UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 0:23-cr-60170-RNS-1

UNITED STATES OF AMERICA, Miami, Florida

Plaintiff, June 5, 2024

vs.

ALEXANDRA ACOSTA,

Defendant. Pages 1 to 32

EXCERPT FROM JURY TRIAL
(CLOSING ARGUMENTS OF MR. JONES AND MR. SILBER)
BEFORE THE HONORABLE ROBERT N. SCOLA
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF: TREVOR CHRISTOPHER JONES, ESQ.
DOJ-USAO
500 East Broward Boulevard
Suite 7th Floor
Ft. Lauderdale, FL 33394
Trevor.jones@usdoj.gov

ADAM LOVE, ESQ.
US Attorney's Office
Miami, FL 33130
Adam.love@usdoj.gov

FOR THE DEFENDANT: BRIAN YAACOV SILBER, ESQ.
Law Offices of Brian Silber, P.A.
916 South Andrews Avenue
Fort Lauderdale, FL 33316
Silberlaw@gmail.com

STENOGRAPHICALLY REPORTED BY:

SHARON VELAZCO, RPR, FPR
Official Court Reporter
United States District Court
400 North Miami Avenue
Miami, Florida 33128
Sharon_pellvelazco@flsd.uscourts.gov
(305) 523-5636

I N D E X

	PAGE
Closing Argument by Mr. Jones	3
Closing Argument by Mr. Silber	14
Rebuttal by Mr. Jones	28

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(The following is an excerpt from the jury trial proceedings:)

* * * * *

MR. JONES: Thank you, your Honor.

Quid pro quo.

You heard me say it during the trial. It is this for that.

In this case, Ms. Acosta is charged with making false statements to the SBA and conspiring with Vilsaint St. Louis to do it.

The evidence that we have introduced today and yesterday, and the day before -- I apologize. We have demonstrated that the circumstances of this application are completely unexplainable about the matters that are contained in that PPP loan, the false statements, and the way that the funds were used and forgiven.

Now, as a housekeeping matter, we have already introduced a stipulation that there is no dispute as to the interstate wire.

That applies to Count 4. That is wire fraud. The parties agree that this -- that element of the case has been met. I don't believe there is any dispute here between the parties that there was false statements.

And, in these PPP loans; correct, I think we are all on the same page, that the number 8,300 and some-odd dollars on average monthly payroll, that is false; that the funds were going to be used for certain expenses, false; the fact that Ms. Alex Acosta potentially signed it could be false. So, what are we talking about now?

Knowledge.

Did Ms. Acosta know -- did the defendant know at the time exactly what they were getting into on February 1st, when her and St. Louis are in the same room, during the same period when the application was created, and they submit it to the SBA, getting a 20 thousand dollars PPP loan?

Nobody was in the room that day besides those two.

But, as the Court has instructed you, circumstantial evidence must be weighed equally as much as direct evidence. And, I would even say that we have direct evidence in this case by omission. So, let's talk about the circumstances that show that the defendant knew that the statements they made were false or deliberately ignored it.

We start in December 2017. We have walked through this today. We walked through it yesterday. We saw the report of the IRS examiner documenting, realtime, the statements of Ms. Acosta.

And, in those statements, the defendant makes clear her interactions with St. Louis. She makes it very clear that she goes in and sits with him. She goes through these records. That is her position when she goes in there that day.

She tells him -- she tells that tax preparer or the tax auditor, "I am involved. I have seen the numbers. They come from my head. They come from my head. And, I sat with him."

So, how do we know that is an accurate statement? First, it was the first thing that she said. Okay?

Memory doesn't get better with age. It was exactly the first time she spoke about it. It was fresh in her mind. It was 2021. This was for the 2019 year, 2018 year.

And, she knew that she had gone in that day for two of those years, and sat with him to get lower expenses calculated for her tax return.

How else do we know that that was an accurate statement?

We have the taxpayer questionnaires that St. Louis submitted on her behalf in response to the audit. It shows the date, February 4, 2020. She signed that in his office. It is not a digital signature. It is not asterisks. It is a wet signature. And, Ms. Acosta admits that is her signature.

And, that is the same day that her tax records were submitted to the IRS. So, we know that that is actually an accurate statement in that first report from the auditor.

But, as we know now, the story has changed, stories changed to fit the circumstances, to pivot out of something. That's the defendant. That is who testified today. A new story, different from the one previously made.

It is only after she -- let's talk about January 21st.

Right?

The IRS sends this examination report, changes.

It details, you saw, it details the expenses. They are not hidden. They are large, too, and it says both, 2018 and 2019.

Ms. Acosta got that. Her tax preparer got it. They saw it. They met together on February 1st. And, that's not all. They actually had a call with the IRS about those charges that day.

And, this wasn't over the course of seven hours. This was during the period in which she had come into the office, during her lunch break, spent about an hour there, probably, and sat with him.

They had a call with the auditor, and then boom, the application for PPP loan was created around noon that same day.

You see a G-mail account change, the password changes, and then you see a new login from Victory Tax, or it says from a new device, purportedly Victory Tax, based on IP information we have, right?

And, within that period, the application was created. It is all right, sent up. The numbers are in there, at that point.

What happens later is some -- the documents get submitted in support of the extra -- the IRS, the fake IRS forms. Right?

And, this whole time, the correspondence is going to the defendant. It is not going to Vilsaint St. Louis.

The defendant testified he would have done this to make up for the tax issue.

Okay, let's think about that.

How do you make up for something to someone without telling them about it?

How do you get credit for fixing an issue that you believe you caused, without letting the other person know exactly what you did to fix it?

It doesn't make any sense.

And, it is the first time she said it out loud.

And, in a situation where it mattered, Ms. Acosta came into the U.S. Attorney's Office. You heard the testimony. This is at a time where the Government had the IRS records for 2018, 2019, 2020. No tax audit. That was not part of the investigation yet. Vilsaint St. Louis was not part of the investigation. Agent Johnson testified about that.

After meeting with Ms. Acosta, during the meeting with Ms. Acosta, she does not disclose anything about this timeline, about Vilsaint St. Louis and how she was being audited, and he caused these problems with her taxes, and that this somehow created a reason for him to inflate these things, and, here is why. This is why this all happened.

No, not at all. She didn't mention it at all.

The truth, the whole truth, the whole truth, nothing but the truth.

That is incredibly telling about the state of mind of Ms. Acosta. And, that state of mind just reflects upon the intent, the knowledge at the time of what was right and what was wrong.

And, she pivots based on the information that is available to the person on the other side. That's what the defendant has shown she does.

When the tax auditor told her that "You can get out of doing it by writing a letter blaming him," that is what she did. She changed her story. She was working that case up. She was trying to get the emails.

Look. What you will see and what you have seen is that there is correspondence about this tax case with her between her and St. Louis.

She is active. She is trying to get this down. She is not blaming him for anything. She is not saying, "How did these numbers get here?"

She is not doing that at all.

She is actively working to get -- to get it down -- she is bugging him to do it. She is sending him records that purportedly would substantiate these losses, these expenses we are talking about. But, still, you can even see in the IRS records they couldn't find anything there of support, no annotation of anything.

And, so, when she has the opportunity to pivot, and save herself from having to pay a certain amount of money, she changes her story. She says, "Oh, second thought, here is what happened. I never go in. Or, I didn't go in, in 2018. Those two years, I didn't go in, actually; and, I don't know where he got those numbers."

Now, again, we already talked about the fact that she was there doing her 2019 returns because we have that signature. We knew that was actually false. We knew that is inconsistent with the record.

And, it is these inconsistencies that keep arising at opportune times for Ms. Acosta that show you her knowledge and intent.

The BSO policy -- nobody is arguing that not reporting to the BSO policy or filling out the forms is the crime of the century. It is not a crime at all. It is probably not even a policy violation. The point is this: It is how she saw herself at that time, as a worker.

She knows it is a side hustle. Right?

And, this is 2021 PPP fraud. This isn't like the beginning where no one knew about what the program was. In fact, she came in here and testified she didn't know what the program was until the day in February 2021. It is up to you to believe it.

But, Agent Johnson testified it was permeating federal law enforcement. They knew about it. They knew what PPP fraud was. People knew about the program by then.

And, Defendant Acosta's inability to keep a consistent story that makes sense is exactly why we know that she knew what Vilsaint was doing.

Her own story now makes no sense when you take a step back and think. An individual who knows your -- a law enforcement, is -- is going to send -- make sure that all the evidence of the crime that they are committing for you, with no reason, without your knowledge, is going to use your email address, and they don't want anything for it. They are just happy that you get an extra $20,000. Really happy for you. "You don't even know that I did that for you. In fact, I committed a felony to do it, and I falsified documents. I spent the time to do that for you, and you never even have to know."

Pure gratis.

It is illogical.

It is -- evidence of a felony is sitting in Ms. Acosta's email box as of February 3rd, 2021. First, the attachment to the document, it says, "DocuSign," right -- right there. Big sign.

And, then, it is in the attachment of the application, with the first part of it shows this income amount of $8,000.

