

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

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|--------------------------|---|--------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Crim. No. 13-cr-00090-NT |
| |) | |
| HAMADI HASSAN |) | |

PROSECUTION VERSION

If this matter were to proceed to trial, the United States would prove the following facts beyond a reasonable doubt:

Between June 29, 2011 and July 1, 2011, and again between November 23, 2011 and December 22, 2011, the Federal Bureau of Investigation and other federal, state, and local law enforcement agencies, conducted a wiretap investigation targeting two cellular telephones used primarily by Hamadi Hassan. These interceptions, combined with other law enforcement activities, revealed a drug trafficking conspiracy operating in the Portland, Maine area.

The wire intercepts, combined with the testimony of several cooperating witnesses, would establish that during the dates of the charged conspiracy, Hamadi Hassan (1) received orders for user-level quantities of cocaine base (also known as ‘crack cocaine’) from both customers and co-conspirators over the target telephones¹; (2) personally delivered crack cocaine to his customers; (3) directed other members of the conspiracy to deliver crack cocaine to customers for him; (4) traveled to Boston with other members of the conspiracy to pick up distribution level quantities of crack cocaine and brought the crack cocaine back to Maine for sale and distribution; and (5) packaged and prepared crack cocaine for sale and distribution after it had been brought to Maine from Boston. The evidence would show that the conspiracy described in Count One of

¹ While both of the target telephones were used primarily by Hamadi Hassan, other members of the drug conspiracy working with and for Hamadi Hassan also used the target telephones to arrange crack cocaine transactions.

the Second Superseding Indictment involved 28 grams or more of a mixture or substance containing cocaine base and that at least this amount of cocaine base is attributable and reasonably foreseeable to Hamadi Hassan.

Some examples of intercepted calls involving Hamadi Hassan and his co-conspirators include the following:

November 23, 2011 – Count 2

HH: Hamadi Hassan aka BK

MC1: Male Caller 1

MC1: Aw, my man, I was getting nervous.

HH: Hey listen [unintelligible] make it quick, what's up?

MC1: Um, two baskets. What's that runnin' me, four and a half?

HH: Damn, alright, that's cool. You ready right now?

MC1: Um, no, that's, no I got, um, I just wanted to, ah, I gotta go get it. I gotta go grab the dough off him right now. I'm going over to where Lowe's is. I'm gonna, I'm gonna get it and, you know, pay for it up front. Alright? That way, it'll be faster on you.

HH: How many . . .

MC1: I'm going over to- I'm going to Barron Center right now to get it.

HH: Alright, so call me when you're ready. . . I just gotta run up. . .

MC1: . . . about fifteen minutes. Fifteen minutes.

HH: Alright.

The evidence would show that MC1 is a co-conspirator of Hamadi Hassan and in this call is arranging for a sale of crack cocaine to one of MC1's customers. MC1's reference to "two baskets" indicates a quantity of crack cocaine. MC1's reference to "four and a half" indicates \$450. In this call, MC1 is making it clear to Hamdi Hassan that MC1 has to collect money from his customer before MC1 meets with Hamadi Hassan to purchase the crack cocaine.

November 23, 2011 – Count 3

HH: Hamadi Hassan aka BK

MC1: Male Caller 1

MC1: You got, y-, you telling me to hold on?

HH: Huh?

MC1: Oh, I thought you were telling, you're telling him to hold on.

HH: Unintelligible

MC1: Um, I'm on Brighton, getting ready to come back for number two like I told you, if that's cool. Um, you saw my message about number one though, right?

HH: Unintelligible

MC1: I got, I got it, I got it on, I got a photo if, you know, if you think I'm BS-ing. But I'm not, you know, it just kinda made me look a little stupid cause the dude's like-

HH: So what do you got right now?

MC1: You ain't got it- huh?

HH: What are you doing? What do you got right now?

MC1: Um.

HH: You don't got the same thing I hope.

MC1: No, no, I got, I got, you know, I told you, I've, you know, I got, what I'd owe. And then I got enough for another one. But we gotta work out the, the, the point six, you know?

HH: Unintelligible

MC1: You know and I know that equals a, that equals a dollar to the both of us. I mean, I'm not say-, that's not what I'm saying, I'm just saying, you know I, I, I took a bit of a hit because you know I dropped it on the thing going don't worry it's right and then it comes up 'bink,' and he's like 'you don't have to [expletive] . . . I'd a gave you some.' I'm like [expletive], you know what, don't even go there with me, dude. You know better. He's like, 'man look!' I'm like you know here is your cost . . . you know . . . see, like I'm just doing you a favor, you know - question my, question my, you know, integrity. Call, call, call yourself a friend, you know. But anyway, um, so yeah, I'm gonna be there in about five minutes, alright?

