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 3, 2024

vs.

ALEXANDRA ACOSTA,

Defendant. Pages 1 to 305

JURY TRIAL
BEFORE THE HONORABLE ROBERT N. SCOLA
UNITED STATES DISTRICT JUDGE

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(The following proceedings were had:)

THE COURT: Good morning, everyone. Welcome, and please be seated.

MR. JONES: Good morning.

MR. SILBER: Good morning, your Honor.

THE COURT: Let's go on the record for our trial this morning.

This is United States of America versus Alexandra Acosta.

Who is here for the Government?

MR. JONES: Good morning, your Honor. Assistant United States Attorney Trevor Jones, on behalf of the Government, with me is Adam Love, assistant United States attorney, and Federal Reserve Board of Governors Office of the Inspector General, Special Agent Tonya Johnson.

THE COURT: Good morning.

And for the defense?

MR. SILBER: Good morning, your Honor. Brian Silber, present on behalf of Alexandra Acosta, who is present before the Court.

THE COURT: All right. Good morning.

And, are both sides still ready to go to trial this morning?

MR. JONES: Yes, your Honor.

MR. SILBER: Yes, your Honor.

THE COURT: Okay.

MR. JONES: Your Honor, preliminarily, I am not sure if you want to address this after jury selection or before. But, I want to make a point of clarification on the omnibus order on the motions in limine, just to make sure that we understand you and we all understand the IRS evidence that would be presented during the case. I am happy to reserve until after we deal with the jury.

THE COURT: Go ahead. I mean, we have until the jurors get here. They are coming up now. But, now is when we have some time, I guess. Go ahead.

MR. JONES: So, the order -- the point I want clarification on is the order says the IRS evidence -- grants the motion, Government's motion to use the IRS evidence to show that she allegedly owed $18,490 two weeks before the PPP loan application; however, it may not become a feature of the trial.

The issue here is that we have a parallel proceedings going on, and we have alleged a conspiracy in the superseding indictment. The codefendant has already pled guilty, as you know. And, during this period, Ms. Acosta and Mr. St. Louis are corresponding a lot about the -- about the PPP. And, with the IRS together, the evidence is going to show that the way that they operated together supports the conspiracy that existed; that they worked so closely that Ms. Acosta wasn't just -- this isn't just an arm's length transaction where she is like, "Hey, here is my stuff. Do I get a PPP loan?"

So, they are together. So, we didn't want to run afoul of the Court's order, but I wanted to make sure the Court understands the nature of this evidence, and that it extended -- it started not just from December 17th, 2020. It started December 17th, 2020, when she first interviewed with the IRS and said she had worked closely with Mr. St. Louis all the way until April -- this is still during the conspiracy -- where she gets the amount reduced, and she writes a statement to them saying she didn't actually have any involvement during the process.

And, again, like you will see emails and text messages about, not on our case-in-chief, the text messages, but the emails that kind of overlap with documents sent for the audit, documents sent for the PPP. And, it is kind of actually intertwined with this whole thing.

I just want to make sure when we open that we don't run afoul of the order, and that the Court understands we are going to present an IRS witness who will not walk through whether she overstated $800 for an insurance, versus $600. That is not what we would do. But, we do believe that the case history summary tells their relationship; tells how they interacted; tells the story about the motive here and the intention; shows the intent.

And, we just want to make sure that the Court understands that was our intention, to present the evidence.

THE COURT: Okay. And what is the time that it is going to take up in the trial?

MR. JONES: I don't believe this case is going to --

THE COURT: No, I mean that time that is going to take up, relative to the rest of the case?

MR. JONES: We have an IRS witness, and she is -- she is going to testify to the tax records, and then she is just going to go through the taxes. And, ultimately, she's going to go through the case audit. I think it will take maybe 30 minutes during our presentation to go through that, 45 minutes. That is a narrative of the communications, not the substance, right?

So, we are not talking about -- they got these numbers wrong in their audit. We are talking about this is how they communicated about this audit.

THE COURT: Okay.

MR. JONES: And, it is already coming in. So the prejudice that may have existed is there, that there was an audit, that she was audited, so there is no additional prejudice that would outweigh the probative value.

THE COURT: All right.

Mr. Silber?

MR. SILBER: I maintain my objection. This information goes above and beyond what the jury needs to hear relating to motive. It is very simple. They just need to put her on the stand and say, "You did an audit on her?

"Yes.

"And it determined how much she owed?

"Yes.

"And what day did you send this letter?

"It was such-and-such dates, which is two weeks before."

They don't need to get into the whole thing about all her taxes and the communications, and the multiple statements that would otherwise be hearsay, except they are a business record, you know, coming in that would be disparaging to her. And, I think the jurors are going to interpret that she must have done something wrong with her taxes, so, therefor, there is something wrong with her. And, it is going to unfairly impugn her. So, we maintain our objection, your Honor.

THE COURT: Okay. So, I am -- again, if you are asking for a clarification, when I say a feature of the trial, it just can't take up a significant portion of the trial. That is 30 minutes. It doesn't seem like that would be excessive; but, again, we will listen to the evidence as it is taking place. If you think it is generally becoming excessive, you can object, at that point.

Do you want me to read to the jury the limited instruction on 404(b) evidence when the testimony about the audit comes in?

MR. SILBER: I would say yes, your Honor.

THE COURT: Okay. I will read the S4.1 instruction.

MR. SILBER: Your Honor, the only issue I would have is the word "similar" that is in that instruction. It is not a similar act.

THE COURT: I know. That is what I am --

MR. SILBER: Can I have a moment, your Honor?

I just want to reread the instruction.

THE COURT: Yes.

MR. SILBER: Your Honor, my decision is I would say omit it. I can address it in my closing and other parts, but, I think if they hear from the Court that there is evidence of a similar act --

THE COURT: I wouldn't say "similar."

I might -- I was trying to formulate, in my mind, what I would say. I would say, "You are about to hear testimony about other acts committed by the defendant that are not directly part of the current charges."

Then "You must not consider this evidence to decide whether the defendant engaged in the activity alleged in the indictment," et cetera.

MR. SILBER: That would work, as long as we don't have to use the word "similar."

THE COURT: Okay.

MR. SILBER: Thank you.

MR. JONES: Your Honor --

THE COURT: Yes.

MR. JONES: Just the process of the way the jury selection works, I don't think we talked about it during calendar call. How do you normally -- well, how do you proceed?

THE COURT: So, I'm going to -- you know, you have seen that the jurors filled out these written questionnaires. I am going to ask follow-up questions to each of the 45 jurors. And, then, in terms of the selection process, the Government has six peremptory challenges. The defendant has ten. The Government will exercise their peremptories first on all odd-numbered jurors, and the defense will exercise their peremptories first on all even-numbered jurors.

And, I do not allow back-striking. And then we will give each of you a few -- a couple of extra peremptories for the alternates, when we get to the alternates.

MR. JONES: Do we get ten or 15 minutes to speak with them, or --

THE COURT: No, only I am going to do the questioning.

(Pause in proceedings.)

THE COURTROOM DEPUTY: Ready.

THE COURT: All right. Let's bring in the jury, then.

COURT SECURITY OFFICER: All rise for the jury.

[Whereupon, the jury entered the courtroom at 9:23 a.m., and the following proceedings were had:]

THE COURT: Before you get too comfortable, if you could all please stand and raise your right hands to be sworn in as prospective jurors --

Thereupon,

THE PROSPECTIVE VENIRE

Was duly sworn and responded as follows:

PANEL IN UNISON: Yes, I do.

THE COURT: All right.

Thank you. Please be seated.

Good morning, everyone.

PROSPECTIVE PANEL: (In unison) Good morning.

THE COURT: My name is Robert Scola, and I am a senior United States district judge here in the Southern District of Florida. And, we are here to select a jury in the case of United States of America versus Alexandra Acosta.

This is a criminal case. It is anticipated this case is going to last approximately 45 days. I know that many of you have been called to serve as jurors in the state court system. And, over there, you get a notice that says you are there for one day or one trial.

And, I was a state court judge for many years before I became a federal judge. I know whenever I announced the trial was going to take more than one day, all the jurors always remember the "one day" part, but they kind of suppress the one trial part, and they wanted to just get out of there that day and then they are free.

Well, here, we don't have one day or one trial. You are here for a two-week trial period.

As you saw downstairs, there are three other judges that are selecting jurors today. There are 18 judges here in Miami that are going to be picking jurors over the next couple of weeks. And, a four to five-day trial is a relatively short trial for here in federal court.

So, I will say that if you are selected to serve on this jury, then, if you wish, I will excuse you from any further service for the rest of the two-week period. So, at least you know this is your entire time commitment.

I hope nobody makes stuff up to get out of jury duty. But, I just want to warn you that if you -- you may be successful in making something up in convincing me to let you go today. But, then, you may be called in tomorrow for a four-week trial instead of four or five-day trial, and that judge may not be as sympathetic to you.

So, obviously, if there is a truthful answer that would make it difficult for you to serve, then please, let us know that. But, please don't make stuff up just because you don't want to serve.

We no longer have any mandatory military service in our country. The only service we ask our citizens to perform is jury service. So, I know for everybody that, at best, jury service is an inconvenience. I am sure all 45 of you have other places you would rather be either at work or home. But, we could not have a system of justice unless our citizens were willing to serve as jurors. So, unless this is going to cause you an extreme hardship, please don't expect to be excused.

I would like to begin these proceedings by introducing to you the people here in the courtroom and explaining a little bit about what we do. Seated in front of me over to my left is Tory Simkovic. Ms. Simkovic is an attorney, and she works as a law clerk for me.

You, as the jury, are the judges of the facts of the case, and I am the judge of the law in the case. Ms. Simkovic will be assisting me if I need any assistance in any legal issues that come up during the trial. She may be here during parts of the trial, but most of the time, she will be in my chambers working on other matters unrelated to the case.

Seated in front of me, a little bit to my left, you already met Jacob Hasbun. Mr. Hasbun works for the Clerk's Office. He is the courtroom deputy clerk assigned to my courtroom. He also will be here in the courtroom from time to time. But, most of the time, he will be in chambers working on other matters.

Under our rules, jurors are not allowed to have any contact whatsoever with the attorneys, the parties, and the witnesses. We do that so that there is not even an appearance of impropriety. So, if you have a question, like what time did Judge Scola tell us to come back, or where is a good place to have lunch downtown, or what floor is the courtroom on, any of those questions, please don't approach the lawyers or the parties or the witnesses because they are going to ignore you; not because they are being rude to you, but because they are following my instructions.

If you have any questions or concerns, you may ask Mr. Hasbun or Ms. Simkovic. If they can't give you the answer, they will bring it to my attention.

Seated in front of me, a little bit to my right, is our court reporter, Sharon Pell Velazco. Ms. Velazco is responsible for making a record of these proceedings. She takes down everything that is said by all of the participants; that includes all of you during this part of the trial.

As you notice, she is not looking at me while I am speaking to you. And, she may not be able to see many of you as you give your answers.

It is important to keep in mind, because if you are asked a question that calls for a yes or no answer, and you nod your head or shake your head or say "um-hmm" or "umm-umm," those answers are very difficult or impossible for her to get down. And, if you are asked a question, please answer out loud either yes or no.

Another important reason to do that is although a lot of my questions will be to you as individual jurors, many of the questions will be to you as the group of jurors. And, if I ask a question and I get an audible response from all 45 of you, then I will know that you have all heard the question, understood and agree to the principle, and I can move on to another area.

And, if I ask a question and 20 people answer out loud, that is necessarily going to prompt me to ask the same question over and over and over and over again to the 25 people who did not answer out loud.

So, with all those things in mind, can everybody agree that if you are asked a question that calls for a yes or no answer, you will answer out loud, either yes or no?

Can everybody do that?

PANEL IN UNISON: Yes.

THE COURT: Very good. Now, although Ms. Pell Velazco makes a record of these proceedings, she does not prepare a transcript of testimony as it is taking place. That is important to keep in mind because if you have a question about something a witness said during their testimony, we can't just give you a transcript of the testimony during your deliberations. If it is absolutely necessary to reach a verdict, then her notes of the testimony can be reread to you in open court; but, that is a very difficult and time-consuming process. And, that's why we ask each of you to pay close attention to the testimony as it is coming in. It is also why we will allow any jurors who wish to do so to take notes if you think that note-taking will help you to remember the testimony.

Seated over to my right is court security officer, James Jenkins. Mr. Jenkins, as his title indicates, provides security here in the courtroom. He enforces my orders. He also will be here throughout the trial. And, you may ask him any logistical questions, and if he can't answer them, he will bring them to my attention.

All right. At this time, I would ask the attorneys to introduce themselves and the people seated at their tables, starting with the Government.

MR. JONES: Good morning, everyone. My name is Trevor Jones. I am an assistant U.S. attorney with the Southern District of Florida.

Seated with me at counsel table is Adam Love. He is also an assistant United States attorney. We are the prosecutors, in layman's terms. And then we also have Tonya Johnson, who is a special agent with the Federal Reserve Board of Governor's Office of Inspector General. The name is actually longer, but I will spare you.

THE COURT: All right. Thank you.

And for the defense?

MR. SILBER: Thank you, your Honor.

Good morning, everybody. My name is Brian Silber. I am very proud to say I represent Alexandra Acosta, who is present here today. And, this is James Harne. He is my investigator who will be assisting us this morning.

Thank you.

THE COURT: Thank you. So, before we go any further, is there anyone here who knows or thinks they may know any of the people that I just introduced you to, or any of the people who have just introduced themselves to you? And, if so, would you please raise your hand?

All right. Somebody has raised their hand in the back.

One second, please, sir.

You can stand, and first tell us your name.

PROSPECTIVE JUROR: My name is Scott Kirschbaum, your Honor.

THE COURT: All right. Mr. Kirschbaum, who do you know, or think you may know?

MR. KIRSCHBAUM: I am an attorney, so I practiced in front of you, your Honor, when your Honor was on the state bench. And, Ms. Velazco, Sharon, was my court reporter. So, I just wanted to let you know that.

THE COURT: All right. Is there anything about your experience with either me or her that would make it difficult for you to be a fair juror?

PROSPECTIVE JUROR: No.

THE COURT: Thank you for bringing that to our attention.

Anybody else, please raise your hand.

Juror number three -- one second. Let's wait for the microphone.

This is Ms. Arias.

And, who is it that you know, or think you know?

PROSPECTIVE JUROR: So, she is not introduced here, but my little sister just started interning with you, starting today.

THE COURT: Okay. And is that Alex or Sophie?

PROSPECTIVE JUROR: Alex.

THE COURT: Okay. So, she is at FIU law school?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. So, she is going to be working in chambers and other matters unrelated to the case here.

Is there anything about the fact that she is here, working in my chambers, something that would affect you as a juror in this case?

PROSPECTIVE JUROR: No.

THE COURT: All right. Thank you.

Anybody else?

All right. Thank you.

All right. I am going to show you and read to you a list of the witnesses in the case, possible witnesses in the case. All of these people may not testify. But, if they do, we need to know if you know them.

THE COURT: We have Erin Acosta, Richard Allen, Samantha Beechan, Todd Crevier, Althea Harris, Joanna Hely, Victoria Hernandez, Tonya Johnson, Phyllis Kampmeyer, Alex Rodriguez, Earl Scott, Vilsaint St. Louis.

Anybody who knows or thinks they may know the possible witnesses in the case, please raise your hand.

All right. No one has indicated so.

All right. I am going to tell you just a little about the case so you have some idea of what this case is about. Just because I am saying these things to you doesn't mean that I am agreeing that these things happened. I am just telling you that this is what the Government has alleged happened in the case.

So, in this case, the defendant, Alexandra Acosta, is charged with one count or one charge of conspiracy to defraud the United States, and two counts of making false statements to the United States Small Business Administration, and one count of wire fraud.

These charges relate to an alleged fraudulent loan application and loan forgiveness application that Ms. Acosta allegedly submitted under the CARES Act Paycheck Protection Program, also known as the PPP loan.

These loans, if you remember, came out during the COVID pandemic.

Now, Ms. Acosta has pleaded not guilty to these charges and, of course, she has specifically denied these allegations, and is presumed to be innocent under the laws and Constitution of the United States.

Before we go any further, is there anybody here who thinks they have any personal knowledge about this case, that they were present when any of these events may have happened, or they have seen anything, heard anything, or read anything about the case on TV, the newspaper, or anywhere else?

If so, please raise your hand.

All right. No one has indicated so.

As I told you before, this is a criminal case. And, in all criminal cases, there are several Constitutional legal principles that apply that the jurors must understand and agree to. The first of those principles is that an accused in a criminal case is presumed to be innocent and cannot be found guilty unless her guilt is proven beyond a reasonable doubt.

So, can everybody agree that if you are selected to serve on this jury, you will presume the defendant to be innocent, and you will not find her guilty unless her guilt is proven beyond a reasonable doubt?

Can everybody do that?

PANEL IN UNISON: Yes.

THE COURT: Is there anybody who cannot do that, please raise your hands.

All right. No one has indicated so.

And, the next very important principle is that a defendant in a criminal case does not need to testify on her own behalf. And, if she does not testify, you cannot draw any inference of guilt from that fact.

Now, to me, this is a more difficult principle to understand and to embrace because in our daily lives, if you had a dispute at work between two employees, or a dispute at home between two of your kids, you would never say, "Okay. You tell me what happened.

I don't want to hear from you."

Okay? We always want to hear two sides of the story. So, why is it different in a criminal case?

Well, nobody wakes up one morning and says, you know what, I think I would like to be indicted by a federal grand jury and go down to these beautiful courtrooms they have and have 14 strangers listen to the case and decide whether I committed this crime. I mean, nobody does that. Every criminal defendant is here against their will because the Government brought charges against them.

And, because the Government brought the charges against them, it is the Government and only the Government that has to prove those charges. The defendant does not have to disprove the charges. She does not have to prove her innocence. So, how, in a real way, does this instruction about the defendant not testifying come into play?

So, under our Constitution, the defendant also has the Constitutional right to testify. So, if she testifies, you will hear her testimony. You will evaluate that testimony along with all the other evidence in the case, and you will make a decision in the case.

But, let's assume the defendant does not testify.

So, you listen to all of evidence in the case.

You go and discuss the case fully with all the other jurors and you say to yourself, "You know what, I think that the Government has proven its case beyond a reasonable doubt. I do not have a reasonable doubt. But, you know what, the defendant didn't testify, or maybe if she testified, she could have raised the reasonable doubt in my mind."

Well, too bad. Under our law, okay, when the defendant doesn't testify, you rely on all other evidence and testimony in the case, and if that testimony and evidence convinces you beyond a reasonable doubt of her guilt, then you would find her guilty.

On the other hand, if you carefully listen to all the evidence, next, you fully discuss the case with each other as jurors and say to yourself, "I do not think the Government proved its case. I do have a reasonable doubt about the defendant's guilt," well, what you can't do, at that point, is say to yourself, "Well, I know the Government didn't prove its case. But, the defendant didn't testify. Geez, I wonder why the defendant didn't testify? I think I would have testified if I were charged, and I didn't do it. I am going to add something to the Government's case, and I am going to find her guilty even though the Government didn't prove its case."

Well, you cannot do that. Just like in the other example, when the defendant doesn't testify, you rely on the evidence and testimony that did come in. And, if that testimony and evidence leaves you with a reasonable doubt, then you must find the defendant not guilty.

So, can everybody agree that if the defendant chooses not to testify, you will not hold that against her in any way?

Can everybody do that?

PANEL IN UNISON: Yes.

THE COURT: Is there anybody who cannot do that?

Please raise your hand.

All right. No one has indicated so.

Another important principle is that a defendant in a criminal case can only be convicted based on the evidence and testimony presented against her in open court in the presence of the judge, all of the jurors, and the lawyers.

Jurors are not allowed to conduct any of their own investigation. And, you know, I started as a prosecutor and then a criminal defense attorney in the early 1980s. So, if I was in a trial in 1980, okay, and the crime took place in Homestead, and you may have a juror that lives in Sunny Isles, it would be very difficult and take a lot of work for that juror to disobey the judge's instructions and to go do their own investigation, because you get out of court at 5:30, 6 o'clock at night, you have to drive all the way down to Homestead and do whatever investigation you are going to do, and then drive all the way back home up to Sunny Isles or Aventura and be back here in the morning. So, it took a lot of effort in the old days for jurors to disregard that.

But, today, everybody has a phone that has Google maps and Google, and you can find a location and zoom in. You can Google the names of witnesses. You can Google the names of lawyers, okay, you don't have to go to a library to do research. You just go on your phone. We are used to getting information in five seconds.

And, there are no Rules of Evidence or trial procedure on the Internet. Anybody can post anything on the Internet. And, it is really not fair to the lawyers and the parties for jurors to be considering things that they don't know about. So, please, even though things are on the Internet, it doesn't necessarily mean they're accurate. Even if you find something on the Internet, and even if it is accurate information, it is totally unfair to the lawyers and the parties for you to consider that without them knowing about that, because if they knew you had found that information, then they may have said, "That information is accurate. But, let me explain to you why it is not relevant in this case."

Or, "Yes, that information is accurate, but we are going to present you some additional information to show you something."

So, again, I would say 99.9 percent of the time, jurors are faithful to their oaths and do not commit any misconduct. I think, in the last 10 years, 99 percent of the time when jurors are involved in misconduct, it is because they have done something on their phone or on the Internet that they shouldn't have done. So, please, base your decision only on what happens here in the courtroom.

So, can everybody agree that if you are selected to serve as a jury, you will base your discussion only on the testimony and evidence in the case, and you will not conduct your own investigation?

Can everybody do that?

PANEL IN UNISON: Yes.

THE COURT: Is there anybody who cannot do that, please raise your hand.

All right. No one has indicated so.

And, finally, a juror must agree to accept and apply the law if you are selected to serve as a juror.

All of us have opinions about what the law is and what the law should be.

Up until a few years ago in Florida, marijuana was unlawful for all purposes, okay, and then on November 7th, a few years ago, more than 60 percent of the voters voted to make marijuana legal for medical purposes. And, maybe in a few months, it is going to be legal for recreational purposes. So, the law can change.

Obviously, the day before November 7th, more than 60 percent of the people thought that law was wrong, okay, but there are ways to change the law by Constitutional amendment, by having -- voting for legislators who are going to vote to change laws that you want by running, yourself, for the Legislature.

But, if you sit on the jury, you have to agree to accept and apply the law as it now exists.

So, can everybody agree that if you are selected to serve as a juror, you will follow the law in the case?

Can everybody do that?

PANEL IN UNISON: Yes.

THE COURT: Is there anybody who cannot do that, please raise your hand.

No one has indicated so.

Now, each one of you has filled out one of these written questionnaires. And, I can tell you, based upon your answers, we are going to save a significant amount of time here in the courtroom. But, based upon your answers, I have some follow-up questions that I need to ask each of you.

So, before we get to that, let me explain to you that first of all, these are not tests. They are not exams. And, I know there was kind of mayhem going on downstairs with all the other jurors that were there. So, I am sure you all filled these out to the best of your abilities. But, if there is any additional information you have, sometimes listening to the other jurors, you might go, "Oh, I forgot my house was broken into three years ago." Or, "I forgot my son was arrested when he was a juvenile."

So, if there was any additional information you have, then please supplement your form when it is your turn.

And, if it is your turn, will you please stand and use the microphone.

And we are going to start with our number one juror, who is Jennifer Rocha.

Good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: And what do you do at the Federal Credit Union?

PROSPECTIVE JUROR: I am the supervisor for central processing.

THE COURT: And how long have you been working there?

PROSPECTIVE JUROR: Nine years.

THE COURT: All right. And did the Federal Credit Union get involved at all with PPP loans?

PROSPECTIVE JUROR: Yes.

THE COURT: And is there anything about this type of case or these allegations that would make it difficult for you to be a fair juror?

PROSPECTIVE JUROR: Not necessarily. But, we did experience a lot of fraud and stuff like that, and a lot of things that our loss prevention department was involved with that -- when we caught those cases, but, other than that, it shouldn't allow me not to make a fair judgment if selected.

THE COURT: When say you work for the Federal Credit Union, give me an example -- not the name of a person, but a person that you believe had fraudulently submitted loans. Were they a federal law enforcement agent, or a civilian?

PROSPECTIVE JUROR: No, civilians, schoolteachers, because that is what, mainly, our membership is for.

THE COURT: Okay. All right.

And, can you look at the Government and look at Ms. Acosta and assure them that you will not let any of your experiences interfere with your ability to render a fair verdict?

PROSPECTIVE JUROR: Yes, absolutely.

THE COURT: And you are married to a security officer.

Is that armed, unarmed?

PROSPECTIVE JUROR: Armed.

THE COURT: How long have they been doing that?

PROSPECTIVE JUROR: Over ten years now.

THE COURT: And, you indicated that you knew someone that had been arrested more than 20 years ago. Do you believe that person was treated fairly by the police and prosecutors and the courts?

PROSPECTIVE JUROR: Yes.

THE COURT: And what police department was involved in the arrest.

PROSPECTIVE JUROR: Miami-Dade -- Miami-Dade or, sorry, City of Miami.

THE COURT: Okay. And anything about that incident that would affect you as a juror in this case?

THE WITNESS: No.

THE COURT: All right. And, one of the questions asked about your feelings towards police officers, and you said, "It depends on the situation. Some officers abuse their badge."

Have you had any personal --

PROSPECTIVE JUROR: Personal, no, it is just when you have seen out there, you know, with the social media, and the news and stuff like that. But, that is about it. Nothing personal.

THE COURT: Okay. So, what the law tells a juror they should do is if a law enforcement officer testifies as a witness, you should evaluate that testimony in the same way that you would a civilian witness; in other words, a police officer is not entitled to more belief or less belief just because he or she is a police officer. There are good police officers and there are bad police officers.

So, would you be able to follow that instruction?

PROSPECTIVE JUROR: Yes.

THE COURT: In this case, Ms. Acosta is a police officer with the Broward Sheriff's Office. Is there anything about her position that would make it difficult for you to be fair?

PROSPECTIVE JUROR: No.

THE COURT: Okay. So, the last question asks if you have any beliefs that would prevent you from reaching a verdict, and you said, "Everyone has a right to a fair trial but God is the only one that can pass judgment."

So, would you -- we are not asking anybody to pass judgment. We are going to say, "Look, did the Government prove its case or did they not prove their case?"

So, would you be able to make that decision and render a verdict.

PROSPECTIVE JUROR: Correct. Yes, I would.

THE COURT: And you said that you have used an accountant or third party to assist you with your tax returns?

PROSPECTIVE JUROR: Um-hmm.

THE COURT: Do you use an accountant or like an H&R Block?

PROSPECTIVE JUROR: Personal accountant.

THE COURT: And how long have you been using that accountant?

PROSPECTIVE JUROR: It is going to be four years now.

THE COURT: Okay. And, other than your employment, do you have any side gigs or anything else that you have?

PROSPECTIVE JUROR: No.

THE COURT: And so do you give your accountant all the documentation, and he or she prepares the return for you?

PROSPECTIVE JUROR: Yes.

THE COURT: And do you review it afterwards?

PROSPECTIVE JUROR: Correct, yes.

THE COURT: All right. Thank you. If you could hand the microphone to your neighbor, who, hopefully, is Aurelis Uello?

Good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: And you are a schoolteacher?

PROSPECTIVE JUROR: Yes.

THE COURT: And what grade level or subject do you teach?

PROSPECTIVE JUROR: Fifth grade.

THE COURT: And how long have you been teaching?

PROSPECTIVE JUROR: For the last eight years.

THE COURT: All right. And you said your brother was caught driving a stolen motorcycle. Was that when he was a kid?

PROSPECTIVE JUROR: No, it was last year.

THE COURT: Last year. All right.

PROSPECTIVE JUROR: He is 21 years old, so --

THE COURT: Okay. Anything about that incident that would make it difficult for you to be a fair juror?

PROSPECTIVE JUROR: No. He deserved that, so --

THE COURT: Okay. All right. And, one of the questions asks you whether the fact that the defendant is a police officer would make it difficult for you to be fair, and you said it depends on the charges. So, now that you know the charges, what are your thoughts about that?

PROSPECTIVE JUROR: I can listen to the facts and help decide.

THE COURT: Okay. And, when you said it depends on the charges, what charges would or wouldn't you say, "I could not be fair"?

PROSPECTIVE JUROR: Like, a rape, someone involved in a rape, or something like that.

THE COURT: Okay.

PROSPECTIVE JUROR: That is what I meant.

THE COURT: So, you can look at the defendant and say to her, "I can presume you innocent, and I will not convict you unless the Government proves the case beyond a reasonable doubt"?

PROSPECTIVE JUROR: Could you repeat that?

THE COURT: You could look at the defendant and you can say here, honestly, "I will presume you to be innocent, and I will not convict you unless the Government proves its case beyond a reasonable doubt"?

PROSPECTIVE JUROR: Okay.

THE COURT: Yes?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. All right.

And, you said a family member helps you prepare your taxes. Is that person an accountant, also?

PROSPECTIVE JUROR: Yes.

THE COURT: And, again, do you have any side jobs that you do, or anything else that requires anything else --

PROSPECTIVE JUROR: No.

THE COURT: Just your W-2 forms?

PROSPECTIVE JUROR: Yes.

THE COURT: And, once you give your accountant all the documentation, they prepare the return, do you review it?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. And how long ago was your identity stolen?

PROSPECTIVE JUROR: It happened like seven years ago.

THE COURT: All right. And did they get into your bank account, or just credit cards, or what was it?

PROSPECTIVE JUROR: Yes. I think someone stole my identity and my bank account information, and the money, my tax return money did not come to me. It went to the other person.

THE COURT: Okay. And then the last question asks you if there are any beliefs that would prevent you from reaching a verdict in a criminal case, and you said you are very sensitive and usually feel pity for people in trouble.

PROSPECTIVE JUROR: I usually wear my feelings on my sleeve, so that is my only concern.

THE COURT: So, let me ask you a question. So, if you listened to all the evidence in the case and you felt the Government did not prove its case, would you be able to find the defendant not guilty?

PROSPECTIVE JUROR: I think I can, yes. I am going to try. I have another concern. Sorry, your Honor.

THE COURT: Yes?

PROSPECTIVE JUROR: I am a teacher. This is our last week of school. So, I need to pack up things. I need to return certain documents. So, that is my only concern.

THE COURT: Okay. All right. We will keep that in mind. Thank you.

PROSPECTIVE JUROR: Thank you so much.

THE COURT: That brings us to Carolina Arias.

Good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: So, you are a forensic accountant and CPA. And how long have you been doing that?

PROSPECTIVE JUROR: Seven years, licensed for five.

THE COURT: All right. So, during the COVID pandemic, did you assist any of your clients in doing these PPP loans, any other loans?

PROSPECTIVE JUROR: Not PPP, but we assisted in getting relief for hospitals, from the CARES Act, but not PPP.

THE COURT: Okay. And is the CARES Act the same thing, where the people have to submit their payroll records and other expense records to the Government, to show that they had a legitimate business, and they need the money to keep it going?