It is in the first section. She knows she was not entitled to 20,180 based on the 2019 income of $13,000. She knew that. And, that is why she didn't share that information with anyone she cared about.

She -- in fact, not only did she not share it with people she loved, she deliberately hid it. She took affirmative steps to hide it from her wife.

Can you believe defendant Acosta when she is testifying that she had no idea what was going on, this was all such a surprise?

When her wife can't even really trust what she is doing because she doesn't disclose significant events -- they are not -- this is not buying an energy drink six times a week. These were two massive life events, in theory; you have a tax audit, which isn't a small deal. It is big. And, you hide that from your spouse.

And then you hide what is purportedly a good thing from your spouse. If you listen to her theory that somehow she was entitled to this, why wouldn't you tell your wife?

It is $20,000.

This is not a girlfriend. It is not an acquaintance. We are talking about her mother didn't know she did it, and her wife. That is how you know that she knew.

That's how you know that Vilsaint knew that she knew, and that is how you know that she knew Vilsaint knew.

They are together.

When she asked him to be quiet, "Got it."

No problem.

Her wife goes in there to do her taxes.

She is being audited with this guy, the St. Louis guy. And, her wife is heading there to do her taxes, and she doesn't want her wife to know about that. She doesn't want her wife to know that she is walking into a potential buzz saw, to check her 2018, and to check her wife's 2018 and 2019 tax returns. And, the reason why is because she knows what she is doing. She knows, and that's why she wants him to do a lot of this, too.

She pushes the G-mail, sure.

"Here you go. Do what you got to do. I'm not going to look."

20 grand is perfect.

Deliberate ignorance?

Yes.

There is -- as you walk through the evidence that will go back with you, it is not a massive amount of data within a very small period of time. Remember, we have circumstantial evidence of getting into the state of mind of defendant Acosta; the timing of when the application was created, the timing of when the forgiveness application was created, where she was during that period, she was with him when that loan was created, when that loan application was created.

Each one of these pieces carries the burden of proof beyond a reasonable doubt; that she knew, Counts 2 and 3 require knowledge and a false statement.

Again, we all agree, false statement.

The only remaining element is knowledge.

She knew.

The conspiracy, willfully joined in the conspiracy.

You have heard an instruction about good faith. Reliance is a defense to willfulness. When you willfully agree to have somebody submit a PPP loan application for you containing false information, that is a conspiracy to make a false statement.

And, that's what happened here. That's what happened on that day between the time that she left the airport, went to Victory Tax. You saw Victory Tax. She went to Victory Tax, spent her lunch break there.

Agreed, it doesn't have to be some written-out plan for conspiracy. It is an understanding. And, she doesn't have to do every step. In fact, that is how she prefers it. Somebody else has to do it. Somebody else has to do that work.

But, always keep asking yourself why would anybody take those affirmative felonious steps without any benefit?

What is the benefit?

Why would St. Louis do this at all?

They say, "Oh, because you have referrals."

That's fine. But, he would have to -- she would have to know that she is getting benefit to keep the referrals coming. There is always a reason for that.

There is no dispute it was created in Victory Tax. The IP address is what it is. The Government is not hiding anything about that. We understand what the facts are here. We understand the circumstances. We have all seen it; misstatements by the defendant, omission, material omissions, even after the case started.

Because she knows. She knows that the evidence shows she is guilty.

THE COURT: You have used 20 minutes.

MR. JONES: Thank you, your Honor. I am going to cede my time, or hold my time.

THE COURT: Okay.

MR. JONES: Thank you.

THE COURT: Mr. Silber?

MR. SILBER: Yes, your Honor.

73.56.139.104.

73.56.139.104.

Your Honor, would you please turn on the overhead projector?

73.56.139.104.

73.56.139.104.

We live in the year 2024. We are -- digital evidence is everywhere. It is following us right now. It is in our iPhones, on our computers, and it is watching, and it is recording. And, it is paying attention. And, two, three years later, we can figure out the truth.

February 1st, 2021; 73.56.139.104.

February 2nd, 2021; 73.56.139.104.

February 3rd, the date the loan was approved, 73.56.139.104.

Here is the loan application. As you can see, it is DocuSigned. And, we know it is DocuSigned because it has those little DocuSign symbols. Do you see the DS and the little sideways U?

Look at all these initials here and there.

There it is. DocuSign.

Alex Acosta, Alex Acosta. But, that pesky, pestering digital evidence at the scene, 73.56.139.104, will not be a surprise to anyone.

You have Vilsaint St. Louis, Victory Taxes@gmail.com, December 21, 2020, before any of this happened. 73.56.139.104.

Let's talk about the forgiveness application. Do you remember the lady with the pink hair?

What did she tell us about this signature here?

We can see this is the forgiveness application.

No. 1, she confirmed it is a digital signature. That is not a handwritten signature. It is not the signature we saw on deputy Acosta's checks or on her bank card with the big fat A's. That is a digital signature. But, that's not all. She sat there and she told us she couldn't tell us who put that there. You know why?

Because it is not authenticated.

It is not like this document that has a DocuSign envelope ID, F616B. F616B. You can take the forgiveness application and dump it because there is no evidence here.

When you go back in the jury room, take one copy of the jury instructions, and the first thing that you ought to do is circle every single time you see the words "intent", "willfulness", and two very important words, "only if."

"Only if." And, remember another thing. The burden of proof is exclusively on the people at this table. That's how it works in America.

The accused has no burden. She does not need to prove anything. And, here is the problem with this case. This has a very real reasonable doubt. There is a major question here. The evidence has shown us that Vilsaint St. Louis was the one who submitted these applications.

And, when we take it in the context of the IRS audit, they got this backwards. They got it totally backwards. She is not the one who is hurting for money, finding a way to solve her problems.

And, how do we know that?

Two ways; one, she paid for the audit tax liability out of her paycheck. That is irrefutable evidence. It came out of her paycheck in full. And, it was something that was determined after the fact. It didn't happen at this time. It wasn't an event up in the air. There was just discussions about how it would end. The letter she got said she might even be due a refund.

And then, of course, let's get to the most important piece of evidence when it comes to her intentions.

How did she spend the money?

If they put on evidence that there was a check written to the IRS on February 5th for that amount, then yes. That would tie it all together. But, it actually shows that there is a major, major conflict, and the major source of reasonable doubt why you can't convict her, because she spent the money on other things. She tried to invest it in Robinhood. Not $1 of that money went to the IRS. And, this is what is so important to it. We are not talking about a gap in time. This was applied for on February 1st. It was approved on February 3rd. The money was in Robinhood on February 4th. We are talking about days. Not a year later.

Deputy Acosta has conducted herself like a lady, and like an honorable officer of the law. When she was in trouble, just like at the airport, just like getting on SWAT, just like all the college grades the Government brought up, how is that even relevant?

Who cares what she did in college?

Don't tell me because you got an A in your little Criminal Justice class that you know anything about criminal justice because you went to college. You can't become a police officer and get a gun and go arrest people because you studied a little class in college.

No, it is a very serious thing. You have to be trained. You have to be certified. You have to do all the things that a police officer has to do; like any other professional lawyer or doctor, there are qualifications.

The BSO work evidence also doesn't inform us of anything. So what, she didn't fill out a form for a couple of years. She explained it. It was because she was at the same command during those years. And, she admitted to you she misunderstood the rule. But, her testimony is consistent with the evidence because the years that she was at airport command, she did submit the form. She did submit the form.

That only changed later. It is totally irrelevant evidence that doesn't tell us anything. It is just an attempt to make her look bad, like she is not a rule follower.

Let's talk about the IRS evidence.

According to the tax compliance officer -- all those notes, by the way, with the redactions in the missing information that we saw -- okay. What did it say in what was the end conclusion of this three, four-month investigation?

That they spent so many hours on discussing, that she didn't violate anything intentionally; that she is a person that didn't know anything about taxes; that, based on her statements and all the evidence in the case, there was no indication of wrongdoing on her part.

The guy with the motive here was Vilsaint St. Louis.

He was the guy who made the mistake on taxes. He was the guy who double-entered, who didn't even know something as basic as you can't deduct miles and expenses. He was totally unqualified.

But, she didn't know that then. And, he kept her in the dark. He didn't answer her calls. He told her this was a minimal thing, "It will be over soon. You are not going to owe any penalties."

And, he -- actually, he was right about that. She didn't owe any penalties in the end.

But, now, now that she has got access to all these documents, and in the discovery and the tax records and all this stuff, fast-forward two years, she has been arrested, she has been suspended, she is charged with major felonies in federal court. Now, she understands it. He was covering for him.

He was covering for him because he made a mistake that would potentially cost her $18,000.

And, he kept her in the dark about it. That is why he had to handle everything. That's why he had to get access to her email and say, "Oh, yeah. I will take care of it. I will do everything for you."

And, do you know what that is called?

That is abuse of a position of trust.

A tax preparer may not be a neurosurgeon, but a tax preparer owes their customers a duty, a fiduciary duty of candor to protect their personal information.

He was not candid with her. He was misleading to her. And, this was his attempt to fix these problems. Now, it makes sense.

But, back then, it wasn't obvious to her.

