

1 Q. You didn't create it?

2 A. Right.

3 Q. You don't know who created it?

4 A. No, I don't know who --

5 Q. You don't know --

6 A. -- who created it.

7 Q. -- how it was created?

8 A. No.

9 Q. You don't know Mr. Jeffery?

10 A. Who's Mr. Jeffery?

11 MR. ZWERLING: Stand up, Mr. Jeffery.

12 THE WITNESS: No, I've never met him.

13 MR. ZWERLING: I have no further questions.

14 THE COURT: Thank you. You may step down and may be  
15 excused. (Witness stands down.)

16 MR. GENTIN: United States calls Lee DuBois.

17 LEE W. DUBOIS, GOVERNMENT'S WITNESS, SWORN

18 DIRECT EXAMINATION

19 BY MR. GENTIN:

20 Q. Good afternoon. Sir, would you please state your name and  
21 spell your name for the record.

22 A. My name is Lee William DuBois. L-E-E, W-I-L-L-I-A-M,  
23 capital D-U, capital B-O-I-S.

24 Q. Sir, did you plead guilty in this courthouse in October  
25 2008?

1 A. I did, sir.

2 Q. What did you plead guilty to?

3 A. One count of theft of U.S. property.

4 Q. Very briefly, can you just explain the facts behind that  
5 scheme, just in a sentence or two?

6 A. Basically, sir, we took contracts that were legitimate and  
7 added illegitimate memos to them, MFRs, Memorandums for Record,  
8 and continued to have a fuel theft scheme and stealing fuel from  
9 the VBC, or Victory Base Complex fuel yard, and selling it to a  
10 vendor that sold it on the black market.

11 Q. Did you sign a plea agreement in connection with your plea?

12 A. I did, sir.

13 Q. What are a few of the conditions you remember from your plea  
14 agreement?

15 A. There were several. The main two being return the money  
16 from the fuel theft and tell the truth.

17 Q. When you say returned, do you mean to the U.S. government?

18 A. Yes, sir. From the fuel theft and tell the truth during  
19 trial or any investigations or meetings with the U.S.  
20 government.

21 Q. What happens if you don't tell the truth?

22 A. Add to my eight to ten years with perjury for lying to the  
23 courts.

24 Q. Will your plea agreement basically be torn up?

25 A. It would, sir.

1 Q. Can you tell us your educational background?

2 A. I have a bachelor's of science from Central Missouri State  
3 University, which I received in May of 2000.

4 Q. What did you do upon graduating?

5 A. Approximately about a week later, after graduating, I  
6 proceeded to Fort Benning, Georgia, to enter infantry officer  
7 basic course with the U.S. Army.

8 Q. You entered the military?

9 A. I did, sir.

10 Q. Can you briefly take me through your military career over  
11 the next few years?

12 A. A short synopsis would be I served in Korea, Europe, Cuba,  
13 Iraq, and several other installations around the United States.  
14 I attended Ranger School, airborne, air assault, pathfinder  
15 schools.

16 Q. What was the highest rank you achieved?

17 A. Captain, sir.

18 Q. You said you served in Iraq. When was that?

19 A. Approximately between July -- the end of July and August,  
20 beginning of August of '05, 2005, to September 2006.

21 Q. During that time did you serve as a contracting officer  
22 representative for the military?

23 A. I did, sir.

24 Q. What does that mean?

25 A. A COR is basically a liaison between the military and

1 soldiers and contracting companies. The COR has a specific job  
2 whether it's getting housing for the military or vehicles.

3 The COR gets the information of what the military needs,  
4 writes a basic synopsis or brief to the contracting officer of  
5 what the military needs. The contracting -- or writes the  
6 contract and hands it to any of the vendors, which there could  
7 be anywhere from 100 to 200 vendors at any one time in Iraq, and  
8 solicits for goods from the military for the military. Once the  
9 bid is given, the COR is the person that goes between the vendor  
10 and the U.S. Army.

11 Q. When you say vendor, you mean a private contractor doing  
12 business with the U.S. Army?

13 A. Yes, sir.

14 Q. Am I right, as a result of this job, you're pretty familiar  
15 with the contracting -- military contracting process?

16 A. I am, sir.

17 Q. Did you meet a man named Elias Maalouf at some point?

18 A. I did, sir.

19 Q. When was that?

20 A. Approximately the end of January of -- I mean, the end of  
21 December of 2005 and the beginning of January 2006.

22 Q. In what context did you meet him?

23 A. I met him when I was coming in as a COR. I was assigned to  
24 work for the Ministry of Defense with the multi-national forces  
25 and the personal security guard for two-star General Gainey. I

1 volunteered for that.

2 General Gainey had assigned me to the nontactical vehicles  
3 because she wanted a captain to do more than just some of the  
4 stuff, the menial stuff that I was doing. She wanted me to  
5 get -- push my military education further, and I met Mr. Maalouf  
6 that way because I was filling in for a major that was on his  
7 way out.

8 Q. What was Mr. Maalouf's position at that time?

9 A. He was part owner of DLSS, Defensive Logistic Services and  
10 Support Company.

11 Q. Is that a private contractor?

12 A. It is, sir.

13 Q. Did you stay in touch with Mr. Maalouf over the ensuing  
14 months and years?

15 A. I did. After I left, I had probably three or four  
16 conversations with him through e-mail or phone. Then roughly  
17 the time that I was exiting the military, I started up e-mails  
18 and phone calls with him.

