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 4, 2024

vs. 8:30 a.m. - 5:37 p.m.

ALEXANDRA ACOSTA,

Defendant. Pages 1 to 283

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

APPEARANCES:

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

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

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

STENOGRAPHICALLY REPORTED BY:

SHARON VELAZCO, RPR, FPR
Official Court Reporter
United States District Court
400 North Miami Avenue
Miami, Florida 33128
Sharon_pellvelazco@flsd.uscourts.gov
(305) 523-5356

I N D E X

_ _ _

E X H I B I T S

GOVT. Exhibit No.	PAGE
300	8
301, 302, 303	14
304, 305, 306	19
200, 201, 202	36
203A-H	50
602	101
600	113
500, 500A, 501, 501A	118
504, 505, 506, 508	123
603, 601	133
613, 613A&B	140
604	145
605	147
606	148
608A, 608B, 608C- 608D	149
609, 610, 611	151
612, 613C, 614	154

_ _ _

E X H I B I T S

DEFENSE Exhibit No.	PAGE
B	223
C	223
D	224

_ _ _

(The following proceedings were had:)

COURT SECURITY OFFICER: All rise.

THE COURT: Thank you. Be seated. I think we are still missing one juror. She called, and I think she is going to be like five or ten minutes late.

And who is your next witness?

MR. JONES: Joana Hely from Broward County Sheriff's Office.

THE COURT: Are they here?

MR. JONES: Yes.

THE COURT: Bring them in so they are ready.

MR. LOVE: Your Honor, may I approach to put my computer and have it set up, please?

THE COURT: Yes.

COURT SECURITY OFFICER: Ready, Judge.

THE COURT: All right. Bring in the jury, please.

COURT SECURITY OFFICER: All rise for the jury.

[Whereupon, the jury entered the courtroom, and the following proceedings were had at 9:12 A.M.:]

THE COURT: Good morning everyone. Welcome back. Please be seated.

Government, who is your first witness?

MR. LOVE: Your Honor, the Government calls Joana Hely.

Thereupon:

JOANA HELY

Was called as a witness and, having been duly sworn, was examined and testified as follows:

THE WITNESS: I do.

THE COURT: Please be seated and pull yourself up close to the microphone. You can move the microphone left, right, back and forth. And, when you are ready, please tell us your name, and spell your last name.

THE WITNESS: Joana Hely, H-E-L-Y.

THE COURT: Thank you.

DIRECT EXAMINATION

BY MR. LOVE:

Q. Good morning.

A. Good morning.

Q. Ms. Hely, where do you currently work?

A. Broward County Sheriff's Office Human Resources.

Q. And how long have you worked for the Broward County Sheriff's Office?

A. 31 years.

Q. Is it commonly referred to as BSO?

A. Yes.

Q. And what position do you currently hold?

A. Classification and compensation manager.

Q. What are the duties and responsibilities in that role?

A. Managing the activities for on-boarding and new employees, maintaining their personnel payroll history throughout their

career, maintaining their personnel file and then, ultimately, processing the paperwork when the employee separates.
Q. How long have you maintained that role?
A. 20-plus years.
Q. Are you familiar with the BSO's human resource records as a result of your holding that role?
A. Yes.
Q. And, does BSO keep personal records of all its employees?
A. Yes.
Q. And, does that include those employees that are deputy sheriffs?
A. Yes.
Q. Does BSO maintain policies and procedure manuals?
A. Yes.
Q. Generally speaking, what are those policies and procedure manuals?
A. It is the policies that the employees are responsible for following.
Q. Is that manual accessible for all employees of BSO?
A. Yes, it is.
Q. How is it accessible?
A. It is maintained on the BSO Informant. It is a website where the employees have access to review.
Q. Does BSO provide training on the manual?
A. Yes. When an employee is on-boarded, when they are

new-hire into the Sheriff's Office, human resources reviews with the employee the Sheriff's Office policy manual.

Q. Who conducts the training, specifically?

A. Human Resources.

Q. Does BSO require employees to acknowledge the training in any sort of way?

A. Yes, they have to acknowledge it.

Q. How?

A. They have to sign off that they have seen the policies and procedures.

Q. And, does BSO's policies require personnel records be kept?

A. Yes.

Q. And HR has access to them?

A. Yes.

Q. What is the -- what is the record called for an individual employee?

A. A personnel file.

MR. LOVE: Your Honor, I have Government's Exhibit 300, which I would like to mark for identification, just for the witness, please.

(Government's Exhibit No. 300 was marked for Identification.)

THE COURT: Are your screens off?

MR. LOVE: They should be off, right.

THE COURT: Go ahead.

MR. LOVE: Thank you, your Honor.

BY MR. LOVE:

Q. Miss Hely, do you recognize the exhibit that is in front of you?

A. Yes.

Q. And, did you have an opportunity to review the exhibit before testifying today?

A. Yes.

Q. And what is this exhibit?

A. It is an employee action history report.

Q. And who is this employee action history report for?

A. Alexandra Acosta.

Q. And, is this the report that was maintained in her employee personnel file?

A. Yes.

MR. LOVE: Your Honor, I move to admit what was previously identified as Government's Exhibit 300 into evidence.

MR. SILBER: No objection, your Honor.

THE COURT: Okay. That will be received in evidence.

(Government's No. 300 was received in Evidence.)

MR. LOVE: And, if I could present that to the jury?

MR. SILBER: Your Honor, I need to clarify.

The only thing that we would do is renew our previously made motion to the records. So, we maintain a contemporaneous objection; but, beyond that, as to authentication, for instance, we don't object.

THE COURT: So, I will continue to overrule the objection that was previously made.

All right.

Can you see it now?

PANEL IN UNISON: Yes.

THE COURT: Okay.

MR. LOVE: Thank you, your Honor.

BY MR. LOVE:

Q. Ms. Hely, I want to highlight some portions of this document. At the top, can you please describe what it is that we are looking at?

A. It is an employee action history report for Alexandra Acosta.

Q. And what other information is contained on there?

A. The employee's ID number, their hire date.

Q. Where is the employee's ID number?

A. Top left.

Q. Is that the one that says, EMPLID?

A. Yes.

Q. Do any two employees have the same employee ID number?

A. No.

Q. How is this report organized?

A. It is chronological from the bottom, up. The most recent

is up on the top.
Q. Looking at the bottom of the exhibit on Page 1, on the first line, what does that first line indicate?
A. It is the employee, Ms. Acosta's hire date, denoted as June 3, 2013.
Q. And, what was the position or job classification she was hired for?
A. Deputy, Sheriff Department's Law of Law Enforcement.
Q. And based on your knowledge as a human resource officer, is a deputy sheriff a sworn law enforcement officer?
A. Yes.
Q. Moving up to lines 9 through 16, what is the job classification that Ms. Acosta held?
A. Deputy sheriff-daily department of law enforcement.
Q. And where was she assigned?
A. The International Airport.
Q. And, what does that refer to?
A. The work location.
Q. So, the training on the BSO manual that we refer to would have occurred in what year?
A. In 2013.
Q. Does the Broward Sheriff's Office maintain a policy regarding off-duty employment?
A. Yes.
Q. What is off-duty employment?

A. Off-duty employment is any outside activity that an employee is performing outside of their daily responsibilities at the Broward Sheriff's Office.

Q. And, does BSO the policies and procedures manual that we referred to earlier address the off-duty employment policy?

A. Yes.

Q. When does an employee need to seek off-duty employment approval?

A. At the time that they want to get approval to start that employment.

Q. Can you describe for the jury that process, if an employee wants to work off-duty?

A. They would come in for the form and they would print off the form, the off-duty employment form. And, they would complete the form, the information outlined on the form; the type of business, the contact information for that business, what they will be doing for that particular business, and then it needs to go through their chain of command for approval.

Q. Does HR get involved in that process?

A. We don't. We don't review the forms for approval.

Q. Do you receive the forms?

A. We receive the forms.

Q. After you receive the forms, what is it that you do with them?

A. We place them in the employee's personnel file.

Q. Does an employee need to renew their form?
A. Yes. The form sunsets at the end of every calendar year. It has -- it basically expires December 31st, and a new form needs to be completed for the new and upcoming calendar year.
Q. So, if somebody were to fill out a form on December 28th of a certain year, it would end on that -- the end of that calendar year?
A. Right.
Q. And, they would have to start another one the next year?
A. Correct.
Q. Did this policy exist in 2018?
A. Yes.
Q. And in 2019?
A. Yes.
Q. And how about the years 2020 and 2021?
A. Yes.
Q. Does the policy get updated?
A. Yes.
Q. How often?
A. Depends upon review. If there is things in the policy that need to be updated, it will be updated.
Q. When the policy is updated, is there a new issuance of the policy?
A. Yes.
Q. Are employees informed?

A. Yes.
Q. And how are they informed?
A. They will receive an email that they need to -- that there has been a policy update, and they need to go in and review that policy and acknowledge that they have received it and reviewed it.
Q. What email is used for them to receive the email?
A. Their employee BSO email.
Q. And, when they go into the email, how do they acknowledge it?
A. They go in and acknowledge that they have reviewed it, and then you have to click on it to sign for it.
Q. After that form is completed, is that form maintained in the employee's personnel file?
A. Yes.
Q. Is it ever destroyed or deleted?
A. No.
MR. LOVE: Your Honor, I have, for identification, Government's Exhibit 301 through 303.
Based on the discussions with defense counsel, I move to admit those into evidence.
MR. SILBER: Your Honor, same comment; we renew our previously made objections, but do not object as to authenticity of the documents.
THE COURT: All right. So, those will be admitted over

objection.

(Government's No. 301 was received in Evidence.)

(Government's No. 302 was received in Evidence.)

(Government's No. 303 was received in evidence.)

BY MR. LOVE:

Q. Ms. Hely, did you have an opportunity to review Government's Exhibits 301 through 303 before coming in today?

A. Yes.

Q. And, generally speaking, what are those three exhibits?

A. The employees' outside employment forms.

Q. I just want to display 301 for you.

Do you recognize this?

A. Yes.

Q. What is this?

A. This is the Sheriff's policy manual, the off-duty and extra duty employment policy.

Q. And, I want to direct your attention to the bottom of Page 1 of Government's Exhibit 301. What is depicted that is highlighted here for you?

A. It is the policy, the effective date of the policy.

Q. And, we see three other dates in addition to -- can you please describe to the jury what those relate to?

A. There is a review date, a revised date, a rescind date and then an effective date.

Q. So, the review date -- what does that mean?

A. The policy was reviewed for determination if there needed to be any changes.
Q. Does that correlate to the next date you see to the right, which says "revised?"
A. Yes.
Q. Explain Government's Exhibit 302.
A. So, again, moving to the bottom of the page, 1 of 302, we have similar dates here.
Q. Can you describe how these dates impact the previous dates that we discussed?
A. There is a new review date, a new revision date, a rescinding date and then a new effective date.
Q. And so what date was this effective?
A. 3-1-2020.
Q. And, moving to Government's Exhibit 303, directing your attention -- excuse me, attention to the bottom of Page 1, what is -- what are we reviewing here?
How does it relate to the other dates?
A. There's a new review day, a revision date, a rescind date, and a new effective date.
Q. Comparing 301, 302, and 303, are there any significant changes for the off-duty and extra duty employment portion of the policy manual?
A. No.
Q. I want to direct your attention to Section 316, subsection

A at the top of Page 1 of Government's Exhibit 303. Can you please read this section that I have highlighted to the jury?

A. "3.16, Off-Duty and Extra Duty Employment. A, it is the policy of the agency to permit employees to avail themselves to work in legitimate activities outside the scope of their duties at the Broward Sheriff's Office or in extra sworn assignments beyond normal duty or overtime hours. Florida Statute management rights and applicable accreditation standards permit the sheriff to place requirements and restrictions on this activity as described in this policy. The Department of Professional Standards will be responsible for coordinating the administrative requirements of this policy."

Q. Then I want to drop down to Page 1 of this exhibit, to subsection C-1.

Ms. Hely, what does this section refer to?

A. The off-duty, off-duty employment, the purpose of the policy.

Q. And, can you please read that for the members?

A. "For the purposes of this policy, No. 1, off- employment will refer to any activity undertaken by a BSO employee outside the scope, responsibilities, working hours and colors of the Broward Sheriff's Office, including employees who are members on external boards, commissions, et cetera; public, private, or nonprofit, whether compensated or not.

"For sworn deputy sheriffs, the ability to exercise law enforcement powers may not be a condition for employment, and employment will not provide any real or implied law enforcement benefit to the employer.

"Further discussion of off-duty employment follows in Section 3.16.1.

Q. And then, moving to Section 3.16.1, which is going to be Page 3, and Ms. Hely, directing your attention to the bottom of Page 3, subsection G, I am going to highlight that for you. What does this pertain to?

A. It is the off-duty employment request form.

Q. Is that the form that you referred to earlier?

A. Yes.

Q. And, under G-1, is that the form number?

A. Yes. "Employees will complete the off-duty employment request form, which is BSO RP number 45."

Q. Moving to the top of the fourth page, what is depicted that is before you at the top of the page, number 8, as in letters A, B, C, D?

A. When you are -- it is the criteria for when you need to complete the form.

Q. And what is some of the criteria?

A. When you are requesting to approve for off-duty employment, when you are changing any information for the off-duty employer or the employer address, telephone number, if you are changing the type of work that you are going to be performing.

Q. And, I want to direct your attention to where it says, "Note."

Can you please read that to the jury?

A. "Note: Self-employed employees will complete an off-duty employment request form for each separate business activity, i.e., lawn service business and plumbing business.

Q. And then, moving to subsection 4 on the same page, does this refer to that sunset provision you spoke about earlier?

A. Yes.

Q. If an employee has an ongoing business, does it mean they have to renew their off-duty employment form every year?

A. Every year.

Q. Do these guidelines help an employee determine whether they need to apply for off-duty employment approval?

A. Yes.

Q. What about if an employee is not sure whether something qualifies for off-duty employment?

A. Per the policy, they need to have their supervisor evaluate with them to determine if it follows the policy.

Q. Before testifying today, did you said you had an opportunity to review the personnel files for Ms. Acosta?

A. Yes.

Q. And, were you able to locate off-duty employment forms for her?

A. Yes.

Q. What years were those off-duty employment forms for?
A. 2016, 2017, and 2018.
MR. LOVE: Your Honor, I have what was marked as Government's Exhibits 304, 305, and 306. I believe, based on previous conversations with defense counsel, we would move to admit those.
MR. SILBER: I am sorry, your Honor. I was conferring with my client.
Which exhibit are you referring to?
MR. LOVE: 303, 304, 305 and 306.
MR. SILBER: Your Honor, same renewal of our previously made objection; however, we do not object to the authenticity.
THE COURT: I will overrule the objection, and those will be admitted into evidence.
(Government's No. 304 was received in Evidence.)
(Government's No. 305 was received in Evidence.)
(Government's No. 306 was received in Evidence.)
BY MR. LOVE:
Q. Ms. Hely, I am displaying Government's Exhibit 304 for you. Do you recognize this?
A. Yes.
Q. And what is this?
A. This is an off-duty employment form.
Q. Who is it for?
A. For Ms. Acosta.

Q. And, for what business is this off-duty employment form for?
A. The business name is Keller Williams Realty Partners, SW.
Q. And, for what year does this form pertain to?
A. 2016.
Q. And, you mentioned earlier about an approval process. I am directing your attention to the bottom of Page 1. Is this the approval process that you were referring to earlier?
A. Yes.
Q. Moving to Government Exhibit 305. And, again, the same questions.
Who is this form for?
A. Alexandra Acosta.
Q. And, for what year does this pertain to?
A. 2017.
Q. And, for what business?
A. The Keller Williams Realty Partners, SW.
Q. And, moving to Government Exhibit 306, what form -- excuse me. Whose form is this?
A. Alexandra Acosta.
Q. And that is for what year?
A. 2018.
Q. And for what business?
A. Keller Williams Realty Partners SW.
Q. Okay. Do each of these forms have a certification?

A. Yes.
Q. Is that the certification that you were referring to?
A. Yes. It is acknowledging the policy.
Q. Could you please read that for the jury?
A. Sure. "I understand if this request is approved, it is valid only for the employer, employer address, telephone number, type of work and work schedule outlined in this form.

"I also understand that off-duty employment is a privilege and not a right. This will include employees who sit on external boards and commissions; public, private, or nonprofit, whether compensated or not.

"I agree that I will obtain and maintain all appropriate state, County, and/or city approvals, licenses, et cetera, as applicable.

"I further understand that the sheriff reserves the right to approving deny, suspend, or revoke this request at any time for any reason.

"I have read and understand the policies as outlined in Section 3.16 of the Sheriff's policy manual, and agree to abide by them.

"I understand that this request expires on December 31st of each year.

"Once employment is terminated, I must submit an off-duty termination form, BSO RP number 45B.

"I also understand that my failure to do so may result in revocation of this off-duty employment request and/or disciplinary action.

Q. What is the off-duty termination form?

A. It is the form number RP45 B.

Q. And, what does it relate to?

A. It is -- it is completed by the employee when they are no longer going to perform outside employment work.

MR. LOVE: Your Honor, if I could have a moment, please?

THE COURT: Yes.

BY MR. LOVE:

Q. Ms. Hely, did you receive any off-duty employment termination forms within the personnel file for Ms. Acosta?

A. No.

Q. And, were you able to find off-duty forms for her on 2019?

A. No.

Q. 2020?

A. No.

Q. And 2021?

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 morning.

A. Good morning.

Q. Hello, Ms. Hely. Thank you for coming today. Good morning. I just have a couple of questions.

Ms. Acosta was hired June 3, 2013; is that correct?

A. Yes.

Q. Okay. And, my understanding is that when a new employee is hired, they would sign for the policy manual, that they received it?

A. Yes, yes.

Q. Okay. Today, we addressed only a handful of policies that the agency has; correct?

A. Yes.

Q. I imagine there are many others, right?

A. Yes.

Q. Can you --

THE COURT: Mr. Silber, if you are not going to be at the microphone, you need your lapel mic.

MR. SILBER: Sorry, I apologize.

THE COURT: The lavalliere microphone.

MR. SILBER: I forgot.

THE COURT: It is okay.

BY MR. SILBER:
Q. All right. Can you tell how many policies and regulations BSO has?
A. Not by number, no.
Q. Well, if you were to print them out, would it be about this big?
A. It is a large --
Q. It is a huge binder, right?
A. Yes.
Q. And, in fact, when people do a public records request for regulations, it is so big you give them a CD instead of printing it, correct?
A. I am not familiar with that.
Q. You don't work in public records, right?
A. No.
Q. Okay. Sorry. We saw that there is a number of policies revisions, and you discussed that in your testimony. Can you tell us how many policy revisions as to this regulation were made between 2013 and 2021?
A. No.
Q. And, when a policy change is made, is there any explanation for the change in policy?
A. There is -- on the website, there is -- it is put in legislative format so the employees can see what the change was.

Q. Okay. But, how does the agency make sure they actually read it?
A. They -- the employee has to acknowledge receipt and electronically sign it.
Q. Okay. And, can you tell me, in terms of the enforcement and applicability of the policy, let's say I am a deputy, and I want to go work as a realtor or landscaper on my off-duty time. Who would I submit the form to?
A. To the employees' chain of command.
Q. And that, for the someone, that would probably be their sergeant; correct?
A. Whatever their chain of command is.
Q. So, whoever the higher-ranking person is that they answer to?
A. Correct, their supervisor.
Q. So, if -- let's say I am a sergeant, I might give it to my lieutenant; correct?
A. Correct.
Q. And, if I am a road patrol deputy. I would give it to my sergeant; correct?
A. Yes.
Q. And, in terms of the roles of these supervisory positions, it's that person's job -- let's say sergeant, for instance, to be informed of what their people under them are doing; is that correct?

A. Yes, yes.
Q. Okay. And the sergeant would interact with the employees when issues come up, "I would like to go work, I like to do whatever," correct?
A. Correct.
Q. Would you agree that even though BSO has all kinds of regulations on everything, some regulations are more strictly enforced, whereas others are a little bit more casual?
A. A policy -- all policies are important.
Q. I didn't say they were unimportant, but -- they are definitely important, but there are different regulations for different things, and they have different levels of importance; correct?
A. Okay. Yes.
Q. For example, I would imagine that safe handling of firearms must have a regulation by BSO; correct?
A. Correct.
Q. For instance, before an officer is allowed to go and patrol the streets with a gun, the agency makes sure that they are qualified in the use of that firearm; correct?
A. Correct.
Q. And, I am -- I would bet your training division is all over that, and makes sure there isn't one single deputy on the road who doesn't know how to use a gun, right?
A. Correct.

Q. By contrast, this is a form that I would just hand to my sergeant, and deal informally with my sergeant; correct?
A. For approval, yes.
Q. Okay. Very different than regulations that control use and safety of a firearm, right?
A. Again, it is a policy. It needs to be followed.
Q. I didn't -- I didn't suggest it didn't need to be followed. What I am asking you is there is a difference in the level of importance and enforcement amongst different regulations; correct?
A. Okay, yes.
Q. Are you aware that there is an understanding among many employees that they only have to submit this form for each of their commands as opposed to on an annual basis?
Have you heard of that?
A. No.
Q. Okay. And, the prosecutor, in his direct examination, showed us a portion where it says, "It is this agency's policy that an employee can work in a legitimate work."
Do you remember what I am talking about?
He blew up a -- I will just show you.
Your Honor, can you turn on the --
THE COURT: It is on.
MR. SILBER: Thank you.

BY MR. SILBER:

Q. I will move on from that.

Let me ask you this question directly. This is what I am getting at. There is nothing illegal or improper, assuming a person filled out the form, right, for a deputy to have outside employment in their off-duty hours; correct?

A. Correct.

Q. And, let's say a deputy didn't fill out the form one year and they filled it out the other years, as is the case here. There is not necessarily something that would be punished severely, would it?

They might be just reprimanded a little bit, told to do it better next time.

Am I right about that?

A. Well, that is a policy violation, not completing the form.

Q. All right. A policy violation is different than a regulation violation, right?

A. I don't -- I don't understand the difference.

Q. It might be outside your area.

And, for the years that Ms. Acosta did, in fact, submit this form, this is something that is approved by a lot of people in the chain of command; correct?

A. Correct.

Q. Okay. I am showing you what was previously admitted as Government's Exhibit 304 and 305.

Do you see that; correct?
A. Yes.
Q. With that 2016?
A. Yes.
Q. Okay. So, let's look at these names here. It looks like a colonel, colonel Pollack, another one, right, Lieutenant Colonel Polan, Major Holmes, Captain Brooks, Lieutenant Kuker, I think, and it looks like Sergeant Cremidis; is that right?
A. Yes.
Q. Okay. So, all these people reviewed this, were made aware that she was a part-time realtor, and approved it; correct?
A. Yes.
Q. Okay. Same thing over here, right?
This is the other form.
Colonel Dilto or Doto. I am not sure what that says.
Do you recognize that?
A. Colonel Dale.
Q. Oh, Dale. Thank you.
Lieutenant Colonel Polan. It looks like this one is missing. Major Holmes, Captain Brooks, Sergeant Frank, Sergeant Cremidis, right?
A. Yes.
Q. All these people knew she was working in real estate and authorized; correct?
A. Yes.

Q. Now, isn't it true that it is common and very frequent amongst law enforcement officers for people to have off-duty employment?
A. Yes.
Q. In fact, there's a lot of employees at BSO who work as realtors, landscapers, plumbers, and have side businesses; correct?
A. Yes.
Q. Okay. So, there is nothing inappropriate about having the outside work, is there?
A. No.
MR. SILBER: Your Honor, if I could just have a second to confer with my client.
THE COURT: Yes.
BY MR. SILBER:
Q. Can you tell us, if you know, how many times or how many employees have you ever heard of being disciplined for failing to submit this form?
A. I wouldn't know that information.
Q. Well, in human resources, you would know if an employee was terminated or suspended, wouldn't you?
A. Just through a termination form.
Q. Okay. And when you get a termination form, does it tell the reason why that person is terminated?
A. It may -- might have different policy violations.

Q. Okay. But, in 31 years, can you tell me any employee who was terminated for this?
A. Not that I am -- familiar with.
Q. Okay. But, you work in human resources, and you hear when such employee did something wrong, is getting in trouble; this one is getting fired; this one is getting demoted. You must hear about that, correct?
A. Yes.
Q. That is exactly the office you work in; correct?
A. Yes.
Q. Okay. And, in your 31 years, have you ever heard of a deputy getting suspended because they didn't fill out a form one year, but they filled it out other years?
A. There is a disciplinary process if somebody doesn't complete the form.
Q. I understand that. But, have you ever heard of it in human resources?
A. I have not. Not off the top of my head, no.
Q. So, you would say this is unusual?
A. There could be a counseling. There could be a disciplinary process if someone doesn't complete the form. I am just not familiar with the particular case.
Q. But, you would agree with me that if you heard an employee got terminated, demoted, or suspended for not filling out this little form, that would be unusual to you because you never

heard it before, right?