PROSPECTIVE JUROR: Correct.

THE COURT: And, did you ever learn later that any of your clients had potentially committed any fraud?

PROSPECTIVE JUROR: No.

THE COURT: All right. And is there anything about your work, either on those matters or anything else, in light of what the charges are in this case, that would make it difficult for you to be a fair juror?

PROSPECTIVE JUROR: No.

THE COURT: And your husband is an internal audit manager and CPA?

PROSPECTIVE JUROR: Correct.

THE COURT: For what type of business?

PROSPECTIVE JUROR: Construction.

THE COURT: All right.

And, you also knew someone that had been arrested as a juvenile. And, do you feel that person was treated fairly by the police and the cute torsion and the court?

PROSPECTIVE JUROR: Yes.

THE COURT: And what police department was that?

PROSPECTIVE JUROR: Miami-Dade.

THE COURT: Anything about that experience that would make it difficult to be fair?

PROSPECTIVE JUROR: No.

THE COURT: All right. And you use an accountant. Is your husband your accountant when you do the tax return? You are his accountant?

PROSPECTIVE JUROR: No, we have an independent accountant. We don't specialize in tax, so --

THE COURT: So, do you give a person all the documentation, and they do the return for you?

PROSPECTIVE JUROR: Yes.

THE COURT: And, do you review it afterwards?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. All right. Thank you.

That brings us to Jacori Gooden. Good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: And you are working as a temporary teacher?

THE PROSPECTIVE JUROR: Yes.

THE COURT: And what grade level or subject matter do you teach?

PROSPECTIVE JUROR: Any.

THE COURT: Any and all. Okay. And how long have you been doing that?

THE PROSPECTIVE JUROR: Since November of last year.

THE COURT: And what did you do before that?

PROSPECTIVE JUROR: I was a juvenile detention officer.

THE COURT: And how long were you a detention officer?

PROSPECTIVE JUROR: About a year.

THE COURT: And, what did you do before that?

PROSPECTIVE JUROR: In school.

THE COURT: You were in school?

PROSPECTIVE JUROR: In school.

THE COURT: All right. And, you indicated that you knew someone that had been arrested before. Do you think that person was treated fairly by the police and the prosecutors and the courts?

PROSPECTIVE JUROR: Yes.

THE COURT: And, was that person charged in state court or federal court?

PROSPECTIVE JUROR: State.

THE COURT: Was that in Miami?

PROSPECTIVE JUROR: In Miami, yes.

THE COURT: How long ago was that?

PROSPECTIVE JUROR: About ten years ago.

THE COURT: And anything about that, that would make difficult for you to be a fair juror?

PROSPECTIVE JUROR: No.

THE COURT: All right.

When you say that you use Turbo Tax, that is a computerized program, you do it, yourself, and you input the information?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. All right. Thank you.

PROSPECTIVE JUROR: Thank you.

THE COURT: All right, Juan Tapia?

PROSPECTIVE JUROR: Yes.

THE COURT: Good morning. All right. And what is RSI?

PROSPECTIVE JUROR: A food purchasing condominium association for a national brand here in Miami.

THE COURT: Okay. So, when you buy food, so is it to give to restaurants?

PROSPECTIVE JUROR: Correct. We source and manage contracts for food distribution.

THE COURT: And, how long have you been doing that?

PROSPECTIVE JUROR: 8 months.

THE COURT: And, your spouse, it said they provide therapy services. Is that a social worker, a psychologist?

PROSPECTIVE JUROR: Behavioral therapy for children.

THE COURT: All right. And, you had a relative that was arrested. Was that in state or federal court?

PROSPECTIVE JUROR: State, Illinois.

THE COURT: Do you know enough about the case to know whether he was treated fairly by the police, the prosecutors, the court?

PROSPECTIVE JUROR: Yes, treated fairly.

THE COURT: All right. And so your wife, through her company, applied for a PPP loan.

PROSPECTIVE JUROR: That's correct.

THE COURT: And did she do that on her own, or with an accountant?

PROSPECTIVE JUROR: With an accountant.

THE COURT: And, did you assist her in any way with that process?

PROSPECTIVE JUROR: I did not.

THE COURT: Do you know what that process was for her in terms of what documents she gave, or how much she was involved versus how much the accountant was involved?

PROSPECTIVE JUROR: I just know it was a lot of documentation, paper preparation, those type of things to submit.

THE COURT: Okay. And, is the person who does your tax returns the same person that helped her with that loan?

THE WITNESS: That's correct.

THE COURT: And, when that person does your returns, do you provide them with all the documentation to help them do the return?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: And, do you review everything afterwards?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: All right. Thank you.

Thank you. All right. Gabriela Mehta. Did I pronounce that correctly?

THE PROSPECTIVE JUROR: Yes.

THE COURT: And, you are not working now. What did you previously do when you were working.

PROSPECTIVE JUROR: I never worked here in the United States.

THE COURT: Okay. And where did you work when you were working?

PROSPECTIVE JUROR: When I worked?

THE COURT: Yes.

PROSPECTIVE JUROR: I was a lawyer in Brazil.

THE COURT: And what type of law did you practice?

PROSPECTIVE JUROR: Family law.

THE COURT: Family law?

PROSPECTIVE JUROR: Family.

THE COURT: Okay. All right. And you have -- and how long have you been in the United States?

PROSPECTIVE JUROR: 15 years.

THE COURT: All right. And you indicated that you do use a tax accountant, or somebody else to help you with your taxes?

PROSPECTIVE JUROR: Yes, I have a personal accountant.

THE COURT: Okay. And how long have you been using that person?

PROSPECTIVE JUROR: 3 years.

THE COURT: All right. And, when you do your tax returns, do you provide them with all the documentations, and do you review everything after they prepare it?

PROSPECTIVE JUROR: That's correct.

THE COURT: Okay, thank you.

PROSPECTIVE JUROR: Thank you.

THE COURT: All right. Patsie Roopchand.

You work as a radiologic technologist. And how long have you been doing that?

PROSPECTIVE JUROR: This year, September, will be four.

THE COURT: Four years?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. And, you had a relative that was arrested for a DUI?

PROSPECTIVE JUROR: My son.

THE COURT: And do you think he was treated fairly by the police and prosecutors and the courts?

PROSPECTIVE JUROR: Yes, he deserved it.

THE COURT: How long ago was that?

PROSPECTIVE JUROR: Probably about two years ago.

THE COURT: All right. And you also have some friends that are also police officers that are also members of your -- is it your husband's church?

PROSPECTIVE JUROR: It is our church, yes.

THE COURT: And do you know what police department they work for?

PROSPECTIVE JUROR: Not sure.

THE COURT: Would you be able to follow that jury instruction about --

PROSPECTIVE JUROR: I believe the first one was in Internal Affairs, the regular cops in Doral.

THE COURT: Doral?

PROSPECTIVE JUROR: And one in Miami Beach.

THE COURT: Thank you. And would you be able to follow that instruction about how to evaluate the testimony of a police officer?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. So, you were on jury duty, but you were not actually selected?

PROSPECTIVE JUROR: I have been called every year, but not selected as a juror.

THE COURT: Okay. All right. And, you indicated that you -- was it you and your husband applied for a PPP loan?

PROSPECTIVE JUROR: Yes. Actually, may accountant, our personal accountant, she is our personal accountant, and also for the church. And, she was the one that told us to apply, and she helped us request it.

THE COURT: Okay. And did you provide her with the documentation that she needed?

PROSPECTIVE JUROR: What, from the church? Yes.

THE COURT: And then once she prepared everything, did you look at it and review it with her?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. Is there anything about the fact that you and your husband, I guess, really, the church, but you and your husband are related to the church, applied for one of those loans, and the defendant in this case is charged with fraudulently applying for one of those loans -- is there anything about your experience that would make it difficult for you to be fair?

PROSPECTIVE JUROR: No.

THE COURT: Okay. And, you said that -- in answer to the last question, you said -- do you have any beliefs that would prevent you from reaching a verdict?

You said "Not sure. Maybe religion."

PROSPECTIVE JUROR: I believe that someone should be responsible for their actions.

THE COURT: Right.

PROSPECTIVE JUROR: And, well, the first one, I said I wasn't sure. I wasn't too sure of the question, what it was requesting, really, and --

THE COURT: Well, you said --

PROSPECTIVE JUROR: -- and, being religious, a Christian, I believe that what you sow, you shall reap. That is what I meant.

THE COURT: So, does that mean that if you are selected as a juror, that you wouldn't be able to reach a verdict in the case?

PROSPECTIVE JUROR: I would be able to.

THE COURT: All right. Thank you.

That brings us to Mr. Soto. Okay. And you are an artist. What is your medium?

PROSPECTIVE JUROR: Interdisciplinary. I do a lot of public art.

THE COURT: Okay. And how long have you been working as an artist?

PROSPECTIVE JUROR: 14 years.

THE COURT: Okay. All right. All right. And, one of the questions asks if you had any particularly good or particularly bad experiences, and you wrote, "Bad, and most of them either being stopped for traffic or otherwise usually needlessly aggressive."

So, obviously that is a negative experience that you have had. You have somebody who was a police officer, as the defendant in the case. Do you think that you would be able to be fair to them?

PROSPECTIVE JUROR: I think so. I will try my best.

THE COURT: Okay. Well --

PROSPECTIVE JUROR: Yes.

THE COURT: -- I don't want -- I don't want you to change your mind. If you can't be certain, that is fine. But, can you look at Ms. Acosta and say, "Look, I know I have had bad experiences with the police in the past, but I can assure you that I am going to give you a fair trial, and I will not convict you unless the Government proves its case beyond a reasonable doubt"?

PROSPECTIVE JUROR: I do.

THE COURT: So, you also used the Turbo Tax program. You do it on your own?

PROSPECTIVE JUROR: Correct.

THE COURT: Not with an accountant.

PROSPECTIVE JUROR: Okay.

THE COURT: And all right. Thank you.

PROSPECTIVE JUROR: First, I have A scheduling issue. Could I say --

THE COURT: Yes.

PROSPECTIVE JUROR: I have a doctor's appointment Wednesday, and I have to go to it before traveling next week, Friday. So, if I would reschedule, it would be difficult.

THE COURT: Okay. What time is the appointment?

PROSPECTIVE JUROR: Wednesday at 3:30 P.M.

THE COURT: Okay, we will take that into consideration.

Thank you.

That brings us to David Chen.

PROSPECTIVE JUROR: Good morning, sir.

THE COURT: Good morning. And you are self-employed?

PROSPECTIVE JUROR: Yes, as an AC, air conditioning.

THE COURT: And how long have you been doing that?

PROSPECTIVE JUROR: Around ten years.

THE COURT: All right. And you did not apply for a PPP loan?

PROSPECTIVE JUROR: No.

THE COURT: No. Okay. And you -- who helped you with your tax return?

PROSPECTIVE JUROR: Accounting, accounting.

THE COURT: Okay. And how long have you been going to the same accountant?

PROSPECTIVE JUROR: Been so many years. My wife handled it.

THE COURT: Okay. And do you give all the documentation to the accountant to help them do the return?

PROSPECTIVE JUROR: Yes.

THE COURT: And do you look at it afterwards to make sure everything is done correctly?

PROSPECTIVE JUROR: My wife, my wife did it.

THE COURT: Your wife does it. Okay. All right. Thank you.

PROSPECTIVE JUROR: I have a quick question.

THE COURT: Yes.

PROSPECTIVE JUROR: My English level is not well. Only for communication level. For higher, more difficult, professional, I am not good.

THE COURT: All right. We will take that into consideration. Thank you.

PROSPECTIVE JUROR: Thank you.

THE COURT: Alexandra Aguilar, good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: And are not working now. What were you previously working?

Were you in school?

PROSPECTIVE JUROR: I was a programmer.

THE COURT: Okay. And when was the last time that you were working?

PROSPECTIVE JUROR: April.

THE COURT: That is last month. And how long did you work there?

PROSPECTIVE JUROR: 8 months.

THE COURT: All right. And are you looking for another job?

PROSPECTIVE JUROR: Yes.

THE COURT: And, before that eight months, where were you working?

PROSPECTIVE JUROR: School.

THE COURT: All right. And how long ago was your dad robbed?

PROSPECTIVE JUROR: More than five.

THE COURT: Was that here in Miami?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. All right. And you said that you use an accountant or some other person to help you with your taxes.

PROSPECTIVE JUROR: Yes.

THE COURT: Who do you use? Not the name of the person. Like, an accountant, or --

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. And, do you provide them with all the documentation to help with the return?

PROSPECTIVE JUROR: Yes.

THE COURT: And do you review it afterwards?

PROSPECTIVE JUROR: Yes.

THE COURT: Before it is submitted. All right, thank you.

All right. Fitz Morrison.

PROSPECTIVE JUROR: Good morning, your Honor.

THE COURT: Good morning. And you are a senior pastor at the Sunrise Baptist Church?

PROSPECTIVE JUROR: Sunrise.

THE COURT: And how long have you been doing that?

PROSPECTIVE JUROR: 18 years.

THE COURT: All right. So, you and your wife both had your identities stolen, and --

PROSPECTIVE JUROR: Yes. It is one break into my wife's car and stole her purse, and also, my wallet.

THE COURT: Okay. And did they, like, get into your bank account or take your tax return?

PROSPECTIVE JUROR: He took credit card, as well as they filed for, when taxes.

THE COURT: Okay. And you said that your interaction with law enforcement is mutual. Like, mutually good, completely bad?

PROSPECTIVE JUROR: It is in between. Apart from a few traffic occasions, we have not had any incidents.

THE COURT: Okay. All right. And you said you and your wife and your son received financial assistance during the COVID pandemic?

PROSPECTIVE JUROR: Yes.

THE COURT: Was any of those a PPP loan?

PROSPECTIVE JUROR: No. My church, that applied, the church that I go to applied for the PPP loan.

THE COURT: Okay. And are you the person who dealt with the accountant in doing the loan?

PROSPECTIVE JUROR: No, the treasurer of the church. The pastor does not do any financial aspect of the church.

THE COURT: And so when you said you and your wife and your son received money, that was like 1500 or two thousand, those payments that --

PROSPECTIVE JUROR: That was where the Government give me a portion, I think 1500.

THE COURT: But, that is something you had to apply for, or it was automatically sent?

PROSPECTIVE JUROR: It was automatically sent.

THE COURT: All right. And you said you used to use an accountant to help you with your return many years ago. Do you do it on your own now?

PROSPECTIVE JUROR: My wife does Turbo Tax.

THE COURT: Okay. All right. Thank you.

PROSPECTIVE JUROR: There is two questions. As the senior pastor, I conducted -- prior to COVID, we had been doing an online Bible study every Wednesday between seven and 8:00 o'clock, and Sunday morning also. Being the senior pastor, I am in charge of several matters. So, I have to make sure that I can be able, there is no conflict of interest.

THE COURT: 7:00 A.M. or 7:00 P.M.

PROSPECTIVE JUROR: 7:00 P.M.

THE COURT: P.M. okay. Well, if we stop at 5:30 --

PROSPECTIVE JUROR: That is should be fine.

THE COURT: Okay. Just remind me on Wednesday, if you are on the jury, to make sure we stop right on time.

PROSPECTIVE JUROR: Thank you, your Honor.

THE COURT: That brings us to Luz Baraya.

PROSPECTIVE JUROR: Yes.

THE COURT: Good morning. You are working as security at the airport?

PROSPECTIVE JUROR: Yes.

THE COURT: Is that TSA, or separate?

PROSPECTIVE JUROR: No, Miami-Dade County, MDOT.

THE COURT: And how long have you been doing that?

PROSPECTIVE JUROR: 10 years.

THE COURT: Okay. And you had some friends that are police officers with Miami-Dade and Miami Beach?

PROSPECTIVE JUROR: That's correct.

THE COURT: All right. And are they detectives or uniformed officers?

PROSPECTIVE JUROR: One is a uniformed officer with MDPD, and the other is a detective in Miami Beach.

THE COURT: And would you be able to follow that instruction about how to evaluate the testimony of a police officer?

PROSPECTIVE JUROR: Yes.

THE COURT: And would you be able to give the Government and the defendant a fair trial?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. And, when you were on a criminal jury before, was that here in this building, or over by Jackson?

PROSPECTIVE JUROR: By Jackson.

THE COURT: All right. And how long ago was that?

PROSPECTIVE JUROR: I think it was three days.

THE COURT: No, how long, how many years ago?

PROSPECTIVE JUROR: A long time.

THE COURT: A long time ago?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. Thank you.

PROSPECTIVE JUROR: Okay.

THE COURT: Is it Omayra Silva?

PROSPECTIVE JUROR: Yes.

THE COURT: Good morning. And you work in accounting, in finance at Nicklaus Hospital?

PROSPECTIVE JUROR: Yes.

THE COURT: Did you do the PPP loan during the pandemic?

Were you involved -- did the hospital get any PPP loans or any COVID pandemic relief?

PROSPECTIVE JUROR: No, not that I know of, because I work on the payable side.

THE COURT: All right. All right. And you indicated that a member of your family had been arrested for an assault with a deadly weapon.

PROSPECTIVE JUROR: Correct.

THE COURT: Do you know if that person was treated fairly by the police and the prosecutors and the courts?

PROSPECTIVE JUROR: Yes.

THE COURT: And how long ago was that?

PROSPECTIVE JUROR: About a year or two.

THE COURT: Anything about that incident that would affect you as a juror in this case?

PROSPECTIVE JUROR: Not at all.

THE COURT: All right. And you -- you do your own tax returns?

PROSPECTIVE JUROR: No. I have an accountant. My husband handles the --

THE COURT: The finances?

PROSPECTIVE JUROR: Correct.

THE COURT: Even though you are the finance person?

PROSPECTIVE JUROR: I don't want to deal with no more research.

THE COURT: All right. And so do you and your husband give the accountant all your records, and then they prepare the returns, and you review it before it is sent out?

PROSPECTIVE JUROR: Yes, that is correct.

THE COURT: Okay. All right. Thank you.

PROSPECTIVE JUROR: Thank you.

THE COURT: All right. Miguel Reyes. Good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: All right. So, you do community outreach for -- so what do you do in community outreach?

PROSPECTIVE JUROR: Honestly, I go out and look for people to bring into the store, and I select brand ambassadors for us.

THE COURT: And how long have you been doing that?

PROSPECTIVE JUROR: Two years.

THE COURT: And so you get paid a salary for that, or if every person agrees to be an ambassador, do you get paid a commission?

PROSPECTIVE JUROR: I wish. No, I am just paid really hourly.

THE COURT: Well, do you have any children?

PROSPECTIVE JUROR: Heck, no.

THE COURT: Well, I guess you are young, so we will --

All right. You said that you knew someone who had been arrested before. Do you think that person was treated fairly by the police and the prosecutors and the courts?

PROSPECTIVE JUROR: No.

THE COURT: And what police department was it?

PROSPECTIVE JUROR: Lee County.

THE COURT: And what was the relationship with the person to you, like, your friend.

PROSPECTIVE JUROR: My cousin.

THE COURT: And when you say they weren't treated fairly, you mean they didn't commit the crime, or they were treated roughly?

PROSPECTIVE JUROR: Aggressively. But, it was by the police officer. I believe he was, you know, fairly -- I believe it was racially profiled, like, the initial reason he was stopped was racial profiling.

THE COURT: Okay. And, you said you have also had bad experiences. You said the police have horrible power trips.

PROSPECTIVE JUROR: Yes.

THE COURT: So, we have a police officer who is a defendant in this case. Is that opinion going to affect your ability to give her a fair trial?

PROSPECTIVE JUROR: No. I don't know her personally, so no.

THE COURT: What about what happened to your friend? Is that going to affect you?

PROSPECTIVE JUROR: No.

THE COURT: All right. Okay. One of the questions says, "The defendant is a police officer. Do you have any feelings that would prevent you from rendering a fair verdict?"

You said, "honestly, yes. I am an abolitionist.

PROSPECTIVE JUROR: I believe our criminal justice system is flawed, and it is far beyond reconstruction, and needs to be reconstructed. And something else, I am a political science major. I have a lot of beliefs.

THE COURT: Okay. So, that is a fairly strong belief?

PROSPECTIVE JUROR: Yes.

THE COURT: So, would you be able to set that aside if you were a juror in the case?

PROSPECTIVE JUROR: Oh, yes, yes.

THE COURT: Okay. Okay. All right. Thank you.

All right. Paloma Hernandez.

PROSPECTIVE JUROR: Good morning.

THE COURT: Good morning. All right. So, you work as a team member for a pizza shop?

And how long have you been doing that?

PROSPECTIVE JUROR: Ten years.

THE COURT: Are you also in school?

PROSPECTIVE JUROR: Yes, FIU.

THE COURT: And do you have any exams this week?

PROSPECTIVE JUROR: No, I am not taking any classes.

THE COURT: All right. And you said you had a bad experience where a police officer was rude to you.

PROSPECTIVE JUROR: Yes. But, like I was in high school and it was my first time being pulled over. So, it was like, it was not that big a deal.

THE COURT: And what police department did they work for?

PROSPECTIVE JUROR: It was the MD, yes, the Miami-Dade.

THE COURT: The brown uniforms?

PROSPECTIVE JUROR: Yes.

THE COURT: Was there anything about that incident that would make it difficult for you to be a fair juror?

PROSPECTIVE JUROR: No.

THE COURT: Okay. You said your mom went to an accountant. Is that to help, like, even with your tax return?

PROSPECTIVE JUROR: Yes. I did my taxes for last year, but, like, she went to the accountant. Yes, it was a private accountant.

THE COURT: Do you earn anything other than your salary?

PROSPECTIVE JUROR: No. Just like the W2s.

THE COURT: Okay.

PROSPECTIVE JUROR: And the FAFSA.
THE COURT: Okay. And thank you.
Christian Rivera.
PROSPECTIVE JUROR: Yes, sir.
THE COURT: Good morning.
PROSPECTIVE JUROR: Good morning.
THE COURT: And so you work for PL Developments. IS that a construction company?
PROSPECTIVE JUROR: Yes, correct.
THE COURT: And, how long have you been doing that?
PROSPECTIVE JUROR: I started in 2019.
THE COURT: All right.
And you received some economic impact payments. Did you have to --
PROSPECTIVE JUROR: Exactly.
THE COURT: Did you have to make an application for that?
PROSPECTIVE JUROR: No. They came automatically.
THE COURT: Okay. But, nothing on behalf of your company?
PROSPECTIVE JUROR: No. I have no company. I work for a pharmaceutical company.
THE COURT: And, you go to H and R Block to do your tax returns.
PROSPECTIVE JUROR: Exactly. Basically, to submit my

W2, and that is it.

THE COURT: And so you give them whatever documents you have, and they --

PROSPECTIVE JUROR: Exactly.

THE COURT: -- and they prepare the return, and you look at it before it is sent in?

PROSPECTIVE JUROR: Yes, it is exactly. I sign them, and they send them out.

THE COURT: Okay. Thank you, sir.

PROSPECTIVE JUROR: Okay.

THE COURT: So that brings us to Scott Crawshaw.

PROSPECTIVE JUROR: Good morning.

THE COURT: Good morning. So, you are in sales and marketing at Freebie. What does Freebie do?

PROSPECTIVE JUROR: You could essentially look at it as a free uber transport company.

THE COURT: Free Uber? So, how do you make money?

PROSPECTIVE JUROR: We get deals with the municipality. We provide free transport.

THE COURT: The little cars they have in Coral Gables and other cities?

PROSPECTIVE JUROR: Exactly.

THE COURT: How long have you been doing that?

PROSPECTIVE JUROR: Since October of last year. So, about eight months.

THE COURT: And what did you do before that?

PROSPECTIVE JUROR: Marketing, for about eight years.

THE COURT: Okay. All right. And the question that asked about whether you have had any good or bad experiences with the police, you said, "I found police in the U.S. to be tense, not understanding, and rude at times."

So, is there anything about -- now, is that from like when you get stopped for like a traffic ticket and the way they treat you?

PROSPECTIVE JUROR: Yes, I would say that. I was born and raised in Switzerland. So, it was more of a comparison to what I have been in, in my country than here; however, based on the information you have given out so far, it doesn't seem like this case has anything to do with that.

THE COURT: All right. And, you have -- you do your own returns with the Turbo Tax program?

PROSPECTIVE JUROR: Online program, exactly.

THE COURT: Okay. So, I want to make sure, because you said yes, but the way you wrote it makes it sound like it is a no. So, one of the questions asks if you have feelings about police officers that would prevent you from rendering a fair verdict, and you said, "A police officer is a job. If that person didn't do their job or their actions were questionable, then yes."

PROSPECTIVE JUROR: This was without knowledge, obviously, what the court case would be. I believe that, to me, it is like there is -- you have to do it, and you have a right, and if it was done incorrectly, then obviously, I would have an opinion about that.

THE COURT: Well, the bottom line is, would you base your decision in the case only on the evidence that --

PROSPECTIVE JUROR: It would be based on the evidence.

THE COURT: That came out in the case. All right. Thank you.

Mr. Joseph Vergera, what is your background?

PROSPECTIVE EMPLOYEE: Expert; civil engineer and lawyer. And, I worked construction projects for a number of years. And then I became a -- sort of working for consulting firms on contractual claims and quantification of damages.

THE COURT: All right. And so how often are you testifying in courts?

PROSPECTIVE JUROR: I mostly practice international arbitration where my testimony is in the form of expert witness, and I am usually involved in at least four to five cases. I think I am at six cases right now.

THE COURT: Okay. And what type of law does your wife practice?

PROSPECTIVE JUROR: She works in mergers and acquisitions.

THE COURT: All right. And, you indicated you knew someone that had been arrested before. Do you believe that person was treated fairly by the police and the prosecutors and the courts?

PROSPECTIVE JUROR: Oh, yes, I do.

THE COURT: And was that person prosecuted in state court or federal court?

PROSPECTIVE JUROR: Both. They were one in state court in Puerto Rico, and then a second one in the District Court of San Juan, Puerto Rico.

THE COURT: Is there anything about those experiences that would make it difficult for you to be a fair juror?

PROSPECTIVE JUROR: No.

THE COURT: You indicated that your brother had applied for a PPP or the economic injury disaster loan during COVID. Were you involved in any way in that process with him?

PROSPECTIVE JUROR: No, not at all.

THE COURT: And, do you use an accountant to prepare your tax returns?

PROSPECTIVE JUROR: Yes, I do.

THE COURT: And you used the same person for many years?

PROSPECTIVE JUROR: For the last two years.

THE COURT: Okay. And do you give this person your documents, and he or she prepares the returns, and then you review it and -- before it is sent out?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. Thank you.

All right, Mr. Juan Collado.

PROSPECTIVE JUROR: Good morning.

THE COURT: Good morning. And you are the head of a charter school?

PROSPECTIVE JUROR: Yes.

THE COURT: And how long have you worked there?

PROSPECTIVE JUROR: For more than 20 years.

THE COURT: Okay. All right. And you have never been on a jury before?

PROSPECTIVE JUROR: Nope.

THE COURT: Okay. And you said you use an accountant.

PROSPECTIVE JUROR: Yes.

THE COURT: All right. And is that -- I don't know. Do charter schools have to file tax returns, or --

PROSPECTIVE JUROR: They have, but I have been using my accountant for some years. So, I stay with him.

THE COURT: Okay. And, do you provide all the documentation to the accountant?

PROSPECTIVE JUROR: Yes.

THE COURT: And do you review the return before it is submitted?

PROSPECTIVE JUROR: That is correct.

THE COURT: Okay. All right. Thank you.

PROSPECTIVE JUROR: I would like to tell you that I -- as part of the administration in the both schools I work, we have plenty of activities during the final weeks of evaluation, final evaluation to the teacher graduations. So, I could face scheduling issues in the next two weeks.

THE COURT: We will take that into consideration.

PROSPECTIVE JUROR: Thank you.

THE COURT: All right. Jonathan Amedee.

THE WITNESS: Yes, your Honor.

THE COURT: Good morning.

PROSPECTIVE JUROR: Yes, good morning.

THE COURT: All right. And you work at Jackson South as an emergency department technician.

PROSPECTIVE JUROR: Yes.

THE COURT: How long have you been doing that?

PROSPECTIVE JUROR: Nine months.

THE COURT: And before that, were you in school?

PROSPECTIVE JUROR: I was in school, and before that, I was working at Baptist West, in the ER.

THE COURT: And you have a father and uncle retired from U.S. Customs?

PROSPECTIVE JUROR: Yes.

THE COURT: And were they law enforcement officers?

PROSPECTIVE JUROR: Yes.

THE COURT: And, because of their experiences, would you be able to follow that instruction about how to evaluate the testimony of a law enforcement officer?

THE WITNESS: Yes, I can.

THE COURT: Okay. And would you be able to give both the Government and the defendant a fair trial?

PROSPECTIVE JUROR: Yes, I can.

THE COURT: All right. And, one of the questions asked -- it says you might tend to side with the law enforcement since both your father and brother were law enforcement officers. So, knowing what that jury instruction is, would you be able to set it aside and be fair to both civilian and law enforcement officers?

PROSPECTIVE JUROR: Yes. Yes, I can.

THE COURT: All right. And you received a stimulus check, but that was not something you had to apply for?

PROSPECTIVE JUROR: No.

THE COURT: Okay. Okay. The last question asks if you have any beliefs that would prevent you from reaching a verdict in a criminal case, you said, "Probably not. My beliefs are Roman Catholic, and I am a conservative Republican.

PROSPECTIVE JUROR: That is before I knew what the trial consisted of. This should be not be a problem.

THE COURT: You are sure?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. Thank you.

All right. That brings us to German -- German Garcia?
PROSPECTIVE JUROR: Yes, sir.
THE COURT: And are you retired now?
PROSPECTIVE JUROR: Yes, sir.
THE COURT: And what did you used to do?
PROSPECTIVE JUROR: Driving trucks.
THE COURT: All right. And how long have you been retired?
PROSPECTIVE JUROR: About a year ago.
THE COURT: All right. Good for you.
And, when was your wife's identity stolen?
PROSPECTIVE JUROR: Last time, about nine months ago.
THE COURT: All right. And, you had a relative that was arrested for a DUI. Do you think that person was treated fairly by the police and the prosecutors and the courts?
PROSPECTIVE JUROR: According to him, no.
THE COURT: Okay. And who did not treat him favorably, the police or the prosecutors or the courts?
PROSPECTIVE JUROR: Police department, Broward Sheriff's Office.
THE COURT: And how long ago was that person arrested?
PROSPECTIVE JUROR: Last August.
THE COURT: Last August. So, because of your relatively bad experience with the BSO, which is Broward Sheriff's Office, would you have a difficult time being fair to

the defendant?

THE WITNESS: No.

THE COURT: And, you have friends, though, that are police officers in Miami and New York?

PROSPECTIVE JUROR: Yes.

THE COURT: All right.

And, one of the questions asks that if you know the -- tells you the defendant is a police officer, and asks you if you have any feelings, you said something, "I know a few police officers. I will probably feel sorry for him" -- or for her, I guess, in this case.

