

GOVERNMENT EXHIBIT

Exhibit No.: 21

Case No.: 2:S20-cr-114-JES-MRM

UNITED STATES OF AMERICA

UNITED STATES OF AMERICA,) Fort Myers, vs.
)
Plaintiff) Case 2:20-CR-114-JES-MRM
)
vs.) Wednesday, May 12, 2021
)
CASEY DAVID CROWTHER,) 1:07 p.m. to 2:00 p.m.
)
Defendant) Courtroom 5D
)
_____)

Date Identified: _____

Date Admitted: _____

TRANSCRIPT OF DIRECT EXAMINATIONS OF KRISTEN DiIorio

VOLUME 1 OF 1

HELD BEFORE THE HONORABLE JOHN E. STEELE,

United States District Court Judge

Official Court Reporter:
Jeffrey G. Thomas, RPR, CRR
2110 First Street, Suite 2-194
Fort Myers, FL 33901
Telephone: (239) 461-2033

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computer-aided transcription.)

A P P E A R A N C E S

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* * *

I N D E X

March 24, 2021

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WITNESSES FOR GOVERNMENT

WITNESS NAME	DIRECT Vol. Pg.	CROSS Vol. Pg.	REDIRECT Vol. Pg.	RECROSS Vol. Pg.	VOIR DIRE Vol. Pg.
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Kristen Diorio	1 5		1 42		
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GOVERNMENT EXHIBITS ADMITTED

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Government's Exhibit 166 Admitted

1 10

Government's Exhibit 167 Admitted

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Government's Exhibits 24, 25, 26 Admitted

1 15

Government's Exhibit 27 Admitted

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Government's Exhibit 28 Admitted

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Government's Exhibit 36 Admitted

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Government's Exhibit 37 Admitted

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Government's Exhibit 38 Admitted

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Government's Exhibit 30 Admitted

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Government's Exhibit 173 Admitted

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Certificate of Court Reporter

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1 * * * P R O C E E D I N G S * * *

2 - - -

3 (At 1:07 p..m., the jury was escorted into the
4 courtroom.)

5 THE COURT: And the government may call its next
6 witness.

7 MR. REICHLING: At this time, Your Honor, the
8 government calls Kristen DiIorio.

9 THE COURT: Right up here, please.

10 COURTROOM DEPUTY: Good afternoon.

11 THE WITNESS: Good afternoon.

12 COURTROOM DEPUTY: Please raise your right hand.

13 Do you solemnly swear or affirm the testimony you are
14 about to give in the case now before the Court will be the
15 truth, the whole truth, and nothing but the truth?

16 THE WITNESS: I do.

17 COURTROOM DEPUTY: Thank you very much.

18 If you would please walk over to the witness box and
19 have a seat.

20 Once seated, would you please put your name on the
21 record and spell it for us?

22 THE WITNESS: Okay.

23 COURTROOM DEPUTY: Thank you.

24 THE WITNESS: Where on the record is that?

25 MR. REICHLING: No; could you state and spell your

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1 name for the record, please?

2 THE WITNESS: Oh, absolutely. Kristen,
3 K R I S T E N, DiIorio, D I I O R I O.

4 MR. REICHLING: And you can remove your mask if you
5 feel comfortable.

6 Your Honor, may I approach just to drop one exhibit
7 off? I've left exhibits on the stand.

8 THE COURT: You may.

9 (Counsel provides evidence to the witness.)

10 KRISTEN DIIORIO,
11 called as a witness by the Government, and having been first
12 duly sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. REICHLING:

15 Q Miss DiIorio, where do you currently work?

16 A Sanibel Captiva Community Bank.

17 Q And how long have you worked with Sanibel Captiva --

18 A About four years.

19 Q And what do you do for Sanibel Captiva Community Bank?

20 A I work as there office manager, the downtown Fort Myers
21 location.

22 Q And would that also somewhat be considered a branch
23 manager?

24 A It would, yeah. Same thing.

25 Q And are you in charge of, you said, downtown branch?

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1 A Correct.

2 Q And where is that located? Here in downtown Fort Myers?

3 A Yeah. Right in the Edison Theatre Building.

4 Q And have you served in that role for the four years
5 you've been with Sanibel Captiva?

6 A I have.

7 Q And did you work at any other previous banks before you
8 worked at Sanibel Captiva Community Bank?

9 A I have. I have been in banking 17 plus years. Prior to
10 Sanibel Captiva, I worked with Florida Gulf Bank, and then went
11 through the merge and became Iberian Bank.

12 Q What are your job duties, typically, as an office
13 manager at the downtown Sanibel Captiva Bank branch?

14 A Sure. As a community banker, kind of first and foremost
15 position is just to make sure we're there for our customers.
16 We'll go to the customer's office when needed. Just be there,
17 you know, open accounts, I do manage a staff, make sure
18 operational bank foundations are in place.

19 Q Do you also handle wire requests for customers?

20 A I do, yes.

21 Q And account opening requests?

22 A I'm sorry?

23 Q Account opening requests?

24 A Yes.

25 Q And what about transferring funds between customers'

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1 accounts?