HH: Hello.

MC1: I don't want to go to that same, but, but anyway, yeah, so how do you wanna, how do you wanna do this?

HH: Unintelligible

MC1: If you, if, if, if you want, if you can, if you can y- make, if you can make the next one a, a, a, a definite four, you know. Not four with like three satchels, but four, um, then I'll just give you the-

HH: I'll talk to you about that, come to Beacon.

MC1: Yeah, right, right, right, right, right. That's true.

HH: Alright?

MC1: Hey will you, one other question. Since, since, um, I was, I was asking you if, if you would as, as, you know, as, as, kinda like a favor, you know, give me the original, um, digit, as if I'd a taken two, you know? Maybe-

HH: Unintelligible

MC1: I'll talk, yeah, where, where you want me - I don't want to go to that same, you know what I mean, that same exact - How about Anania's from the back side? Remember where I park?

HH: Yeah.

MC1: Johnson's?

HH: Yeah.
MC1: Yeah?
HH: Yeah, I know.
MC1: That cool? Cause I need gas bad, so actually I'm gonna go, yeah, I'm gonna do that cause I gotta go, I gotta get fuel. I'll be at that gas station in five minutes, man, if you just want to meet me there at Citgo.
HH: No [unintelligible] go to Globe, go to Globe.
MC1: Globe? Where's that at? By my house?
HH: Huh?
MC1: Where's, where's there a Globe over here?
HH: No man, over there on Brighton.
MC1: Huh?
HH: Over there on Brighton right next to 7-11.
MC1: Oh, . . . okay, okay, I know where you mean . . . I'll be there in a couple minutes.

The evidence would show that in this call MC1 is expressing concern about the amount of crack cocaine that he (MC1) had received from HH during the earlier purchase that took place following the telephone call described in Count 2. Specifically, MC1 is explaining to HH that the crack cocaine that MC1 had purchased was .6 grams short and that this shortage became an issue when MC1 delivered the crack cocaine to one of his customers. Toward the end of this call, MC1 and HH agree to meet in the area of a local gas station to conduct another crack cocaine transaction.

June 30, 2011– Count 4

HH: Hamadi Hassan aka BK
FC1: Female Caller 1

FC1: Hello?
HH: Hey yo.
FC1: Is this B?
HH: Yeah, who dis?
FC1: [FC]
HH: What's goin on?
FC1: I'm at my house, but the [expletive] phone shut off so I had to use my neighbor's phone cause I can't get my phone to charge.
HH: Oh.
FC1: Um . . . I tried calling you like a thousand times yesterday but Icy

wouldn't give me your other number, so...
HH: Oh (sigh). . .where you at now? Who's-
FC1: I'm at my grandmother's.
HH: Oh, who's . . . who's phone is this - your neighbors?
FC1: Yeah.
HH: Oh-
FC1: And they're gonna want something in just a little, as soon as the baby-ah-or granddaughter gets picked up.
HH: Ah . . . anyway...
FC1: Why - are you gonna be able to come down here or no?
HH: Nah - you gotta come up here.
FC1: They're not gonna wanna come up there . . . I mean . . .
HH: If I can get a ride, I'll let you know.
FC1: Alright, I mean, they wanna, they want, their two hundred, you know what I mean?
HH: If I can get a ride I'll head down there, if I don't, then you have to come up here.

The evidence would show that FC1 is a co-conspirator of Hamadi Hassan and in this call is arranging a sale of crack cocaine to FC1's neighbor. FC1's reference to "two hundred" indicates \$200 worth of crack cocaine.

December 3, 2011 – Count 5

HH: Hamadi Hassan aka BK
MC1: Male Caller 1

HH: (talking in background) - "No you go straight, you're good"] Hello.
MC1: Hey Roadie.
HH: Hey what's going on?
MC1: Hey um, what's, what's um, we back in action or what?
HH: Yeah.
MC1: I need two baskets.
HH: In a little bit man.
MC1: Aw, you're killing me. I ain't got a little bit, man.
HH: I got, I got one soft on me if you want that - you know what I mean?
MC1: What you mean because of the weather, that, that type deal?
HH: Naw, naw naw, I just need a little bit more time.
MC1: Um, when, no, no I'm talking about what you just said, um 'soft.'
HH: Yeah.
MC1: Not, not, not it doesn't need work does it, you know what I'm saying? Does it need made?
HH: Huh?
MC1: Does it need made?