Deputy Acosta is an exemplary deputy. She is not even a regular deputy. She is somebody that everything she put her mind to, and put her effort to, she made sure to accomplish. Even in math, that she is terrible at, she had to apply herself harder, and she got a B. Okay?

Which, for her, is a failure.

She is a straight A student. Okay?

She is one of five percent of people that graduated from SWAT school.

She is the person who protects the president of the United States at the airport, and other dignitaries. They don't just let anybody do that. You have to be vetted and revetted. You can't even be a regular police officer. You have to be special.

And, that is also why none of this makes sense. Because to believe their story, this is what we have to think. This guy, this tax preparer, he has his law enforcement client come into his office. Oh, by the way, and her wife also is a sergeant in a police department.

And, he says, "Hey, no problem. Don't worry about your taxes. This is what we are going to do. We are going to go rob a bank."

Is that what he tells the SWAT officer?

Is that the plan?

He didn't tell her that. He didn't tell her that. That never happened. And, her testimony is irrefuted, totally irrefuted.

There are no audio recordings of their conversation. There is no independent witness.

What did I tell you in the opening statements?

90 percent of what you are going to hear, we agree with.

This whole case comes down to the conversation had between these two on February 1st. And, there were only two people present; Deputy Acosta and Vilsaint St. Louis.

And, only those two know what was said.

And, the problem is this, for the Government -- remember, they have the burden of proof. She has no burden at all. And, a reasonable doubt is a roadblock to a conviction. And, this case has real doubt.

You can't convict her with this IP address information if that is all you have. If that is all you had, that would be a not guilty verdict because it informs us that he was the one that submitted everything. That's what it tells us.

Now, good faith, as the judge instructed, is the defense to Count 1 and Count 4. Okay?

Let's talk about the two in the middle, or false statements.

A false statement to the SBA. It is a federal crime to knowingly make any false statement for the purpose of obtaining a loan from the U.S. Small Business Administration, the SBA, or for the purpose of influencing the action of the SBA in some way, in any way.

The defendant can be found guilty of this crime only if all of the following facts are proved beyond a reasonable doubt. What is fact No. 1?

The defendant knowingly made a false statement.

That can't be said when you have the evidence that shows you he is the one that made the false statement. He is the one that submitted it. That doesn't come back to her house. It doesn't come back to her phone. It comes back to him.

He is the one that submitted it.

And, by the way, let's look at her relationship with him for a moment. Okay?

This is not a person that she met yesterday. This is not a guy she Googled and called up, "Hey can you do my taxes," and she walks in, "Hey, you know you can get a PPP" --

No. This is a guy she has known since 2014. And, in the context of their tax preparation, that was the context of their role. They weren't friends. They are not relatives. They only encountered each other related to taxes.

And, let's talk about what that means.

How does that work?

Well, what does a person do when they go get their taxes prepared by somebody?

You take your W-2s, you take your 1099, you bring all your receipts and you give it to the guy, and what does he do?

He goes on the computer and he starts using whatever software that he uses, and he fills out the form. He figures it out.

Just like she is not a lawyer or a physician that needs to hire those people for those issues, so, too, she needs a tax preparer. That is his role in this.

Did they sit down together and prepare it together?

Yeah. But, what does that mean?

That doesn't mean she sat there with him and said, "Oh, when you put in this field here, put that number, and when you do this field here, do that number, use this code" -- no.

That is -- that is not what this is.

We know from the interview conducted by the tax compliance officer that she really had no knowledge of taxes. She was totally dependent on him. And, if he calculates and does the thing in the computer and says it comes out to 40 thousand or 20 thousand or whatever it is, okay.

What did the note say?

Well, she had an idea in her head on what her mileage was. She testified it was based on what her realtor app told her. Okay?

And, when he said, "Okay, this the number," it made sense. What more could she do than that?

What else could she do?

The bottom line is this: Like I said in my opening, she is coming before this Court with honesty and with honor and with integrity and with dignity. She is not fighting them on every little thing. She is not thumbing her nose at the Government and saying, "No, prove your case."

No, she instructed me to sign a stipulation that you are going to see. Why?

Because we don't need a fight about the things that don't need to be fought about. She instructed me to admit that a loan did exist; to admit that the loan was applied for; to admit that the forgiveness was applied for.

She admits -- and she admits the numbers were false. There is no dispute about any of that.

She didn't come in here and thumb her nose, "Prove your case."

No, she is disputing the one thing that they are alleging that is totally false, and it is her knowledge and participation and intent.

And, this SWAT officer that was running four, five miles a day, just to try out, and who failed the first time because she didn't make it five feet after a 40-yard haul of a heavy object, trained again, another four, five miles every day, to become the first woman to pass a BSO SWAT school. And, you know what, it is a title she still holds. And, she is also the only woman on their SWAT team.

I am sorry to have to tell you this, but, someone who has worked that hard and comes so far and done so much is not going to throw away their law enforcement career on a stupid $20,000.

Another thing, I am going to make a comparison.

Let's assume a person is in a little fender-bender at the Publix parking lot down the street. Someone backs into your car and they dent it, and they come running out and they do a, "Oh, sorry, sorry. I didn't mean to do that, it was a total accident."

Okay. Well, you go to the other guy and say, "We have to call the police and make a report."

The person says, "You know what, I don't want to do that. I don't want to have my insurance involved. I don't want to have my rates go up. Just give me a day and I will pay you the damages."

The person agrees, "No problem. Here is my number. No problem. Call me tomorrow."

The guy shows up with some money, three thousand dollars for your dent. You have no reason to think this guy is going to go rob a bank for it. And, that is exactly the scenario we have here, because while there were questions about his ability, sure, is he a good accountant?

A good tax preparer?

We can definitely talk about that. But, he was honest about it. He was honest about it. He admitted to her that he had made a mistake. And, he minimized the audit consequences to her.

She never had a reason to question his honesty.

She never had a reason to question his honesty.

And, for her, that means something special because not only is she law enforcement, she is a SWAT officer, which means she interacts with some -- what can be very violent people.

She is a person that needs her information protected.

She is a person that, when she hands a document and said, "Here is my kid's name. This is where they live. This is where we rest our head at night," that that is not going to get lost, misplaced, or end up in the wrong hands.

And, she never had that problem with him. She never had that problem with him.

She never had an identity theft issue. She never had an issue with not securing her information. He always made her feel comfortable.

At the end of the day, a not guilty on all these charges has to be entered because of these doubts. And, remember, I want to emphasize a million times over, we do not need to prove her innocence.

They need to prove she is guilty.

I am merely pointing out why that is not possible. There are unanswered questions here. There are conflicts in the evidence.

And, thank God we are here to ask these questions.

Lastly, I would like to say, on behalf of my client, thank you for your time. Thank you for your attention. Thank you for listening to everything that was said.

And, your Honor, we appreciate the Court's time as well. Thank you.

THE COURT: All right. Thank you.

Mr. Jones?

Do you want either the ELMO or your computer on?

MR. JONES: No, thank you, your Honor.

Conflicts in the evidence, indeed. He talked about it. We talked about it. She creates the conflicts. The defendant is the one who can't keep her stories straight.

She is a very intelligent person. She knows what she was doing then, and she knows what she was doing afterwards to make it look like she didn't know what she was doing then.

The evidence shows that she will say what is necessary to fix something. And, she will give the person what they need to hear. That is what the evidence shows.

Motive. I am still trying to catch up with defendant's thought process here about motive for St. Louis.

Who got the money?

The defendant.

It went straight to her bank account. She didn't pay him for it. So, where is the motive there?

And, who commits the felony for free, and without the other person knowing?

It is just -- it strains credulity.

"No reasonable doubt." It is not "all possible doubt." You have to use your common sense as jurors. Common sense, things that you walk around with on a daily basis.

You are making decisions. You drive over train tracks, you don't see the lights coming, okay, you feel good to drive over that train track.

It doesn't mean there is no possibility the train could be there. You know what, you have a pretty good idea that it is safe. And, you would drive across that with your kids in the back. That's what we are talking about. It is not "all possible doubt."

It is Ms. Acosta and her defense counsel want you to believe that she walked out one day and got struck by lightning.

She was on top of the mountain, holding the rod, telling somebody to get the lightning machine going and then activate it.

That wasn't what happened. This wasn't a mistake, a bunch of coincidences that all don't add up.

The amount of things showing the timeline of her interactions with St. Louis leading up to the audit, leading up to the PPP loan, leading up to the forgiveness -- it shows that she does work closely with him. It shows she did interact and talk with him about the things. She is not a wallflower. She helps her counsel throughout the whole trial.

She is active. She is smart. She is very smart. She is engaged. And, she has her hands and fingers in it.

She cannot claim -- you can't just play, take the keys, go ahead, get me whatever you need. Thanks.

That is not life, and it is certainly not when you have the experience and the knowledge base that this defendant has.

Motive.

Defense counsel can talk about St. Louis, some bad guy. He clearly is involved in this fraud. I didn't choose him. The Government didn't choose him as our tax preparer. She chose him as her tax preparer, this guy who is capable of doing this.