19 Q. When did you leave the military?

20 A. I left the military 22 July 2007.

21 Q. Did you leave the military on good terms?

22 A. I did, sir.

23 Q. What did you do after you left the military?

24 A. Approximately two or three months, I was debating on what I  
25 wanted to do and -- or if I was going to take the job with

1 Future Services, and I ended up taking the job in Kuwait with  
2 Future Services.

3 Q. Who was Future Services?

4 A. It's a vendor or contractor that works for the U.S.  
5 government based out of Kuwait.

6 Q. Do you remember when you were hired by them?

7 A. I arrived towards the end of September, sir, the 25th or --  
8 23rd through 25th sometime of 2007. I signed a contract with  
9 them.

10 Q. What were you hired by Future Services to do?

11 A. I was hired by Future Services to be a business development  
12 manager inside the Baghdad area and several other outlying areas  
13 to develop business so we could lease to the U.S. government  
14 anything from porta-potties or Porta-Johns to vehicles or heavy  
15 equipment.

16 Q. So you would try to get contracts for Future Services from  
17 the U.S. Army?

18 A. Yes, sir.

19 Q. Was one of your jobs also to get military ID cards for  
20 Future Services?

21 A. It was if there was any vendors or anyone that we had come  
22 in on a contract I was supposed to get the IDs for. We had  
23 several nationals that needed other ID cards that you had to get  
24 in the IZ. I used to facilitate any Future Services people  
25 with --

1 Q. Can you briefly explain how you went about getting these  
2 people CAC cards?

3 A. Normally, a contract allots how many people can work for it.  
4 You can add to contracts, you can add to the people that have  
5 IDs for a contract. Normally, you get a CLOA or a letter of  
6 authorization from the contractors and you take it to a place  
7 and basically get like a driver's license.

8 Q. Where is that place?

9 A. There are several around Iraq. Mainly, the Baghdad area,  
10 IZ, and Tallil, Iraq.

11 Q. Where is Tallil?

12 A. Tallil is in the center, the lower center of Iraq.

13 Q. Why did you use the processing center in Tallil?

14 A. Because Future Services had already had several bases  
15 covered as far as contracts are concerned, sir. Tallil we had  
16 our main contracts out of for heavy equipment. It was easier  
17 because we had the process down, we knew the whole process of  
18 getting IDs in Tallil.

19 Q. Can you just briefly explain, you would take the employee to  
20 Tallil and then what would happen?

21 A. We take the -- come in usually on a C-130 or helicopter, fly  
22 in, pick up the -- stay the night. The next morning go to like  
23 the mayor cell or the area or the building that dispatches the  
24 CAC cards or like driver's license to get in and around Baghdad  
25 or any base U.S. installation in Iraq. We would get the photo

1 done and then we would move out either back to wherever our  
2 contracts was at, sir.

3 Q. Right around this time, which is October, did you meet a man  
4 named Robert Young?

5 A. I did, sir.

6 Q. Who's he?

7 A. He is a gentleman that what was working for several  
8 contractors, KBR and other contractors, and was a friend of  
9 Mr. Eli Maalouf and somebody that I worked with on this fuel  
10 theft, sir.

11 Q. What was the context of your participation with Mr. Young in  
12 those first few months?

13 A. The first few months --

14 Q. Let's say October through early December.

15 A. I first met Mr. Young roughly around the end of September of  
16 that year right after I signed my contract with Future Services.  
17 We continued to go to Lebanon where he met us. It was the first  
18 real dealings that I had met with Mr. Robert Young, sir.

19 Q. Did you eventually start escorting trucks with Mr. Young?

20 A. I did.

21 Q. Can you tell me about that?

22 A. Sometime around either late November or December, there were  
23 several times that I had ran -- did the escorts to the ECPs with  
24 Mr. Young for him showing me how to physically go through a  
25 step-by-step process of how to escort.



1 Q. What were you escorting?

2 A. Fuel trucks, sir, and also other heavy equipment and stuff  
3 for other vendors and ourselves, sir.

4 Q. Where were you escorting them to and from?

5 A. At that time, sir, we were going from Satco hotel, which is  
6 located in what we call the amber zone inside the VBC complex,  
7 but that area is controlled by the Iraqis and Global Security  
8 and not the U.S. military. They considered it the amber zone,  
9 but it's a hotel that we stayed at and we would go from the  
10 hotel to the fuel yard and back to the hotel, sir.

11 Q. Around this time in early December, did Mr. Maalouf indicate  
12 he had a new contract?

13 A. He did, sir. During the December time frame, I was  
14 escorting -- helping bring the fuel trucks in and cranes and  
15 other equipment that we had, and it wasn't out the ordinary.  
16 Sometime around the 1st of December through the 15th, I don't  
17 know the exact date, it was mentioned that we would have a new  
18 contract for fuel under the Future Services name.

19 Q. What was your role in terms of that contract?

20 A. I was going to be the lead escort on that contract, sir.

21 Q. Can you briefly explain the role of escorts? What's the  
22 difference between an escort and a driver?

23 A. Sir, an escort is somebody, usually an American or coalition  
24 member, that has the ID that goes through the ECPs, usually  
25 prior military or ex-pats, ex-patriots, that are familiar with

1 the system or anybody that has the proper credentials to get  
2 through the entry control points. They basically take any  
3 third-class -- or third-country nationals or any other person  
4 that's not -- has the proper IDs through ECPs.