2 A Yes, I do.

3 Q Now, you said you manage a staff of individuals?

4 A I do, um-hum.

5 Q Who is Jennifer Briggs?

6 A She's my assistant branch manager.

7 Q And you supervise her?

8 A I do, um-hum.

9 Q Okay. Was Target Roofing a customer of Sanibel Captiva
10 Bank?

11 A Yes.

12 Q And was Casey Crowther a customer of Sanibel Captiva
13 Bank?

14 A Yes.

15 Q And, roughly, do you know how many accounts Target
16 Roofing has With?

17 A I believe, currently, one.

18 Q Okay. Does Mr. Crowther have accounts with the bank as
19 well?

20 A Yes.

21 Q Now, who's the owner of Target Roofing?

22 A Casey Crowther.

23 Q And were you also involved with the Paycheck Protection
24 Program on behalf of Sanibel Captiva Bank?

25 A I was.

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8

1 Q And what was your involvement?

2 A All the branch managers, when that rolled out, we were
3 designated to be the . . . we were called the relationship
4 managers, kind of to address -- because we worked with these
5 customers day in and day out, it was just an easy transition
6 for us to be the contact person throughout the process.

7 Q Did you select documents that were submitted for the PPP
8 program?

9 A I did.

10 Q And were you assigned to Target Roofing's PPP
11 application?

12 A I was, um-hum.

13 Q And I'd like you to take a look at Government's
14 Exhibits 166 and 167 before you.

15 A Okay.

16 Q Do you recognize government's -- I'll let you finish
17 taking a look at them. I'm sorry.

18 A Okay.

19 Q What's Government's Exhibit 166?

20 A 166. It looks like just the folks with Target Roofing
21 that I was in contact with to collect the information, just
22 e-mails, some information off the checklist items that were
23 needed to apply, where I was just requesting information and
24 they provided them to me.

25 Q Are those a fair and accurate copies of e-mail -- what

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1 was the date of those e-mails? I'm sorry.

2 A April 6th, 20.

3 Q April 6th, 2020?

4 A Um-hum.

5 Q Is that a fair and accurate copy of e-mail
6 correspondence that you received from individuals at Target
7 Roofing on that date?

8 A Yes.

9 MR. REICHLING: Judge, at this time the government
10 would move what's been previously marked as Government's
11 Exhibit Number 166 in evidence.

12 THE COURT: Okay.

13 Any objections?

14 MS. WAID: Your Honor, it appears there are
15 attachments to this e-mail that I'm not seeing. I would just
16 inquire as to the -- we can see the attachments to the e-mail
17 so it's a complete document.

18 MR. REICHLING: I can attach one of the attachments,
19 but the exhibit does not have the attachments included with the
20 e-mail correspondence, Your Honor.

21 THE COURT: I guess I'm confused as to whether the
22 e-mail correspondence originally had attachments.

23 MR. REICHLING: There was an e-mail transmission that
24 was transmitted that did have attachments. I'm going to talk
25 about one of those attachments with Miss DiIorio, but those

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1 attachments aren't currently attached to Government's
2 Exhibit 166.

3 THE COURT: And the defense wants them attached? Or
4 wants them produced?

5 MS. WAID: I would like to see them, but I'm going to
6 withdraw the objection. Let the e-mail in. That's fine.

7 THE COURT: 166 will be admitted then.

8 (Government's Exhibit 166 admitted.)

9 BY MR. REICHLING:

10 Q Miss DiIorio, you have already talked about attachments.
11 I'm going to show you Government's Exhibit 166. If you'd take
12 a look at that?

13 A You said six?

14 Q Maybe it's not there. I'm showing you what's already in
15 evidence as Government's Exhibit 6. Was that attached to that
16 e-mail that you received on April 6th, 2020?

17 A Yes.

18 Q And what is that?

19 A It's the application for that payment protection loan.

20 Q And who originally sent you that document from your
21 e-mail chain in Government's Exhibit 166?

22 A I'm reading it. It looks like from their HR department.

23 Q Now, did you also receive additional e-mails from Target
24 Roofing that included additional PPP applications or documents?

25 A I know there was discussion. I don't have them in front

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1 of me. I would assume there was further e-mails with
2 information.

3 Q I'd like you to take a look at Government's Exhibit 167.
4 I believe that's before you. Take a look at it and let me know
5 if you recognize it.

6 (Witness examines evidence.)

7 A I was listed on the e-mail. I don't recall getting it,
8 because Kyle DeCicco kind of ran with it, but I was on the
9 e-mail.

10 Q Is that a fair and accurate copy of an e-mail that you
11 received on that date?

12 A I would say so, yes.

13 Q And is there an attachment? Multiple attachments?

14 A It looks like just the application?

15 MR. REICHLING: Your Honor, at this time the
16 government would move what's previously been marked as
17 Government's Exhibit 167 into evidence.

18 THE COURT: Any objection to 167?

19 MS. WAID: Sorry, Your Honor. We're just trying
20 to -- there's a lot of attachments to this e-mail, and they're
21 only showing one; so I'm trying to figure out what else there
22 might be that I can

23 We're going to object to incomplete on that,
24 Your Honor.

25 THE COURT: The objection is the exhibit as currently

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1 formatted is incomplete?

2 MR. REICHLING: Yes, that's correct, Your Honor. It
3 does include one attachment.

4 We can have a brief sidebar if Your Honor would like.

5 THE COURT: Are there other attachments?

6 MR. REICHLING: I can produce them, and they're
7 voluminous, but the defense has copies of them. We're only
8 seeking to introduce one of the attachments because it's
9 relevant to the witness's testimony at this time.

10 THE COURT: All right. The Court will admit the
11 exhibit as is; and then, if the defense wants to introduce the
12 rest of it, of course, they may.

13 MS. WAID: Thank you, Your Honor.

14 THE COURT: So 167 will be admitted.

15 (Government's Exhibit 167 admitted.)

16 BY MR. REICHLING:

17 Q And what's that attachment, Miss DiIorio?

18 A The second application for the increase for PPP funds.

19 Q And what was the date of that application on the bottom
20 of it?

21 A April 13th, 2020.

22 MR. REICHLING: Permission to publish, Your Honor?

23 THE COURT: You may.

24 MR. REICHLING: Thank you, Your Honor.

25

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1 BY MR. REICHLING:

2 Q I'd like you to take a look at Government's Exhibit 167.
3 It's also on that screen in front of you, if you'd like. And,
4 of course, you have the actual physical exhibit in front of
5 you.