Take a step back and think about that. That is her person. She has been with him for ten years. Ten years. Before she became a law enforcement officer, mind you, they knew each other.

That's the relationship. That's the understanding. That's how do you know that when she was in there that day, there was an agreement that she would get this money, that she would get more than she actually was deserving.

The IP address shows from -- in that place, the application was created in or around noon. Where was she?

She was not at the airport. She told her commander -- or maybe not her commander, she told her supervisor she was leaving. She testified that she went to Victory Taxes that day. That's when it all started.

The fact that she now, and, when she proffered with the U.S. Attorney's Office, cannot admit that it is crazy suspicious circumstances to have $20,000 drop out of the sky from the person who is responsible for getting you -- well, purportedly responsible for getting you in tax trouble -- that doesn't click?

If his motive is to make it right, he is going to have to let her know he is making it right somehow; otherwise, that is her money. She would be entitled to it regardless.

You take a step back. The theory is -- it just -- you cannot wrap your head around it because nobody behaves that way.

Nobody.

Now, at the end of this, when you go back, you are going to have a chance to review all this evidence. I want you to take your time. Read those instructions. Understand the distinction between some of these counts; conspiracy, willingness; Counts 2 and 3, the knowledge, deliberate ignorance; Count 4, the wire fraud and intent to defraud -- these are all different charges.

When you go back there and you take the time to look over the evidence that is presented to you for the past couple of days, we are going to ask you to come back with the only verdict that is consistent with that evidence and the law as it has been instructed to you, as the verdict of guilty on all counts; Count 1, conspiracy to defraud the SBA; Count 2, false statements to the SBA; Count 3, false statements to the SBA, and, Count 4, wire fraud. Guilty.

Thank you.

THE COURT: All right. Thank you.

* * * * *

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C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription of the proceedings in the above-entitled matter.

August 8, 2024 /s/Sharon Velazco
DATE SHARON VELAZCO, RPR, FPR
Official Court Reporter
United States District Court
400 North Miami Avenue
9th Floor
Miami, Florida 33128

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$13,000 [1] - 11:2
$18,000 [1] - 20:1
$20,000 [4] - 10:13, 11:20, 25:20, 30:24
$8,000 [1] - 10:25

/

/s/Sharon [1] - 32:14

0

0:23-cr-60170-RNS-1 [1] - 1:2

1

1 [6] - 1:8, 15:25, 17:17, 22:10, 22:20, 31:22
1099 [1] - 23:16
14 [1] - 2:11
1st [5] - 4:6, 6:7, 15:6, 17:20, 21:23

2

2 [3] - 13:3, 31:14, 31:22
20 [4] - 4:9, 12:16, 14:13, 24:9
20,180 [1] - 11:2
2014 [1] - 23:8
2017 [1] - 4:17
2018 [6] - 5:7, 6:4, 7:16, 9:5, 12:9
2019 [6] - 5:7, 6:5, 7:16, 9:9, 11:2, 12:9
2020 [3] - 5:15, 7:16, 15:20
2021 [6] - 5:7, 9:21, 9:24, 10:21, 15:6, 15:7
2024 [3] - 1:5, 15:1, 32:14
21 [1] - 15:20
21st [1] - 5:25
28 [1] - 2:11
2nd [1] - 15:7

3

3 [4] - 2:10, 13:3, 31:14, 31:23
305 [1] - 2:5
32 [1] - 1:8
33128 [2] - 2:4, 32:17
33130 [1] - 1:19
33316 [1] - 1:23
33394 [1] - 1:16
3rd [3] - 10:21, 15:8, 17:20

4

4 [5] - 3:19, 5:15, 22:10, 31:15, 31:24
40 [1] - 24:8
40-yard [1] - 25:12
400 [2] - 2:4, 32:16
4th [1] - 17:21

5

5 [1] - 1:5
500 [1] - 1:15
523-5636 [1] - 2:5
5th [1] - 17:13

7

73.56.139.104 [9] - 14:20, 14:21, 14:24, 14:25, 15:6, 15:7, 15:9, 15:17, 15:20
7th [1] - 1:15

8

8 [1] - 32:14
8,300 [1] - 3:24

9

90 [1] - 21:20
916 [1] - 1:22
9th [1] - 32:17

A

A's [1] - 16:3
ability [1] - 26:14
above-entitled [1] - 32:12
abuse [1] - 20:7
access [2] - 19:19, 20:3
accident [1] - 26:1
accomplish [1] - 20:17
according [1] - 18:24
account [2] - 6:16, 28:16
accountant [1] - 26:14
accurate [4] - 5:3, 5:11, 5:20, 32:11
accused [1] - 16:17
Acosta [19] - 3:7, 4:2, 4:5, 4:20, 5:17, 6:6, 7:13, 7:19, 7:20, 8:4, 9:13, 11:8, 12:22, 15:16, 17:23, 20:15, 21:24, 29:7
ACOSTA [1] - 1:7
Acosta's [3] - 10:4, 10:21, 16:2
acquaintance [1] - 11:21
action [1] - 22:16
activate [1] - 29:12
active [2] - 8:17, 29:21
actively [1] - 8:21
ADAM [1] - 1:18
adam.love@usdoj.gov [1] - 1:19
add [1] - 29:14
address [4] - 10:12, 14:6, 22:5, 30:16
Administration [1] - 22:15
admit [4] - 24:25, 25:1, 25:2, 30:23
admits [3] - 5:17, 25:3
admitted [2] - 18:16, 26:17
afterwards [1] - 28:7
age [1] - 5:5
Agent [1] - 10:1
agent [1] - 7:18
agree [4] - 3:20, 13:5, 13:10, 21:20
agreed [1] - 13:18
agreement [1] - 30:14
agrees [1] - 26:8
ahead [1] - 29:24
air [1] - 17:6
airport [5] - 13:15, 17:25, 18:18, 20:25, 30:18
Alex [3] - 4:2, 15:16
ALEXANDRA [1] - 1:7
alleging [1] - 25:8
America [1] - 16:16
AMERICA [1] - 1:4
amount [5] - 9:3, 10:25, 12:20, 17:13, 29:15
AND [1] - 1:10
Andrews [1] - 1:22
annotation [1] - 9:1
answer [1] - 19:14
apologize [1] - 3:11
app [1] - 24:12
APPEARANCES [1] - 1:12
application [14] - 3:12, 4:8, 6:15, 6:20, 10:24, 12:23, 12:24, 13:1, 13:11, 15:10, 15:21, 15:24, 16:9, 30:17
applications [1] - 16:21
applied [3] - 17:20, 25:1, 25:2
applies [1] - 3:19
apply [1] - 20:18
appreciate [1] - 27:22
approved [2] - 15:8, 17:20
arguing [1] - 9:15
Argument [2] - 2:10, 2:11
ARGUMENTS [1] - 1:10
arising [1] - 9:12
arrest [1] - 18:7
arrested [1] - 19:21
assume [1] - 25:22
asterisks [1] - 5:16
attachment [2] - 10:22, 10:24
attempt [2] - 18:21, 20:12
attention [2] - 15:4, 27:20
Attorney's [3] - 1:18, 7:14, 30:23
audio [1] - 21:17
audit [7] - 5:14, 7:16, 11:15, 16:22, 17:2, 26:18, 29:16
audited [2] - 7:21, 12:5
auditor [4] - 5:1, 5:20, 6:14, 8:10
August [1] - 32:14
authenticated [1] - 16:6
available [1] - 8:8
Avenue [3] - 1:22, 2:4, 32:16
average [1] - 3:25

B

backs [1] - 25:23
backwards [2] - 16:23
bad [2] - 18:22, 30:3
bank [4] - 16:2, 21:11, 26:12, 28:16
base [1] - 30:1
based [5] - 6:18, 8:7, 11:2, 19:5, 24:12
basic [1] - 19:11
basis [1] - 28:23
became [1] - 30:10
become [2] - 18:6, 25:14
BEFORE [1] - 1:11
beginning [1] - 9:22
behalf [2] - 5:14, 27:19
behaves [1] - 31:7
bender [1] - 25:22
benefit [3] - 13:23, 13:24, 14:3
better [1] - 5:5
between [5] - 3:21, 8:15, 13:15, 21:23, 31:13
beyond [2] - 13:3, 22:19
big [3] - 10:23, 11:15, 16:2
blaming [2] - 8:11, 8:18
boom [1] - 6:14
bottom [1] - 24:17
Boulevard [1] - 1:15
box [1] - 10:21
break [2] - 6:12, 13:17
BRIAN [1] - 1:21
Brian [1] - 1:22
bring [1] - 23:16
brought [1] - 18:1
Broward [1] - 1:15
BSO [4] - 9:15, 9:16, 18:13, 25:14
bugging [1] - 8:22
bunch [1] - 29:14
burden [5] - 13:2, 16:14, 16:17, 22:2
Business [1] - 22:15
buying [1] - 11:13
buzz [1] - 12:8
BY [1] - 2:1