5 Q. Was the name of the fuel yard the Victory Bulk Fuel Point?

6 A. It was, sir.

7 Q. What did you need to get into the fuel farm?

8 A. Basically, the first time I ever went in, sir, you needed  
9 the MFR, the Memorandum for Record, I needed my ID, and a copies  
10 of the passports of the drivers or their badge -- their escort  
11 badges.

12 Q. Did Mr. Maalouf give you a copy of this new MFR with regard  
13 to the new Future Services contract?

14 A. He did, sir.

15 MR. GENTIN: With the court security officer's  
16 assistance, if we could turn to Exhibit 4, please, which has  
17 already been admitted.

18 BY MR. GENTIN:

19 Q. Sir, what is the date on this document?

20 A. The date is 27 December 2007.

21 Q. Paragraph 1, does it say it's for Future Services?

22 A. It does, sir.

23 Q. Paragraph 3, does it say that the following names are  
24 authorized to receive up to 30,000 gallons of JP-8 per day?

25 A. Yes.

1 Q. Does it list Mr. Robert Jeffery as one of the escorts?

2 A. It does, sir.

3 Q. Is this the form you used to get into the fuel farm for this  
4 contract you've been talking about?

5 A. This is one of several forms needed, sir.

6 Q. Now, you say you started this in late December. Did you  
7 continue escorting fuel trucks based on this contract through  
8 mid-January?

9 A. I did, sir.

10 Q. About how many times would you say you escorted the trucks?

11 A. Probably every day, sir. 15 days at least, sir.

12 Q. Did someone replace you in mid-January?

13 A. They did.

14 Q. Who was that?

15 A. Mr. Robert Jeffery.

16 Q. Do you see that man in court today?

17 A. I do, sir.

18 Q. Could you briefly identify him?

19 A. He's the one in the tan suit, sir.

20 MR. GENTIN: If the record can reflect that Mr. DuBois  
21 has identified Mr. Jeffery.

22 THE COURT: He's identified him.

23 MR. LEIBIG: No objection.

24 BY MR. GENTIN:

25 Q. Do you know how Mr. Jeffery was recruited into becoming an

1 escort?

2 A. I do, sir.

3 Q. How was that?

4 A. He was recruited by Mr. Robert Young. Mr. Jeffery was a  
5 friend of his from the Philippines that was recruited on the  
6 facts that he would be escorting vehicles under legitimate  
7 means, sir.

8 Q. Do you remember the first time you met Mr. Jeffery?

9 A. Sometime around the mid-January, middle of January time  
10 frame, sir.

11 Q. Where did you meet him?

12 A. In the Satco area of the hotel.

13 Q. Did you help Mr. Jeffery get his CAC card --

14 A. I did, sir.

15 Q. -- or ID card? Can you tell me about that?

16 A. Approximately sometime in December, he had received his CLOA  
17 from -- I don't know if it was Mr. Young or Mr. Eli Maalouf, but  
18 he flew into the country and came to Iraq, got settled in.  
19 Basically from that point on, it was about a week or so for us  
20 getting to know each other and everything and waiting for  
21 flights to Tallil, sir.

22 Q. So you went on a plane with Mr. Jeffery to Tallil?

23 A. I did, sir.

24 Q. Did you ask for him to check some certain documents before  
25 you got on the plane?

1 A. Yes, sir, as far as for your letter of authorization and  
2 your passport and your ID, whether it be a driver's license at  
3 that time to get on the plane. It's basically like your free  
4 pass to get on the plane, your authorization letter.

5 Q. Was it successful? You went to Tallil and you were able  
6 to obtain a CAC card for him?

7 A. After several tries, yes, sir, we got there.

8 Q. When Mr. Jeffery came back, did he start escorting fuel  
9 trucks?

10 A. It was several days later. In the military, we have the  
11 right-seat left-seat ride. Basically we're just physically  
12 showing them how to go through the ECPs, the process, the  
13 paperwork, things to look for in the truck.

14 Several days after we returned, we started running fuel  
15 trucks, yes, sir.

16 Q. Do you remember, did Mr. Jeffery stay in Iraq?

17 A. He did up until mid-February, sir.

18 Q. What did he do then?

19 A. We had a change in management through several other Lebanese  
20 gentlemen. We sent our -- I don't know exactly who or what  
21 decided. I know that I helped send Mr. Jeffery home to the  
22 Philippines.

23 Q. Is that because there wasn't any work left for him to do?

24 A. That's because we had two individuals that were wanted by  
25 CID and several other things that were in management positions

1 that left and left a void in the structure. We -- basically he  
2 had no work, sir.

3 Q. So he went back to the Philippines?

4 A. He did, sir.

5 Q. Do you remember about how long he stayed there?

6 A. If I remember correctly, somewhere around two weeks, sir.

7 MR. GENTIN: With the assistance of the court security  
8 officer, I would like to show Mr. DuBois Exhibit 55.

9 THE WITNESS: Okay, sir.

10 BY MR. GENTIN:

11 Q. Before we get to that, did Mr. Jeffery go back with a friend  
12 of his to the Philippines?

13 A. He did, sir.

14 Q. Was that Stephen Healy?

15 A. I believe so, yes, sir.

16 Q. If I could direct your attention to what it says on page 5  
17 of 6 at the top right-hand corner.

18 Is this an e-mail from Robert Young to Stephen Healy and  
19 Mr. Jeffery dated February 6, 2008?

20 A. It is, sir.

21 Q. Just going to read a brief part of the e-mail to you and  
22 then ask you a few questions.

23 MR. LEIBIG: I'm going to object. I don't have any  
24 objection to someone reading the e-mail they were a party to,  
25 but this witness wasn't communicating. Already in evidence and,

1 frankly, both sides are ready --

2 THE COURT: Objection sustained to reading it.

3 MR. GENTIN: Your Honor, we're only going to be  
4 introducing about six or seven exhibits. It's just going to be  
5 one or two sentences. All I'm going to ask him to do is explain  
6 some of the terms that may not be entirely clear.