PROSPECTIVE JUROR: I think of the families, and that's why I said that.

THE COURT: All right. And, knowing that, would you be able to be fair to the Government?

If they prove the case, would you be able to find the defendant guilty?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: And do you use a accountant to help you with the tax returns?

PROSPECTIVE JUROR: My wife does it, and then she does Turbo Tax.

THE COURT: Okay. All right. Thank you.

Next brings us to Danny Donat.

PROSPECTIVE JUROR: Yes.

THE COURT: What do you do at the hospital?
PROSPECTIVE JUROR: Operations coordinator.
THE COURT: How long have you been that?
THE WITNESS: Five months.
THE COURT: What did you do before that?
PROSPECTIVE JUROR: I was an executive assistant for the vice president of finance at Baptist Hospital.
THE COURT: Okay. And, you have been on criminal juries before that reached a verdict?
PROSPECTIVE JUROR: No. I was -- I was not selected for the jury.
THE COURT: Okay. So, you went through this questioning, but were not selected?
PROSPECTIVE JUROR: Yes.
THE COURT: All right. And, do you use an accountant to help you with your tax returns?
PROSPECTIVE JUROR: No. I use online H and R Block.
THE COURT: All right. Thank you.
All right. That brings us to Michael Louis Seymour.
PROSPECTIVE JUROR: Good morning, your Honor.
THE COURT: Good morning. And you work for the park and recreations department?
PROSPECTIVE JUROR: Yes.
THE COURT: How long have you been doing that?
PROSPECTIVE JUROR: Over -- I want to say over six

years.

THE COURT: Okay. All right. And, you indicated that your uncle had been arrested before. And do you think he was treated fairly by the police and the prosecutors and the courts?

PROSPECTIVE JUROR: I wouldn't know. Like, I only met him in prison. So, I wouldn't know.

THE COURT: Okay. And, when you say, "in prison," you were visiting him in prison?

PROSPECTIVE JUROR: I only met him in jail, like.

THE COURT: Okay. Oh, and do you do your own tax returns?

PROSPECTIVE JUROR: Yes, we have an accountant.

THE COURT: You have an accountant. And, do you just give him all the documentation, or give her?

PROSPECTIVE JUROR: Yes.

THE COURT: And then do you review the return before you send it in?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: All right. Thank you.

All right. Let's go back to Mr. Scott Kirschbaum.

Good morning again.

PROSPECTIVE JUROR: Good morning.

THE COURT: Good morning. And you work in civil litigation, and, earlier in your career, had you ever done any work in the State Attorney's Office, Public Defender's Office?

PROSPECTIVE JUROR: I worked for the government before, for SBA when I first started, but that was it.

THE COURT: All right. And what type of law does your spouse practice?

PROSPECTIVE JUROR: She is not working right now. She says she is retired. I say she is unemployed. But, she was doing employment before that.

THE COURT: All right. And, you have been on civil and criminal juries before. Ever in federal court?

PROSPECTIVE JUROR: I was in a civil case that was in federal court in front of Judge Moreno.

THE COURT: And, how long ago was that?

PROSPECTIVE JUROR: It has to be been ten years ago.

THE COURT: All right. And your law firm didn't apply for any PPP or economic injury disaster relief loans.

PROSPECTIVE JUROR: My current firm, I don't know. I wasn't with them at the time. My prior firm may have, but that was above my pay grade.

THE COURT: And you use an accountant to do your returns?

PROSPECTIVE JUROR: A lot of times. I also used Turbo Tax.

THE COURT: And, when you used an accountant, did you provide them with all your documentation.

PROSPECTIVE JUROR: My wife did, yes.

THE COURT: And you review it before you send it in?

PROSPECTIVE JUROR: Yes, your Honor.

THE COURT: All right. Thank you.

All right. Maria Jose Mayorga Sandoval.

PROSPECTIVE JUROR: Good morning.

THE COURT: And you are a manager for a check cashing business?

PROSPECTIVE JUROR: Yes, a financial institution.

THE COURT: And how long have you been doing that?

PROSPECTIVE JUROR: 18 years.

THE COURT: All right. And, you have never been on jury duty before?

PROSPECTIVE JUROR: No.

THE COURT: And, do you use an accountant to do your tax returns?

PROSPECTIVE JUROR: My husband, through Turbo Tax.

THE COURT: Turbo Tax. All right. Thank you.

PROSPECTIVE JUROR: Thank you. I just want to mention that I have a vacation scheduled from Friday, just in case I get selected.

THE COURT: From Friday -- like, when, on Friday?

PROSPECTIVE JUROR: What?

THE COURT: When, on Friday, is this vacation?

PROSPECTIVE JUROR: The 7th, Friday.

THE COURT: No, what time --

PROSPECTIVE JUROR: Later --

THE COURT: -- like, time of day?

PROSPECTIVE JUROR: -- in the afternoon.

THE COURT: Okay.

PROSPECTIVE JUROR: Yes.

THE COURT: And, where are you going?

PROSPECTIVE JUROR: My country, Nicaragua. Family vacation.

THE COURT: Okay. We will take that into consideration. Thank you.

All right. Alicia Quintana. Good morning.

PROSPECTIVE JUROR: Yes, good morning.

THE COURT: You are not working. Are you in school?

PROSPECTIVE JUROR: I am in flux -- between schools.

THE COURT: And where were you in school?

PROSPECTIVE JUROR: I was in school at Miami Technical Institute for Surgical Technology.

THE COURT: And did you graduate?

PROSPECTIVE JUROR: Yes.

THE COURT: And are you looking for a job?

PROSPECTIVE JUROR: Yes. I applied for one. I am getting an interview in two weeks.

THE COURT: Very good. And, you indicated that you had a relative that had been arrested before.

THE WITNESS: Yes, sir.

THE COURT: And how old were you when they were arrested?

PROSPECTIVE JUROR: I was not born yet.

THE COURT: So, and from listening to family talk about it, since you already know about it --

PROSPECTIVE JUROR: Yes.

THE COURT: Do you think that person was treated fairly by the police and the prosecutors and the courts?

PROSPECTIVE JUROR: I can't say. I don't know much details.

THE COURT: Okay. Was that here in this country that he was arrested?

PROSPECTIVE JUROR: I am not sure.

THE COURT: And you have never been on a jury before?

PROSPECTIVE JUROR: I was summoned to one, but I wasn't able to show up.

THE COURT: All right. Thank you.

All right. Reyn Vazquez, good morning.

PROSPECTIVE JUROR: Good morning, sir.

THE COURT: And you work for a cargo agent in the airport?

PROSPECTIVE JUROR: Yes.

THE COURT: How long have you been doing that? Five years.

THE COURT: And what did you do before that?

PROSPECTIVE JUROR: ADT project technician.

THE COURT: And you have a friend who is a Broward Sheriff's Office law enforcement officer. Is that for the BSO?

PROSPECTIVE JUROR: Yes.

THE COURT: And this is obviously a trial. Is there anything about your friendship that is going to make it difficult for you to be fair to either the defendant or the Government?

PROSPECTIVE JUROR: It might.

THE COURT: And in what way?

PROSPECTIVE JUROR: I have always supported police officers. So, in my opinion, I might be inclined to find for the police officer.

THE COURT: Thank you.

Arleen Lynch?

PROSPECTIVE JUROR: Yes.

THE COURT: Good morning. And you own a tag agency?

PROSPECTIVE JUROR: I do.

THE COURT: Is that for cars, boats --

PROSPECTIVE JUROR: Everything. The license plate is a branch agency of the Tax Collector's Office.

THE COURT: And how long have you owned the agency?

PROSPECTIVE JUROR: I have owned it for a couple of years; worked there for about 20.

THE COURT: Okay. All right. And your spouse also owns the business with you?

PROSPECTIVE JUROR: Correct.

THE COURT: All right. And you have a close friend that is with the Homestead Police Department?

PROSPECTIVE JUROR: Yes, a sergeant.

THE COURT: Is there anything about that friendship that would make it difficult for you to be a fair juror in this case?

PROSPECTIVE JUROR: No, your Honor.

THE COURT: And you have been on a criminal jury before?

PROSPECTIVE JUROR: I have.

THE COURT: Was that here in this building?

PROSPECTIVE JUROR: It was here in this building.

THE COURT: Do you remember how long ago that was?

PROSPECTIVE JUROR: It was before the pandemic hit. So, I think it was 2020.

THE COURT: Okay. And, again, don't tell us whether you found the person guilty or not guilty. But, do you remember what kind of case it was?

Was it a drug case, or Medicare fraud, or some other case?

PROSPECTIVE JUROR: It was -- from what I remember, it was -- the person had a gun and was chased by the police, and he said the gun wasn't his.

THE COURT: Okay. All right.

And, your business applied for the PPP loan and the EIDL loan?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Did you use an accountant to assist you with that application?

PROSPECTIVE JUROR: I did ask questions if I needed to, but he was the one who prepared the application.

THE COURT: And you gathered whatever documents you needed, and submitted the application?

PROSPECTIVE JUROR: Yes, I did.

THE COURT: And, when you do your tax returns, do you use that same accountant that you consulted with?

PROSPECTIVE JUROR: Yes.

THE COURT: And, do you provide that person with all your documentations?

PROSPECTIVE JUROR: I do.

THE COURT: And then you would review it before it is sent in?

PROSPECTIVE JUROR: Yes, your Honor.

THE COURT: Okay. All right. Thank you.

PROSPECTIVE JUROR: You are welcome.

THE COURT: Before we go to the next juror, it has been more than an hour and-a-half, and I don't want to stress anybody's body functions out. So, let's take a short recess.

Because there are so many of you coming and going, I am going to take a little bit longer than I would normally would. I normally take 15 minutes. But, let's come back at five of.

And, everybody look at that clock up there to synchronize your watches.

Before you leave, look to your left and look to your right. Remember who your neighbors are. We don't want to take 20 minutes lining everybody else up again.

So, please come back at five minutes to 11, and we will finish up the questioning, and, we will have the jury selected shortly after that.

[Whereupon, the jury left the courtroom, and the following proceedings were had at 10:38 a.m.]

THE COURT: All right. If you all can use restrooms on different floors so that we don't run into the jurors, and try to be back at five of 11.

(Whereupon, there was a recess, after which the jury entered the courtroom and the following proceedings were had at 10:54 a.m.:)

COURT SECURITY OFFICER: All rise.

THE COURT: Thank you. Be seated.

It looks like everybody is here. Our next person, hopefully, is Ashley Mills.

Good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: All right. And you work at Homestead Correctional Institution. What do you do there?

PROSPECTIVE JUROR: Correctional officer.

THE COURT: And how long have you been working there?

PROSPECTIVE JUROR: Six years.

THE COURT: So, that is what -- is that a state prison where people are already sentenced?

PROSPECTIVE JUROR: Yes.

THE COURT: And, is there anything about your work that would make it difficult for you to be a fair juror in a criminal case?

PROSPECTIVE JUROR: No.

THE COURT: What about the fact that the defendant is a law enforcement officer?

PROSPECTIVE JUROR: No.

THE COURT: Okay. All right. And, you use an accountant to help you with your taxes?

PROSPECTIVE JUROR: Yes.

THE COURT: And, do you provide all the documentation for the accountant?

PROSPECTIVE JUROR: Yes.

THE COURT: And then do you review it before it is sent in?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. Thank you.

All right. Rita Jimenez?

PROSPECTIVE JUROR: Yes.

THE COURT: Good morning. And you are a chemistry teacher?

PROSPECTIVE JUROR: Correct.

THE COURT: And how long have you been doing that?

PROSPECTIVE JUROR: This is my first year.

THE COURT: And what did you do before that?

PROSPECTIVE JUROR: University. This is the first year.

THE COURT: All right.

And, you have never been on a jury before?

PROSPECTIVE JUROR: Never been selected, no.

THE COURT: But you have gone through this questioning?

PROSPECTIVE JUROR: Yes.

THE COURT: And, you use an accountant to help you with your taxes?

PROSPECTIVE JUROR: Yes, correct.

THE COURT: And do you provide them with any documentation they need?

PROSPECTIVE JUROR: Yes.

THE COURT: And, do you review it before it is sent in?

PROSPECTIVE JUROR: Sometimes.

THE COURT: Okay. And so you celebrate the Sabbath on

Friday evening. Is that sundown?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. So, we will make sure -- just remind me if you are chosen to be on the jury.

PROSPECTIVE JUROR: I am also finalizing my grade book. I am also a teacher. This week is the last week of school.

THE COURT: So, what happens if you were on the jury all week?

PROSPECTIVE JUROR: I will have to work at night to finalize my grade book, final exams.

THE COURT: All right. We will take that into consideration.

PROSPECTIVE JUROR: Thank you, your Honor.

THE COURT: All right. Is it Emily Lynn Batroune?

PROSPECTIVE JUROR: Yes, your Honor.

THE COURT: And, you work as a fleet service clerk for American Airlines?

PROSPECTIVE JUROR: Correct.

THE COURT: How long have you been doing that?

PROSPECTIVE JUROR: About seven years.

THE COURT: All right. And, you said you had a good experience with somebody, an officer that responded to a medical emergency?

PROSPECTIVE JUROR: Yes. Before American Airlines, I used to work for TSA. So, I dealt with a lot of police officers responding to emergencies.

THE COURT: Anything about those experiences that would make it difficult for you to be a fair juror, knowing everything about this case?

PROSPECTIVE JUROR: Not at all, your Honor.

THE COURT: Okay. And, you said that you had received some financial assistance. Is that the tax stimulus that everyone else got?

PROSPECTIVE JUROR: Yes.

THE COURT: Nothing that you had to apply for?

PROSPECTIVE JUROR: No.

THE COURT: And, do you use an accountant to help you with your returns?

PROSPECTIVE JUROR: Correct.

THE COURT: And, do you provide all the documentation?

PROSPECTIVE JUROR: Yes, your Honor.

THE COURT: And, do you review those afterwards?

PROSPECTIVE JUROR: Absolutely.

THE COURT: Okay. Thank you.

All right. Johanna Bojorge Perez.

Good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: And what do you do at Apple?

PROSPECTIVE JUROR: I am creative. So, that is basically like a product trainer from the consumer level all the way to the corporate level. I also support with events like announcements and stuff.

THE COURT: And how long have you been working there?

PROSPECTIVE JUROR: Seven years.

THE COURT: Okay. All right. And you indicated that you had a family member that had been arrested before. Do you think that person was treated fairly by the police and the prosecutors and the courts?

PROSPECTIVE JUROR: Yes, your Honor.

THE COURT: And how long ago did that happen?

PROSPECTIVE JUROR: About four years ago, sir.

THE COURT: Anything about that incident that would affect you in this case?

PROSPECTIVE JUROR: No, sir.

THE COURT: All right. So, one of the questions asks about your feelings towards police officers, and you said you have seen many instances that give you a poor opinion about police. So, do you still have that opinion now?

PROSPECTIVE JUROR: I don't think all police officers are bad. I do believe there are times where there are bad apples, and they have a tendency to hide evidence, or hide behind, like, the badge.

THE COURT: All right. And so you know there is a police officer on trial in this case?

PROSPECTIVE JUROR: Yes.

THE COURT: Starting out, would you be able to look at her and honestly say, "I will presume you innocent, and I will not find you guilty unless the Government proves its case beyond a reasonable doubt"?

PROSPECTIVE JUROR: I believe that if I find -- if evidence is presented that there is an attempt of hiding anything, I might be swayed. I might have a pre-conceived notion.

THE COURT: All right. Thank you.

PROSPECTIVE JUROR: One last thing. I forgot my father-in-law was a police officer. But, this was over ten years ago. He is retired.

THE COURT: Okay. Thank you.

All right. Is it Herson Rubio?

PROSPECTIVE JUROR: Yes.

THE COURT: Good morning.

And you work in the landscaping business?

PROSPECTIVE JUROR: Yes, with my dad.

THE COURT: And how long have you been doing that?

PROSPECTIVE JUROR: Like, I have been going since I was a kid, like, younger, and now I have been going like two, three years.

THE COURT: Okay. All right. And this is your first time on jury duty?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: And you never received any Government assistance during COVID?

PROSPECTIVE JUROR: No.

THE COURT: I guess you would have been a juvenile back then.

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Okay. All right. Thank you.

Next we are going to speak to Stephen Fine.

And you are not working now. Are you retired?

PROSPECTIVE JUROR: Retired.

THE COURT: What did you used to do?

PROSPECTIVE JUROR: Art teacher, substitute teacher, Dade County.

THE COURT: And how long did you teach?

PROSPECTIVE JUROR: 15 years.

THE COURT: All right. And you had a relative that was arrested before. Do you think that person was treated fairly by the police and the prosecutors and the courts?

PROSPECTIVE JUROR: I don't know the details about it. I mean, he did go to prison for like 15 years, and we ended up taking care of his kids. And, it was a little difficult.

THE COURT: And was he charged in state court or federal court?

PROSPECTIVE JUROR: I don't know.

THE COURT: Okay. Is there anything about that incident that would make it difficult for you to be a fair juror?

PROSPECTIVE JUROR: I don't believe so.

THE COURT: All right. And you have a son-in-law that is a Miami police officer?

PROSPECTIVE JUROR: No. My son-in-law, his mother is a police officer, Miami-Dade.

THE COURT: Oh.

PROSPECTIVE JUROR: But, I have a problem with her.

THE COURT: You have a problem with her?

PROSPECTIVE JUROR: Yes.

THE COURT: Your son-in-law's mother?

PROSPECTIVE JUROR: Yes. She is, like, racist to my daughter. My daughter is half Hispanic, and she told my daughter to leave her husband. And, you know, it is just -- it is very bad for my family.

THE COURT: Okay. Well, I am sorry to hear that.

PROSPECTIVE JUROR: I know I can't use that to, you know, affect my decisions, but it directly affects me and my family. And, my daughter is a beautiful girl. And, for her to tell my daughter to leave him because she is Spanish is very difficult.

THE COURT: I understand that. It is horrible. So -- but the real question is, when you say you have to, you have to if you are able to. I don't want to put anybody in a position that they are going to be asked to do something that they don't honestly believe in. Do you honestly believe you could set aside this one person that is the mother of your son-in-law?

PROSPECTIVE JUROR: No. It is hard to compartmentalize your emotions and say, "I am not going to let it affect this," but --

THE COURT: Okay. All right. Thank you.

All right. That brings us to Ernesto Guerra.

PROSPECTIVE JUROR: Good morning, your Honor.

THE COURT: Good morning.

And, you are a certified trainer for Caterpillar?

PROSPECTIVE JUROR: Yes I work for the Caterpillar dealer here in south Florida. So, I went through the Caterpillar accreditation program. I have been with the company since 2005. I started out as a shop tech, and progressively worked my way up.

THE COURT: Very good. And, your brother is a crime scene technician for the Hialeah Police Department?

PROSPECTIVE JUROR: Yes, amongst other stuff, a list of other police officers I know.

THE COURT: Okay. And, would your relationship with these police officers make it difficult for you to be a fair juror either to the Government or the defendant in this case?

PROSPECTIVE JUROR: I don't think so.

THE COURT: Okay. And then there is a question that asks about your feelings about police officers. You say, "Usually, I defend law enforcement, as they are there for the defense of the citizens."

So, again, if you are selected as a juror, can you look at the Government and say, "Look, I know I generally support police, but in this case, if you prove the case, I will find the defendant guilty"?

PROSPECTIVE JUROR: As I wrote in my last question, my Christian beliefs, I am trying to do the best I can to come to any preconceived notions and to make sure I see all the facts before I made my decisions.

THE COURT: Okay. So -- so, this last question about being a Christian, does that mean you would be able to make a decision in the case?

PROSPECTIVE JUROR: A fair decision, yes. I would do my best to.

THE COURT: Well, there is a difference between "I will do my best" and "I will."

PROSPECTIVE JUROR: I will keep -- I will look at the both sides before any decision.

THE COURT: And the Government -- if the Government proves its case beyond a reasonable doubt, would you find the defendant guilty?

PROSPECTIVE JUROR: If they prove beyond a reasonable doubt, yes.

THE COURT: And, if they don't prove the case beyond a reasonable doubt, will you find her not guilty?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. All right. Thank you.

All right. Jeffrey Woodham, American Airlines pilot. So, where do you normally fly to?

PROSPECTIVE JUROR: I am based here in Miami on the 780. So, we do a lot of Latin America, Caribbean, and all throughout Mexico and Canada.

THE COURT: And how long have you been flying?

PROSPECTIVE JUROR: Only with American for less than two years. But, I have been flying professionally since 2007.

THE COURT: And what type of law does your spouse practice?

PROSPECTIVE JUROR: He is currently working for the Department of Homeland Security. He represents the U.S. Government in Immigration court.

Prior to that, he was an AUSA for the Southern District of California, and, prior to that, he was a state prosecutor here in Miami-Dade County.

THE COURT: Did you say he was an AUSA?

PROSPECTIVE JUROR: He was a U.S. attorney in California, and assistant state attorney here in Miami-Dade County.

THE COURT: And did you know him when he was an assistant U.S. attorney?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. And do you know what kind of cases he prosecuted?

PROSPECTIVE JUROR: Anything; California, mostly immigration and drug trafficking-related. Here in Miami, he started in county court doing DV and then human trafficking.

THE COURT: All right. Is there anything about his experience that would make it difficult for you to be a fair juror in this case?

PROSPECTIVE JUROR: No, your Honor.

THE COURT: All right. And do you use an accountant to assist you in your tax returns?

PROSPECTIVE JUROR: We use H&R Block's tax preparation service.

THE COURT: Is that the online service?

PROSPECTIVE JUROR: The Turbo Tax, or online stuff.

THE COURT: Okay. All right. Thank you.

All right. Ethel Valle?

PROSPECTIVE JUROR: Yes.

THE COURT: Good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: So, you work for Florida Blue. Is that the same as Federal Blue?

PROSPECTIVE JUROR: Yes.

THE COURT: And so can you help me get my finger fixed here?

All right. And, what do you do as a provider insurance rep?

PROSPECTIVE JUROR: So, I have assigned providers in the area of Homestead, about 624 that are assigned to me. And, whatever they need, I would be responsible to help them.

THE COURT: All right. And how long have you worked there?

PROSPECTIVE JUROR: 15 years in May.

THE COURT: All right. And, you have some people that you know who are police officers and law enforcement officers. Would you be able to follow that instruction about how to evaluate law enforcement testimony?

THE PROSPECTIVE JUROR: Yes.

THE COURT: Would you be able to be fair in reaching a verdict, to both the Government and the defendant?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: All right. And you indicated that you had a bad experience with the IRS several years ago --

PROSPECTIVE JUROR: Yes.

THE COURT: -- relating to your mom. But, were you helping her?

PROSPECTIVE JUROR: I was helping her through the -- all of the course of the IRS because she doesn't know how to speak English well. So, I had to call for her.

THE COURT: And did she have a business that she was being audited about, or just her personal returns?

PROSPECTIVE JUROR: No, she used to go to an accountant, and it looks like that accountant put that she was opening up a business, to give her more credits, and she wasn't aware.

So, the IRS audited her for, I think, four or five years in a row. They couldn't tell us why, but then we found out that the accountant was prosecuted criminally.

THE COURT: So, in other words, the accountant was doing this without her knowledge?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Is there anything about that incident that would make it difficult for you to be a fair juror in this case?

PROSPECTIVE JUROR: No.

THE COURT: Thank you.

Ember Alvarez?

PROSPECTIVE JUROR: Good morning.

THE COURT: And you work as a procurement manager.

How long have you been doing that?

PROSPECTIVE JUROR: Two years.

THE COURT: And, what did you do before that?

PROSPECTIVE JUROR: I was working for a printing company.

THE COURT: And, how long did you work there?

PROSPECTIVE JUROR: 29 years.

THE COURT: All right. And, you indicated that you knew someone that had been arrested before. Do you think that person was treated fairly by the police and the prosecutors and the courts?

PROSPECTIVE JUROR: Yes.

THE COURT: And, anything about that incident that would affect you as a juror in this case?

PROSPECTIVE JUROR: No.

THE COURT: And how long ago did that happen?

PROSPECTIVE JUROR: Like, five years ago.

THE COURT: Okay. And you were the foreperson on a civil jury that reached a verdict?

PROSPECTIVE JUROR: I was discharged before the last verdict.

THE COURT: Okay. And why were you discharged?
Was the whole jury discharged, or just you?

PROSPECTIVE JUROR: Just me.

THE COURT: Is this because you had something you had to do?

PROSPECTIVE JUROR: Yes.

THE COURT: Or some emergency that came up?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. And, you indicated that you do use an accountant?

PROSPECTIVE JUROR: Yes.

THE COURT: And, do you review the documents before they are sent in?

PROSPECTIVE JUROR: That's correct.

THE COURT: Okay. And, you said you don't understand English very well. So, you served on another jury, and it seems like you have understood me pretty well.

PROSPECTIVE JUROR: I understand, but there are some words that I am not a hundred percent. So, that's why I put that on my statement.

THE COURT: All right. Thank you.

All right. Kenneth Carusello.

PROSPECTIVE JUROR: Yes.

THE COURT: Now, you are now retired. What did you used to do?

PROSPECTIVE JUROR: I was an attorney, but I am still a member of the Florida Bar. I just don't have an active place or office anymore.

THE COURT: What kind of practice did you do?

PROSPECTIVE JUROR: So, I did mostly civil litigation.

THE COURT: Did you do any criminal cases?

PROSPECTIVE JUROR: Very early on in my career. Just a few small cases, but that was never a focus of my practice.

THE COURT: All right. And you indicated that you knew someone who had been arrested for a DUI. Do you think that person was treated fairly by the police?

PROSPECTIVE JUROR: That was me. That was me. I didn't want to be inaccurate with that.

THE COURT: So, were you treated fairly by the police and the prosecutors and the courts?

PROSPECTIVE JUROR: I think the courts, yes, but the police, no.

THE COURT: And what police department was it?

PROSPECTIVE JUROR: I believe it was right here in Miami.

THE COURT: All right. And how long ago was that?

PROSPECTIVE JUROR: Probably close to 40 years ago.

THE COURT: Is there anything about that incident that would make it difficult for you to be a fair juror in this case?

PROSPECTIVE JUROR: No, not at all.

THE COURT: All right. And did you fill out an application for the PPP loan or the EIDL loan during COVID?

PROSPECTIVE JUROR: Yes.

THE COURT: And did you use an accountant to assist you?

PROSPECTIVE JUROR: No.

THE COURT: You just did it on your own?

PROSPECTIVE JUROR: Yes.

THE COURT: But, you do use an accountant to help you with your tax returns?

PROSPECTIVE JUROR: Yes.

THE COURT: And, do you use the same person year after year?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: And, do you provide this person with documentation to help them, before -- you know, beforehand so they know what to put on the return?

PROSPECTIVE JUROR: Absolutely.

THE COURT: Do you review the return before it is turned in?

PROSPECTIVE JUROR: Generally, I will rely on the expertise of the tax accountant. I don't go over everything. I just ask if he needed any additional information, if he took whatever deductions are available, and that's it.

THE COURT: Okay.

PROSPECTIVE JUROR: I sign it.

THE COURT: All right. Thank you.

Benny Small. Good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: And, you are a project manager for a private development group?

PROSPECTIVE JUROR: Real estate.

THE COURT: And how long have you been doing that?

PROSPECTIVE JUROR: Two-and-a-half years.

THE COURT: And what did you do before that?

PROSPECTIVE JUROR: Pastry chef.

THE COURT: That is a big change.

PROSPECTIVE JUROR: Yes.

THE COURT: All right. Does it pay better than a pastry chef?

PROSPECTIVE JUROR: Yes. Salary. Before, it was hourly.

THE COURT: And do you still make pastries?

PROSPECTIVE JUROR: I do in my free time.

THE COURT: What is your favorite pastry?

PROSPECTIVE JUROR: Beignets.

THE COURT: Oh, okay. And you indicated that you do know someone that had been arrested before. Do you think that person was treated fairly by the police and prosecutors and the courts?

PROSPECTIVE JUROR: I do.

THE COURT: How long ago was that incident?

PROSPECTIVE JUROR: 30 years ago.

THE COURT: What police department?

PROSPECTIVE JUROR: I think Miami-Dade.

THE COURT: Is there anything about that incident that would affect you as a juror in this case?

PROSPECTIVE JUROR: No, sir.

THE COURT: All right. And, you have a number of friends who are in law enforcement or the military. And, is there anything -- it looks like some negative experiences with police officers. So, in the balance, would you have any difficulty either listening to testimony or judging this defendant who is a police officer?

PROSPECTIVE JUROR: No, sir.

THE COURT: All right. The last question asked if you have any beliefs that would prevent you from reaching a verdict in a criminal case, and you said, "Yes, morals."

What does that mean?

PROSPECTIVE JUROR: Depending on appropriateness. I feel like, again, depending on the case; but, I don't think this is one where this will impede on my morals or judgment.

THE COURT: All right. Thank you.

All right. That takes us to Yakira Navarro.

PROSPECTIVE JUROR: Good morning.

THE COURT: Good morning. So, you are the office manager for Young Israel at Bal Harbour?

THE WITNESS: It is a synagogue.

THE COURT: Okay. And how long have you worked there?

PROSPECTIVE JUROR: 13 years.

THE COURT: All right. All right. And the question that asked about your feelings towards police officers, you say you don't have any feelings that would prevent you from rendering a fair verdict. You just don't like people in power using their power unjustly. So, I would hope we would all agree with that.

PROSPECTIVE JUROR: Yes.

THE COURT: Is there anything about that, that would prevent you from being a fair juror in this case?

PROSPECTIVE JUROR: Absolutely not.

THE COURT: Okay. And you only received a stimulus check? You didn't submit any applications?

PROSPECTIVE JUROR: Right. But, I did submit it for the synagogue.

THE COURT: You did?

PROSPECTIVE JUROR: Yes. I thought the question was personal.

THE COURT: So, on behalf of the synagogue, were you the person that gathered the documents and met with the accountant?

PROSPECTIVE JUROR: Yes.

THE COURT: And, was it PPP and the EIDL loan?

PROSPECTIVE JUROR: For the PPP, and we got the forgiveness for both.

THE COURT: Okay. And, did you review the applications after you gave all the documents to the accountant, then he or she then would prepare the applications?

PROSPECTIVE JUROR: I prepared the applications, and the accountant reviewed it.

THE COURT: Okay. All right. And, is there anything about that activity that would make it difficult for you to be a fair juror in this case?

PROSPECTIVE JUROR: No.

THE COURT: All right. And, this is not a rape case. So, I assume your answer to the last question would not apply.

PROSPECTIVE JUROR: Correct.

THE COURT: Okay. Thank you.

All right. Christopher Arce.

PROSPECTIVE JUROR: Good morning, your Honor.

THE COURT: Good morning. And, you are purchaser and supervisor of operations for Flannigan's Enterprise. Is that the Flannigan's Restaurant?

PROSPECTIVE JUROR: Yes, that's correct.

THE COURT: And how long have you been doing that?

PROSPECTIVE JUROR: I have been doing that for -- ten years, I have worked for the company, and I have been in that role for about five.

