

IN THE MATTER OF:

ATTEMPT BY LOUIS BACON AND HIS REPRESENTATIVES TO
OBTAIN FALSE EVIDENCE FROM LIVINGSTON BULLARD JR
AND WISLER DAVILMA IMPLICATING PETER JOHN NYGARD IN
CARRYING OUT CRIMINAL OR OTHERWISE ILLEGAL
ACTIVITIES IN THE BAHAMAS

AFFIDAVIT OF WISLER DAVILMA
Sworn March 24, 2015

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Richard Good

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**AFFIDAVIT OF WISLER DAVILMA
Sworn the 24th day of March, 2015**

I, WISLER DAVILMA, of the City of Nassau, on the Island of
New Providence, The Bahamas,

MAKE OATH AND SAY THAT:

1. I am a small business man and a supporter, financially and otherwise, of the Progressive Liberal Party ("PLP"). As such, I have personal knowledge of the facts and matters hereinafter deposed to by me except where same are stated to be found and upon information and belief and where so stated I verily believe the same to be true.

2. I attended meetings in the City of Nassau, on the Island of New Providence, The Bahamas, on February 12 and February 19, 2015 with representatives of Louis Bacon, a prominent international

business man, with an estate at Lyford Cay on the Island of New Providence. It is well known that he is a large financial contributor to the Free National Movement (“FNM”).

3. On March 14, 2015, I attended at the offices of Fillmore Riley LLP a law firm retained by Peter John Nygard to provide him with legal services from time to time.

4. At that March 14, 2015 I was asked certain questions by two Canadian lawyers, Jay Prober, who practices criminal law and Richard Good, who is a lawyer at Fillmore Riley LLP and practices civil litigation.

5. During the course of meeting with these two lawyers, they asked me questions about activities involving Louis Bacon and Peter Nygard in The Bahamas including, two meetings which occurred on February 12 and February 19, 2015, the first of which was held at the law firm of John Bostwick, the second of which occurred at the Dunkin Doughnuts retail shop for several minutes, and was continued across the street in a ballroom at the Hilton Hotel, in downtown Nassau.

6. I have read a transcript of the questions and answers provided to these two lawyers by me and LIVINGSTON BULLARD JR.

7. The transcript was prepared by a special examiner of the Manitoba Court of Queen’s Bench who’s name is Jill Proctor.

8. I was not sworn by the special examiner given the unique nature of these proceedings.

9. Attached hereto and marked as Exhibit "A" to this my affidavit is a copy of the transcript provided by the special examiner.

10. I together with LIVINGSTON BULLARD JR, have reviewed the questions and answers and confirm that the contents contained in the transcript are all true, save and except I wish to provide the following clarifications and elaborations on what was said on the February 12 and February 19, 2015 meetings in addition to the answers which I provided yesterday and which have been transcribed in Exhibit "A":

a) On page 8 at line 12 of the transcript, the word "better" should be "building" in reference to relationship.

b) On page 57 at line 12 of the transcript, the words "call up" names on the so-called hit list means "make up" names on the so-called hit list. The retired FBI Agent Jim, held up a piece of paper indicating two names: Fred Smith and Pericles Maillis in reference to the hit list.

11. It became clear to me during these two meetings that the representatives of Louis Bacon wanted to obtain from me incriminating evidence against Peter Nygard, whether it was true or not. They were prepared to pay large sums of money for this.

12. I make this Affidavit in good faith without fear or favour and I am not being paid by anybody whatsoever, including Peter Nygard, to give this evidence.

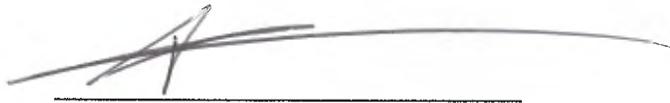
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CERTIFICATE

I HEREBY CERTIFY that this is the exhibit marked "Exhibit A" referred to
in the annexed affidavit.

DATED this 24th day of March A. D. 2014

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a long, sweeping horizontal line that extends to the right.

NOTARY PUBLIC

INTERVIEW

SATURDAY, MARCH 14, 2015

WINNIPEG, MANITOBA, CANADA

INTERVIEW OF: WISLER DAVILMA AND
LIVINGSTON BULLARD

INTERVIEW BY: MR. J. PROBER
Mr. R. GOOD

THIS TRANSCRIPT IS PRIVILEGED AND IS
PREPARED IN CONTEMPLATION OF LITIGATION.

1 SATURDAY, MARCH 14, 2015.

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MR. PROBER: All right, my name is Jay Prober, as you know, we met. And I am here along with Richard Good as legal representatives for Peter Nygard, Nygard International, and Nygard Inc. And we are here with the court reporter, as you know, who is going to take all of this down. And it is going to be privileged, and confidential, and for use of Richard Good, and myself, in preparation for giving legal advice to a client.

12

 Okay, do you understand that?

13

BOBO: Yes, we do.

14

15

16

17

MR. PROBER: I am going to get your names for the record. You are, you are Bobo, your nickname is Bobo, B-O-B-O. And your real name on your passport?

18

BOBO: Is Wisler Davilma.

19

20

MR. PROBER: Can you spell that for the reporter. W-I-S-L-E-R and Davilma D-A-V-I-L-M-A.

21

22

23

MR. PROBER: Thank you. And you are here, Winnipeg, Manitoba, Canada, from the Bahamas, from Nassau, Bahamas?

24

BOBO: Yes, sir, from Nassau.

25

MR. PROBER: To tell us about some meetings

1 that you had with some representatives of Louis
2 Bacon?

3 **BOBO:** Yes, sir.

4 **MR. PROBER:** And maybe we could call them
5 operatives of Louis Bacon, would that be fair?

6 **BOBO:** Yes, sir, no problem.

7 **MR. PROBER:** You are with today your friend
8 Livingston Bullard; is that correct, sir?

9 **BOBO:** Bullard. Yes.

10 **MR. PROBER:** Bullard. Could you spell that
11 for the record?

12 **TOGGIE:** L-I-V-I-N-G-S-T-O-N.
13 B-U-L-L-A-R-D.

14 **MR. PROBER:** And your nickname is Toggie.
15 T-O-G-G-I-E. The same for you, you were part of, you
16 participated in the meetings?

17 **TOGGIE:** Yes.

18 **MR. PROBER:** In Nassau, Bahamas earlier
19 this year, with some operatives, representatives of
20 Louis Bacon, correct?

21 **BOBO:** Yes.

22 **MR. PROBER:** You are here voluntarily?

23 **BOBO:** Yes, we are.

24 **TOGGIE:** Yes, we are.

25 **MR. PROBER:** Nobody is paying you to be

1 here.

2 **BOBO:** No, sir, no.

3 **TOGGIE:** No.

4 **MR. PROBER:** Why don't you tell us in your
5 own words about the meetings that you were involved
6 in in February 2015. And if one of you, maybe Bobo
7 you could take the lead, and then Toggie?

8 **TOGGIE:** Raise my hand.

9 **MR. PROBER:** You don't have to, just,
10 because it is informal, and the court reporter, will
11 ask us to slow down, if we are talking too fast, or
12 we are talking over each other, and you can chime in
13 any time you like, and Richard is going to do the
14 same, in terms of any questions that he has. So,
15 tell us then about what happened?

16 **BOBO:** First of all, we receive a call from
17 a friend of ours.

18 **MR. PROBER:** Right.

19 **BOBO:** By the name of Mighty Moncur,
20 Spartacus Moncur.

21 **MR. PROBER:** Mighty as in Mouse,
22 M-I-G-H-T-Y. Spartacus. S-P-A-R-T-A-C-U-S. And
23 the spelling of the last name?

24 **BOBO:** I would spell it M-O-N-C-U-R. But I
25 don't know if that is correct.

1 **MR. PROBER:** That is fine, we can correct it
2 later. Because, you can find out how to spell his
3 name?

4 **BOBO:** Yes, sir.

5 **MR. PROBER:** And you have known Mighty for
6 some time?

7 **BOBO:** Some time.

8 **MR. PROBER:** Both of you?

9 **BOBO:** Yes, sir.

10 **MR. PROBER:** All right. So you get a call,
11 what is the call about?

12 **BOBO:** He said that he had a meeting with
13 John Bostwick Junior. And Michael Pintard.

14 **MR. PROBER:** Bostwick is spelled -- and
15 Michael Pintard he wanted you to meet with them?

16 **BOBO:** Right.

17 **MR. PROBER:** And John Bostwick is a lawyer
18 there?

19 **BOBO:** Yes.