7 THE COURT: Just ask him about the terms you want  
8 explained.

9 BY MR. GENTIN:

10 Q. In the e-mail, Mr. Young writes --

11 MR. LEIBIG: Your Honor, my objection may not have been  
12 clear. He didn't get this e-mail. This witness is just reading  
13 an e-mail he never got. If he had gotten the e-mail, of course  
14 it would be appropriate to --

15 THE COURT: He said the e-mails are in evidence. He  
16 may inquire as to the definition of terms in those e-mails.

17 MR. LEIBIG: The question isn't about that exactly,  
18 Judge. He's asking him to read into --

19 THE COURT: No, he --

20 MR. LEIBIG: He doesn't know what people meant by a  
21 particular e-mail. He didn't write it or get it.

22 THE COURT: Have you listened to my ruling?

23 MR. LEIBIG: Yes.

24 THE COURT: He may ask him about the terms and the  
25 definition of them.

1 MR. GENTIN: Thank you, Your Honor.

2 BY MR. GENTIN:

3 Q. The e-mail refers to a -- it says without the company being  
4 aware of it; i.e., the uploading of the fuel.

5 Can you explain what that means?

6 A. As far as the uploading of the fuel, it would be putting the  
7 fuels in the truck, sir.

8 Q. When it says the company is not aware of it, can you explain  
9 that?

10 A. Without reading the e-mail, sir, the company would probably  
11 be Future Services, sir. I don't --

12 Q. When it says the contracting officer's on the payroll, can  
13 you explain that?

14 A. I can't really explain that, sir, but ...

15 Q. When it says we're using the proceeds for our own  
16 advantage --

17 MR. LEIBIG: Your Honor, objection. He said he can't  
18 really explain it. He didn't write it. I ask that Your Honor  
19 sustain the objection. He's made it clear.

20 THE COURT: Well, he's answered the question. There's  
21 nothing to sustain. He either knows or he doesn't know.

22 BY MR. GENTIN:

23 Q. When it says we're using the proceeds for our own advantage,  
24 can you explain that?

25 A. That would be for the proceeds from the fuel theft, sir, for



1 us. When we were stealing the fuel, we were getting money.

2 Q. It refers to a pirate contract. Do you know what that  
3 means?

4 A. The definition of a pirate contract to me is one that's  
5 under fraudulent means, sir.

6 Q. It refers to two people, Jeff and D. Can you tell me who  
7 those people are?

8 A. Jeff would be Mr. Jeffery, sir, and myself.

9 Q. Thank you. Are you aware that Mr. Jeffery came back to Iraq  
10 after receiving this e-mail?

11 A. I am, sir.

12 Q. Did he remain in Iraq until toward the end of May 2008?

13 A. He did, sir.

14 Q. In general terms, can you explain what Mr. Jeffery's tasks  
15 were from February through May 23rd?

16 A. Mr. Jeffery was hired by Mr. Young and everybody involved to  
17 escort vehicles or escort fuel trucks for Future Services, sir.

18 Q. What does that mean, to escort the trucks?

19 A. It means to basically be the ex-patriot and person that sits  
20 in the cab of the truck and physically goes through the entry  
21 control points to the fuel yard and back, sir.

22 Q. Do you remember about how much Mr. Jeffery was paid in  
23 February and March?

24 A. At that time I believe \$500 a day, sir.

25 Q. \$500 a run or \$500 a day?

1 A. I believe it was \$500 a day, sir.

2 Q. Thank you. Am I right that that comes to about \$15,000 a  
3 month?

4 A. It does, sir.

5 Q. Did you come back to the United States?

6 A. I did, sir.

7 Q. When was that?

8 A. Somewhere at the beginning of February, between the 4th and  
9 the 6th. I think around the 5th, sir, of March I headed back to  
10 the United States for leave, sir.

11 Q. Why did you come back?

12 A. I got engaged, sir, and was spending time with my daughter.

13 Q. How long did you stay in the United States until?

14 A. Until about the second week -- first week. Roughly around  
15 the 10th of April I came back.

16 Q. So you came back to Iraq on April 10th. Can you tell me  
17 what happened when you got back?

18 A. I took over as the GM.

19 Q. When you say GM, what does that mean?

20 A. General manager of the Future Services contract, sir.

21 Q. Did you attend some meetings as soon as you got back?

22 A. I did.

23 Q. Who were those meetings between?

24 A. I know myself and Robert -- I mean, not Mr. Jeffery.

25 Mr. Young, Robert Young, and Eli Maalouf and Laith. Basically

1 we're doing --

2 Q. Who is Laith?

3 A. He's an Iraqi local that was involved in the fuel theft,  
4 sir.

5 Q. Okay. Continue.

6 A. We basically had a meeting when I first got back. Mr. Young  
7 was leaving for vacation for approximately 30 days, plus we met  
8 in Mr. Eli Maalouf's trailer and basically had a big turnover of  
9 paperwork and information as far as time scheduling, things that  
10 had been going good and bad while I was away, sir.