A. I don't know the answer to that.

MR. LOVE: I don't have anything further for this witness, your Honor.

THE COURT: All right.

Any redirect?

MR. LOVE: No, your Honor.

THE COURT: All right.

Thank you, Ma'am. You can be excused.

(Witness Excused.)

THE COURT: Who is your next witness?

MR. JONES: The Government calls Victoria Hernandez.

Thereupon:

VICTORIA HERNANDEZ

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, make yourself comfortable. When you are ready, state your name and spell your last name.

THE WITNESS: My name is Victoria Hernandez, H-E-R-N-A-N-D-E-Z.

THE COURT: Thank you.

DIRECT EXAMINATION

BY MR. JONES:

Q. Good morning.

A. Good morning.

Q. Miss Hernandez, where do you work?

A. I work for the Internal Revenue Service.

Q. And how long have you worked there?

A. I have worked there for 16 years.

Q. And what is your current title?

A. I am a court witness coordinator.

Q. Can you describe to the jury what your duties and responsibilities are as a court witness coordinator?

A. As a court witness coordinator, I represent the Commissioner in his role as a custodian of records.

Q. So, in layman's terms, are you responsible for all the documents kept in IRS's ordinary course of business?

A. Yes, I am.

Q. Are you familiar with income tax returns?

A. Yes, I am.

Q. Can you briefly just describe that, what they are to the jury?

A. Tax returns like form 1040s, business tax returns, correspondence that's received, correspondence that is sent out, things like that.

Q. Are you also familiar with an IRS audit?

A. Yes. Yes, I am.
Q. And what is it, in general?
A. An audit is when our examination department will do an additional review of an individual or a business account, or their financial information, to review to see if the information that they provide us is accurate, to tax law.
Q. And, in your role as a witness coordinator, do you handle tax returns at all?
A. As a court witness coordinator, I certify documents that are -- that they are true and valid to what they are on the IRS systems and what are kept in our records.
Q. But, you don't review them for technical accuracy?
A. No, I do not.
Q. Do you conduct any audits, yourself?
A. No, I do not.
Q. In preparation for today's testimony, did you review IRS records related to Alexandra Acosta for the tax years 2018 through 2020?
A. Yes, I did.
Q. And, did those records include tax returns for 2018, 2019, and 2020?
A. Yes.
Q. And, did those records also include an audit file related to 2018 and 2019 tax years?
A. Yes.

Q. Now, before I turn to any records here, can you describe or explain what a Form 1040 is?
A. A Form 1040 is a U.S. individual tax return. It is what tax payers use to file their tax returns for the year, for all monies that they received for the years, and for that year, in specific, and to file their taxes for that year.
Q. Are you also familiar with a Schedule C?
A. Yes.
Q. What is that?
A. That is a form that is used to file profit and losses of a business.
Q. Can those businesses -- is that for an incorporated business?
A. No. Those are for sole proprietors, a single person that owns a business.
Q. And are you familiar with what a Form 1099 is?
A. Yes. That is a wage statement that is sent by -- it could be by contractors, or another person that is providing a service will issue a -- this to an individual that has worked for that person, a contractor to another person.
MR. JONES: At this time, the Government is going to move to introduce Government's Exhibits 200 through 202.
And, I believe there is an objection.
MR. SILBER: Your Honor, we renew our previously made objection on all grounds, including authenticity.

THE COURT: All right. I will overrule those objections, and those exhibits will be admitted.

(Government's No. 200 was received in Evidence.)

(Government's No. 201 was received in Evidence.)

(Government's No. 202 was received in Evidence.)

BY MR. JONES:

Q. Ms. Hernandez, I am going to --

Your Honor, I apologize --

Ms. Hernandez, I have shown you right now what has been admitted as Government's Exhibit 201.

Do you recognize this document?

A. Yes, I do.

Q. What is this document?

A. This is an electronic file, Form 1040 U.S. individual income tax return for tax year 2019.

Q. And who is this for?

A. Alexandra Acosta.

Q. Okay. We are going to not going to spend a ton of time on this, but we are just going to briefly describe some of the numbers that we are seeing here. In this section that I am highlighting now, can you just explain what Box 1 is?

A. Box 1 is for wages, salaries, and tips. And, it is reported $103,819.

Q. And how about Box 7A?

A. Box 7A is for other income from Schedule 1, and it is

reported negative $9,619.
Q. So, what does that mean when it is reported negative?
A. It is a loss.
Q. And, I am going to bring you now to line 9.
What is this number?
A. This is the standard deduction, or itemized deduction. And, it is the amount of $26,651.
Q. And, moving down more to this bottom number, 11B, can you tell us what that is?
A. That is the taxable income, and the amount is $67,549.
Q. We are still on Exhibit 201. I just got sidetracked there. But, we are going to move down to the second page of Exhibit 201. I am going to highlight a section here.
So, I am pulling out a section labeled "refund." Can you describe what we are looking at?
A. This is the part of the form that is the refund or overpayment amount requested.
Q. And, in this instance?
A. It is $7,666.
Q. What does that represent?
A. It was requested to be direct deposited in the checking account provided.
Q. Okay. Now, there is a section down here entitled "Third Party Designee."
Can you explain what that is?

A. A third party designee is when a taxpayer will give the third party who is the preparer permission to speak to the IRS if there are any discussions needed on the tax return.
Q. And, let's kind of briefly unpack what a tax preparer can be. How does someone become a preparer?
A. They could apply for a preparer tax identification number, either through mail or online, with the IRS, and they could become a preparer.
Q. Now, that sounds simple. Do they need any formal education?
A. No, they do not.
Q. Do they need any degrees?
A. No, they do not.
Q. How about a high school diploma?
A. No.
Q. So, how about an age requirement? Don't they have to be 18 at least?
A. No.
Q. They don't have to be certified public accountants?
A. No.
Q. Do they have to be accountants at all?
A. No.
Q. Are these just people that choose to write numbers on paper for other people?
A. Anybody could be a return preparer. In order to be

compensated, you can apply for the PTIN.
Q. And that is a unique number assigned to each person?
A. Yes.
Q. And, in this instance, who is the designee's name here with the PIN?
A. For this one, it is Victory Tax, Inc.
Q. And, I am going to move you down to the section just below it. There is a statement here, next to "sign here."
What does that say?
A. "Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, and correct, and complete."
Q. And, is this section completed by the preparer or the taxpayer?
A. Taxpayer.
Q. And this says the email address associated with this taxpayer was what?
A. Alexacosta03@gmail.com.
Q. And, listed in occupation of?
A. The BSO deputy.
Q. And the date of this signature?
A. February 4, 2020.
Q. There is another section down here, just below that, distinct from the taxpayer certification to the accuracy. What

is -- what is this form, or this area of form?
A. It is for the paid preparer, only, to provide the information of the preparer's address.
Q. And, here, what is the preparer's name?
A. Vilsaint St. Louis.
Q. And I believe this is what you are -- you have mentioned before, that's the PTIN?
A. Yes.
Q. And that is?
A. That is the PTIN number.
Q. Okay. Can you explain what that was?
What does it stand for?
A. The preparer tax identification number.
Q. Thank you.
And here, we have a firm's EIN. Do you know what that is?
A. That is the firm's employer identification number.
Q. And, again, the name of the firm that St. Louis purportedly works for?
A. Victory Tax, Inc.
Q. I am going to go to Page 4. I am showing you Page 4 of Government's Exhibit 201.
Do you -- do you know what this document is?
A. It is a paid preparer's due diligence checklist.
Q. What is that exactly?

A. When certain credits are requested, like child tax credit or additional, or EIC, or -- there is a checklist that preparers will fill out to make sure they are asking the proper questions of their clients as a check, due diligence check.
Q. And that is submitted to the IRS?
A. Yes.
Q. This form is completed by the tax preparer in this case?
A. Yes.
Q. Can you read line 1?
A. "Did you complete the return based on information for tax year 2019 provided by the taxpayer or reasonably obtained by you?"
Q. What was the answer to that?
A. Excuse me, "taxpayer or reasonably obtained by you" -- sorry -- and the answer was yes.
Q. And now, just in the general sense, that type of certification, is that because the taxpayer is the one responsible for the information in any tax return?
A. Yes.
Q. I am going to quickly scroll to Page 15 of this record.
Do you recognize what this is?
A. Yes. It is a Schedule C.
Q. And, what is the Schedule C for?
A. Alexandra Acosta.
Q. What is the listed principal business or profession of

Alexandra Acosta?

A. Valor Dog, LLC.

Q. And the social security number?

A. 590-92-6946.

Q. There is also a listed employer ID number. What is that?

A. 46-3507588.

Q. And the business address of?

A. 7200 Northwest 94th Way, Fort Lauderdale, Florida 33321.

Q. Now, Schedule C, in general, you testified that it was a reporting form for businesses?

A. Yes.

Q. Does the form include an area for income?

A. Yes, it does.

Q. And, I am going to highlight a section here, part one. And this is that section discussing income. And, what is the amount listed for income in 2019?

A. $13,904.

Q. And then there is also a section on expenses.

A. Yes.

Q. And, in this section, what was listed as expenses?

A. Advertising, we have $1,288, car and truck expenses, $5,948, supplies, we have $6,389, taxes and licenses, $503, travel and meals, for travel, we have $2,863, other expenses, from line 48, we have $6,532.

Q. And is there a total expense calculated?

A. Yes. $23,523.
Q. And, there is also a line 2 there. What is that?
A. Tentative profit or loss, subtract 28 from line 7, which was the loss of $9,619.
Q. So, in sum, this form represents that the business or Valor Dog, LLC, or Alexandra Acosta had lost $9,619 in 2019?
A. Yes.
Q. Let me show you Government's Exhibit 200.
Do you recognize this?
A. Yes.
Q. What is this?
A. This is an electronically filed 1040 U.S. individual tax return for 2019.
Q. So, this is the same type of documents we discussed as Government's Exhibit 201?
A. Yes, it is.
Q. And, again, this is -- this area regarding the signature, is this the taxpayer's signature, or the tax preparer's signature?
A. It is the taxpayer's electronically signed signature.
Q. And I am sorry I didn't address this earlier. That, it is a bunch of asterisks. So, what does that represent?
A. An electronic signature with the five digit PIN that the taxpayer will put in for themselves.
Q. And, what was the date of this -- this signature?

A. February 6th, 2019.
Q. And the occupation associated with Ms. Acosta at the time?
A. BSO deputy.
Q. I am moving down what has been listed as Schedule 1.
Can you briefly describe what Schedule 1 is?
A. Schedule 1 is additional income and adjustments to income.
Q. And line 12, what does that represent?
A. Business or income loss, the Schedule C, and the amount of a loss of $25,772.
Q. And, does that -- so, that refers to the Schedule C in this return?
A. Yes.
Q. I am showing you Page 14 of this document; same document, Government's Exhibit 200. And, is this the Schedule C for Alexandra Acosta?
A. Yes.
Q. And what is the listed principal business for this one?
A. Partners Realty LLC.
Q. And this lists the social security number of -- or what is the social security number associated with it?
A. 590-92-6946.
Q. I believe there is an address here. It is different. What is the address?
A. 2000 Northwest 150th Avenue, Hollywood, Florida 33028.
Q. And, just like the 2019 tax return, or Schedule C, there is

an income section. Can you tell me what was disclosed as income on Schedule C?

A. $23,596.

Q. And, just like the 2019 Schedule C, there is an area for expenses. Can you describe the expenses listed in this form?

A. We have advertising, $8,869; car and truck expenses, $3,482; rent or lease for other business property, $7,455; repairs and maintenance, $8,147; supplies, $7,445; travel and meals for travel $2,356; other expenses from line 48, $11,614. And then total expenses was $49,368, with the total tentative profit or loss in the amount of a loss of $25,772.

Q. Now, the losses associated in this Schedule C, the Schedule C for 2019, do they offset the W-2 income of the taxpayer?

A. What it will end up doing is reducing the total taxable income for the year, which will lower the total tax for the year.

Q. So, in this instance, if we go back, we have a total loss of 25,772; correct?

A. Yes.

Q. And, back at the second page, this resulted in what?

A. This resulted in a refund.

Q. How much?

A. $6,702.

Q. And, I believe I skipped over this one. The paid preparer section here, what is listed?

A. The paid preparer is Jesus Medina.
Q. And is the firm -- what is the firm's name?
A. Victory Tax, Inc.
Q. Was that the same company that prepared the 2019 return?
A. Yes.
Q. I am showing you Government's Exhibit 202.
What is this?
A. This is electronically filed Form 1040 U.S. individual tax return for 2020.
Q. And who is this form for?
A. Alexandra Acosta.
Q. And, the social security number associated with Alexandra Acosta?
A. 590-92-6946.
Q. And the address?
A. 7200 Northwest 94th Way, Tamarac, Florida 33321.
Q. And, in this section -- let me back out of here for a second.
So, this is for the 2020 tax year; correct?
A. Correct.
Q. And, would this form -- it maybe seems intuitive, but are these prepared the following year for a prior tax year, for example, 2021 -- that is a terrible question.
Would a 2020 tax return be prepared in 2021?
A. Yes.

Q. And that is customary for all of these returns, it is the following year?
A. Correct.
Q. Now, in this instance, again, was this document represented to be signed by Alexandra Acosta?
A. Yes.
Q. And what was the date?
A. February 22nd, 2021.
Q. Is there a preparer listed on this form, as well?
A. Yes, there is.
Q. And who is that?
A. Vilsaint.
Q. And the firm's name?
A. Victory Tax, Inc.
Q. Is this the same firm that purportedly or that filed the last tax returns in 2018 and 2019?
A. Yes, it is.
Q. Is there any reference in these first two pages of this document to any business income?
I can scroll back up for you, as well.
A. No, there isn't.
Q. Is there any -- when you reviewed this file for 2020, were there any schedule Cs attached?
A. No, there was not.
Q. Were there any expenses listed for a business?

A. No, there was not.
Q. Can an individual report expenses on a Schedule C, even if they didn't make any money that year?
A. From?
Q. For losses?
A. From a business?
Q. For a Schedule C, you report profit, you can report loss. We saw that in 2018 and 2019 there were losses?
A. Um-hmm.
Q. If, hypothetically, somebody did not have an income at all, $0 revenue, but, that company had losses that year, for expenses, would that be reported on a Schedule C?
A. I don't know.
Q. Just as a loss can be reported on a Schedule C to offset personal income, for example?
A. I am sorry. I am lost in the question.
Q. That's fine. In 2018 and 2019, there were Schedule Cs that are filed?
A. Correct.
Q. In fact, let's go back to one.
We are on Government's Exhibit -- we are looking at Government's Exhibit 201, Page 15, again. And, in this section, I will just highlight the whole area so we can see it a little better.
Part one, we already discussed that listed the income;

correct?
A. Correct.
Q. Did part two lists the expenses; correct?
A. Correct.
Q. The question was, could part one say zero, and part two still include these expenses?
A. I have seen that, yes.
Q. And, for 2019, 2018, 2019, 2020, who is responsible for the information submitted to the IRS?
A. The taxpayer.
Q. And, in this instance, who was the taxpayer?
A. Alexandra Acosta.
MR. JONES: Your Honor, I was going to pivot to a different line of questioning. So, if you want to break -- but, I am good to keep going.
THE COURT: Keep going.
MR. JONES: Okay.
BY MR. JONES:
Q. Now, we previously mentioned there is an audit records related to 2018 and 2019 tax returns. And, we just saw some of the tax returns for those years; correct?
A. Correct.
Q. And, have you had a chance to review those files before today?
A. Yes, I have.

Q. And, was one of them the 489-page Government's Exhibit 203?
A. Yes.
Q. And, you reviewed that in preparation of your testimony today?
A. I did.
Q. Was that record kept in the ordinary course of business for the IRS?
A. Yes, it was.
Q. And, had the IRS provided certified copies to the U.S. Attorney's Office in advance of trial?
A. Yes, they did.

MR. JONES: Your Honor, I move to admit what has been marked as Government's Exhibit 203, 203A through H, which are subsets of 203.

MR. SILBER: Your Honor, we renew our previously made objections, including as to authenticity.

THE COURT: All right. I will overrule those objections, and those will be received in evidence.

(Government's No. 203 A through H was received in Evidence.)

BY MR. JONES:
Q. Now, I am showing you the first page of Government's Exhibit -- well, I didn't highlight it all -- Government's Exhibit 203. Like I said, it is a 489-page document.
But, I've got good news. We are not going through 489

pages. I am going to discuss certain portions of this with you. And, I have highlighted them as separate exhibits. So, we are going to go first to 203A.

I am showing you Government's Exhibit 203A. I am going to highlight this top section area. What are we -- what is this document?

A. This is the case history report of the audit file.
Q. And, is it listed which years the audit was for here?
A. Yes, it does.
Q. And, what years were those?
A. Tax years 2018 and 2019.
Q. And is there a name of an examining officer?
A. Yes, there is.
Q. Who is that.
A. Phyllis Kampmeyer.
Q. And the taxpayer in this audit?
A. Alexandra Acosta.
Q. With her address?
A. 7200 Northwest 94th Way, Tamarac, Florida 33321-3043.
Q. And, there is also a telephone number there?
A. Yes.
Q. And can you read what that is?
A. (305) 494-9699.
Q. Now, you are familiar with audits. But, you don't conduct them, right?

A. Correct.

Q. And, for purposes of conducting an audit, does the examiner have to reach out to the taxpayer?

A. Yes. There is back and forth contact.

Q. And, they would use that phone number?

A. Yes.

Q. And, mail correspondence to that address?

A. Correct.

Q. Now, this first entry, this is the first entry on this entire document. What does that represent if it is the first entry?

A. This is the date that everything initially started with the audit; first entry is first contact.

Q. Okay. And, what was the date here?

A. December 8th of 2020.

Q. There are remarks listed in each one of these sections. You referenced what this meant, the impetus of the audit. But, there are some sections here, I guess, that referenced TP. What does TP stand for?

A. Taxpayer.

Q. Okay. And, you see the section -- I think it is the fourth or fifth, maybe even the sixth sentence there, starting with, "An in depth."

A. Okay.

Q. What does that say?

A. An in-depth income probe may be warranted, depending on taxpayer's interview answers.

Q. Okay. So, are interviews custom when an audit is conducted?

A. Yes.

Q. I will draw your attention to the next entry here.

Can you tell us the date of this entry?

A. December 16th of 2020.

Q. And, what does the entry represent?

A. It says Form 8821 received, and remarks received Form 8821 from taxpayers new power of attorney, Vilsaint St. Louis, who is the return preparer. He faxed Form 8821 to centralized authorized function, called power of attorney, discussed the issues that were under review for taxpayer. Power of attorney needs to review 2018 and 2019 returns more fully to be prepared to answer the questions on Monday. While discussing carryover cash contributions, power of attorney stated that he thought you could claim these every year. Made a time for a telephone appointment on December 21, 2020, at noon.

Q. Okay. So, I saw a couple of acronyms there.

You were saying "point of contact."

That is POA?

A. Yes.

Q. And TP is taxpayer?

A. Yes.

Q. And, in this instance, a Form 8821 is?

A. It is an authorization for somebody to be a power of attorney to act as -- to call on their behalf and to act for them.

Q. And, that is a limited power of attorney for purposes of the audit?

A. Correct.

Q. Continuing on this section, what does it say about the F-8821?

A. The Form 8821 is very limited. The POA or the power of attorney has very little representation ability. The power of attorney cannot stop the tax compliance officer from interviewing the taxpayer. Reviewed the revenue procedure 2014-42, and emails from 2015 describing the new instructions.

"The AFSP appears to only be in effect for Form 2848s. Therefore, Mr. St. Louis may still provide tax information on behalf of taxpayer. Called Mr. St. Louis and explained this. Tax compliance officer will interview taxpayer via phone separately.

Power of attorney provided a good cell phone number for the taxpayer. Set a deadline of January 13, 2021, for taxpayer to provide all documents. Power of attorney stated he will try to have all documents faxed asap and well before January 13, 2021."

Q. Okay. In this, that entry references an interview, an

upcoming interview with the taxpayer?
A. Yes.
Q. This next section, another entry is dated what?
A. December 17 of 2020.
Q. And, what -- is it referenced regarding a telephone interview?
A. Yes.
Q. What is it, generally?
You don't have to read it out, but just summarize. Effectively, what was that representing happening?
A. "The tax compliance officer took testimony as to how her returns were prepared with the return preparer, Vilsaint St. Louis. Taxpayer agreed to answer more questions if necessary. Tax compliance officer explained the next steps in the examination."
Q. What else does it say there, to review records?
A. "Tax compliance officer explained that the next steps in the examination were to review her records, which she states are with the return preparer. Later discussed with the group manager Susan Miller to ensure consistent discussions with return preparer who submitted Form 8821."
Q. I am showing you, side by side here, this has been marked as Government's Exhibit 203B and admitted into evidence. I am going to go down to a section here that refers to that entry. Okay. I am on Page 6 of 203B. What is the jury seeing here?

A. The initial interview questions and notes.
Q. And, this is -- there is a date listed up here in the right-hand corner. Is that the date of the interview, or the date this was produced to the U.S. Government?
A. I am -- I'm not sure. I don't know.
Q. Why don't we go into the body of the interview to answer that.
I am highlighting the substantive session of the interview. Can you read this area for the jury?
A. "Comments," okay. "12-17-2020, BSO deputy, revenue examiner agent on the side. Taxpayer has been having Mr. St. Louis prepare her returns for four to five years. Taxpayer makes an appointment and goes to the Davie office. She takes her W-2 and Form 1099 miscellaneous and Form 1098. She takes in some of the receipts of purchases, advertising, CC statements, gas receipts, supplies for home office, et cetera, for the Schedule C expenses."
Q. I am going to actually do one paragraph at a time so it is bigger for everybody to see. Thank you for that. Okay.
A. "She and return preparer figure out the expenses together. TP doesn't really know exactly how they come up with the figures. She has a figure in her head as to what she spent and then she gives him her paperwork. She believes she has analyzed -- she believe he analyzes it pretty well since she is there for a while. She says that the figure he puts on the

Schedule C is pretty close to what she has in her head.

She sat with Vilsaint St. Louis for 2018 and 2019. She does not know Jesus M. Medina, who signed her 2018 return. She doesn't remember whether she received copies of the returns or not. She has not reviewed her returns since she got the letter 6323. She simply called the return preparer, and he said he would take care of everything about the examination."

Q. It goes on.

A. "Taxpayer recalls that return preparer went over the returns with her each year; however, she can't recall if she had any questions about any part of them since it was a while ago.

TP paid via credit card.

Taxpayer received direct deposits.

Taxpayer cannot recall if she signed anything.

Taxpayer states that return preparer told her if the IRS had questions, she should ask for his assistance and he would assist her.

After explaining some of the expenses on the 2018 Schedule C, taxpayer reiterated that all the figures and expenses on the schedule Cs are info that she and the return preparer came up with together.

Q. There are more sentences at the end here.

A. She did not leave it all to him. Tax compliance officer explained that she may have more questions in future, and

taxpayer agreed to answer them if needed."
Q. Now, we referenced a prior entry in the case history report that the tax preparer would send in records supporting the tax return; correct?
A. Correct.
Q. I am going to show you what has been entered as Government's Exhibit 203F.
Now, what is -- what does the record here reflect as far as the date of this document?
A. December 29th, 2020.
Q. And, would that be the day that it was faxed to the IRS?
A. Yes.
Q. And, who is it faxed from?
A. Victory Tax, Inc.
Q. And, at the top here, what type of form is this, and what is the information that it is portraying?
A. This is a taxpayer questionnaire for Alexandra Acosta.
Q. And, it has her personal information there?
A. Yes, it does.
Q. Including the email address we have previously seen on other records?
A. Yes.
Q. The social security number that we have seen in the other records?
A. Yes.

Q. It includes information about her bank?
A. Yes, it does.
Q. And what would that he about for?
A. I am assuming for -- well, that bank information would be for refunds.
THE COURT: Is that still an active bank account?
MR. JONES: Truist is now -- SunTrust is Truist now.
THE COURT: So, we need to redact these documents before you actually file them.
MR. JONES: Absolutely.
THE COURT: And so, since I just interrupted, so members of the jury, I remember at the beginning of my instruction I told you that there may be times when evidence or testimony is admitted for a limited purpose. So, this testimony concerning the defendant's tax returns and audits, okay, is one of those areas that is not directly part of the charged offense.
She is not charged with any tax crimes. And, so, this evidence, okay, is only admitted for a limited purpose.
You must not consider this evidence to decide whether the defendant engaged in the activity that is alleged in the superseding indictment. This evidence is admitted and may be considered by you for the limited purpose of assisting you in determining whether the defendant had the state of mind or intent necessary to commit the crimes charged in the

superseding indictment, whether the defendant had a motive or opportunity to commit the acts charged in the superseding indictment, whether the defendant acted according to a plan or in preparation to commit a crime, or whether the defendant committed the acts charged in the superseding indictment by accident or mistake.