6 This e-mail was sent to you and Mr. DeCicco, you stated.

7 A Correct.

8 Q And where was it send from?

9 A Brad North.

10 Q And what's the date of that?

11 A April 13th.

12 Q Who is cc'd in that e-mail?

13 A Casey Crowther and their HR department.

14 Q I'm going to go back to Government's Exhibit 166,
15 because I didn't publish it, and I'd like to talk about it just
16 briefly.

17 (Evidence was published via the projector.)

18 BY MR. REICHLING:

19 Q Was the e-mail we discussed earlier on April?

20 A It was, yes.

21 Q And who's it from again?

22 A It's from Evelyn Portinari with the HR department.

23 Q And who is cc'd on this e-mail?

24 A Brad North and Casey Crowther.

25 Q And we talked about the attachment that was on this

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1 e-mail. Was that the original PPP application that I think had
2 a date of April 1st on it?

3 A Correct.

4 Q Okay. Now, other than collecting some of the documents
5 we talked about here, I'd imagine you collected other documents
6 for Target Roofing for the PPP program?

7 A Correct, um-hum.

8 Q Now, I'd like the talk you to about your involvement in
9 opening up any accounts related to the PPP program. Do you
10 recall that?

11 A I do.

12 Q And do you recall having correspondence with the
13 defendant about what account he'd like his PPP funds to be
14 deposited into?

15 A I do.

16 Q I'd like you to take a look the a Government's
17 Exhibits 24, 25, and 26. And if I mistakenly didn't put them
18 up there, please let me know.

19 A No; I've got them. Okay.

20 Q Could you briefly explain, without telling me the
21 contents of those exhibits, what those -- what those exhibits
22 reference?

23 A Sure. It's just letting me know to put the PPP funds,
24 once closed, into the main operating account.

25 Q Don't read from the documents. I'm just asking you,

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1 were these correspondence you had with Mr. Crowther about where
2 he wanted funds to be deposited into?

3 A Correct.

4 Q And are Government's Exhibits 24, 25, and 26 fair and
5 accurate copies of those correspondence that you had with the
6 defendant back on that date?

7 A They are.

8 MR. REICHLING: Your Honor, at this time the
9 government would move what's been previously marked as
10 Government's Exhibits 24, 25, and 26 into evidence.

11 THE COURT: Any objections?

12 MS. WAID: No objection, Your Honor.

13 THE COURT: Exhibits 24, 25, and 26 will be admitted
14 and may be published.

15 (Government's Exhibits 24, 25, 26 admitted.)

16 MR. REICHLING: Thank you, Your Honor. I'm going to
17 publish Government's Exhibit 24.

18 (Evidence was published via the projector.)

19 BY MR. REICHLING:

20 Q And could you read out -- what's your original
21 correspondence on this date? Is it contained toward the lower
22 half of the e-mail on Government's Exhibit 24 or towards the
23 top? And I'll zoom in on it, and you can tell me.

24 A It looks like toward the top. I apologize. In my
25 e-mail it looks like -- same day, but mine was the lower mid

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1 form, and then the response was at the top.

2 Q And what's the date of this e-mail?

3 A April 10th, 2020.

4 Q And could you read what you sent to Mr. Crowther?

5 A Sure. "Good morning Casey. We received updated
6 information on how the closings and fundings will be processed.
7 Please read below and provide me with the funding account
8 number at your earliest convenience. Once closed, you will
9 receive immediate credit." And then, just, "Important. These
10 loan funds will be electronically deposited into your SCCB
11 account. Please provide me the account number you would like
12 these funds deposited into. Each morning, I will get a list,
13 and we'll notify you to expect an e-mail DocuSigned loan
14 package within 48 hours or less so you can be on the lookout
15 for the closing documents. The entire process is done
16 electronically."

17 Q Is this e-mail referencing the first PPP application and
18 approval by Sanibel Captiva Bank, do you recall?

19 A I don't recall, no.

20 Q Okay. What was Mr. Crowther's response to your e-mail?
21 And I'm going to zoom in on it.

22 A He says to deposit it in the main operating account.
23 Let me know what else you need and when to expect to close.

24 Q Now, Government's Exhibits 25 and 26, does Mr. Crowther
25 then respond to you again after he sends that e-mail?

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1 A Yes.

2 Q Is that located on Page 3 of the document before you?

3 And the lower right-hand corner of each of these exhibits has a
4 Bates number on it.

5 A It is, um-hum.

6 Q Is that the e-mail that I have -- the portion that I
7 have zoomed in on?

8 A It is.

9 Q And what did he e-mail you back again?

10 A "Can you call me please?"

11 Q And did you call him?

12 A I did. Um-hum.

13 Q And do you recall what you all discussed?

14 A Yes. It was just about if there was an option, if we
15 could open a separate account to put the PPP funds into.

16 Q And could you continue to explain that conversation with
17 me? Did he tell you that he wanted the money to remain in the
18 operating account, or did he want it to go somewhere else?

19 A He just asked if a separate account could be opened to
20 put the funds into, which we were allowed to open a separate
21 account to put the funds into. So he said he would just like
22 to keep it from, you know, other staff viewing the funds. So
23 we went ahead -- you know, it was a quick conversation about if
24 it's something we can do. We did it for a couple of customers
25 that requested it, so it wasn't anything out of the ordinary --

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1 Q I'm going to have you stop there. You said something
2 about not having others view the account?