11 Q. Can you tell me about some of the specific discussions you  
12 had at that meeting?

13 A. During that it was basically we were getting ready to up the  
14 fuel theft with another memo at this time.

15 Q. By memo, do you mean MFR?

16 A. MFR, sir. Excuse me. Memorandum for Record on the DF-2,  
17 which is a different kind of fuel from the JP-8, sir.

18 Q. Why do they want the DF-2 fuel?

19 A. The DF-2 is worth more to the Iraqi locals. The JP-8 was  
20 good for vehicles, diesel and generators, but the DF-2 had more  
21 of an oil velocity to it to allow it to run heavy machinery and  
22 industrial machinery better, sir.

23 Q. Why did it matter what the Iraqis wanted?

24 A. Because it made the fuel theft scheme more money, sir.

25 Q. Was that who the scheme was selling the fuel to?

1 A. Say that again.

2 Q. Was the scheme selling the fuel to the Iraqis?

3 A. Yes, sir.

4 Q. That's why the matter -- it was kind of a demand-and-supply  
5 type analysis?

6 A. Yes, sir.

7 Q. Did they still want the JP-8 fuel?

8 A. It wasn't their big concern. They could mix the DF-2 with  
9 the JP-8 and make it more money that way, sir. The Iraqis could  
10 still use both, but they wanted the DF-2.

11 Q. During the few days -- on April 10th and the next few days,  
12 did you come to a realization about the type of work that you  
13 were engaged in?

14 A. I did, sir.

15 Q. Why was that?

16 A. I had had questions at the end of February. We were being  
17 paid well. After I came on leave, I didn't really think about  
18 it too much.

19 Q. You had questions about what in February?

20 A. The fuel theft, sir, what turned out to be the fuel theft, I  
21 should say. At the time I didn't ask any questions. Was moving  
22 up. I knew when I came back, I knew I would probably be taking  
23 over as GM. Once I got back to being GM, I had all the insides  
24 and outs of how this fuel theft worked, who we were paying as  
25 far as the Global, um-m --

1 Q. Who is Global?

2 A. They're a security company that a lot of the South Africans  
3 and British and some of the other coalition forces have ex-pats  
4 that work with, and they patrol the amber zone or the racetrack  
5 which is the road that leads around the Baghdad International  
6 Airport.

7 Q. Why were they being paid?

8 A. To alleviate any obstacles of getting the trucks through.

9 Q. Are you talking about improper payments?

10 A. About bribes, sir?

11 Q. Yes.

12 A. That's how I would describe it, yes, sir.

13 Q. Okay. Did you come to realize during those few days  
14 anything about the MFRs that you were using?

15 A. Yes, sir.

16 Q. What was that?

17 A. As far as the MFR, we had the DF-2 and I had apprehensions  
18 about turning it in. To add to the 30,000 gallons, we had to --  
19 this memo that I was asked to turn in before Mr. Young left by  
20 Mr. Maalouf and Mr. Young, to turn in a memo for the DF-2 for  
21 like 11,000-plus gallons a day to add to to make four trucks a  
22 day.

23 Q. What were your specific concerns about that MFR?

24 A. At that time I already knew that we were already in a --  
25 stealing fuel. And to add a DF-2 to it, you know, we had a lot

1 to lose. It was not my -- I mean, I had a lot of apprehensions  
2 to turn it in and to add to -- basically, we were already  
3 getting a lot of money a day and to add to it was just dipping  
4 too much.

5 Q. Did you know that the one they wanted you to turn in was  
6 going to be a fake one?

7 A. Yes, sir, I did.

8 Q. Did you also know that the ones that Mr. Jeffery and those  
9 were using to get the fuel were fake forms?

10 A. Yes, sir.

11 Q. Earlier you said the fuel was sold to Iraqis. Do you know  
12 about how much it was sold for?

13 A. We were receiving \$30,000 a day basically. Break it down by  
14 the time we paid any kind of security or housing, food and  
15 meals, everything, I think it broke down to about \$1.50 a  
16 gallon.

17 Q. Can you briefly explain what your role was in terms of the  
18 intake of the money?

19 A. Basically as GM I would answer to Mr. Laith or Eli and  
20 keep -- make the payments to all the drivers, make the payments  
21 to anybody -- I didn't deal with any of the security, paying the  
22 security, because I didn't speak Arabic. I dealt with most of  
23 the logistics and paying the drivers.

24 Q. Where did you keep the money?

25 A. I kept it -- we had several safes around our compound.

1 There were two in mine which we kept the majority of the money  
2 in, sir.

3 Q. At any one time, how much money might be in your safe?

4 A. Well, \$30,000 a day, sometimes we wouldn't get it for  
5 several days, it could be upwards to a million or a little bit  
6 more at the max.

7 Q. Did you pay the drivers and escorts in cash?

8 A. I did.

9 Q. Did you use pay stubs or issue W-2 forms?

10 A. No, sir. I didn't get -- even my legitimate work, sir, I  
11 didn't get paid by Future Services legitimately with any W-2s.

12 Q. There was no documentation you were handing out with the  
13 payment saying Future Services on it?

14 A. No, sir.

15 Q. A few days after you got back, April 10th, did Mr. Jeffery  
16 come to you with some questions?

17 A. There were some questions when I arrived back and Mr. Young  
18 and myself were doing turnover. There was just basic complaints  
19 about time schedule and trucks not being right and at the right  
20 place at the right time, sir.