20 **MR. PROBER:** Who is Michael Pintard?

21 **TOGGIE:** Chairman of the FNM Party.

22 **BOBO:** Chairman.

23 **MR. PROBER:** FNM political party in the
24 Bahamas. And Bostwick is B-O-S-T-W-I-C-K. Right?

25 **BOBO:** Yes, sir.

1 **MR. PROBER:** Tell us about what happened
2 after the call? What, tell us about that?

3 **BOBO:** They said that he wanted to have a
4 meeting with Michael Pintard, and John Bostwick.
5 So, we asked him, said on what? You know what I
6 mean. He said that talking with some cooperatives,
7 some friends of theirs from Grand Bahama Freeport,
8 and New York. And say, they would like to meet with
9 us, and let's have a little discussion concerning Mr.
10 Nygard. And the March that we throwed, so we agreed
11 to go to the meeting. You understand?

12 **MR. PROBER:** Okay.

13 **TOGGIE:** Before we went to the meeting
14 Mighty called us back, and Mighty told us the thing
15 about Louis Bacon, they want us to try and join the
16 FNM.

17 **MR. PROBER:** They want you guys to join the
18 FNM?

19 **BOBO:** So we could get to come to the
20 meeting. Do you understand?

21 **MR. PROBER:** I see, okay.

22 **BOBO:** Instead of making it sound like it
23 was directly at Nygard or Louis Bacon at first they
24 wanted to make it seem it is a political meeting we
25 are attending. When we reach the meeting it is a

1 whole different story now.

2 **MR. PROBER:** Okay. So that is good
3 clarification, thanks. You go to the meeting, where
4 is the meeting and when is the meeting?

5 **BOBO:** The meeting was at Bostwick's
6 office, law office.

7 **MR. PROBER:** Go ahead.

8 **BOBO:** I think it was on the 12th of
9 February.

10 **MR. PROBER:** Right.

11 **BOBO:** It was on the 12rh of February.

12 And.

13 **MR. PROBER:** It started what time
14 approximately?

15 **BOBO:** 12:30, one.

16 **TOGGIE:** Not 12:30, one.

17 **MR. PROBER:** Closer to noon.

18 **BOBO:** Yes.

19 **MR. PROBER:** Tell us what happened at the
20 meeting? What was said, and who said it, you know
21 what I mean?

22 **TOGGIE:** The first meeting.

23 **MR. PROBER:** We are talking the first
24 meeting now in Bostwick's office, right?

25 **BOBO:** Yes, sir.

1 **MR. PROBER:** How long did the meeting last
2 approximately?

3 **BOBO:** About two hours in Bostwick office.

4 **MR. PROBER:** Two hours in Bostwick office.
5 Who was there?

6 **BOBO:** It was me, Bobo, that is me.
7 Toggie, Mighty, John Bostwick and Michael Pintard.
8 It was us five.

9 **MR. PROBER:** Did we already say Michael
10 Pintard was the chairman of the FNM?

11 **BOBO:** Yes.

12 **MR. PROBER:** Tell us about the subject of
13 the discussion in, you know, some detail. What did
14 they bring up, what did they discuss?

15 **TOGGIE:** When we went to the meeting
16 Michael Pintard told us, if you are interested in,
17 because he had heard we threw the protest for Mr.
18 Nygard. You understand. So we said, we throwed
19 the protest for Mr. Nygard -- we throw the protest,
20 but we didn't throw it for Mr. Nygard. We throw the
21 protest for --

22 **MR. PROBER:** Go ahead.

23 **BOBO:** When we are at Bostwick and Bostwick,
24 The meeting was, he asked us in the meeting, are we
25 willing to meet up with some people who could be very

1 helpful to us, in such a way. And I asked him what?
2 He said we know you throw the protest March for Mr.
3 Nygard. And I told him yes, we we throw the protest
4 March. We did the legal procedures, in throwing the
5 March. We got a letter, we write the Commissioner,
6 we received a letter. And, it was scheduled at a
7 particular date.

8 And, he said, that when I say he, Michael
9 Pintard, he said that he have some people in Grand
10 Bahamas, and New York who could be some good help to
11 us. I asked him what are you talking about? He
12 said let's just call it better relationship. You
13 understand. I say okay, so, Mighty went along with
14 Michael Pintard, because they are very close friends.
15 And said that you said that you wanted to meet some
16 people, okay. We agree to meet these people
17 concerning what? They say, one the March, two they
18 feel like Nygard, they cut it, we arrange a date to
19 see the people at a particular time, and Mighty
20 called us, and Mighty told us to meet them at Dunkin
21 Donuts at a particular time, 2 o'clock, or 1:30.

22 **MR. PROBER:** This is a week later now. Let
23 me go back to just clear up a couple of things.
24 When you said you got a letter from the Commissioner
25 of Police, right? You are talking about a letter

1 allowing you to have the protest March?

2 **BOBO:** Peaceful protest.

3 **MR. PROBER:** Yes, of course. And, he
4 raised the issue of some people in Grand Bahamas, and
5 New York. Did you understand that to be Fred Smith,
6 and Louis Bacon.

7 **BOBO:** When he said the people in Grand
8 Bahamas, he said Fred Smith and others. They are
9 cooperatives of Louis Bacon. I said okay. No
10 problem.

11 **MR. PROBER:** Now let me ask you, did
12 Nygard's name come up in the first meeting on
13 February 12th, as a supporter of the PLP?

14 **BOBO:** Yes.

15 **TOGGIE:** Yes.

16 **MR. PROBER:** It did. What did they say
17 about the FNM winning the election and what the
18 obstacles were?

19 **TOGGIE:** What he told us, what Michael
20 Pintard is telling us he is trying to get us to join
21 the FNM. He says we will be a lot of help to the
22 FNM.

23 **MR. PROBER:** Did he say anything about the
24 FNM winning the election, but there is a stumbling
25 block?

1 **TOGGIE:** He said that Mr. Nygard does
2 sponsor the PLP heavily money, we have to get him
3 out, you understand?

4 **BOBO:** Because they feel that as long as
5 Nygard is supporting the PLP, he is a block in the
6 their way, and they need to get rid of that block.
7 Because he is a very good contributor, he contributes
8 very heavily to the PLP Party, and they says he has
9 the PLP corrupt, like in his hands.

10 **MR. PROBER:** But Nygard is, he also supports
11 athletics in Bahamas, correct?

12 **BOBO:** He support athletics, the home of the
13 needy, even Red Cross, even in the community Bain &
14 Grants Town, that is an area --

15 **MR. PROBER:** A constituency?

16 **BOBO:** Bain & Grants Town they call it The
17 Over the Hill Community, the less fortunate lives in
18 that area.

19 **MR. PROBER:** Right. So he not only
20 supports the PLP, but he supports all of these causes
21 as well. Mr. Nygard?

22 **BOBO:** Not sure if he supports the PLP.
23 That is what FNM says.

24 **MR. PROBER:** Bain B-A-I-N Grandstand,
25 would be G-R-A-N-D-S-T-A-N-D. ?

1 **BOBO:** Yes. Grants Town

2 G-R-A-N-T-S-T-O-W-N.

3 **MR. PROBER:** What else did they say if
4 anything about Nygard, and the way he was -- they, I
5 think you told us before maybe that he was a dirty
6 fighting fellow, something like that? Did they say
7 that, and who said it?

8 **TOGGIE:** Michael Pintard said it, he is a
9 dirty fighting person. He will do anything, he will
10 do anything to anybody to get what he wants.

11 **MR. PROBER:** That is what Pintard said?
12 And, would it be fair to say that Pintard did most of
13 the talking at that meeting?

14 **BOBO:** Yes.

15 **MR. PROBER:** Not Mighty. And not John
16 Bostwick?

17 **BOBO:** No.

18 **TOGGIE:** No.

19 **MR. GOOD:** Just go back to the February
20 12th meeting, I have a few questions now that Mr.
21 Prober is finished in that area. Did the discussion
22 come up, in February 12th, in Bostwick's office about
23 you paying people to throw a protest March against
24 Mr. Bacon, and C.B. Moss?

25 **BOBO:** Yes.

1 **TOGGIE:** Yeah.

2 **MR. GOOD:** Tell me exactly what was said?

3 **BOBO:** Michael Pintard asked us if Mr.
4 Nygard had paid us to throw the protest March
5 concerning C.B. Moss and Louis Bacon. He is a
6 Reverend at Mount Olive Baptist Church.

7 **MR. PROBER:** Which church?

8 **BOBO:** Mount Olive on Meadow Street. That
9 is in the Bain & Grants Town Constituency.

