

1 was found in this case.

2 **MS. KALASKAR:** We have no objection to them pointing
3 that out on cross because, of course, that's true.

4 **THE COURT:** Why don't you avoid the whole thing.

5 **MS. KALASKAR:** What's that?

6 **THE COURT:** Avoid the whole thing. Don't get into
7 it.

8 **MS. KALASKAR:** Don't get into anything? Okay.

9 (Whereupon, the bench conference was concluded.)

10 **BY MS. KALASKAR:**

11 Q. All right. Special Agent Van Wie, I would like to direct
12 your attention to the investigation involving Mr. Suleitopa,
13 the Defendant. Are you the case agent for this investigation?

14 A. Yes, I am.

15 Q. And what does it mean to be the case agent for an
16 investigation?

17 A. Basically the lead investigator for the case that goes
18 through the U.S. Attorney's Office.

19 Q. Okay. So fair to say you've done a lot of work on this
20 case?

21 A. Yes, I have.

22 Q. And does that involve pulling physical evidence from
23 multiple law enforcement agencies in this case?

24 A. That's correct.

25 Q. Specifically, some of the evidence we saw earlier -- and

1 I'm going to bring it over to you.

2 The evidence from Easton, Maryland, which involves these
3 hats and this Nike jacket, did you pull this evidence, or did
4 you retrieve it from the Easton Police Department?

5 A. Yes, I did.

6 Q. And how about these credit cards and the wallets that they
7 were found in on November 20th, 2015, in Easton, Maryland? Did
8 you pull that evidence from Easton PD?

9 A. Yes. I collected that from the Easton Police Department as
10 well.

11 Q. How about this hat, Government's Exhibit 6A and
12 Government's Exhibit 7A? Did you recover these items, this
13 black hat, as well as these cut-up credit card pieces from the
14 Gardner Police Department?

15 A. Yes. By way of a collateral request through our office in
16 Massachusetts -- Boston, Massachusetts, that's right.

17 Q. I'm pulling up now what's been marked Government's
18 Exhibit S1. Do you see that on your screen?

19 A. Yes, I do.

20 Q. Okay. Great.

21 So this is kind of the first page of that slide. Can you
22 show us what's depicted in that middle picture there?

23 A. Certainly. The middle picture shows evidence that was
24 originally seized by the Easton Police Department on
25 November 20th of last year.

1 Q. And, in that picture, does that include the Nike jacket
2 with the stripes, as well as three hats that are in front of
3 you?

4 A. It does.

5 Q. All right. And how does that relate to these pictures that
6 are kind of on the perimeter of the slide here?

7 **MR. SZEKELY:** Objection.

8 **THE COURT:** Overruled. Obviously it's up to you to
9 determine the identity.

10 Go ahead.

11 **MS. KALASKAR:** Thank you, Your Honor.

12 **THE WITNESS:** Pictures that are depicted around the
13 outside of the center picture show various instances where the
14 suspect was wearing this clothing to commit fraud.

15 **BY MS. KALASKAR:**

16 Q. And can you actually go through those Walmart locations, as
17 well as the dates?

18 A. Certainly. Starting at the top left corner, a Walmart
19 store in Alexandria, Virginia, on October 29th, 2015, we see
20 the suspect coming into the store wearing the black jacket,
21 black and white striped track jacket from the middle picture,
22 and also the tan hat that is depicted in the middle picture.
23 We've already discussed what took place in that store.

24 Going on to November 9th, the Walmart store in Milford,
25 Delaware, once again, we see the suspect in the black with

1 white stripe like track jacket and the floppy tan hat,
2 conducting a transaction.

3 Going over to the Walmart store in Denton, Maryland, on
4 November 10th, once again, the suspect entering the store with
5 the black Nike striped track jacket and the same tan, floppy
6 hat, conducting the fraud in that location.

7 Going down to the Walmart store, starting same day,
8 November 10th, later that day, after he was in Denton, went to
9 the Walmart store in Easton, Maryland, wearing the same attire,
10 same exact clothing, went in and conducted transactions on that
11 day.

12 Came back to the same Easton, Maryland Walmart store
13 November 16, wearing same jacket and the same hat, went in and
14 conducted more transactions on that day, fraudulent
15 transactions.