C

calculated [1] - 5:9
calculates [1] - 24:7
candid [1] - 20:11
candor [1] - 20:10
cannot [3] - 29:23, 30:23, 31:7
capable [1] - 30:6
car [1] - 25:24
card [1] - 16:2

care [1] - 20:4
cared [1] - 11:4
career [1] - 25:19
cares [1] - 18:3
carries [1] - 13:2
CASE [1] - 1:2
case [12] - 3:7, 3:20, 4:13, 8:12, 8:15, 14:10, 16:18, 19:6, 21:22, 22:4, 24:21, 25:6
catch [1] - 28:12
caused [2] - 7:9, 7:22
cede [1] - 14:14
century [1] - 9:17
certain [2] - 4:1, 9:3
certainly [1] - 29:25
certified [1] - 18:10
certify [1] - 32:10
chance [1] - 31:11
change [1] - 6:16
changed [4] - 5:21, 5:22, 8:12, 18:20
changes [3] - 6:2, 6:16, 9:4
charged [2] - 3:7, 19:22
charges [3] - 6:8, 27:11, 31:16
check [3] - 12:8, 12:9, 17:12
checks [1] - 16:2
choose [2] - 30:4, 30:5
chose [1] - 30:6
CHRISTOPHER [1] - 1:14
circle [1] - 16:12
circumstances [5] - 3:12, 4:14, 5:22, 14:8, 30:24
circumstantial [2] - 4:11, 12:21
claim [1] - 29:23
class [2] - 18:5, 18:8
clear [2] - 4:21, 4:22
clearly [1] - 30:4
click [1] - 31:2
client [2] - 21:6, 27:19
closely [1] - 29:18
CLOSING [1] - 1:10
closing [1] - 2:10
Closing [1] - 2:11
code [1] - 24:3
coincidences [1] - 29:14
college [4] - 18:1, 18:3, 18:6, 18:8
comfortable [1] - 27:9
coming [3] - 14:4, 24:18, 28:25
command [2] - 18:16, 18:18
commander [2] - 30:18, 30:19
commits [1] - 28:18
committed [1] - 10:15
committing [1] - 10:10
common [2] - 28:22
comparison [1] - 25:21
completely [1] - 3:13
compliance [2] - 18:24, 24:6
computer [3] - 23:18, 24:8, 28:1
computers [1] - 15:3
conclusion [1] - 19:2
conducted [2] - 17:23, 24:5
confirmed [1] - 15:25
conflict [1] - 17:15
conflicts [3] - 27:16, 28:3, 28:4
consequences [1] - 26:18
consistent [3] - 10:4, 18:17, 31:20
conspiracy [6] - 13:8, 13:12, 13:19, 31:13, 31:22
conspiring [1] - 3:8
contained [1] - 3:13
containing [1] - 13:12
context [3] - 16:22, 23:9
conversation [2] - 21:17, 21:22
convict [2] - 17:16, 22:5
conviction [1] - 22:3
copy [1] - 16:10
correct [1] - 3:23
correspondence [2] - 7:1, 8:15
cost [1] - 20:1
counsel [3] - 29:7, 29:20, 30:3
Count [8] - 3:19, 22:10, 31:15, 31:22, 31:23, 31:24
Counts [2] - 13:3, 31:14
counts [2] - 31:13, 31:22
couple [2] - 18:14, 31:18
course [2] - 6:10, 17:9
court [1] - 19:23
Court [6] - 2:3, 2:3, 4:11, 24:18, 32:15, 32:16
COURT [6] - 1:1, 14:13, 14:16, 14:18, 27:24, 32:1
Court's [1] - 27:22
covering [2] - 19:23, 19:25
crazy [1] - 30:23
created [10] - 4:8, 6:15, 6:20, 7:23, 12:23, 12:24, 13:1, 14:5, 30:17
creates [1] - 28:4
credit [1] - 7:8
credulity [1] - 28:20
crime [5] - 9:16, 9:17, 10:10, 22:13, 22:18
Criminal [1] - 18:5
criminal [1] - 18:5
customers [1] - 20:9

D

daily [1] - 28:23
damages [1] - 26:7
dark [2] - 19:14, 20:2
data [1] - 12:20
date [2] - 5:15, 15:8
DATE [1] - 32:15
days [2] - 17:22, 31:19
deal [1] - 11:15
December [2] - 4:17, 15:20
decisions [1] - 28:24
deduct [1] - 19:11
Defendant [1] - 10:4
defendant [16] - 1:8, 4:5, 4:15, 4:21, 5:23, 7:2, 7:3, 8:9, 11:8, 12:22, 14:9, 22:18, 22:21, 28:4, 28:15, 30:1
DEFENDANT [1] - 1:21
defendant's [1] - 28:12
defense [4] - 13:10, 22:10, 29:7, 30:3
definitely [1] - 26:16
defraud [2] - 31:15, 31:22
deliberate [2] - 12:17, 31:14
deliberately [2] - 4:16, 11:6
demonstrated [1] - 3:12
dent [2] - 25:24, 26:11
department [1] - 21:8
dependent [1] - 24:7
Deputy [1] - 21:24
deputy [5] - 16:2, 17:23, 20:15, 20:16
deserving [1] - 30:15
details [2] - 6:3
determined [1] - 17:5
device [1] - 6:18
different [2] - 5:24, 31:16
digital [5] - 5:16, 15:1, 15:17, 15:25, 16:3
dignitaries [1] - 20:25
dignity [1] - 24:19
direct [2] - 4:12, 4:13
disclose [2] - 7:20, 11:12
discovery [1] - 19:20
discussing [1] - 19:3
discussions [1] - 17:6
dispute [4] - 3:17, 3:21, 14:5, 25:4
disputing [1] - 25:7
distinction [1] - 31:13
District [2] - 2:3, 32:16
DISTRICT [3] - 1:1, 1:1, 1:11
DIVISION [1] - 1:2
doctor [1] - 18:12
document [3] - 10:22, 16:7, 27:1
documenting [1] - 4:19
documents [3] - 6:23, 10:15, 19:20
DocuSign [4] - 10:22, 15:12, 15:15, 16:7
DocuSigned [2] - 15:11
DOJ [1] - 1:14
DOJ-USAO [1] - 1:14
dollars [3] - 3:24, 4:9, 26:11
done [2] - 7:3, 25:18
double [1] - 19:10
double-entered [1] - 19:10
doubt [9] - 13:3, 16:19, 17:16, 22:3, 22:4, 22:20, 28:21, 29:6
doubts [1] - 27:11
down [5] - 8:17, 8:21, 21:22, 23:24, 25:23
drink [1] - 11:13
drive [3] - 28:24, 28:25, 29:4
drop [1] - 30:24
DS [1] - 15:12
due [1] - 17:8
dump [1] - 16:9
during [7] - 3:5, 4:7, 6:11, 6:12, 7:19, 12:25, 18:16
duty [2] - 20:9

E

East [1] - 1:15
effort [1] - 20:17
either [1] - 28:1
element [2] - 3:20, 13:6
ELMO [1] - 28:1
email [3] - 10:11, 10:21, 20:4
emails [1] - 8:13
emphasize [1] - 27:12
encountered [1] - 23:11
end [6] - 17:7, 19:2, 19:18, 27:4, 27:10, 31:10
energy [1] - 11:13
enforcement [6] - 10:2, 10:9, 21:6, 25:19, 26:23, 30:10
engaged [1] - 29:22
entered [2] - 19:10, 27:11
entitled [4] - 11:1, 11:19, 31:5, 32:12
envelope [1] - 16:8
equally [1] - 4:12
ESQ [3] - 1:14, 1:18, 1:21
event [1] - 17:6
events [2] - 11:12,

11:14
everywhere [1] - 15:2
evidence [29] - 3:10, 4:12, 4:13, 10:10, 10:20, 12:19, 12:22, 14:11, 15:1, 15:17, 16:9, 16:20, 17:3, 17:10, 17:12, 18:13, 18:18, 18:21, 18:23, 19:6, 22:22, 27:17, 28:3, 28:9, 28:11, 31:11, 31:18, 31:20
exactly [5] - 4:6, 5:5, 7:10, 10:5, 26:12
examination [1] - 6:2
examiner [1] - 4:19
excerpt [1] - 3:1
EXCERPT [1] - 1:10
exclusively [1] - 16:15
exemplary [1] - 20:15
exist [1] - 25:1
expenses [5] - 4:1, 5:9, 6:3, 8:23, 19:11
experience [1] - 30:1
explained [1] - 18:15
extra [2] - 6:24, 10:13