10 **MR. PROBER:** Sorry. I thought we would get
11 the spelling correctly. Go ahead and finish.

12 **BOBO:** I told him yes, we threw a protest
13 March for Mr. Nygard, and nobody was paid. You
14 understand, no one was paid, not even me, not Toggie,
15 no one. We did it in good faith, because we seeing
16 the good Mr. Nygard has been doing for the community
17 at large. For the athletic team, and everybody
18 else, for the needy. I mean he is awesome, man, he
19 is good, he is great. They love him. To him, I
20 would say he is a God to them. Because, a lot of
21 people are hurting. And he find it every way
22 possible in his heart to help them, if needed be.

23 **MR. GOOD:** Who was this March directed at?
24 Who were you protesting?

25 **BOBO:** We were protesting a peaceful March.

1 There are people, C.B. Moss are saying that Nygard
2 are destroying the environment, they don't see why he
3 should be living in the Bahamas. That Nygard want
4 to throw stem cell research and Nygard, all of that
5 is a lie. He talks about Louis Bacon, C.B. Moss
6 words, this Michael Pintard saying that what C.B.
7 Moss is all about too. But everything they are
8 saying about Nygard is completely lie.

9 **MR. GOOD:** Now, was Mr. Bacon the subject of
10 this protest March?

11 **BOBO:** Yeah man. Big time.

12 **MR. GOOD:** Tell us about it. What was done
13 during the protest March by the protesters, about Mr.
14 Bacon, and Mr. Moss? Describe it?

15 **TOGGIE:** The protesters had flyers, and
16 posters, stating that Bacon is Ku Klux Klan leader.
17 I make them posters up myself. Livingston Bullard.
18 I made the posters myself. I paid for the shirts
19 myself. Because I have my own company. I have my
20 own business.

21 **MR. PROBER:** How many people in the March,
22 would you say?

23 **BOBO:** Approximately about 1500.

24 **MR. PROBER:** 1500? And you marched where,
25 Bay Street?

1 **BOBO:** Rawson Square. Market Street, we
2 came they had Junkanoo along with them, we had trucks
3 with music along with them, and trust me, it was very
4 peaceful.

5 **TOGGIE:** 1500, we had, everybody come up in
6 the shops and everything.

7 **BOBO:** Thousands.

8 **TOGGIE:** Thousands.

9 **MR. PROBER:** What time was it, like.

10 **BOBO:** Twelve o'clock. The March was held
11 July 14, 2014, at 12:32 p.m.

12 **MR. GOOD:** Now I am told there were at
13 least two other protest Marches involving Mr. Bacon,
14 maybe Mr. Moss too. I don't know. Is that the
15 case? And, if so, did either one of you have any
16 involvement in those?

17 **BOBO:** No. No, we never had any other
18 involvement. They accused us of it. They did
19 accuse us of the other two Marches, and the last
20 March New Years Day Junkanoo parade also at Rawson
21 Square.

22 **MR. GOOD:** This would have been 2014,
23 Christmas Day, to New Years, all the way to New
24 Years?

25 **TOGGIE:** That would have been 2015.

1 **MR. GOOD:** Yes. It is a week long Festival.

2 **MR. PROBER:** It was featured in one of the
3 James Bond movies when Sean Connery played James
4 Bond. He was in the Bahamas and it showed a Junkanoo
5 parade. Beautiful costumes and music and everything.
6 So one of the Marches was held that day, but you had
7 nothing to do with that?

8 **TOGGIE:** No.

9 **BOBO:** No.

10 **MR. PROBER:** You only had to do with this
11 one March in July?

12 **BOBO:** Yes, sir.

13 **MR. PROBER:** And you weren't paid for it?

14 **BOBO:** No.

15 **MR. GOOD:** Mr. Nygard didn't consult you as
16 to what should be on the posters or t-shirts?

17 **BOBO:** Mr. Nygard, had nothing to do with
18 him. He didn't even know nothing at all.

19 **MR. GOOD:** Just by way of background and I
20 will let Mr. Prober takeover. Before you started
21 talking about the February 12th meeting, it came out,
22 of course, that you knew Mr. Nygard, at least I
23 assumed that. Can you tell me when you first met
24 Nygard, and what your involvement with Mr. Nygard had
25 been over the years?

1 **BOBO:** What had happened is that me, Bobo,
2 and Toggie, we were driving one day in my car. And
3 I receive a call from a friend said Peter Nygard is
4 going to be in Bain & Grants Town. Me, as a street
5 leader who a lot of people highly respect in the
6 community. When they call me, it was my job to rush
7 over to find out what is going on.

8 When I arrived in Bain Town, I saw Mr. Nygard
9 and a group of individuals and automatically I came
10 out of my car, and I walked towards them, he wanted
11 to shake my hand, and quite frankly, I asked him
12 right away, who invite you to Bain Town? So he said
13 excuse me? I said who invited you to Bain & Grants
14 Town? You understand, the people that were with him
15 was telling him they were from Bain & Grants Town,
16 which they were from an area called Chippenham.

17 **MR. PROBER:** Chippenham?

18 **BOBO:** Right. That is what had me upset,
19 knowing that I am from Bains & Grants Town. Me and
20 Toggie are from Bain & Grants Town, that is a
21 strategy they were bringing him to because it is very
22 close, but after talking to him and hearing what he
23 had to said, welcome with him warm arms, you know
24 what I mean? Because I feel the man is doing a lot
25 of good for the community man.

1 **MR. PROBER:** When was that, when did you
2 first meet approximately, what year?

3 **BOBO:** I can't remember the date.

4 **MR. PROBER:** Two years ago, one year ago?

5 **BOBO:** About two years ago.

6 **TOGGIE:** Two years ago.

7 **MR. PROBER:** Two years ago.

8 **BOBO:** Yes, sir.

9 **MR. GOOD:** One last question, after that
10 first encounter with Mr. Nygard, did you have any
11 direct involvement with him up to and including
12 February 12th of this year?

13 **(DISCUSSIONS HELD OFF THE RECORD)**

14 **MR. PROBER:** We are back on the record Bobo,
15 is going to tell us what he said off the record.

16 **BOBO:** When Mr. Nygard shook my hand, me and
17 Toggie hand, he invited us at Nygard Cay. We asked
18 him, what really do you do at Nygard Cay? He said we
19 have party, it is where he lives, that is where he
20 have fun, enjoy himself. He say he like for us to
21 come and check it out. So, we took upon ourself,
22 said okay, we went behind Lyford Cay Gate, that is
23 where Nygard Cay, it is behind Lyford Cay gate, and
24 we went there. And when we reach inside they were
25 having a party, a social party, and it was Junkanoo

1 was there again, and people playing volleyball,
2 people were playing basketball, tennis, exercising,
3 on some of the weights that he has there. And,
4 people was on the beach. And in the pool.

5 **MR. PROBER:** They were having fun.

6 **BOBO:** Having fun, I know. I said Wow,
7 this is the life. I am telling the truth. This is
8 the life. You know what I mean. And he was asking
9 us some questions, like, he said that he want to help
10 more in the Bahamas. But, what he want is new
11 input, because, he hear everybody crying, you
12 understand, that is why he is walking in Bain &
13 Grants Town. He wanted to know for himself.
14 Wanted to know what more can he do. He remembered
15 where he came from. You understand. I think he
16 said that he used to live in one house, with one
17 kitchen, and a stove stay on to keep warm.

18 **MR. PROBER:** You got a good memory.

19 **BOBO:** So, Bain & Grants Town more, they
20 call it poor area, most unfortunate area. We give
21 him some input what he can do for Bain & Grants Town,
22 and what he can do for the Bahamas at large. A lot
23 of young individuals, they all about crime, one,
24 because there is no jobs, two, there is no education,
25 and three there is no leadership in the home.

1 I feel that the man supposed to be head of
2 home, and if a man cannot do what he is supposed to
3 do as a man, only thing he resort to is crime. And,
4 when Mr. Nygard bringing books, having basketball
5 tournaments, having volleyball tournaments, having
6 modeling competition, to keep everybody active, you
7 know what I mean. All of that. New inputs.
8 People try to do rap video, or music video. New
9 inputs.

10 **MR. PROBER:** So you, would it would be fair
11 to say you didn't have a lot of interaction with Mr.
12 Nygard, would that be fair? Like you weren't seeing
13 him all of the time, and you weren't working for him,
14 or anything?

15 **BOBO:** I cannot work for Mr. Nygard. I
16 have a company of my own.

17 **MR. PROBER:** So, a second meeting is
18 arranged?