Go ahead.

MR. JONES: Thank you.

BY MR. JONES:

Q. I will be showing you a split screen of Government's Exhibit 201, Government's Exhibit 203F that we were just discussing.

Now, this form that is received in the audit purportedly corresponds to the 2019 tax return. And I just want to show you a section of Government's Exhibit 201, listing dependents. Do you see that?

A. Yes.

Q. And, does that correlate with the information that was listed here --

A. Yes.

Q. -- in Government's Exhibit 203F; correct?

A. Yes.

Q. Scrolling further down to the section of 203F, regarding expenses, did you have a chance to look at those?

A. Yes, I did.

Q. And, do those expenses correlate with the expenses listed here in the tax return?
A. Yes, it did.
Q. Likewise, Victory Taxes also faxed over a 2018 questionnaire; correct?
A. Yes.
Q. I apologize. I am just going to draw up the 2019 questionnaire. We will bring it down here to the bottom.
After all these expenses were listed, after the dependents are listed, there are some more itemized expenses; correct?
A. Yes.
Q. Okay. And then at the end of that form, is there a section entitled Taxpayer Questionnaire Review?
A. Yes.
Q. And what does that say?
A. "The above information is true and correct, and we understand that the information given in this questionnaire will be used to complete my" -- I am not sure what -- does that say 2012 tax return"?
Q. It does.
MR. SILBER: Objection, speculation.
THE COURT: Overruled.
BY MR. JONES:
Q. In essence, what is the certification here?
A. It is stating that the information is complete and true.

Q. What is the date?
A. February 4, 2020.
Q. And, does it appear to be signed by the taxpayer?
A. Yes.
Q. As we discussed, likewise, there is a 2018 questionnaire that was received at the same date and time?
A. Yes.
Q. And, this was for the same taxpayer?
A. Yes. It is.
Q. And, when you reviewed this record compared to the 2018 tax return Schedule C, were the expenses listed on this Schedule C matching up to this one, as well?
A. Yes, it was.

THE COURT: All right. Let's take our morning recess. It is 20 of 11. See everybody in 15 minutes, at five of 11, all right?

15 minutes.

COURT SECURITY OFFICER: All rise for the jury.

[Whereupon, the jury left the courtroom, and the following proceedings were had at 10:40 a.m.:]

COURT SECURITY OFFICER: All rise.

THE COURT: Thank you, be seated.

We still have a couple of minutes.

THE COURT: All right. Bring in the jury.

COURT SECURITY OFFICER: All rise for the jury.

[Whereupon, the jury entered the courtroom, and the following proceedings were had at 10:55 a.m.:]

THE COURT: All right. Welcome back, everyone. Please be seated.

All right, Mr. Jones.

MR. JONES: Thank you, your Honor.

BY MR. JONES:

Q. When we left off and we were just going over Government's Exhibit 203E, and you were on Page 4, and I asked you whether these expenses listed matched up to the Schedule C for the 2018 tax return year. And your testimony was yes.

And then, going down a little further, you also had a chance to review and compare itemized expenses. And, those were reflected on the tax return, as well?

A. Yes, they were.

Q. Now, this one for full disclosure is not signed by anybody; correct?

A. Correct.

Q. We are going back to Government's Exhibit 203A. We last left off, well -- just to bookend, the documents that we just discussed as being facts, does this entry -- what is the date of this entry?

A. December 29th of 2020.

Q. And, what does it represent?

A. It is a telephone contact.

Q. And, what does the -- what does this entry state?
A. "Power of attorney on 12-23 left a message on December 23rd 2020, stating he was faxing taxpayer's documents. As of December 29, 2020, no documents had been received. Called power of attorney, who stated he will fax over organized and easy to understand substantiating documents ASAP.
Later received faxes relating to 2018 and 2019. Reviewed the pages and called power of attorney back stating that what was sent needs more explanation. Taxpayer must provide mileage logs and odometer readings and provide more source documentation to substantiate the expenses claimed on both 2018 and 2019 Schedule A -- excuse me, Schedule Cs. Excuse me.
POA admitted that he duplicated real estate taxes on Schedule A.
POA -- power of attorney admits that he duplicated car expenses by giving mileage and actual expenses on Schedule C.
Power of attorney states he did not understand the tax rules.
Power of attorney states tax compliance officer to call him and let him know what is missing from the documentation so he and taxpayer can provide it. Tax compliance officer explained she will call after a more complete review."
Q. And, there are additional entries here. One -- let me just highlight the -- this entry here. What is the date?
A. January 12 of 2021.

Q. What are the remarks?
A. "Power of attorney called and stated that the taxpayer does not have any other documents to provide as of today. Return preparer plans to talk to her and ask for one more effort on her part to secure substantiation documents. Tax compliance officer set a deadline of October 15, 2020, for power of attorney to fax any new documentation.
Q. And the next entry?
A. January 13, 2021, "Worked on data received.
"Reviewed all documents taxpayer sent in to date.
"Prepared lead sheets.
"Added new issues for qualified business income deduction in case taxpayer has income after all other adjustments.
"Added new issues for taxes and licenses to increase taxpayer's credit based on information provided. Reviewed Accurint for marriage information. No evidence of marriage. However, TP's co-owner of her home and mother of her dependent has the same Erin Acosta."
Q. And that ends with "which?"
A. Yes, "Which indicates there may be a marriage. Tax compliance officer tried calling taxpayer but no answer and no voicemail. Tax compliance officer will determine if a new issue is necessary after discuss."
Q. I cut that off?
A. "After discussing with taxpayer."

Q. Okay. Now, there is another entry here. What is the date of that?
A. January 19, 2021.
Q. What does the first sentence say?
A. "No additional documents received from taxpayer or power of attorney."
Q. And, there is some other notes here about contacts with the taxpayer or tax preparer?
A. Did you want me to keep going?
Q. You don't need to read this. Thank you.
Well, there is something here.
This next, this next entry?
A. January 21, 2021, letter 30 days. Acting manager provided signed letter 915 and letter S300.
Generated Form 4549. Mailed 4549, letter 915, Form 9465, publication 3498 to taxpayer.
Mailed Form 4549, letter 951, letter 937 to power of attorney.
Q. And, in this instance, this letter, what exactly would this be?
A. The letter.
Q. What does it signify?
A. The correspondence sent to the taxpayer.
Q. And, I am going to pull up Government's Exhibit 203C.
Can you tell us the date of this letter?

A. January 21, 2021.

Q. And, who this letter mailed to?

A. Alexandra Acosta.

Q. And the address?

A. 7200 Northwest 94th Way, Tamarac, Florida 33321-3043.

Q. And, this first -- this first section, what does it explain?

A. "We have enclosed two copies of our examination report showing the changes we made to your tax for the periods shown above. Please read the report and tell us whether you agree or disagree with the changes."

Q. Now, this -- this form, that is a letter. This is mailed out U.S. mail?

A. Yes, it is.

Q. I am going to show you Government's Exhibit 203D.

Do you recognize what 203D is?

A. This is the Form 4549.

Q. And, what is the title of that document?

A. "Report of Income Tax Examination Changes."

Q. We have been using the term audit. Is the income tax examination another term for audit?

A. Yes.

Q. So, what does this document reflect?

A. The changes that were made to the tax returns for the specific years.

Q. And, which years were there adjustments made to?
A. Tax year 2018 and 2019.
Q. Now, without going through exactly what the IRS determined were excessive charges or unsupported charges at that time, let's take a look here at the bottom section. What does number 19 represent?
A. Number 19 is the summary of taxes, penalties, and interest.
Q. And what was the balance due for taxes?
A. Balance due, for one year was $9,733, and for the other year was 4,760.
Q. And, is this the amount of money owed to the IRS as unpaid taxes from those years?
A. Yes.
Q. And, what is subsection B of that line?
A. Penalties.
Q. And, what is the amount calculated for 2018?
A. 1,946.
Q. And, what was the amount calculated for 2019?
A. 8,952.
Q. And is there also a subsection C here?
A. Yes, for interest.
Q. And what is that?
A. For 2018, it was $995.95, and for 2019, it was $104.
Q. Now, at this bottom line, D, it says what?
A. "Amount due or refund."

Q. And, how much was due for the 2018 tax year?
A. $12,675.55.
Q. And how about the 2019 tax year?
A. $5,816.
Q. And I will not make you do math on the stand.
A. Thank you.
Q. But, is that roughly around $18,500?
A. Yes.
Q. Now, you mentioned this was mailed out in U.S. mail?
A. Yes.
Q. Can you describe to me the next entry?
A. January 25, 2021, "Telephone contact, power of attorney called and stated he and the taxpayer received the Form 4549 packages, power of attorney stated that the taxpayer will be reviewing her records for more substantiation of the disallowed expenses."
Q. There is an entry here. It starts on the Page 3, but it will carry over to Page 4 and I will go there.
But, what is the date?
A. February 11, 2021, received SunTrust Bank statements.
Q. And what is the entry?
A. Received 19 faxes with taxpayer's SunTrust bank statements where taxpayer has identified additional expenses. Reviewed but found very few annotations.
Called power of attorney, who said there was only a few to

consider.

Power of attorney also asked for an allowance for Internet since taxpayer worked out of her home. Will review the statement more fully as soon as possible."

Q. There is another entry here.

A. February 22nd, 2021, "telephone contact. Called power of attorney, who stated he has the final documents from taxpayer and will fax them tonight."

Q. And, is there an entry for -- sorry. What is the next entry?

A. February 23, 2021, "Worked on data received. Received fax from power of attorney with office dimensions and Home Depot credit card statements. Evaluated, added issue for home office expense. Prepared other lead sheets. Updated Schedule C recap. Modified qualified business income deductions based on all other adjustments. Called power of attorney and stated evaluation was done. Power of attorney brought up advertising expenses for which taxpayer has no substantiated had -- excuse me.

"Power of attorney brought up advertising expenses for which taxpayer has not substantiated, so, no credit has been given.

"Power of attorney asked for penalty abatement.

"Tax compliance officer stated taxpayer must submit a written statement.

"Power of attorney will ask the taxpayer to write and send the statement as soon as possible.

"Tax compliance officer will wait for the statement prior to sending a corrected Form 4549 and letter 692.

"Added new issue for filing status based on taxpayer testimony on February 1, 2021."

Q. Now, it mentioned penalty abatement. And, is that in correlation to the tax examination changes that referenced the penalty?

A. Yes.

Q. And so the IRS has, in its own review, the ability to charge penalties in certain circumstances, and not, in others?

A. Yes.

Q. And, that is based, I guess, on the level of conduct?

A. Yes.

Q. We are coming to the end here. But, just a few more. What is this entry?

A. March 1, 2021, "Telephone contact. Called power of attorney and explained no statement has been received from taxpayer regarding abatement of penalties and declaring her reasonable cause. Discussed circumstances about reasonable cause again with power of attorney. Power of attorney states he will call the taxpayer again to explain what she must do.

Tax compliance officer will await the statement to consider before sending out corrected Form 4549 and letter 692.

Q. Okay. Just for clarity, so we received -- it appears that's a letter sent on January 21st; correct?
A. Yes.
Q. And then that included a statement of amount owed?
A. Correct.
Q. That wasn't final yet?
A. No.
Q. And so, at this point, in March of 2021, the audit is still ongoing?
A. Correct.
Q. There is an entry that goes over two pages again. We are on page -- forgive me -- Page 4, the bottom of Page 4, this entry. What is the date?
A. March 18, 2021, "Telephone contact, began closing.
Q. Sorry. Can you read this section?
A. Power of attorney called about other cases. Tax compliance officer asked if taxpayer was going to sign Form 4549, and power of attorney stated he will try to secure the signed Form 4549 by the end of the day.
"Solicited payment.
"Power of attorney states that the taxpayer cannot pay in full within 120 days. Taxpayer will set up an installment agreement with collections.
Began preparing cases for closure.
Secured IDRS prints?

Prepared post cash T, made note" --
Q. That is okay. Sorry. Yeah.
The next entry here?
A. March 23, 2021, "Close unagreed."
Q. And the remarks?
A. "No response from taxpayer or POA; no signed 4549; prepared case for closing. Labeled all documents received by taxpayer or power of attorney."
Q. Okay. Now, here is a longer one. What is the date of this entry?
A. April 1st, 2021, "Telephone contact."
Q. Okay. And the remarks reference a different date?
A. Yes. "On March 29th, TP -- taxpayer called tax compliance officer to discuss case.
"Tax compliance officer explained the case was closed unagreed due to no response. Taxpayer stated that she had been calling and calling her return preparer/power of attorney who would not return her calls. Out of frustration, she called the tax compliance officer. Tax compliance officer explained all allowances that had been given in detail based on taxpayer's records submitted.
Taxpayer agreed that the nature of allowances are correct, although taxpayer may have missed pointing out some expenses.
When questioned about how the inaccurate expenses got to the Schedule Cs, taxpayer explained her return preparer,

Mr. St. Louis, evaluated her books and records and placed the analyzed figures on the Schedule Cs.

"Solicited payment.

"TP stated that she cannot pay the amount due in 120 days. Taxpayer will have to set up an installment agreement with collection. Taxpayer faxed a letter requesting abatement of penalties. After careful consideration of taxpayer's oral and written testimony against a return preparer, tax compliance officer will abate penalties. Prepared corrected 4549 mailed to TP, and power of attorney with letter 692 and letter 937.

Q. Now, this referenced a letter statement from the taxpayer?

A. Correct.

Q. Was that in the records, as well?

A. Yes.

Q. Let me show you Government's Exhibits 203G.

Sorry. I should have told you to pack lozenges or something.

What is the date of this?

What is the date of this at the top?

A. March 29, 2021.

Q. And who is it to?

A. Phyllis Kampmeyer.

Q. Phyllis Kampmeyer, the auditor?

A. Yes.

Q. And, who is it from?

A. Alexandra Acosta.
Q. And, is it signed and dated?
A. Yes, it is.
Q. What is the date?
A. March 29, 2021.
Q. We are going to go in blocks so you can see it a little easier. But, can you read the first portion?
A. "I, Alexandra Acosta, gave my tax preparer Vilsaint St. Louis from Victory Taxes several credit card and bank statements from previous years to prepare my taxes, along with my W-2 and 1099s. To the best of my knowledge, in both 2018 and 2019, due though to his busy schedule, he had me drop off my paperwork, then had me return at a later date to sign it.
"In both those years, I did not sit with St. Louis to complete my tax return. As a matter of fact, I specifically used Mr. St. Louis as my preparer and, after the audit, I noticed another preparer filed my taxes one of those years.
"After I carefully reviewed my tax returns pre- and post exam and credit and bank statements from 2018 and 2019, I see that the expenses on my tax returns do not match the expenses on my bank and credit statements.
"I do not know where Mr. St. Louis produced some of the figures in my returns.
"I have also asked Mr. St. Louis if I needed to file single or married since I am married, and he stated to me that,

according to tax law, I do not need to file married.

"After our conversation today, I understand that it is, in fact, a law, and I will file married in future tax preparations."

Q. Okay. Now, as a result of this letter, the IRS changed its penalties associated with the income tax examination?

A. Yes.

Q. I am showing you what has been admitted as G's Exhibit 203H.

Do you recognize this?

A. Yes, I do.

Q. And what does it state up here?

A. It is the corrected report.

Q. Okay. This is for the same period, 2018, 2019?

A. Yes.

Q. Is this, in effect, an updated report from the report that was sent on January 21, 2021?

A. Yes.

Q. Now, in this -- this report, we can go through the summary here, 19, the balance due for 2018 was?

A. $9,042.

Q. And for 2019?

A. $1,071 -- I can't --

Q. I will not testify, but I think it is a 4.

A. It looks like a 1 here. 4,071 dollars.

Q. And, section B. Is there anything indicated in section B?
A. No.
Q. And, that is the penalties that are abated because of that statement?
A. Correct.
Q. Total amount due?
A. For 2018, $88,869.55. Or $0.65, sorry. And then for 2019, $4,169.04.
Q. And, approximately, that being 1400, or $14,000?
A. Correct.
Q. Is there any evidence -- or during your review, was this balance ultimately paid off?
A. I don't know.
Q. Okay.

MR. JONES: One moment, your Honor.

BY MR. JONES:

Q. Ms. Hernandez, thank you for traveling all the way here. We appreciate you.

No further questions, your Honor

THE COURT: All right.

Cross-examination.

MR. SILBER: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. SILBER:

Q. Good morning, Ms. Hernandez.

A. Good morning.
Q. Thank you for coming today. If you can just give me a second to get set up here.
All right. Work with me a second. I have to go through this binder and get to the right page.
All right. I am showing you what was previously admitted as Government's Exhibit 203A.
Do you see that sticker there?
A. Yes, I do.
Q. The title of that, "Case History Report"?
A. Yes.
Q. Okay. Do you see all these boxes that are blank here?
A. Yes.
Q. Those are redactions, right?
A. Yes.
Q. And, can you tell me if those redactions were put in there by the IRS?
A. I don't know.
Q. Okay. Here is another one.
Let me zoom in.
Do you see that redaction there?
A. Yes, I do.
Q. Do you know if the IRS did that one?
A. I don't know.
Q. Okay. All right. I am going to ask you some other

questions about these documents.

There is a lot here, so I just got to go back and forth. So, if you would just bear with me --

Okay. I am just going to highlight a couple of things here.

Looking at the note entry on February 1, 2021, okay, isn't it true that Mr. St. Louis told the tax compliance officer that he didn't see anything wrong with annotating my client as single on the 2018 and 2019 returns? Isn't that true?

A. That is what the notes say.

Q. Okay. Well, that was -- you are correct. Let me rephrase that. Your official IRS record that was maintained in the normal course of business to memorialize all the comments and statements made between the taxpayer, the tax preparer and the tax compliance officer are in this document, correct?

A. Correct.

Q. Okay. So, isn't it true that this document memorialized that he didn't see anything wrong with annotating her as single when she was, in fact, married?

A. I wasn't there, present in the conversation. So, I don't know. I can't say what -- how he felt about it.

Q. I know. But, that is in these records, isn't it?

A. Yes, yes.

Q. I am not asking you if you were part of the conversation,

you are the records custodian; correct?
A. Yes.
Q. I am asking you, in your context as a records custodian. He never learned that you could take only mileage or actual expenses. Right?
A. If it is on the record, if that's what it says, then okay.
Q. Here is my question. And this may be outside of your job function. But, I imagine you must have received training at the IRS about basic tax principles and tax, how they work and all that stuff; is that correct?
A. I know a little about tax law, yeah.
Q. And, were you familiar with that law about taking mileage or actual expense?
Is that something you would have knowledge of?
A. I am not tax-law trained, no.
Q. That's fair enough. No problem. How about here. Okay. Right here. This right here. 1-19, there is a record that he indicated he was out of the office due to the birth of his child; correct?
A. The record states that.
Q. And that was on -- is this the January 21st entry or is that a January 19th entry?
A. It looks like the January 19th.
Q. 19th. Okay. Either way, 19, 21, around that time period, he had a baby.

Okay.

Q. And, here, on April 1st, 2021, TP means taxpayer again, right?

A. Correct.

Q. She stated that she had been calling her RP, return preparer; correct?

A. Yes.

Q. And POA, a power of attorney; correct?

A. Yes.

Q. Who would not return her calls, and, out of frustration, she called the tax compliance officer; correct?

A. Correct.

Q. And here, in this note --

A. It is a little blurry.

Q. Oh, sorry. So, to be clear about one thing, I want to be sure. Do you see where it says, "Comments," are these comments that the tax compliance officer would have put into this field?

A. Which form is this?

Q. Examiner Phyllis Kampmeyer?

A. Okay.

Q. Do you see what I am referring to?

A. Yes.

Q. These notes in here, is that something the tax compliance officer would have written?

A. It looks like the examiner wrote that.

Q. Maybe I am saying the wrong thing. What is the difference between the examiner and the TCO?
A. The tax examiner, the auditor, and the tax compliance officer are two separate people. They are from two separate -- I would say divisions of departments. They work two different aspects of, I guess, the audit.
Q. Understood. But, either way, these are notes about the case; correct?
A. Yes.
Q. Okay. So, taxpayer -- meaning Ms. Acosta -- was not educated in the field of taxes, and no intentional disregard of rules or regulations was evident based on taxpayer's oral testimony and all evidence provided related to the case; is that correct?
A. If that's the notes that were in there, yes.
Q. Taxpayer used and relied on Mr. Vilsaint St. Louis as her preparer to file an accurate return based on her circumstances. Correct?
A. Correct.
Q. Taxpayer, Ms. Acosta, provided her preparer to -- whoops -- provided all documentation that was requested by the preparer. Correct?
A. Correct.
Q. Taxpayer believed in good faith that the tax return was accurate and compliant. Right?

A. Yes.

Q. Taxpayer requested that no penalty be assessed given she did not know the inaccurate figures that Mr. St. Louis placed on her Schedule Cs?

A. Correct. Yes.

Q. And, isn't it true he admitted that he double-entered her property tax; correct?

A. He admitted?

Q. I am sorry. He entered her property tax twice by accident?

A. If it was on one of the reports, yes.

Q. Well, I am asking you, are you familiar with these documents?

A. With the report, the documents, yes.

Q. Yes. Okay. And isn't it true that part of the problem with her taxes was that she got depreciation for her property tax on her house twice. Isn't that correct?

A. I am not sure about that one.

Q. Okay.

A. I didn't --

THE COURT: The depreciation or deduction?

You said depreciation twice.

MR. SILBER: I am sorry. I am using the wrong word. I mean deduction. Thank you for pointing that out.

BY MR. SILBER:

Q. Do you know now what I am talking about?

A. We didn't go over.
Q. So, in one of her returns, there's a double entry for her property taxes. Is that correct?
A. Yes.
Q. And, as a result of that, her taxable income was brought down more than it should have been; correct?
A. Yes.
Q. And, it was an identical double entry, almost as if someone hit enter twice; correct?
A. Yes.
Q. And, he admitted he made that mistake, didn't he?
A. If he reported it in the notes; correct.
Q. That was in the notes, wasn't it?
A. Yes.
Q. Okay. And, equally, we just saw a moment ago, he admitted that he didn't understand that you can't deduct expenses and the actual mileage; it is one or the other; correct?
A. I am sorry, in the -- can you repeat the question.
Q. He admitted in his discussions with whoever made these notes that he was not aware you could only deduct actual mileage or expenses, as opposed to both?
A. Correct.
Q. And, he said that on the things that he read and maybe the classes he took, he was never explained that, was he?
A. Classes?

Q. Whatever notation that was in there, things he read, there is a reference to certain education, he said he never learned that, in other words, right?
A. I didn't see that. I am sorry.
Q. Okay. All right. Looking at this 2018 return here, do you see this page, the first page?
A. Yes.
Q. Okay. What I am looking for here, if you could point out is where is the signature block on this document where the person --
A. On the first page?
Q. That is on the first page. That is down here?
A. Where it says sign here?
Q. Here?
A. Yes.
Q. Okay. And, I see the asterisks, and you said that was a digital signature, correct?
A. Correct. This is an electronically filed 1040 return.
Q. Okay. How is that -- if you know, how is that digital signature derived?
A. When you electronically file a return, when you transmit it, electronically, the taxpayer provides a digital PIN number, six numbers, individual PIN that they put in before they transmit it to the IRS.
Q. Okay. So, if I read this document correctly, just looking

-- and, again, you are the records custodian, and I know you were not involved in the details of this -- does this inform us that the taxpayer, Ms. Acosta, is the one who electronically filed this, or it was somebody else?

A. I don't know. I wasn't there at the time.

Q. Okay. So, looking at this document, you can't tell us if Ms. Acosta was the person who filed this return, or was it somebody else?

A. I wasn't there at the time.

Q. I am just saying, referencing the documents, I am only asking you in your context as records custodian, looking at this document, can you tell me who submitted this application? Who submitted this return?

A. I see that it is signed, but I wasn't there at the time it was signed. I can't tell you who signed it.

Q. Okay. Thank you.

All right. Let's move on to 2019.

I am showing you what has been previously admitted as Government's 201. Do you see that right there?

A. Yes.

Q. Okay. All right. So, I see here, wages. This indicates to us that in 2019, she earned -- she reported income of $103,819; is that correct?