16 Going on to the final day that he committed fraud,
17 November 17th, 2015 --

18 **MR. SZEKELY:** Objection, Your Honor. Could we
19 approach briefly?

20 **THE COURT:** No, no. Obviously he's describing what
21 is seen, but these are jury questions. Go ahead.

22 **THE WITNESS:** Yes, Your Honor.

23 Going down to November 17, what we see depicted here
24 is an exit photo, the suspect wearing the same black and white
25 Nike track jacket with a slightly different hat, still

1 recovered from Easton Police Department on November 20th.

2 November 20th, what we see here is an image of -- and
3 I can't see exactly what attempt that was of him going into the
4 store, but we definitely see the suspect in a different black
5 jacket with the same tan hat -- floppy hat, entering the store
6 on this date.

7 Later that day, as we've heard from testimony from
8 other people, the suspect was encountered after being directed
9 to his location by loss prevention. Easton Police Department
10 encountered that subject and eventually recovered all these
11 items that you've just seen depicted in the previous exhibit.

12 **BY MS. KALASKAR:**

13 Q. And can you see -- I just zoomed in on that. Can you see
14 which trip into the store that was on November 20th, 2015?

15 A. Yes. That's the -- entering the store, his third trip in
16 that day.

17 Q. All right. Now I'm going through to Page 2 of Government's
18 Exhibit S1. We're not going to have you go through all this.
19 We've already done that obviously. But I want you to focus on
20 this last column that says, "Sale confirmed fraudulent."

21 Do you see that column?

22 A. Yes, I do.

23 Q. Now, I know that we've already read in some stipulations,
24 but, apart from the stipulation, were you able to get bank
25 records on each one of the transactions depicted in this

1 exhibit -- transactions from Alexandria, Virginia; Milford,
2 Delaware; Denton, Maryland; and Easton, Maryland?

3 A. Yes, I was. During the course of the investigation,
4 working with the Easton Police Department, working with Walmart
5 Global Investigations, we determined the exact full credit card
6 numbers that were used in those fraudulent transactions. I, in
7 turn, sent subpoenas to those financial institutions, who, in
8 turn, confirmed the fraud.

9 Q. All right. Meaning that the bank confirmed through its
10 records that those transactions you see here were fraudulently
11 made?

12 A. That's correct.

13 Q. And that's true for the store purchases in Milford,
14 Delaware, here on this screen and this screen?

15 A. Yes. Every transaction that we have listed on this exhibit
16 is confirmed through financial institutions to be fraudulent.

17 Q. All right. And that includes Denton and Easton, right?

18 A. Correct.

19 Q. Now, directing you to Government Exhibit S2 -- you can
20 clear that mark from your screen. Perfect.

21 Same question here: Focusing on this column at the end
22 saying, "Sale confirmed fraudulent," we've got the stipulation,
23 but, in addition to the stipulation, were you able to
24 independently confirm that this sale here at the bottom, Sale 1
25 at 8:24 p.m., as well as this Sale 2 at 8:28 p.m. -- were those

1 purchases confirmed fraudulent by the bank?

2 A. Yes, they were. Same process that I went through:
3 confirmed the full card numbers, sent subpoenas out to the
4 banks, confirmed each transaction was fraudulent.

5 Q. And, where it says "attempt," does that mean the purchases
6 didn't go through, and so there wouldn't be any confirmed
7 fraudulent sale?

8 A. Correct.

9 Q. Now, aside from the video stills, which we've got here in
10 these two exhibits, Government S1 and S2, did you actually
11 watch the full video surveillance that we -- that you pulled
12 the stills here from?

13 A. Yes, I did.

14 Q. Fair to say that's a lot of video surveillance?

15 A. That's a lot of video surveillance.

16 Q. And did you independently go through and match up the
17 receipts that we see in Government Exhibit 2, with times listed
18 here on the chart in Government's Exhibit S1 and S2?

19 A. Absolutely. I went through every receipt, watched every
20 video, and checked the time stamp on the receipt, matched it to
21 the video, and confirmed that fraud -- a fraudulent
22 transaction, and that individual was at that counter making
23 that transaction at that time.

24 Q. All right. And I know that we've seen a lot of photo
25 stills here. I would like to review some video with you.

1 Specifically, I'd like to review the entry and exit videos with
2 you from a couple of locations.

3 Give me just one second to pull it up.

4 (Pause.)