19 **BOBO:** Yes.

20 **MR. PROBER:** Where, and when was that second
21 meeting?

22 **BOBO:** The second meeting was arranged a
23 week after.

24 **MR. PROBER:** So about February 19? Or 18,
25 something like that.

1 **BOBO:** Yes, sir. It was at the Hilton.

2 **TOGGIE:** We get the right time.

3 **(DISCUSSIONS HELD OFF THE RECORD)**

4 **MR. PROBER:** The meeting we decided best
5 you can recall February 19.

6 **TOGGIE:** That is when it was.

7 **MR. PROBER:** You checked that?

8 **BOBO:** Yes.

9 **TOGGIE:** Yes.

10 **MR. PROBER:** Started at Dunkin Donuts.

11 **BOBO:** Told us to meet them --

12 **MR. PROBER:** At Dunkin Donuts.

13 **BOBO:** Mighty had called me.

14 **MR. PROBER:** Mighty?

15 **BOBO:** Spartacus Moncur. And called me on
16 my phone and told me the meeting is arranged at 2
17 o'clock at Dunkin Donuts.

18 **MR. PROBER:** Did you call, you must have
19 called him to arrange the second meeting and he
20 called you back?

21 **BOBO:** No Mighty really arranged the
22 meeting.

23 **MR. PROBER:** But, you say he called you,
24 and, it is at Dunkin Donuts, but you must have called
25 him before that, and said you were going to meet

1 again?

2 **BOBO:** Yes.

3 **TOGGIE:** Yes.

4 **(DISCUSSIONS HELD OFF THE RECORD)**

5 **MR. PROBER:** Before we continue on, can you
6 tell us a little bit, go back to the February 12th
7 meeting, at the end of the meeting, what was it that
8 you were offered, if anything?

9 **BOBO:** At the February 12 meeting, that
10 first meeting, they said that -- how did they put it?
11 They wanted us to meet with some people, Grand
12 Bahamas people and some operatives of Louis Bacon
13 from New York. They said that.

14 **MR. PROBER:** Did they talk to you about
15 getting money to you?

16 **TOGGIE:** They said once we give evidence,
17 they will pay us the money, but they arrange the
18 meeting.

19 **MR. PROBER:** That was at the first meeting
20 they said that, it was in general terms, not
21 specific.

22 **TOGGIE:** General terms.

23 **MR. PROBER:** I think you said Mighty phoned
24 Bobo a few days later, to set up another meeting.
25 So, that was arranged for Dunkin Donuts, at what time

1 on the 19th of February?

2 **BOBO:** 1:30, 2 o'clock.

3 **TOGGIE:** 12:30. Man.

4 **BOBO:** I know the time.

5 **TOGGIE:** About 11:30 12 o'clock.

6 **MR. GOOD:** Go off the record.

7 **(DISCUSSIONS HELD OFF THE RECORD)**

8 **MR. PROBER:** Back on the record now, you
9 have just checked, just checked in a phone, I think
10 it is a Samsung phone, to confirm the time that you
11 arrived at Dunkin Donuts on February 19?

12 **BOBO:** Yes, sir.

13 **MR. PROBER:** That was about 11:40 a.m.?

14 **BOBO:** Yes, sir.

15 **MR. PROBER:** And we should maybe get this on
16 the record now. The phone that you looked at, tell
17 us about that, and tell us about what you used that
18 for in the meeting?

19 **BOBO:** Well this Samsung that you are
20 looking at now, the face of it has been cracked up.

21 **MR. PROBER:** Looks like it is broken.

22 **BOBO:** You understand, actually the face is
23 broken, but it still works. Not record in video,
24 but it will record in audio.

25 **MR. PROBER:** Good. And we are, and we will

1 get back to that in a minute. So you are at Dunkin
2 Donuts, who is at Dunkin Donuts when you first arrive
3 there? Are they there already?

4 **BOBO:** Mighty. Michael Pintard, two FBI
5 agent from New York or co-operative from Louis Bacon
6 from New York.

7 **MR. PROBER:** Are they retired FBI agents?

8 **TOGGIE:** Yes. Retired.

9 **BOBO:** One show us a badge or a passport or
10 badge, book, with identification on it. Saying
11 Retired FBI agent. The other told me he left his
12 one at home, or at the hotel room.

13 **MR. PROBER:** Okay. And did they give you
14 their names?

15 **BOBO:** Yes.

16 **MR. PROBER:** What do you, best recollection
17 now, what do you recall their names?

18 **TOGGIE:** John.

19 **BOBO:** John, and Jim.

20 **MR. PROBER:** One of them Jim. So now, in
21 addition to you, we have Mighty, we have Michael
22 Pintard, and we have these two retired FBI agents?

23 **BOBO:** Right.

24 **TOGGIE:** Yeah.

25 **MR. PROBER:** How long are you there at

1 Dunkin Donuts.

2 **BOBO:** Not even three minutes.

3 **MR. PROBER:** Where did you go?

4 **BOBO:** Across the road at the Hilton.

5 **MR. PROBER:** When you were at Dunkin Donuts
6 was the Samsung phone on?

7 **BOBO:** Yes.

8 **MR. PROBER:** Did you tape?

9 **BOBO:** We were recording the, the
10 conversation from Dunkin Donuts. So, that is what we
11 did.

12 **MR. PROBER:** So you took, well the phone is
13 with you, who had the phone, which one of you?

14 **BOBO:** Toggie had the phone.

15 **MR. PROBER:** And it looked dark, it was
16 dark, and it looked broken. You couldn't tell it was
17 on. So you, what happens, you leave Dunkin Donuts,
18 where do you go?

19 **BOBO:** The Hilton. First they wanted to
20 talk. They said that they have a place for us to go
21 at the Hilton Hotel. Across the street.

22 **MR. PROBER:** Right across the street.

23 **BOBO:** So, when we walk across the street.
24 They had a ballroom with coffee, doughnuts, tea,
25 water, and everything already in this room.

1 **MR. PROBER:** All set up.

2 **BOBO:** Set up. Like, they had this plan.
3 When we walk in the room, I saw a camera on my left
4 on the table. And I saw a camera on my right hand
5 on the floor.

6 **MR. PROBER:** So, this was a ballroom. It
7 was a huge room I take it?

8 **BOBO:** Huge room.

9 **MR. PROBER:** You spotted two cameras.

10 **BOBO:** I spotted two cameras, rest on the
11 ground.

12 **MR. PROBER:** What happened when you went in
13 the room. You noticed the cameras? What were you
14 told to do, what did you do?

15 **BOBO:** They said for good gesture, since we
16 build a relationship, let's put our phones on the
17 table on the bar. So we agreed.

18 **MR. PROBER:** How far was the table from
19 where you were?

20 **BOBO:** About 15 foot, not far.

21 **MR. PROBER:** Not too far?

22 **BOBO:** Not too far.

23 **MR. PROBER:** Between 15, what could be 25
24 feet as well.

25 **BOBO:** Yes, sir, anywhere between 15, and 25

1 feet.

2 **MR. PROBER:** Okay. And that was, who said
3 that, by the way, as a good gesture, as far as you
4 can recall.

5 **BOBO:** Jim.

6 **TOGGIE:** Jim.

7 **MR. PROBER:** Jim. Now this part of the
8 conversation is being taped?

9 **BOBO:** It being taped from when we left, we
10 walk into Dunkin Donuts straight into the hotel.

11 **MR. PROBER:** And throughout the meeting?

12 **BOBO:** Throughout the meeting. Four hours
13 of taping.

14 **TOGGIE:** About four hours.

15 **MR. PROBER:** Approximately. That is fair
16 enough. And, in addition, did you ask about the
17 cameras, did either of you ask about the cameras?

18 **BOBO:** I asked.

19 **MR. PROBER:** Bobo, what did you ask?

20 **BOBO:** I said since we form a relationship.
21 You told us from day one, let's put the phone across
22 correct, I said well yes. The cameras what are they
23 for? They are not on. So I checked the bag. But,
24 me, I am not a real camera person. So, even though
25 they are sitting on the table. I open it, take a

1 peek. But, I wouldn't know if it is on, or off.
2 So, I just took their word at the moment, that the
3 camera is off. And everything is off. Like I say.

4 **MR. PROBER:** Now, were you patted down, or
5 anything of that sort?

6 **BOBO:** Yes. I don't know if it is because,
7 I don't smile as much, or because I am a big build,
8 but they told me, that do I mind taking off my jacket
9 just to confirm that I am not wired.

10 **MR. PROBER:** Who did, who asked you that?