A. Correct.

Q. Okay. Do you recognize the back of this?

A. Yes.
Q. Second page. Okay. Same question as with 2018.
Are you able to tell me, looking at this document, who submitted the signature?
A. I could see that it is signed.
Q. It is signed. But, do you know who signed it?
A. I was not there when it was signed.
Q. Okay. And, this part with third-party designee, what does that tell us?
A. That Victory Tax, Inc., was given permission to speak on behalf of that return, if any discussions were needed.
Q. Let's talk about that for a second.
So, in the course of the audit, my client signed what is called a power of attorney; correct?
I am an attorney, right?
What does power of attorney mean in the context of these audits, if you know?
A. For this Form 8821, which is an authorization form, was signed and given to the preparer to speak on behalf of this form.
Q. And, of course, someone, a taxpayer would sign this document so that their tax preparer or accountant or CPA, whoever that person is, could interact with the IRS on their behalf; correct?
A. Correct.

Q. So, every notice will -- once you have the power of attorney executed, that person, the attorney who has that, maybe he is not a lawyer, but he has the power of attorney, will get copies of all notices that were sent to the taxpayer; correct?
A. But, only for that specific tax year.
Q. So throughout this entire process, Mr. St. Louis was apprised of every step of this audit investigation; correct?
A. If there was a letter 937 going out, then that letter was going to him.
Q. Okay. And, when my client mentioned that she needed a payment plan, that was in the month of April of 2021, wasn't it?
A. Yes.
Q. And, in the end, the tax that she was due was paid in full, wasn't it?
A. I don't know.
Q. Okay. But, there was an installment plan initiated; correct?
A. From the notes I see, she did request a payment plan, yes.
Q. And, as opposed to a person writing a check or hitting a credit card and paying the whole thing at once?
A. Yes, a payment plan is that.
Q. And, that is done through the collections department of the IRS, right?

A. Or, you could go online.
Q. Online, or just submit your monthly whatever it is?
A. Yes. You could set up a payment plan.
Q. Okay. And a payment plan is exactly what happened in this case, isn't it?
A. I am not sure.
Q. All right. You recognize this document?
A. Yes, I do.
Q. Government's -- sorry, my eyes are terrible. 203H.
Okay. This was issued on April 13, 2021; is that correct?
A. Correct.
Q. Okay. And I see here, penalties, B, that line is blank. Does that mean there were no penalties assessed?
A. That was the penalties were abated.
Q. Okay. She didn't have to pay a penalty, did she?
A. Yes, no -- I mean, the penalties were abated.
Q. Okay. But, when you say "abated," that means she doesn't have to pay it, right?
A. They were -- per her request, the letter that she submitted, the -- they were reversed. The penalties that had been assessed were taken back.
Q. So, in the end, she didn't have to pay it, right?
A. No penalties were incurred.
Q. Okay. So, at the end of the day, for 2018, I don't know if you can see that 18 there --

A. Yes.
Q. Do you see that?
A. Yes.
Q. Okay. She paid interest, okay. They never get rid of the interest, right?
A. The interest was there. They never abated the interest, yes.
Q. Right. So, she just basically paid the tax that was owed and just a little bit of interest, and the same thing again in -- we are here in '19?
Same thing here in '19, right, just the tax, a little bit of interest, $98, right?
A. Correct.
Q. Okay. And, isn't it true in those notes, it is memorialized that my client was frustrated and that she called on her own to the TCO to find out what was going on with the case?
A. There were calls to the tax compliance officer, yes.
Q. And, she mentioned, it is in those notes that the taxpayer, my client tried reaching Mr. St. Louis, but was unable to; correct?
A. Correct.
Q. And, isn't it true that there was a portion of these notes where the tax compliance officer is, in essence, correcting Mr. St. Louis and advising him of the limits of his

representation?
A. I am not sure.
Q. Let me get to that. Hold on.
Sorry, just bear with me one second.
I am sorry. I am just lost in my paperwork here.
That's okay. We will get to that one later.
Now, it was established in their discussions that my client is a full time BSO deputy as well as a part-time real estate agent; is that correct
A. Yes.
Q. Okay. And, isn't it true that in 2019, on her Schedule C, she reported to the IRS that she earned $13,900; correct?
A. Correct.
Q. And, whatever calculation was done with the expenses of the business, she reported and she paid accordingly; correct?
A. Yes.
Q. And then that was later corrected when the audit was done because the double entry, the mileage, those things we already discussed, and then she was assessed the tax later; correct?
A. Correct.
Q. And, she has paid that tax in full; correct?
A. I don't know if she has paid in full.
Q. Okay.
MR. SILBER: Can I have a second, your Honor?
THE COURT: Yes.

MR. SILBER: Thank you.

All right. Nothing further for this witness at this time.

THE COURT: All right.

Do you have redirect?

MR. JONES: Yes, your Honor.

MR. SILBER: Your Honor, before the Government begins, I actually found the page that I wanted.

Can I ask one question more?

THE COURT: Sure.

MR. SILBER: Thank you.

And, I am not a paperwork guy.

(Continuation of cross-examination.)

BY MR. SILBER:

Q. All right. It is right here.

THE COURT: What exhibit are you showing her, just so we keep track.

MR. SILBER: Sorry. You know what, I pulled the wrong one. Never mind. We will get to it later. Thank you.

THE COURT: Okay. Well, they are all in evidence, right.

MR. SILBER: Yes, exactly. We will address it later.

THE COURT: Okay.

MR. JONES: Your Honor may I have the -- thank you.

REDIRECT EXAMINATION

BY MR. JONES:

Q. You were asked about the signatures on the tax returns. I will bring your attention back to Exhibit 201. This is the 2019 tax return for Ms. Alexandra Acosta. And, Page 4, we have a paid preparer's due diligence's checklist, as you testified, that was something that was completed by the preparer; correct?

A. Correct.

Q. And, we also discussed Government's Exhibit 203F, which is a taxpayer questionnaire; correct?

A. Correct.

Q. And, as we went through this 203F, we discussed the information that was listed in this form; correct?

A. Correct.

Q. And, I asked you whether it matched with the information in the schedule or in the 2019 tax return. Correct?

A. Correct.

Q. And, what was your testimony?

A. All the information matched.

Q. And, at the bottom here, of Government's Exhibit 203F, was it signed?

A. Yes, it is.

Q. And is that an electronic signature?

A. No, it is not.

Q. Is that asterisks?
A. No, it is not.
Q. What was the date?
A. February 4th of 2020.
Q. Could you tell me the date that is listed here on the tax return?
A. February 4, 2020.
Q. Defense counsel also brought up a power of attorney. Now, this is from the entry of 12-16. This is at the beginning of the audit. And, what does it say here, right after this redacted portion?
A. The Form 8821 is very limited. The power of attorney has very little representation ability.
Q. And, he asked you about these redactions, but these records are what was produced to the United States in response to a request?
A. Yes.
Q. Mr. Silber also asked you about the abatement of penalties.
He went through some of the notes on this penalty sheet with you; correct?
A. Correct.
Q. Can you tell me the date of the interview with Ms. Acosta in the beginning of this audit?
A. December 17th, 2020.
Q. What does she state?

A. She and the return preparer figured out the expenses together.
Q. What else does she state here, this second sentence?
A. She sat with Vilsaint St. Louis for 2018 and 2019.
Q. How about this last sentence?
A. After explaining some of the expenses on the 2018 Schedule C, taxpayer reiterated that all figures and expenses on the Schedule C are info that she and -- that she and the return preparer came up with together.
Q. And, following that information, without receiving any additional records supporting her taxes for that year, you testified that the IRS sent an examination change report; correct?
A. Correct.
Q. And, that report had penalties and interest included?
A. Correct.
Q. And, that was based on the information that was obtained, to that date?
A. Yes.
Q. Now, in contrast, I will show you Government's Exhibit 203G.
What does she say here in this first full sentence?
A. "I do not know where Mr. St. Louis produced some of the figures in my returns."
Q. How about this other sentence here?

I will start here, the full sentence for you, that would make more sense.

A. "To the best of my knowledge, in both 2018 and 2019, due to his busy schedule, he had me drop off my paperwork then had me return at a later date to sign it. In both those years, I did not sit with Mr. St. Louis to complete my tax return. As a matter of fact, I specifically used Mr. St. Louis as my preparer and, after the audit, I noticed another preparer filed my taxes one of those years."

Q. Now, this was in response to the TCO's request for a letter if they wanted abatement of penalties, right?

A. Correct.

Q. And, those penalties were abated because of her own statements?

A. Yes.

Q. Not because she provided substantiating records?

A. Correct.

Q. Mr. Silber also talked to you or he mentioned that this was all just because of real estate double reporting. I am going to show you the examination report again.

Now, based on this, this is the -- this is Government's Exhibit 203D. Let me -- I will go one year at a time here, now.

It is going to bother me if I don't get the zeros on there. I apologize

So, what does this represent for the period ending 2018?
A. Just adjustments for income, for Schedule C, the adjusted gross income itemized deduction and qualified business income deduction.
Q. And this, these numbers, so, B, here, other expenses, $9,214, does that represent expenses that were not qualified, or not supported?
A. What do you mean? I am sorry.
Q. There is a total adjustment level down here into $34,571. Right?
A. Okay.
Q. Is that a computation of all these adjustments to her income that year?
A. Yes.
Q. And so in here, are there expenses listed that were adjusted for -- for example what is subsection E, 1E?
A. Oh, that is the line number for the schedule.
Q. Okay. And what does it say next to it?
A. Repairs and maintenance.
Q. Does that have anything to do with real estate taxes?
A. No.
Q. And, does this indicate that that income should be attributed back to her 2018 return, that $8,147, was expenses that shouldn't have been used?

A. Those were the adjustments that were -- those were the expenses that were on the Schedule C that were adjusted.
Q. Correct. Unsupported?
A. Yes, sorry.
Q. And, likewise, supplies? 1D, correct?
A. Correct.
Q. Is that real estate taxes?
A. No, it is not.
Q. How about 1C, travel?
A. No.
Q. Is that real estate taxes?
A. No, it is not.
Q. How about 1G?
A. Advertising, no.
MR. JONES: No further questions, your Honor.
MR. SILBER: Your Honor, I found the two documents I wanted to ask. Would you allow me to reopen so we could address that?
THE COURT: Okay. All right.
MR. SILBER: I appreciate it.

RECROSS-EXAMINATION

BY MR. SILBER:
Q. Okay. I found the documents. All right. So, here we are. Do you remember when I asked you about his comment that was recorded in here about what he studied?

Do you remember that part of my cross-examination?

A. Yes.

Q. Okay. So, power of attorney, that is Mr. St. Louis, right, stated he didn't see anything wrong with annotating her as single. We covered that, right? H?

"Tax compliance officer explained that the taxpayer must file as -- what does MFJ stand for?

A. Married filing joint.

Q. With Ms. Thomas as Ms. Acosta's wife, right?

A. Right.

Q. Keep going here. What is MFS or HOH?

A. Married filing separate, or head of household.

Q. If the circumstances dictate, power of attorney, also return preparer, right?

A. Yes.

Q. And, by the way, the return preparer is the person who fills out the tax return and puts all the numbers in, right, based off what the taxpayer information that is provided, presumptively. Right?

A. A taxpayer --

Q. Well, for example, he admitted that he had an erroneous double entry. She didn't provide him with two property taxes, right?

He admitted he made a mistake?

A. I wasn't --

Q. These records reflect that he admitted he made a mistake?
A. Okay.
Q. Yes?
A. Okay.
Q. Is that what these records indicate?
A. I don't know.
Q. Okay. Now, you don't know.
All right. "Tax compliance officer points out that the power of attorney stated his case that he never learned you could only take mileage or actual expenses. He never learned this at any of the IRS forums or read this in any of the tax law books he reviewed.
"The tax compliance officer explained that this is one of the first things that a good return preparer learns about, and that he is very mistaken, very mistaken about taking mileage and in capital letters, and actual expenses which he, he, not taxpayer, which he took on the 2018 and 2019 returns." Right?
This is what was memorialized in the tax audit report as his comments and her comments, correct?
A. It is notated.
Q. Okay. All right. This is an April 1st, 2021, entry; correct?
A. Correct.
Q. Okay. On March 29, 2021, the taxpayer called --

Ms. Acosta -- called tax compliance officer to discuss the case. TCO explained that the case was closed due to no response. Taxpayer stated that she had been calling and calling her return preparer power of attorney who would not return her calls.

Correct?

A. Correct.

Q. Out of frustration, she called the tax compliance officer. Right?

The tax compliance officer explained all the allowances that had been given in detail based on the records, blah blah blah, and it goes on.

The point being, my client had to call on her own because her power of attorney wasn't doing it for her, was he?

A. Yes. That's what the note says.

Q. Thank you.

Nothing further, your Honor.

MR. JONES: Can I briefly address that, your Honor?

THE COURT: Okay.

REDIRECT EXAMINATION

BY MR. JONES:

Q. Mr. Silber asked you about the February 1st entry here.

A. Yes.

Q. He described how the notes reflect how bad of a tax preparer Mr. St. Louis was?

A. Yes.
Q. Who was with Mr. St. Louis during this conversation?
A. Power of attorney and taxpayer called in.
Q. Does that reflect that the tax preparer was there during the conversation?
A. Yes.
Q. And then here, Mr. Silber was stating that the tax preparer had to call in out of frustration?
A. Yes.
Q. Can you tell me what the entry for March 23 states?
A. "No response from taxpayer or power of attorney."
Q. Thank you.

MR. JONES: No further questions.

THE COURT: All right, thank you.

(Witness excused.)

All right, folks it is afternoon. Let's take our luncheon recess. See everybod back at 1:30. All right? 1:30.

COURT SECURITY OFFICER: All rise.

[Whereupon, the jury left the courtroomat 12:05 p.m., and the following proceedings were had:]

COURT SECURITY OFFICER: All rise.

THE COURT: All right. Bring in the jury, please.

[Whereupon, the jury entered the courtroom at 1:32 p.m., and the following proceedings were had:]

THE COURT: All right. Welcome back. Please be seated.

Who is the Government's next witness?

MR. JONES: Government calls Special Agent Tonya Johnson.

THE COURT: All right.

Thereupon:

TONYA JOHNSON

was called as a witness and, having been duly sworn, was examined and testified as follows:

THE WITNESS: I do.

THE COURT: When you are ready, please tell us your name and spell your last name.

THE WITNESS: Tonya Johnson, J-O-H-N-S-O-N.

THE COURT: Thank you.

DIRECT EXAMINATION

BY MR. JONES:

Q. Ms. Johnson, can you tell us where you work?

A. I work for the Office of Inspector General for the Federal Reserve Board.

Q. And what exactly is that?

A. I am a special agent, and we investigate federal financial crimes as they relate to banks that we regulate.

Q. And how long have you worked there?

A. Since May of 2021.

Q. Prior to working at the Federal Reserve, where else did you

work?
A. I was a special agent for Department of Defense, Office of Inspector General. And then, before that, I was a special agent for IRS criminal investigations, or for approximately nine years.
Q. And what is the IRS criminal investigations? What were your jobs and duties there?
A. It is similar to what I do now, except for we had expanded jurisdiction over tax laws. So, we would investigate financial crimes related to the tax code, which is Title 26, and the money laundering Control Act, which is Title 18, and then the Bank Secrecy Act violations, which is Title 31.
Q. And when did you switch to the Department of Defense?
A. That was in December of 2018.
Q. Do you have formal education?
A. I do. I have a bachelor's degree in Accounting with a double minor in criminal justice and psychology, and then I have a Master's Degree in Business Administration.
Q. Now, when you were with -- in 2020, and 2021, early 2021, you were with the Department of Defense?
A. Yes.
Q. And had you investigated any PPP fraud at that time?
A. I didn't have cases specifically to me. But, I was aware of the -- I guess the violations that were becoming known to federal law enforcement at that time.

Q. And how was that?
A. We had different trainings regarding the CARES Act violations and how it affected the Department of Defense at the time.
Q. Was it in the summer of 2020, the fall of 2020, was there a lot of correspondence in your law enforcement agency about CARES Act fraud, or PPP fraud?
A. Yes. They had formal trainings. I know there was task forces that were created at different agencies in the U.S. Attorney's Office to kind of get ahead of some of the fraud that we were becoming aware of, and misuse of PPP funds.
Q. And, were you involved in the investigation in the superseding indictment in this case --
A. Yes, I was.
Q. -- charging Vilsaint St. Louis and Alexandra Acosta?
A. Yes.
Q. How did you become involved in the investigation?
A. Broward Sheriff's Office had contacted the United States Attorney's Office and notified them that they were aware of paycheck protection violations related to some of their employees.
Q. And, with that information, what did you do next?
A. So, I reached out to that Pandemic Response Accountability Committee, which is the PRAC, and requested information relating to some of the individuals that we became aware of

relating to the fraud.
Q. So, you said -- again, PRAC, what does it stand for?
A. Pandemic Response Accountability Committee.
Q. Just, I guess explain to the jury what that is.
A. They have access to SBA data, and that is a group of OIGs that were tasked with -- following the pandemic, to investigate any fraud or waste as it related to the COVID funds.
Q. And what type of information did they have available for law enforcement?
A. They did run certain database checks. But, the main thing was they had access to the SBA data on a rolling basis, so they could let them know if there was PPP loans for certain individuals, or other CARES Act loans.
Q. And so, was the data similar to what was included in the application, itself?
A. Yes. It came in a spreadsheet form. It was essentially the PPP application in a format version, so it listed the individual's identifiers, the PPP lender, the dollar amount, whether it was forgiven or not.
Q. And, did you retain or obtain that information for this case?
A. Yes, I did.
Q. Now, what else -- what other types of, with that information, what did you -- what did you do next?
A. So, the information was that the lender was Cross River

Bank? So, we issued a subpoena to Cross River to get the entire loan file.

Q. Did you issue any -- or did you receive any records from BSO at all?

A. Yes, we also requested the outside or off-duty employment forms for Alexandra Acosta.

Q. And, at this stage of the investigation, what exactly are you trying to determine?

A. We were trying to determine, one, if there was a loan, if there, in fact, was a loan, and if Alexandra Acosta reported any off-duty employment to Broward Sheriff's Office.

And, we wanted to review the loan file to see what was in there.

Q. And I am not sure if you mentioned this, but did you get the information about the PPP lender from the PRAC?

A. Yes. That was Cross River, when we issued a subpoena to Cross River for the loan file.

Q. And what information -- you have been here sitting through trial. The Government has admitted Government's Exhibits 100 through 102. Were those the records produced in response from Cross River?

A. Yes, yes.

Q. Did they also produce Government's Exhibit 150 through 154 regarding the forgiveness?

A. Yes.

Q. I will show you those later.

I will show you those. Once you received the lender files, what information was contained in there that was helpful to your investigation?

A. So, it included the tax records in support of the income for Alexandra Acosta, and, it included, you know, personal identifying information like her email address, the phone number, the type of business on there. And then there was also like a DocuSign that showed the events related to signature.

Q. Okay. I am going to show you Government's Exhibit 100.

MR. JONES: Your Honor, would you please activate the --

Thank you.

BY MR. JONES:

Q. Do you recognize this document, Government's Exhibit 100?

A. Yes. That is the Paycheck Protection Program loan application for Alexandra Acosta.

Q. And this is what you were referencing was produced by Cross River?

A. Yes.

Q. You mentioned an IP address. I am going to take you to -- this is Page 15 of Government's Exhibit 100. What are we looking at here?

A. So, this is a certificate of completion. It shows the signer events for the PPP loan application, itself.

So, at the top, it has the name of DocuSign document, which says Paycheck Protection Program application, and then it shows a signature on February 3, 2021. And then also, it shows the signer event where the actual signature documents were sent, which were sent to AlexAcosta03@Gmail.com.

Q. And is that the email that was listed in the application?

A. Yes.

Q. Now, with that information, this IP address 73.56139.104, what did you do with that?

A. We issued a subpoena to the Internet service provider for that. We had done an internal check, which showed that it was Xfinity or Comcast -- I am not sure which one it was at the time -- but, essentially, Xfinity and Comcast have the same service address for records. So, we issued a subpoena, and it came back nonresponsive. It was outside the scope of date that they keep the records for, which is generally 180 days, unfortunately.

So, by the time we issued the subpoena, the information was no longer held by the service provider.

Q. And are you generally familiar with what an IP or Internet protocol address is?

A. I am.

Q. Can you briefly explain what that identifies, for the jury?

A. It identifies the location of the router for the Internet. So, if it is, you know, someone's house, it would be the

IP address related to the router at that location.
Q. And are there distinctions between types of IP addresses, static versus a dynamic?
A. Yes. Static means it stays the same unless the router becomes disconnected. It will generally stay the same number. But then, if it was dynamic, it changes on a rolling basis.
Q. And this IP address, do you know whether this was static or dynamic?
A. I am not sure.
Q. When you issued the subpoena to Comcast, you mentioned that it returned no results?
A. Right.
Q. What information had you included in that subpoena?
A. We -- so, we issued a couple of subpoenas. The first subpoena, we requested just the specific IP address. And then we issued a later subpoena for Alexandra Acosta's identifying information and personal residence address to see if maybe they had the records that way.
Q. And, at this time, had you known whether this defendant St. Louis was included in the investigation?
A. No.
Q. Now, it is the IP, the ISP or Internet service provider, that is the one that retains these records, but you testified that they have a limited retention policy?
A. Yes, they do. Generally, they retain records for 180 days.

By the time we issued the subpoena, it was well past that.
Q. Is that because this event occurred in February 2021?
A. Yes. And, I believe the initial subpoena, just based on the IP address, itself, was sometime in later 2022.
Q. And did you ultimately learn who was associated with this IP address?
A. Yes.
Q. And how did you learn that?
A. We received records from the defense team that showed a DocuSign certificate for Mr. St. Louis bearing the same IP address.
Q. I am going to show you Government's Exhibit 602.
MR. JONES: Well, before I do that, can I move to admit Government's Exhibit 602 into evidence?
THE COURT: You may.
All right. So 602 is in evidence.
(Government's No. 602 was received in Evidence.)
BY MR. JONES:
Q. Showing you Government's Exhibit 602, is this the record you were just discussing?
A. Yes, yes, that is a DocuSign certificate.
Q. And this was produced by the defense team when?
A.
Q. Approximately?
A. Sometime in early 2023.

Q. Now, this, this record, what was the trial subpoena issued to?
A. Sorry, actually I believe it was early 2024. I apologize.
Q. And, this was a subpoena to who, that produced these records?
A. I think this is a subpoena to DocuSign.
Q. And it was for what?
A. It was requesting DocuSign certificates associated to Victorytaxes@gmail.com.
Q. And, in return, DocuSign returned this document, right?
A. That's right.
Q. Now, what does it state here in the signer events?
A. It has Vilsaint St. Louis, Victory Taxes@gmail.com. It has a DocuSign signature there, with the IP address of 73.56.139.104. On December 21 of 2020, it was signed.
Q. Now, that December 21, 2020, date, that is not February 1st, 2020, or 2021?
A. No.
Q. But, based on this, what is your analysis in the nature of IP addresses?
A. We believe it was the IP address associated to Mr. St. Louis.
Q. And that could have been associated with him in February of 2021?
A. Yes.

Q. This second page, what exactly is this, or do you even know what this is representing here?
A. I believe that just shows different events related to this DocuSign certificate. Just looking at the status, it looks like it was created by user, Small Business Administration, having their IP, on December 21, 2020, and then opened by Vilsaint St. Louis on December 21, 2020.
Q. And, this IP address that we have been talking about, 73.561.39.104, is that an IP address associated with the PPP loan application?
A. Yes, it is the same IP address.
Q. Exhibit 600 --
MR. SILBER: One second.
No objection.
MR. JONES: Government moves to admit Government's Exhibit 600.
THE COURT: Okay.
(Government's No. 600 was received in Evidence.)
BY MR. JONES:
Q. Ms. Johnson, or Special Agent Johnson, sorry, I am showing you Government's Exhibit 600. Do you recognize this document?
A. Yes. This is Google subscriber information for a Gmail account, Victory Taxes@gmail.com.
Q. And, is this something that you obtained following the information provided by DocuSign?

A. Yes. We obtained the G mail records related to the account utilizing a search warrant.
Q. And, prior to receiving this information, was Mr. St. Louis a target of yours?
A. No.
Q. And, we discussed the PPP loan application. And, you are aware that there was supporting documents attached to the PPP loan application?
A. Yes.
Q. And what were those documents, again?
A. They were bank statements. There was tax records, the two different tax records, the Form 1099 miscellaneous and then a Schedule C profit loss for a sole proprietor.
Q. And I am appearing to show you the supporting records?
Is this the 1099 that you were discussing?
A. Yes.
Q. And this was submitted in support of the application?
A. Yes, that's right.
Q. And, you also, during your investigation, did you obtain any official tax records?
A. Yes. We -- we did what's called an ex parte order. It allows the IRS to share tax records that are filed with them.
Q. And Government's Exhibit 201, which was already introduced, is this the 2019 official tax record that you received?
A. Yes, it is.