5 Q. Okay. So first I want to review with you the entry and
6 exit from Denton, Maryland, on November 10th of 2015.

7 (Video displayed and continued.)

8 **BY MS. KALASKAR:**

9 Q. Do you see the video on your screen there?

10 A. Yes, I do. You can immediately see the suspect in view
11 walking with this track jacket and his hat, hands in pocket,
12 coming into the store on that day.

13 Q. All right. And what's this?

14 A. This looks like the exit video from the same store.

15 Q. Same day?

16 A. That's right, the same day.

17 Okay. You can see -- no, he's not on there yet.

18 Q. Let me see. I might be able to short circuit this here.

19 A. Okay. Here he is. You can see him behind the door this
20 time. He's picking something up, turning. Now he's going to
21 be seen clearly coming out of the vestibule, exiting the store
22 with his packages in his hand. Same track jacket, same floppy
23 hat.

24 Q. And that exit happened at 6:19 p.m.?

25 A. That's correct, yes.

1 (Video ended.)

2 **BY MS. KALASKAR:**

3 Q. All right. And I would now like to refer you to video from
4 that same day, November 10, from the Easton store. All right.

5 And this entry happened at 6:51 p.m.?

6 A. That's correct.

7 Q. Okay.

8 (Video displayed and continued.)

9 A. Here's the subject entering the store, same exact clothing
10 he wore that day, walking in through the vestibule.

11 Q. All right. And is this the exit video from that same day,
12 same store?

13 A. Yes, it is.

14 Q. I might be able to -- let's see.

15 (Video ended.)

16 **BY MS. KALASKAR:**

17 Q. All right. Fast forwarding to about 40 seconds there.

18 (Video displayed.)

19 A. And here he comes through the store, exit, same clothing,
20 holding his merchandise that he purchased.

21 Q. And is that exit at 7:14 p.m.?

22 A. Yes.

23 (Video ended.)

24 **BY MS. KALASKAR:**

25 Q. Now moving to -- did he go back to that same Easton store

1 on November 16th, 2015?

2 A. That's right.

3 Q. All right. And what are we looking at here?

4 (Video displayed.)

5 A. Okay. This video's going to be a video of him entering the
6 store on the 16th.

7 Q. Okay. Did that entry happen at 3:35 p.m.?

8 A. Yes.

9 **MS. KALASKAR:** Fast forwarding to 45 seconds.

10 (Video displayed.)

11 A. You see him in the picture now. Same track jacket, same
12 floppy hat, entering the store.

13 Q. And, finally -- let's see. For this day, anyway.

14 (Video displayed.)

15 **BY MS. KALASKAR:**

16 Q. What are we looking at here?

17 A. This is the exit video from the store.

18 **MS. KALASKAR:** Let me fast forward it.

19 (Video displayed and continued.)

20 Q. 42, 47, 48 seconds.

21 (Video displayed and continued.)

22 A. Okay. Here, you see the Defendant coming out.

23 **MR. SZEKELY:** Objection, Your Honor. May we
24 approach?

25 **THE COURT:** That's for you all to determine.

1 BY MS. KALASKAR:

2 Q. And that was at 3:51 p.m.?

3 A. That's correct.

4 (Video ended.)

5 Q. And, finally, the Easton store. Did the suspect come back
6 to the Easton store on November 17th, 2015?

7 A. That's right.

8 (Video displayed.)

9 BY MS. KALASKAR:

10 Q. All right. And what are we looking at here?

11 A. This is the entry video.

12 Q. Okay. I forwarded it to 20 seconds.

13 (Video displayed and continued.)

14 A. Suspect's coming into view right now, same track jacket,
15 same hat. Actually, slightly different hat. That is the black
16 striped hat, which is slightly different than this hat right
17 here, which is just a plain gray felt hat. But same clothes he
18 was wearing recovered from the Easton Police when they
19 encountered him on the 20th.

22 (Video ended.)

23 || BY MS. KALASKAR:

24 Q. And then let's go to the exit here. I'm going to forward
25 it to 18 seconds.

1 (Video displayed.)

2 A. And here we have the suspect. Same track jacket, gray or
3 tan hat with black stripe, exiting the store on that day.

4 (Video ended.)

5 BY MS. KALASKAR:

6 Q. All right. All right. I would now like to direct your
7 attention back to your screen. I'm going back to Government's
8 Exhibit S1.