11 **BOBO:** Jim.

12 **MR. PROBER:** Doing most of the talking?

13 **BOBO:** Jim.

14 **MR. PROBER:** How about Toggie, did you get
15 patted down too?

16 **TOGGIE:** No, they didn't pat me down.

17 **MR. PROBER:** You looked a little more
18 honest, they trusted you more.

19 What happens after they pat you down, you
20 spot the cameras, and the meeting starts, what was
21 the discussion?

22 **BOBO:** They introduce themselves to us.

23 **MR. PROBER:** Sorry?

24 **BOBO:** They introduce themselves to us.

25 **MR. PROBER:** Sorry, I missed that.

1 **BOBO:** I notice both of them were sitting at
2 the top of the table with note pads. They were
3 writing information down as we --

4 **MR. PROBER:** Did you check to see if they
5 were wired?

6 **BOBO:** No, I didn't check.

7 **MR. PROBER:** They could have been wired as
8 far as you know?

9 **TOGGIE:** Yes.

10 **MR. PROBER:** Did they show you the badges at
11 the Dunkin Donuts, or Hilton?

12 **BOBO:** At the Hilton.

13 **MR. PROBER:** So they are sitting there?

14 **BOBO:** They both had note pads and writing
15 as we speak.

16 **MR. PROBER:** They both had note pads, I
17 thought you said they had no pads. Note pads and
18 they were writing. Okay.

19 **BOBO:** But during the time, they asked my
20 name, Toggie name, and Mighty name, bear in mind they
21 known us. How they did that as when we first met
22 right there, they said, my name is Jim, his name is
23 John, then they, we start communicating, they were
24 talking about Peter Nygard.

25 **MR. PROBER:** Yes, okay.

1 **BOBO:** You understand, they were asking us
2 questions, about where we meet Nygard from, do we
3 talk to Nygard on a regular basis, do we meet. Have
4 we done any criminal activities for Mr. Peter Nygard.

5 **MR. GOOD:** Say that again.

6 **BOBO:** Had we done any criminal activities
7 for Mr. Nygard. You understand?

8 **MR. PROBER:** Right. Oh, yeah.

9 **BOBO:** They told us, they were willing to
10 give us some lump sum of money for good gesture, if
11 we willing to cooperate with them. They.

12 **MR. PROBER:** Cooperate in what way?

13 **TOGGIE:** Give them evidence.

14 **BOBO:** Give them evidence, incriminating
15 evidence. That Nygard told us, made text, told us
16 on the phone or face to face, whatever.

17 **MR. PROBER:** They wanted to pay you for
18 incriminating evidence against Nygard. Who is this
19 coming from mostly Jim --

20 **TOGGIE:** John.

21 **MR. PROBER:** John too, he is the retired
22 FBI.

23 **MR. PROBER:** Pintard he is not there at this
24 time, at the beginning of the meeting.

25 **BOBO:** No.

1 **TOGGIE:** No.

2 **MR. PROBER:** Did they waste any time getting
3 into the subject of the discussion or did it start up
4 right away about Nygard --

5 **BOBO:** Start up right away.

6 **MR. PROBER:** And, they talked about building
7 a relationship?

8 **BOBO:** Right.

9 **MR. PROBER:** All right. And, so, continue,
10 as best you can recall, what happened?

11 **BOBO:** Where I left off.

12 **MR. PROBER:** They wanted to pay you a lump
13 sum of money for incriminating. Did they give you
14 an amount?

15 **TOGGIE:** We give them an amount.

16 **BOBO:** We tell them we want three million
17 dollars.

18 **MR. PROBER:** You said you wanted three
19 million dollars, was that after the 50, or before
20 they offered you the 50?

21 **TOGGIE:** Before.

22 **MR. PROBER:** They didn't mention 50.

23 **TOGGIE:** They will give us a big lump sum of
24 money.

25 **MR. PROBER:** Lump sum, you didn't ask them

1 how much.

2 **BOBO:** No.

3 **TOGGIE:** No.

4 **MR. PROBER:** You said you wanted three
5 million dollars?

6 **TOGGIE:** Right.

7 **MR. PROBER:** What did they say about that?

8 **TOGGIE:** They said too much money.

9 **BOBO:** The guys from New York wouldn't pay
10 that much money. But they have some money here now.
11 So I asked them to show me the money. They said
12 they can't show me the money yet. But the money is
13 here. I said you want us to say things, or add
14 things on, but we don't see a dollar. I said, man,
15 you said, proof for money. Evidence for money.
16 That is what we agreed on right.

17 **MR. PROBER:** But, you are playing them
18 really?

19 **BOBO:** Yes.

20 **MR. PROBER:** Playing along with them.

21 **TOGGIE:** They can't give us three million
22 too much. People in New York not going to pay. So
23 okay, give us a million and a half.

24 **MR. PROBER:** What did they say to that?

25 **TOGGIE:** He say I have to call New York

1 first, and then, I will come back and let you all
2 know what they say.

3 MR. PROBER: You know what, all right. And
4 who, your understanding was who were they calling in
5 New York, was that Bacon?

6 BOBO: I assume.

7 TOGGIE: Assume it is Bacon.

8 MR. PROBER: What about, you were told, I
9 think, that they represented some lawyers in New
10 York. When did they say that? At Dunkin Donuts or
11 Hilton?

12 BOBO: At the Hilton.

13 MR. PROBER: Was that at the beginning of
14 the meeting?

15 BOBO: Yes. Had some call, what word they
16 used. Representing cooperative of Louis Bacon, at
17 New York something about environment.

18 MR. PROBER: Did they talk about lawyers
19 from New York, too?

20 BOBO: Yes.

21 MR. PROBER: Did they mention the law firm,
22 I am not asking if you remember it, did they --

23 BOBO: The law firm? No.

24 MR. PROBER: Yes. Does the name Gibson Dunn
25 ring a bell?

1 **TOGGIE:** They didn't mention that.

2 **MR. PROBER:** They just said lawyers from New
3 York.

4 **TOGGIE:** That is all they said.

5 **MR. PROBER:** And, somebody else you believed
6 to be Louis Bacon?

7 **BOBO:** Right.

8 **MR. PROBER:** All right. Continue then, so
9 you have the discussion about the three million, the
10 one and a half, then what happens?

11 **BOBO:** It become a heated moment in the
12 room. Where words were exchanged for evidence for
13 money. We feel that they were playing us, so we
14 played their game. You understand.

15 **MR. PROBER:** Right.

16 **BOBO:** They wanted to know if Nygard has
17 called my phone, I told them yes. They wanted to know
18 did Nygard ever message me on the phone? I said yes.

19 They asked me if I have any incriminating
20 evidence on my phone concerning Louis Bacon from
21 Nygard. I asked them on my words, let's just say I
22 have some evidence, what is it to you? They said can
23 we see it. How much I am willing to sell my phone
24 for. I told them my phone is not for sale. But I
25 will show them a text that Mr. Nygard sent me just

1 saying Hi, or What is up boys. You understand.

2 **MR. PROBER:** Right.

3 **BOBO:** And I don't feel nothing
4 incriminating about that. Anybody can say Hi, what
5 is up. But they were focusing on really buying my
6 phone. They said my phone has evidence, right.
7 But, they wanted me to show them incriminating
8 evidence about Louis Bacon, and C.B. Moss. I said,
9 I told them I am not selling my phone. You told us,
10 when we walk in this room we are going to start off
11 as a good gesture, you were going to bring us some
12 money, so we agreed, you said you were going to give
13 us a lump sum of money. Now, we in the room. And
14 you haven't bring the money, but you tell us the
15 money is here? You understand? And phone keep on
16 ringing he keep saying this is people from New York
17 calling him, he cannot get clear reception in the
18 room. Every second is he walking out of the room to
19 talk to the people.

20 **MR. PROBER:** Jim or John or both?

21 **TOGGIE:** John.

22 **BOBO:** John.

23 **MR. PROBER:** Mostly John is getting calls
24 from New York.

25 **BOBO:** My friend Bullard, Toggie asks to use

1 the rest room.

2 **MR. PROBER:** Right. This is after the
3 heated argument now about the money and text
4 messages, and so on.

5 **BOBO:** Right.

6 **MR. PROBER:** Okay. You are heated because
7 you think they are jerking you around, playing you,
8 and they are not showing you the money.

9 **BOBO:** Right.

10 **MR. PROBER:** So he asks to use the washroom.

11 **BOBO:** When he came back, he said that a
12 white guy was following him in the. I said white guy
13 was following you?