Q. And, with this document, was there any 1099s attached to this?
A. I believe there was a 1099.
Q. Let me back up there, actually.
A. Okay.
Q. You had a chance to, when we saw the name listed here, for the payor, Valordog LLC?
A. Yes.
Q. What did you do with that information?
A. We issued a subpoena to the entity to get any records issued to Alexandra Acosta, and we made contact with the owner, Todd Crevier.
Q. Did you ask him for his 2019 records?
A. Yes, sir.
Q. Was that to cross-reference submitted documents?
A. Yes. We were trying to verify if the information on here was correct, per Mr. Crevier's records.
Q. And did you receive those records?
A. Yes.
Q. I am going to show you Government's Exhibit 400.
Is this Government's Exhibit 400 what you received back from Valordog LLC in response to your subpoena?
A. Yes. Yes, it is. It lists compensation of $13,904.
Q. And what was the compensation listed in the form submitted to the SBA, in support of the PPP?

A. $103,255.
Q. And, you also had seen attached to the PPP loan application a Schedule C?
A. Yes.
Q. And -- one moment, excuse me.
And, when you received the 2019 tax return for -- from the IRS, did you cross-reference the Schedule C that was filed?
A. Yes, I did.
Q. Is the document I am showing you on your right and on the jury's right, is that the real, or the filed with the IRS Schedule C for 2019?
A. Yes, it is.
Q. And, what was the income amount listed?
A. $138,904.
Q. And what was listed in the income in the form that was submitted in support of the PPP loan application?
A. $103,255.
Q. And, the expenses submitted in support of the application for the PPP loan?
A. Supplies of $6,389.
Q. And were there expenses listed in the Schedule C that was actually filed with the IRS?
A. Yes, there was a total expenses of $23,523, in the IRS-filed copy.
Q. Now, in addition to cross-referencing the tax records, why

do you do that?

A. We want to just verify that the information supplied on the PPP loan application is accurate. And, the only way to do that is to verify it against the IRS-filed records, and also compare to bank records.

Q. And, following this type of, this part of your investigation, did you obtain any other records to support your investigation?

A. We did.

Q. What types of records did you obtain?

A. We issued subpoenas for financial accounts. So, the PPP loan application listed a bank account at SunTrust where the PPP proceeds were deposited. So, we started with the subpoena there to identify whether the funds were deposited to that account. We received the account, we analyzed it, and then we issued additional subpoenas based on reviewing that bank account.

Q. When you issued the subpoenas to SunTrust, did you issue just for that account, or for any accounts associated with Alexandra Acosta?

A. Any accounts.

Q. Did you receive more than one account back?

A. We did. It was -- we received a checking and a savings account.

Q. Okay.

MR. JONES: 500 through 501A?
MR. SILBER: 500, no objection. You said 501A?
MR. JONES: Yes, that is the statement for January.
MR. SILBER: No objection.
THE COURT: So 500 and 501A.
MR. JONES: 500, 500A, 501 and 501A, please.
THE COURT: Not 500B?
MR. JONES: No, no B for either.
THE COURT: Okay.
(Government's No. 500 was received in Evidence.)
(Government's No. 500A was received in Evidence.)
(Government's No. 501 was received in Evidence.)
(Government's No. 501A was received in Evidence.)
BY MR. JONES:
Q. Special Agent Johnson, I am showing you the first page of Government's Exhibit 500. What is this?
A. That is a personal account signature card for SunTrust Bank account ending 7279, in the name of Alexandra Acosta.
Q. And the returns here, it was a 360-page document of bank records?
A. Yes.
Q. And do you recognize that signature?
A. I do.
Q. Did you see it elsewhere in your investigative case?
A. Yes. I have saw it on other documents, including driver's

license records, tax records, other records related to the IRS audit.

Q. Is this one of those records that you are referencing?

A. Yes.

Q. Okay.

I was showing the witness Government's Exhibit 203G.

Now, I am going to show you Government's Exhibit 500A, which is just an excerpt from the banking records.

So, do you recognize this?

A. Yes, I do. That is a bank statement for the account ending in 7279 for December 24th to January 22nd of 2021.

Q. And, when you were reviewing these bank records, which account is this for?

A. This is for the checking account where the PPP proceeds were deposited.

Q. And that is 7279?

A. That's right.

Q. And, in reviewing these records, can you describe the income that you saw in January of 2021?

A. Payroll deposits from Broward Sheriff's Office.

Q. I will move to the next -- this is Page 8 of Government's Exhibit 500 A. What are we looking at here?

A. This is SunTrust account ending 7279, again for January 23, 2021, through February 19 of 2501.

Q. Did you review the statement during your investigation to

find the PPP funds?
A. I did.
Q. What did you find during your search?
A. So, it showed that the PPP loan was deposited to the bank account on February 4th of 2021.
Q. Okay. And what was the amount?
A. $20,180.
Q. You also somewhere -- we have not used this in a bit, but you can touch the screen. I believe you may be able to circle some things, if it helps you?
A. Sure.
Q. And, what exactly did you see happen with this money as between accounts?
A. So, the same day that the deposit was made of $20,180, a mobile app transfer was conducted, transferring $20,000 to a SunTrust savings account ending 6716.
Q. Is that the same savings account that you received?
A. Yes.
Q. Sorry.
A. That was a horrible circle. I will not do that again.
Q. I think if you hit the bottom here, there is --
A. Undo. There we go.
Q. So the $20,000 was transferred to where?
A. To a SunTrust savings account ending 6716, which we found to be in the name of Alexandra Acosta. And then on the same

day, it was transferred back to this account. So, that's why you see a $20,000 on the right-hand side going out, and then also on February 4th, 19,000 of that was transferred back into this account.
Q. Now, did you also see right here the February 3rd entry?
A. Yes. That is a $840 deposits. That is one of the stimulus payments that the Treasury was issuing during the pandemic. That one appears to be the second one. It is indicated by EIP2.
Q. What does EIP stand for?
A. Economic impact payment.
Q. So, that is a stimulus?
A. Yes.
Q. During your review of her bank records, did you find any other payments for stimulus?
A. Yes.
Q. I direct your attention back to Government's Exhibit 500. Briefly, you just mentioned -- what month are we in with this statement?
A. So, this is April of 2020, and it is the same bank account ending 7279.
Q. And, this is April 2020?
A. Yes.
Q. And, this is Page 139 of Government's Exhibit 500. Do you see the deposit you were just referencing earlier?

A. Yes. $1,240 on April 15th from IRS Treasury.
Q. And that is an economic impact payment again?
A. Yes.
Q. Stimulus?
A. That's correct.
Q. Back on Government's Exhibit 500A, and we are around the time period of when the money from the PPP loan hit the account, did you notice anything that was done with the money besides the transfer to the savings account and back to the checking account?
A. There was a couple of credit card payments made. There was one on February 4th for $900, and then I think there were a couple more after that.
There was one on February 5th to Capital One for $900, and then another one on February 5th to Chase Credit for $900. And then it also looks like $9,000 was transferred out on February 5th to the savings account ending 6716.
Q. That is the savings account where the money was going back and forth from?
A. Yes.
Q. Did you see any other transactions that caught your eye?
A. On February 5th, there is a withdrawal for $10,000 to Robinhood Funds.
Q. Did you know what that was at the time?
A. I believe that Robinhood to be a brokerage account. I

wasn't sure. So, we issued a subpoena to Robinhood.
Q. And, in response to that subpoena, did Robinhood produce any records?
A. Yes, they did.
MR. JONES: 504.
MR. SILBER: 504, no objection.
MR. JONES: It is 504 through 508.
MR. SILBER: 504, no objection. 505, no objection. 506, no objection. 507, no objection. 508, no objection.
THE COURT: All right. Those will all be admitted.
(Government's No. 504 was received in Evidence.)
(Government's No. 505 was received in Evidence.)
(Government's No. 506 was received in Evidence.)
(Government's No. 507 was received in Evidence.)
(Government's No. 508 was received in Evidence.)
BY MR. JONES:
Q. Special Agent Johnson, I am showing you the first page of Government's Exhibit 504. Can you explain what this was that was returned to you?
A. Yes. It is a Robinhood account master -- it lists the demographical information for the account, who the accountholder is, their associated email address, phone number, date of birth, marital status, and I believe there is also some of the ACH transactions that occurred in this account.
Q. And, before we get to those transactions, was there an

email associated with this?
A. Yes, AlexAcosta03@@gmail.com.
Q. And, you previously mentioned a warrant that you had obtained. Did you obtain any information regarding this account pursuant to that warrant?
A. Yes, we did.
Q. I am showing you Government's Exhibit 507.
Do you recognize -- do you recognize this?
A. Yes. That is the Google subscriber information for the email address, AlexAcosta@gmail.com.
Q. Did that come back to the defendant, Alexandra Acosta?
A. Yes.
Q. And, as part of your investigation, you received returns for these warrants. Were you able to review some of the defendants' emails as it pertained to the Robinhood transactions?
A. Yes, I did.
Q. Going back to Government's Exhibit 504, and we are going down to Page 10. I know that's small. We can bring it back. Let me highlight it closer.
Are you able to see and read the box that I have pulled out?
A. Yes.
Q. What information is contained in this section?
A. So, it lists a -- it lists different transactions that were

either completed or cancelled. It looks like it is in reverse chronological order. So, the bottom, it is December 2020, and then, at the top, it is June of 2021.

Q. And, did you find the $10,000 transfer that you saw in the bank records in this account statement?

A. Yes. There is a deposit on February 4th at 15:33, for $10,000.

Q. Was there something else notable?

A. Yes. Underneath it, also on February 4th of 2021, there lists a deposit for $19,000; but, then it states over in one of the right columns that it was cancelled. And, the time was 15:30, so I guess three minutes before the $10,000 transaction.

Q. Did that have any significance to you?

A. Yeah. The dollar amount. Generally, items over $10,000 trigger certain reporting requirements, as required by the Bank Secrecy Act.

Q. It is not every transaction?

A. No.

Q. But, there are certain circumstances where that number matters?

A. Yes.

Q. And, you knew that based on your training in law enforcement?

A. That's right.

Q. I am going to be showing you some of these emails that --

from Robinhood corresponding with this account transaction. This is Page 1 of Government's Exhibit 508.

What are we seeing here?

A. So, the subject line is "funds available for investing."

It is an email from Robinhood to AlexAcosta03@gmail.com on February 4, 2021, at 15:30.

Q. And, just for clarification, when you say, "15:30," what time is that?

A. That is military time for 3:30.

Q. P.M.?

A. P.M.

Q. And what is the substance of this email indicating to Ms. Acosta?

A. It is saying that a thousand dollars is available as an instant deposit for your recent $19,000 transfer from your bank account ending in 7279. The remaining $18,000 will be available when the transfer completes on Wednesday, February 10th.

Q. Does this email say it was denied?

A. No.

Q. This is Page 2 of Government's Exhibit 508.

Can you read the subject matter and the timestamp?

A. The subject line is "Funds available for investing on February 4th, 2021, from Robinhood to alexacosta03@gmail.com at 15:33.

Q. And, is that -- how many minutes after the initial transfer is that?
A. The initial one was 15:30. So, approximately three minutes later.
Q. And, in this body of this email, what does it state?
A. It states that a thousand dollars is available as an instant deposit for your recent $10,000 transfer from bank account ending in 7279, the remaining $9,000 will be available when the transfer completes on Wednesday, February 10th.
Q. Did you find any emails from Robinhood describing a declination of the $19,000 transfer?
A. I did not.
Q. Now, we're going to take you back to -- I am going to take you to Government's Exhibit 506.
Do you recognize what this is?
A. Yes, it is transactional records for Robinhood for Alexandra Acosta's account ending in 5225.
Q. And, actually, let me take you to 505 instead. It will just be more concise.
So, what is Government's Exhibit 505?
A. So, this is a summary, an account summary for the account ending in 55 -- sorry. 5225, for Alexandra Acosta, and it is for November 2020.
Q. Okay. And, did you review the record as pertains to the February transactions?

A. Yes.
Q. So, taking you to Page 14 of Government's Exhibit 505, the statement period --
A. February 1st, 2021, to February 28, 2021.
Q. And, what was the net account balance, opening?
A. $52.80.
Q. What was the total securities, opening?
A. $417.93.
Q. What was the closing balance, net account balance?
A. $529.41.
Q. And, the closing total securities?
A. $7,485.09.
Q. And, the total portfolio value at closing?
A. $8,014.50.
Q. And, in this account statement, does it include any information about transaction history?
A. Yes, it does.
Q. Does it also include a statement about the nature of the securities that are being held?
A. Yes. It lists -- it lists the account type and the different transactions that occurred, and then a description of the securities.
Q. I am highlighting -- we are on Page 16 of Government's Exhibit 505, and I have pulled out the first four lines. Do you see what I have highlighted?

A. Yes, I see it.
Q. And is this in reference, or what does this reference again?
A. It references a buy of gold nuggets, online gaming, on January 28, 2021, and then it references the cancellation of an ACH of $19,000 on February 4th; and then an ACH deposit on February 4th of $10,000, and then an ACH deposit on February 4th of $19,000. Which looks to be the one that was cancelled.
Q. Now, on February 4th, were there other transactions?
A. Yes. This was three buys listed here on the screen.
Q. And how much was the -- can you describe the first one that is highlighted?
A. So, the first one is a purchase of Apex Technology stock on February 4th of 2021. It looks like the quantity is 62.979669 shares, 15.74 apiece, for a total of $991.30.
Q. And, going back to Government's Exhibit 508, do you see -- can you tell us the timestamp of that?
A. February 4, 2021, 15:38, Robinhood to alexacosta03@gmail.com.
Q. Do you recall -- from your testimony a few minutes ago, do you know how much later that was from when the money was received?
A. Five minutes later. No, I am sorry. Five seconds later. It was 15:33; correct?

Q. 15 --
A. I believe, so sorry. 15:33, and this is 15:38, so --
Q. That is minutes, though?
A. Five minutes. You are right.
Q. And this next email, Page 4 of Government's Exhibit 508?
A. Yes. It says an order has been executed. The subject line is from Robinhood to alexacosta03@gmail.com on February 4, 2021.
Q. This discusses the account activity we were discussing in Exhibit 505?
A. Yes.
Q. Now, there is also an entry here on February 10th.
Can you describe that?
A. Yes. It looks like it is another buy, this time for Abeona Therapeutics on February 10, 2021.
Then, it looks like it was approximately 2,431 shares at $3.29 cents a share, for a total of $7,998.05.
Q. And then the February 10th date, does that correlates with the correspondence provided by Robinhood when the money would be available?
A. That's right.
Q. I am showing you Government's Exhibit 508, Page 5. Can you read the timing of this?
A. So, the subline says, "Transfer for Robinhood completed," from Robinhood to alexacosta03@gmail.com on February 10, 2021,

at 8:48.

Q. And what is this email confirming?

A. It says, "Your $10,000 transfer to Robinhood from your bank account ending in 7279 has completed. A portion of your transfer was used to cover a deficit in your account, so the full transfer amount may not reflect in your buying power."

Q. And, Page 6, I believe it is duplicative, Page 7?

A. Page 7, the subject is "Your order has been executed from Robinhood to alexacosta03 on February 10th, 2021, at 9:34."

Q. And what does it show -- does this confirm the information was provided in the account statement?

A. Yes. It is confirming the buy of the ABEO shares.

Q. Now, Special Agent Johnson, we are going to pivot back to the PPP loan application.

A. Okay.

Q. Well, first, was there anything else remarkable about the Robinhood exhibit or Robinhood records?

A. Not that is coming to mind. I think we covered it.

Q. Now, taking us back to the PPP loan application, as part of this, the records that we have seen already -- and we talked about this, but there is a day that was provided, as well?

A. Yes.

Q. And that was from BlueVine?

A. Yes. That is correct.

Q. And, during the course of your investigation, did you --

did you cross-reference that data with emails associated with Ms. Acosta's account?
A. Yes.
Q. And, did you also cross-reference that data with the IRS tax audit information?
A. Yes.
Q. Specifically, the date of the application, or the date that the application was started?
A. Yes. According to the BlueVine log information, and email information, it appears the PPP application was began on February 1st of 2021, which was also the day that Alexandra Acosta and Mr. St. Louis had a phone call with the IRS auditor.
Q. I am actually on Government's Exhibit 502 now. This is -- this has been introduced as data, you know, BlueVine data supporting the PPP loan application. The material part of this record is the timing that you just referenced.
Is this the February 1st date that we were discussing?
A. Yes. So, that's the first log into the blue line -- excuse me, BlueVine platform, and I believe that was the same day as the call with the IRS auditor.
Q. I will pull that up just to verify. So, I want to take you down to the Page 3 of the Government's Exhibit 203A. This is the entry that you were just referencing.
A. Yes.
Q. And, that was important to you because?

A. It was the initial log into the BlueVine platform, which serviced the PPP loan application for Alexandra Acosta.
Q. And, did you also find the emails that we discussed that were corroborating the activity?
A. Yes.
Q. And, that is -- I will show you Government's Exhibit 608 -- sorry, 603.
MR. SILBER: 603, you said?
No objection.
THE COURT: All right. So, 603 is in evidence.
(Government's No. 603 was received in Evidence.)
BY MR. JONES:
Q. I am showing you the first page of Government's Exhibit 603.
MR. JONES: How about 601?
Do you have any objection to 601?
MR. SILBER: 601 -- no objection.
THE COURT: Okay. 601 is in evidence.
(Government's No. 601 was received in Evidence.)
BY MR. JONES:
Q. Showing you the first page of Government's Exhibit 601 -- what are we looking at?
A. So, this is an email from Alexandra Acosta to Victory Taxes on February 1st, 2021, at 11:25:25 A.M., and, the attachment says "statements.PDF," and the subject line is "December 2020

Acosta."

Q. And, these -- the statements that were attached to this email were from which date range?

A. That is for December 2020. That is December 23, 2020, is the ending statement date, it looks like, it begins on November 21st of 2020.

Q. And was there any -- what type of income was reported or did you see during this statement period?

A. Wages, or direct deposits from Broward Sheriff's Office.

Q. Was there any other amounts that were unaccounted for?

A. No.

Q. Now, Page 10 of this exhibit, this follows the statement and is attached to the email -- what does that represent?

A. It says, "sent from iPhone."

Q. And now page 11 of 601, what is this?

A. This is an email from Alex Acosta to Victory Taxes on February 1, 2021, at 11:56, with states that PDF is attached, and the subject line is February 2020, Acosta.

Q. And there were more bank statements attached to this?

A. Yes.

Q. But, which bank statements was that?

A. January 25, 2020, to February 21, 2020.

Q. And, was there anything in here reported as income, or did you see any income, any deposits?

A. Yes.

Q. What type of deposits did you see?
A. Primarily, payroll, what looks to be payroll from Broward Sheriff's Office.
Q. And are there any other deposits associated with this month?
A. There is a tax refund totalling $7,279.10 on February 20th.
Q. And this was also sent --
A. Yes.
Q. -- by iPhone?
A. Yes, it says, "Sent from my iPhone."
Q. Now, at this time, we are at Government's Exhibit 601, Page 18. These are in chronological order.
But, what is the timestamp of this, date and timestamp?
A. This is in a Google security alert dated February 1st, 2021, at 12:02 to alexacosta03.
Q. And what does that security alert say?
A. It says, "Your password was changed. The password for your Google account, alexacosta03@gmail.com was changed. If you did not change it, you should recover your account."
Q. And is this -- do these statements have any relevance to the PPP loan application?
A. Yes.
Q. How so?
A. February 1st, if you recall from the BlueVine documents, is the initial log into BlueVine.

Q. Page 19, the timestamp here?
A. 12:53.
Q. And, that is -- how much later was that than the previous email?
A. The previous email was 12-something, right?
Sorry, I forgot already.
Q. Just for the sake of completeness, I will just --
A. Thank you.
Q. -- come back up to Page 18, and the timestamp was --
A. 12:02.
Q. Now, what is this email indicating?
A. So, the subject line is "Activate your account and complete your application."
And, it says, "We have reviewed your application, and you are qualified for the Paycheck Protection Program. There are a few more steps to complete your application, activate your account, and complete a few additional tasks to continue," and then there's a button to activate your account.
Q. Then, later, there is another email. What does this one signify?
A. So, this one is another Google security alert to alexacosta03 at 13:12, and it says, "New device signed in to alexAcosta03@gmail.com.
Q. We are back on the -- I am showing you a split screen. 6018 is on the left, and Government's Exhibit 102 is on the

right, taking us down some of the login activity from BlueVine.

Does the time -- I am going to take your attention here to the first entry. What was the timestamp here?

A. 10:11.

MR. SILBER: Objection, Your Honor, lack of foundation.

THE COURT: Overruled.

MR. SILBER: May I expound on that for a second?

THE COURT: No.

BY MR. JONES:

Q. Is this a -- is that timestamp -- do you know exactly what time period that -- or, sorry, what time zone that is?

A. It is Pacific Standard Time.

Q. And, does that correlate with this timestamp here?

A. Yes.

Q. I am showing Government's Exhibit 601, Page 20.

A. Yes. That would be -- 13:12 would be 1:12:00 P.M., local time, and in Pacific Standard Time, three hours behind us.

Q. Okay.

A. So, the 10:11 would equate to 1:11:00 P.M.

Q. Were there also other emails that were forwarded to Victory Taxes that day containing attachments?

A. Yes.

Q. What, exactly?

Based on Page 21, what was sent?

A. This one is SunTrust, "2018, Acosta" is the subject line,

it looks like it is a response, and it is from Victory Taxes to Alex Acosta on February 1, 2021, at 13:13.
Q. And, what is noted in the email from Ms. Acosta to Victory Taxes?
A. It says, "2018, SunTrust banking statements, see specifically" -- it is a 2-6-6-4 -- sorry, it is small. 2-8-8-4, maybe -- "see specifically 28480 for realtor.com."
Q. Does that appear to be something that was related to the tax case?
A. Yes.
Q. And, likewise, a little later that day, what do we have in Government's -- sorry on Page 22?
A. It is, subject line, "SunTrust 2019, February 1st, 2021," from Alex Acosta to Vilsaint St. Louis. And, it appears to be several SunTrust Bank statements that are attached, starting with January of 2019.
Q. And what did Ms. Acosta write to Mr. St. Louis?
A. "Here is 2019. I also have a Chase account and credit card info if I need to send. I would like to get this lowered as much as possible."
Q. Did you find any emails that day asking him where he got all those numbers for the tax case?
A. No.
Q. Did you see any emails to him wondering or challenging his ability to be a good tax preparer?

A. No.
Q. Now, Page 23 of 601, can you tell us the subject matter and the timestamp?
A. It says, "Your paycheck protection loan has been submitted."
It is from BlueVine to alexacosta03@gmail.com, on February 1, 2021, at 13:35.
Q. And again, is that 1:35?
A. Yes.
Q. And, this is after the prior emails that we went through?
A. Yes.
Q. And, what is the subject matter of this?
A. It says, "Your Paycheck Protection Program loan was sent to the Small Business Administration to be reviewed and processed. Based on capacity, the SBA may take a few days to process your application. We cannot guarantee loans will be approved before PPP funding runs out. If and when processing is complete by the SBA, we will send you an email with instructions to accept and sign your loan offer. There is no further action required of you at this time, and BlueVine does not have insight into the SBA processing timeline or the status of your application with the SBA."
Q. Okay. And also, during this investigation, did you have a chance to obtain telephone records for Ms. Acosta?
A. Yes.

Q. Were some of those records from Verizon?
A. Yes.
MR. JONES: This is 613B and 613A.
MR. SILBER: One second. 613A, no objection.
What was the next one?
MR. JONES: 613B.
MR. SILBER: A, B, C -- all three of them, or just 613?
MR. JONES: 613A and 613B.
THE COURT: I don't see a 613.
MR. JONES: Sorry, it is 613A, your Honor, and --
MR. SILBER: And 613?
No objection, your Honor.
THE COURT: All right. 613A and B are in evidence.
(Government's No. 613 was received in Evidence.)
(Government's No. 613A was received in Evidence.)
BY MR. JONES:
Q. Special Agent Johnson, I am showing you Government's Exhibit 613A. What is this?
A. This is the subscriber information from Verizon for mobile telephone number (305) 494-9699, in the name of Alexandra Acosta.
Q. And is this the telephone number that was active during the period of Ms. Acosta's PPP loan application?
A. Yes. It was listed on the face of the PPP application.
Q. And, did you have a chance to review some of the call logs

from that day on February 1st?
A. Yes.
Q. I am showing you Government's Exhibit 613B. Now, during your investigation, what is this?
A. So, this is the talk activity for billing period January 19, 2021, through February 18, 2021. For that call number we just spoke about, from Verizon.
Q. And when you received these records, what were you looking for?
A. We were just looking for call activity in and around the time of the PPP application, and the logins between Alexandra Acosta and Vilsaint St. Louis.
Q. And did you know Vilsaint St. Louis's number?
A. Yes, I did.
Q. Did you know more than one number of his?
A. Yes. He has a phone number associated to the tax business on Davie Boulevard in Fort Lauderdale, Fort Lauderdale, and then a cell phone number we were also aware of.
Q. And is the number associated with his business, is that public effacing?
Is that publicly available information?
A. Yes, you can Google "Victory Taxes" and find the number.
Q. Did you do that?
A. Yes.
Q. Do you also know his personal number or work number?