THE COURT: Okay. And you have a cousin that works for ICE?

PROSPECTIVE JUROR: That is correct.

THE COURT: Is that here in south Florida?

PROSPECTIVE JUROR: ICE, yes.

THE COURT: Would you be able to follow that instruction about police testimony?

PROSPECTIVE JUROR: Yes.

THE COURT: And would you be able to be fair to both the Government and this defendant?

PROSPECTIVE JUROR: Yes, your Honor.

THE COURT: And, that includes, based on your response, you said, "I support law enforcement in general."

So, if you were on the jury in this case, would you be able to find the defendant guilty if the Government proved its case?

PROSPECTIVE JUROR: Yes, your Honor.

THE COURT: And, would you be able to find her not guilty of this if the Government couldn't prove its case?

PROSPECTIVE JUROR: Yes, your Honor.

THE COURT: So, you or your company received the loans you applied for?

PROSPECTIVE JUROR: I did not. Our attorneys and accountants were involved with that.

THE COURT: And when you say you used an accountant, are you involved at all in the tax returns for the business, or just your personal returns?

PROSPECTIVE JUROR: That would be for my personal use. So, I used an accountant personally.

THE COURT: And do you provide the person with your documents, and then review the return before it is submitted?

PROSPECTIVE JUROR: Correct.

THE COURT: All right. And you said that -- one of the last questions says, "Do you have any beliefs that would prevent you from reaching a verdict in the criminal case?"

And you said, "It depends on the case."

So, knowing what this case is about, is there anything that would prevent you from reaching a verdict?

PROSPECTIVE JUROR: No, your Honor. But, I do have to say that I know a lot of companies who couldn't receive the PPP loan, or other people who would not be able to work during those times. So, I do have some sort of a bias if someone did use it for the wrong reasons.

THE COURT: Okay. Well, imagine if we were in trial over by Jackson for a murder case. All right. The defendant was charged with first-degree murder. I would hope all 45 jurors would say, "You know what, I am not in favor the first-degree murder. I am against anybody who commits first degree murder."

So, there is nothing wrong with that. The question is can you be fair to somebody?

PROSPECTIVE JUROR: Yes, I can.

THE COURT: All right. Thank you.

All right. Which brings us to Michael McEachern.

Good morning.

PROSPECTIVE JUROR: Yes.

THE COURT: And when you say you are involved in investment, is that your only investment, or for other people?

PROSPECTIVE JUROR: No, I work at an investment advisory firm.

THE COURT: And how long have you been doing that?

PROSPECTIVE JUROR: At the firm? 13 years, and 40 years.

THE COURT: In the industry?

PROSPECTIVE JUROR: Since college. Sorry. My writing isn't legible.

THE COURT: So, you generally have a good opinion about police, but you watched something on TV about the Valejo police, the one with the kid in the school?

PROSPECTIVE JUROR: Yes. I just recently watched it, and it just had a sort of impact on me. But, it was about a girl that had been raped in a very sort of bizarre story, and the Valejo police basically thought she made it up and she didn't. But, so it was sort of a -- I can't remember the term, but there is sort of a bias in there in how they pursued it. So, so anyway, that just had an impact on me. But, you know, I -- obviously, this is a very special case.

THE COURT: All right. Is there anything about that, that would affect your ability to be fair in this case?

PROSPECTIVE JUROR: It would not. I would be fair.

THE COURT: You also said that you have some concerns about police integrity, although you do support the police. So -- that is why we tell people, police, like everybody else, there are good ones and bad ones.

PROSPECTIVE JUROR: That was my intent, yes.

THE COURT: And you do use an accountant to help you with your returns?

PROSPECTIVE JUROR: Yes.

THE COURT: And do you review everything before it is submitted?

PROSPECTIVE JUROR: I do.

THE COURT: All right. Thank you, sir.

All right. Jermaine Kemp.

Good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: And where do you work?

PROSPECTIVE JUROR: Public works.

THE COURT: Miami-Dade?

PROSPECTIVE JUROR: Yes, Miami-Dade Transit.

THE COURT: And how long have you been doing that?

PROSPECTIVE JUROR: 24 years.

THE COURT: And where do you specifically do that?

PROSPECTIVE JUROR: I am a facility technician, that repairs and fixes everything.

THE COURT: All right. And you have indicated you have had different family members that have been arrested.

PROSPECTIVE JUROR: Correct.

THE COURT: Do you think these people were treated fairly by the police and prosecutors and the courts?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. And, you have a girlfriend that is a Miami-Dade police officer?

PROSPECTIVE JUROR: Correct.

THE COURT: Is she in uniform or a detective?

PROSPECTIVE JUROR: Uniform.

THE COURT: And, you also have bad experiences with police.

PROSPECTIVE JUROR: Just bad unless they realize I am in the final stages of being one.

THE COURT: So did you apply to be a police officer now?

PROSPECTIVE JUROR: Correct.

THE COURT: So, we have a police officer that is on trial here. Would the fact that you are applying to be a police officer affect your decision in any way?

PROSPECTIVE JUROR: No.

THE COURT: Okay. And, you would find the defendant guilty if the Government proves it, and you would find her not guilty if the Government doesn't prove the case?

PROSPECTIVE JUROR: Correct.

THE COURT: All right, thank you.

And, finally, that takes us to Lorenny Estrada.

PROSPECTIVE JUROR: Good morning.

THE COURT: So, you work as an export coordinator?

PROSPECTIVE JUROR: Correct.

THE COURT: And, how long have you been doing that?

PROSPECTIVE JUROR: Well, in that company, about a year, but I have been in the business for over ten years.

THE COURT: Okay. All right. And your ex-husband was arrested for domestic violence. Was that against you?

PROSPECTIVE JUROR: Yes.

THE COURT: Sorry about that.

PROSPECTIVE JUROR: It is okay.

THE COURT: And, do you think that case was handled properly by the police and the prosecutors and the courts?

PROSPECTIVE JUROR: Yes. He got what he deserved.

THE COURT: Do you receive some Government assistance, or just the money that you received automatically without having to apply.

PROSPECTIVE JUROR: That's correct, for the kids.

THE COURT: Okay. All right. Thank you. That is all the questions that I have.

I am going to meet outside of your presence with the lawyers to go over their selections. So, I am going to take another break for you all. So, it is 11:25. So, I will give you all a recess until 11:45.

When you come back, if you are not selected, we will excuse you and return you back to the fifth floor. If you are selected, we are going to swear you in. We will do the preliminary instructions, which take about ten minutes, and then we will break for lunch. So, that way, we have everybody out of here around noon. So, we will see all the jurors back at 11:45.

COURT SECURITY OFFICER: All rise for the jury.

[Whereupon, the prospective jury left the courtroom, and the following proceedings were had:]

THE COURT: So, we are here in open court outside the presence of the prospective jurors, but the defendant and everybody else are here.

So, again, the Government will go first on all odd-numbered jurors. The defense will go first on all even-numbered jurors. There is no back striking, and I will take up challenges for cause as we get to the jurors.

All right. Juror No. 1, Jennifer Rocha.

MR. JONES: Government accepts your Honor.

THE COURT: Defense?

MR. SILBER: Defense accepts No. 1, your Honor.

THE COURT: So, she is Juror No. 1.

Juror number two, Arelys, any objection to excusing her for cause?

MR. JONES: No objection from the Government.

MR. SILBER: No objection from the defendant.

THE COURT: I will excuse her for cause.

Number three, Carolina Arias. Government?

MR. JONES: The Government accepts, your Honor.

MR. SILBER: The defense would strike her, your Honor.

THE COURT: That is their first peremptory. That brings us to Jacori Gooden, number four. Defense?

MR. SILBER: Sorry, your Honor. Can I have one second?

THE COURT: Yes.

MR. SILBER: We will keep him, your Honor.

THE COURT: Okay.

MR. JONES: Government accepts.

THE COURT: So, he is juror number two.

All right. Juror number five, Juan Tapia.

MR. JONES: The Government accepts.

MR. SILBER: We accept, your Honor.

THE COURT: So, he is juror number three.

All right. Juror number six. Gabriela Mehta.

MR. SILBER: We accept juror number six, your Honor.

MR. JONES: The Government strikes juror number six, your Honor.

THE COURT: That is your first peremptory.

Juror number seven, Patsie Roopchand.

MR. JONES: The Government strikes.

THE COURT: That is your second, and brings us to Misael Soto. Any objection to excusing him for cause so he can make his doctor's appointment so he doesn't miss his trip?

MR. SILBER: Sorry your Honor which juror's name is that?

THE COURT: Mr. Misael Soto.

MR. SILBER: We have no objection to excusing him.

THE COURT: I will excuse him for cause.

David Chen, any objection to excusing him for cause for language?

MR. SILBER: No, your Honor.

MR. JONES: No, your Honor.

THE COURT: All right. Excusing him for cause.

Number ten, Alexandra Aguilar.

Defense?

Number ten, Tanilov.

MR. SILBER: We are striking juror ten, your Honor.

THE COURT: That is defense's second peremptory.

Juror number 11, Fitz Morrison.

MR. JONES: The Government accepts, your Honor.

MR. SILBER: We accept, as well, Your Honor.

THE COURT: He is juror number four.

Juror 12 is Luz Baraya.

MR. SILBER: We accept her, your Honor.

MR. JONES: Government strikes.

THE COURT: All right. That is your third peremptory.
Omayra Silva -- Government?
MR. JONES: The Government accepts, your Honor.
MR. SILBER: We accept, your Honor.
THE COURT: She is juror number five.
All. Next one up is Miguel Reyes.
Any objection to excusing him for cause?
MR. JONES: Not from the Government.
MR. SILBER: Not from the defense either.
THE COURT: So, we will excuse him for cause.
Number 15, Paloma Hernandez. Government?
MR. JONES: One moment, your Honor, sorry.
Government accepts.
MR. SILBER: Defense accepts, as well, your Honor.
THE COURT: So, she is juror number six.
Next 16, Christian Rivera.
MR. SILBER: Defense accepts.
MR. JONES: Government accepts, your Honor.
THE COURT: Juror number 17, Scott Crawshaw.
MR. JONES: Government accepts, your Honor.
MR. SILBER: We are going to use a strike, Judge.
THE COURT: That was the defense?
MR. SILBER: Yes, your Honor. I apologize.
THE COURT: It is not you. I was looking down. So, sometimes it is hard for me to -- all right. So that's your

third --

MR. SILBER: Yes.

THE COURT: -- peremptory.

All right, Joseph Vergara, number 18.

MR. JONES: We are going to strike Mr. Davila, number 18.

THE COURT: That is your fourth.

Number 19, Juan Collado. Remember, he had all the scheduling issues the last week of school. Any objection to excusing him for cause?

MR. JONES: No, your Honor.

MR. SILBER: No, your Honor.

THE COURT: We will excuse him for cause.

Number 20, Jonathan Amedee.

MR. SILBER: We are on Jonathan Amadee; correct?

THE COURT: Yes.

MR. SILBER: We accept Mr. Amadee, your Honor.

MR. JONES: The Government accepts, your Honor. Sorry.

THE COURT: All right. So, he is juror number eight.

All right. Juror number 21, German Garcia.

MR. JONES: The Government strikes, your Honor.

THE COURT: That is your fourth.

All right. Juror number 22, Dainey De Donatis.

MR. SILBER: Have we used four already? Okay.

We will strike her, your Honor.

THE COURT: That is the defense's fifth.

That brings us to Michael Seymour, number 23.

MR. JONES: Accept, your Honor.

MR. SILBER: We accept also, your Honor.

THE COURT: He will be juror number nine.

Juror 24, Scott Kirschbaum.

MR. SILBER: Your Honor, my only concern -- I would motion the Court to strike him only because he made a comment about appearing before you previously, and I just think it is better practice to not have someone who had any kind of relation.

THE COURT: To the judge?

How would that affect him as a juror?

MR. SILBER: Sometimes, attorneys may wish to curry favor with courts. That is just my instinctive concern.

My preference would be to have him stricken for cause.

THE COURT: I deny that.

MR. SILBER: And, he also used to work for the Small Business Administration and FEMA, and SBA is an action involved, materially, and the focus of this case. He may bring preconceived notions and particular experience.

THE COURT: All right. I will deny the challenge for cause.

MR. SILBER: We will strike him using a peremptory.

THE COURT: All right.

Maria Jose Mayorga Sandoval. Any objection to excusing her for cause since she has to leave Friday?

MR. SILBER: No, your Honor.

MR. JONES: No, your Honor.

THE COURT: And, I don't know how long the jury is going to be deliberating.

Number 26, Alicia Quintana.

MR. SILBER: We accept Ms. Quintana.

MR. JONES: Government strikes 26, your Honor.

THE COURT: All right. That is your fifth.

And that brings us to Reynier Vazquez. Any objection to excusing him for cause?

MR. SILBER: No, your Honor.

MR. JONES: No, your Honor.

THE COURT: All right. That brings us to 28, Arlene Lynch.

Defense?

MR. SILBER: We will strike 28, your Honor.

THE COURT: All right. That is your 7th peremptory, and takes us to number 29, Ashley Mills.

MR. JONES: The Government accepts, your Honor.

MR. SILBER: We will accept Ms. Mills, your Honor.

THE COURT: All right. So, she is Juror 10.

Rigel Jimenez, any objection to excusing him for cause since he has to finish school?

MR. SILBER: No, your Honor.
MR. JONES: No, your Honor.
THE COURT: We will excuse him for cause.
Number 31, Emily Batroune.
MR. JONES: Government accepts.
MR. SILBER: She is 31. If I could just have a second to look at my notes --
We will strike that juror, your Honor.
THE COURT: All right. That is your 8th.
That brings us to Johanna Bojorge-Perez. We have a question mark about her ability to be fair.
Any objection to excusing her for cause?
MR. SILBER: No, your Honor.
MR. JONES: No, your Honor.
THE COURT: We will excuse her for cause.
Number 33, Herson Ruiz.
MR. JONES: The Government accepts.
MR. SILBER: We are going to strike him, your Honor, number 33, Mr. Rubio.
THE COURT: Okay. That is the defendant's 9th.
All right. Stephen Fine, number 34.
Any objection to excusing him for cause?
MR. JONES: No.
MR. SILBER: No objection.
MR. JONES: No, your Honor.

THE COURT: All right.

All right. Number 35, Ernesto Guerra.

MR. JONES: The Government accepts.

MR. SILBER: We have nine that we have used already, Your Honor?

THE COURT: Yes.

MR. SILBER: So, this is my last strike?

THE COURT: Yes.

MR. SILBER: And how many jurors do we have selected so far?

THE COURT: Ten.

MR. SILBER: Ten. We will accept him, your Honor.

THE COURT: Okay. So, he becomes Juror 11.

Jeffrey Woodham, number 36.

MR. SILBER: Your Honor, we would move to strike him for cause because his husband is a former AUSA, ASA, and his husband presently works for the Government. I think it is just too close to this case. And, for that reason, we would move to strike him for cause.

THE COURT: All right. I will deny that. I am denying the challenge for cause.

MR. SILBER: Okay.

THE COURT: He was unequivocal that he would be fair.

MR. SILBER: Can I have just one moment, your Honor?

THE COURT: Yes.

MR. SILBER: All right. We will accept Mr. Woodham, your Honor, after conferring with my client.

MR. JONES: The Government accepts. Sorry.

THE COURT: So, he becomes juror number 12.

So, let's pick two alternates.

MR. SILBER: Actually -- hold on.

THE COURT: We will give the defense two challenges, and the Government one for the alternates. The first up is Ethel Valle.

MR. JONES: The Government strikes number 37.

THE COURT: Yes.

MR. JONES: Peremptory.

THE COURT: Yes. So, then we have Ember Alvarez, number 38.

MR. SILBER: I would move to strike him for cause. He expressed a language problem, specifically, he said. Even though he could communicate with the Court, some words are not a hundred percent.

THE COURT: I will excuse him for cause. There are other people -- I am not sure how honest he was. But, if he is not being honest, he probably shouldn't be on the jury anyway.

Kenneth Carusello, number 39.

MR. JONES: Government accepts, your Honor.

THE COURT: Defense?

MR. SILBER: Your Honor, we will strike number 39, Mr.

Kenneth Carusello.

THE COURT: All right. Bennie Small.

MR. JONES: For Government, is it 39 or 40?

THE COURT: 40.

MR. JONES: Did you say you accept him?

MR. SILBER: Oh, it is actually to me. Sorry. It is 40. I apologize, Judge. Let me see his document real quick.

We will accept Mr. Small, your Honor.

THE COURT: All right. So, he is the number one alternate, number one.

MR. JONES: The Government accepts, your Honor.

THE COURT: Number 40?

MR. JONES: Yes.

THE COURT: All right. Then I don't think you have any other challenges.

MR. JONES: Fair.

THE COURT: And then Yakira Navarro.

MR. JONES: Government accepts.

MR. SILBER: We accept, as well, your Honor.

THE COURT: So, she is alternate number two.

Okay. So, Jacob, I can't see. Is there a number 14 on there?

Oh, I see. Okay.

If you can get everybody, bring them in.

[Whereupon, the jury entered the courtroom at 11:45

a.m., and the following proceedings were had:]

THE COURT: Come on up. Don't take your seats. Just come up here. Don't take your seats.

Make room for everybody. Come up and fill in this whole area right here.

Come on up. There is a lot of you. We need to use the whole space up here.

All the way up.

All right, folks. If I call your name, I need you to have a seat in the jury box, and Mr. Hasbun will tell you which seat to take.

Yakira Navarro.

THE COURTROOM DEPUTY: Ms. Navarro, please come forward.

THE COURT: Bennie Small.

Jeffrey Woodham.

Ernesto Guerra.

Ashley Mills.

Michael Seymour.

John Amedee.

Paloma Hernandez.

Omayra Silva.

Fitz Morrison.

Juan Tapia.

Jacori Gooden.

And, Jennifer Rocha.

If your name was not called, I am going to excuse you from further service on this case. I need you all to report to the fifth floor where you were this morning. They will give you any further instructions on behalf of all of us.

I want to thank you for the time you gave us this morning, and for your honest answers.

You are free to go back to the fifth floor. Thank you.

And, for those of you who have been selected, if you could please stand one more time to now be sworn in as the jury in this case.

THE COURTROOM DEPUTY: Jurors, please raise right hand to be sworn.

Thereupon,

THE JURY PANEL,

Was duly sworn and testified as follows:

PANEL IN UNISON: Yes.

THE COURTROOM DEPUTY: Please be seated.

THE COURT: All right.

Members of the jury, you have now been selected and sworn as the jury in this case. And, I need to explain some basic principles about a criminal trial and your duty as jurors. These are the preliminary instructions; and, at the end of the trial, I will give you more detailed instructions.

It will be your duty to decide what happened so that you can determine whether the defendant is guilty or not guilty of the crimes charged in the indictment.

At the end of the trial, I will explain the law that you must follow in reaching your verdict. And, you must follow the law as I explain it to you, even if you do not agree with the law.

You must decide the case only on the evidence presented here in the courtroom. Evidence can come in many different forms. It can be the testimony of what someone saw or heard or smelled. It can be an exhibit admitted into evidence, like a photograph or a document. It can sometimes even be someone's opinion.

Some evidence proves a fact indirectly. So, for example, if you all were here in this courtroom and you went downstairs in the lobby and you looked outside and you saw that the grass was wet and the streets were wet and the sidewalks were wet, and there is other people that are already in the lobby with dripping umbrellas, but, it wasn't raining right at the time you got down there, then you could infer that it had been raining, even though you didn't actually see it raining.

That is also sometimes known as circumstantial evidence. It is just series of circumstances that tend to prove a fact. And, the law does not distinguish between the weight of direct and indirect or circumstance evidence. It is up to you, as a jury, to decide what weight to give any kind of evidence in the case.

Certain things are not evidence, and must not be considered by you. The statements and the arguments of the lawyers are not evidence. In their opening statements and in their closing arguments the lawyers are allowed to discuss the case, but those statements are not evidence.

Questions and objections by the lawyers are not evidence.

And, it doesn't matter how forcefully a lawyer asks a question, it is only the witness' answer that is evidence,

And there are rules of evidence and trial procedure. And, it is the attorney's obligation to make any objections that they feel are proper.

When an objection is made, I will do one of two things: I will either overrule the objection, which means you will either hear the answer or you will see the exhibit, or, I will sustain the objection, which means you will not hear an answer or you will not see the exhibit.

When I sustain an objection, you should not speculate on why I did not allow the testimony or evidence to come in, and you should not speculate on what that evidence or testimony would have been. Your verdict has to be based only on the evidence and testimony that did come in, not on questions that were not answered.

Now, most of the time, based upon what little is said in open court, I can make at least what I think is a correct legal ruling. But, there may be times when in order to assist me in making a correct legal ruling, I need additional argument or additional information from the attorneys. When we have those additional arguments, we are going to do them at sidebar outside of your presence.

When you go back into the jury room at the end of the case to deliberate, I cannot go back in there with you. That is not because you are hiding anything from me. It is because you are doing your job as the judges of the facts, and that's not part of my job. That's why I am not there with you. Likewise, when we are having discussions at sidebar, we are not hiding anything from you. I am just doing my job as the judge of the law, and that's why you are not included in those discussions.

Now, there may be times -- and hopefully, this won't happen, and it doesn't happen very often -- but there may be a time where I allow a witness to give an answer, or I allow an exhibit to come into evidence. And then, upon further thinking about it, I decide, you know what, I should not have allowed that to come in.

And, again, it is unlikely that that will happen. But, if it does happen, then I will instruct you to -- I will strike the exhibit, and I will strike the testimony, and I will instruct you to disregard that testimony or evidence, and to not discuss or it or consider it at all in your deliberations.

And, again, even though it is unlikely to happen, if it does happen, it is extremely important that you follow that instruction and not consider any evidence or testimony that was stricken by me. Now, there are other times -- and this does happen on a regular basis -- that testimony is admitted but only for a limited purpose.

When that happens, I will instruct you at the time that the testimony comes in what that limited purpose is. So, if testimony or evidence is admitted for a limited purpose, you have to only consider it for that limited purpose, and not for any other purpose.

In reaching your verdict, you may have to decide what testimony to believe and what testimony not to believe. You may believe everything a witness says, or part of it, or none of it.

In considering the testimony of any witness, you may take into account the opportunity and ability of the witness to see or hear or know the things testified to. The witness' memory, the witness' manner while testifying, the witness' interest in the outcome of the of the case, and any bias or prejudice of the witness; whether other evidence contradicted the witness' testimony, the reasonableness of the witness' testimony in light of all the evidence, and other factors that bear on the believability of the witness.

And, I will give you some additional guidelines for determining the believability of witnesses at the end of the case.

As you know, this was a criminal case, and there are three basic rules that you must keep in mind; first, the defendant is presumed innocent until proven guilty. The indictment against the defendant brought by the Government is only an accusation, and nothing more. It is not proof of guilt or anything else.

The defendant, therefore, starts out with a clean slate.

Second, the burden of proof is on the Government until the very end of the case. The defendant has no burden to prove her innocence or present evidence or to testify. And, since the defendant has the right to remain silent, and may choose whether to testify, you cannot legally put any weight on a defendant's choice not to testify.

It is not evidence.

Third, the Government must prove the defendant's guilt beyond a reasonable doubt. I will give you further instructions on this point later. But, bear in mind that the level of proof required is quite high.

Our law requires our jurors to follow certain instructions regarding their personal conduct in order to help assure a just and fair trial.

First, to not talk among yourselves or with anyone else about anything related to the case. Of course, you can call the people you live with or the people you work with and tell them you are on the jury, tell them the case will last until Thursday or Friday. But, I would not even tell them what the charges are -- after what -- the little summary of the case I give you -- about the case because that may prompt you to say something, them to say something to you that you should not be hearing.

And, do not, at any time, request, accept, agree to accept or discuss with any person any type of payment or benefit in supplying information about the trial.

Next, you must promptly tell me of any incident you are aware of involving any attempt by any person to improperly influence you or any member the jury.

Do not visit or view any of the places described in the evidence, and/or the places involved in the case.

And, you cannot use any Internet maps or Google or any other property or devices to search for or view of any location discussed in the testimony.

And, do not read, watch, or listen to any reports about the case, whether on the newspaper, television, like the Internet or any other news media.

Q. And, do not attempt to research any fact, issue, law related to the case, whether by discussion with others, by the library, or by Internet research or any other source.

And, in this age of instant electronic communication and research, I want to emphasize that in addition to not talking face to face with anyone about the case, you must not communicate with anyone about the case by any other means, including telephone, text message, email, Internet chat, chat rooms, blogs or social media, websites such as Facebook, Instagram or X.

It is important that you understand why these rules exist and why they are so important. Our law does not permit jurors to talk with anyone else about the case, or to permit them to talk to them about the case, because only jurors are authorized to render a verdict. Only you have been found to be fair, and only you have promised to be fair and taken an oath. No one else is so qualified.

And, the law does not permit jurors to even talk amongst yourselves about the case.

And to me, this is another one of those areas that is just like not consistent with common sense because you have 14 people from 14 different walks of life, 14 different areas of our district. The one thing that unites you is your service as jurors in the case.

So, you would think the natural thing to do during breaks is to talk about the case. But, there are some very valuable reasons not to talk about the case prior to your deliberations, because first of all, sometimes having early discussions about the case closes your mind to other evidence that may come in, come before you later in the case. So, it is really important for you not to discuss the case even among yourselves until your deliberations.

So, if you wish to take notes during the trial, you will be allowed to do so. And, when we come back after lunch, you will have a notebook and pen for all of you to take notes, if you wish to do so, with the following instructions.

No. 1, if you take notes, do not allow your note taking to distract you from the next thing that is happening in court. Sometimes, jurors are so focused on writing down something a witness said they are not listening to the next thing that may be more important, or may contradict what you are writing down.

Also, if you take notes, notes are for you to help yourself to remember the testimony during deliberations. They are not to be used as some argumentative tool and say, "Hey, I wrote it down, and I am right and you are wrong."

Third, if you choose not to take notes, I am instructing you that your recollection is just as valuable and valid as the recollection of a juror who did take notes; so, when you reach a verdict, it should be your individual and collective recollections of the testimony or evidence, not whether you did or didn't take notes.

And, finally, each of you is responsible for paying attention to the testimony and evidence on your own. You can't, like, appoint somebody to be the secretary to take notes for you so the other 13 of you can Z out during the trial.

All right. When we come back from lunch, we are going to begin the trial. Each side will have the opportunity to make an opening statement to you. And, as I said earlier, the opening statements are not evidence, but they do give an opportunity to the lawyers to tell you what they believe the evidence will show during the trial. And, many times, in order to accommodate a witness's schedule or schedules of another witness, the trial doesn't take place in a chronological sequence. So, if a witness testifies somewhat out of sequence, by having heard the opening statement, you have an idea of or a view of the case so you know where that testimony fits in.

After the opening statements, witnesses will be called to testify under oath. They will be examined and cross-examined by the attorneys, and then documents and other exhibits may be presented. And, at the end of all the evidence, the attorneys will make their final or closing arguments to you, and I will give you the final jury instructions before you deliberate.

So, at this time, I told you we would be breaking around noon. So, we are a couple of minutes past that, and I apologize for that.

When you leave here, I want you to go through the jury room and meet where Jacob is so he can get your contact information from you. From now on, that is where you are going to go when you come in the morning, when you -- when we take breaks, unless you need to go for some parking information to the fifth floor.

So, please go with Jacob. So, I will give you a few minutes to meet with him, since it's your first day downtown, for most of you

So, let's come back at 1:45. It a little more than an hour, and that is a little longer than we take, normally. So, we will see everybody back at 1:45, and we will go forward with the opening statements at 1:45.

[Whereupon, the jury left the courtroom at 12:05 p.m., and the following proceedings were had:]

THE COURT: Thank you. Please be seated.

We are in open court outside the presence of the jurors. But, everybody else is here.

Who is going to give the opening statement for the Government?

MR. LOVE: I am, Your Honor.

THE COURT: All right.

And how long do you anticipate your opening statement is?

MR. LOVE: Ten, 15 minutes.

THE COURT: And the defense, Mr. Silber, how long is your opening statement?

MR. SILBER: About the same, your Honor.

THE COURT: And, you have witnesses lined up that will take us to 5:30 today?

MR. JONES: Yes, your Honor.

THE COURT: We will see everybody at 1:45.

(Whereupon, there was a recess at 12:06 p.m., after which the following proceedings were had at 1:57 p.m.:)

THE COURT: Bring in the jury.

COURT SECURITY OFFICER: All rise for the jury.

THE COURT: Welcome back, everyone. Please be seated.

Everybody has a notebook and a pen, if you want to use them. At this point, we are going to go forward with the opening statements, and we are going to hear first from Mr. Love on behalf of the Government.

MR. LOVE: Thank you, your Honor.

Good afternoon, ladies and gentlemen of the jury. In January 2021, the defendant, Alexandra Acosta received a tax bill for $18,000. This case is about the decision she, a sworn, trained, and educated law enforcement made in the following weeks to conspire with her tax preparer to fraudulently obtain $20,180 from the Paycheck Protection Program to help pay that tax bill.

Members of the jury, the defendant is facing four counts. Count 1 is charging her with conspiracy to defraud the

Government by making false statements on her PPP application.

Conspiracy is just an unlawful agreement, and here, that count alleges that she, along with her tax preparer, Vilsaint St. Louis agreed to make the false statements for the SBA, the purpose of getting the paycheck protection loan, PPP, the agency that was in charge, this is the Small Business Administration.

And. Counts 2 and 3 are the actual counts. Those are the actual counts for the statements that were made. Count 2 relates to the statements that were made on the actual loan application, and Count 3 relates to the statements that were made on the loan forgiveness application.

Count 4 charged the defendant with wire fraud because of those false statements to the Small Business Administration.

She received $20,180 in her bank account.

Now, the defendant was hired as a deputy sheriff by the Broward Sheriff's Office in 2013. In 2016, she started her own small business as a licensed realtor. She was working as an independent realtor for real estate brokers in the area. And, you are going to hear that the Broward County Sheriff's Office had a policy in place that required its employees and its deputy sheriffs to fill out an off-duty employment form to notify them of this extra duty.

Now, you are going to see the records that the defendant did and completed, one of those off-duty forms in

2016, 2017, and the last one was in 2018. But, in 2019, and 2020, you are going to hear that she worked for Valordog LLC, which was doing business as Bluevine Realty. You are going to hear from the owner of the company, and he is going to come in and he is going to testify that in 2019, Valordog LLC issued checks in the amount of $14,000 to Ms. Acosta.

And, in 2020, she received $675.

Now, also in 2020, COVID hit. And, the economy grounded to a halt. And, millions of paychecks disappeared. The federal government was quick to set aside money so that it could help a collapsing economy, and it created the Paycheck Protection Program, which was administered by that federal agency, the Small Business Administration.

Now, under the PPP, small businesses could apply for loans through private lenders, which were guaranteed by the Small Business Administration. This program was designed to help restaurants and shop owners and other small businesses keep the lights on, keep the doors open, and protect the paychecks.