21 Q. Okay. In conversations just with you and Mr. Jeffery, did  
22 he ask you any pointed questions?

23 A. At that time any questions that he had for me, I sidestepped  
24 and kind of sugarcoated until I went to Mr. Young to make sure  
25 that it was okay because --

1 Q. What specific questions was he asking you?

2 A. Well, there was questions about whether this was a  
3 legitimate means or not, sir.

4 Q. Did he use the word pirate contract?

5 A. He didn't use pirate contract at that time. He stated when  
6 he first got back that if this was a pirate contract, he wanted  
7 no part of it. At the time we were all under the assumption  
8 that it was legitimate means so I assured him that it was not a  
9 pirate contract.

10 Q. That's what you meant when you say you sugarcoated the  
11 answer?

12 A. No. This is in February, sir. When I got back in the April  
13 time frame and he had any questions and I knew more than I  
14 should have, I sugarcoated it to him.

15 Q. Then what happened next?

16 A. I had a conversation with Mr. Young.

17 Q. Was Mr. Jeffery there at the conversation?

18 A. He was not, sir.

19 Q. Okay.

20 A. I went to Mr. Young concerning that Mr. Jeffery should know  
21 because if this is what it is, then he needs to know because he  
22 has a lot to lose as far as his family and children.

23 Q. Did you like Mr. Jeffery?

24 A. I did, sir.

25 Q. Tell me more about that discussion with Mr. Young.



1 A. Well, first of all, it was just about the MFRs and being  
2 turned in and that we could make more money.

3 The second part of the conversation was that I thought he  
4 should know, Mr. Jeffery that is, should know that if this is  
5 under illegitimate means that he needs to be made aware of it.

6 Q. Was there any discussion about Mr. Jeffery's salary?

7 A. Not that I can recall, sir.

8 Q. Can you tell me what happened next?

9 A. Several days later, Mr. Robert Young had left and basically  
10 the ball was in my court as a GM. Between me and Mr. Jeffery,  
11 we were the only Americans on. We continued to escort and take  
12 fuel. I confided in him, um-m --

13 Q. Where was this discussion?

14 A. A lot of times in his trailer, sir. I stayed in Mr. Eli  
15 Maalouf's trailer because my other residence was in Booban which  
16 is an asphalt plant on VBC.

17 Q. Was Mr. Maalouf's at Satco like Mr. Jeffery's?

18 A. Yes, sir.

19 Q. Tell me about those discussions with you and Mr. Jeffery.

20 A. Most of the time the discussions were basic complaints and  
21 gripes about trucks not being on time, how come the -- never  
22 were on time with anything and that kind of discussion. Then it  
23 usually turned into family and talk about things in the future  
24 and stuff, sir.

25 Q. Did you tell him about the scheme?

1 A. Eventually I laid it out to him, yes, sir. In that same  
2 time period, there was one where we laid out the facts about 75  
3 percent --

4 Q. Approximately when was this discussion?

5 A. About mid-April, sir.

6 Q. Okay.

7 A. I laid out the facts to about 75 percent of everything that  
8 was going on.

9 Q. Are you saying you told him about 75 percent of the fuel  
10 theft scheme?

11 A. Yes, sir, the fuel theft scheme.

12 Q. Any response from Mr. Jeffery?

13 A. There were just the -- basically it was, you know, he didn't  
14 want to know and he didn't want a part of it if it was that kind  
15 of thing, but he thought so much is basically the wording.

16 Q. What did you take it to mean when he said he thought as  
17 much?

18 A. He's an intelligent guy. He knows -- years of service, you  
19 can see around you and see what's going around. It's not hard  
20 to pick up, sir.

21 Q. At this point you were the only two Americans on the ground  
22 associated with the scheme; is that right?

23 A. We were, sir.

24 Q. You talked to each other a lot?

25 A. We did.

1 Q. Did you have additional conversations about the theft  
2 scheme?

3 A. As the time went on we did. There was -- at first it wasn't  
4 really a whole lot of conversation other than just the general  
5 complaints about running any kind of business or theft. Not so  
6 much theft, but just any other business.

7 There was just the general things, you know, just bouncing  
8 things off because he was somebody that was, you know, had good  
9 ideas and plans as far as any kind of thing from A to Z in life.  
10 That's pretty much most of the conversations at first.

11 MR. GENTIN: With the court security officer's  
12 assistance, I would like to show Mr. DuBois Exhibit 61.

13 THE WITNESS: Okay.

14 BY MR. GENTIN:

15 Q. Is this an e-mail from Robert Jeffery to Randy Bragg cc'ing  
16 Don Hill and Mike Stoffel dated April 22, 2008?

17 A. It is, sir.

18 Q. I would like to direct your attention to the second page of  
19 the e-mail. It talks about going to a rally point to meet with  
20 Iraqi drivers who then take the trucks to the buyer in Baghdad.

21 What's a rally point?

22 A. A rally point is a military term used by the military for a  
23 linkup spot or a group meeting where everybody separates and  
24 comes back to one spot to meet.

25 Q. This reference to the buyer in Baghdad, what does that mean?

1 A. The buyer in Baghdad to me would mean that that would be  
2 Sohib or whoever the person who is buying the fuel from us, sir.

3 Q. After Mr. Jeffery wrote this e-mail on April 22nd and  
4 referring to buyers in Baghdad, did he continue to do fuel runs  
5 after this?