9 You've got a bunch of things in front of you. Is one of
10 the things you have the credit cards that were recovered from
11 the Defendant's vehicle on November 20th, 2015?

12 A. Yes, that's correct.

13 Q. I'm scrolling down here to what I believe are the last two
14 slides. There it is.

15 All right. What are we looking at here?

16 A. These are some of the credit cards that were recovered by
17 the Easton Police Department when they encountered the
18 Defendant on 11/20 of last year.

19 Q. Okay. Are these same credit cards that were used in
20 connection with the purchases made on November 10th,
21 November 16th, November 17th, in Denton and Easton, Maryland?

22 A. No, they are not.

23 Q. They're different cards?

24 A. They're different.

25 Q. Okay. And can you tell us what information we see here?

1 Let's start with this first card. Well, was this recovered
2 from a wallet in that vehicle on November 20th?

3 A. Yes, that's correct.

4 Q. Do you see the last four digits of that credit card?

5 A. Yes. It reads 6560.

6 Q. And what's the name there on the credit card?

7 A. Odere Suleitopa.

8 Q. All right. Walk us through the rest of this information
9 here.

10 A. That's --

11 Q. And you know what? Let's leave the magnetic strip, and
12 we'll do that all at once.

13 So who is the actual cardholder? Can you explain what that
14 means?

15 A. Absolutely. We contacted financial institutions for these
16 cards by looking up the BIN numbers, which is the first six
17 numbers embossed on the outside of the card. That will tell
18 you the financial institution that issued that card.

19 So we contacted that financial institution and gave them
20 the full card number and inquired about the actual cardholder,
21 what their name and contact information was.

22 Turns out that card number was issued by -- to E.S., and
23 she's a member of Nusenda Federal Credit Union, not Bank of
24 America.

25 Q. And why do you say not the Bank of America? Why is that

1 significant?

2 A. Well, the card is clearly a card that says "Bank of
3 America" on the exterior. So, if you were to just look at the
4 card not knowing any better, you would think that that was a
5 Bank of America card issued to Odere Suleitopa.

6 Q. Moving now to the second card, do you see the last four
7 digits on that card?

8 A. Yes. It reads "5787."

9 Q. What's the name on that card?

10 A. Odere R. Suleitopa.

11 Q. And what information did you find out about that?

12 A. Once again, through our research, we found the financial
13 institution. We gave the full card number to that financial
14 institution, and that particular bank stated that there was, at
15 that time, no fraud associated with that card, and they would
16 not give us the actual cardholder without a subpoena.

17 Q. And what's the bank that issued that credit card number?

18 A. That's the State Bank of Southern Utah.

19 Q. All right. Moving to the third card, what are the last
20 four digits of that card?

21 A. That's 0637.

22 Q. And what's the name on that card?

23 A. Odere R. Suleitopa.

24 Q. And what's the bank there? According to this card we see,
25 who would have issued this credit card?

1 A. That's First Premier Bank.

2 Q. And what information were you able to get from this?

3 A. The number embossed on the card matches with the actual
4 outside of the card. In other words, that card number was
5 issued by First Premier Bank.

6 Q. Okay. Were you able to determine who the actual cardholder
7 is?

8 A. We attempted to, but we never got confirmation.

9 Q. Going down to this card here, what are the last four digits
10 of this card?

11 A. It reads "3813."

12 Q. What's the name on this card?

13 A. Once again, Odere R. Suleitopa.

14 Q. And the bank?

15 A. First Premier, once again.

16 Q. Okay. And were you able to determine that the actual
17 cardholder of this 3813 card is, in fact, the Defendant?

18 A. That's correct. That card was issued to the Defendant.

19 Q. And it was issued by First Premier Bank?

20 A. That's correct.

21 Q. Next card here, what are the last four digits of that card?

22 A. That reads "4001."

23 Q. And what's the name on the card there?

24 A. Once again, Odere R. Suleitopa.

25 Q. And the bank?

1 A. It's Chase Card.

2 Q. And was Mr. Suleitopa the actual cardholder for that 4001
3 number?

4 A. That's correct.

5 Q. You were able to confirm that with the bank?

6 A. I believe Detective Orellana made that confirmation.

7 Q. And that was with Chase Bank?

8 A. Correct.

9 Q. The next card here, what are the last four digits?

10 A. That reads "5990."

11 Q. What's the name here on this card?

12 A. Once again, Odere R. Suleitopa.

13 Q. And the bank?

14 A. It states "Chase Bank" on the outside of the card.

15 Q. And who is the actual cardholder for this credit card
16 number ending in -- I've lost it -- 5990?

17 A. 5990. That card was issued by the State Employees Credit
18 Union, also known as SECU, and the actual cardholder is an
19 individual by the name of J.L.