Now, you are going to hear from the SBA that it was the applicant's responsibility to provide true and accurate information, because the SBA and its lenders relied upon the business owners to tell the truth. And, you are going to see the defendant's PPP application. You are going to see that that is riddled with lies and false statements, and, with it, attached were false tax documents.

Now, we know that the defendant -- and you are going to see the defendant knew, that that form contained those lies and those false documents to help pay for that tax bill.

Now, that tax bill was the result of an IRS audit that the defendant was going through for her 2018 and 2019 tax returns.

Now, as you can imagine, the 2019 tax returns were part of the audit.

Now, the 2019 tax return which was filed with the federal government claimed that defendant's small business had a gross income of $14,000. That relates back to what you are going to hear from Valordog LLC, the owner of that company.

Now, from the official IRS records that will be presented for you, you are going to learn that Mr. St. Louis, her tax preparer, worked for Victory Taxes, and, they had a relationship because Mr. St. Louis had been doing her taxes for several years.

What you are going to see in those statements is that the defendant, when she would make an appointment with Victory Taxes, would show up with her documents and her receipts, and she would sit down with Mr. St. Louis and go through the figures and figure out what her expenses were.

She then would review what was determined to be the appropriate number, and then sign and submit the tax return.

But, in January 2021, the IRS issued that tax bill of $18,000. And, you are going to hear that the defendant was on the phone with the tax auditor and Mr. St. Louis, and they were talking about the errors that were filed in some of the taxes, and they were talking about the bill.

That same day, on February 1st, the defendant's PPP loan application is created inside Victory Taxes.

The PPP loan application for the defendant claimed that her monthly payroll was $8,000. And, the PPP application claimed that the money was going to loan money, was going to be used for payroll and utilities, mortgage interest, property damage. And, attached to it was a fake 2019 tax return for the defendant, which claimed $103,000.

Days later, the defendant receives two emails to her G-mail account. The first email that you are going to see says, "Review your PPP loan application. It has been approved."

The second email says, "Please review and sign your application," and attached to that email was the loan application submitted on February 1st.

Now, on February 3rd, you are going to see that the loan application was signed. And, the money was then deposited, the $20,180 was deposited into her bank account. And, the defendant transferred $19,000 to her brokerage firm, a brokerage account that she had, but then really cancelled it and moved $10,000 and invested it in the stock market.

And, you are going to see that she knew what was going on. She knew about the false statement. She knew about this conspiracy.

After that loan was funded, she sends an email to Mr. St. Louis and says, "Please don't tell my wife about the IRS case or the loan. She doesn't know, and I don't want to stress her out."

Now, in March, the defendant reaches back out to the IRS and sends the IRS a letter. And, in that letter, she contradicts what she had previously told them. In fact, she says, "Do you know what, now, I realize that I just drop off my documents, I don't sit with him, and then I sign later. And, now, looking at everything, I don't know how Mr. St. Louis came up with these numbers. I wasn't a part of that process."

And, she says, "I just signed everything, and I know that it is my responsibility to review these documents, and I will pay more attention in the future."

Now, after she just told the IRS that Mr. St. Louis was responsible for the $18,000 tax bill, she then provides him with her G mail user name and password in April. And, the Government is going to show that she does that so that her loan forgiveness application could be submitted. And, on April 21st, from inside of Victory Taxes, a loan forgiveness application is filed.

And, on that loan forgiveness application is the claim that all that money was used for payroll costs.

Members of the jury, after you have heard all of the evidence, and you have considered the testimony, the Government is going to have an opportunity to come back up here and talk to you. And, when we come back up here, we talk to you, we are going to ask you to return the only verdict consistent with the evidence you will see in this case, and that is the defendant is guilty on all counts.

Thank you.

THE COURT: All right, thank you.

Mr. Silber?

MR. SILBER: Thank you, your Honor.

Good afternoon, ladies and gentlemen.

My name is Brian Silber. Again, it is a pleasure to see everybody today. And, I have the honor and distinction of representing Alexandra Acosta, who is present here in the court.

Let's talk about her case. First, we live in a society where people do not make their own clothing, do their own surgeries, build their own buildings. We live in a society where everybody has a specialized function.

I am a lawyer. Each of you has a position in life. And, the way our society works is, we all kind of work and depend on each other to get everything done. What do I mean by that?

If I am sick, I go to a doctor, I don't go self-educate. Like I don't go to medical school and figure out how to do my own surgery. When I need my taxes done, I go to a tax preparer or accountant.

When I need a building built, I hire engineers and construction workers.

And, in our society, there is a level of trust that all of us do on a daily basis. We are doing it right now as we sit here. We are trusting that this ceiling in this building will not cave in on us because there were other people that came before us and built it properly. And, it was inspected properly, and everything is safe and secure.

And, we do this every single day of our lives. And that is exactly what this case is about. Ms. Acosta trusted her tax preparer. She trusted him to do his job honestly. And let's make that distinction. There is a difference between skill and honesty. She never, as you will see in the evidence, had any reason to distrust his honesty. And, that's why she trusted him.

So, let's talk about what happened. Yes, it is true, she was being audited. It is true the IRS told her, "You might owe about $18,000."

By the way, the evidence will show that was later reduced to about 12 or so.

Here is the thing. They are trying to tell you that she was sophisticated, which means she has a motive to defraud. But, this is the problem. There is going to be shown a conflict in the evidence.

On February 1st, 2021, she met with Mr. Vilsaint St. Louis to do her taxes, and they had a discussion about this PPP loan. That same day, the application is applied for, using an IP internet connection that belongs to him.

Two days later, on February 3rd, the loan was approved. That same day, $20,180 was wired into her account. And, just like the prosecutor said. You know what the evidence is going to show she did with that money?

She didn't spend it on the IRS. She didn't spend it on her taxes. She immediately wired it to Robinhood. That shows us what her true intent was.

She was not getting this money for anything to do with the IRS, because if she did, that is what she would have done. It was only a couple of days later -- we are not talking six months, a year, two, three years. Again, things can change. The way she spent the money will be our best insight into what her intentions were.

Let's talk about February 1st, 2021. Ms. Acosta met with her tax preparer that day and they discussed her taxes. And, in that conversation, he mentions to her, "You will qualify for a PPP loan because as a realtor, you get a 1099.

And if you have a 1099, you are going to qualify for about $20,000."

So, she says to him, "What do you mean? I don't have employees. I don't pay payroll. I don't write paychecks."

And he goes, "That's okay. Even though that is what they call it, you can use the money for other things."

But, he doesn't elaborate beyond that. What you are going to hear is that this is not a tax preparer she hired yesterday. It is not someone she meet on the street a month ago. She has known him for about nine years. At that point, he had been preparing her taxes since 2014.

This gentleman had access to her most private, personal financial information.

They made an issue of her being in law enforcement, which I will address a little bit further in a second. But, what you will hear, for law enforcement, your personal identification information is something that is held very close, and it is because they have dangerous jobs.

And, Ms. Acosta, as you will hear, is not a traffic cop. She doesn't ride around on a motorcycle, fighting with people, giving them tickets. She us a highly decorated SWAT officer. And, before that, she was assigned to the airport, where she provided protection to people like the president of the United States of America, the vice president, and other dignitaries.

When she met with Mr. St. Louis, he told her that she qualified, and she believed him. He also said he would handle the entire process, just like he does with her taxes. When she went to him all those years to prepare her taxes, she didn't sit there with him and fill out the forms and submit them to the IRS. She drops off, "Here are my receipts."

Do they have a meeting where they discuss it for a few minutes? Sure, she does. But, he handles everything. He fills out the form. He submits it electronically. That was the manner in which they conducted their business. That was normal for her.

And, based on the length of their relationship, the fact that she never had a problem with him in terms of securing her very precious personal information, not just her name, social security and date of birth and where she lives, but her wife, as well, and her two young kids, as well.

This is a sensitive issue for her. And, she never, in the entire time that she dealt with this guy, had a trust issue. It was never an honesty issue.

But, as you will see with this audit business, unbeknownst to her, it turns out he was a pretty lousy tax preparer.

He was telling her, "Everything is fine. This will blow over. No big deal."

But, it turns out what was wrong with her taxes was he did a double entry of her property tax. It was a mistake he made. He admitted he made it. He told the IRS that it was his fault. And, based on that, that is one of a couple of things. She had an underreport of the income and owed a tax. But, it wasn't because of anything she did. It was because of what he did.

So, let's get to the basics of this case.

90 percent of what you are going to hear from the Government, we don't disagree with. We are in agreement. Was there a PPP loan applied for?

Yes, there was.

Was it applied in her name?

Yes, it was.

Did it get signed through her email account?

Yes, it was.

Was it approved?

Yes, it was.

Did she get the money?

Yes, she did.

Did she spend the money on personal expenses?

Absolutely. We don't deny that.

And then, later on, when it came time to do the forgiveness application, he filled it out and submitted that for her, as well. And, she doesn't deny that that was submitted. And, she doesn't deny that there was fraud in there. The guy totally lied. He totally lied.

The first time Ms. Acosta heard there was a problem with any of this was when she was arrested last October. This festered for a couple of years. She was totally in the dark. And -- but now, it all makes sense. It all makes sense. Because they are right about one thing. When it comes to motive, there was a motive to get money to pay the IRS. But, it wasn't hers. It was Mr. St. Louis's, because he committed malpractice. He is the one who messed up her taxes. He is the one who caused her to incur the $18,000 loss.

And, this whole thing was so he would cover his own self while keeping her in the dark about it.

You are going to see from the tax records that she couldn't even get this guy on the phone. She ended up having to call the IRS herself just to find out what's going on with the case.

The tax preparer also couldn't -- sorry, the IRS person, the tax compliance officer couldn't get hold of him.

"Multiple attempts to get me the documents that I need."

In fact, there was an argument that he had with that person about preventing Ms. Acosta from even speaking to her, and the tax compliance officer from the IRS had to tell him the limits of his representation, that she can talk to Ms. Acosta, and she will talk to Ms. Acosta, and that is what happened.

Ms. Acosta was totally cooperative.

But, we now understand the reason why he didn't want Acosta talking to the tax preparer was because he didn't want her to know the extent of his malpractice, the level of mistakes that he made. He concealed it from her. He presented this as part of an economic stimulus that COVID had required.

So, with that, let's all mentally go back in time. We've got to get into a time machine to understand this case.

It is very difficult to look at it from today. This is back in the days of coronavirus, when restaurants were closed, movie theaters were closed, everybody was working from home for the very first time.

Things were different then.

And, it all made sense to her because of how it was presented to her. My client is innocent. She made a mistake in trusting this guy, based on what she knew.

But, he is the one that did this. It wasn't her, and that is what the evidence is going to prove.

7356139104.

What is that?

You will see that is an address that appears on the DocuSign certificate that purports to show she signed the loan application. It was through her email.

But that is -- that IP address belongs to Mr. St. Louis. And, you are going to see that that IP address appears on his own SBA DocuSign certificate.

You are going to see through the records that the Government admits from the application process of the loan with the SBA, every time someone logged onto their system to submit an application components, it logged their IP address.

And, there are three log-ins; one on February 1st, one on February 2nd, and one on February 3rd.

Every single time, you are going to see the same IP address. 7356139104, belonging to Mr. St. Louis. It does not belong to my client.

If you can trust somebody with your social security number and your children's names and addresses and birthdays, as a specialized law enforcement, where security matters, you can trust them with your email address and, you know what, again, that is how modern society works.

When someone goes to the doctor and the doctor puts a needle in their arm, you are not taking that fluid to a lab to test it before you let the doctor do that because there is a level of professional trust. We have trust in our professionals, and that is how our system works.

Three things I would like to reiterate as we watch the evidence unfold; No. 1, as Judge Scola has instructed, my client is innocent until proven guilty. She is innocent until proven guilty. As she sits on that chair, she is innocent. That status does not change until they have proven this case beyond a reasonable doubt.

Number two, the burden of proof, that is on them. She does not need to prove to you that she is innocent. That is not how our system works. So, the accuser has the burden of proof. They are the accuser.

And, finally, reasonable doubt. It is a term we have all heard. That is a term we are going to apply in this case. A reasonable doubt is a real doubt. It is based on reason and common sense. And, that is exactly what we have here in this case. She is presumed innocent. The burden of proof is on the Government, not on her, and they have got to prove these charges beyond a reasonable doubt, which they will never do because at the end of the day, there is a gap in the evidence.

And, that is what happened in that meeting between Mr. St. Louis and Ms. Acosta on February 1, 2021. Nobody was there except for her and him. Not the prosecutors, not this agent investigating the case. I wasn't there. None of us were there. Only two people were there, and only two people know what was said.

And, at the end, they will never, ever be able to establish that she is not telling the truth, because she is. St. Louis is the one with the motive to cover himself. If you want to know what her intentions were, look at how she spent the money.

It didn't go to the IRS. Thank you.

THE COURT: All right. Thank you.

Who is the Government's first witness?

MR. LOVE: Your Honor, the Government calls Ms. Althea Harris.

Prior to her testimony, however, we do want to identify and then read into the record Government's Exhibit 1, which is a trial stipulation regarding wire and interstate commerce.

THE COURT: All right.

Members of the jury, as I explained in part of the opening instruction, the reason that we are in trial is because there is a disagreement between the parties as to what happened in this case, and your job as jurors is to listen to the evidence and decide what really happened.

A stipulation is an agreement between the parties that a certain fact or facts is no longer in dispute, is agreed to by the parties, and should be accepted by you as a proven fact in this case.

So, what is the stipulation?

MR. LOVE: Your Honor, can we approach?

THE COURT: Yes.

MR. LOVE: At this time, the Government moves into evidence what was previously identified as Government's Exhibit 1. It is entitled "Trial Stipulation Regarding Communications By Wire and Interstate Commerce."

"The United States of America and the defendant, Alexandra Acosta, the defendant, through their respective undersigned counsel, hereby stipulate and agree to the following facts: As alleged in Count 4 the disbursement of SBA loan number 1554728404 from lender one is in the approximate amount of $20,180 by automated clearinghouse transfer to SunTrust Bank, account number ending 7279; was a communication transmitted by wire in interstate commerce on or about February 4, 2021.

Among other things, lender one's server that initiated the disbursement of the loan was in Pennsylvania, and the ACH transfer to SunTrust Bank account ending in 7279 was sourced from lender one's bank, which was a bank headquartered in Tennessee.

The United States and the defendant further stipulate and agree that the United States would prove the above-stated facts beyond a reasonable doubt, with admissible evidence at trial, under the federal rules of evidence, including but not limited to testimony and records from lender one dated May 11, 2024."

Signed by assistant U.S. attorneys Trevor Jones, for the Government, and Mr. Brian Silber for the defendant.

THE COURT: Okay.

MR. LOVE: At this time, your Honor, the Government calls Ms. Althea Harris.

Thereupon:

ALTHEA HARRIS

was called as a witness and, having been duly sworn, was examined and testified as follows:

THE WITNESS: Yes.

THE COURT: When you are ready, please tell us your name, and spell your first name.

THE WITNESS: Thank you. My name is Althea Harris, A-L-T-H-E-A, last name Harris, H-A-R-R-I-S.

THE COURT: Thank you.

DIRECT EXAMINATION

BY MR. LOVE:

Q. Good afternoon, Ms. Harris.

A. Good afternoon.

Q. Where do you currently work?

A. I work for the Small Business Administration office here in south Florida.

Q. Commonly referred to as the SBA?

A. Yes.

Q. And what is your current position?

A. I the deputy district director.

Q. How long have you been in that position?

A. About three or four years now. I have been with SBA 25.

Q. What did you do before that?

A. Before I became the deputy?

Q. Yes, ma'am.

A. I have had lots of roles in the office; but, it could be summed up as I promote the SBA with the public. And, for a few years, I also did it with the media.

Q. Now, in 2020, in 2021, did you have this same role?

A. Yes.

Q. Can you describe your duties and responsibilities?

A. Well, primarily, what we do when we promote our programs and services is we go out and tell people how we support entrepreneurs and help them grow and build their businesses.

Q. Why?

A. In 2020 and '21, the pandemic was underway. So, we promoted programs associated with how SBA was helping folks get past the pandemic.

Q. So, generally speaking, what does the SBA do?

A. Well, SBA helps entrepreneurs start, grow, and succeed in business. We also help communities recover after disasters by providing direct loans to them.

Q. You mentioned businesses. Do small businesses rely on the Small Business Administration?

A. Yes. In fact, that is our singular customer, the small businesses. And, right now, there is an estimated 32 million of them in the United States.

Q. Did the SBA provide assistance during the COVID 19 pandemic?

A. Yes.

Q. How?
A. Well, broadly, SBA worked with the U.S. Department of Treasury to make monies available through loans to business owners and others; and then we, locally, in the district offices, we provided lots of information and answered lots of questions for the public in order to help them access all of that funding that became available.
Q. Are you familiar with the coronavirus aid relief, and Economic Security Act?
A. Yes, that was also known as the CARES Act.
Q. And what is your familiarity with that act?
A. Well, the CARES Act was passed by Congress and signed by the president. And, it created a lot of programs and provided funding for business owners in particular to be able to withstand the pandemic.
Q. Are you familiar with the Paycheck Protection Program?
A. Yes. The Paycheck Protection Program, PPP, also known as PPP, was a creation of the CARES Act.
Q. And, what did the CARES Act authorize the PPP to do?
A. The CARES Act authorized the PPP program. It created it, it funded it, and it gave SBA the responsibility for getting those funds out to small business owners in particular.
Q. Now, was that the purpose of the PPP, or was it bigger?
A. The purpose of the PPP was to give business owners funding so they could, in turn, give that money to their employees.

Because you may recall, the country was shut down, and people weren't able to go to work. So, the PPP was designed to have funding available for business owners to pay their employees.
Q. What funding, other than the PPP, was available at that time for the small businesses?
A. There was also SBA's regular disaster program, that was activated for COVID, also known as the COVID Economic Injury Disaster Loan. The CARES Act, in subsequent legislation, created other funding opportunities, as well, for businesses.
Q. Did the PPP program allow the SBA to partner with private lenders?
A. Yes.
Q. How?
A. Well, SBA was chosen for this task, in part, because we have a framework in a program that includes private lenders to deliver funding to small businesses. So, that framework is what we used for -- to get money out through PPP to business owners.
Q. And, were these applications made to the SBA?
A. No. Not directly. Business owners who wanted a PPP loan would go to a lender who was participating in the PPP program, and they would make application with that lender. And, the lender would make a determination and then, ultimately, fund the loan.
Q. So, a small business could go to their local private

lender?
A. Yes, that was the process.
Q. Why was that important?
A. Well, that's important because the -- that was, again, that framework that we used to get the money out; otherwise, there was no real meaningful way to -- for the SBA or the federal Government to get that money out under the mandate of Congress, which was to get it done quickly.
Q. So, we have private lenders and we have the SBA, who actually funded the loan?
A. Well, the shortest, easiest answer taxpayers; but, there is a process. So, the banks gave the money, and SBA reimbursed them with taxpayer money.
Q. Is it fair to say it was guaranteed or backed by the SBA?
A. Yes.
Q. In relation to PPP, what does forgiveness mean?
A. The PPP was unusual in that Congress made it that that loan could be forgivable, meaning the applicant and borrower did not have to repay the loan if they used the monies according to the parameters of the PPP.
Q. So, if these private lenders are providing the funding, who is it that reimburses the lenders?
A. Right, the SBA and Treasury refunded them with taxpayer dollars.
Q. Generally speaking, who were the participating lenders?

A. Pretty much everybody you could think of. SBA already works with all the major lenders, regional lenders, small lenders, credit unions, microlenders. So, that is who we work with, day in and day out.
Q. Were there rules and regulations for this program?
A. Oh, yes.
Q. Who set them?
A. SBA worked with the Treasury, but there is -- in the legislation, there is some, you know, guidance, but SBA and Treasury worked together to create those rules.
Q. In your role with the SBA, are you familiar with those rules?
A. Yes.
Q. What were the basic requirements for a PPP loan?
A. The basic requirements were that you had to have been in business before the pandemic, you had to be an otherwise eligible small business. There are some businesses we do not work with and fund under any circumstances. And, you had to make an application. And, you had -- you had to have the supporting documents and then, ultimately, you had to use the funds according to the program rules.
Q. You mentioned supporting documents. What type of -- or what kind of supporting documents were needed?
A. Applicants were to demonstrate to lenders that they had payroll in 2019. So, before the pandemic, so, any

documentation that would substantiate that you had payroll; an example of that could be if you used a payroll processing company, you could use those monthly statements or whatever statements those companies provided to you.

You could use bank statements that showed inflows and outflows. So, various different kinds of documents that demonstrate that payroll was made.

Q. Why was it important to show income in 2019?

A. Because you had to be a legitimate business that had employees, and you were an ongoing concern, not just someone who woke up, understood the Government was giving money away, and then you created a business. No, it was for existing businesses, prior to the pandemic.

Q. And, did the SBA rely upon the statements that were made in these applications?

A. Oh, yes, of course.

Q. Why?

A. Well, I mean, SBA is being really a caretaker of the people's money, and as caretaker of the program, wanted, of course, to make sure that the right people got the money, people who were business owners, legitimately going to pay employees. And, the only way we could do that and get the program out quickly is to rely on the representations of the applicants.

Q. I want to talk about a sole proprietorship. Are you

familiar with that term?
A. Yes.
Q. What is it?
A. A sole proprietor is a one-man business that is formed and can conduct business as that sole employee.
Q. Were there any restrictions or limits on the PPP as it related to sole proprietorships?
A. No. Sole proprietors could participate in the program, too.
Q. How about any limits on the maximum that was allowed to be funded?
A. Yes. There were maximums, for example, okay. Employee -- in doing your calculations for the PPP program, whatever, however number of employees you had, the maximum number of dollars of income that could be used in the calculations was $100,000.
Q. You mentioned calculations. So, I just want to talk about that. Can you explain the calculation that was required or used for sole proprietorships?
A. Sure. Well, in all cases, to calculate your PPP loan amount, you would take your payroll, total payroll in 2019, divide by 12, to get an average monthly amount, then multiply by 2.5 so that you got two-and-a-half months worth of payroll. That is your maximum Payroll Protection Program loan.
Q. You mentioned average monthly payroll. What would a sole

proprietorship use to illustrate that.
A. They would take their earnings to their business and, whatever they paid themselves, again, take that total number from 2019, divide by 12, multiply by 2.5.
Q. I want to talk about the PPP loan application process.
A. Okay.
Q. Are you familiar with that process?
A. Yes.
Q. How did one go about applying for a loan?
A. Well, naturally, because everything was shut down, the applications were online. So, it was -- a person who wanted a PPP loan would go online to the lender of their choice, fill out the documents, the form, submit whatever documentation was requested, and then the bank would take it from there, make the decision one way or another whether they were going to fund that PPP loan.
Q. How would you describe the application process in terms of usability?
A. I think it is fairly commonplace, people are accustomed to filling out forms online, and that was one -- that is how it happened in, for PPP, as well.
Q. Was there a certification aspect to these PPP loan applications?
A. Yes.
Q. Can you describe that, please?

A. Well, basically, when someone was applying for the PPP loan, eventually, there would be a series of questions and boxes you had to check saying that you were, indeed, a legitimate business owner, that these were the right calculations, and you were certifying to the truth of the statements on the form.
Q. Was that a self-certification?
A. Yes.
Q. And, what was the importance of that for the SBA?
A. Well, we were relying on applicants to be truthful about the information that they provided, so that we could make those determinations about funding, that loan for the individual applicant.
Q. Is there a signature that is required as part of the application?
A. Yes.
Q. And who was allowed to sign?
A. The applicant would sign, or, in some cases, whoever the agent was for that borrower.
Q. Was it electronic signature, hand signature, or did it depend?
A. I would believe it was an electronic signature, since it was all electronic.
Q. Do you remember the name of the form that was used -- excuse me, does the Form 2483 sound correct?

A. Yes.

Q. I want to ask you three questions. Was it important to the SBA that the information contained on that form was accurate?

A. Yes.

Q. And, was it important to the SBA that supporting documents attached to that form was accurate?

A. Yes.

Q. And, how would you describe the importance of a truthfulness of the information in that process?

A. We rely on the truthfulness of the applicant, right, we relied on them to say that what their payrolls was to establish that calculation to the -- in essence, indicate, by virtue of their application, that they needed that money, that they had employees, that they were going to pay their employees with those funds.

And so, in the urgency of the hour of the time, you know, we wanted to be able to get that money out to people so that they could, in turn, get it out to their employees so that those people could pay their rent and buy milk and support their children and their families.

So, we really depended on people to, in their application process, to be truthful so that we could get that money to the people who needed it most.

Q. We talked earlier about forgiven. Can you explain how a small business would apply for loan forgiveness?

A. Yes. They would make application to the lender who gave them the money, and they would fill out the forgiveness form and, again, make assertions that they had used the money appropriately, and demonstrate that with documentation to the lender. And, the lender would look it over and make a determination.
Q. You mentioned "used appropriately."
Can you think of some of the common accepted uses?
A. Sure. The PPP program required that the business owner borrower spend a minimum of 60 percent on payroll. The other 40 percent could also be used on payroll, but it could also be used on other business expenses like rent, mortgage insurance, business utilities. But, that 40 percent had to be used on business expenses, certain business expenses. So, you couldn't use it for your personal expenses.
Q. Was there a certification as part of the forgiveness?
A. Yes.
Q. Are you familiar with the SBA records regarding PPP applications?
A. I don't understand your question.
Q. Let me rephrase, thank you.
Are you familiar with the forms for PPP applications?
A. Of the application, yes.
Q. And you are familiar with the supporting documents?
A. Yes.

Q. And, did the SBA keep records of the loans that were made through PPP?

A. Yes.

MR. LOVE: Your Honor, at this time, the Government offers into evidence Government Exhibit 100, 101, 150 and 154, copies of which have been previously provided to defense counsel.

MR. SILBER: No objection, your Honor.

THE COURT: Was that 100, 101, 150 -- and what was the other one?

MR. SILBER: 154.

THE COURT: 154. All right. Those will be received in evidence.

(Government's No. 100 was received in Evidence.)

(Government's No. 101 was received in Evidence.)

(Government's No. 150 was received in Evidence.)

(Government's No. 154 was received in Evidence.)

THE COURT: Are you going to show them using your computer?

MR. LOVE: Yes, your Honor. That is the intent, as soon as I can log on.

THE COURT: Let me know when you are ready.

Are you ready?

MR. LOVE: Sorry, sir. Just one moment.

Yes, your Honor, thank you.

THE COURT: Your screens are on?
Okay, go ahead.
BY MR. LOVE:
Q. Ms. Harris, is the screen on in front of you?
A. It is.
Q. I will just give you one moment. Do you recognize the document that is displayed in front of you?
A. Yes. That is the borrower application for the Paycheck Protection Program.
Q. And whose borrower application is this?
A. The name is Alexandra Acosta.
Q. I am going to highlight a section here for you. This borrower application, what -- what type of business is indicated here?
A. Self-employed.
Q. And, I want to drop down to the middle. This borrower application, what were the claims made for this point?
A. Okay. It says that the average monthly payroll was $8,072, and that, when multiplied by 2.5, came to $20,180, and that there was one employee.
Q. And does it indicate the purpose of the loan?
A. Yes. The boxes covered are for payroll costs, covered property damage, rent or mortgage interests, covered supplier costs, utilities, covered worker protection expenditures, and covered operations, expenditures.

Q. Now, I want to drop down to Page 2 of the exhibit.
Do you recognize Page 2?
A. Let's see. That is a little small. But, it looks like -- oh, the certifications are there. Yes.
Q. And, generally speaking, what did these certifications require?
A. They are basically saying that the person who applied for the loan, or made this application read it, understands it, that they are eligible, that they are going to comply with the program, that they are going to use the loan proceeds according to -- for the -- and only for business-related purposes as specified. They understand that SBA wants you to buy as much as possible American-made equipment and products.
Q. Do you see the first bullet point at the top?
A. Yes.
Q. Could you please read the statement that follows that first bullet point?
A. So, then the second one -- is that what you want me to read, or the first bullet?
Q. This one right here I have highlighted.
A. Okay." I certify that I have read the statements in this form, including the statements required by law and executive orders, and I understand them."
Q. Do you see the first sentence that is --
A. Yes.

Q. Could you please read the first sentence there?
A. Sure. "I further certify that the information provided in this application and the information provided in all supporting documents and forms is true and accurate in all material respects."
Q. And, dropping at the bottom, who is it that signed this form?
A. Alexandra Acosta.
Q. And, on what date was this form signed?
A. February 3, 2021.
Q. Do you see the document that is in front of you on the screen?
A. Yes.
Q. And, what does this document pertain to?
A. It is the Small Business Paycheck Protection Program application, certification, and release of agreement.
Q. That is Page 6 of Government's Exhibit 100.
Can you describe the document that is in front of you here?
A. This is a promissory note to pay for the Paycheck Protection Program.
Q. And who is it between?
A. It is between the lender, Cross River Bank and the borrower listed as Alexandra Acosta of Tamarac, Florida.
Q. And the loan amount?
A. Is $20,180.

Q. And the loan date?
A. February 23, 2021.
Q. You mentioned the term promissory note. Would you describe that, please?
A. Sure. It is a legal document that is between a lender and a borrower, and the borrower promises to pay the lender back under the terms on the note.
MR. LOVE: Your Honor, if I could have one moment, please.
THE COURT: Yes.
MR. LOVE: Thank you, your Honor.
And, I am pulling up Government's Exhibit 101.
BY MR. LOVE:
Q. Do you recognize this document in front of you?
A. It is the 1099 miscellaneous form, income form from the IRS.
Q. Was that one of the documents you referred to earlier that is submitted with the applications?
A. Yes, it is one you could submit.
Q. And, at the top, do you see the box that says, "payor's name"?
A. Yes.
Q. And, who is listed in the payor's name?
A. Valordog, LLC.
Q. And then dropping into the middle on Box 7, what is listed

in Box 7?
A. It says, "nonemployee compensation, $103,255."
Q. And who is the recipient of this form?
A. Alexandra Acosta.
Q. Turning to Page 2 of Government Exhibit 101, Ms. Harris, do you recognize this form?
A. This is the Schedule C form that accompanies the tax return for 2019.
Q. And who is listed on this form?
A. The proprietor is Alexandra Acosta.
Q. And, dropping down to box C, who is the business, or what is the business name?
A. Valordog, LLC.
Q. And, drawing your attention to the middle part of the document, to part one, what is listed under line 1?
A. "Gross receipts or sales, $103,255."
Q. And then dropping down to seven?
A. "Gross income, $103,255."
Q. And then under part two, directing your attention to line 29?
A. "Tentative profit or loss, $96,866."
Q. Does that number relate to anything on an application?
A. For the PPP?
Q. Yes?
A. This would be -- well, it says it is profit and loss. I

don't know that that is necessarily income.
Q. Well, you mentioned a formula earlier. Was this the number that would be used as part of a formula?
A. It could be, yes.
Q. And that formula was to determine?
A. Payroll.
Q. Thank you. And I am displaying Government's Exhibit 150. Do you recognize this document?
A. The Paycheck Protection Program Loan Forgiveness Application.
Q. And who is this forgiveness application for?
A. Alexandra Acosta.
Q. And what is the loan amount for this forgiveness application?
A. $20,180.
Q. And the disbursement date?
A. February 3, 2021.
Q. It mentions, "employees at the time."
A. Yes.
Q. How many employees?
A. One employee.
Q. And the covered period just below that?
A. February 3, 2021, through July 20, 2021.
Q. And, directing your attention two lines below, where it says, "amount," can you please describe what is listed in that

line?
A. Amount of loan spent on payroll costs, $20,180, requested loan forgiveness amount, $20,180.
Q. Highlighting the middle portion of Page 1 of this exhibit, what is depicted here?
A. Here is where the applicant borrower is making certifications and representations that they have complied with all the rules and requirements of the Paycheck Protection Program, and that the information in the application is true and correct in all material respects.
Q. And, dropping to the bottom, whose forgiveness application -- who signed this forgiveness application?
A. Alexandra Acosta.
Q. And the date?
A. April 21, 2021.
Q. And that is -- Ms. Harris, I am displaying Government's Exhibit 154. Do you recognize this document?
A. This is a document from the SBA's Notice of Paycheck Protection Program forgiveness payment.
Q. And what is this document?
A. This is showing that SBA has forgiven this loan.
Q. Who are they -- who are these forgiveness letters sent to?
A. These letters are sent to the lenders of record and the borrowers.
MR. LOVE: Your Honor, if you excuse me, if I could

have just one moment, please?