F

F616B [2] - 16:8
fact [9] - 4:1, 9:8, 9:23, 10:14, 11:5, 13:20, 17:5, 22:20, 30:22
facts [2] - 14:7, 22:19
failed [1] - 25:11
failure [1] - 20:20
faith [2] - 13:9, 22:9
fake [1] - 6:24
false [21] - 3:7, 3:14, 3:22, 3:25, 4:1, 4:2, 4:16, 9:10, 13:4, 13:5, 13:12, 13:13, 22:11, 22:13, 22:14, 22:21, 22:23, 25:3, 25:8, 31:22, 31:23
falsified [1] - 10:15
far [1] - 25:18
fast [1] - 19:21
fast-forward [1] - 19:21
fat [1] - 16:2
February [13] - 4:6, 5:15, 6:7, 9:24, 10:21, 15:6, 15:7, 15:8, 17:13, 17:20, 17:21, 21:23
federal [3] - 10:1, 19:23, 22:13
feet [1] - 25:12
felonies [1] - 19:22
felonious [1] - 13:23
felony [3] - 10:15, 10:20, 28:18
fender [1] - 25:22
fender-bender [1] - 25:22
fiduciary [1] - 20:9
field [2] - 24:2, 24:3
fight [1] - 24:24
fighting [1] - 24:19
figure [1] - 15:5
figures [1] - 23:19
fill [1] - 18:14
filling [1] - 9:16
fills [1] - 23:19
fine [1] - 14:2
fingers [1] - 29:22
first [11] - 5:4, 5:6, 5:20, 7:12, 10:21, 10:25, 11:1, 16:11, 25:11, 25:14
fit [1] - 5:22
five [4] - 20:22, 25:10, 25:12, 25:13
fix [3] - 7:10, 20:12, 28:10
fixing [1] - 7:8
FL [3] - 1:16, 1:19, 1:23
Floor [2] - 1:15, 32:17
FLORIDA [1] - 1:1
Florida [3] - 1:4, 2:4, 32:17
follower [1] - 18:22
following [3] - 3:1, 15:2, 22:19
FOR [2] - 1:14, 1:21
foregoing [1] - 32:10
forgiven [1] - 3:15
forgiveness [6] - 12:24, 15:21, 15:24, 16:8, 25:2, 29:17
form [4] - 18:14, 18:19, 23:19
forms [2] - 6:25, 9:16
Fort [1] - 1:23
forward [1] - 19:21
fought [1] - 24:25
four [3] - 19:2, 25:10, 25:13
four-month [1] - 19:2
FPR [2] - 2:2, 32:15
fraud [6] - 3:19, 9:21, 10:2, 30:4, 31:15, 31:24
free [1] - 28:18
fresh [1] - 5:6
friends [1] - 23:10
FROM [1] - 1:10
Ft [1] - 1:16
full [1] - 17:4
funds [2] - 3:15, 3:25

G

G-mail [2] - 6:16, 12:13
gap [1] - 17:19
girlfriend [1] - 11:21
God [1] - 27:18
Googled [1] - 23:6
Government [6] - 7:15, 14:6, 18:1, 22:1, 24:21, 30:5
grades [1] - 18:1
graduated [1] - 20:22
grand [1] - 12:16
gratis [1] - 10:18
guilty [7] - 14:12, 22:7, 22:18, 27:10, 27:14, 31:21, 31:24
gun [1] - 18:7
guy [14] - 12:5, 19:8, 19:9, 19:10, 21:6, 23:6, 23:8, 23:17, 26:2, 26:10, 26:11, 30:3, 30:6

H

hair [1] - 15:22
handle [1] - 20:3
hands [3] - 27:1, 27:4, 29:22
handwritten [1] - 16:1
happy [2] - 10:13
hard [1] - 25:18
harder [1] - 20:19
haul [1] - 25:12
head [5] - 5:2, 24:11, 27:3, 31:7
heading [1] - 12:6
hear [2] - 21:20, 28:11
heard [3] - 3:5, 7:14, 13:9
heavy [1] - 25:13
helps [1] - 29:20
hereby [1] - 32:10
herself [4] - 9:3, 9:19, 17:23, 20:18
hid [1] - 11:6
hidden [1] - 6:4
hide [3] - 11:7, 11:15, 11:17
hiding [1] - 14:6
hire [1] - 23:22
hold [1] - 14:15
holding [1] - 29:10
holds [1] - 25:15
honest [2] - 26:16, 26:17
honesty [3] - 24:18, 26:20, 26:21
Honor [6] - 3:3, 14:14, 14:19, 14:22, 27:22, 28:2
honor [1] - 24:18
honorable [1] - 17:24
HONORABLE [1] - 1:11
hour [1] - 6:12
hours [2] - 6:10, 19:3
house [1] - 22:25
housekeeping [1] - 3:16
hurting [1] - 16:24
hustle [1] - 9:20

I

ID [1] - 16:8
idea [3] - 11:9, 24:11, 29:3
identity [1] - 27:7
ignorance [2] - 12:17, 31:15
ignored [1] - 4:16
illogical [1] - 10:19
important [3] - 16:13, 17:9, 17:18
inability [1] - 10:4
income [2] - 10:25, 11:2
inconsistencies [1] - 9:12
inconsistent [1] - 9:11
incredibly [1] - 8:3
indeed [1] - 28:3
independent [1] - 21:18
indication [1] - 19:7
individual [1] - 10:8
inflate [1] - 7:23
influencing [1] - 22:16
inform [1] - 18:13
information [9] - 6:18, 8:7, 11:3, 13:12, 19:1, 20:10, 22:5, 26:25, 27:8
informs [1] - 22:7
initials [1] - 15:14
innocence [1] - 27:13
instructed [5] - 4:11, 22:9, 24:22, 24:25, 31:21
instruction [1] - 13:9
instructions [2] - 16:11, 31:12
insurance [1] - 26:5
integrity [1] - 24:19
intelligent [1] - 28:6
intent [5] - 8:5, 9:14, 16:12, 25:9, 31:15
intentionally [1] - 19:4
intentions [1] - 17:10
interact [1] - 29:18
interactions [2] - 4:22, 29:16
interacts [1] - 26:24
interstate [1] - 3:18
interview [1] - 24:5
introduced [2] - 3:10, 3:17
invest [1] - 17:17
investigation [3] - 7:17, 7:18, 19:2
involved [3] - 5:1, 26:5, 30:4
IP [4] - 6:18, 14:6, 22:5, 30:16
iPhones [1] - 15:3
irrefutable [1] - 17:3
irrefuted [2] - 21:15, 21:16
irrelevant [1] - 18:20
IRS [12] - 4:19, 5:19, 6:2, 6:8, 6:24, 7:15, 8:24, 16:22, 17:13, 17:18, 18:23
issue [4] - 7:4, 7:8, 27:7, 27:8
issues [1] - 23:22

J

January [1] - 5:25
Johnson [2] - 7:18, 10:1
joined [1] - 13:8
Jones [3] - 2:10, 2:11, 27:25
JONES [6] - 1:10, 1:14, 3:3, 14:14, 14:17, 28:2

judge [1] - 22:9
JUDGE [1] - 1:11
June [1] - 1:5
jurors [1] - 28:22
jury [3] - 3:1, 16:10, 16:11
JURY [1] - 1:10
Justice [1] - 18:5
justice [1] - 18:6

K

keep [5] - 9:12, 10:4, 13:22, 14:3, 28:5
kept [2] - 19:13, 20:2
keys [1] - 29:23
kid's [1] - 27:2
kids [1] - 29:4
knowing [1] - 28:19
knowingly [2] - 22:14, 22:21
knowledge [10] - 4:4, 8:5, 9:13, 10:11, 13:4, 13:6, 24:6, 25:8, 30:1, 31:14
known [1] - 23:8
knows [9] - 9:20, 10:8, 11:1, 12:10, 12:11, 14:11, 28:6, 28:7

L

lady [2] - 15:22, 17:23
large [1] - 6:4
lastly [1] - 27:19
Lauderdale [2] - 1:16, 1:23
law [8] - 10:2, 10:8, 17:24, 21:6, 25:19, 26:23, 30:10, 31:20
Law [1] - 1:22
lawyer [2] - 18:12, 23:21
leading [3] - 29:16, 29:17
leaving [1] - 30:20
left [1] - 13:15
letter [2] - 8:11, 17:7
letting [1] - 7:9
liability [1] - 17:2
life [2] - 11:14, 29:25
lightning [2] - 29:9, 29:11
lights [1] - 28:25
line [1] - 24:17
listen [1] - 11:18
listening [1] - 27:21
live [2] - 15:1, 27:2
loan [12] - 3:14, 4:9, 6:15, 12:25, 13:1, 13:11, 15:8, 15:10, 22:15, 25:1, 29:17
loans [1] - 3:23
login [1] - 6:17
look [7] - 8:14, 12:15, 15:14, 18:22, 23:3, 28:8, 31:17
losses [1] - 8:23
lost [1] - 27:3
loud [1] - 7:12
Louis [17] - 3:8, 4:7, 4:22, 5:13, 7:2, 7:17, 7:21, 8:16, 12:5, 13:25, 15:19, 16:20, 19:8, 21:24, 28:13, 29:16, 30:3
LOVE [1] - 1:18
loved [1] - 11:6
lower [1] - 5:9
lunch [2] - 6:12, 13:17