3 A Um-hum.

4 Q Why did he want it in another account?

5 A Just to keep it separate from the employees that had
6 access to either on-line or other accounts.

7 Q And you're familiar with Target Roofing's other bank
8 accounts that they have at Sanibel Captiva Bank?

9 A I am.

10 Q And do members of Target Roofing's work force have
11 access to other accounts that Mr. Crowther has via Target
12 Roofing?

13 A Yeah. I believe, at the time, there was one other
14 person.

15 Q Now, this particular PPP account, however, was only
16 going to be accessible to Mr. Crowther.

17 A Correct.

18 Q Now, Government's Exhibit 26, following this
19 conversation with Mr. Crowther over the phone, did you send him
20 documents that could be used to open the account?

21 A I did, um-hum.

22 MR. REICHLING: And I'll publish that.

23 (Evidence was published via the projector.)

24 BY MR. REICHLING:

25 Q Is this the e-mail you sent?

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1 A It is, um-hum.

2 Q And can you read what you wrote, and also tell the jury
3 the date and time that you sent that?

4 A Sure. The e-mail was September on Friday, April 10th,
5 2020, at 3:49. It says: "Hi Casey. Please sign where
6 highlighted on the new account. I have updated your SBA file
7 to indicate for the funds to go into this account. Let me know
8 if you need anything else. Thank you."

9 Q Now I'd like you to turn to Pages 2 and 3 of
10 Government's Exhibit 26. Are these the account opening
11 documents that you sent to Mr. Crowther?

12 A They are.

13 Q What is the account agreement? What's its significant?

14 A It just lists who has ownership of the account and who
15 can sign on the account.

16 Q Okay. And, according to your review of this document,
17 who has authority on the account?

18 A Casey Crowther.

19 Q To the next page, Page 3, could you explain what the
20 corporate authorization resolution is?

21 A That just designates who has what powers and authorities
22 on the account. So, if there was more than one signer, you can
23 designate them specifically to be able to do only one thing.

24 Q Is there more than one signer, at least according to
25 your review, of this document?

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1 A No, there's not.

2 Q And could you read this by part, by who?

3 A Sure. By Target Roofing and Sheet Metal, Inc., PPP
4 loan, and then 1841 Ortiz Avenue, Fort Myers, Florida, 33905.

5 Q You don't need to read anything else.

6 Now I'd like you to take a look at Government's
7 Exhibits 27, 31, and 32. Do you not see 31 and 32 in front of
8 you? Let me just make sure.

9 A Yeah, I don't think I have it.

10 (Counsel provides evidence to the witness.)

11 THE WITNESS: Okay.

12 BY MR. REICHLING:

13 Q Could you tell me what Exhibit 27 is? Government's
14 Exhibit 27?

15 A It's an e-mail request to transfer funds to another
16 individual.

17 Q Okay. Is that an e-mail that was sent to you?

18 A It was, um-hum.

19 Q And who was it sent by?

20 A Casey Crowther.

21 Q And is that a fair and accurate copy of the e-mail you
22 received from Mr. Crowther?

23 A It is.

24 MR. REICHLING: Okay.

25 At this time, Your Honor, the government would admit

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21

1 what's been previously marked as Government's Exhibit 27 in
2 evidence?

3 MS. WAID: No objection.

4 THE COURT: Exhibit 27 will be admitted and may be
5 published.

6 (Government's Exhibit 27 admitted.)

7 MR. REICHLING: Thank you, Judge.

8 (Evidence was published via the projector.)

9 BY MR. REICHLING:

10 Q Could you read this e-mail for me, please?

11 A "Can you transfer a hundred thousand to Steve Adkins?
12 SanCap account __2271."

13 Q I'd like you to sort of walk me through a scenario in
14 which a customer submits a wire request via e-mail. What is
15 your typical standard of practice if you receive a wire request
16 via e-mail from a customer?

17 A Um-hum. We have a couple different methods to set
18 customers up, depending on how many wires they do. This
19 request is pretty typical for a lot of our businesses. It
20 would initiate us either receiving a signed request from them,
21 or, based on what we have on file, which is called a wire
22 agreement, kind of sets the tone whether we can just send wires
23 based on an e-mail and then with a callback verification, or
24 they might have to sign a request and e-mail it to us in order
25 to send it; but, by receiving this, this would prompt me to

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1 check and see if we have a wire agreement on file, which we do,
2 and then to call the folks back listed as authorized
3 confirmers, and confirm the dollar amount and their codeword.

4 Q What did you do in response to receiving this e-mail
5 from Mr. Crowther?

6 A I called Casey to confirm the dollar amount and the Code
7 word. And that was for a reason.

8 Q Let me just stop you there. Codeword. Did this
9 particular account that Mr. Crowther was requesting the funds
10 to be wired from have its own unique wire pass code?

11 A It did.

12 Q And was it different from his other pass codes for other
13 accounts?

14 A It was.

15 Q Okay. And can you explain Government's Exhibit 32 and
16 what it is? It's already in evidence, I believe.

17 A So this is the wire form that generates from our wire
18 software, so this is where we plug it into the system. It
19 prints out this sheet, and then we have a second employee
20 within the bank verify what we've entered in to ensure that it
21 gets processed properly.

22 Q Referring -- is that Government's Exhibit 32 before you?

23 A It is, um-hum.

24 Q And there's handwriting on that exhibit?

25 A There is.

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23

1 Q And whose handwriting is that?

2 A It's mine.

3 Q And did you make this handwriting at or near the time
4 that you received this phone call -- or the time that you
5 called Mr. Crowther to confirm the wire?