THE COURT: Okay.

BY MR. LOVE:

Q. Just a couple more questions.

Ms. Harris, you mentioned an authorized representative could sign. Can you explain that -- who that is, generally speaking?

A. Sure. It is just in some cases, for example, some business owners ask, like, their accountant to make the application for them. And, so, doing that, the business owners authorized the person to make the application for them.

Q. When that happens, what name is -- do you see on the applications?

A. It could be the borrower, still; it could be the -- because they are doing it, the paperwork on behalf of the borrower. So, you know, it could be that some -- that the borrower's name is there because they are the one borrowing.

Q. And, would you also see that maybe the representative signed their own name?

A. Yes.

Q. Okay. Were there any other supporting documentations that were provided with that?

A. No.

Q. The loan -- was it based on the total gross income?

A. Where are you, are you talking about the PPP calculation?

Q. Yes.
A. PPP was calculated based on annual average payroll for 2019. So, that total divided by 12, multiplied by 2.5, that is the formula. Is that what you mean?
Q. Thank you.
I want to discuss Government's exhibit -- excuse me, 150 for you again. In there, it says, "first draw, second draw."
A. Um-hmm.
Q. Can you please describe the difference between those two?
A. So, the PPP program was so popular that Congress funded more money for it. So, if you got money under the first batch of money that Congress used to fund the program, that was considered first draw. And then if you got money after Congress funded it again, that was considered the second draw. And then there was also the idea of if you got money the first time, you could get money the second time, and that was the way to delineate between the two.
Q. If the SBA had known that an application contained false information about the 2019 business income, would the SBA have issued a loan number?
A. No.
Q. If a borrower had originally submitted false income information to get a PPP loan, could the borrower have been eligible to have the loan forgiven?
A. No.

Q. And, would the SBA have forgiven the loan if it had known that the borrower had submitted false information?
A. No.
MR. LOVE: No further questions, thank you.
THE COURT: All right.
Cross-examination?
MR. SILBER: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. SILBER:
Q. Good afternoon, Ms. Harris. How are you?
A. I am well. Thank you.
Q. Thank you for coming today.
A. My pleasure.
Q. A couple of questions. You made -- I am just going to jump towards the end of your testimony.
You made a statement about when someone uses an accountant, that you would see the borrower's name, and then you explained that you would see the name of someone who prepared it.
Can you clarify that for me, if someone used an accountant, how would they see the borrower' name?
A. How would who see the borrower's name?
Q. Well, how would it be on the application?
A. It would list the borrower's name.
Q. Okay. And that would be input by the accountant, not the actual borrower; correct?

A. Depending on whatever they made -- you know, whatever their arrangement was, whoever filled out the form.
Q. Okay. So, a person like an accountant could fill out the form for the borrower?
A. Sure.
Q. And, when we talk about filling out the form, they would put in all the numbers that were just discussed, how much money was earned, what the payroll was, what it would be used for; correct?
A. Perhaps. I mean, embedded in your question is the assumption that all of that is true, accurate, right, by the preparer.
Q. We will get to that. Just in terms of the process, I am asking, forget if the numbers are true or false. If someone is using a third party to fill out their application?
A. Okay.
Q. It could be an accountant, a family member or friend, whoever. So, the person filling out the form could put whatever numbers they wanted, and the borrower may not necessarily see it, right, because they are the one filling out the form.
A. I suppose that is possible.
Q. It is possible. Okay. And, is there any kind of certification or document that needed to be signed by that third party when they prepare it on behalf of somebody?

A. I am not aware of any other document.
Q. Okay. And, by contrast, you file your taxes every year, right?
A. Yes.
Q. I assume that. You are a Government employee, right?
A. Yes.
Q. And, when someone hires a tax preparer, by comparison, let's say a CPA or whoever, you would see this return prepared by so-and-so, and they sign it, right?
A. Correct.
Q. That didn't exist with these applications, did it?
A. Correct.
Q. Okay. So, if you could, I would like you to walk me through the process, if you are familiar with it. And, if you are not, just let me know. So, here I am, I want to apply for a PPP loan. What is my first step?
A. To determine who you want to borrow the money from.
Q. Okay. And how would I know who to borrow the money from?
A. Well, how would you know?
I mean, we promulgated that process, at least in my office here in south Florida, five times a day, every day, Monday through Friday for a long time to make sure people knew the process.
Q. So, when you say "promulgated," what do you mean by that? What were you doing?

A. We promoted by newsletter, emails, the media was talking about it, about how to apply for the PPP. And, we were conducting webinars and Q and A sessions.
Q. Okay. So, beyond having advertisements out in the public, was there any detailed explanation; Step 1, Step 2, Step 3?
A. I am not following you.
Q. Let me skip that, and I will cut to the chase. Did you need an email login to submit your PPP application?
A. Well, different banks had different portals and processes.
Q. Okay. Well, could I submit a PPP loan application without an email?
A. I wouldn't think so, because the bank would need to know how to reach you.
Q. Okay. And, of course, the email needs to be unique to the applicant; correct?
A. Yes.
Q. I wouldn't, for instance, put in a loan five, six, seven different times with the same email address, right?
A. Did.
Q. It would have been flagged?
A. Maybe. Yes.
Q. Okay. And, I mean individually. Not -- not for me, my company, my second company. I, myself, for one borrower, cannot put in multiple applications using the same email, right?

A. I don't recall now how to answer that because I suppose you could do it. Would you be ultimately successful? I don't know.

Q. Well, let me ask you this: If I had access to your email, could I go submit an application on your behalf and fill out all these forms for you?

A. If you had access to my -- yeah, sure.

Q. And, I could do that without you even knowing?

A. Yes, potentially.

Q. Possibly, right?

A. Yes.

Q. Now, are you familiar with what was needed to qualify for a loan?

A. Yes. You had to be in business before the pandemic, you had to have earnings in 2019 and payroll, you had to be an American-based business, certain things like that.

Q. That would make sense. We are not here to loan money to other countries, right?

A. No.

Q. When you say they have to be in business, did a person have to be incorporated?

A. No.

Q. Okay. So, for instance, if I were a realtor with a real estate license, but I don't own Keller Williams or my own real estate company, I could apply for a PPP loan as a realtor?

A. I am not sure how to answer that, either.
A realtor, as I understand realtors, they work for themselves. And, if they work for themselves and are a legitimate business and file taxes as one earning through that mechanism, then they would be eligible.
Q. So, what you are really saying is if they have a 1099 form, right?
A. That was one of the forms that a borrower could have and use to apply to the program.
Q. Okay. So, somebody that works as a part-time realtor who has a 1099 and can show earnings would be able to apply for this; correct?
A. Yes.
Q. And, the distinction I am making is, it is not limited to corporations?
A. Correct.
Q. On that same note, could you apply for a PPP loan, paycheck protection loan, if you do not have any employees?
A. If you have no employees, no.
Q. Well, obviously, you, the company, has at least one employee. There has to be one person, right?
A. That is my thinking.
Q. There has to be at least the owner?
A. That is right.
Q. So, again, if I am a part-time realtor with a 1099 that has

no other people working for me, can I still apply for a PPP loan?
A. Yes.
Q. Can you tell me how a forgiveness application was submitted?
Was it the same process used for the initial loan?
A. The PPP forgiveness application would go to the lender where you got the money.
Q. Okay. So, that is not something you would send to the SBA?
A. Later, yes, you could send it to the SBA.
Q. Okay.
A. Later in time.
Q. Okay. Are you familiar with Cross River Bank?
A. I have heard of them.
Q. Are they one of the lenders?
A. Yes.
Q. And, when you were looking through the documents earlier today, you saw that they are the lenders in this case?
A. Yes.
Q. Okay. So, to deal with Cross River, I am just trying to understand the process right now. To begin the application process, I submit something to you, the SBA?
A. No.
Q. Right? No? Well, tell me how does that work?
A. Which one are we talking about, the application for the

money or forgiveness?
Q. Let's start with the initial application.
A. So, initially, the borrower would go to the lender of their choice and make an application according to however the bank had set it up.
Q. Okay. And, to make that application, does the borrower create an applicant profile with that lender?
A. Probably, yes. I mean, I didn't apply for one, myself. So, but you know, whatever the bank required, yes. You would have certain information that you would have to enter into the portal in order to meet SBA's requirements.
Q. But you don't know the process, yourself, because you didn't work for the lender. You worked for the SBA?
A. That's correct.
Q. So, that is just a limit of what you can tell us.
Let me ask you a question. If I am a part-time realtor who earned $13,900 in 2019, would that qualify me for a PPP loan
A. Yes -- just initially, yes, potentially.
Q. What do you mean by initially?
A. Well, again, remember, part of the documentation is that you pay taxes on those earnings and you had that recorded.
Q. Okay. So, if I am a part-time realtor, with a 1099 who reports my 13,900 in taxes, right?
A. Um-hmm.

Q. And I paid my taxes on my $13,900, I could -- I would qualify for a PPP loan, right?
A. Yes.
Q. And, isn't it true that I would qualify for about $20,000?
A. Yes.
Q. You are shaking your head right and left?
A. Because math isn't my strong suit. But, yes. Going through the calculations, roughly, around 20,000, yes, you could be eligible for that.
Q. Okay. Now, in terms of the supporting documentation, was that submitted to the SBA, or to the lender?
A. To the lender.
Q. Okay. Did the SBA have any involvement in reviewing that documentation, substantiating the documentation, anything like that?
A. No.
Q. Okay. So, is it fair to say, then, that the SBA, even though they are working with these other third parties, they are not receiving the application, they are not processing the application, that's up to the bank, right?
A. Yes. That is up to the bank. There is a process by which the banks provide information to SBA so that they can, in turn, get an SBA loan number, and that is how SBA keeps track of which bank did what, and for whom.
Q. Okay.

MR. SILBER: If I can have a moment, your Honor, I am going to use the projector there.

Sorry. I just need to grab the right thing, all right

BY MR. SILBER:

Q. Can I do this right?

Can you see that?

A. Yes.

Q. All right. Are you able to -- let's do the auto focus. Someone told me to use that earlier. I don't know if I am doing it right.

Is it clear to you?

A. Yes.

Q. Okay.

A. I mean, I can read it.

Q. I am showing you Government's Exhibit 100, for the record.

Okay, that is the little stickie right there. I am just going to put these up here real quick so you know what I am talking about.

Do you recognize all this?

A. Yes.

Q. This is your signature at the bottom?

A. Yes.

Q. If you could highlight -- if you could focus your attention on that signature where my finger is?

A. Yes.

Q. Let me see if I can zoom --

THE COURT: All the way on top.

BY MR. SILBER:

Q. There we go.

Oh, this is good.

A. Yes, it is.

Q. Okay. Here we are. Do we see the signature where my finger is?

A. Yes.

Q. I see there are little tiny numbers underneath that. Do you know what that is?

A. No.

Q. Do you see up there where it looks like there is a D and an O?

Do you know what that is?

A. I can't see it, and I don't know what it is.

Q. Well, let me ask you this question.

Are you familiar with DocuSign?

A. Yes.

Q. Have you ever used DocuSign?

A. Yes.

Q. So, you have seen what a DocuSign signature looks like, right?

A. Yes.

Q. Do you agree this is a DocuSign signature?

A. It could be. I don't know.
Q. You told us you are familiar with DocuSign signatures?
A. Yes, I use my fingers and make DocuSign.
Q. Okay. And when you used your finger to sign that, doesn't it say at the top, "DocuSign," and it has this little, you know, this little line right here, and then it has a series of numbers underneath it.
You don't remember it?
A. I don't remember.
Q. Okay. But, we can at least agree that this is a digital signature, and not a handwritten signature?
A. I think so, yes.
Q. Moving along, we will just skip through these really quick.
Are you familiar with this -- let's go to zoom.
Page 3 -- do you recognize this, this document here?
A. The -- okay. The Paycheck Protection Program Borrower Application Form, yes.
Q. And, flipping it over, do you recognize that?
A. Yes.
Q. Okay. We are just going to go through these really quickly. This one -- do you recognize that one?
A. Yes, that is the demographic information.
Q. Oh, and by the way, just going back a second -- sorry, I skipped something.
You see up there where it says "DocuSign envelope ID"?

A. Yes.
Q. Do you know what that is?
A. No.
Q. Okay. Do you see that long number ending with F616B?
A. Yes.
Q. Are you familiar with that at all?
A. No.
Q. Okay. Flipping it over, same thing up here.
There you go. Do you see that number right on top, F616B?
A. Yes. F616B, yes.
Q. Do you recognize this document?
A. Yes, the demographic information.
Q. Yes, ma'am. If you need me to zoom out, just let me know.
A. Okay.
Q. F616B?
A. Yes.
Q. All the same DocuSign envelope?
A. Looks like it.
Q. And, do you recognize this document, this page?
A. It looks like Page 2 of something.
Q. Page 2.
A. But, I don't know --
Q. Let me go back one.
A. I don't know what it necessarily refers to.
Q. Sorry, I was too zoomed in.

A. So, that is.
Q. Page 1.
A. Yes. One of the applicant certifications.
Q. Right. Page 2, right?
A. Yes. That is Page 2, something.
Q. Well, I am trying to -- that is what I need you to tell me. All right?
A. Okay. Well, is number six -- at the bottom of Page 1?
Q. Sorry, I got my pages out of order. Here we are.
My bad. Give me just a second.
Here we go. Sorry. I got all jumbled up using the machine here.
A. Okay.
Q. All right. I am all mixed up. I am just going to show you these out of order from the beginning.
Do you recognize that?
A. Right, demographics information that we were trying to collect about borrowers.
Q. Do you recognize that?
A. That is the applicant certifications for the PPP.
Q. Do you recognize this page?
A. That is a signature page.
Q. Okay. Same number again, F616B?
A. Yes.
Q. And again, same type of signature, right, digital

signature?
A. Um-hmm, yes.
Q. This page -- this is a new document, right?
A. I can't see the top. Okay.
Q. Do you see it now?
A. Yes, that is the promissory note.
Q. Okay. Another F616B?
A. Right.
Q. So, you can see it clearly?
A. Yes.
Q. How about this page?
A. I don't know what that refers to, Page 2 of 3?
Q. So, let me start over.
Here is Page 1 of three
A. Um-hmm.
Q. Do you see that?
A. Yes.
Q. Right?
A. Yes.
Q. Okay. And 2 of three, right?
A. Okay.
Q. Do you recognize all that?
A. I see that.
Q. Okay. And here is 3 of three.
A. Yes.

Q. Do you see that?
A. Yes.
Q. Do you recognize that signature?
A. Yes.
Q. Okay. Can you tell me where in those documents it tells us what you are allowed and what you are not allowed to spend the PPP loan money on?
A. I believe that is covered in the application.
Q. Okay.
A. Where you check the boxes.
Q. Right here?
A. The purpose of the loan, um-hmm.
Q. Well, can you point out where on here it says what I am allowed to spend the money on, and specifically, what I am not allowed to spend it on?
A. On the form that says -- there is a box that says, "Purpose of the loan, select all that apply."
And, on the other side.
Q. Here?
A. The other side.
Q. Page 1?
A. Yes. And, there, in the middle, the gray box under "calculation."
THE COURT: If you touch your screen, it will write.
THE WITNESS: You are kidding.

THE COURT: So, point to it.
THE WITNESS: I didn't expect that. Thank you.
BY MR. SILBER:
Q. All right.
A. So, where I have highlighted, it talks about the purpose of the loan.
Q. So, the purpose of the loan, that is not what I asked you. What I asked you is where in this document does it advise a person what they are allowed and not allowed to spend the money on?
A. I need to see the form a little more closely, or go through it.
MR. SILBER: Your Honor, may I approach the witness?
THE COURT: Sure.
BY MR. SILBER:
Q. Let me make sure I have my page in.
THE COURT: It is time for our first afternoon recess. So, let's take a 15-minute recess. Come back, everybody, in 15 minutes.
And, she can look at it during the recess.
COURT SECURITY OFFICER: All rise.
[Whereupon, the jury left the courtroom, and the following proceedings were had at 3:23 p.m.:]
[Whereupon, the jury entered the courtroom, and the following proceedings were had at 3:35 p.m.]

THE COURT: All right. Welcome back, everyone, and please be seated.

All right, Mr. Silber.

MR. SILBER: May I approach the witness, your Honor?

THE COURT: Yes.

BY MR. SILBER:

Q. Okay. Ms. Harris, I am now showing you the Government's Exhibit 100, which was previously admitted. Why don't you take a moment, take a look through each page, and let me know when you are ready.

THE COURT: Didn't she do that on the break?

MR. SILBER: No, she wasn't here.

THE COURT: I said give her the thing now so she can look at it on the break.

THE WITNESS: I'm sorry.

THE COURT: All right. Look at it now, then we have 20 people waiting now.

THE WITNESS: And your question -- will you remind us all what your question was?

BY MR. SILBER:

Q. My question to you is, where in that document does it tell me what I am not allowed to use the money for and what I am permitted to use the money for?

A. The funds will be used to retain workers and maintain payroll, or make payments for mortgage interest, rents, utilities, covered operations, expenditures, covered property damage costs, covered supplier costs, and covered worker protection expenditures as specified under the Paycheck Protection Program rules.

Q. And can you point -- can you lift that document up and point to where --

A. Sure. It is on Page 2 of the borrower application form. It is the third item that requires an initial by the applicant.

Q. Let me put that on the screen and just verify where you are --

A. Right here.

Q. Got it. I want to put that up there. And, will you point again?

Are you talking about right here, the funds will be used to retain?

A. Yes.

Q. Okay. Let's zoom in just a second.

All right. Notes on Page 2. Right?

A. Yes.

THE COURT: Can you zoom in some more, because the jurors are sharing screens.

MR. SILBER: I am sorry?

THE COURT: Zoom in more.

MR. SILBER: Sorry, sorry.

THE COURT: Thank you.

MR. SILBER: Is that good?
Everybody can see?
All right.
If that happens again, just raise your hand or something.
BY MR. SILBER:
Q. All right. So, here, this is the part?
A. Yes.
Q. Are you aware of any other part of this application that tells you what the money can lawfully be used for, and what it is not allowed to be used for?
A. It looks like it is also embedded here on Page 3, instructions for completing this form, purpose of the loan. "With respect to purpose of the loan, payroll costs consist of compensation to employees whose principal place of residence is the United States in the form of salary, wages, commissions or similar compensation, cash tips or the equivalent" -- do you want me to keep reading, or you will show it?
Q. Why don't you point to me where it is, and then I will put it on the screen.
A. This first paragraph, I might need that back. But, that is my first look --
Q. No problem.
A. -- at that.
Q. Right here?

A. Yes.
Q. With respect to purposes of this loan?
A. Yes.
Q. Okay. So, let's read this together. "Payroll costs consist of compensation to employees whose principal place of residence is in the United States, in the form of salary, wages, commissions or similar compensation, cash tips or the equivalent, based on employer records or past tips," blah blah blah. "A reasonable good faith employer estimate."
Are you sure this isn't the definition of what payroll costs are?
A. It is -- it does include what some of the definitions of payroll costs are.
Q. Okay. But, you are allowed to use PPP money for purchases other than payroll; correct?
A. Yes. There were certain other expenses that could be used, 40 percent could be used on.
Q. So, for me, as the layperson who has never seen this before, where on here does it say that?
A. Do you remember the first page I gave you?
Q. Where it says the funds will be used?
A. Um-hmm. "According to the rules." And then the rules is where it talks about what you are supposed to spend the money on.
Q. And where would somebody find the rules?

A. That was available on the Internet, it was available through us, the SBA. It was available through the Treasury. It was talked about on the media.
Q. Okay. But, in the document sense, the borrower, that's not specified in here, is it?
A. You are talking about the percentages?
Q. Whatever you are lawfully allowed to use the money for.
A. It is articulated there.
Q. Okay. So, that is what I am getting at. Beyond this one statement, and this definition for payroll that you pointed out over here, right?
A. Yes.
Q. Is there any other place in this application that tells us what you are allowed to use the money for, and what you are not allowed to use the money for?
A. Again, on the first page, where it has the boxes, about what you are going to use it for.
Q. Why don't you point to that for us?
A. Right here.
Q. So, that was your first answer, the purposes of the loan?
A. Yes.
Q. Okay. And anywhere else that you are aware of?
A. On those two sheets?
Q. Yes.
A. I might need those back.

Q. I can give them back?
A. Okay, thanks. Thank you.
And the question again, is? What is the proper use of the funds?
Q. No. That is not the question?
A. What is the question?
Q. Where, in that document, does it tell us where you're -- or defines what you are allowed to use the money for, and what you are not allowed to use the money for?
A. I found another bullet here on Page 2, "All loan proceeds will be used only for business-related purposes, as specified in the loan application and consistent with the Paycheck Protection Program rules, including the" -- sorry -- "including the prohibition on using loan proceeds for lobbying activities and expenditures," and it goes on.
Q. Can you hold that up and point to where you are -- let me put that on the screen for us.
A. Yes, that one.
Q. "I will comply" --
A. Under that.
Q. Oh, "All loan proceeds will be used only for business-related purposes as specified in the loan application and consistent with the rules, including prohibition on using for lobbying expenditures, if the applicant is a news organization" -- that doesn't apply here, right, "nonprofits,"

doesn't apply. Right?
A. Um-hmm. Okay.
Q. Is there any other place that you are aware of that tells us or informs us what the money can be used for, and what it cannot be used for?
A. Okay. So, we already talked about the top of Page 3.
Q. You have it in front of you?
A. And then about calculating the average monthly payroll, just in there, it is over here on my Page 3. It is just talking about how do you calculate for payroll?
The implication there, obviously, being that it is for payroll.
Q. Can you hold the document up and point to us?
A. Sure. This paragraph in here.
Q. Let me put that on the screen.
A. Okay.
Q. Thank you.
A. Yes.
Q. Okay. So, this goes -- this is explaining, correct me if I am wrong, how to calculate average monthly payroll, right?
A. Right. And, my only point about mentioning that is there are several lines there about payroll. So, it is for payroll. The title of the form is Paycheck Protection.
So, the implication there being that it is for payroll and paychecks.

Q. But, you already told us you can use the money for expenses other than payroll, right?
A. Right. 40 percent, up to 40 percent.
Q. One second, whoa, whoa. I think we are confusing two things.
A. Okay.
Q. What I am asking you is, not what will be forgiven, but what can be lawfully used, what the money can lawfully be used for. So, for instance, let's say, give me an example, other than payroll, what you could lawfully use the money for?
A. It is right there on Page 2, in those -- the gray boxes.
Q. Right here?
A. Yes.
Q. The part of the application that says, "Purpose of the loan, select all that apply;" correct?
A. Yes.
Q. You are saying, pay- --
A. Payroll.
Q. Obviously, we know that. I could use it for rent or mortgage interest?
A. For the business.
Q. Could you use utilities?
A. For the business.
Q. You can use it for covered operations, expenditures?
A. Correct, for the business.

Q. Property -- covered property damage?
A. Um-hmm.
Q. Covered supplier costs, covered worker protection expenditures, and then other.
A. Right.
Q. So, beyond pointing out this section that says, "Purpose of the loan," is there any other -- and over here, where we said the funds will be used, and the different references we have pointed out relating to payroll, is there any other part of this application that explains to a borrower what they are lawfully allowed to use the money for, and what they are not allowed to use the money for?
A. Other than what we discussed, and I haven't gone through the entire form with you, but, I mean, I am happy to do it --
Q. Let's do it.
A. -- to see if there is any more.
Okay. May I have those two pages back, please?
Q. Sure. But, before we do that, I want to point out one thing that comes to mind while I am looking at this. Correct me if I am wrong. Was it also permissible for someone to rely on their 2019 numbers when applying for the loan?
A. Sorry. Would you repeat your question?
Q. When applying for a PPP loan, was the borrower allowed to rely strictly on their 2019 numbers?
A. Yes.

Q. And, that's what happened in this case, right?
A. I don't know what happened in this case.
Q. Okay. We will get to that eventually. Here are those two pages.
A. Thank you.
Q. Take your time, and let me know when you are ready.
A. Okay. Sorry. One more time, on Page 2 --
Q. Where? No, hold it up.
A. The fourth paragraph, I guess that is, that requires the initials.
Q. Right there?
A. Um-hmm.
Q. Let me put it up.
A. Yes.
Q. Right here, "I understand that loan forgiveness will be provided for the sum of documented payroll costs," right?
A. Yes.
Q. Okay. But, there wasn't -- that wasn't my question. I am not asking you about loan forgiveness. I think we are conflating two things. So, let me clarify.
A. Well, "I understand that loan forgiveness will be provided for the sum of documented payroll costs, covered mortgage interest payments, covered rent payments, covered utilities, covered operation expenditures, covered property damage costs, covered supplier costs and covered worker protection

expenditures, and not more than 40 percent of the forgiven amount may be for nonpayroll costs."

So, there is the --

Q. That is it?

A. Yes.

Q. It is saying, I understand, what loan forgiveness requires. I am not asking you about loan forgiveness.

A. Right.

Q. I am not asking you for -- I will qualify later to have my loan forgiven. I am not talking about that. I understand, in order to get it forgiven, you can only spend the money on certain things?

A. Right.

Q. That's not what I am asking you.

A. Okay. But, the paragraph above says, "Funds will be used to retain workers and maintain payroll."

Q. Let me ask you this question: Let's assume I didn't care about forgiveness. I am going to pay it back.

A. Okay.

Q. It is a low interest -- what was it, a one-percent, the loan?

A. Yes.

Q. Let's say I don't care about the forgiveness.

A. Yes.

Q. Where do I look to in here to determine what I am allowed to spend the money on, and what I am not allowed to spend the money on?

A. I feel like I have answered that, that it is on payroll and certain covered costs.

Q. Okay. So, there is nowhere else on this application where you can point to, other than the ones you have pointed out?

A. On those -- that page, that is all I found.

Q. Okay. Anywhere else you want to look?

A. Sorry? The only other small thing I see here is the purpose of the form submission of the requested information is required to make a determination regarding eligibility for financial assistance.

Q. I am not asking you a question about eligibility.

A. Okay.

Q. I strictly want to know -- let me reframe it another way.

A. Okay.

Q. Can you tell me where we would run to if we had to exit this room in an emergency right now?

Where would we go?

A. I would run to that door right there, maybe that one over there, and I saw some others over here.

Q. You pointed to the front doors of this courtroom. How do you know that is an exit?

A. Because it says "exit sign" above it.

Q. In big red letters, right?

A. Yes.
Q. Let me ask you another question. Have you ever bought or leased a car before?
A. Yes.
MR. LOVE: Your Honor, I object to this line of questions as to relevance. If the defense counsel has a point --
THE COURT: Don't make speaking objections.
Sustained.
BY MR. SILBER:
Q. Just like you see those red letters behind me that indicates to you where the exit is, other than the places you have pointed out, is there anywhere else in this application that indicates to a regular person what they are allowed to spend the money on and what they are not allowed to spend the money on?
A. I pointed to several places on the form that tells the borrower what they can spend the money on.
Q. That is not what I asked you. I know you have -- we just watched it. Is there anywhere else, other than what you have pointed out, that indicates what you are allowed to spend the money on, and what you are not allowed to spend the money on?
MR. LOVE: Your Honor, objection, asked and answered.
THE COURT: Sustained.
Don't make speaking objections.

BY MR. SILBER:
Q. Do you wish to review the document?
THE COURT: There is not a question.
What is the next question?
THE WITNESS: Was I supposed to look at all of them, or just the application?
BY MR. SILBER:
Q. Just the application.
Sorry. I just need to get the right document here.
Okay. I am showing you Page 15 of Government's Exhibit 100, the one you were just looking at.
Do you see this document?
A. Yes. It looks like a DocuSign.
Q. A DocuSign certificate?
A. Yes.
Q. Okay. Do you see here, Page 15?
A. Yes.
Q. Okay. And are you familiar with the DocuSign certificate portion of these loan documents?
A. Not really.
Q. Okay. Have you ever seen a DocuSign certificate before?
A. Yes.
Q. Okay. So, you know what this is, it is not -- right?
A. Yes.
Q. All right. So, let's go through it. It says here,

"certificate of completion." Right?
A. Yes.
Q. Okay. Do you remember when I pointed out this envelope ID number?
A. Yes.
Q. F616B?
A. Yes.
Q. Let me just pull up the other so we can show it. F616B?
A. Yes.
Q. Okay. So, do you agree that this is the DocuSign certificate that corresponds to the application that was signed?
A. Yes.
Q. Okay. And we can see here, the envelope originator is BlueVine PPP, right?
A. Yes.
Q. And their IP address was 341945099?
A. Correct, yes.
Q. And the document, itself, had 14 pages, right?
A. Yes.
Q. Required four signatures and 12 initials, right?
A. Yes.
Q. Okay. Signer -- it says here the signer is Alexandra Acosta, right?
A. Yes.

Q. And, that would be the email address that the application was sent to, right?
A. I guess, yes.
Q. AlexandraAcosta03@gmail.com?
A. Yes.
Q. Right?
A. Yes.
Q. Okay. And, over here is the signature, right?
A. Yes.
Q. And that corresponds to that. Right?
A. Yes.
Q. Okay. Can you read me that IP address right there?
A. 73.56.139.104.
Q. Okay. And let's look at the timestamps. When was it sent?
A. February 3, 2021.
Q. At what time?
A. 6:32 A.M., and 22 seconds.
Q. Okay. But, when was it viewed?
A. Excuse me, February 3, 2021.
Q. At what time?
A. 6:32, and 39 seconds.
Q. So, if my math is right, that's what?
A. Almost instantly.
Q. 17 seconds later?
A. Um-hmm, yes.