A. Yes. He has a work cell phone number and then also a personal cell number, as well.

Q. And did you know that -- was that work cell number 754-200-4125?

A. That is the number for Victory Taxes. That is actually the tax office.

Q. Okay. And, on this day, or having reviewed the statement period, were you looking in any days in particular, or the entire period?

A. Well, we are looking at days in and around the logins related to the PPP application, which started on February 1st.

Q. And, did you find any calls to and from, or to or from, Victory Taxes that day?

A. Yes.

Q. And how many calls, approximately, did you find?

A. On February 1st, itself, I believe there was five calls. If you could scroll up, maybe --

Q. Yes, I can start.

A. Or, maybe it does start on Page 20.

Q. Yes. This is Government's Exhibit 613B, Page 2. I will highlight all February 1 for you.

Feel free to use any highlighting on your end.

A. So, I see the call, the first call is there at 9:55 A.M.

Q. Okay.

A. And then the next call is at 12:56 P.M., 12:57 P.M.,

6:47 P.M., and 6:48 P.M. So, that's one, two, three, four, five calls.
Q. And that's a timestamp here, right next to --
A. Yes.
Q. Is that the length of the call?
A. Yes. And then the origination and the destination. If it is an incoming call, it will actually list incoming call and the destination column. Otherwise, it was outgoing.
Q. Okay. So, this first call in February 1st, that had has the yellow line coming through it almost, is that to her from Victory Taxes?
A. Yes. That is an incoming call.
Q. And, the other calls are on February 1st at 12:56 and 12:57 P.M. Is that from Ms. Acosta to Victory Taxes?
A. Yes.
Q. And then later at 6:47 and 6:48, that one is to -- one is to or from Ms. Acosta and one is to Ms. Acosta; correct?
A. Yes, the one at 6:48 P.M., is incoming, for three minutes.
Q. And was that the -- these calls, did they correlate with the time period in which this application was being created?
A. Yes.
Q. I think you can undo your -- there you go.
A. Thank you.
Q. And now, this -- this application period we have additional emails, you received from February 2nd?

A. Did you mean phone calls?
Q. No, I apologize. I am flipping back. I am going to go down the lines here, calls, emails.
A. Yes.
Q. Did you also find emails corresponding to the February 2nd date?
This has been admitted as Government's Exhibit 603.
A. Yes.
Q. Now, this record, this is the next day, February 2nd. But what is the timestamp?
A. 13:55.
Q. And, what does it state as subject matter?
A. "Next steps on your PPP loan."
It is from BlueVine.
Q. And the substance of this, exactly, what is it communicating to Ms. Acosta?
A. It is -- it is saying that "BlueVine has qualified you for the Paycheck Protection Program, and will submit your application to the SBA. No further action is required by you at this time."
Q. Now, there is another email that same day. What is the title of it?
This is Page 3.
A. "You have an offer for the Paycheck Protection Program," and it is from BlueVine to alexacosta03@gmail.com at 2129.

Q. And what is the substance of this message?
A. "The SBA has finished reviewing your application and you have been approved for your Paycheck Protection Program loan. Accept your offer and access more information, including the next steps."
Q. So, this is an email sent to Ms. Acosta's gmail account?
A. Yes.
Q. And now, continuing to February 3, Government's Exhibit 604.
MR. SILBER: No objection.
THE COURT: Okay.
(Government's No. 604 was received in Evidence.)
BY MR. JONES:
Q. I am showing you Government's Exhibit 604. It has been admitted into evidence. Can you explain the nature of this email?
A. This is an email from BlueVine PPP via DocuSign to Alexandra Acosta on February 3, 2021, at 9:33 A.M., and it is the DocuSign packet containing the Paycheck Protection Program application.
Q. Is this effectively the complete form? What are the three or four documents that are attached here?
A. Yes. It includes the application, the note for the PPP loan, itself, and a tax form, it looks like, and "certification-note PDF."

Q. And it says, at the top here, "Please DocuSign"?
A. Yes.
Q. But it also notes that it is completed; correct?
A. That's right.
Q. And, there is a chance to review completed documents, but there is attachments, scrolling down to Page 3. This is the first attachment to the email?
A. Yes. That is Page 1 of the loan application.
Q. Is this the same -- well, let me just verify. We have talked again about DocuSign numbers. This F616B, is that the same DocuSign record that was produced by BlueVine, or Cross River?
A. Yes. It is the envelope ID that contained all the signed documents.
Q. And, in the first page of this first attachment to the email, regarding the PPP loan, the information, can you describe the information that is included there?
A. Yes. So, it lists the business name of Alexandra Acosta, the year it was established of 2018. And, again, it lists the business legal name of Alexandra Acosta, and it has her social security number listed here, a phone number, email address, primary contact of Alexandra Acosta, a business address, and then average monthly payroll of $8,072, and then the loan request amount of $20,180, and then lists different checkboxes for the purpose of the loan, containing payroll costs, covered

property damage, rent, covered supplies, utilities, covered worker protection expenditures, covered operation expenditures, which are all checked.
Q. Now, we also -- we have touched on this. What is a bank note? There is a bank note attached to this.
A. It is, essentially, a note with the lender and the borrower that lay out the terms of the loan. So, it will have, you know, in payment, when payment starts and interest rate and what is expected of the payor.
Q. So, you have an application, and then would you classify it as a contract?
A. Yes, it would be a contract between the lender and the borrower.
Q. Which requires the signature?
A. Yes.
Q. And, in this instance, in this large section, does it make it clear that this had to be signed?
A. Yes. It says it is completed, "Please DocuSign."
Q. Moving to Government's Exhibit 605 --
MR. SILBER: No objection.
THE COURT: Okay.
(Government's No. 605 was received in Evidence.)
BY MR. JONES:
Q. I am showing you what has been admitted as Government's Exhibit 605. What is this email reference?

A. It is saying, "Your PPP funds are on the way," is the subject line, and it is from BlueVine to AlexAcosta03@gmail.com, and February 4, 2021, and it is referencing the ACH deposit of the PPP proceeds, themselves.
Q. And, so this is formalized, the actual deposit of the money?
A. Yes.
Q. And, you have already testified about what happened after that; correct?
A. Yes.
Q. And, during this, also during this investigation, were there emails associated specifically to the tax case, as well?
A. Yes.
Q. But, did you also -- we have talked a little bit about stimulus payments to Ms. Acosta. Did you find emails related to her reference to stimulus?
A. Yes.
MR. JONES: I want to show and admit Government's Exhibit 606.
MR. SILBER: 606, no objection.
THE COURT: Okay.
(Government's No. 606 was received in Evidence.)
BY MR. JONES:
Q. I am showing you Government's Exhibit 606. Can you tell us what the subject matter is, and the date?

A. It says, "Stimulus for baby" from Alex Acosta to Victory Taxes on March 16th, 2021.
Q. And what is the subject matter of this state?
A. St. Louis -- I was just wondering about the stimulus. You told us that Erin should receive $1,400 no matter what for Oliver, but we have not received it yet. Can you advise on that? Thanks.
Q. I am going to be showing you Government's Exhibits 60 -- 608 -- sorry 608B, 608C and 608D.
MR. SILBER: No objection.
THE COURT: All right. It say that? 608 --
MR. JONES: 608A, B, C, D, your Honor.
MR. SILBER: No objection, your Honor.
THE COURT: Okay.
(Government's No. 608A was received in Evidence.)
(Government's No. 608B was received in Evidence.)
(Government's No. 608C was received in Evidence.)
(Government's No. 608D was received in Evidence.)
BY MR. JONES:
Q. We referenced there, there were some more emails referring to the tax case and the audit. Can you briefly summarize what this message is?
A. Yes. That is from Alex Acosta to Victory Taxes on February 222, 2021 and it is asking for an update on the IRS case, "Please, I spent more than $3,000 on advertising in 2018. So,

it should bring my amount down significantly."

Q. Now, and this message, is she challenging where he got those numbers?

A. No.

Q. This is Government's Exhibit 608C. The date and time and subject?

A. Yes. Subject is update from Alex Acosta to Vilsaint St. Louis on March 1st, 2021, and it is asking if he has an update on the amount owed.

Q. Is there anything here challenging his calculations of those years for her?

A. No.

Q. Looking at Government's Exhibit 608D, top of the first page?

A. It is referencing a tax case from Alex Acosta to Victory Taxes on March 23, 2021, and it says, "Can I come in today at two?"

Q. And, it is a string of emails?

A. Yes.

Q. And, I am highlighting a portion of it close to the bottom. What is this?

A. So, this is an email on March 23 of 2021 at 12:17, to St. Louis, saying, "This is not the amount you last told me. Is there a new package I should be waiting for? Please respond ASAP. Thanks."

Q. And, in this upper section, what does it appear that they are discussing?

A. It appears they are discussing the tax case, the audit.

Q. Are they discussing speaking on the phone or meeting in person?

A. Meeting in person.

MR. JONES: Government's Exhibits 609, 610, 611, any objection?

MR. SILBER: No objection.

MR. JONES: Your Honor we move in 609, 610 and 611.

THE COURT: Okay.

(Government's No. 609 was received in Evidence.)

(Government's No. 610 was received in Evidence.)

(Government's No. 611 was received in Evidence.)

BY MR. JONES:

Q. Now, we have heard testimony about forgiveness, and we heard testimony from Ms. Beechan about the process for applying for forgiveness. Turning now -- did you find any emails associated with forgiveness?

A. Yes, I did.

Q. And I show you Government's Exhibit 609. What does this reference?

A. That is a Scratch. It is a reference as -- Scratch email from Alex Acosta to Victory Taxes on April 2, 2021, and she is asking if she needs to do anything with the Scratch email yet.

And then it looks like it goes down. And, on March 2nd, 2021, it says, "I wasn't able to make it there today. Can you tell me if we have any good news?"

And then the preceding email -- sorry, I kind of reversed the order -- it starts February 21, 2021, and the email is from alexacosta03@gmail.

And "St. Louis, did you receive my Scratch email?"

And then he responds, at 1:33 P.M., it says, "Yes, I did." And then, later on, March 2nd, it looks like they arrange a time to meet.

Q. Now, 610, we have another email.

A. So, the subject is referencing Scratch email. And then it looks like at the bottom, it starts on April 19th, 2021, at 10:27 A.M. and it is from alexacosta03@gmail.com, and it says, "Good morning. Leave me in on Thursday, sent from my iPhone," and then it looks like the response is on April 19th, 2021, at 11:44, and it says, "Okay. Can I email -- actually, it looks like another email from alexacosta03@gmail.com to Victory Taxes on April 19th, at 11:44 A.M., and it says, "Can I email what you need for Scratch, or do I need to come into the office right now? I have a trial this week, and I'm unable to get away from work."

Q. Okay. And, just to be clear, you went through the emails to find any relevant information pertinent to the forgiveness and the loan?

A. Yes.
Q. Now, as we move on to Government's Exhibit 611, I am going to start here at the bottom so we don't relive the mistakes of emails past.
We will start with this email chain. What does it stamp here?
A. That is from Scratch, who was the forgiveness loan processor, on April 20, 2021 at 10:49 A.M., to alexacosta03@gmail, and the subject line says, "Thanks for signing up for electronic disclosures."
Q. Okay. And, specifically, is there is anything of import here?
A. It says, "Thanks for checking out Scratch and consenting to receive electronic disclosures. You can now get important stuff like your monthly statements sent to you electronically and have some -- save some trees along the way. You can log in to your Scratch account to make a payment, view your payment history, and more."
Q. Now, following that April 20th email from Scratch, what does Ms. Acosta do?
A. So, then it says, "Thanks for signing up for electronic disclosures."
So, this is an email from Alex Acosta to Victory Taxes on April 28, 2021, and she is forwarding her G-mail login info, her G-mail info, and then says, "alexacosta03@gmail.com," and

what appears to be a password.

MR. JONES: And, Government's Exhibit 612, 614?

MR. SILBER: 612, no objection, 614 --

MR. JONES: Yes.

MR. SILBER: No objection.

MR. JONES: And 613B, which is --

MR. SILBER: No objection.

THE COURT: So, 612, 613A, and 614, correct?

MR. JONES: Sorry. 613C.

MR. SILBER: No objection.

THE COURT: Okay.

(Government's No. 612 was received in Evidence.)

(Government's No. 613C was received in Evidence.)

(Government's No. 614 was received in Evidence.)

BY MR. JONES:

Q. Now, we are still on February -- or, sorry. -April 21st. There is an email sent again to Ms. Acosta. What is this?

A. So, this is a security alert from Google to alexacosta03@gmail, on Wednesday, April 21st, 2021, at 15:33.

Q. And, what is this referencing?

A. This is referencing a new device sign in to the G-mail account, alexacosta03@gmail.com, and it says, "Your Google account was just signed into from a new windows device."

Q. And, just based on your experience as a law enforcement officer, and on these circumstances, what did that indicate?

A. So, this shows that after she signed up for the electronic disclosures with Scratch, that someone signed in to her G-mail account.
Q. And, did you make any inference, based on the forwarding of that G-mail log-in credentials of who that could have been?
A. We would assume it was Vilsaint St. Louis.
And, Government's Exhibit 614?
A. So, this is April 21st at 15:48. So, this is a little later in time from Scratch to alexacosta03@gmail.com.
And, the subject line is, "We received your Cross River Paycheck Protection Program loan forgiveness application."
Q. And, the essence of this long message is what?
A. That it has been forgiven -- or, sorry, I don't think it has been forgiven at this point. But, they received the forgiveness application, "they," being Scratch, and Cross River.
Q. Now, getting down to Page 4 of this record, and ultimately, that loan was forgiven, as supported by the records that Cross River supplied you pursuant to your subpoena?
A. Yes.
Q. Now, also, we have referenced some Verizon records. Did you look at the calls pertaining to this time period, April 20, 21st?
A. Yes, I did.
Q. Showing you Government's Exhibit 613 -- what is this?

A. This is the call log activity for Alexandra Acosta's cell phone, 305-494-9699, from April 19th, 2021, to May 18, 2021.
Q. And, this includes the period of this correspondence about the forgiveness application?
A. Yes.
Q. And, did you have a chance to review these, this time period for Ms. Acosta's communications with Vilsaint St. Louis?
A. Yes.
Q. And did you find -- well, we have discussed already that Mr. St. Louis has his work telephone number of (754) 200-4125?
A. That's right.
Q. We also referenced a work cell that we didn't discuss the actual number, but is that number 954-655-0337?
A. Yes.
Q. And, did you find that number during your review of the records of this time period?
A. Yes, I did.
Q. Did you find both numbers, or just the work cell phone number?
A. I believe it was just the work cell phone number.
Q. And, maybe just walking through, where you have identified it in this record, with the highlighting -- or the pointing, that worked last time --
A. So, the first call is April 20th at 8:56 A.M., for one minute. And then the next call is at 9:05 A.M., same date,

April 20th, one minute, and then the next call is April 20, 1051, A.M., and there is one more call listed here on April 20th at 12:28 P.M.

And, that one lasts one minute. And, these all appear to be outgoing calls. None of them say, "Incoming call."

And, that is the second-to-last column.

Q. So, these are all calls from Acosta to St. Louis?

A. That's right.

Q. Now --

A. I don't know if I can undo that or not --

Q. You had success last time.

There you go.

We have gone through a bunch of emails. But, during the course of your investigation, did you find an email that was particularly of interest to you that related to the tax case and the PPP loan?

A. Yes.

Q. And, I am going to show you what has been marked as Government's Exhibit 608A, and we are going to start from the bottom on this one.

What is that, the date of this message?

A. So, this is February 16th, 2021, at 9:56 A.M. from Alex Acosta. It says, "St. Louis, please do not bring up anything about my IRS case or the loan to my wife. She does not know about it and I don't want to stress her out. Thanks."

THE COURT: All right. We have been here more than an hour and-a-half. So, let's take a 15-minute break.

See everybody in 15 minutes.

COURT SECURITY OFFICER: All rise.

[Whereupon, the jury left the courtroom at 3:12 and the following proceedings were had:]

THE COURT: Let's bring in the jury, please.

COURT SECURITY OFFICER: All rise for the jury.

[Whereupon, the jury entered the courtroom at 3:32 p.m., and the following proceedings were had:]

THE COURT: All right. Welcome back, everyone, and please be seated.

Go ahead.

MR. JONES: Thank you.

BY MR. JONES:

Q. So, Special Agent Johnson, prior to the break, we were discussing an email dated February 16, 2021, and I have highlighted that for you. Can you please summarize what the email stated?

A. "St. Louis, please do not bring up anything about my IRS case or the loan to my wife. She does not know about it and I don't want to stress her out. Thanks."

Q. And, during the course of your investigation, did you learn anything, or do you know what Ms. Acosta's wife does for a living?

A. She is also in law enforcement. She is a police officer.
Q. And the response to this email?
A. February 16, 2021, at 10:01 A.M., victorytaxes@gmail.com responds with "Got it."
Q. And, again, at the top here, we have already seen this message. But, it was just about what?
A. It is about Home Depot, and "I also want to make sure you saw the realtor.com advertising for $284 a month in 2018, and that is from Alex Acosta to Victory Taxes on February 16, 2021.
Q. Now, you heard testimony from Valordog. We talked about the employment of Maritza Acosta and Erin Thompson or Erin Acosta?
A. Yes.
Q. And, during your investigation, did you research, determine whether either of those individuals ever received a PPP loan?
A. Yes, I did.
Q. And what did the results show?
A. Neither of them received PPP loans.
MR. JONES: No further questions, your Honor.
THE COURT: All right.
Cross-examination?
MR. SILBER: Thank you, your Honor.
Could you turn on the projector, please.

CROSS-EXAMINATION

BY MR. SILBER:

Q. Good afternoon, Ms. Johnson. How are you?

A. Good afternoon. How are you?

Q. I'm well. Thank you for being here?

THE COURT: Is your mic on.

MR. SILBER: Sorry. I keep forgetting.

Can you hear me better now?

THE WITNESS: I can.

BY MR. SILBER:

Q. Excellent. All right. I am going to lay out a few documents here.

A. Okeydokey.

Q. I know that makes everyone nervous.

Okay. The address we keep talk about --

A. Yes, sir.

Q. All right. I am showing you the previously admitted certificate of completion regarding her PPP loan application. Of course, you recognize this, right?

A. I do.

Q. All right. And this is the certificate of completion from DocuSign relating to the PPP initial application; correct?

A. Yes, that's right.

Q. And, we will say it together. 73.56.139.104?

A. Correct.

Q. And, this here is the login record from Cross River; do you remember that?
A. I do remember that, yes.
Q. Okay. And 73.56.139.104, 73.56.139.104, 73.56.139.104. Correct?
A. Correct.
Q. Okay. One question before I go further. Do you know what time zone these stamps are in?
A. Those are Pacific time zones, which is three hours behind Eastern.
Q. Okay. And how do you know that?
A. I know that from reviewing the records.
Q. Where in the records did you learn that?
A. If you go to the DocuSign certificate, it should say, "Pacific time zone."
Q. Are you talking about the first document I showed you?
A. Yes.
Q. Okay. Well, one second. Isn't it true this document, and over here where it says, "time zone, Pacific," this is produced by DocuSign?
A. Correct.
Q. But, this document is not produced by DocuSign. Is it?
A. No, that is a BlueVine document.
Q. BlueVine?
A. Yes.

Q. So, I reiterate my question. How do you know these are Pacific time zones?
A. I believe we received a spreadsheet that has the time zones in it.
Q. Has that been admitted into evidence?
A. I don't think we have seen it.
Q. Okay. You mean it has not been admitted?
A. I don't think so.
Q. Okay. And, do you know who you received that unadmitted spreadsheet from?
A. We received this information from BlueVine.
Q. Okay. And isn't it true that Cross River -- do you remember the lady with the blue and pink hair that testified yesterday?
A. Blue and purple, yes.
Q. Sorry, blue and purple. I apologize. I should have been more specific. Do you remember her saying that their company was headquartered in New Jersey?
A. She did say that, yes, I remember.
Q. And New Jersey is on the east coast, correct?
A. Correct.
Q. And that would be Eastern time; correct?
A. Yes.
Q. Okay. But, as we sit here today, you cannot confirm for me what time zone this is, can you?

A. I believe it is Pacific, based on the emails that also correspond with this activity; but, it does not say on this document, "Pacific time zone," no.
Q. And, when you say you believe it, you are not entirely sure, are you?
A. I am not completely sure.
Q. Okay. Just to reiterate, these IP addresses are the same one as on her application and the one on the logins; correct?
A. Yes.
Q. Okay. And, of course, that matches the document that you received from us, right?
A. Yes. Yes.
Q. And, the document you received from us, the DocuSign certificate, that was Mr. St. Louis's own SBA application; correct?
A. That's right.
Q. Okay. And, he submitted that application in December of 2020, correct?
A. Yes, yes.
Q. And, his own personal DocuSign certificate had the same exact IP address as these logins and her DocuSign certificate; correct?
A. That's right.
Q. And, of course, that follows on the heels of the evidence we have seen where she has given him an email, her

loginvcredentials to her G-mail account; correct?
A. Yes.
Q. And, of course, to DocuSign something on her behalf, he could have used those credentials to log into the DocuSign and sign it as though he was her; correct?
A. Yes, he could have.
Q. Moving on, I am showing you what was previously admitted as Government's 401. Do you remember when Mr. Crevier testified yesterday?
A. Yes.
Q. He is the guy who owned the real estate company, Valordog?
A. Yes.
Q. Okay. And, he provided a bunch of checks that were written to Ms. Acosta in 2019 to pay her -- her commissions. Do you remember that?
A. I do remember, yes.
Q. Okay. Looking at this first check here, Check No. 1039, you recognize this, right?
A. Yes.
Q. Okay. What is that right there?
A. That appears to be Alexandra Acosta's signature.
Q. That is the endorsement portion of the check?
A. Yes.
Q. And, you would agree that is an authentic signature, don't you?

A. I don't know what you mean by "authentic;" but, compared to other signatures I have looked at, it looks like her signature.
Q. What I mean to say is, there is no reason to think this isn't her actual signature. It is on a check written out to her, right?
A. Yes.
Q. And, that pre-dated any of this back in 2019, right?
A. Yes. That was on October 11th of '19.
Q. Yes. So, we can agree that this is her signature, right?
A. It looks like her signature, and we have no reason to think not.
Q. Do you recognize this check?
A. Yes.
Q. Same thing here, that is her signature?
A. Yes.
Q. And, they look the same, don't they?
A. Yes.
Q. Okay.
A. Similar.
Q. And, of course, we have this one here. Do you remember that document?
This is -- sorry, for the record, Government's admitted 500. Do you remember this one, right?
A. Yes, I do. The signature card.
Q. Right. And, just for one second, we all know what a

signature card is, but, to be clear, that is when you open up a bank account and they have you sign so they have a sample of your signature, so that when you go and cash your check or whatever, they can authenticate it that it is really their customer doing whatever it is, right?
A. Sure.
Q. And, you would agree that this is also an authentic signature by my client, right?
A. Yes.
Q. And that one, too?
A. Yes.
Q. And, these look the same as the other ones I just showed you, right?
A. They do.
Q. Okay. And, finally, here is the other account. Do you recognize this one?
This is Government's 501. Do you see that?
A. Yes, that's the savings account, I believe.
Q. All right. And you recognize these as the same signature card, but for a different account, right?
A. Yes.
Q. And did you agree these are authentic signatures by Ms. Acosta, right?
A. Yes.
Q. And, these also look similar to the others I just showed

you moments ago?
A. They do.
Q. Okay. Okay. Now, let's talk about Robinhood for a second.
A. Okay.
Q. You mentioned in the very, very, very beginning of your testimony that you had not heard of Robinhood; is that correct?
A. I believe I said I thought it was a brokerage account, but I wasn't sure. So, we issued a subpoena to verify.
Q. Okay.
A. Because I didn't know if they did other things other than brokerage stuff.
Q. Okay. And, when you saw that she had made the $19,000 wire transfer -- let me go back a few steps, actually. So, let's get a timeline down so we understand what we are talking about. February 1st, you agree her loan application was submitted, right?
A. I think that was the first login, right, on February 1st?
Q. Yes. There is a first login. That's correct.
You want me to pull it up?
Right there. Right?
A. Yes.
Q. Now, your understanding the facts of this case, isn't it true that her initial SBA PPP loan application was submitted on February 1st?
A. I think, well, yeah. I believe the email does say

February 1st, but the DocuSign was February 3rd.
Q. Two different things.
A. Okay.
Q. I am talking about the application, not signing the loan agreement.
A. Okay.
Q. Okay. So, February 1st, the process was begun; correct?
A. Yes.
Q. And then on February 3rd, it was approved, the loan, everything was signed for; correct?
A. Yes.
Q. And that same day, $20,180 was wired to my client's checking account; correct?
A. I believe it was February 4th.
Q. Oh, the next day?
A. Yes.
Q. Okay. Fine, the next day. And the same day that she received those funds, February 4th, is the same day she attempted to wire $19,000 to Robinhood; correct?
A. I think it went to her savings account first.
Q. It may have traveled a little bit. But, the point is, she initiated transactions that tried to land those funds into Robinhood; correct?
A. Yes.
Q. Okay. $19,000?