6 A Yeah. It would have been within an hour, I would say.

7 Q Now, during this discussion, did you ask Mr. Crowther
8 what the purpose of the wire transfer was?

9 A Yes.

10 Q And is that standard practice when you confirm a wire
11 request?

12 A If it's not listed on the e-mail or in the other form of
13 wire request, then yeah, we are -- we do ask that.

14 MR. REICHLING: Okay. Your Honor, I'm going to
15 publish Government's Exhibit 32. I believe it is in evidence.
16 I believe it was admitted yesterday.

17 THE COURT: It is.

18 MR. REICHLING: Any objection?

19 MS. WAID: It's in evidence.

20 MR. REICHLING: That went in yesterday.

21 (Evidence was published via the projector.)

22 BY MR. REICHLING:

23 Q Now, could you go to the stop of the zoomed in portion?

24 It says: "Signature, see attached wire agreement on file."

25 What does that mean?

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24

1 A That just tells my wire department that we don't have a
2 signature because we do have a wire agreement on file, and then
3 they'll look to the file to make sure we do.

4 Q And the date included there, is that the date that you
5 entered the wire request into Sanibel Captiva's system?

6 A Correct, it is.

7 Q And if you look below that, it says wire purpose. Could
8 you read what you wrote there?

9 A "Payroll transfer to partner."

10 Q And it's entered by whom?

11 A Me.

12 Q And I see: "If fax, call back info." Do you see that?

13 A This is just where we provide how we verified it. So I
14 put: "Verified codeword with Casey Crowther." And listed his
15 phone number.

16 Q Are you familiar with Mr. Crowther's voice?

17 A I am.

18 Q And did he identify himself in that phone call, and you
19 were familiar with his voice?

20 A I don't know that he said his name, but I've called him
21 enough to know his voice and to know that that's his number.

22 Q Okay. Now, Government's Exhibit 31. Could you just
23 briefly explain what that is?

24 A This is what would generate if you asked for a wire
25 confirmation. It's just a confirmation e-mail.

1 Q Okay. And is this a record that is accessible and kept
2 by Sanibel Captiva Bank?

3 A Correct, it is.

4 MR. REICHLING: I'm going to publish Government's
5 Exhibit 31.

6 (Evidence was published via the projector.)

7 BY MR. REICHLING:

8 Q Does this document also contain what the purpose of the
9 wire was?

10 A I believe it does. Yeah. This is more what we just
11 plug in internally. But yes, it does notate payroll transfer.

12 Q To whom?

13 A It doesn't list it on our form.

14 Q But it says payroll transfer to, could you read the rest
15 of that?

16 A I don't see it listed on this form.

17 Q If you look at the zoomed in portion of Government's
18 Exhibit 31 that's on the screen to your left, or up on the
19 screen behind you, you should take a look at it.

20 A Oh. Sorry.

21 Q Verify, next to that section?

22 A Yeah. Payroll transfer to partner.

23 Q And what's this verified thing about?

24 A That is the second employee verification; so that is one
25 of the employees in my office, Cassie Spara, who just did the

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1 double-checking with the internal stuff to make sure that the
2 funds were available, that we, you know, checked all the boxes
3 on our end that we needed to before sending it.

4 Q If a customer has more than one bank account with
5 Sanibel Captiva Bank, is it possible for them to transfer funds
6 amongst their accounts?

7 A Absolutely, um-hum.

8 Q And do you have the capability of doing that as -- this
9 might sound like a dumb question, but do you have the
10 capability of doing that, yourself, since you're branch manager
11 or office manager?

12 A I do.

13 Q And do customers request that you sometimes transfer
14 funds amongst accounts that they have with Sanibel Captiva
15 Bank?

16 A Yes.

17 Q I'd like you to take a look at Government's
18 Exhibit . . . I think it's going to be . . . 28.

19 A Okay.

20 Q Do you recognize that e-mail?

21 A I do.

22 Q And is it a fair and accurate copy of an e-mail that you
23 received from Mr. Crowther on April 26th, 2020? I mean
24 April 22nd, 2020, sorry.

25 A Yes, um-hum.

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1 MR. REICHLING: At this time, Your Honor, the
2 government would move what's been previously marked as been
3 government's 28 into evidence.

4 MS. WAID: No objection.

5 THE COURT: Twenty-eight will be admitted and may be
6 published.

7 (Government's Exhibit 28 admitted.)

8 BY MR. REICHLING:

9 Q What was this e-mail about?

10 A It was a request to transfer funds from the PPP account
11 into the personal checking account.

12 (Evidence was published via the projector.)

13 BY MR. REICHLING:

14 Q Could you just briefly read the e-mail that you received
15 from Mr. Crowther?

16 A Yes. It says can you transfer \$3,300 into my personal
17 account ending in 3439. I want it for my PPP account. Let me
18 know when it's done, please.

19 Q And what was the date of that e-mail?

20 A Wednesday, April 22nd, 2020.

21 Q Did Mr. Crowther, in the month of April, 2020, request
22 additional wire transfers from the PPP account, if you recall?

23 A I'm not sure if it was the month of April.

24 Q Okay. Well, do you recall a wire request in the month
25 of April to a marina?

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1 A I do.

2 Q And could you explain why you didn't handle that
3 particular wire request?

4 A Yes. I was working from home at the time, and just
5 didn't have the devices needed to process a wire from, so I
6 forwarded it to my assistant branch manager to take care of.

7 Q And who was that?

8 A Jennifer Briggs.

9 Q And did she handle that request?

10 A She did.

11 Q I'll have you take a look at Exhibits 35, 36, 37, and
12 38.

13 A I might not have 35 and 36.

14 MS. WAID: Sorry, I didn't hear. What exhibits were
15 they?

16 MR. REICHLING: 35, 36, 38, and 30 -- sorry.

17 MS. WAID: 35, 36, 38, and 30?

18 (Mr. Reichling and Ms. Waid confer privately.)