Q. It was signed when?
A. February 3, 2021, at 6:33 A.M. and six seconds.
Q. Okay. So, that is what, 21 and six, 27 seconds later?
A. I am going to rely on your math.
Q. It was viewed at 6:32 and 39 seconds, and it was signed at 6:33 and 06 seconds, right, meaning these four signatures and those 12 initials were completed during this time frame, right?
A. I guess. I really don't know what that means. That is -- that is what I would infer from it.
Q. Okay. So, would you agree, then, that whoever signed this, using this email, would have viewed this entire document that we have been going over and discussing for the last 25 minutes, in 37 seconds?
A. Oh, I don't know what the person did. Right? I am just -- I don't know what they did. I mean, maybe you could ask your question again.
Q. Okay. Does this inform you how long the person looked at that application when they signed it?
A. I guess they went straight to the bottom and signed it, is that what you mean?
Q. I am asking you.
A. Okay. How long they -- yeah. I think your math is 27 seconds?
Q. Okay.
A. Okay.

Q. So, the person who read this whole document that we have been talking about for 15 minutes, took 27 seconds to put their four signatures and 12 initials?
A. Oh, I guess. I don't know. Yes, I mean, I guess that's what it means.
Q. Okay. And, would you agree that that means they didn't read the document?
A. Oh, probably not, no.
Q. Can I have a second, your Honor?
THE COURT: Yes.
MR. SILBER: I have nothing further of this witness, your Honor.
THE COURT: All right.
Do you have redirect?
MR. LOVE: Yes, your Honor.
Your Honor, I am displaying Government's Exhibit 100, please.

REDIRECT EXAMINATION

BY MR. LOVE:
Q. Ms. Harris, you spoke about loan calculations on both direct and cross-examination?
A. Yes.
Q. And, in the middle of the screen, Government's Exhibit 100, Page 1, do we have the formula?
A. Yes.

Q. And what is the formula?
A. Average monthly payroll in 2019 multiplied by 2.5.
Q. So, as defendant's counsel said, if someone had made $13,000, $13,900, what would be the average payroll for the year?
A. Okay. So, just a little quick math, but not accurate math.
Q. Of course.
A. If I round up to 14,000, divide by 12 months, that is going to be about a thousand dollars and some change, maybe 200 bucks. So, $1,200 a month, then 1,200 times two is 24, plus half of 12 would be six. So, $3,000, I think.
Q. So, the total loan entitlement for using that number would be what?
A. 3,000, if my math was right.
Q. Approximately?
A. Approximately, $3,000. 3,000.
Q. A lot of discussion was made about looking at the document. Who, ultimately, under the PPP, was responsible for reviewing the PPP application?
A. The applicant borrower.
Q. And how about the loan forgiveness application?
A. Same, the applicant borrower.
Q. So, for the SBA, what did that mean, for the applicant to do?
A. If -- you mean if they signed it?

Q. Yes, right.
A. That they understood what they were doing, that they filled out the form and certified that the numbers were right, and correct, that they were eligible for the money. And, one of the bullets there on the form said that, that they needed the money.
Q. Does that include reading the entirety of the form?
A. Yes.
MR. LOVE: No further questions, your Honor.
THE COURT: Okay. All right.
Thank you. You can step down.
Who is your next witness?
(Witness excused.)
MR. JONES: Your Honor, the Government calls Todd Crevier.
Thereupon:
TODD CREVIER
was called as a witness and, having been duly sworn, was examined and testified as follows:
THE WITNESS: I do.
THE COURT: Please have a seat, pull yourself up close to the microphone and you can also adjust the microphone if you need. And, when you are ready, tell us your name and spell your last name.
THE WITNESS: Sure. Todd Francis Crevier,

C-R-E-V-I-E-R.

THE COURT: Thank you. You may proceed.

DIRECT EXAMINATION

BY MR. JONES:

Q. Good afternoon, Mr. Crevier.

A. Good afternoon.

Q. Can you please tell the jury what you do for a living?

A. I am a real estate broker.

Q. And, prior to being a real estate broker, had you had a different career?

A. Yes. I was a -- I am a retired law enforcement officer of 25 years.

Q. Where were you working?

A. City of Hallandale Beach.

Q. And you -- when did you retire?

A. November of 2023.

Q. Were you operating as a real estate -- are you a real estate agent or real estate broker?

A. I am a real estate borrower now. I believe I became a real estate agent -- I believe it was in 2015.

Q. And what is the difference between a broker and an agent?

A. An agent is someone who is licensed to practice real estate within the state of Florida.

And, being that, you have to work under a broker in order to be able to practice real estate.

Q. Okay. And, as a real estate agent, can you work for more than one broker in the state of Florida?
A. No, you cannot.
Q. What is Valor Dog, LLC?
A. That is my company.
Q. And what did that company do in 2021?
A. Real estate brokerage.
Q. Well, let's back up. When did that company start?
A. Well the company was formed approximately in 2012, 2014, I believe, in another venture, nothing to do with real estate. But, then it migrated into real estate when I became a real estate agent, when I got my broker license.
Q. Was that in 2015ish?
A. No, that would have been in 2017.
Q. Okay. And, what is Blue Line Realty?
A. That is the name of my business, or the business, but it is a "doing business as" Blue Line Realty, Valor Dog Realty doing business as Blue Line Realty.
Q. So, they are effectively one and the same?
A. Correct.
Q. So, just for everyone's education, can you tell the jury where did you get the Valor Dog name from?
A. During my career as a law enforcement officer, at the beginning of my career, I was a canine handler, and my canine partner's name was Valor.

Q. Did you ever get those baseball cards of the dogs?
A. I believe I had some, some, at some point, yes.
Q. And how does this -- how does a -- your company, how does the brokerage work? Can you just explain to the nature of your business, and the people working for you?
A. Sure. I have numerous agents that currently work for me now. We -- the agents assist customers either in selling their home or buyers buying their home, or a combination of both, as well; also renters, as well.
Q. And, as a brokerage and firm, can you describe the process of the payments?
Where does the -- if someone sells a house, for example, under your brokerage, do they get paid, or -- sorry, does the real estate agent get paid, or do you get paid?
A. The brokerage gets paid. And, at that point, the brokerage submits a check or issues a check to the agent that procured the deal based on a commission set or whatever was worked out prior to.
Q. And so your business is responsible for paying not employees, but these are contractors that work for you?
A. Yes, they are independent contractors.
Q. And, I guess dating back to 2017, how many independent contractors did you have under your umbrella?
A. In the year 2017?
Q. Sure.

A. Approximately two, maybe three.
Q. And, what were your earnings, approximately, as a brokerage firm back then?
A. In 2017, I think it was somewhere in the neighborhood of 40 or $50,000.
Q. And, in 2018, did you grow at all?
A. Yes, we did.
Q. Was that by adding more contractors?
A. A combination of both; obviously, we did add more independent contractors as agents. But, the agents that we currently had were starting to build clientele, as well.
Q. And, in 2019, were you still in operation?
A. Correct. Yes.
Q. And, in that time, did -- how, well, how was the real estate industry doing in 2019?
A. It was doing well. I believe that year, we had made -- I think it was $140,000 in gross for the year.
Q. That's almost -- you have been growing. So, it was about three times what you made 2017?
A. Correct.
Q. And how about 2020?
A. It 2020, that was 240,000.
Q. So, you continued to grow in 2020?
A. Correct.
Q. Did you see sales increase during the pandemic?

A. Sales increased. That coupled with I was adding on more independent contractors as agents, as well.
Q. And how about 2021? Was the structure, or how did you do as a brokerage firm in 2021?
A. It was strong, but we did have a little dip from the year prior. I think we made $25,000 less, somewhere in the neighborhood of, I think, 230 or something like that.
Q. And, overall, during that period, did the real estate market grow or shrink?
A. It was growing.
Q. I am going to take us back into 2022. Are you familiar with 2019? Are you familiar with the defendant, Alexandra Acosta?
A. Yes, I am.
Q. How do you know her?
A. She was one of my independent contractors for Valor Dog LLC, d/b/a Blue Line Realty.
Q. And, do you recall when she joined your brokerage?
A. I do recall, yes.
Q. When was that?
A. That was approximately -- I don't know the exact date, but I believe it was at the end of 2018.
Q. And how did you meet?
A. Through a mutual friend, an individual that was an independent contractor, a realtor for me knew of Alexandra and

knew she was licensed as a real estate agent, and there was a possibility that she may want to leave her current brokerage and possibly come on board with mine.
Q. Did you also have any of Alexandra Acosta's family working for your brokerage.
MR. SILBER: Objection, relevance.
THE COURT: Overruled.
THE WITNESS: Yes.
BY MR. JONES:
Q. Can you tell the jury who they were?
A. Her mother.
Q. And what is her mother's name, for the record?
A. Maritza Acosta.
Q. Was there anybody else?
A. Her significant other. I believe her name was Erin Thompson.
Q. Was Maritza Acosta and Erin Thompson working as agents under your brokerage in 2019?
A. Yes.
Q. How about 2020?
A. Yes.
Q. 2021?
A. Yes.
Q. Was defendant Alexandra Acosta working for your brokerage in 2019?

A. Yes.

Q. Did she have any sales in 2019?

A. Yes, she did.

Q. I am showing you what was previously marked as Defendant's Exhibit 400.

Let me see if defense counsel has any objection to the admission.

MR. SILBER: What is the document number?

MR. JONES: 400, payments to.

MR. SILBER: 400 -- no objection.

THE COURT: Okay. So 400 will be in evidence.

(Government's No. 400 was received in Evidence.)

THE COURT: Do you want to show it to the jury?

MR. JONES: Yes, your Honor, please.

BY MR. JONES:

Q. I will pull up the trial projector now.

Mr. Crevier, I am going to -- well, let's take a look at the top of this document here. This is Government's Exhibit 400. It is a one-page document. I am going to highlight the section so we can all read it a little better.

Can you describe to the jury what we are looking at?

A. This is a 1099 in the year of 2019, made by my company to Alexandra Acosta.

Q. Is this a form that is generated by your company?

A. Yes.

Q. And it reflects what, exactly?
A. This reflects the individual who earned compensation for that particular year that usually has their social security number, if they are a sole proprietor, or EIN number if they have an LLC in their name. And, it also has the compensation that they -- that they received for that year.
Q. And, in this instance, how much did you disclose in the 1099 that Alexandra Acosta earned in 2019?
A. $13,904.
Q. I am going to show you what has been marked as Government's Exhibit 401.
MR. JONES: Your Honor, I move to admit Government's exhibit 401.
THE COURT: Okay.
MR. JONES: Without objection from defense counsel.
May I publish for the jury?
THE COURT: Yes.
(Government's No. 401 was received in Evidence.)
BY MR. JONES:
Q. Mr. Crevier, I am showing you Page 1 of Government's Exhibit 401. Can you describe the document that I am zooming in on?
A. The -- yes. This is a check from my company's account, made out on the 11th of October, 2019, to Alexandra Acosta in the amount of $7,104.

Q. And what does this memo line here -- what does that signify?
A. That is a reference to the location of the transaction.
Q. When you say, "location of the transaction," are you talking about the house, or --
A. Correct. Yes.
Q. And, do you know what this payment was for, exactly?
A. I believe this was for a sale of that house. It could have been for a purchase. I'm not sure, at the location of 4165 West 5th Lane.
Q. Now, I am scrolling down to Page 2 of Government's Exhibit 401, and I am going to highlight a check again.
Well, can you describe what we are looking at?
A. That is also another check from my company dated the 11th of October, 2019, also made out to Alex Acosta for $5,600 for the location of the property address of 8560 Northwest 10th Street.
Q. And this check is dated the same date as the first check that we just saw on Page 1; correct?
A. It is correct.
Q. Can you describe the nature of why there would be two checks on the same day?
A. Sure. The individual that Alex Acosta was working with was selling a house, and also purchased a house. And, this transaction was simultaneous, or on that same day.

Q. Okay. So, this is one client, a sale and a purchase?
A. To my knowledge, that's correct, yes.
Q. A colleague once told me there is nothing more painful than scrolling. But, let's go to Government's Exhibit 401, Page 3. What are we looking at here?
A. This is another check from my company account on the 14th of March, 2019, made out to Alex Acosta for the amount of $700. It is $800. It was a rental for the property address of 755 Southwest 113th Way.
Q. And this memo does say rental. So, an agent can earn commission on a rental?
A. Yes, sir.
Q. How exactly does that work?
A. Normally, the listing agent for a rental usually has one month's worth of rent to be split between both sides of the transaction. So, I believe this property was -- the monthly rent was $1,600, and Alex had a client, though, who I was believe was the renter for this location. So, when that -- when the lease was signed, the compensation from the seller's side was $800 towards Blue Line Realty, which was then given to Alex Acosta.
Q. And, the last page of this exhibit -- so, it is Page 4 of Government's Exhibit 401, again, highlighting another document here, what are we looking at?
A. This is another check, generated by my company, dated on

the 31st of August, 2019, made out to Alex Acosta for the amount of $400. And, it was a rental commission, as well.

Q. Now, these four checks -- you received a trial subpoena requesting documents from your business, correct?

A. Correct.

Q. And, when you went back and went through your records, you produced to the Government certain checks and/or you provided certain proof of income; correct?

A. Correct.

Q. Now, is what we went through today the scope of what Alexandra Acosta made in 2019 for your firm?

A. Yes, it is.

Q. Now, when you also looked through your records, did you determine whether she had earned any money in 2020 from your firm?

A. She did not.

Q. Can you describe your interactions, your day-to-day working with Ms. Acosta as a real estate agent, in 2019, for example?

A. Sure. There wasn't much contact. But, that is not to say I don't have much contact with all of the agents that I do -- that do work under my umbrella.

The majority of agents have other employment. So, this is not their primary employment. So, this is not -- some agents, it is, to where they do very, very well; other agents only do one deal a year, four deals a year, may not do any deals a year. So, I may not have any real interaction with individuals. It all depends on whether or not they are having something come up real estate-related at that time.

Q. And, in 2020, did you have any interaction with the defendant, Alexandra Acosta, about real estate?

A. I may have, but there was no transactions that she did, to my knowledge.

Q. You mentioned that her mother also works under your umbrella. Did Maritza Acosta make sales in 2020?

A. I --

MR. SILBER: Objection, relevance.

THE COURT: Overruled.

THE WITNESS: I believe she did.

BY MR. JONES:

Q. Did she make sales in 2019?

A. Possibly.

Q. Did she make sales in 2021?

A. Yes, I believe so, yes.

Q. How about Erin Thompson. Did Erin Thompson make any sales during that period?

A. No.

Q. I am going to show you one last document. This is Government's Exhibit 402.

MR. SILBER: No objection.

THE COURT: All right. 402 is in evidence.

MR. JONES: May I publish?
THE COURT: Yes.
(Government's No. 402 was received in Evidence.)
BY MR. JONES:
Q. Mr. Crevier, I am showing you what has been admitted as Government's Exhibit 402. Can you describe the document that we are looking at?
A. This is a check made out from the account of my company for the 2nd of June, 2021, made out to Alex Acosta for $675. It was for a rental.
Q. And, upon reviewing all the records for Valor Dog in 2021, was this the totality of the income paid to defendant Acosta that year?
A. Yes. It was, I believe, yes.
Q. Now, you mentioned that you owned the business, Valor Dog LLC, correct?
A. Correct.
Q. In 2020, things were okay?
A. Okay, in terms of?
Q. Sorry, financially. That is a good point.
A. Financially?
Q. Yes, yes. The company?
A. Yes.
Q. Did you apply for a PPP loan on February 1st, 2021?
A. No.

Q. Did you apply for any PPP loan for your company?
A. No.
Q. Did you apply for one as an independent contractor, yourself?
A. No.
MR. JONES: No further questions, your Honor.
THE COURT: All right.
Cross-examination?
MR. SILBER: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. SILBER:
Q. Good afternoon, sir.
A. Good afternoon.
Q. Thank you for coming in today.
A. You are welcome.
Q. Just a couple of questions. You mentioned that you had another career before entering real estate. Was that in law enforcement?
A. Yes, sir.
Q. And, how many years did you spend in law enforcement?
A. 25.
Q. And, when you started your real estate company, did you leverage those being in law enforcement in the sense that you knew people that maybe needed to buy homes or apartments -- did you get law enforcement customers?

A. Yes.
Q. Was that a large or small or medium portion of your business?
A. Initially, it was a large portion, in reference to the number of transactions we had. But, then as years went on, not only was it just law enforcement officers, but it was a diversity of other different types of employment, individuals that had nothing to do with law enforcement whatsoever.
Q. Sorry, you said -- how long were you in law enforcement again?
A. 25 years.
Q. 25 years, sorry.
THE COURT: Is your microphone on?
MR. JONES: Sorry. I am not so good with the tech.
BY MR. SILBER:
Q. All right. And, in terms of the agents that you employed, did you employ fellow officers who were looking for part-time work?
A. I didn't employ agents. They worked under my umbrella as independent contractors.
Q. That's what I mean. I don't mean they are a technically employee/employer relationship; but, my point is you had police officers who were working full time in law enforcement working with your company part-time as realtors; correct?
A. That's correct.

Q. Okay. And that, of course, is the context how you came to know Ms. Acosta; correct?
A. Well, it was through a mutual friend who was an agent. Well, I don't know if it was a mutual friend. I believe it was a mutual friend. But, it was an agent who was currently enduring the umbrella of Blue Line Realty who knew Ms. Acosta. I did not know her. And, he introduced us.
Q. But, what I am getting at is she is in a category of realtors who was working full time in a law enforcement agency and part-time working with your company?
A. Correct.
Q. And, I am guessing, just like Valor Dog was the name of your canine, Blue Line references law enforcement; is that where you got the name?
A. Yes.
Q. And, you must have sold a lot of homes to law enforcement officers; is that correct?
A. What is considered a lot?
Q. You sold more than 50?
A. The company has, yes, somewhere right around there. I am not sure. But, you know --
Q. Are you familiar with the special privacy protections that a law enforcement has accessible -- law enforcement officer has accessible to them in terms of public records related to their residence?

A. Sure.
Q. Okay. And, isn't it true that a law enforcement officer can submit a form with the local County property appraiser to hide their address from the public?
A. That is correct.
Q. And, do you have any idea why that might be the case?
A. For privacy reasons in reference to individuals that that officer may have come in contact with during their law enforcement duties and would look up their address.
Q. It is fairly obvious what we are talking about, right?
A. Sure.
Q. And, you were in law enforcement 25 years. Right?
A. Yes.
Q. I am guessing you guarded where you lived closely; correct?
A. Well ---
Q. That is not something you would publicize to people you interacted with, right?
A. My, address is public.
Q. Well, what I am saying is, as a member of law enforcement, you have a reason to protect your privacy and your personal identifying information; correct?
A. I have a reason to?
Q. As a member of law enforcement, yes.
A. That's up to the individual who owns a house, whether or not they want to make that private or not.

Q. That is what I am getting at. Law enforcement engages with some fairly nasty people from time to time; correct?
A. They can, yes.
Q. It can be extremely violent people, right?
A. Sure.
Q. And, I am sure in the course of your 25 years, you must have interacted with more than few, right?
A. Yes, I have.
Q. Certainly, those are people that you do not want knowing where you live; correct?
A. Correct.
Q. Where you rest your head at night?
A. Sure.
Q. Or your children are at home, right?
A. Understood.
Q. And, is that why your law enforcement customers would like to have their personal information kept out of the public record?
A. That would be a reason, if they wanted to do so. But, that would have to go -- that is an individual choice of a law enforcement officer, to petition the County and fill out documentation in reference to doing that.
Q. Okay. But, it certainly is something that is accessible to them; correct?
A. For law enforcement officers?

Q. Yes.
A. Yes, of course.
Q. That doesn't exist for accountants, as far as you know, right?
A. Accountants?
Q. Yes.
A. To my knowledge, no.
Q. Okay.
A. I don't know. But -- I could be wrong, but I don't believe so.
Q. What I am getting at is your real estate, you know the process, this is a special thing that only law enforcement has accessible to them; correct?
A. I know law enforcement does. I am not sure if there is any other employment, you know, jobs that have that. There may be, but I don't know.
Q. But, just to summarize and to move on, if a law enforcement officer was your customer, they could, if they wanted to, take advantage of that special opportunity to keep their personal address out of the public for their own safety, right?
A. Correct, yes.
Q. That's -- it is for their safety, right?
A. Sure, yes.
Q. Okay. All right.
The Government showed you a whole bunch of checks for 2019.

Let me just pull these out.
Can you see what I'm looking at?
A. My screen is black.
Q. Oh. Is it blank still?
A. Yes, sir.
MR. JONES: Your Honor, what do I need to do to turn on --
THE COURT: I have to switch it on. Hold on.
MR. SILBER: Sorry.
BY MR. SILBER:
Q. Perfect. There we go. All right. They showed you this check, right?
A. Yes.
Q. And, there is Valor Dog doing business as Blue Line Realty?
A. Yes.
Q. Alex Acosta, 4165 West 5th Lane?
A. Correct.
Q. That would have been a home that she sold, right --
A. Correct.
Q. -- as a realtor, right?
A. Yes.
Q. And, this 7,104 represents the commission she earned, right?
A. That's correct.
Q. Okay. And, that was paid to her on October 11, 2019,

right?
A. Yes.
Q. Okay. Perhaps so we can do this quicker, 8560 Northwest 10th Street -- do you see where I am looking at here?
A. Yes.
Q. That would have been another home she told, right?
A. Correct.
Q. And the commission was $5,600?
A. Correct.
Q. Also paid on October 11th, 2019, right?
A. Correct.
Q. Okay. 755 Southwest 113th Way, a rental. Does this $800 represent the commission she made getting this rental?
A. Yes.
Q. Okay. March 14, also, 2019?
A. Correct.
Q. Okay. So, isn't it true that in the year 2019, she was an active realtor working with your company?
A. In 2019, yes.
Q. And, she earned about $13,900?
A. Correct.
MR. SILBER: I have nothing further of this witness, your Honor.
THE COURT: All right. Do you have redirect?
MR. JONES: No, your Honor.

THE COURT: Thank you. You may step down.

(Witness excused.)

THE COURT: Before we get to the next witness, I would like to take a little stretch break. If you need to use the restroom, let's take a seven or eight-minute break. And so, come back in seven or eight minutes, and we will go until sometime around 5:30. All right?

COURT SECURITY OFFICER: All rise.

[Whereupon, the jury left the courtroom at 4:33 p.m., there was a recess, and at 4:42, the jury entered the courtroom and the following proceedings were had:]

THE COURT: Are we missing somebody still?

You can have a seat while we are waiting.

Welcome back, everybody.

All right. Who is the next witness for the Government?

MR. LOVE: Your Honor, the Government calls Sammi Beechan.

Thereupon:

SAMMI BEECHAN

was called as a witness and, having been duly sworn, was examined and testified as follows:

THE WITNESS: Yes, I do.

THE COURT: Please have a seat. Make yourself comfortable. Pull yourself up close to the microphone.

You can also move the microphone close to you and, when you are ready, tell us your name and spell your last name.

THE WITNESS: My name is Samantha Beechan, spelled B-E-E-C-H-A-N.

THE COURT: Thank you.

DIRECT EXAMINATION

BY MR. LOVE:

Q. Good afternoon. Where do you currently work?

A. I work at Cross River Bank.

Q. Where is Cross River Bank located?

A. Cross River Bank is located in New Jersey.

Q. How long have you worked for Cross River?

A. I have worked for Cross River since April of 2020.

Q. What is your position within the company?

A. My current position is program manager on the Paycheck Protection Program.

Q. What are your general duties and responsibilities?

A. Overseeing the day-to-day program; that is a federal loan program. So, liaising with the SBA, our servicers of our loans, we work on payment forgiveness with borrowers and working with our internal teams that manage the data and receipt of forgiveness documentation.

Q. How long have you been in that position?

A. I have been in this position since January of 2022.

Q. What did you do before that date?

A. A few things; immediately before that date, I was an

associate program manager on the Paycheck Protection Program.
Q. And, what were your duties and responsibilities in that role?
A. I was supporting the day-to-day manager of the program, who was -- essentially did my current role. And, prior to that, I was a -- the lead on the customer experience team.
Q. I recognize it is called Cross River Bank. But, what does Cross River do?
A. So, Cross River is both a -- kind of a standard bank where they have buildings where you can go and do ATM transactions, have a loan, you know, have your debit card.
They also have a part of their business that I work on, which is their FinTech side of the company.
Q. What does FinTech mean?
A. So, to define the word, it is financial technology. I kind of smash it together to make FinTech. But, it is -- essentially, is the kind of corner of business where it is not necessarily a bank, but it is not necessarily technology. So, it is -- would be F-I-N-T-E-C-H, like, a loan you can get, potentially, online.
Q. Does Cross River work with the federal Government?
A. Yes.
Q. And, can you briefly describe Cross River's business model related to federal Government work?
A. I have a limited understanding. But, I know that we are

FDIC-insured, and we also are an established lender with the SBA.

Q. Okay. You mentioned the SBA. What role do you function with the SBA?

A. We are a lender that has been an existing lender with the SBA, and we have an existing relationship with him.

Q. Are you familiar with the Paycheck Protection Program?

A. Yes.

Q. And, what is your understanding of that program?

A. It is a federal loan program enacted by Congress through the CARES Act to provide access to federal loans to small businesses that were suffering during the immediate kind of onset of the lock downs due to COVID-19.

Q. Did Cross River participate in the program?

A. Yes.

Q. What was their role?

A. Cross River is and was a lender in the Paycheck Protection Program.

Q. Were there any specific guidelines or regulations that Cross River received in relation to the program?

A. Yes. Some were set forth by Congress through the CARES Act, and some were built out by SBA, also set forth by Congress in the CARES Act.

Q. And, how did Cross River interface with PPP loan applicants?

A. Online, digitally, through phone calls from prospective applicants, but yeah, not in person because it was -- it was lock down time in 2020.
Q. And was Cross River front-facing to the customers, or was there another company involved?
A. Depends; we had partners. Those would be kind of businesses that we had established relationships with that might have been that face -- as you referenced, to the company.
But, again, we were and are an SBA lender. So, that's why maybe those companies would have partnered with us. But yes, so both are true, either we were the face or it was a partner, an established partner of ours.
Q. Was BlueVine one of the companies that you worked with?
A. Yes.
Q. How did you work with them?
A. So, we were partnered specific to origination, meaning that BlueVine would receive documentation from prospective applicants, review, underwrite the loan, and then from there, they would send that loan through to Cross River to ultimately send through to the SBA.
Q. So, did BlueVine play a part of the application process?
A. Yes.
Q. Okay. And, you mentioned a little bit, but did they generally gather the document, excuse me, the information in the documentation for the loans?

A. Yes. They were -- kind of Step 1 for interaction with the borrower, I should say, with the applicant, if they were to be applying or pursuing a Paycheck Protection Program loan through BlueVine.

Q. What was their responsibility through their applications?

A. Many cases, but high-level would be receiving the information and documentation required by the SBA to, you know, have a complete application for the loan. And then, ultimately, review to underwrite the loan. So, KYC would be know your borrower, know your customer. So, essentially, doing that diligence of understanding who this is, where they are, et cetera.

Q. What did Cross River receive after that step?

A. A completed loan application, which is a requirement of the program, as set forth by the SBA; supporting documentation, which is a requirement of the program, as well, and then a couple of other details, but those are mostly digitally sent through.

Q. What type of documentation?

A. So, SBA defined it based off of entity type. But, you know, for a small business owner that has one or limited employees, it would be documentation establishing payroll. The Paycheck Protection Program was to protect paychecks. So, that was a key piece of tax documentation.

And then a key piece, as well, was establishing that the business was in -- or on -- like, in operation on February 15th of 2020.

Q. Okay. Was the trustworthiness of the application important?

A. Yes.

Q. Why was that?

A. Excuse me. The call from Congress was to lend in good faith. So, we relied upon the, you know, attestations and certifications set forth by the applicant, prospective borrower, in the 2483. That is the number for the application of the loan, itself.

Q. What impact, if any, would an inflated payroll expense have on the determination to issue a loan?

A. So, the loan total, like, eligible loan amount is assessed off of payroll amounts. So, any inflation would then be kind of multiplied by that loan multiplier.

Q. And can you describe that in more detail?

What do you mean by the loan amount would be different?

A. Well, yes. So, eligibility for maximum loan amount for the Paycheck Protection Program was two and a half times the average monthly payroll of the business, capped at $100,000 annually per head.

So, like, if a person made over a hundred thousand dollars as an employee, it would be capped at 100 K per employee, and then that multiplier of eligibility is 2.5 times that maximum

payroll amount per employee.
Q. For a sole proprietor, was there a capped loan amount?
A. The same that I just stated would apply. So, for each individual that is on the payroll, if it is just a sole proprietor, they don't have employees. That would be capped at one hundred thousand dollars. The average monthly then, times two and-a-half, so, that would get you to $20,833.
Q. Was that the maximum loan available?
A. Yes. For one -- for one -- a single employee, single entity, like, yes, single employee entity.
Q. Okay. And I want to pull up what has been admitted as Government's Exhibit 100.
THE COURT: On your computer?
MR. LOVE: Yes, your Honor, to publish to the jury, please.
BY MR. LOVE:
Q. Do you recognize the document in front of you?
A. Yes.
Q. What do you recognize it to be?
A. A 2483, completed. So, a completed loan application.
Q. And who was the borrower in this case?
A. The legal business name is listed as Alexandra Acosta.
MR. LOVE: Your Honor, I have Government Exhibit 102 for identification.
MR. SILBER: No objection.

THE COURT: So 102 will be admitted into evidence.
(Government's No. 102 was received in Evidence.)
MR. LOVE: Your Honor, permission to publish Exhibit 102?
THE COURT: Yes.
BY MR. LOVE:
Q. Do you recognize Government's Exhibit 102 in front of you?
A. Yes.
Q. What is this?
A. This is an internal record of the loan application from our partner -- "our" meaning Cross River's partner, BlueVine.
Q. And who is this for?
A. This is tied to the email address of AlexAcosta03@gmail.com, user Alexandra Acosta.
Q. Is that information, that gmail address part of the information that was gathered by BlueVine?
A. Yes.
Q. And, was that then processed and presented to Cross River?
A. Yes. And, it is -- it is kind of a required or a key piece just because the nature of this being a loan that is being applied for online.
Q. And, dropping to the middle of the document here on Page 1, what does this area generally discuss?
A. It is everything in the box. So, the amount is kind of -- this is going to be kind of statuses, our high level details,

and the status of the application was approved.

Q. And then, dropping down to the bottom, the user account, type, it says, "SBA PPP first."

What does that mean?