20 Q. So not Mr. Suleitopa?

21 A. Not Mr. Suleitopa.

22 Q. And the issuing bank, you said State Employees Credit
23 Union. That's not Chase Bank?

24 A. That is not Chase Bank.

25 Q. How about this card here, the Royal Caribbean card? What

1 are the last four digits there?

2 A. 5057.

3 Q. What's the name on that card?

4 A. Odere R. Suleitopa.

5 Q. And the bank?

6 A. It's -- on the outside of the card, it states, "Bank of
7 America."

8 Q. And what were you able to find out about this card? Who is
9 the actual cardholder of that number ending in 5057?

10 A. The actual issuer of that card is Think Mutual Bank. The
11 actual cardholder is E.L.

12 Q. Not Mr. Suleitopa?

13 A. Not Mr. Suleitopa.

14 Q. And then we're going to do this last one here. This image
15 looks a little different. Why does it look a little different
16 than the other --

17 A. That card, we don't actually have in our possession. It
18 was returned to the Defendant the day that he was detained.

19 Q. All right. And what are the last four digits of this card?

20 A. 3479.

21 Q. So, if you don't have it now, was this a photocopy made at
22 the time -- on that day, or how did we get this image?

23 A. That's correct. The Easton Police did make a copy of the
24 card before returning it to him.

25 Q. Okay. What's the name on this card?

1 A. Once again, Odere R. Suleitopa.

2 Q. And the bank?

3 A. It's Chase Bank card.

4 Q. And what were you able to find out about this card?

5 A. That card was issued to the Defendant, Mr. Suleitopa.

6 Q. By what bank?

7 A. By Chase Bank.

8 Q. And now going up to this column, do you see the column that

9 says "Magnetic Strip"?

10 A. Yes, I do.

11 Q. Can you explain what that means?

12 A. Yes. As has been mentioned previously in other testimony,

13 each card -- each credit card has a magnetic strip on the back.

14 That magnetic strip contains data about the account. What I

15 did was I used a card reader. It's a commercially-available

16 device that can read that magnetic strip.

17 Basically what you do is you plug it into your computer,

18 open up an Excel spreadsheet, put the cursor on the Excel --

19 the Excel spreadsheet, swipe the card, and the exact contents

20 of that magnetic strip populates into that cell.

21 That data is going to give you typically full credit card

22 number, whoever was issued the card, and oftentimes it will

23 give you some other numbers associated with the bank that I'm

24 not familiar with, but it definitely will give you the 16-digit

25 card number, and very frequently the actual cardholder.

1 Q. And so, for example, when you ran through this one, do you
2 see the 3813 card number?

3 A. Yes.

4 Q. Under "Magnetic Strip," it says, "Match." Do you see that?

5 A. Yes.

6 Q. So what happened when you ran this credit card through that
7 card reader plugged into your computer?

8 A. When I ran this particular card right here, the magnetic
9 strip populates the Excel spreadsheet. When you swipe it, it
10 populates the Excel spreadsheet, and I was able to see the
11 exact card number embossed on the card show up in that Excel
12 cell. And I was also able to see Mr. Suleitopa's name as well,
13 which indicates to me that that card was issued to
14 Mr. Suleitopa and that's because, if the strip data matches the
15 embossed number, it indicates it's a valid card.

16 Q. And is that true of, just going up here, all of the cells
17 that say "Match"?

18 A. That's correct. If it says, "Match," that means that the
19 data on the magnetic strip on the back of the card matches
20 what's embossed on the front of the card.

21 Q. How about these cells that say, "Blank"? What happened
22 when you ran that through your card reader?

23 A. Nothing at all. I indicate "blank" because nothing popped
24 up. No matter how many times I'll swipe the card, that cell in
25 the Excel spreadsheet remains blank. Nothing happens.