6 A. He did, sir.

7 Q. You mentioned before some controversy over DF-2 versus JP-8  
8 fuel. Can you tell us what type of pressure were you getting to  
9 get the DF-2 fuel?

10 A. As I stated before, there was a memo that came in that would  
11 add to the 30,000 gallons of fuel that we were taking, that we  
12 were stealing from the government.

13 The DF-2 was a memo to allocate another 11,000-, I think,  
14 500 gallons, 11,500 gallons to it and to mix to be able to be  
15 more profitable.

16 Q. Who specifically was urging you to turn in that form?

17 A. Well, it came from Laith and Mr. Eli Maalouf and Mr. Robert  
18 Young, and then they were pressuring me to turn it in, sir.

19 Q. Did Mr. Jeffery ask you to return the form too?

20 MR. LEIBIG: Objection. Leading.

21 THE COURT: Objection sustained.

22 BY MR. GENTIN:

23 Q. Did anyone ask you to turn in the form?

24 A. It was relayed to me through Robert Jeffery to turn in the  
25 memo. It was being pressured down from Mr. Young and the top.

1 Q. With the assistance of the court security officer, if you  
2 could turn to Exhibit 62.

3 Is this an e-mail from Mr. Robert Jeffery to Stephen Healy  
4 dated April 29, 2008?

5 A. Yes, it is.

6 Q. How about three quarters of the way down where it says, they  
7 are effing with Bob to get DF because they can get more money  
8 for it, what does he mean by get more money for it?

9 A. Again, the DF-2 was worth more to the Iraqis and the buyers.  
10 I think -- I don't know exactly what it made per gallon more,  
11 but I know it was what the Iraqi buyers wanted. If we didn't  
12 turn this memo in at this time, then they were going to quit  
13 running the JP-8, our three trucks, and shut everything down.

14 We went through a lot of that during that April/May time  
15 frame until it was turned in. They cut us off several times  
16 with delivering the trucks and stuff, sir.

17 Q. This e-mail's written to Stephen Healy. Was he known as  
18 Fast Eddie also?

19 A. He was, sir.

20 Q. After writing this e-mail, did Mr. Jeffery continue to do  
21 fuel runs?

22 A. He did.

23 Q. If you could, please, turn to Exhibit 72.

24 A. Okay, sir.

25 Q. Is this an e-mail from Mr. Young to Mr. Jeffery dated May 9,

1 2008?

2 A. Yes, sir.

3 Q. When Mr. Young instructed Mr. Jeffery to tell you to submit  
4 the memo and then calls you lazy, were you in fact lazy?

5 A. No, sir.

6 Q. Why didn't you want to turn in the memo?

7 A. Well, in the military there's several things that we learn.  
8 There's second- and third-order effects. We were already  
9 stealing enough fuel to -- should have been suffice to  
10 everybody. Because once we all knew, basically, the large  
11 amount of money that we all making, it wasn't worth turning in.  
12 Myself and Mr. Robert Jeffery had a lot more to lose than a lot  
13 of other people. We had young children, plus children of my  
14 age, young children, and also any benefits that anybody else had  
15 or any, you know, just, you know, not being able to see our kids  
16 grow up basically was the main reason, sir.

17 Q. Is it accurate that you were scared because of the illegal  
18 nature?

19 A. Yes, sir.

20 Q. Did you in fact turn in that form eventually?

21 A. I did, sir.

22 Q. Do you remember about when that was?

23 A. Yes, sir. It was the 11th of May 2008.

24 Q. If you could turn to Exhibit 7, which is already in  
25 evidence.

- 1 A. Say that again, sir.
- 2 Q. If you could, please, turn to Exhibit 7.
- 3 A. Okay.
- 4 Q. Is this an MFR form?
- 5 A. It is, sir.
- 6 Q. What's the date on it?
- 7 A. 29 March 2008.
- 8 Q. Is it for Future Services?
- 9 A. It is, sir.
- 10 Q. Does it allow up to 11,500 gallons of DF-2 fuel?
- 11 A. It does, sir.
- 12 Q. Is this the form you turned in on May 11th?
- 13 A. Yes.
- 14 Q. Is this form fake?
- 15 A. It is, sir.
- 16 Q. The form lists Shrestha, S-H-R-E-S-T-H-A, Bal Ram, B-A-L,  
17 R-A-M, as the escort driver.
- 18 Do you know why Mr. Jeffery's name isn't on here?
- 19 A. Well, in my terms, he wouldn't have been on here because we  
20 were pretty familiar at this time with contracting and how to  
21 get into the VBC. We were already known. We had legitimate  
22 contracts inside the fuel yard as well as the fuel theft  
23 contracts.
- 24 There wouldn't have been any reason to add him to this  
25 because we already had -- we were already known and we could go

1 in and out.

2 Q. Is it accurate to say that Mr. Jeffery could have used this  
3 form because he was already going in under other Future Services  
4 contracts?

5 A. Yes, sir.

6 Q. By the time you turned in this form on May 11th, is there  
7 any doubt in your mind that Mr. Jeffery knew about the --

8 MR. LEIBIG: Objection. Calls for speculation. He's  
9 asking him to read Mr. Jeffery's mind.

10 MR. GENTIN: I'm asking him about his mind.

11 THE COURT: Rephrase your question. Ask your question  
12 again.

13 BY MR. GENTIN:

14 Q. Was there any doubt in your mind that you had told  
15 Mr. Jeffery about -- that you told Mr. Jeffery about the full  
16 scope of the fuel theft scheme?