A. Great question. So, the Paycheck Protection Program, when it first rolled out, just was loans, there was a continued need, though, for assistance. So, in late 2020, early 2021, a second kind of round of the program was enacted that enabled eligible borrowers to potentially receive a second Paycheck Protection Program loan from their bank. So, that's just to differentiate that this is a first draw. That is typically the reference, a first draw, second draw. And, that is a key piece because the applications were different.

Q. And then moving to Page 2 and Page 5, drawing your attention to the bottom of Page 5 of Government Exhibit 102.

What is your understanding of the columns that are shown or depicted right there on the screen for you?

A. So, this is, I think, bank account information as entered by the applicant. This is necessary for us to understand where a loan would be disbursed in the event of approval from the SBA.

Q. And so this particular section has a specific bank name. Could you just read the bank name for us?

A. Yes. The bank name is listed as SunTrust Bank.

MR. LOVE: Your Honor, I want to identify Government's

Exhibits 151, 152, and 153 for admission.

THE COURT: Any objections?

MR. SILBER: I am looking right now, your Honor.

151, no objection.

152, it is all the scratch records; am I right about that?

Yeah, no objections.

MR. SILBER: And 153, no objection.

THE COURT: All right. So, 151, 152, and 153 are in evidence.

(Government's No. 151 was received in Evidence.)

(Government's No. 152 was received in Evidence.)

(Government's No. 153 was received in Evidence.)

BY MR. LOVE:

Q. After Cross River received these applications from BlueVine, what is it that happened next?

A. So, applications went through some kind of processes at Cross River, and then were sent through to the SBA for review and determination of approval or denial of the application.

Q. About how quick did that process take?

A. It's hard to say. It could be, you know, pretty quick, meaning less than two business days, or it could be a few weeks. That was dependent upon kind of what phasing or timings of the program we were at. But, also, you know, the levels of review on the SBA side, as well.

Q. You mentioned that it goes -- the application goes to the SBA. Why does it go to the SBA?
A. So, there -- a key part of the program, itself, is that there is like a dual review for approval of the loan. So, the 2483 receives a lender decision; but, then -- in addition to that, and ultimately, there is no loan without the SBA's approval.
So, for example, in the BlueVine partnership flow, the expectations would be that the underwriter and the originator, BlueVine, would review the loan and approval would be sent forth to Cross River; Cross River, as the official lender, requests that the SBA would review or decline the application. And, ultimately, approvals were sent through to the SBA, but, again, there is no loan that exists without the SBA approval.
Q. Once Cross River receives an approval for a loan, what happens next?
Is the borrower notified?
A. Can you clarify who that approval is from?
Q. If the SBA approves the application --
A. Yes.
Q. -- and provides that approval to Cross River?
A. Yes. So, the SBA, per 2483 application, will make an approval that is tied to a fixed amount, and then assess a ten digit unique identifier that is a loan number for that loan. So, my expectations would be that for each 2483 that the SBA

approves, I would have a ten digit loan number with the loan amount. And then, from there, we, as Cross River, would prepare a loan packet of documents for review and execution by the applicant, themselves.

Ultimately, there would be no disbursal of that loan, and that loan wouldn't, you know, become real until the applicant signs those documents to receive the loan.

Q. How are applicants notified?

A. Via email. So, that's why the email was a key piece. We would send kind of the packet of loan documents via DocuSign.

Q. And, when you transmitted that packet of documents, what are you transmitting?

A. It is many things. So, it is the 2483 for review as kind of filled in by the entries of the applicant. There is also documents from the SBA that kind of are specific to the lender relationship. So, you have a promissory note. You will have kind of records to lend. There is, depending on the point upon which you are in, in the program, there was also different kind of disclaimers for digital or -- for us to be able to send emails to the applicant. But, yeah, the packet -- I would venture to say that packet is anywhere from, like, 12 to 20 pages long.

Q. And, did the applicant have an opportunity to view the entirety of the packet?

A. Yes. And any and all signatures that are outlined in that packet are required, again, ultimately for that loan to be accepted by the applicant and then be able to be disbursed by us, the lender.

Q. And, at that point, is this going back through BlueVine?

A. At that point in time, BlueVine has the information, but Cross River is the source of truth because we are the lender. So, we are, you know, the person that is producing those lending documents and looking for receipt of those lending documents. All right?

We are also one who is initiating and disbursing that money. So, sending it digitally to the applicant, that would then become the borrower, and they have a complete list.

Q. So, at that point, though, the applicant still has access to BlueVine and the user interface that they used to provide the information?

A. Yes.

Q. I just wanted to describe that user interface briefly. Are you familiar with Turbo Tax?

A. Yes.

Q. Is the interface similar to Turbo Tax?

A. Yes, that's a good comparison, where what you are entering has different words in boxes on a screen; but, you know, somebody who has made that -- is filling it into a very rigid, you know, federal document. Yes, that's a very good comparison to what the BlueVine interface would have been.

Q. Once the loan package is provided to the applicant and they have an opportunity to review, you mentioned that they sign the document.
A. Yes. There are some sections for initials on the 2483. There is some full signature. The date is also required, but that date would be tied to when those signatures are made via DocuSign.
Q. How are those signatures different than the original application?
A. So, these are tied to kind of you are accepting the loan, also authorizing or approving the information that is included. So, you would pull up bank information on the exhibits. And, in the event there was any key entry, you know, you type something wrong, that is where we would have disclaimers in the packet that says, "Hey, if anything is wrong, please let us know prior to signing these documents, because it is going to be much harder to edit or update that after they are signed.
Q. Whose obligation is it to do that, to review those documents?
A. The applicant that is looking to become the borrower of the loan.
Q. And why is it important for the applicant to be the one to review it?
A. Because of the key pieces, because of the attestations and certifications that are included, but then also, you know, the

components I just referenced with disbursement where if the bank account information is incorrect, it would go somewhere else, not to the intended location.

Q. Once an individual has accepted the loan and provided that documentation, how does Cross River then receive their acceptance?

A. Via DocuSign. So, it would be through the same means that the packet was sent to the applicant. And, to execute, we would receive it back completed from DocuSign.

Q. What is DocuSign?

A. DocuSign is a digital tool to send and receive signatures, documents. That is about it.

Q. Do you have some familiarity with DocuSign?

A. Yes. I use it minimally in my day job. But, I have also used it in my personal life, as well.

Q. Are you able to use DocuSign on a computer?

A. Yes.

Q. Are you able to use DocuSign on a phone?

A. Yes.

Q. Are you able to use DocuSign in pretty much anything that allows you to access a website or a PDF?

A. I would -- don't have that much understanding of DocuSign, but I would guess as much. It is just an educated guess.

Q. Just based on your experience?

A. Yes. I have used it on my phone. I have used it on my

computer, personal and work.
Q. So, theoretically, someone who receives an application could review it on their phone and sign on their phone?
A. Yes. That is how I signed my, like, mortgage documents when I was buying my house.
Q. And you at Cross River, of course, would accept that?
A. For the Paycheck Protection Program, yes. The key piece of the DocuSign packet was either receiving it, or receiving the rejection from the applicant. But, yeah, ultimately, we did need to receive that signature by whatever means the applicant is completing it in.
Q. What happens next after you receive the acceptance?
A. There is no small parades. It is a disbursement. So, bank account information, it sets forth where we are sending the loan via ECH, and the completed or executed loan packet would also be distributed to the borrower, or be accessible to them in DocuSign if they have an account.
Q. I want to talk a little bit and shift over to forgiveness. What is the forgiveness aspect of the PPP program?
A. So, the Paycheck Protection Program is for a loan program. It does have the potential, though, to be a fully forgiven loan if the borrower has met specifics, set forth by Congress, CARES Act, SBA, of utilization and usage of those loan funds.
Q. What does it mean for a loan to be forgivable, in the context of PPP?

A. So, a loan has to be utilized as set forth by Congress, by CARES Act, and SBA.
Q. Are you familiar with the usage?
A. Yes, pretty familiar.
Q. And what is your understanding of the usage for the loan under the PPP?
A. At least 60 percent of the funds needed to go towards payroll.
Q. Is there anything beyond that, that you are aware?
A. There's a couple of stipulations, depending on entity type and which draw it was and what documentation is supposed to support it. But, it is -- those are almost pieces underneath that 60 percent, minimum, towards payroll.
MR. LOVE: And, your Honor, permission to publish Government Exhibit 150, please?
THE COURT: Is it in evidence?
MR. LOVE: Yes, it is.
BY MR. LOVE:
Q. Do you recognize this document?
A. Yes.
Q. And, I am going to highlight the top here. What is this document?
A. This is a 3508. The letter that follows it is, but -- 3508 is the standard forgiveness application for the Paycheck Protection Program.

BY MR. LOVE:
Q. Who is the borrower listed in this case?
A. The business legal name is known as -- borrower is Alexandra Acosta.
Q. And does it say first draw or second draw?
A. The checked box for first draw is chosen.
Q. And, in the forgiveness process, did you work with any companies?
A. Yes. I currently have a handful of servicers, three servicers right now that I work with that interface with the borrowers to not only help them complete forgiveness, but to be mindful of any payments that are made, or owed in the event that forgiveness is not pursued or received.
Q. Is the company Scratch one of those?
A. Yes.
Q. And how is Scratch related to Cross River?
A. So, they are a lender -- a vendor is probably the right word for it, but a partner for servicing of the Paycheck Protection Program loans that Cross River issued.
MR. LOVE: And, your Honor, I have permission to publish Government Exhibit 151?
THE COURT: If they are all in evidence, you don't need permission to publish it.
BY MR. LOVE:
Q. Do you recognize Government's Exhibit 151?

A. Yes.
Q. And what is this?
A. These are borrower/user details, specific to Scratch's records.
Q. 152 -- do you recognize this document?
A. Yes. This is a statement, kind of monthly statement issued by Scratch.
Q. And for who is this monthly statement?
A. The top left corner indicates Alexandra Acosta.
Q. And the total amount due indicates zero. Why is it zero?
A. It would be a couple of pieces. So, for this loan, I would have to double-check dates, too, but first and foremost, it says that the loan is current. The SBA set forth that loans were not -- loans were deferred. So, there was a deferment period. That started once the loan was disbursed, and it was the maximum of, I think, ten months plus the maximum covered period. So, let's just say that can run 16 months post disbursement that the loan payments are deferred. The loan still accrues that one percent interest. But, it was, essentially, kind of a grace period of payments needing to be made. Ideally, this would be the timeline that borrowers would be applying for forgiveness, so that when that deferment ended, they would not owe.
Q. Okay. And, displaying Government's Exhibit 153, do you recognize this document?

A. Yes.
Q. What do you recognize it to be?
A. This is going to be a payment letter that Scratch would distribute to borrowers. This could happen in a handful of ways. But, the two common ways that I would see there is that either the loan was paid in full via forgiveness, that was the kind of number one piece, or, paid in full by a payment by other means, you know, a check or money.
Q. What was the agreement between Cross River and Scratch with regard to the loan forgiveness process?
A. Can you clarify the question, please?
Q. Of course.
What was Scratch's responsibilities when landing any type of forgiveness application?
A. It's set forth by the SBA and thus, Cross River on behalf of the SBA. So, collecting, required supporting documentation from the borrower, collecting the data that is tied to completion of the 3508, signatures and initials, because the forgiveness application has certifications and attestations similar to the 2483. And so, making sure that the applicant, borrower, in this case, is reviewing and completing those, and then sending the completed forgiveness application to Cross River so we can send it to the SBA.
Q. Going back to Government's Exhibit 150, you mentioned the certification. I am highlighting the bottom portion of Page 1

for you.

Can you please read what is depicted there on Page 1?

A. Yes. "Following submission of this forgiveness application the borrower must retain all records necessary to prove compliance with the Paycheck Protection Program rules for four years for employment records and for three years for all other records. SBA may request additional information for the purposes of evaluating the borrower's eligibility for the PPP loan and for loan forgiveness. And, the borrower's failure to provide information requested by SBA may result in a determination that the borrower was ineligible for the PPP loan, or in a denial of the borrower's loan forgiveness application."

Q. And what date was this application made?

A. Sorry. I need to take a drink of water. Do you want me to read the second line?

Q. Yes, oh, the second paragraph.

A. "The borrower's eligibility for loan forgiveness will be evaluated in accordance with the Paycheck Protection Program rules. SBA may direct a lender to disapprove the borrower's loan forgiveness application if SBA determines that the borrower was ineligible for the loan," and the date is 4-21 of 21.

Q. And what is the signature depicted on this application?

A. Alexandra Acosta.

MR. LOVE: If I could have a moment, your Honor?

BY MR. LOVE:

Q. If Cross River had known the submitted business income information in a loan application was false, would they have approved the loan?

A. No.

Q. If Cross River had known that the submitted business -- excuse me, the submitted business income information in the loan application was false, would they have approved the forgiveness of a loan?

A. No.

MR. LOVE: No further questions, your Honor.

THE COURT: All right.

Cross-examination?

MR. SILBER: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. SILBER:

Q. Good afternoon, Ms. Beecham.

A. Good afternoon.

Q. How are you -- did I get that right? Did I say your last name correctly?

A. There is an "N" on the end. So, "Beechan."

Q. My bad. Thank you for coming today.

A. Thank you.

Q. Give me one second just to get set up here real quick.

Are you familiar with the specific loan and loan application submitted in this particular case?
A. Yes.
Q. Okay. All right.
MR. SILBER: Your Honor, can you turn the screen on for me?
Thank you.
All right, Ms. Beechan. I am showing you what has been previously admitted as Government's Exhibit 100. We were just looking over this. What is this document?
A. This is a Paycheck Protection Program application, also commonly referenced as a 2483.
Q. Okay. And that is Page 1, right? Page 2?
A. Um-hmm.
Q. That is Page 2, right?
Yes?
A. Sorry. I was nodding yes.
Q. You have to give verbal answers because everything is being recorded.
A. Thank you, yes.
Q. And, here is Page 3. Right?
A. Yes.
Q. Okay. And here is -- whoops -- Page 4. Right?
A. Um-hmm.
Q. Do you see number four on the bottom?

A. Yes.
Q. Five, right?
A. Yes.
Q. You said you are familiar with DocuSign, right?
A. Yes.
Q. Okay. Do you recognize where it says that -- their DocuSign envelope ID, where I am pointing, F616B?
A. Yes.
Q. Do you know what an envelope ID is?
A. A unique identifier tied to a DocuSign packet.
Q. Okay. And every single DocuSign packet has its own unique identifying number; correct?
A. Yes. And, that number would apply to the items contained in it. So, if there is only one document, it is on one. And, if there are 20, it is on all 20.
Q. Correct. But, it would never be used for another DocuSign; correct?
A. It shouldn't be.
Q. Okay. And that's, in part, for authentication purposes and identification; correct?
A. Yes.
Q. So that we know what signed documents and pages belong to the particular item being signed, right?
A. Yes.
Q. Okay. Now, going back to the DocuSign certificate, do you

see up here where it says the envelope ID number -- let me zoom in just a little.
A. Yes.
Q. F616B?
A. Yes.
Q. Okay. So, this is the DocuSign certificate of completion that applies to Ms. Acosta's loan application; correct?
A. Yes.
Q. Okay. Can you read that IP address for me right there, underneath her name?
A. 73.56.139.104.
Q. Okay. Hold that thought.
I am now showing you what has been previously admitted as Government's 102. Do you see all that?
A. Yes.
Q. Okay. And, these documents, Exhibit 102, this is the BlueVine -- well, first of all, what would you call this document? The name of this document?
A. It is an internal record of application for a loan.
So, it is something that we would keep internally as a kind of a snapshot of an application being complete.
Q. And what do you call it internally?
Is there, like, a casual name like "customer information" -- I don't know --
A. It has many, many kinds of phrases, especially that this

is, you know, from BlueVine. So, well, what I would just reference it, it is just the internal loan record.

Q. Okay. And, moving over here to where the prosecutor for the Government blew up this bank information for SunTrust, there is a routing number, account number. Do you see what I am pointing to?

A. Yes.

Q. Okay. And, the same thing up here with, like, the person's name. All the other information that we find in here, would that be information that the borrower put in their application?

A. I would reference it as the applicant putting information in.

Q. And what does that distinction mean to you?

A. So, this is a loan record for application; ultimately, the SBA might not have approved the loan. So, that is why a lender, like, internal lender records, I often reference as applicants. If there is a loan number, then I am discussing a loan, and then I will reference them as borrowers.

Q. Which we will come back to in a second. I just want to ask you a couple of questions.

So, in terms of the process with your company, I am now -- let's say a PPP person who wants to borrow applies for a loan, right?

Do I have to go on, like, your website and create a profile and put my name and my address and all that information in?

A. Yes. To go into a website, not for creating a profile. Yes, to completing information that is unique to you as an individual, such as business name, EIN, SSN, your business address, payroll information. I am just listing items in the 2483, at this point.

Q. Sure. You mentioned a social security number. That is what you meant by SSN; correct?

A. Yes.

Q. So, obviously, this concerns personal information, private information, right?

A. Yes. I referenced that as PII.

Q. What does PII stand for?

A. Now, my brain is going to go blank on it. So, I apologize. Personal identification information. There we go.

Q. It is personal identifying information, stuff people want to keep private, right?

A. Absolutely.

Q. So, in order to input this information into your system, do I log into something with like an ID and a password.

How does that work?

A. No, to the password component. So, there wouldn't be a log-in, but you are completing information that is needed. So, one of the first items that is going to be requested is the email address so that we can email you. When I say "we," in this instance, it would be BlueVine.

But, BlueVine could email you statuses, updates on your application moving through kind of processes; also email you notifications in the event that there was information that was inaccurate or that was left out, or -- but, yes, email address is going to be the first one, name, phone number, business information.

Q. And, wasn't it common practice for borrowers, or applicants, as you say, to use accountants or other third parties to submit these applications?

A. Yes. I think so, because it is a loan program. They are targeting small businesses. Oftentimes, small businesses are not doing their payroll or their bookkeeping in-house. They either don't have the time, don't have the skills, so we will oftentimes see authorized third-party signatories, CPAs, comptrollers, you know, maybe even their tax preparers, completing these items, again, on the applicant or the borrower's behalf. But, that is determined through their own interpersonal kind of relationship. That is not something that --

Q. That is something the applicant would decide to do; correct?

A. Yes. Applicants, and ultimately, the borrower. So, that business structure, whatever the situation is.

Q. So, if my accountant or my tax preparer was filling out all this information for me, would they need a password to access

your system to upload that information?
A. No.
Q. All right. Let's get back to our documents.
I would like to draw your attention to it -- says Page 2 of two. Do you see that?
A. Yes.
Q. We are now in Government's Exhibit 102. Let's take it from the top so you can see what I am referring to. Do you see that?
A. Yes.
Q. Do you recognize what I am showing you?
A. Yes.
Q. Okay. These are the same documents we were just discussing, right?
A. Yes. The internal one record.
Q. Okay. I am just moving along quickly here. Do you recognize all that?
A. Yes.
Q. Okay. All right. I want to draw your attention to this page here.
Do you recognize this page?
A. Yes. This looks like a whole bunch of tabs and stuff. I can confirm this is a printout or, you know, print-to-PDF of an interface that can have many things displayed.
Q. Got it. So, I want to draw your attention to this area

here. Do you see where I am circling my finger?
A. Yes.
Q. Okay. It says here -- let's start with the bottom entry. User 36715118. Can you tell me what that is?
A. I don't know.
Q. Do you see the user API log in?
A. Yes.
Q. Do you know what that is?
A. I would have to double-check with BlueVine to determine what is there because, again, this is an internal loan from the BlueVine systems.
Q. So, let's go through these one at a time.
So, you have all these different tabs here. I see here there's an option for last week or history. Do you see that?
A. Yes.
Q. And, do you see here, "types," it says "login," right?
A. Yes.
Q. Okay. Does this inform you that this is login information?
A. Yes. Yes. I am making that assumption. But, again, this is BlueVine's records. I don't have specifics about their system.
Q. All right. Well, looking at the February 1, 2021, login at 10:11 can you tell me the IP address is here?
A. The IP address is 73.56.139.104.
Q. Same question for February 2nd, 2021, at 7:09 A.M.

A. Same answer.
Q. Can you read this out loud for me?
A. 73.56.139.104.
Q. And the same thing here, February 3, 7:31 A.M.
What is there?
A. 73.56.139.104.
Q. And, that's the same, correct, as on this document you signed, right?
A. Yes.
Q. 73.56.139.104, right?
A. Yes.
Q. Now, you mentioned something about good faith, good faith and the borrower. I think you were referencing good faith in believing the person putting in the information; is that correct?
A. What I made reference to was that the call from Congress enacting the CARES Act was for SBA lenders to lend in good faith by relying on the attestations and certifications as set forth by the applicant in the 2483.
Q. So, in other words, your company received information from applicant borrowers, right, that attested to how much money they made, or how much money they earned, right?
A. No. Attestations are going to tie to payroll amounts. They will also tie to eligibility and other parameters set forth by the SBA specific to the program.

Q. You are being more specific than me. That is what I am referring to. But, the point being your company was provided that information by the borrower applicant; correct?
A. I would reference it as an applicant, yes.
Q. Your company would see that information from the applicants, right?
A. Yes.
Q. All across this country, there were millions of dollars that were loaned out, right?
A. Sure. I don't know what that question is.
Q. In good faith, you relied on what you were told, isn't that true?
A. Can you clarify the question, please?
Q. Well, I am going back to what your comment was about Congress's mandate to you. People would make representations that are material to these applications, and your company would accept them in good faith, right?
A. Yes. Ultimately, there is no loan without the SBA's approval, though.
Q. Okay.
THE COURT: Mr. Silber, do you have more than a minute or two, because we are past our stopping time.
MR. SILBER: Maybe five minutes. Could I do that?
THE COURT: How much redirect do you have?
I mean, did you come here from New Jersey?

THE WITNESS: I live on the Oregon coast.

THE COURT: Oh, Oregon. Oregon -- would you rather be in Miami for an extra day or Oregon?

THE WITNESS: I really do enjoy Miami, but I love where I live.

THE COURT: How much redirect do you have?

MR. LOVE: Depending on the last five minutes, your Honor, not much, if any at all.

MR. SILBER: We are getting there.

THE COURT: Give me numbers.

MR. LOVE: Five minutes.

THE COURT: Okay.

REDIRECT EXAMINATION

BY MR. SILBER:

Q. You mentioned you used DocuSign to sign your mortgage; is that right?

Did I hear correctly?

A. Yes.

Q. That's a very long document, isn't it?

A. Yes. I bought my home during the pandemic. So, that's what had to happen.

Q. I got to believe you probably signed your mortgage documents like everyone else when you did the DocuSign; you went click, click, click, click, and done; am I correct?

A. Absolutely not. I reviewed thoroughly everything because I

was purchasing my first home.
Q. Okay. And you are in the banking industry, right?
A. I currently am, yes.
Q. So, are you telling me you read every single page of your mortgage documents?
A. I did.
Q. Okay. Do you find that is unusual, 99 percent of people probably don't do that, would you agree?
A. I don't know.
Q. Well, have you ever told your friends or your family that you read every single page of your mortgage paperwork?
MR. LOVE: Objection.
THE COURT: Overruled.
THE WITNESS: Sorry, what was the question?
BY MR. SILBER:
Q. When you got your mortgage, you must have told people, "I bought a new house. It is a great, happy time in life, right?
Did you ever mention to any of your friends or family that you read literally every single page or word in your mortgage documents?
THE WITNESS: It has not come up in conversation; but, also, they wouldn't be surprised.
Q. Why couldn't they be surprised that you did that?
A. I am a reader.
Q. And, you work in banking, right?

A. I currently do.

Q. But, would you agree that people that do that probably just sign it really quick through a DocuSign, they are not reading every word, right?

A. I don't know. I can't speak for others. I can only speak for myself.

MR. SILBER: Okay.

If I can just have a minute, Judge, I think I am done, but I want to confer with my client real quick.

BY MR. SILBER:

Q. You mentioned on your direct testimony that people use tax preparers and accountants because they don't have the time or the skill to do it themselves; is that correct?

A. I mentioned they might not, small businesses might not, and I know that from direct experience by working for a small business prior to my current job.

Q. Got it. And, my last question. In terms of submitting the forgiveness application, okay, how is that submitted, and who is it submitted to?

A. There is a handful of ways that a borrower can apply for forgiveness; the first is through the SBA directory through their forgiveness web page or flow. It is online. DirectforgivenessatSBA.com, or site.gov. Then, if it is a loan through Cross River, we are partnered with three servicers. One of them is Scratch. And so, if the borrower would preferring to go through Scratch, they can log into their profile via Scratch. Scratch does the FI, and completes the application, the forgiveness application through that. They might prefer that because there are a few entries that would be auto-filled, such as your name and loan number. But, the rest, they are going to have to input themselves.

Q. And, to your knowledge, is it possible for a person to put an electronic signature on the forgiveness application and submit it without using DocuSign?

A. I know that the direct forgiveness flow that the SBA has utilizes DocuSign, and I know that our flows through our servicers utilize digital signatures, as well. Sometimes, dye and ink, but also digital signatures.

Q. So is every single forgiveness application authenticated through one of those services?

A. I would say yes.

MR. SILBER: Okay. May I have just one second, your Honor?

I need to grab a document.

BY MR. SILBER:

Q. All right. I am now showing you what was previously admitted as Government's 150. Do you recognize this document?

A. Yes.

Q. What is this document?

A. This is a forgiveness application that has been completed, by reference, 5305.

Q. And you referenced that you were familiar with the documents submitted in this case; correct?

A. Yes.

Q. Okay. Is that a DocuSign signature to you?

A. It is a digital signature, so, yes. A common signature, kind of digital signature system would be DocuSign.

Q. You are saying this is a DocuSign or not a DocuSign?

A. I would need to look to see if there is a DocuSign envelope.

MR. SILBER: Your Honor, May I approach?

THE COURT: Yes.

By MR. SILBER:

Q. Why don't you take a look at that, and tell me when you are ready.

A. I am unable to determine yes or no, if this is from DocuSign.

Q. You would agree, however, just like we had it in the other documents, there would be a document envelope ID number at the top, right?

A. If what was produced was the executed, you know, kind of envelope from IT, or from DocuSign with the ID, yes.

Q. I am sorry. I don't understand your answer. Could you repeat that?

A. Oh, yes. There are a couple of ways that documents can be

produced digitally. So, if there was a DocuSign envelope ID at the top, I would anticipate that it was kind of sent and signed via DocuSign. With that not being present on the top, I am unclear. But, also, I know that items could be copied and printed, and that might not carry through.
Q. I don't understand. What is unclear about that? There is no DocuSign envelope number on here?
A. Agreed. I am saying I don't see one at the top. But, if it had been printed, and maybe it wasn't on the top like I --
Q. Okay. Well, you said you are familiar with DocuSign. Isn't it true that when you have a DocuSign signature, it says "DocuSign" right around there, there is a little line that goes like this, and then there is that DocuSign envelope number underneath? Correct?
A. Yes, I anticipate that from DocuSign.
Q. I just pulled one of the random pages here. This is now showing you Government's Exhibit 100, like this. Right?
A. Yes.
Q. Just like what you said in the beginning, every single page has a DocuSign envelope ID. So, it can be authenticated and confirmed, right?
A. Yes. I would anticipate that something that is digitally signed, without signed through other kind of digital signature systems.
Q. And, this DocuSign envelope ID ending in F616B, what

appears -- it is kind of written over here. But, that is the number right there; correct?
A. There is a number there, yes. That is.
Q. And do you know that to be the DocuSign envelope ID number?
A. The one referenced at the top, yes.
Q. The one I am pointing at?
A. I can't read it clearly.
Sorry. I don't know if I will be able to see it. It is kind of typed-over letters. But, yes, that's a unique identifier there.
Q. Hold on. I will get you another one.
All right. Do you see the DocuSign ID number up there?
A. Yes.
Q. Let's look at this signature. It says, "DocuSigned by," right?
A. Yes.
Q. And, you have that little line that looks like a sideways U, right?
A. Yes.
Q. Do you see that?
A. Yes.
Q. And, you see this number down here, EB71E0C?
A. Yes.
Q. Right. Now, compare that to this one. This is not a DocuSigned signature, is it?

A. It does not look to be. It looks like it is just a digital signature through a different signature.

Q. And, unlike DocuSign, there are no identifiers that we can use to authenticate this. There is no ID number. There is no special stamp like DocuSign has its little logo thing going on here. Every page is not marked, right at the top. Correct?

A. I don't see any DocuSign information on this page.

Q. How do you know that this is actually the application for forgiveness that was submitted on Ms. Acosta's behalf?

A. This is what has been submitted to us on behalf of the loan.

Q. Yes, but how do you know this was signed by her?

How do you know that is her signature?

MR. LOVE: Objection, your Honor.

THE COURT: Overruled.

THE WITNESS: Can you state that question again, please.

BY MR. SILBER:

Q. How do you know this is Ms. Acosta's signature, that she has put that there?

How do you know she is the one who signed this?

A. I don't.

MR. SILBER: No further questions.

THE COURT: Redirect?

MR. LOVE: Just briefly, your Honor.

THE COURT: Go ahead.

REDIRECT EXAMINATION

BY MR. LOVE:

Q. The records that you were just shown, are those maintained in the everyday, ordinary course of business for Cross River?

A. Yes, depending on what system or what partner, BlueVine, Scratch, Cross River, yes.

Q. So, those documents are produced in relation to a request for those business documents?

A. Yes.

Q. And, you had an opportunity to review the file for Alexandra Acosta before testifying today?

A. Yes.

Q. And, those documents are in Cross River's business file?

A. Yes.

MR. LOVE: No further questions, your Honor.

THE COURT: All right. Thank you.

All right, ma'am. You can step down, and you are excused as a witness.

THE WITNESS: Thank you.

[Witness Excused]

THE COURT: Members of the jury, we are going to recess for the evening. I have a very brief hearing at 8:30 tomorrow. So, we should be able to get started promptly at nine.

I am looking at your questionnaires, and I see we have people from Homestead, Cutler Bay, West Kendall, North Miami.

So, I don't know how bad the traffic was for you coming in this morning, but you -- if you have not worked downtown, the traffic is bad every day. And then, one day a week, it is horrible. And, we never know which day that is going to be. So, what I would like for you to do is try to be here around 8:30. To encourage you to be here, and, as a small way of my thanking you for serving, I will have either doughnuts or pastry or bagels for you every morning. So, if you get here early, we have coffee and other drinks. I will have some pastry for you. And, that way, if it is normal traffic, you can be here at 8:30 and enjoy a pastry.

And, if it is a horrible day, we will still be here and get started at 9:00 o'clock.

So, have a safe trip home this evening, and a safe trip back in the morning, and we will see everybody here at 9:00 o'clock tomorrow morning.

COURT SECURITY OFFICER: All rise.

THE COURT: And, please bring your notebooks into the jury room. Don't leave them out here in courtroom.

THE COURT: We will see everybody at nine o'clock tomorrow.

(The jury was excused at 5:45 p.m., and the proceedings adjourned.)

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.

November 12, 2024 /s/Sharon Velazco
DATE

SHARON VELAZCO, RPR, FPR
Official Court Reporter
United States District Court
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