19 MS. WAID: Your Honor, we are going to object to 35,
20 36, 37, for lack of a proper foundation.

21 THE COURT: 35 and 36 are already in. 37 I don't
22 know anything about, so I don't think 37 has been offered yet.

23 MR. REICHLING: My apologies, Judge. It's 34,
24 35 . . . it's going to be 35, 36, and 37. And 35 and 36 appear
25 to be in evidence at this time.

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1 COURTROOM DEPUTY: Yes.

2 MS. WAID: Just for the record, Your Honor, they were
3 admitted as business records, so our objection is for
4 relevancy.

5 (Counsel provides evidence to the witness.)

6 BY MR. REICHLING:

7 Q Do you recognize Government's Exhibits 35 and 36?

8 A I do.

9 Q And what are they?

10 A It's our wire form that's generated from our software
11 after we input it and the wire confirmation.

12 Q And what's Government's Exhibit 36?

13 A Thirty-six?

14 Q Yes, ma'am.

15 A It's the wire form that prints out once it's on our
16 system.

17 Q And what do these particular documents reference?

18 A It references the bank it's going to, the beneficiary,
19 the account we're taking it from, who authorized.

20 Q And does this document state the purpose of the wire?

21 A It does.

22 Q And what is the amount?

23 A This one is for 55,000.

24 Q And Government's Exhibit 36, what did you state it was?

25 A I'm sorry, for the dollar amount, or --

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1 Q No, no. What's the document?

2 A The document is our wire form that prints up once we put
3 it in our system.

4 Q Is that your handwriting that's on Government's
5 Exhibit 36?

6 A It is.

7 Q And this is already in evidence, but I just want to
8 confirm that you did fill out that form.

9 A I did.

10 MR. REICHLING: Permission to publish, Your Honor?

11 THE COURT: You may.

12 MS. WAID: We object to relevance, Your Honor.

13 THE COURT: Same ruling as before, I'm admitting it.

14 (Government's Exhibit 36 admitted.)

15 (Evidence was published via the projector.)

16 BY MR. REICHLING:

17 Q Could you state what the purpose of this wire was for?

18 A Materials.

19 Q And is that your signature there, next to, "Entered by"?

20 A It is.

21 Q And could you refer to: "If faxed, call back info?"

22 Could you read what you wrote there?

23 A Sure. I put: "Verified with Casey," at his phone
24 number, with a dollar amount and codeword.

25 Q And what is the date of this wire transfer?

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1 A June 1st, 2020.

2 Q Now, Government's Exhibits, I believe it was 37 and 38,
3 could you take a look at those?

4 A Okay.

5 Q What is Government's Exhibit 37?

6 A This was the initial e-mail request for Casey requesting
7 the wire.

8 Q And is that the wire we just referenced in that wire
9 form you filled out?

10 A It is.

11 Q And is this a fair and accurate copy of an e-mail that
12 you received from the defendant on June 1st regarding that wire
13 request?

14 A It is.

15 Q And is there an attachment to that e-mail?

16 A Yes, there is.

17 Q And just can you just briefly not state what's on that
18 attachment but what it is?

19 A It's a copy of the bottom of a check.

20 Q And there's handwriting contained on Government's
21 Exhibit 37. Could you explain whose handwriting there is, and
22 why there's handwriting on it?

23 A It's mine and Jennifer Briggs, my assistant branch
24 manager, who was the second verifier. We just initial it so,
25 when our wire department receives it, they know it's an

1 authentic e-mail attachment from what we received.

2 Q And is this a fair and accurate copy of an e-mail you
3 received from Mr. Crowther and wrote on on June 1st, 2020?

4 A It is.

5 MR. REICHLING: At this time, Your Honor, the
6 government would move what's previously been marked as
7 Government's Exhibit 37 in evidence.

8 THE COURT: Any objection?

9 MS. WAID: Same objection, relevance, Your Honor.

10 THE COURT: All right. Thirty-seven will be
11 admitted.

12 (Government's Exhibit 37 admitted.)

13 (Evidence was published via the projector.)

14 BY MR. REICHLING:

15 Q Could you read the body of that e-mail?

16 A Yes. "Can you wire 55,000 out of my operating account
17 to the attachment. It's for materials." Do you need me
18 to

19 Q That's it. Sorry. And is this the attachment, is
20 that -- what is that?

21 A It's a picture of a bottom of a check, and contains a
22 routeing number and account number.

23 Q And were these documents -- or was this e-mail and
24 document used in your processing of that request?

25 A It was.

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1 Q Now, Government's Exhibit 38, could you take a look at
2 that?

3 A Okay.

4 Q And what is that?

5 A It's an e-mail from Casey just asking for wire
6 confirmation. Something that shows that we sent the wire.

7 Q And does that wire confirmation for that wire transfer
8 we just talked about?

9 A Are you -- I'm sorry, do you mind repeating that?

10 Q I'm asking the context of the e-mail. Is that e-mail
11 referencing the wire transfer that you just testified about,
12 the June 1st one?

13 A Yes.

14 Q And is it a fair and accurate copy of an e-mail exchange
15 that you had with the defendant on that date?

16 A Yes.

17 MR. REICHLING: At this time, Your Honor, the
18 government would move what's been previously marked as
19 Government's Exhibit 38 into evidence.

20 MS. WAID: Same objection, relevance, Your Honor.

21 THE COURT: All right. That objection is overruled,
22 Exhibit 38 will be admitted.

23 (Government's Exhibit 38 admitted.)