14 **MR. PROBER:** A different guy?

15 **BOBO:** Outside in the lobby. Outside the
16 lobby. So I wait two minutes, and I ask to use the
17 bathroom, and Mighty came along with me to use the
18 restroom. And when we both walk in the restroom we
19 saw a white guy follow us in the restroom. I became
20 suspicious, because I am not used of that. First my
21 friend Toggie told him someone followed him in the
22 restroom. I go in the restroom, Mighty go in the
23 restroom, someone follow us. That is when I put one
24 and one together. You know what, they are working
25 with somebody outside of this room, I don't know

1 exactly who. I never met Louis Bacon, I never met
2 Fred Smith, but they told us they were on their way.

3 MR. PROBER: They are, really on the way to
4 the meeting?

5 BOBO: To the meeting.

6 MR. GOOD: Who told you that?

7 BOBO: Jim.

8 MR. PROBER: I should have asked you this
9 earlier, perhaps, where was the ballroom, main floor,
10 second floor?

11 BOBO: When you walk in the Hilton, as soon
12 as you walk in. There is a lobby. Walk straight,
13 turn left.

14 MR. PROBER: Right on the main floor?

15 BOBO: Yes.

16 MR. PROBER: The washroom too is on the main
17 floor?

18 TOGGIE: To the bathroom.

19 MR. PROBER: Okay. Sorry. So they said to
20 you, that Bacon, and Smith were on their way over.

21 BOBO: Right.

22 TOGGIE: Yeah.

23 MR. PROBER: Which meant they were in
24 Nassau?

25 TOGGIE: They were flying from Grand

1 Bahamas.

2 **BOBO:** Or New York, wherever they coming
3 from. I know Fred Smith is from Grand Bahamas.

4 **MR. PROBER:** Right. Okay. But, were they,
5 were you told they were at Pericles Maillis' office?

6 **BOBO:** Yes.

7 **MR. PROBER:** So continue. So you are
8 followed to the washroom by a white guy. Toggie
9 your friend was followed earlier to the washroom by a
10 white guy. You know there is somebody else outside
11 the room in addition to the white guys inside the
12 room.

13 **BOBO:** Right. At that time there was only
14 them two inside the room.

15 **TOGGIE:** So when we came back in the room
16 after the heated moment. Right. Because, we about
17 to get up to walk out the room. They call Michael
18 Pintard. You understand? And he come and he asked
19 what happened and all of them things.

20 **MR. PROBER:** Who came over?

21 **TOGGIE:** Michael Pintard came over from.
22 Maillis' office. He came and he tried to find out
23 what is going on, what is taking place in the
24 meeting. So we end up walking out of the meeting.
25 You understand. So, when we walk out of the

1 meeting, Michael Pintard go back across the road to
2 Maillis' office. I am not sure what -- We was about
3 to leave, he said don't leave, don't leave. I go
4 back. You understand. He goes to talk to John and
5 Jim.

6 **MR. PROBER:** He told you, Michael Pintard
7 said to you guys not to leave. He is going to talk
8 to John and Jim the retired FBI agents. And he
9 said, did he say anything to you, Michael Pintard,
10 talk about making some good of this, or something to
11 that effect?

12 **BOBO:** Yes.

13 **TOGGIE:** Yes, he said make sure it happen
14 don't leave, we didn't leave. We end up going back
15 in the meeting.

16 **MR. PROBER:** Okay. Did Michael Pintard
17 tell you as well that Bacon and Fred Smith are still
18 there?

19 **BOBO:** He said, but we never saw them.

20 **MR. PROBER:** You never saw them, he said
21 they were there?

22 **TOGGIE:** But we never saw them.

23 **MR. PROBER:** You go back in the room. Then
24 what happened?

25 **TOGGIE:** Then Michael Pintard come in the

1 room. All of us inside the room. So Michael
2 Pintard saying, we have to come to some kind of
3 agreement. The figures you are saying, it is on the
4 phone, the figures you are saying it doesn't add up.
5 He said we said six hundred thousand, which, we never
6 even said that.

7 **MR. PROBER:** Pintard said that?

8 **TOGGIE:** Yes.

9 **MR. PROBER:** When did he say that we said
10 six hundred thousand, when in Bostwick's office?

11 **TOGGIE:** No, inside the Hilton.

12 **MR. PROBER:** Inside the Hilton. That is
13 what he said.

14 **TOGGIE:** We never spoke of no six hundred
15 thousand.

16 **MR. PROBER:** No, no, I understand that.
17 Where did he get that? You don't know where he got
18 that figure from?

19 **TOGGIE:** I don't know where he got. Change
20 into six hundred thousand, into the millions, so we
21 going six hundred thousand into the millions.

22 **MR. PROBER:** There was no six hundred
23 thousand was ever mentioned. All right. Keep
24 going. Yeah.

25 **TOGGIE:** We asked them for three million

1 dollars.

2 **MR. PROBER:** I know, then he reduced it to
3 one and a half million?

4 **TOGGIE:** He told us.

5 **MR. PROBER:** Pintard was there for about how
6 long?

7 **TOGGIE:** He is in and out for like 20
8 minutes, and then he go again by Maillis' office.
9 He keep going back and forth.

10 **MR. PROBER:** He is back and forth a few
11 times.

12 **TOGGIE:** Yeah.

13 **MR. PROBER:** What is happened, is anything
14 resolved, what happened?

15 **TOGGIE:** John, John said he made a call,
16 inside, he made a call to New York. And the lawyer
17 made agreement that, if we give evidence they give us
18 the money. They cannot give us the money without no
19 evidence.

20 **MR. PROBER:** Is, did the retired FBI agent
21 John say the lawyer said that?

22 **TOGGIE:** Yeah.

23 **MR. PROBER:** Is that what he said. I
24 didn't understand?

25 **TOGGIE:** He said the lawyers in New York.

1 He said.

2 MR. PROBER: The lawyers in New York said
3 they can pay you the money, but only if you give them
4 the evidence.

5 TOGGIE: Incriminating evidence about Mr.
6 Nygard.

7 MR. PROBER: So most of this is recorded on
8 the Samsung phone that looks broken.

9 BOBO: Yes, sir.

10 MR. PROBER: That phone was not put on the
11 table with all of the other phones, at the outset?

12 BOBO: This was put on the table.

13 MR. PROBER: It was on the table. But it
14 looks like it is off.

15 MR. PROBER: I thought it was in your
16 pocket. So, it was on the table, and it recorded
17 from.

18 TOGGIE: From on the table.

19 MR. PROBER: All right. Sorry, continue.
20 So, John, John had called New York, and came back,
21 and said you want incriminating evidence, and you
22 will be paid for that?

23 TOGGIE: Paid some heavily money as long as
24 we have the evidence.

25 MR. PROBER: Keep going as best you can

1 recall.

2 **BOBO:** When we came back into the meeting
3 they had everything packed up ready to leave. When
4 they came back, the cameras, and everything was in
5 bags, it wasn't like how we met them the first time.
6 So he said I am glad you guys came back, and he told
7 me, like he put his hand on his lip. And, he writes
8 something down on the paper.

9 **MR. PROBER:** Like a be quiet sign on the
10 lip? You be quiet.

11 **BOBO:** He said, you know, he write what he
12 wanted me to say concerning Mr. Nygard.

13 **MR. PROBER:** Where is that paper now?

14 **BOBO:** John, or Jim took it, he never let me
15 hold it.

16 **MR. PROBER:** He wrote it, he didn't say it,
17 he wrote it on the paper. Do you remember what he
18 wrote on the paper, approximately, I mean, generally
19 speaking, or no?

20 **BOBO:** He said that, what it was?

21 **MR. PROBER:** Something bad about Nygard was
22 it, was it about paying for the March.

23 **TOGGIE:** Yes.

24 **BOBO:** To say that Mr. Nygard paid us money,
25 to throw the March and draw and wrote those posters.

1 That is what he wrote on the paper that he wanted me
2 to say.

3 **MR. PROBER:** He wanted you to say that, and
4 if you said that, you would be paid.

5 **BOBO:** Heavily.

6 **MR. PROBER:** What did you say?

7 **BOBO:** I said how much are you willing to
8 pay? Because, I have my family, and I really don't
9 have nothing to lose. You put Mr. Nygard, and
10 Bacon, in a field, give them two bats. They can.
11 They get their way. You understand, how much money
12 you are you really talking about now? So he said
13 they would give us \$50,000.

14 **TOGGIE:** Cash.