A. Yes.
Q. Right. Okay. Now, we saw a couple of different transactions. You mentioned something about the $10,000 threshold.
A. Um-hmm.
Q. About that. And that is -- because correct me if I am wrong, but whenever someone does a transaction of $10,000 or more, a bank must submit what is called a currency transaction report, am I correct?
A. I think it is more than $10,000 in currency. So, not 10,000, or more.
Q. Sorry, I don't mean to talk about currency. I apologize.
A. It is okay.
Q. I don't mean just paper money. I mean a bank transaction. So, for instance, there is a crime called structuring, right, and that is where people break down their -- to avoid this report, right?
A. That's right.
Q. But, that's not what she did in this case. She clearly did a $10,000 or more transaction, right?
A. Yes. It was $10,000, but not more, yes.
Q. But, that would have triggered a report, right?
A. Which report?
Q. Whatever report a bank has to give to the Government about transactions.

A. The $10,000 transaction would have triggered a report?
Q. Yes.
A. If it was in currency, yes.
Q. But -- so, you are telling me if it is not currency, then the bank doesn't do a report?
A. No, not that I am aware of.
Q. Okay. You are the expert. I wouldn't know that as well as you. But, the point being she tried to put $19,000 of this money into her Robinhood account the same day she got the money; correct?
A. Yes.
Q. Did you do any follow-up investigating with Robinhood to determine why the 19 was cancelled and it only remained a ten?
A. As far as like document review, or, what -- I am sorry. Can you please restate the question?
Q. Sure. Let me pull up the Robinhood report that I am referencing so we are all on the same page.
A. Thank you.
Q. And, this is Government's 505. Do you see down there, 505, Page 16. That yellow design at the beginning -- we will skip that part. So here, we see ACH deposit, February 4th, $19,000. Right?
A. Yes.
Q. Okay. Then we see a $10,000 right?
A. Yes.

Q. And, these are credits. Credits mean money going into the account?
A. Yes.
Q. Right?
A. That's right.
Q. And then, of course, on the same case, we have a $19,000 debit?
A. Yes.
Q. So, that would mean the $19,000 cancelled out?
A. Yes.
Q. There's no time stamps on any of these here, are there?
A. No. Just the dates listed there.
Q. Okay. So, we don't know if these were seconds apart, minutes apart, hours apart. All we know is they happened February 4th, right?
A. I think we know from the emails the timing, the Robinhood email we reviewed that correlates to the transaction.
Q. So -- which was the first transaction of these?
We have three here. Let me just identify them for the record.
We have a $19,000 credit?
A. Um-hmm.
Q. Then a $10,000 credit, then a $19,000 debit.
A. Yes.
Q. Do you know from the emails which order these happened in?

A. Yes. It was a $19,000 deposit that happened first.
Q. The credit?
A. Yes.
Q. Is that the first one?
A. Yes.
Q. And what is the second one?
A. And then the second one -- I am not sure if it was a cancellation. I have to see the email again. Would you mind refreshing my memory?
Q. We can skip that part. I want to get to the point of what I am getting at here. Did you do any investigating to figure out what the reason was for these three transactions here?
A. Other than issuing a subpoena to Robinhood and reviewing the records and comparing to the bank statements, no.
Q. So, that is what I am getting at. As an investigator, you have the ability to interview people to get information, correct?
A. We do.
Q. And, you probably do it all the time with these different corporations, right?
A. Yes, sure.
Q. You must have a counterpart at Robinhood, let's say. I am just guessing. You tell me if I am wrong. So, some internal security that interacts with law enforcement when there is investigations. Am I right about that?

A. At Robinhood, I am not sure if they have internal security or not.
Q. In your general experience, corporations have someone that law enforcement can interact with when there is an investigation, right?
A. Sometimes, they do, and sometimes, they don't.
Q. And, when they don't, you would make sure to find someone to talk to, if you had to; correct?
A. If it was someone we needed to talk to, yes, we could.
Q. So, other than requesting records from them, you never spoke to anybody at Robinhood to explain any of this to you, did you?
A. No.
Q. You didn't take this to someone at Robinhood and say, "Hey, I am an investigator from the FRB OIG office. We have this case, and can you just tell me what is going on with this? What -- when did these -- why is there a 19 and 10 -- and nothing like that, right?
A. I did not interview anyone at Robinhood.
Q. Okay. And, beyond getting the records, you didn't make any attempts to acquire any additional information to answer this question, did you?
A. No.
Q. Okay. Let's talk about the emails that my client received in her G-mail account from Scratch, from the SBA, all these

different places.
A. Okay.
Q. And, I would like to compare that to the DocuSign certificate, just in concept. Okay?
A. Okay.
Q. Do you remember the discussion we had yesterday about the 27 seconds?
A. Yes.
Q. Okay. To your knowledge, in any of those emails, is there any information like this that would indicate the time an email was viewed -- I guess "signed" wouldn't apply -- but is there any record or piece of evidence in those emails that would indicate when it was opened and how long it was read for?
A. No.
Q. Okay. So, other than telling us that she received these emails, you are not able to provide us with a piece of evidence that would indicate they were read or opened, can you?
A. No.
Q. And, it is as to these emails, I am talking about --
A. No.
Q. Okay.
A. Can I elaborate on that?
Q. Sorry?
A. Can I elaborate?
I was just going to say that some of them were forwarded.

So, I guess that would mean it was opened, if you forward an email.

Q. Okay.

A. But you have to open it to forward it, right.

Q. That wouldn't mean the person read it?

A. No, we don't know if she read it, no.

Q. That is my point, right?

A. Okay.

Q. Another point of clarification, this is Government's 100, the initial PPP application; correct?

A. Yes.

Q. Okay. Referencing business legal name, I think you mentioned she put her business name as Alexandra Acosta, correct?

A. Yes.

Q. And, isn't it true that the box here was also checked that says, "self-employed individual"?

A. Yes.

Q. Okay. So, when Mr. St. Louis filled this out, he put "self-employed individual," and, of course, she is not incorporated. There is no business name, so her name is used, right?

A. I wasn't there when it was filled out. So, I don't know who filled it out.

Q. Okay. You don't know who filled it out?

A. No.
Q. Were you there when the forgiveness loan application was filled out?
A. No, I was not.
Q. Were you there when the initial loan application was submitted?
A. No.
Q. Were you there when the forgiveness application was submitted?
A. No.
Q. And, you can't tell us who submitted any of those, can you?
A. No, I can't.
Q. Other than the fact that you know the IP address is related to Mr. St. Louis?
A. It is.
Q. And, there is no dispute that my client was lawfully and legitimately working as a part time realtor in 2019; correct?
A. She had; yes, she had real estate income for 2019.
Q. And that was the $13,900; correct?
A. Yes, yeah.
Q. And, there is also no dispute that she truly and legitimately earned the $103,000 reported on her 1040 from her work as a Broward sheriff's deputy, correct?
A. Her wages were listed as approximately $103,000, yes.
Q. Okay.

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

THE COURT: Yes.

MR. SILBER: I have nothing further at this time, your Honor.

THE COURT: All right, thank you.

Any redirect?

MR. JONES: Just briefly.

REDIRECT EXAMINATION

BY MR. JONES:

Q. Ms. Johnson, I just want to clarify a statement that was made in the question, because there seems to be some confusion, if there's a transaction of $10,000, does that trigger any requirement, or must be it be over $10,000?

A. Over $10,000.

MR. JONES: No further questions, your Honor.

THE COURT: Okay. All right.

Thank you. You can step down.

[Witness Excused.

Who is your next witness?

MR. JONES: The Government rests, your Honor.

THE COURT: Okay. So, members of the jury, the Government has just rested their case. I need to take up some legal matters and take up scheduling. So, I ask you to go into the jury room for just a few minutes, and we will be right back with you.

COURT SECURITY OFFICER: All rise.

[Whereupon, the jury left the courtroom at 3:58 p.m., and the following proceedings were had:]

THE COURT: Thank you. Please be seated.

So, we are here in open court outside the presence of the jury, but everybody else is here, and the Government has rested. Anybody have any motions?

MR. SILBER: I do, your Honor. I would motion for a judgment of acquittal; a couple of points; one, I didn't hear any evidence put on identifying the person sitting next to me as Alexandra Acosta. I think the Government failed to identify her as the defendant, number one.

Number two, as to the count relating to the forgiveness application, there has been no evidence authenticating that she is the person who submitted it. And, the witness yesterday testified on cross that she could not tell us that the signature on there belonged to my client, as compared by contrast at least to the initial application, where at least they put on evidence that it is connected to her G-mail account. But, as to the forgiveness, there is no connection.

And, overall, we would just ask the Court to issue an order of acquittal for the Government's failure to at least make a prima facie case as to all counts.

THE COURT: All right.

Let me hear first on the --

MR. SILBER: I also renew all previously made objections.

THE COURT: Okay. Let me hear from the Government first on the issue of identification of the defendant.

MR. JONES: Your Honor, the defendant has appeared here pursuant to an arrest warrant. She was arrested, she has appeared. She never contested her identity as a defendant named in this case. The codefendant, or Vilsaint St. Louis has stated that this person is the person that he conspired with. That is in the --

THE COURT: When did that happen, in the last day and a half?

I mean --

MR. JONES: Understandable, your Honor. And, in this instance, there has been no contestation that this is not Alexandra Acosta.

THE COURT: They just moved for a judgment of acquittal on that ground, so I think that is contesting it.

MR. JONES: To the extent that it is considered an issue, we would move to reopen the case.

THE COURT: And, who would you put on?

MR. JONES: Ms. Tonya Johnson, who was there, present during this process when -- purportedly when we identified Ms. Acosta and ultimately had her appear at her first appearance.

Alternatively, I can call another witness. I could call back Mr. Crevier to identify her.

THE COURT: Is he here?

MR. JONES: He is not here, your Honor.

THE COURT: Well, assuming you called Agent Johnson back, how is she going to identify her as having -- that she was in court when she was arraigned, and then that's the same person?

MR. JONES: She has also reviewed her driver's license and advanced as checked her signatures and address and picture of Ms. Acosta, aligned with all of the documents assigned with this as a formally signed document with the State of Florida, and --

THE COURT: All right.

Do you have any objection to the Government reopening the case for that limited purpose.

MR. SILBER: I do, your Honor. I do object to that.

They have had the chance for two days to put their case on. I object to the Court allowing them to reopen it to fix a basic error. I mean, this is something that, you know, every county court prosecutor learns his first day on the job.

THE COURT: Yes. As I did in 1981, for some.

MR. SILBER: And, I would object to Ms. Johnson identifying my client because she has no personal knowledge. All her knowledge is based on hearsay.

THE COURT: Okay. So, I am going to allow the Government to reopen its case to put on the agent to see if they can establish her identification.

All right? Bring in the jury.

[Whereupon, the jury entered the courtroom, and the following proceedings were had at 4:00 p.m.:]

THE COURT: All right. Please be seated.

All right, members of the jury, during that brief recess, I am allowing the Government to reopen its case briefly.

So, who do you want to call?

MR. JONES: Recalling Special Agent Tonya Johnson, your Honor.

THE COURT: Please come back up, and you are still under oath from earlier today.

REDIRECT EXAMINATION (RECALL)

Of TONYA JOHNSON

BY MR. JONES:

Q. Good afternoon again, Ms. Johnson, or Special Agent Johnson. Special agent, for point of clarification, we have -- during your investigation, did you have an opportunity to review and obtain Florida records pertaining to Ms. Acosta?

A. Yes.

Q. And were some of those records -- what were some of those records?

A. Florida driver's license.
Q. And does the Florida driver's license -- when you received those records, what was the process for obtaining them?
A. We requested, there is an online database called David, and it has driver's license information for the State of Florida.
Q. And is that a program or a platform that is often referenced by law enforcement?
A. Yes.
Q. And when you searched for Ms. Acosta's information, did it populate the same address that you have her to live at?
A. Yes.
Q. And the image of the person that you saw, is she in the courtroom today?
A. She is in the courtroom today.
Q. Where is she sitting, and can you point out what she is wearing?
A. She is wearing a suit, and she is next to her attorney at the defense table.
MR. SILBER: I can't hear what is being said.
THE WITNESS: She is wearing a suit, and she is sitting next to you at the defense table.
THE COURT: Let the record reflect she has indicated the defendant.
BY MR. JONES:
Q. Now, in addition -- at some point, we are here for a trial

-- was Ms. Acosta arrested?

MR. SILBER: Objection, outside the scope of the recall.

THE COURT: Overruled.

THE WITNESS: Yes.

BY MR. JONES:

Q. And, at that time, did she have to make an appearance in court?

A. She did.

Q. Were you there at that time?

A. Yes, I was.

Q. Did you see the individual that you identified as Ms. Alexandra Acosta at that initial appearance?

A. Yes, I did.

Q. Did she respond in kind to the initial as if it were her that was indicted?

A. Yes, she did.

Q. And, at any time, has Ms. Acosta challenged you, based on her identity, as being the person named in this indictment?

A. No.

MR. JONES: Nothing further.

THE COURT: Any recross on that issue?

MR. SILBER: No, thank you.

THE COURT: You may step down.

Is the Government resting?

MR. JONES: Yes, your Honor.

THE COURT: All right, folks. You can go back into the jury room so I can move on to other issues here.

[Whereupon, the jury left the courtroom at 4:06 p.m., and the following proceedings were had:]

THE COURT: Okay.

Thank you. Be seated. We are once again outside the presence of the jurors. So, I will deny the motion for judgment of acquittal on the issue of identification of the defendant in court.

So, what is your response as to the underlying charges and the sufficiency of the evidence?

MR. JONES: Yes, your Honor. Based on the agreed elements that have been presented to the Court for the jury instructions, we have conspiracy to commit the false statements to the SBA and two false statements to the SBA as well as the wire fraud.

For the first count, conspiracy to submit false statements to the SBA, the only thing that is required is that a false statement was made. And, I don't think anybody here disputes that that happened. The tax records that were supported or sent in support of the application for a PPP loan were false. The information that was contained in the face of the application was false.

There is evidence that there is linking in time, the defendant and Mr. St. Louis together in the same date that this application was created.

There is email correspondence between them throughout this period, relating to the tax case, relating to the SBA, the PPP application, where the two individuals are speaking about it, and Ms. Acosta attempts to hide this from her wife.

There is circumstantial evidence that Ms. Acosta was in agreement with Mr. Vilsaint St. Louis, which is evidenced by the statement that she had asked him not to tell her wife. They conspired for that, effectively, but it shows that they are capable of conspiring together, and that is what they did on February 1st and February 3rd, as well as -- or February -- yeah, February 3rd, as well as April 20th and 21st. It is clear she is involved.

The nature and circumstances of this establishing that she knew Mr. St. Louis on February 1st either was the hands-down, worst person in the world when it comes to preparing taxes, or she agreed with him that this would be something they can accomplish.

The timing and circumstances of this $18,000 loan that is in front of them versus the seven days later applying for a $21,000 PPP loan that is false indicates sufficient evidence that Ms. Acosta knew the purpose of the loan, was motivated by that, and then later, still continued to try and get -- cut away at her IRS tax case, and, later spent the money, you know, just whittled it around.

So, I believe that the false statements, the knowledge element of this is either deliberate ignorance, which is instruction that will be given, or that is agreed by the parties, or actual knowledge. And, those are circumstantial evidence.

And, your Honor has instructed the jury the same, that circumstantial evidence is just as strong as any direct evidence. Of course, no one is going to be in the room that day filming her while she is there.

We have to infer from the circumstances to prove our case. And, the jury can do that, based on the evidence presented.

As for the wire fraud counts, we have to prove an intent to defraud. And, I do want to, I guess, come back to the SBA, that there is no need to prove intent to defraud for that count, or, willfulness. It is specifically omitted from the statute, and the only requirement is knowledge and false statement.

Now, for the wire fraud, there is a required element of intent to defraud. And, in this circumstance, I think all -- as I have already stated, for the reasons that support the other cases, I think that substantially supports that there was intent and knowledge here. There is deceit that has been -- there is evidence, based on the record, and there is the scheme and artifice of the timing of this.

Getting off the phone with the IRS about your tax debt and then applying for this loan the same day when you know you only made 13,000 in the year that your tax preparer wants you to submit in support of an application, it just strains credulity. And, I think the jury has sufficient evidence in order to establish or find a verdict of guilty as to all counts, and that the defendant acted knowingly and with the intent to defraud as to Count 4.

THE COURT: All right. I think the Government's case, although it is circumstantial, it is sufficient to -- in the light most favorable to the Government, to establish a prima facie case of guilt as to each element of each offense. I will deny the motion for judgment of acquittal.

What is the status of the defense case?

MR. SILBER: Your Honor, I would ask for us to recess at this point so that I can work with my client to prepare her testimony, because she wishes to testify.

THE COURT: No. It is only four o'clock. If she is going to testify, we will go forward now.

MR. SILBER: Okay. Can I have 15 minutes to talk with her?

Or ten minutes?

THE COURT: Ten minutes.

MR. SILBER: Thank you, your Honor.

THE COURT: We will see everybody in ten minutes.

MR. SILBER: Thank you.

COURT SECURITY OFFICER: All rise.

(Brief recess.)

THE COURT: Please be seated.

All right. Is it your intention to call Ms. Acosta as a witness?

MR. SILBER: Yes, your Honor.

THE COURT: All right. Ms. Acosta, let me explain to you that as a defendant in a criminal case, you have Constitutional right to testify, but you also have the Constitutional right not to testify.

Do you understand that?

THE DEFENDANT: Yes.

THE COURT: And, there are three decisions, in the context of criminal cases, in which the defendant has the personal right to make a decision; that is whether to plead guilty or not guilty, whether to have a trial before a judge or jury, whether to testify or not testify.

If you want, Mr. Silber can ask your questions on cross-examination. He can overrule you because he doesn't have to listen to you on that particular issue.

But, on those three issues, the most important being what we are discussing now, do you understand it is your own personal decision to make?

You should obviously consult with Mr. Silber and listen to his advice. But, if he wants you to testify and you don't want to testify, you can overrule it. Do you understand that?

THE DEFENDANT: Yes, your Honor

THE COURT: Is it your own personal decision to testify as a witness in the case?

THE DEFENDANT: Yes, your Honor.

THE COURT: Has anybody promised you anything or forced you, threatened you, or coerced you in any way to come to that decision?

THE DEFENDANT: No, your Honor.

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

COURT SECURITY OFFICER: All rise for the jury.

[Whereupon, the jury entered the courtroom at 4:25 p.m., and the following proceedings were had:]

THE COURT: All right. Welcome back, everyone, and please be seated.

All right. When we left off, the Government had rested its case.

And, what is the status of the defense's case?

MR. SILBER: Your Honor, at this time, we would call the defendant, Alexandra Acosta.

THE COURT: All right.

Please come forward to be sworn, and take the witness stand.

Thereupon,

ALEXANDRA ACOSTA,

having been first duly sworn or affirmed, was examined and testified as follows

THE WITNESS: I do.

THE COURT: Please have a seat, adjust the microphone, and, when you are ready, tell us your name and spell your last name.

THE WITNESS: It is Alexandra Acosta, A-C-O-S-T-A.

THE COURT: All right, thank you.

Is your mic on?

MR. SILBER: It is this time, your Honor.

DIRECT EXAMINATION

BY MR. SILBER:

Q. All right. Ms. Acosta, we spent a couple of days actually talking about you. But, this is your chance to address the jury. Why don't we begin with your background. First of all, how old are you?

A. I am 38.

Q. And, where were you born and raised?

A. I was born and raised in Miami, Florida.

Q. Okay. And, did you go to high school here?

A. Yes, I went to Monsignor Pace High School.

Q. Do you have any siblings?

A. No. I am an only child, first generation American.
Q. Where are your parents from?
A. Both from Cuba, sir.
Q. Okay. And did you go to university or college?
A. Yes.
Q. And, where did you go to college?
A. I graduated from Valdosta State University.
Q. And did you get good marks?
A. Yes. I was also a two-time all-American softball player.
Q. And what degree did you get, if any?
A. I got a bachelor's degree in Criminal Justice.
Q. Okay. And after attending college, did you get -- did you start working?
A. Yes.
Q. And what kind of work did you do?
A. I was a teacher and a coach.
Q. Okay. And, eventually, I guess you entered law enforcement; correct?
A. Yes, I did.
Q. What year did you attend the police academy?
A. I started in 2012.
Q. Okay. And, how did you do at the police academy?
A. I graduated number one overall. I was voted class president. I gave the class speech. I would say I did pretty well.

Q. Okay. And, upon graduating from police academy, did you then get your Florida certified -- for lack of a better term, law enforcement license?
A. Yes. I was a certified police officer in the state of Florida.
Q. Okay. And that certification is still current; correct?
A. Correct.
Q. Okay. When did you start working at the Broward Sheriff's Office?
A. June 3, 2013.
Q. Okay. And, did you begin as a road patrol deputy, I guess?
A. Yes. I was assigned road patrol for the city of West Park.
Q. And, at a later point in time, did you ever transfer out of the West Park.
A. Yes, I did.
Q. And, where were you transferred to?
A. I was transferred to Fort Lauderdale International Airport, where I was on the incident containment team.
Q. And what is an incident containment team?
A. It is the tactical unit that was created at the airport after the shooting, mass shooting at the Fort Lauderdale Hollywood Airport.
Q. And what does your team do in response to those circumstances?
A. We are the tactical team to prevent crime and deter, I

guess, bad guys from coming to the airport. And, I was also assigned the canine while I was on the unit.
Q. And was that a normal canine or special canine?
A. He was -- is a vapor wake bomb dog.
THE COURT: Wait. He is a what?
THE WITNESS: A vapor wake bomb dog. He is specialized in protecting person-borne explosives. So, my dog looks for a suicide bomb person; specifically, we work in crowds to look for bombs on moving objects or moving people in crowds.
BY MR. SILBER:
Q. And, when your dog detects a bomb, what is it your job, what are you supposed to do at that point in time?
A. I have a cover team. They address the subject, and I get on the radio and make radio procedures.
Q. Okay. And would it be your job to stop the person?
A. Yes.
Q. Okay. And, at the airport, did you have any other jobs like protection, anything like that?
A. Yes. The incident containment team was also in charge of dignitary protection at the airport, protected people like the president, the vice president.
I did daily Congress escorts to and from airplanes.
Q. Okay. And, upon finishing your term at the airport, did you transfer anywhere else?
A. Yes. After my time with the airport, I am proud to say

that I made the Broward County sheriff's office SWAT team, and I am the first female to ever do that.

Q. Okay. And the only female; correct?

A. The only female to ever do that.

Q. Well, if you need a moment, tell me.

A. I worked really hard for that.

Q. Tell us about that. How did you end up on SWAT?

What did you have to do to get on SWAT?

A. Well, I was on the incident containment team.

Q. Slow down. Don't mumble your words.

A. While I on the incident containment team, I was afforded the opportunity to work out on duty due to my tactical position there, and, I was able to successfully train and complete a three weeks SWAT school, which is one of the toughest schools in the country.

Q. What makes it so tough?

A. It is extremely physical. You know, you are running several miles a day, you are swimming, you are, you know, shooting rifles, handguns; you are wearing probably 30 pounds of gear all day, every day in the sun.

And, you know, at the end of the day, I am just trying to compete and stay up with everybody else.

Q. Do most people quit?

A. Yes. It has got like a five percent pass rate.

Q. Okay. And, how many times did you attempt to get in and go

through SWAT school?
A. I attempted SWAT school once. I had that tryout twice.
Q. Okay. And what happened in the first tryout?
A. I failed to pull a 225-pound sled -- probably was five feet short of missing the time.
Q. And, how far did you have to pull it altogether?
A. 40 yards to, and then 40 yards back, after some agility exercises.
Q. And you missed it by five feet.
A. More or less.
Q. So, you tried out again?
A. Yes.
Q. How much later did you try out again?
A. I believe it was a year and a half later.
Q. Okay. Let's pause for a moment. What year were you doing this SWAT activity, trying out, going through SWAT?
A. I believe it started 2019, 2020.
Q. Okay. And, in order to get ready for SWAT tryouts, what did you have to do?
A. I had to sacrifice a lot of free time, a lot of time with my family, a lot of time from work. I had to work out more than I normally would.
Running is a big part of SWAT school. And, that is one of my weaknesses, is running. So, I had to get myself in running shape.