M

machine [1] - 29:11
mail [2] - 6:16, 12:13
major [5] - 16:19, 17:15, 19:22
massive [2] - 11:14, 12:20
material [1] - 14:9
math [1] - 20:18
matter [2] - 3:16, 32:12
mattered [1] - 7:13
matters [1] - 3:13
mean [4] - 23:25, 24:1, 25:25, 29:2
means [3] - 23:12, 26:22, 26:23
meeting [2] - 7:19
memory [1] - 5:5
mention [1] - 7:25
merely [1] - 27:15
met [3] - 3:21, 6:7, 23:5
MIAMI [1] - 1:2
Miami [6] - 1:4, 1:19, 2:4, 2:4, 32:16, 32:17
middle [1] - 22:11
might [1] - 17:7
mileage [1] - 24:11
miles [3] - 19:11, 25:11, 25:13
million [1] - 27:12
mind [6] - 5:6, 8:3, 8:4, 12:22, 20:17, 30:10
minimal [1] - 19:15
minimized [1] - 26:18
minutes [1] - 14:13
misleading [1] - 20:11
misplaced [1] - 27:4
missing [1] - 18:25
misstatements [1] - 14:9
mistake [4] - 19:9, 19:25, 26:18, 29:13
misunderstood [1] - 18:17
moment [1] - 23:4
money [10] - 9:3, 16:24, 17:11, 17:16, 17:18, 17:21, 26:10, 28:14, 30:14, 31:5
month [1] - 19:2
monthly [1] - 3:25
most [1] - 17:9
mother [1] - 11:22
motive [6] - 19:8, 28:12, 28:13, 28:17, 30:2, 31:3
mountain [1] - 29:10
MR [7] - 1:10, 3:3, 14:14, 14:17, 14:19, 28:2
must [1] - 4:12

N

name [1] - 27:2
necessary [1] - 28:9
need [7] - 16:17, 24:24, 24:25, 27:13, 27:14, 28:10, 29:24
needs [3] - 23:21, 23:22, 26:25
neurosurgeon [1] - 20:8
never [9] - 9:5, 10:16, 21:15, 26:20, 26:21, 27:5, 27:7
new [3] - 5:23, 6:17, 6:18
night [1] - 27:3
NO [1] - 1:2
nobody [4] - 4:10, 9:15, 31:7, 31:9
none [1] - 21:4
noon [2] - 6:15, 30:17
North [2] - 2:4, 32:16
nose [2] - 24:20, 25:5
note [1] - 24:10
notes [1] - 18:25
nothing [1] - 8:1
number [5] - 3:24, 24:2, 24:3, 24:14, 26:8
numbers [5] - 5:1, 6:21, 8:19, 9:7, 25:3

O

object [1] - 25:13
obtaining [1] - 22:14
obvious [1] - 20:14
odd [1] - 3:24
OF [3] - 1:1, 1:4, 1:10
Office [3] - 1:18, 7:14, 30:23
office [3] - 5:15, 6:11, 21:7
officer [10] - 17:24, 18:7, 18:11, 18:24, 21:2, 21:12, 24:6, 25:10, 26:23, 30:10
Offices [1] - 1:22
Official [1] - 32:15
official [1] - 2:3
omission [2] - 4:14, 14:9
omissions [1] - 14:9
one [15] - 5:24, 9:22, 13:2, 16:10, 16:20, 16:24, 17:2, 20:22, 22:7, 22:23, 22:24, 23:2, 25:7, 28:5, 29:8
opening [2] - 21:19, 24:17
opportune [1] - 9:13
opportunity [1] - 9:2
otherwise [1] - 31:4
ought [1] - 16:11
overhead [1] - 14:22
owe [2] - 19:15, 19:18
owes [1] - 20:9
own [1] - 10:7

P

P.A [1] - 1:22
page [1] - 3:24
PAGE [1] - 2:10
Pages [1] - 1:8
paid [1] - 17:2
parking [1] - 25:23
part [4] - 7:16, 7:17, 10:25, 19:7
participation [1] - 25:9
parties [2] - 3:20, 3:22
pass [1] - 25:14
password [1] - 6:16
past [1] - 31:18
pay [3] - 9:3, 26:6, 28:16
paycheck [2] - 17:3, 17:4
paying [1] - 15:4
payroll [1] - 3:25
penalties [2] - 19:16, 19:18
people [8] - 10:3, 11:6, 16:15, 18:7, 20:22, 21:24, 23:22, 26:24
percent [2] - 20:22, 21:20
perfect [1] - 12:16
period [5] - 4:7, 6:11, 6:20, 12:21, 12:25
permeating [1] - 10:1
person [16] - 7:9, 8:8, 19:4, 20:24, 23:5, 23:14, 25:22, 26:4, 26:8, 26:25, 27:1, 28:6, 28:10, 28:19, 30:9, 30:25
personal [1] - 20:10
pesky [1] - 15:16
pestering [1] - 15:16
phone [1] - 22:25
physician [1] - 23:21
piece [1] - 17:10
pieces [1] - 13:2
pink [1] - 15:22
pivot [2] - 5:22, 9:2
pivots [1] - 8:7
place [1] - 30:16
Plaintiff [1] - 1:5
PLAINTIFF [1] - 1:14
plan [2] - 13:18, 21:13
play [1] - 29:23
point [2] - 6:22, 9:18
pointing [1] - 27:15
police [5] - 18:6, 18:11, 21:2, 21:8, 26:3
policy [3] - 9:15, 9:16, 9:18
position [2] - 4:24, 20:7
possibility [1] - 29:2
possible [3] - 27:15, 28:21, 29:6
potential [1] - 12:8
potentially [2] - 4:2, 20:1
PPP [9] - 3:14, 3:23, 4:9, 6:15, 9:21, 10:2,

13:11, 23:7, 29:17
prefers [1] - 13:20
preparation [1] - 23:9
prepare [1] - 23:24
prepared [1] - 23:15
preparer [9] - 4:25, 6:6, 20:8, 20:9, 21:6, 23:23, 26:15, 30:5, 30:6
present [1] - 21:24
presented [1] - 31:18
president [1] - 20:24
pretty [1] - 29:3
previously [1] - 5:24
pro [1] - 3:4
problem [8] - 12:3, 16:18, 21:9, 22:1, 26:8, 26:9, 27:5, 27:6
problems [3] - 7:22, 16:25, 20:12
proceedings [2] - 3:1, 32:11
process [1] - 28:13
professional [1] - 18:12
proffered [1] - 30:22
program [3] - 9:22, 9:24, 10:3
projector [1] - 14:23
proof [3] - 13:2, 16:15, 22:2
protect [1] - 20:10
protected [1] - 26:25
protects [1] - 20:24
prove [4] - 16:17, 24:21, 27:13, 27:14
Prove [1] - 25:5
proved [1] - 22:19
Publix [1] - 25:23
pure [1] - 10:18
purportedly [4] - 6:18, 8:23, 11:17, 31:1
purpose [2] - 22:14, 22:16
pushes [1] - 12:13
put [6] - 16:4, 17:12, 20:16, 20:17, 24:2

Q

qualifications [1] - 18:12
questionnaires [1] - 5:13
questions [3] - 26:13, 27:16, 27:18
quid [1] - 3:4
quiet [1] - 12:2
quo [1] - 3:4

R

rates [1] - 26:6
read [1] - 31:12
real [2] - 16:19, 22:4
really [3] - 10:13, 11:11, 24:6
realtime [1] - 4:19
realtor [1] - 24:12
reason [7] - 7:23, 10:11, 12:10, 14:4, 26:11, 26:20, 26:21
reasonable [6] - 13:3, 16:19, 17:15, 22:3, 22:19, 28:21
Rebuttal [1] - 2:11
receipts [1] - 23:17
record [1] - 9:11
recording [1] - 15:4
recordings [1] - 21:17
records [6] - 4:23, 5:18, 7:15, 8:22, 8:25, 19:20
redactions [1] - 18:25
referrals [2] - 14:1, 14:3
reflects [1] - 8:4
refund [1] - 17:8
regardless [1] - 31:5
regular [2] - 20:16, 21:2
related [1] - 23:11
relationship [2] - 23:3, 30:12
relatives [1] - 23:10
relevant [1] - 18:2
reliance [1] - 13:10
remaining [1] - 13:6
remember [5] - 12:21, 15:22, 16:14, 22:2, 27:12
report [4] - 4:18, 5:20, 6:2, 26:3
REPORTED [1] - 2:1
Reporter [2] - 2:3, 32:15
reporting [1] - 9:15
require [1] - 13:4
response [1] - 5:14
responsible [2] - 30:25, 31:1
rest [1] - 27:3
return [1] - 5:10
returns [2] - 9:9, 12:9
revetted [1] - 21:2
review [1] - 31:11
roadblock [1] - 22:3
rob [2] - 21:11, 26:12
ROBERT [1] - 1:11
Robinhood [2] - 17:17, 17:21
rod [1] - 29:10
role [2] - 23:10, 23:23
room [3] - 4:7, 4:10, 16:10
RPR [2] - 2:2, 32:15
rule [2] - 18:17, 18:22
running [2] - 25:10, 25:24