15 **BOBO:** Cash. I asked them to see it.
16 They said nearby. I said first of all, we just same
17 as we discussed earlier, my friend asked for three
18 million dollars, you don't want to pay three million
19 dollar, then he bring in the one and a half. Now
20 you say you are willing to pay me heavily, I ask you
21 50, you don't want to show me. He said how much
22 they are willing to pay me for my phone. My phone
23 is a Blackberry Bold. You understand? And I told
24 them my phone is not for sale. They said they would
25 give me 25,000 cash for the phone. And they will

1 give me 25,000 cash for the information that I said
2 that Nygard had paid me to throw the protest March,
3 and say the incriminating stuff about Louis Bacon,
4 and C.B. Moss.

5 **MR. PROBER:** That Nygard paid you to say, to
6 do those signs and all of that sort of thing.

7 **BOBO:** Yes.

8 **MR. GOOD:** Was Pintard in the room that the
9 time? When they were talking about 50, and 25?

10 **BOBO:** Yes.

11 **TOGGIE:** Yes.

12 **BOBO:** Michael Pintard was right in the
13 room.

14 **MR. PROBER:** Continue the meeting as best
15 you can recall, please. I know you are going to
16 listen to the tape, and we may have to fill in some
17 gaps, right, and helping you, listening to the tape,
18 will help you refresh your memory. And we will do
19 that, but in the meantime, you guys got a great
20 memory of what happened. So, if you could continue?

21 **BOBO:** They told us they will give us 50,000
22 To give them some incriminating evidence.

23 **TOGGIE:** On Mr. Nygard, saying, he, if he
24 ever told us to say that he if he won't fuck up
25 people --

1 **BOBO:** Fuck someone up.

2 **TOGGIE:** Fuck someone up.

3 **BOBO:** And they heard Mr. Nygard got a hit
4 list, if we could get them some names on the hit list
5 that would be more than incriminating evidence, what
6 they are looking for in Nassau, and New York. They
7 jump up in the meeting and said got him now, got the
8 dirty scum now.

9 **MR. GOOD:** Say that again.

10 **MR. PROBER:** Somebody jumped up in the
11 meeting, and said we got him now?

12 **BOBO:** We got him now. We got the dirty
13 scum now.

14 **MR. PROBER:** You are talking about the hit
15 list.

16 **BOBO:** Yes.

17 **MR. PROBER:** Who jumped up in the meeting
18 and said that?

19 **TOGGIE:** That is what they said Louis Bacon
20 do.

21 **MR. PROBER:** That is what Louis Bacon do.
22 Oh, I see. I misunderstood that.

23 **BOBO:** Because they were making the calls.

24 **MR. PROBER:** He was jumping up and down,
25 okay. They said Louis Bacon.

1 **MR. GOOD:** He was making the calls?

2 **TOGGIE:** Jim was making the calls, he used
3 the term, either his lawyers, in New York, or his
4 people in New York. So, to me --

5 **BOBO:** Michael Pintard is the one who told
6 us that Louis Bacon is jumping up and down saying we
7 got him now, we got bastard dirty scum now.

8 **MR. PROBER:** And he said that in this
9 meeting?

10 **TOGGIE:** Yes.

11 **MR. PROBER:** Do you know at what point was
12 he prompted to say this.

13 **BOBO:** I remember, because my phone rings a
14 lot in the meeting. When she was, so, I hit it so I
15 could cut it off. And then, if you listen, Jim
16 phone keyboard ringing also, from the people or the
17 lawyers in New York. And, you barely can hear
18 exactly what was said on the phone, but I remember
19 that because I was in the meeting.

20 **MR. PROBER:** Michael Pintard said that Louis
21 Bacon jumped up and down said we got him now.
22 Michael Pintard told you that? Out loud.

23 **BOBO:** Out loud.

24 **MR. PROBER:** Hopefully that is on the tape.
25 It should be on the tape.

1 **BOBO:** Should be on the tape.

2 **MR. PROBER:** We will listen for that. But
3 at what point did Michael Pintard tell you that? Do
4 you remember in what the context of the discussion,
5 was it in the context of discussing the hit list,
6 that Nygard is trying to fuck up people, and who said
7 that, by the way, about the hit list?

8 **TOGGIE:** He said, when we agreed, that we
9 give them evidence for the money. That is the part
10 when he said that.

11 **MR. PROBER:** Okay. Okay. That is when
12 Pintard said that?

13 **TOGGIE:** Yeah.

14 **MR. PROBER:** Okay. If there is anything
15 else, that you can tell us about the meeting, and,
16 what was said, that would be good.

17 **TOGGIE:** So they come in there, they brought
18 the money.

19 **MR. PROBER:** They brought the money. Who
20 brought the money?

21 **BOBO:** Different person.

22 **TOGGIE:** Different FBI.

23 **MR. PROBER:** Do you know if it was one of
24 the guys who followed you in the washroom?

25 **BOBO:** Wasn't that one.

1 **TOGGIE:** Wasn't that one.

2 **BOBO:** Backpack on his back. Folder.

3 **TOGGIE:** Three other people came in there.

4 All together there is five white guys.

5 **MR. PROBER:** Three other people came in,
6 including the guy, who was one of them, with the bag
7 on his back?

8 **TOGGIE:** He is one of the three.

9 **MR. PROBER:** He is one of the three. And
10 the others were probably the ones that followed you
11 to the washroom?

12 **BOBO:** Right.

13 **MR. PROBER:** Okay. As far as you knew, who
14 were they? What did they do?

15 **BOBO:** Said they were from New York also.

16 **MR. PROBER:** Did they show you badges?

17 **TOGGIE:** No badges.

18 **BOBO:** Shook our hand.

19 **MR. PROBER:** Told you retired FBI.

20 **BOBO:** Right.

21 **MR. PROBER:** Never showed you the badge.

22 **TOGGIE:** Never showed us no badge.

23 **MR. PROBER:** Did they look like retired FBI
24 agents?

25 **BOBO:** Look like I don't know if they

1 retired. But.

2 **MR. PROBER:** Any way, sometimes you can spot
3 a cop. You know. So, they come in with the money,
4 what happens? You didn't know until they got the
5 folder out of the school bag.

6 **BOBO:** The money wasn't in the school bag,
7 the money was in the folder, and they had a newspaper
8 folded up and they put the money in the table.
9 Opened it, 50,000.

10 **TOGGIE:** They said for good gesture.

11 **BOBO:** They say for good gesture, for
12 meeting with us, they said build a relationship, this
13 is a start. Continue doing more business with us,
14 there is lot of things they want to discuss with us.

15 **MR. PROBER:** What kind of currency was it?

16 **BOBO:** Bahamian.

17 **MR. PROBER:** Bahamian 50,000.

18 **MR. PROBER:** What kind of notes?

19 **BOBO:** 50's. US money -- it was strange to
20 see bright guy with \$50,000 cash.

21 **MR. PROBER:** Bright guy, when you say bright
22 guy, you mean white guy. But you call them bright
23 guys. 50,000 US. But this was Bahamian money.

24 **TOGGIE:** Bahamian money.

25 **MR. PROBER:** Where did they get it, do you

1 know? Did they say

2 **BOBO:** Scotiabank.

3 **MR. PROBER:** Why do you think that?

4 **BOBO:** It had the Scotiabank on it.

5 **MR. PROBER:** The wrapper?

6 **BOBO:** Right.

7 **TOGGIE:** Not the wrapper. Envelope.

8 **MR. PROBER:** Envelope. Must have been a big
9 envelope.

10 **BOBO:** It was.

11 **MR. PROBER:** Mostly 50s, did you say, or
12 20's, 100s?

13 **BOBO:** Just 50s, and 100s, no 20s.

14 **MR. PROBER:** No 20s? No fives, tens, 20s?

15 **BOBO:** 50s, and 100s.

16 **MR. PROBER:** And they said it was a goodwill
17 gesture?

18 **BOBO:** Right. For meeting with us, and that
19 they know they will be calling us in the present
20 future to do more business, because there is a lot of
21 things that they want to discuss with us, and lot of
22 things.

23 **TOGGIE:** We can provide them with.

24 **BOBO:** We can provide them with. They went
25 and asked us if we have ever been on Mr. Nygard's

1 plane, and they asked us if Mr. Nygard looked
2 healthy. Some people saying he has tuberculosis,
3 some people say he has AIDs.

4 **MR. PROBER:** They asked you that.

5 **BOBO:** They asked me that. I said I don't
6 believe that.

7 **MR. PROBER:** What did you say about whether
8 you been on the plane.

