of it.

18 A Correct.

19 Q And when they were denied that request at the first
20 bank, Sangeeta Mann then went to another bank in Russellville
21 and tried it again.

22 A Correct.

23 Q And that, of course, was also denied.

24 A Yes, sir.

25 Q Thank you.

1 MR. GORDON: No further questions.

2 RE-CROSS-EXAMINATION

3 BY MR. HENDRIX:

4 Q I don't know if you'd be aware of this or not, but do
5 you know that along with the Patels, the Manns and family
6 members own hotels in Memphis?

7 A I did not know that.

8 Q If you were buying a hotel, would this financial
9 transaction make sense to you? In other words, here's a
10 source -- what I'm hearing is brother has \$600,000 that goes to
11 Union Planters in Memphis. At that point you lose track of it.
12 Right?

13 A Well, that's what they attempted to do, is wire the
14 money from the bank to Union Planters. But it was never -- as
15 far as Bank of America, it was never --

16 Q Okay.

17 A -- done.

18 Q Okay. If it had, that that -- I just noted you said
19 it was an unusual transaction. I guess what was unusual is
20 because it was attempted and it didn't happen?

21 A Well, it's unusual because they came and requested
22 money be transferred out of an account that they were not
23 listed on and had no authority over, and attempted to transfer
24 money out of that account into another. And the bank could not
25 verify why they were doing that, or that they should have power

1 of attorney over that account.

2 Q And it is, it's his brother's account, Sandip?

3 A I don't know the relationship. It just said family
4 members, or it's what they told me.

5 Q That the source was family members.

6 A Well, that Randeep and Sangeeta were family members
7 of Sandip Mann.

8 Q Which is the source of the funding.

9 A Yes.

10 MR. HENDRIX: That's all I've got.

11 Thanks, Judge.

12 THE COURT: You can step down. You can be excused.

13 (The witness was excused.)

14 THE COURT: All right. We're going to -- I take it
15 the Government --

16 Have you got any more witnesses, Mr. Gordon?

17 MR. GORDON: No, Your Honor.

18 THE COURT: All right.

19 I know you said you had witnesses. Isn't that right, Mr.
20 Hendrix?

21 MR. HENDRIX: We do.

22 THE COURT: All right. And given the lateness of the
23 hour, we're going to take a recess until 9:00 a.m. in the
24 morning.

25 The Court's in recess.

1 THE MARSHAL: All rise.

2 (Proceedings adjourned at 6:26 p.m.)

3 Electronic Sound Recording Certification

4 I, court-approved transcriber, certify that the foregoing is a
5 correct transcript from the electronic sound recording of the
6 proceedings in the above-entitled matter.

7

8 /s/ Terri Starkey
Terri Starkey, CET

March 15, 2009
Date

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