HH: Yeah, yeah it needs to be made, you gotta make it.
MC1: Mm, I don't know if I trust myself. How fast can you make it for me?
HH: Huh?
MC1: How fast can you make it for me?
HH: Ah, I wish, I wish if I had time I would, man.
MC1: What you don't even have time?
HH: Hey, I'm trying to, I'm trying to get rid of people on the next one.
MC1: Well whatta I, whatta I, whatta I, whatta I, just a, ah jar and a little bit a, boil the, boil the water, dump it in?
HH: That's it- yeah
MC1: Alright and, and then a little bit of soda right? And then it will take itself right?
HH: That's it.
MC1: And it'll do its own thing. Well what about cooling down? Do I gotta throw ice in there?
HH: I mean you can go to my friend's house and you could probably do it . . . I mean . . .
MC1: Yeah, because that's the other thing, I forgot about that you know. I can't even do it here. But I need this quick – you know? This dude, this dude . . . he's talking like 5 G's. He's trying to get his own thing going up north a little bit. You know?
HH: Alright, come on.
MC1: And I gotta, huh?
HH: Come on through.
MC1: But, but, but I, I, I can't, I can't do the ah, you know what I mean, I can't do the ah, like that. Like I said I don't necessarily trust myself and I don't want to [expletive] it up. Then I'm [expletive]. Listen call me back in five minutes. Think about it, think about if you, if you can help me . . . you know the whole process.
HH: It's not really that hard man, is all you gotta do is just...
MC1: I know, but, but I don't, I don't have, I don't have the, I know it's not. I do it small all the time, but...
HH: Alright.
MC1: Well, what, what kinda digit on the, what kind of digit, is it, is it on. Is it three and a half?
HH: No it's not done. It's not just one man.
MC1: No, No I'm saying, how, how, how, what kind of volume are we looking at here? Ya know point wise. Huh?
HH: No there's just one, man that's it.
MC1: Ok, ok, so, so it's like a G or something.
HH: Yeah
MC1: I can't, I can't do an even... What do you got, you don't got one, do ya?
HH: What do you mean, on that, yeah.
MC1: Oh you do?
HH: Yeah I do.
MC1: It's that nice, it's that nice?
HH: Yeah, this is the beginning of it, you gotta be...
MC1: Well listen, how long, how long, do I gotta wait for the regular..?
HH: How long you gotta what?
MC1: How long would I have to wait for, for, for you to have it as I like it?

HH: I'm right here passing by your house heading towards the spot right now. If you can do it come through, hurry up.

MC1: No, no what I'm saying is how long do I have to wait for you to do it correctly?

HH: Oh for the other ones its gonna be like an hour.

MC1: Oh [expletive]. All right I will call you back in 5 minutes. Don't go too too fast.

The evidence would show that in this call, MC1 calls HH and ask for "two baskets," which is a reference to crack cocaine. HH explains that he does not have any available at the moment but does have "one soft," or one gram of powder cocaine, available. After HH explains that he does not have time to cook the powder into crack, MC1 asks for guidance on how the cooking process works: "I just . . . a jar, and a little bit . . . boil the water, dump it in . . . and then a little bit of [baking] soda, right?" MC1 expresses concern about his ability to cook the powder into crack. MC1 also makes clear he is pressed for time and needs to get the crack to his customer as soon as possible.

December 13, 2011 – Count 6

HH: Hamadi Hassan aka BK

FC1: Female Caller 1

HH: Hello.

FC1: Hey . . . um...

HH: Hey.

FC1: Can I come see you, are you around?

HH: I'm sleeping right now.

FC1: Um, alright well, my boy's got 100, we'll come to Portland, but...

HH: Let me just see if they're up I'll call you back.

FC1: Alright.

The evidence would show that in this call FC1 is calling HH to inform him that FC1 has a crack cocaine customer who is ready to spend \$100 on crack cocaine.

Date: May 14, 2014

Respectfully submitted,

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**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2014, I electronically filed the foregoing Government's Prosecution Version with the Clerk of Court using the CM/ECF system, which will send notification of such filing, to the following:

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