9 **BOBO:** I told them the truth. No, I
10 haven't. They asked me, if I heard about somebody,
11 or, incident happened at Nygard Cay with drugs
12 related. I tell you something, I can tell you
13 straight up. I been on Nygard Cay, I never seen
14 nobody smoke a cigarette, so judge drugs, nobody,
15 Nygard don't operate like that. Anybody who says
16 that about Mr. Nygard, Peter Nygard, is a compulsive
17 liar.

18 **MR. PROBER:** And was Pintard, was Pintard
19 in the meeting, when you got the 50,000?

20 **BOBO:** Pintard was in the meeting.

21 **MR. PROBER:** He was in the meeting when they
22 showed the cash?

23 **BOBO:** Right. Pintard had -- Mighty, they
24 put the money on the middle of the table, so Mighty
25 went to pick-up the money and Pintard jumped up, and

1 said he is good, he straight.

2 **MR. PROBER:** In other words, Michael Pintard
3 stood up, in other words, said he didn't want any
4 part of the money, he is straight, he has been looked
5 after.

6 (DISCUSSIONS HELD OFF THE RECORD).

7 **MR. PROBER:** We left off at the money. You
8 got 50,000 cash, Michael Pintard was there in the
9 room. Did anybody count the cash? Maybe after,
10 but, at the time, or did you do it after?

11 **BOBO:** We did it after.

12 **MR. PROBER:** You, and who got the money?

13 **BOBO:** Mighty. Mighty pick-up the money.

14 **MR. PROBER:** Mighty -- who ended up with the
15 money?

16 **BOBO:** Sharing the money equally.

17 **MR. PROBER:** You, and Mighty and --

18 **BOBO:** Toggie.

19 **TOGGIE:** And we get the money, we are,
20 Mighty asks him, Pintard, if you want anything.
21 Pintard said no, he is straight. He got straight.

22 **MR. GOOD:** He got what?

23 **MR. PROBER:** He is straight.

24 **BOBO:** He got sorted out.

25 **MR. PROBER:** In other words he was looked

1 after. He was okay. He didn't need the money he
2 didn't want the money.

3 **BOBO:** Then Michael Pintard said in the
4 meeting, everybody bear in mind that Michael Pintard
5 is not here. You never seen me. I wasn't a part
6 of this. That is what he said.

7 **MR. PROBER:** Michael Pintard said that to
8 whom?

9 **BOBO:** To us.

10 **TOGGIE:** He said --

11 **MR. PROBER:** You guys. Everybody was there.
12 Mostly he was directing it at you.

13 **BOBO:** Yes. He couldn't tell them.

14 **MR. PROBER:** Exactly, because he is on the
15 same side. So, but to you guys, he said, I wasn't
16 here at the meeting. In other words, don't mention
17 my name.

18 **BOBO:** Right.

19 **MR. PROBER:** Was that basically the end of
20 the meeting?

21 **BOBO:** Yes.

22 **MR. PROBER:** You guys split the money how,
23 right there in front of them?

24 **BOBO:** In my car.

25 **MR. PROBER:** You have advised Nygard, and as

1 a result of that, we are getting your statement
2 today?

3 **BOBO:** Yes, sir.

4 **MR. PROBER:** I think Mr. Good might have
5 some questions for you, while I look at my notes.

6 **MR. GOOD:** Just a few. I want to get the
7 sequence of events clearly in my own mind.
8 When Pintard joined the meeting, was that before, or
9 after the bathroom break?

10 **BOBO:** After the --

11 **TOGGIE:** Before.

12 **BOBO:** Before.

13 **MR. GOOD:** It was before. So it was after
14 the argument about money, but before the bathroom
15 break?

16 **TOGGIE:** Yes.

17 **BOBO:** Yes.

18 **MR. GOOD:** It would be fair to say Mr.
19 Pintard was at most of the meeting?

20 **BOBO:** Yes.

21 **MR. GOOD:** Because the dispute over money
22 happened over a short period of time at the beginning
23 of the meeting in the ballroom?

24 **BOBO:** Right.

25 **MR. GOOD:** Yes. Now, is it clear, that Mr.

1 Pintard, after he joined the meeting, definitely said
2 Fred Smith, and Louis Bacon, are in a room at
3 Pericles Maillis' office?

4 **TOGGIE:** Yeah.

5 **MR. GOOD:** You are absolutely positive?

6 **TOGGIE:** That is what he said, I don't know
7 if he is there for true.

8 **BOBO:** We never met them, we never saw them.

9 **MR. PROBER:** But you were told they were
10 there?

11 **BOBO:** Yes.

12 **TOGGIE:** Yes.

13 **MR. GOOD:** I am not sure I understand this
14 entirely. Was there something that was discussed
15 about Mr. Nygard paying the Commissioner of Police?

16 **TOGGIE:** Yeah.

17 **MR. GOOD:** Can you elaborate on that?

18 **TOGGIE:** I forgot that part. They asked us
19 a written statement that did Mr. Nygard pay the
20 Police Commissioner any money for.

21 **BOBO:** Throwing the protest March.

22 **TOGGIE:** Throwing the protest March. We
23 replied no.

24 **BOBO:** He was never paid. Nobody has never
25 been paid to throw any March, not the Commissioner,

1 not Nygard, not even us, no one it paid.

2 **MR. GOOD:** Were you asked to sign a letter
3 saying Mr. Nygard did pay the commissioner.

4 **BOBO:** Didn't pay it.

5 **MR. GOOD:** Were you asked to sign a letter
6 saying that Nygard did pay the Commissioner?

7 **BOBO:** No.

8 **TOGGIE:** He asked, I don't know, if they
9 cared Mr. Louis Bacon, they asked if Mr. Nygard paid
10 Commissioner police, sign no, he didn't pay it.

11 **MR. PROBER:** But, then, did they ask you to
12 say that any way?

13 **TOGGIE:** Yes.

14 **MR. PROBER:** They asked you to say he did
15 pay even though it wasn't true.

16 **BOBO:** They asked us to say that Mr. Nygard
17 paid us to throw this protest March.

18 **MR. PROBER:** Paid you.

19 **MR. GOOD:** Did they offer you money to say
20 that?

21 **BOBO:** Wrote on a piece of paper they were
22 going to give us 50 K. \$5000.

23 **MR. GOOD:** Now, in the Bahamas, does the
24 phrase "hit list" mean something.

25 **TOGGIE:** Yes, kill will you. Directly kill

1 you.

2 **BOBO:** Take you out. Fuck you up.

3 Everything.

4 **MR. GOOD:** Take out, fuck up, hit list, is
5 murder; is that correct? They all mean the same
6 thing. Did they ask you to say that Mr. Nygard had a
7 hit list?

8 **BOBO:** Yes.

9 **TOGGIE:** Yeah.

10 **MR. GOOD:** Who asked you that?

11 **BOBO:** Jim the FBI agent guy. And he asked
12 if we could call up a few names on the hit list.
13 Call who we know of anybody on the hit list. Then
14 they asked us, if we want to meet again, do we mind
15 meeting on Family Island of our choice, and they
16 would pay all expense.

17 **MR. GOOD:** On a what island?

18 **BOBO:** Family.

19 **MR. PROBER:** They call the Out Islands
20 Family Islands.

21 **MR. GOOD:** I know what an Out Island is.

22 **BOBO:** Mr. Peter Nygard is a powerful man,
23 and they don't think they feel safe in the Bahamas,
24 in Nassau, having the next meeting.

25 **MR. GOOD:** Did somebody say we will meet

1 within a given time period, or was that left up in
2 the air?

3 **BOBO:** They will give us a call. They got
4 our name and numbers, they said they would give us
5 the call. What was disturbing about this whole
6 thing, FBI agent guys who came in the room how they
7 are sitting. One walked right up to me, hey Bobo,
8 shook my hand, Hey Toggie, shook his hand, Hey Mighty
9 how you know which one is which? That is very
10 disturbing.

11 **MR. PROBER:** You obviously, they were, they
12 did their homework.

13 **BOBO:** They were advised.

14 **MR. PROBER:** Advised they probably took your
15 picture too. Like the cops do. If they, they have
16 a target. And the target, they have a picture of
17 the target. So, they had your pictures from
18 somewhere, wherever. They got your pictures.

19 **BOBO:** They asked me, say if me and Nygard
20 ever been out before. They asked if Nygard ever
21 drive in my car. I told him, the truth, I tell them
22 things I know that they will know is true, I wouldn't
23 lie. I say yes, I met with Mr. Nygard before. I
24 told him I feel comfortable if he sit in my car.
25 You understand. I don't want to sit on Nygard bus,

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