17 A. At this time everybody was aware that it was a fuel theft,  
18 sir.

19 Q. To include Mr. Jeffery?

20 A. To include Mr. Jeffery, yes, sir.

21 Q. If you could turn to Exhibit 76, please.

22 A. Okay, sir.

23 Q. Look at the bottom of the first page. It says the e-mail's  
24 from Robert Young to Elias Maalouf, Mr. DuBois, and Mr. Jeffery,  
25 dated May 15, 2008; is that correct?



1 A. It is.

2 Q. If you turn the page to the text of the e-mail, Mr. Young  
3 states that our golden goose is about to be run over by a truck.

4 What does he mean by golden goose?

5 A. Give me a second, please.

6 Q. Three lines from the bottom on page 2 of 13.

7 A. Okay. I'm there.

8 Q. Three lines from the bottom. I'll just repeat the question.

9 What does he mean by our golden goose is about to be run  
10 over by a truck?

11 A. The golden goose was a slang term we kind of used for the  
12 fuel theft, sir, and the amount of money that we were making  
13 from the fuel theft.

14 Q. What does he mean when he says, vacation courtesy of Uncle  
15 Sam?

16 A. If we get caught under this fuel theft, that we're going to  
17 jail.

18 Q. If you can turn to the previous page, page 1 of 13. Is this  
19 an e-mail from Robert Jeffery to Mr. Young cc'ing you?

20 A. It is, sir.

21 Q. At the last two lines, If I believe things are getting  
22 dangerous, I'll be on a plane out of here to join you.

23 When he says getting dangerous, what does he mean?

24 MR. LEIBIG: Your Honor, again, he's asking the witness  
25 to read Mr. Jeffery's mind. This witness didn't write the

1 e-mail. He can't say what someone else meant.

2 BY MR. GENTIN:

3 Q. Mr. DuBois was copied on this e-mail. What did getting  
4 dangerous mean to you when you received this e-mail?

5 A. Getting dangerous meant that if the authorities were  
6 closing in because of some of the instances that we had leading  
7 up to this, sir.

8 Q. So it wasn't about the general danger of war; is that  
9 correct?

10 A. No, sir.

11 Q. It was about the fuel theft scheme?

12 A. It was, sir.

13 Q. After writing this e-mail on May 15th, did Mr. Jeffery  
14 continue to do fuel runs?

15 A. He did, sir.

16 Q. If you could turn to Exhibit 80, please. If you could turn  
17 to page 4 of 22 at the bottom.

18 Is this an e-mail from you to Mr. Young, Mr. Maalouf -- and  
19 Mr. Maalouf?

20 A. It is, sir.

21 Q. If you turn to page 6 of 22, you say I have more to lose  
22 than you do. What did you mean by that?

23 A. In my e-mail, I was writing Mr. Young and letting him know  
24 because I had an issue with turning in the DF-2 and several  
25 other issues amongst us. My statement here was regarding me not

1 being able to see my kid or losing everything else that I've  
2 worked for, you know. I was going back to being in the Reserve,  
3 in the military, and several other things. That's what I mean  
4 by losing.

5 Q. In general, when you wrote this e-mail to Mr. Young and  
6 Mr. Maalouf, what were you trying to tell them?

7 It's a long e-mail, but if you could just sum it up.

8 A. Basically giving them an outline of what was going on and  
9 that everything was going to be okay. If I was the GM and me  
10 being the GM, I was basically pushing back to them and letting  
11 them know that, you know, we'll continue operations and not to  
12 interfere, sir.

13 Q. Okay. If you go back to where it says -- page 4 of 22,  
14 about three quarters of the way down the page, is it correct  
15 that Mr. Young then forwarded this e-mail to Mr. Jeffery on  
16 May 16th?

17 A. It is, sir.

18 Q. Then the next e-mail, is it from Mr. Jeffery to Mr. Young on  
19 May 16th?

20 A. There is one, yes, sir.

21 Q. What do you understand Mr. Jeffery to mean where he says you  
22 know where my loyalties lie?

23 A. Well, he was hired by Mr. Robert Young. They had been  
24 friends for -- not exactly -- I don't know exactly how long, but  
25 they were friends. So he hired him and he was going to

1 basically stay loyal to him, sir.

2 Q. If you move forward in this e-mail chain to page 1 of 22, is  
3 the e-mail, at the top, from Jeffery to Young dated May 18,  
4 2008?

5 A. It is, sir.

6 Q. When he says, D remarked this morning that he had seen L in  
7 a panic last night shredding papers, who is D?

8 A. I'm D, sir.

9 Q. Who's L?

10 A. Laith.

11 Q. Do you remember that incident?

12 A. I do, sir. We had come in from something and one of my  
13 conversations were we went to Mr. -- after I seen this, I went  
14 to Mr. Jeffery and had our conversations about life and  
15 everything else. I had mentioned to him that I had seen Laith  
16 shredding a lot of paperwork and everything in conjunction with  
17 Laith finding the tracking device and some other stuff at the  
18 same time.

19 Q. If you turn to Exhibit 84, please. Is this an e-mail from  
20 Mr. Jeffery to Mr. Young dated May 23, 2008?

21 A. It is.

22 Q. On the second page, the last paragraph where he says, D made  
23 the decision to not do the run Saturday, Sunday, and Monday, I  
24 agree based on the way dots are connecting, why did you make  
25 that decision?