24 MR. REICHLING: I'm going to publish Government's
25 Exhibit 38, Miss DiIorio. I'd like you to go to the second

1 page of that exhibit.

2 (Evidence was published via the projector.)

3 BY MR. REICHLING:

4 Q What is the date and time of that wire transfer? I
5 mean, excuse me, e-mail.

6 A It was received on Monday, June 1st, 2020, at 9:55 a.m.

7 Q And can you read the body of that e-mail?

8 A It says: "Can you send me something that shows we made
9 the wire? I want to show them something so the guys can pick
10 material up now."

11 Q And is the first page of Government's Exhibit 38 your
12 response?

13 A Yes.

14 Q Is that what I published here before the jury?

15 A Correct.

16 Q And who was the recipient of that wire, if you could
17 say?

18 A Heather Mangus at J.P. Morgan Chase.

19 Q Now, I believe it's going to be Government's Exhibit 39.
20 Actually, it's Government's Exhibit 30. My apologies.

21 A Thirty?

22 Q Yes, ma'am.

23 A Okay.

24 Q Could you take a look at Government's Exhibit 30,
25 Pages 1 and 2, and just not read from the document, but state

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1 what it is?

2 A Sure. It's an e-mail sent from the comptroller just
3 asking about wiring funds.

4 Q And could you look at the second page of that e-mail?
5 Is that the attachment that was included with that e-mail?

6 A I would say yes. Yes.

7 Q And what is this for?

8 A It was a wire request to -- do you want me to --

9 Q Yeah, who is it to?

10 A Going to Steve Adkins for \$150,000.

11 Q And what was the date of this wire transfer request?

12 A Looks like July 17th, 2020.

13 Q And is the defendant cc'd on this e-mail?

14 A Yes.

15 Q And is that a fair and accurate copy of an e-mail that
16 you received on that date from the comptroller of Target
17 Roofing?

18 A Yes.

19 Q And is the attachment a fair and accurate copy of the
20 attachment that was included with that e-mail?

21 A Yes.

22 MR. REICHLING: Okay.

23 At this time, Your Honor, the government would move
24 what is been previously marked as Government's Exhibit 30 into
25 evidence.

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1 MS. WAID: Objection, relevance, Your Honor.

2 THE COURT: That objection is overruled. Thirty will
3 be admitted.

4 (Government's Exhibit 30 admitted.)

5 BY MR. REICHLING:

6 Q Miss DiIorio, could you explain this particular wire
7 request and what it was for?

8 A I mean, the The purpose says note payment.

9 Q Okay. But, just generally, what was this -- who was
10 this -- who are these funds to be sent to?

11 A Steve Adkins.

12 Q And what is the date of this request again?

13 A July 17th, 2020.

14 MR. REICHLING: Okay. I'm going to publish
15 Government's Exhibit 30.

16 (Evidence was published via the projector.)

17 BY MR. REICHLING:

18 Q And I'm zooming in there on the body. Who is Larry
19 Caudill?

20 A He's a comptroller for Target Roofing.

21 Q And have you . . . I guess, worked with Mr. Caudill in
22 dealing with account issues regarding any of Target Roofing's
23 bank accounts that they have with Sanibel Captiva Bank?

24 A Yes.

25 Q Did there come a time that Mr. Caudill had inquired

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1 about accessing the PPP account?

2 A Yes.

3 Q And did he have access to the PPP account?

4 A Not at that time, no.

5 Q Now I'm going to go to the second page of this exhibit.

6 What account number -- or what account was this wire coming
7 from?

8 A Their operating account.

9 Q Their operating account. Who is "their"?

10 A Target Roofing's.

11 Q And is that the account ending in 1791?

12 A Correct.

13 Q And what is the amount of the wire?

14 A 150,000.

15 Q And who was it being sent to?

16 A Steve Adkins.

17 Q And what is the purpose of this wire?

18 A Note payment.

19 Q Is there anything in there that indicates it was for a
20 payroll transfer?

21 A I don't see anything, no. And I don't recall.

22 Q Is that the section that references the purpose of the
23 wire?

24 A Correct, it is.

25 Q Do you have Government's Exhibit 107 before you? I know

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1 it's already in evidence, but.

2 A I do, yes.

3 Q And can you take a look at that?

4 A Okay.

5 Q And what is that?

6 A It's our monthly account statement. Looks like this
7 one's for the month of April, 2020.

8 Q And I'm going to publish it, because it's already in
9 evidence.

10 (Evidence was published via the projector.)

11 BY MR. REICHLING:

12 Q And what account statement is that for?

13 A The one with the one title "PPP Loan".

14 Q Now I'm going to focus in on the bottom of that bank
15 statement, and specifically I want to refer to the transaction
16 dated 4/16/2020. It says: "Loan from Casey, \$126,000." Did
17 you enter in: "Loan from Casey"?

18 A I don't believe that was done in the bank. I think that
19 was done in -- through their log-ins. But I couldn't say with
20 a hundred percent certainty. I don't recall doing that.

21 Q Does Mr. Crowther have online account access to his bank
22 accounts, if you know?

23 A He does, um-hum.

24 Q And are clients like Mr. Crowther able to transfer funds
25 amongst accounts using their online access?

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1 A They are.

2 Q And is there any cap on how much money could be
3 transferred back and forth between accounts, do you know?

4 A No. As long as their ownership is -- as long as they're
5 owners on all accounts, they can do whatever amount as long as
6 the funds are available.

7 Q Now, is the transaction dated April 21st, 2020, is that
8 regarding the wire transfer you discussed earlier to Steven
9 Adkins on 4/21/2020?

