

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

UNITED STATES OF AMERICA )  
 )  
 v. ) Crim. No. 13-cr-00090-NT  
 )  
 BINIAM TSEGAI )

**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. These interceptions, combined with other law enforcement activities, revealed a drug trafficking conspiracy operating in the Portland, Maine area headed by Hamadi Hassan.

The evidence would show that several users of cocaine base (also known as ‘crack cocaine’) would call the target telephones and place orders for crack cocaine. While both of the target telephones were used primarily by Hamadi Hassan, other members of the drug conspiracy working with and for Hamadi Hassan, including Biniam Tsegai, also used the target telephones to arrange drug transactions.

These wire intercepts, combined with the testimony of several cooperating witnesses, would establish that during the dates of the charged conspiracy, Biniam Tsegai (1) received orders for user-level quantities of crack cocaine from Hamadi Hassan’s customers; (2) delivered crack cocaine to Hamadi Hassan’s customers after they had placed orders with Hamadi Hassan; and (3) packaged and prepared crack cocaine for sale and distribution after it had been brought to

Maine from Boston. Some examples of intercepted calls involving Biniam Tsegai include the following:

June 29, 2011 – Session # 11

BT: Biniam Tsegai  
FC: Female Caller

BT: Hello?  
FC: Uh, BK?  
BT: Nah, Who's this?  
FC: Oh I'm sorry I have the wrong number.  
BT: Na, that's his boy, though, nah, you good, who's this?  
FC: It's [FC], who's this?  
BT: Who?  
FC: [FC].  
BT: From Marc house?  
FC: It's [FC].  
BT: Which one, the one from Marc house?  
FC: Yeah.  
BT: Huh? Yo.  
FC: Oh, who's this, Haze?  
BT: Nah, what's good- icy.  
FC: Oh, I was trying to get ahold of BK- I was gonna swing by.  
BT: So what's good?  
FC: Huh?  
BT: Whatchya got?  
FC: Ah, two-fifty.  
BT: Ah, come to [expletive] Riverton.  
FC: That what?  
BT: Come to RP.  
FC: Got what?, I'm sorry, I'm in a car, all the windows are down.  
BT: Come to Riverton.  
FC: Okay.

The evidence would show that this call involves a crack cocaine customer originally calling for Hamadi Hassan but speaking with Biniam Tsegai. The female caller's reference to "two fifty" is a reference to two-hundred fifty dollars. Tsegai directs the crack cocaine customer to go to Riverton Park in Portland.

June 29, 2011 – Session # 130

BT: Biniam Tsegai  
FC: Female Caller

BT: Yo  
FC: Hey what's up?  
BT: Ya  
FC: What's up?  
BT: Ya, who's this?  
FC: Huh?  
BT: Who's this?  
FC: Who's this that what you asked me?  
BT: Huh?  
FC: You say who's this?  
BT: Who's this?  
FC: [FC]  
FC: Who?  
FC: [FC]  
BT: Oh, what's up, what's up?  
FC: Nothin' are you good?  
BT: Sure, what's good.  
FC: [Unintelligible]  
BT: Huh?  
FC: 2  
BT: Huh?  
FC: 2  
BT: 2?  
FC: 2, 3 for 2  
BT: Ya, all day  
FC: All right where do you want me to come?  
BT: Come to Riverton

The evidence would show that in this call another crack cocaine customer is looking to purchase an amount of crack cocaine. FC's reference of "3 for 2" is a reference to 3 grams of crack cocaine for \$200.00. Biniam Tsegai indicates that he can do that and directs FC to come to Riverton Park in Portland.

November 28, 2011 – Session # 2435

BT: Biniam Tsegai  
HH: Hamadi Hassan

BT: Yo  
HH: Yo  
BT: What you say, man, there's [unintelligible] around the area?  
HH: Yea there is a black dodge undercover man  
BT: [unintelligible] [expletive] with me. . .  
HH: Nah, tell them to get out of that whole area, dog, tell them to come over here to west end dog  
BT: What?  
HH: Tell them to come to the west end man, that whole area is hot, dog  
BT: Where you seen the [expletive] black charger?  
HH: I seen them, my [expletive], they was [unintelligible] they kept on doing u-turns and [expletive] and then he gonna park and wait for us to come out, you know what I mean? Some [expletive] following us dog so just tell them to come to this side, man that side is hot, dog.

The evidence would show that in this call Hamadi Hassan and Biniam Tsegai are expressing concern about the presence of law enforcement in a particular area of Portland.

November 28, 2011 – Session # 2453

BT: Biniam Tsegai  
HH: Hamadi Hassan

HH: Hello, hello  
BT: Yo, yo, this [expletive] Art got 225, do you want it?  
HH: Huh?  
BT: Art [unintelligible]  
HH: Alright  
BT: Huh  
HH: Alright  
BT: For real, where do you want me to send him?  
HH: Huh  
BT: Where do you want me to send him?  
HH: Tell him to go to Edwards  
BT: You sure?  
HH: Yeah

BT: Yo, but this [expletive] seen some funny [expletive] go down

HH: Huh?

BT: He said he just come out of the courthouse, he say.

HH: He just came out of where?

BT: He said he came out of the courthouse, he said they gave him eighteen months

HH: Eighteen months?

BT: Yeah

The evidence would show that in this call, Biniam Tsegai is telling Hamadi Hassan that “Art” has “225”, or two hundred twenty five dollars to spend on drugs. Hassan then directs Tsegai to tell “Art” where to go.

The evidence would also show that the charged conspiracy involved more than 28 grams of cocaine base.

Date: January 15, 2014

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 15, 2014, I caused the foregoing Prosecution Version to be filed with the court and will deliver a copy to:

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