1 Q. So was there actually data on that magnetic strip, then,
2 when you ran it?

3 A. There was no data on the magnetic strip on those cards.

4 Q. And that's true for the first two -- excuse me.

5 That's true for the first two cards here on this first
6 page?

7 A. That's correct.

8 Q. As well as the bottom card here, where the actual
9 cardholder was J.L.?

10 A. That's correct.

11 Q. And the top card here where the actual cardholder was E.L.?

12 A. Correct. Also a blank magnetic strip.

13 Q. Okay. Even though Mr. Suleitopa's name is on the front?

14 A. Even though his name was on the front, the magnetic strip
15 was blank.

16 Q. Okay. And, now, directing your attention briefly to the
17 beginning of this investigation, in terms of when you took
18 over, when were you called and asked to be involved with this
19 investigation?

20 A. Sometime in early 2016, Detective Orellana called me, and
21 we met up and discussed the case.

22 Q. Okay. So that was a few months after the -- a couple
23 months, I guess, after the conduct in Denton and Easton on
24 November 10th, November 16th, and November 17th of last year?

25 A. Correct. That's the first time we actually sat down and

1 really discussed the case thoroughly.

2 Q. And, at that point, did you take steps to open the case and
3 continue your investigation?

4 A. That's correct.

5 **MS. KALASKAR:** Just one moment, Your Honor.

6 **THE COURT:** Sure.

7 (Pause.)

8 **MS. KALASKAR:** Just a couple of additional questions,
9 Your Honor.

10 **BY MS. KALASKAR:**

11 Q. When you opened your investigation, you just said that was
12 in early 2016?

13 A. That's correct.

14 Q. Okay. At that point in the investigation, were you able to
15 develop any -- any leads on physical locations that you should
16 search to help with your investigation?

17 A. In the Easton, Maryland area, outside of the property that
18 was recovered from the Defendant, there was nothing in that
19 area that we had to search. There is no known residences that
20 we had to search.

21 Q. And you stated that you reviewed video surveillance for,
22 fair to say, many Walmart locations?

23 A. Yes.

24 Q. All the Walmart locations that we've covered during the
25 course of this trial?

1 A. Yes.

2 Q. Is it fair to say you have reviewed video surveillance in
3 addition to what's actually been presented here?

4 A. That's correct.

5 Q. Okay. About how many hours have you spent reviewing video
6 surveillance for this case?

7 A. Eight to ten hours. That might be a low estimate.

8 Q. And, in terms of the entry and exit cameras, in your review
9 of the video surveillance, sort of what height were those
10 generally located?

11 A. They were slightly above head level, I believe, because at
12 times the hat was still blocked first -- the half of his face
13 down towards his nose. Occasionally you'd get a fairly decent
14 look, but, for the most part, it appeared to me that that angle
15 was still slightly above head level.

16 Q. And how about in the store? We've seen some point of sale
17 video surveillance; is that true?

18 A. That's correct.

19 Q. All right. And what kind of view does that give us of
20 what's going on inside the store?

21 A. That's -- that's bird's eye view. It's from above.

22 Q. And so, if you reviewed other cameras that were also inside
23 the store, did they provide you with that same kind of bird's
24 eye view, just from above?

25 A. For the most part. There are some video cameras, aisles in

1 the interior of the store, where you can see the Defendant
2 walking down the aisle towards or away from you, but, once
3 again, they're not nice level shots that you'd be able to see
4 his face. They're more of a bird's eye view.

5 **MS. KALASKAR:** Just one moment, Your Honor.

6 (Pause.)

7 **MS. KALASKAR:** No further questions, Your Honor.

8 **THE COURT:** Mr. Szekely?

9 **MR. SZEKELY:** If I could just have one moment, Your
10 Honor.

11 (Pause.)

12 **CROSS-EXAMINATION**

13 **BY MR. SZEKELY:**

14 Q. Good afternoon, Special Agent.

15 A. Good afternoon.

16 Q. So you testified, as part of your investigation, you
17 received the physical evidence in this case from Easton Police
18 Department; is that right?

19 A. Correct.

20 Q. And you received physical evidence from the Gardner,
21 Massachusetts Police Department; is that right?

22 A. Correct.

23 Q. And you -- I guess one of your counterparts in
24 Massachusetts filled out the correct forms to formally take
25 custody of that; is that right?