S

safe [1] - 29:4
sat [5] - 5:2, 5:9, 6:13, 16:4, 24:1
save [1] - 9:3
saw [8] - 4:18, 6:3, 6:7, 9:18, 12:8, 13:16, 16:1, 19:1
SBA [8] - 3:8, 4:9, 22:13, 22:15, 22:16, 31:22, 31:23
scenario [1] - 26:13
scene [1] - 15:17
school [2] - 20:23, 25:14
SCOLA [1] - 1:11
second [1] - 9:4
section [1] - 11:1
securing [1] - 27:8
see [10] - 6:16, 6:17, 8:14, 8:24, 15:10, 15:12, 15:24, 16:12, 24:23, 28:25
send [1] - 10:9
sending [1] - 8:22
sends [1] - 6:2
sense [8] - 7:11, 10:5, 10:7, 20:13, 21:4, 24:15, 28:22
sent [1] - 6:21
sergeant [1] - 21:8
serious [1] - 18:9
seven [1] - 6:10
share [2] - 11:3, 11:5
SHARON [2] - 2:2, 32:15
sharon_pellvelazco@flsd.uscourts.gov [1] - 2:5
show [2] - 4:14, 9:13
showing [1] - 29:15
shown [2] - 8:9, 16:20
shows [11] - 5:14, 10:25, 14:11, 17:14, 22:23, 26:10, 28:9, 28:11, 29:17, 29:18, 30:16
side [2] - 8:8, 9:20
sideways [1] - 15:13
sign [2] - 10:23, 24:22
signature [9] - 5:16, 5:17, 9:10, 15:23, 15:25, 16:1, 16:3
signed [2] - 4:2, 5:15
significant [1] - 11:12
SILBER [3] - 1:10, 1:21, 14:19
Silber [3] - 1:22, 2:11, 14:18
silberlaw@gmail.com [1] - 1:23
single [1] - 16:12
sit [1] - 23:24
sits [1] - 4:23
sitting [1] - 10:20
situation [1] - 7:13
six [1] - 11:13
sky [1] - 30:24
small [2] - 11:15, 12:21
Small [1] - 22:15
smart [2] - 29:21
software [1] - 23:19
solve [1] - 16:24
some-odd [1] - 3:24
someone [3] - 7:6, 25:17, 25:23
soon [1] - 19:15
sorry [3] - 25:17, 25:25
source [1] - 17:15
South [1] - 1:22
SOUTHERN [1] - 1:1
special [2] - 21:3, 26:22
spend [1] - 17:11
spent [5] - 6:12, 10:16, 13:17, 17:16, 19:3
spouse [2] - 11:16, 11:18
St [17] - 3:8, 4:7, 4:22, 5:13, 7:2, 7:17, 7:21, 8:16, 12:5, 13:25, 15:19, 16:20, 19:8, 21:24, 28:13, 29:16, 30:3
start [1] - 4:17
started [2] - 14:10, 30:21
starts [1] - 23:18
state [3] - 8:3, 8:4, 12:22
statement [10] - 5:3, 5:12, 5:20, 13:4, 13:5, 13:13, 22:13, 22:14, 22:21, 22:23
statements [11] - 3:8, 3:14, 3:22, 4:15, 4:19, 4:21, 19:6, 21:19, 22:12, 31:23
STATES [3] - 1:1, 1:4, 1:11
States [3] - 2:3, 20:25, 32:16
STENOGRAPHICALLY [1] - 2:1
step [4] - 10:7, 13:20, 30:8, 31:6
steps [2] - 11:7, 13:23
still [3] - 8:24, 25:15, 28:12
stipulation [2] - 3:17, 24:22
stories [2] - 5:21, 28:5
story [7] - 5:21, 5:24, 8:12, 9:4, 10:5, 10:7, 21:5
straight [3] - 20:21, 28:5, 28:16
strains [1] - 28:20
street [1] - 25:23
struck [1] - 29:8
student [1] - 20:21
studied [1] - 18:7
stuff [1] - 19:21
stupid [1] - 25:19
submit [4] - 4:8, 13:11, 18:19
submitted [7] - 5:14, 5:19, 6:24, 16:21, 22:8, 22:24, 23:2
substantiate [1] - 8:23
Suite [1] - 1:15
supervisor [1] - 30:19
support [2] - 6:24, 8:25
surprise [2] - 11:10, 15:18
suspended [1] - 19:22
suspicious [1] - 30:24
SWAT [7] - 17:25, 20:23, 21:12, 25:10,

25:14, 25:16, 26:23
symbols [1] - 15:12

T

table [1] - 16:15
Tax [6] - 6:17, 6:18, 13:16, 14:5
tax [24] - 4:25, 5:10, 5:18, 6:6, 7:4, 7:16, 8:10, 8:15, 11:14, 12:9, 17:2, 18:24, 19:20, 20:8, 21:6, 23:9, 23:22, 24:5, 26:15, 30:5, 30:6, 31:1
Taxes [1] - 30:20
taxes [10] - 7:22, 12:4, 12:6, 19:5, 19:9, 21:10, 23:6, 23:11, 23:15, 24:6
Taxes@gmail.com [1] - 15:19
taxpayer [1] - 5:13
team [1] - 25:16
ten [2] - 30:9
terrible [1] - 20:18
testified [7] - 5:23, 7:3, 7:18, 9:23, 10:1, 24:12, 30:20
testifying [1] - 11:8
testimony [3] - 7:14, 18:17, 21:15
THE [8] - 1:11, 1:14, 1:21, 14:13, 14:16, 14:18, 27:24, 32:1
theft [1] - 27:7
theory [3] - 11:14, 11:18, 31:6
thousand [4] - 4:9, 24:9, 26:10
three [3] - 15:4, 19:2, 26:10
throughout [1] - 29:20
throw [1] - 25:19
thumb [1] - 25:5
thumbing [1] - 24:20
tie [1] - 17:14
timeline [2] - 7:20, 29:15
timing [2] - 12:23
title [1] - 25:15
today [3] - 3:10, 4:18, 5:23
together [5] - 6:7, 12:1, 17:14, 23:24
tomorrow [1] - 26:9
took [1] - 11:6
top [1] - 29:10
total [1] - 26:1
totally [6] - 16:23, 18:20, 19:11, 21:15, 24:7, 25:8
track [1] - 29:1
tracks [1] - 28:24
train [3] - 28:24, 29:1, 29:2
trained [2] - 18:10, 25:13
transcription [1] - 32:11
TREVOR [1] - 1:14
trevor.jones@usdoj.gov [1] - 1:16
trial [3] - 3:1, 3:5, 29:20
TRIAL [1] - 1:10
tried [1] - 17:17
trouble [2] - 17:24, 31:1
trust [2] - 11:11, 20:7
truth [5] - 8:1, 8:2, 15:5
try [1] - 25:11
trying [3] - 8:13, 8:17, 28:12
turn [1] - 14:22
two [12] - 4:10, 5:8, 9:6, 11:14, 15:4, 16:13, 17:2, 19:21, 21:23, 21:25, 22:11

U

U.S [3] - 7:14, 22:15, 30:23
unanswered [1] - 27:16
unexplainable [1] - 3:13
united [1] - 2:3
UNITED [3] - 1:1, 1:4, 1:11
United [2] - 20:25, 32:16
unqualified [1] - 19:12
up [16] - 6:21, 7:4, 7:6, 8:12, 9:24, 17:6, 18:1, 23:6, 26:6, 26:10, 27:4, 28:12, 29:14, 29:16, 29:17
US [1] - 1:18
USAO [1] - 1:14
uses [1] - 23:19

V

VELAZCO [2] - 2:2, 32:15
Velazco [1] - 32:14
verdict [3] - 22:7, 31:20, 31:21
vetted [1] - 21:1
Victory [8] - 6:17, 6:18, 13:16, 14:5, 15:19, 30:20
Vilsaint [11] - 3:8, 7:2, 7:17, 7:21, 10:6, 11:24, 11:25, 15:19, 16:20, 19:8, 21:24
violate [1] - 19:4
violation [1] - 9:18
violent [1] - 26:24
vs [1] - 1:6

W

W-2s [1] - 23:16
walk [2] - 12:19, 28:23
walked [3] - 4:17, 4:18, 29:8
walking [1] - 12:8
walks [1] - 23:7
wallflower [1] - 29:19
wants [1] - 12:11
watching [1] - 15:3
ways [1] - 17:2
week [1] - 11:13
weighed [1] - 4:12
wet [1] - 5:16
whole [5] - 7:1, 8:1, 21:22, 29:20
wife [9] - 11:7, 11:11, 11:19, 11:23, 12:4, 12:6, 12:7, 21:7
wife's [1] - 12:9
willfully [2] - 13:8, 13:10
willfulness [2] - 13:10, 16:13
willingness [1] - 31:14
wire [4] - 3:18, 3:19, 31:15, 31:24
witness [1] - 21:18
woman [2] - 25:14, 25:16
words [2] - 16:12, 16:13
worker [1] - 9:19
works [1] - 16:16
worry [1] - 21:9
wrap [1] - 31:7
writing [1] - 8:11
written [2] - 13:18, 17:12
written-out [1] - 13:18
wrongdoing [1] - 19:7

Y

YAACOV [1] - 1:21
year [4] - 5:7, 15:1, 17:22
years [9] - 5:9, 9:6, 15:4, 18:15, 18:16, 18:18, 19:21, 30:9
yesterday [3] - 3:11, 4:18, 23:5
yourself [1] - 13:22