10 A Not the one we just discussed, but earlier.

11 Q Early early?

12 A Correct.

13 Q The one you discussed in the beginning of your
14 testimony.

15 A Yes.

16 Q And what about the 4/22/20 transaction, is that the
17 transfer of funds that you assisted Mr. Crowther with that he
18 indicated he wanted to come from his PPP account?

19 A Yes.

20 Q And Exhibit 424 we haven't talked about, but what is
21 that?

22 A That's a wire that was performed on that date going to
23 Sara Bay Marina.

24 Q Now, do you recall having a conversation with
25 Mr. Crowther in the month of July concerning his desire to

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1 inquire, excuse me, about depositing cash?

2 A I do.

3 Q Okay. I believe you should have Government's
4 Exhibit 173 in front of you? What is Government's Exhibit 173?

5 A It was my e-mail back to Casey Crowther in response to
6 an inquiry he had over the phone about depositing cash into the
7 bank.

8 Q And what's date of that e-mail?

9 A July 30th -- I'm sorry, July 31st, 20.

10 Q And is that a fair and accurate copy of an e-mail that
11 you sent to Mr. Crowther on that date?

12 A It is.

13 MR. REICHLING: At this time, Your Honor, the
14 government would move what's been previously marked as
15 Government's Exhibit 173 into evidence.

16 MS. WAID: No objection.

17 THE COURT: 173 will be admitted and may be
18 published.

19 (Government's Exhibit 173 admitted.)

20 BY MR. REICHLING:

21 Q Could you read what you wrote the defendant in that
22 e-mail?

23 A "Hi Casey. I have spoken with our internal auditors,
24 and what we need for you to provide on the cash deposit is
25 noted below: Name, occupation, and address of the purchaser of

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1 the boat, person who gave you the cash, explanation of the
2 source of the cash, where did the cash originate from,
3 information on the boat, make, model, VIN. If you can produce
4 a bill of sale, that would take care of this part. If/when you
5 get this information, we can coordinate a day for you to bring
6 in the deposit. Please let me know if you have any other
7 questions. Hope all went well with the closing."

8 Q Let me ask you, Miss DiIorio, would it have been your
9 practice to wait days or weeks to send that to Mr. Crowther
10 after he asked you for information about depositing cash?

11 A No.

12 Q Do you recall if you sent that the same day he asked you
13 about depositing cash?

14 A I can't say. I think maybe next day.

15 Q And you're referring to a closing. What's that about?

16 A I think we might have done a wire for a closing on
17 the day before. I don't recall the dates, but I'm assuming we
18 did something that I knew about it, so.

19 Q Was it a wire for a closing on a house?

20 A I believe so.

21 MR. REICHLING: One moment, Your Honor. If I could
22 just confer with co-counsel real quick.

23 (Mr. Reichling and Mr. Leeman confer privately.)

24 BY MR. REICHLING:

25 Q Following receipt of this e-mail, or sending this e-mail

1 on July 31st, 2020, do you recall if you handled the deposit of
2 the cash that Mr. Crowther was referring to?

3 A No. No, nothing more was . . . done with it after that
4 with me.

5 Q Okay. And do you recall if any large cash -- you were
6 involved with depositing a large quantity of cash following the
7 date of that e-mail?

8 A No, huh-uh.

9 MR. REICHLING: No further questions at this time,
10 Your Honor.

11 THE COURT: All right. Thank you.

12 Ms. Waid, you may proceed.

13 MS. WAID: Thank you, Your Honor.

14 (At 2:05 p.m., direct examination of Kristen DiIorio
15 concluded.)

16 * * *

17 At 2:20 p.m., redirect examination of Kristen DiIorio
18 commenced.)

19 THE COURT: Any redirect?

20 MR. REICHLING: Just briefly, Your Honor. Thank you.

21 REDIRECT EXAMINATION

22 BY MR. REICHLING:

23 Q I just have a couple brief follow-up questions.

24 Brad North, he didn't have access to that PPP account,
25 did he?

1 A No.

2 Q And Evelyn Portinari, she also didn't have access to
3 that PPP account; correct?

4 A Correct.

5 Q And Mr. Pavelo that we talked about, he didn't have
6 access to that PPP account either.

7 A Correct.

8 Q Who was the only person that had access to it?

9 A Casey.

10 Q And was it at Casey's direction that you opened that up
11 separately from his main operating account?

12 A Correct.

13 Q It wasn't your choice to open up a separate PPP account?

14 A Was it mine? No.

15 Q Now, the wire that was sent to Steven Adkins that we
16 talked about at the beginning, that was sent from the PPP
17 account; correct?

18 A Correct.

19 Q And you stated the purpose of the wire when it was sent
20 from the PPP account was for a payroll transfer to a partner;
21 correct?

22 A Correct.

23 Q And then we talked about a later wire transfer that was
24 sent in July from the main operating account of Target Roofing?

25 A Correct.

1 Q And what was it called then? What was the purpose then?
2 I think it was a note payment; correct?

3 A Correct.

4 MR. REICHLING: No further questions, Judge.

5 THE COURT: Any recross?

6 MS. WAID: No thank you, Your Honor.

7 THE COURT: You may stand down. Thank you.

8 You may call your next witness.

9 (The witness left the witness stand.)

10 --- --

11 (Thereupon, at 2:22 p.m., the direct-examination
12 testimony of Kristen DiIorio was concluded.)

13 --- --

14 CERTIFICATE

15 I CERTIFY THAT THE FOREGOING TRANSCRIPT IS A TRUE AND ACCURATE
16 TRANSCRIPT FROM THE ORIGINAL STENOGRAPHIC RECORD IN THE
17 ABOVE-ENTITLED MATTER.

18 Dated this 11th day of March, 21.
19

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