Q. How much running did you do every day?
A. I would say I was running at least four to five miles every day, if not longer.
Q. Okay. And how long through 2020 did you do that?
A. The whole year.
Q. Okay. And did that take up a lot of your free time?
A. Yes, absolutely.
Q. Okay. And, other than the physical aspect, did you do any additional practice, like marksmanship, or things like that?
A. Yes. I would take free time and go to the range whenever I could.
Q. And, what I am getting at is to prepare for SWAT school, it sounds like it is a lot?
A. Yes, it is a lot. It definitely took a toll on myself and my family.
Q. And, of course, while you are doing that, you are also working full time?
A. Yes, correct.
Q. And you mentioned your family. Are you married?
A. Yes, I am married.
Q. And any kids?
A. Yes. I have two young children, a daughter and a son.
Q. Sounds like you have a very busy schedule.
A. Yes. My schedule is really hectic.
Q. Okay. And, in reference to the discussions we have had

here during the course of this trial about your real estate activity, let's pause on your background a minute and let's talk about your real estate background, pause on your law enforcement background and talk about the real estate background.

Was real estate ever a full time career for you?

A. No, it was always a part-time thing.

Q. And, you did it part-time while you were employed at the Sheriff's Office?

A. Yes, sir.

Q. Okay. And is that a common practice amongst law enforcement?

A. Yes. I know several law enforcement officers who were also realtors.

Q. And, they could be anything else also, landscapers, plumbers?

A. Yes.

Q. Pressure cleaners?

A. Correct.

Q. It is common in law enforcement for people to have, like, a side gig, right?

A. Yes. Our schedule allows for us to have a few days off. So, we have side jobs, a lot of times.

Q. Okay. And even though you were focused on getting into SWAT in 2020, did you still maintain your real estate license?

A. Yes, I did.
Q. And, were you available if a friend or colleague was looking for a place to buy or to rent?
A. Yes, absolutely. That was most of my work, was friends and colleagues and other police officers who wanted to buy or sell houses.
Q. Okay. And it was just to supplement your income; correct?
A. Correct.
Q. Okay. All right. Moving along, so, when did you attend SWAT school?
A. I attended SWAT school in November of -- end of October and November 2022.
Q. '22. Okay. And, did you pass SWAT school, not the tryouts, the school, on the first try?
A. Yes, I did.
Q. Okay.
A. First female to ever do that.
Q. All right. And, upon graduating from SWAT school, were you assigned to the SWAT team?
A. Yes.
Q. Okay. And, just generally, without getting too far into it, what were your duties as a SWAT officer?
A. I was assigned to the Titan Unit, and we responded to critical incidents throughout the county. So, if there was a shooting, a stabbing, a robbery, they would dispatch my team

and I. We rode in pairs to assist road patrol with the advanced tactical expertise that we carried since our training was so heavy.

Q. Is it fair to say that SWAT is kind of like the stronger forces when more of a strength is needed in a violent situation?

A. Yes, absolutely.

Q. Potentially violent situation?

A. Yes.

Q. And, are you trained in close-quarters combat, hostage rescue, things of that nature?

A. Yes. We train every single Wednesday, all day.

Q. Okay. All right. Let's talk about your audit for a moment.

A. Yes, sir.

Q. Okay. Actually, before we to that, let's get into your relationship with Mr. St. Louis, and then we will talk about your audit.

At the time of this incident, you know, obviously, it is now 2024. This event allegedly occurred in 2021. So, referencing that time period, 2021, at that point in time, how long had you known Mr. St. Louis?

A. I had known him since 2014, '12 or '14.

Q. All right.

A. So, almost nine years.

Q. Okay. And what context did you know him?
A. He was my tax preparer. He had always prepared my taxes. So, we had a business relationship.
Q. Okay. Was there anything personal about it?
Did you guys ever hang out?
A. No. He -- we never hung out. He called me one time. I know he was having an issue with his wife, and he called me for advice because he knew I had gone through a similar issue; but, other than that, no.
Q. Okay. And that's from a prior relationship, you are referencing?
A. Correct.
Q. He was getting divorced, and he had some questions about the process?
A. Correct.
Q. Okay. So, it is fair to say, then, it was a strictly business relationship?
A. Absolutely.
Q. Okay. And was there ever a gap in time where you did not use him as a tax preparer?
A. No. He prepared my taxes ever since I started going to him.
Q. Okay. And, to prepare your taxes, would you meet with him annually, multiple times, or how would that go down?
A. It was either once or twice, I would drop off documents,

and/or sit there with him for a short amount of time, and then leave; or, sometimes I would drop off documents and not see him at all. It just depended on how busy he was.

Q. Okay? Let's talk about that process just for a second. You would drop off the documents, and would you meet with him and discuss each individual document?

Was there a general discussion?

Can you just elaborate on that for us?

A. No. It was, "Here is my W-2. Here is my 1099."

I gave him mileage based on what I had from my realtor app. On the realtor app, there is an app we can use that shows the houses that we are going to show to clients. So, I had mileage based on that.

And, I gave him my bank statements for realtor expenses that I spent. Any documents he ever asked for -- he asked me to have a year-to-date for my Capital One card, which is normally what I used for my business expenses, and I gave him all that information.

Q. And, what would he do with that information?

A. He would sit behind his computer and type in the numbers.

Q. Okay. Were you involved in the analysis portion of those things?

A. No. Not at all. Numbers are not really my thing. They still confuse me.

Q. And, of course, that is why you hired a tax preparer?

A. Absolutely.
Q. Because you needed someone else to do it for you?
A. Yes.
Q. Okay. And, you trusted him to do it for you?
A. Yes, I trusted him. I had never had an issue with his honesty before. He was always somebody that did my taxes, and I never had the trust issue with him before.
Q. Okay. Now you do, of course?
A. Absolutely. Yes, I have, since I learned he was doing things incorrectly behind my back; but, I had no idea of the things that he was doing. He was minimizing a lot of the errors and omissions that he was making on his statements.
Q. Are you referencing the audit?
A. Yes. And, apparently, my taxes, as well.
Q. Okay. Well, let's talk about that. After he completed your tax returns, who submitted them, him or you?
A. He did.
Q. Okay. And, did he ever sit down with you after preparing them and go, line item by line item, "I put this, I put that," or, did he just generally tell you they were done?
A. No. He told me my taxes were done, and this is the amount of return I should be prepared for.
Q. Okay. And, let's talk about your trust in him for a few minutes.
You mentioned you had never had a reason to distrust

his honesty. Okay. Does that have any extra or special meaning to you because you are in law enforcement
A. Yes, absolutely. You see, he is somebody I had gone to ever since I got into this career, and I never had an identity issue. Not to mention that I don't want to just be giving my information to just anyone. I mean, he had my kids' socials, he had my wife's information, who is also in law enforcement. Those are things that I don't want just the general public to know. I wouldn't just give that information to anyone.
Q. And, did you feel he kept those, that personal confidential information secure?
A. I mean, I had heard of identity things all the time, and I never had any issues like that with him.
Q. Okay. So, you always felt your information was safe with him?
A. Absolutely.
Q. And, he always made you feel like you could trust him?
A. He always made me feel I could trust him, and he never gave me a reason not to trust him until now.
Q. Okay. Let's fast-forward to your audit now. Okay. You first received notice of your audit in December of 2020; is that correct?
A. Correct.
Q. Okay. What happened after you got that first notice?
A. I sent him an email saying, "Hey, I have received this

audit. What -- like, what do I have to do?"
Q. Okay.
A. Or, "I received this tax examination. What do I need to do?"
Q. And, we are going to go step by step. What happened after that?
A. He responded and said to come by his office.
Q. Okay. And did you meet with him?
A. Yes.
Q. And, when did you meet with him?
A. The next day, to sign a power of attorney.
Q. Okay. And, let's talk about the power of attorney for a second. What did it mean to you -- why did you sign that document?
A. He told me in order for him to talk to the IRS on my behalf, I needed to sign a power of attorney to him.
Q. And, that gave him legal authority to speak on your behalf to them?
A. From what he told me, yes.
Q. Okay. And they would refuse to speak to him about your case unless you signed that document?
A. Correct.
Q. Okay. So, you signed the document.
What is the next step?
A. After signing that document, he -- I believe he was in

contact with the IRS.

Q. Was it your impression that you would be involved in that process, or did you generally think he would handed it?

A. I thought he would handle everything. He told me once he had the power of attorney, he could handle it all for me.

Q. Okay. And, when you mentioned to him, "Hey, tax preparer, I am being audited," what was his response?

Did he admit a problem?

Did he minimize it?

Did he say he didn't know anything about it?

A. He made it very minimal. He made it seem like it wasn't an issue at all. He -- as a matter of fact, on the head page of the IRS audit, it stated something about I could get a return back. So, it was just kind of a standard thing that some people go through. And, from my understanding, I had had friends and coworkers who had been audited before. It wasn't a big deal to me.

Q. You mentioned something about you could get money back. Are you referencing the letter they sent you?

A. Yes.

Q. And what, specifically, did it say in that letter?

A. The letter said that I could either get money back, not owe anything at all, or I could have to owe a refund.

Q. So, it was a -- basically, telling you, you are being audited, and the potential outcomes?

A. Correct.
Q. And, he handled the process from there?
A. Yes.
Q. Okay. How was he with communication?
Was it easy to get hold of him?
A. Not always. He was pretty good, sometimes, with emails; but, if I ever tried to call him on the phone, it was hit or miss.
Q. Hit or miss?
A. Yes.
Q. Okay. And, getting ahold of him by phone, would that require multiple phone calls?
A. Yes, usually, and especially during tax season.
Q. But, he would always eventually get back to you, right?
A. Yes. I have learned now that there was -- the times that it took him a while to get back to me, it seemed like there was a good reason it was taking him so long.
Q. And what was that reason?
A. It seemed like he was hiding something from me.
Q. And, when did you have that realization?
A. After all this happened.
Q. After you were arrested?
A. Yes.
Q. Okay. And, we will get to that. We will circle back to that later. And, in terms of the audit, while the audit is

going on, since you gave him power of attorney, can you tell us if he received, to your knowledge, all the notices and papers that the IRS would send?

A. Yes.

Q. Okay. And, did you rely on him to respond and deal with it correctly?

A. Yes.

Q. Okay. And, did there come a time when you disagreed with him during the audit?

A. Yes.

Q. Tell us about that.

A. Well, I realized that he wasn't making contact with the IRS like he should have been. And, I had to end up calling the IRS on my own behalf and seeing what was going on with my audit because I was getting letters saying that I was going to owe what he didn't tell me I was going to owe.

He had minimized the whole thing, saying I might not owe anything at all. It was going to be very minimal, or, it was just a simple mistake he made, and it would be very minor.

Q. And, did he ever explain to you what the problem was with your taxes?

A. He said that he made a double entry on my -- something about my home or mortgage, something like that.

Q. Like, it just an error, he hit -- maybe "enter" twice by accident?

A. Yes.
Q. Okay. Did he ever confess to you that he didn't understand that you can't take mileage and expenses?
A. He did say that while we were on the phone with the IRS auditor or examiner.
Q. And was that the first time you heard that?
A. Yes.
Q. Okay. And, what about the other problems in the taxes?
Did he ever admit that to you?
A. I don't really remember. I -- I still don't really understand a lot of it, to be honest.
Q. Okay. And, if you could point a finger at one thing he did wrong in your mind, what is the thing?
Is it the tax -- the double entry of that property tax?
A. No. I mean, yes, on the audit, but --
Q. That is what I am referring to. Sorry. I meant to say in regards to the audit.
A. Yes. On the audit, he made a double entry.
Q. Okay. And, at the time of the audit, when you learned that it was possible you might owe some back tax, were you gainfully employed at that time?
A. Yes.
Q. And, how much were you earning at that time?
A. At the Broward Sheriff's Office?
Q. Yes.

A. A hundred thousand dollars.
Q. So, you weren't hurting for money. You were making a living, right?
A. Yes.
Q. And you live in a house with a dual income, right?
A. Yes.
Q. And, after finding out that the -- you were being audited, let's fast-forward to the end of January, 2021. Okay?
When you found out that you may potentially owe about $18,000 -- do you recall that?
A. Yes.
Q. Okay. Did Mr. St. Louis advise you that that is exactly what you would owe, or did he feel it would be much less than that?
A. No, he always minimized it, he always said it was going to be much, much less than that.
Q. And, at that point in time, did you believe him?
A. Yes. I had no reason not to trust him.
Q. At that time, you believed in his honesty?
A. Yes. He had never lied to me before.
Q. Okay. Let's fast-forward to February 1, 2021, a couple of weeks later. Did you meet with him on that day?
A. Yes. I did.
Q. Okay. And, what was the purpose of that meeting?
A. To drop off my taxes for the 2020 year, 2021 year.

Q. Okay. And was the audit discussed at that time?
A. Yes. It was.
Q. And was the PPP loan discussed at that time?
A. Yes, it was.
Q. Okay. Tell us what he told you about the PPP loan. Well, first of all, let me ask you this question. Who initiated the question about the PPP loan?
A. He did.
Q. He brought it up first, not you?
A. Yes, Mr. St. Louis.
Q. Okay. And what exactly did he say to begin the conversation?
A. Mr. St. Louis told me that I qualified for a payroll or payment protection loan because I was a realtor, and I had a 1099, and he called it a COVID loan.
Q. He called it a what?
A. A COVID loan.
Q. Okay. And, when he says you had a 1099, what year was he referencing?
A. 2019.
Q. Okay. And, when he told you, you would qualify for a paycheck or Paycheck Protection Program, did you ask him any questions about it?
A. Yes, I did.
Q. And what did you ask him?

A. I asked him, "Well, I don't have a payroll. I don't have employees. It is just me. How do I qualify for this?"
Q. And what answer did he give you?
A. He said, "It is what they use to supplement your income during COVID, and it was used to, you know, for COVID relief."
Q. Did he tell you that you had to have employees to get a payroll or Paycheck Protection Program loan?
A. No. He said it could be used for other things. It was just to stimulate the economy.
Q. And, when he said the money could be used for other things, did he elaborate and give you examples, or he just generally spoke, and that was it?
A. He just generally spoke and said that it was part of -- it would be part of what I would have made during COVID.
Q. Okay. Now, let's pause for a second. I want to go back about how your taxes were prepared, and we will circle back to this discussion in terms of submitting your taxes, okay, and, in terms of the services that he provided to you.
So, you would drop off your documents, your W-2, 1099, blah blah blah. Right?
A. Yes.
Q. And, he would do some kind of calculating on the computer and fill out all the forms, right?
A. Yes.
Q. And then he would submit them electronically; correct?

A. Yes.
Q. Okay. And that was the normal course that you did all those years with him, in preparing the tax, right?
MR. JONES: Objection, leading.
THE WITNESS: If I stayed there with him, yes.
MR. JONES: Just objection.
THE COURT: Overruled.
BY MR. SILBER:
Q. The point being, you provided him the documents, prepared the taxes, and he would submit them; correct?
A. Yes.
Q. You never, personally, submitted your own tax returns?
A. No, I never submitted them.
Q. Okay. Let's go back to your PPP loan discussion.
How were you going to apply for the PPP loan?
Were you going to do it, or was he going to do it?
A. He told me it was an easy process for him. He already had all my paperwork, and he would apply and submit it to me just like he always did with my taxes.
Q. Okay. And is that, in fact, what happened?
A. Yes.
Q. Okay. And, to create the PPP loan in the application, and the whole submission process, how was he able to do it in your name?
A. He said he just needed my email and my password. So, I

wrote it down on a little yellow sticky note and I handed it to him.
Q. Why did you feel comfortable giving him that information?
A. As somebody, one I had been going to since 2014, he has my social security number. He has my kid's social security number, and my address. Those are things that don't change. If I wanted to change my password, I could always change my password.
Q. So, you felt there wasn't any real threat, and you had trusted him with more serious private information, right?
A. Yes.
Q. Okay. So, he tells you he would handle everything. You give him your email information. Does anything happen further in the conversation at that time?
A. That I would be receiving an email from Scratch.
Q. Okay.
A. Later on, down the road.
Q. And, what were you supposed to do with that email?
A. Just forward him the emails. He would handle -- that would be part of the forgiveness portion, and he would handle that, as well.
Q. Okay. When you received -- let's talk about the information that was received by your email account. Okay?
So, February 1st, you meet with him. Do you know when, after that, he actually submits the loan papers?

Was it the same day?
Was it the next day?
Or, do you not know?
A. I now know it was the same day.
Q. At that time, did you know?
A. No.
Q. Okay. And, as he started doing the loan application process, were you seeing emails come into your email account?
A. At that time, no.
Q. Okay. And why didn't you pay attention to these emails?
A. They were already opened. It was probably a bunch of emails over it, and, specifically, on February 1st, when I was there, I had a dignitary that I had to walk to the airport, to their gate. So, I wasn't able to check my emails until way later in the day.
Q. Okay. Now, can you remind us again, when is it that you tried out and attempted for SWAT school? The second tryout, I am referring to?
A. The second tryout, I believe was possibly June of 2022, somewhere along there.
Q. And, when was the first tryout?
A. Late -- maybe late 2020.
Q. Okay. And, during this time, did you ever stop preparing for SWAT, stop training for SWAT?
Or, did you keep up your routine?

A. No. I always kept up my routine because I wanted to make sure that I -- I knew I was trying out again, and I wanted to make sure that I stayed in shape.

It was very hard to get to where I was, and I didn't want to go backwards.

Q. And, on top of your work schedule and your demands as a parent and all that, was the SWAT training a real drain on your leftover personal time?

A. Yes, absolutely. In between, you know, dropping the kids off at school, picking them up, taking them to their appointments, it was just convenient.

Q. And, was that a factor in why you continued to use Mr. St. Louis at that time to handle your tax affairs?

A. Yes. He had all my paperwork already. It is not like I had to go to a new tax guy and fill out new paperwork and documents and give my kid's social again, find their birth certificates, do any of that. He just had all my stuff. So, I just went and, you know, he always handled it for me.

Q. All right. Let's get to the heart of the matter.

Did you have any reason at all to think that he was going to lie on your behalf?

A. I never would have thought he would have ever lied, especially the way that he did. And, I never would have allowed it, ever. I worked way too hard in my career to get to where I am at right now, for a 20 thousand dollars loan. I never would have allowed that, ever.

Q. And, when he said he was going to prepare the applications, did you think he was going to use truthful numbers?

A. Yes. He said I qualified. Why would I have a reason not to believe him?

Of course, I am going to believe him.

He said I qualified. He said I was a realtor, I had a 1099, and I didn't need employees. And then, in the loan process and the forgiveness process, I was seeing emails saying that employees with -- or people qualified for PPP loans, no employees, with 1099s, that were realtors. So, it is just substantiating what he is saying.

Q. Are you talking about market advertisements to apply for a PPP loan?

A. Yes.

Q. And, you received those marketing advertisements when, exactly?

A. It is between -- sometime between when I got the loan and then sometime between the forgiveness.

And, I also see, you know, there was people getting stimulus money for everything. So, it made sense to me that he was -- that COVID was giving PPP loans for businesses.

Q. And, of course, let's go back in that time machine for a moment. We are here in 2021, right, in these events; correct?

A. Yes.

Q. And, at that time, COVID was raging, right?
A. Yes.
Q. What was going on at that time in this country because of COVID?
A. Well, I worked at the airport. The airport was empty. It was nobody flying. I had less details, to be honest. But, yeah, there was people not going to the grocery stores, you weren't going out to dinner like you normally go, things like that.
Q. It was that crazy time during coronavirus, right?
A. Yes.
Q. Now, let's talk about your forgiveness application. Did you participate in the filling out of the forgiveness application?
A. No.
Q. Did you have any knowledge of information he put on that application?
A. No.
Q. Did you participate in any part of filling out the initial loan application?
A. No.
Q. And, did you have any knowledge of the numbers he put in that loan application?
A. No.
Q. And, just like with the loan application, had you known

that he was going to flub numbers, and put fake numbers to guarantee that you got your loan forgiven, would you have authorized that?

A. No, absolutely. I would have never allowed that, ever.

Q. Okay. There is an email that the Government put in, where you told him to please not mention this to your wife. Right? Do you know what I am talking about?

A. Yes.

Q. Okay. You said, please don't mention it to Erin, about the audit or the loan; correct?

A. Correct.

Q. Okay. What did you mean in that email?

What were you trying to tell him?

A. Well for one, my wife overreacts to a lot of things, and I didn't want to stress her out. So, I didn't want to mention -- our finances are separate. We keep our finances separate. She doesn't have to know when I buy Red Bull at the grocery store, and I don't know when she goes to get her nails done. So, I just didn't want her to know. It is one less argument that we have to fight about when we are home.

Q. And, of course, you come together to pay for mutual household expense; correct?

A. Absolutely, all our bills are paid.

Q. The kids, food, all that?

A. Yes. Absolutely.

Q. When did you first see the SBA loan application that he filled out with those fake numbers?
A. After I was suspended from work.
Q. Okay. And that -- what year was that?
A. 2023.
Q. Like, a couple of years later, right?
A. Yes.
Q. Okay. And that is long after this investigation had started, and that whole thing, right?
A. Correct.
Q. When was the first time you saw the forgiveness application?
A. I believe that was after I was arrested.
Q. Okay. And, when you saw the numbers that he had put in that loan application and in the forgiveness application, did you ever attempt to make contact with him about that?
A. Yes. When I knew I was in trouble, we had heard it was something to do with PPP, but I knew I had my paperwork, I never thought -- I still didn't think I did anything wrong. I knew I had paperwork. According to him, everything was -- I qualified, and everything was "legit."
So, I e-mailed him and asked him, "Hey, where did you get these numbers from?"
Q. And did he respond?
A. He never responded after that. I never heard from him

again.

Q. After this email, he ghosted you?

A. Yes.

Q. Now. Since you learned that he committed this fraud on your behalf, did you take any corrective action?

A. Yes, I did.

Q. What did you do?

A. Since the day I was arrested, I know I told you to convey to Mr. Jones that I wanted to pay back the loan that I wasn't entitled to, and I have since paid it back in full with interest and penalties.

Q. Do you owe any money to the IRS at all?

A. No.

Q. I am sorry, I mean to the SBA or anything?

A. No.

Q. It has been fully paid?

A. Yes.

Q. And, do you acknowledge here today some of things we discussed in our opening statement?

Let's go through them. You don't deny a loan was applied for, right?

A. No.

Q. You don't deny that a forgiveness application was applied for?

A. No.

Q. You don't deny that the loan was approved?
A. No.
Q. You don't deny that the money was given to you?
A. No.
Q. And, you don't deny, based on him telling you that the money could be spent on other things, that you spent it on personal things?
A. No.
Q. What do you -- what, in fact, is it that you do deny?
A. I have no idea it was fraudulent numbers. I had no idea he made it up. I had -- I always thought I had a 1099, and I made money. I made $13,000 in 2019. The year before, I made $23,000. The year before, I made, I think, $30,000. I had a -- I was actively working in a business. And, I never had any reason to believe I didn't qualify.
Q. It is not as if you weren't a real estate agent, and he was going to tell you that realtors can get this, so you could apply for it, correct?
A. Correct.
Q. And, it is not like you made no money as a realtor, right?
A. Correct.
MR. SILBER: Counsel, I am going to show her these exhibits.
All right. I am showing what I have previously marked as Defense Exhibit 32 through 33. It is a composite document

for identification purposes.

Government, any objection to the admission of this document?

MR. JONES: Sorry, your Honor. No objection.

MR. SILBER: Thank you.

THE COURT: So what, 32 and 33?

MR. SILBER: Through 33, yes.

Your Honor, at this time, I would move to admit defendant's Exhibits 32 and 33 as Defense A.

THE COURT: Okay.

(Exhibit No. A was marked for Identification.)

THE COURT: All right. I said you could leave it as 32, or whatever. So, that's Exhibit A.

BY MR. SILBER:

Q. Okay.

I am going to go through these documents, and then we will talk about them. I am now showing you what was previously marked as Defense Exhibit 21 through 23 for identification.

Government, any objection?

MR. JONES: No objection.

MR. SILBER: Your Honor, at this time, I would move to admit Defense Exhibit 21 through 23 as defense B.

THE COURT: And what is it?

Just generally, the description.

MR. SILBER: 21 through 23, it is an email.

THE COURT: Gmail login report?

Is that consistent with what is on your exhibit list?

MR. SILBER: Sorry, I didn't hear you.

THE COURT: Is it consistent with what is on your exhibit list?

MR. SILBER: It should be. But, it doesn't mean I didn't make a mistake.

THE COURT: Here, it says 21-23 is 4-21-21 email re: G-mail login info.

MR. SILBER: It shouldn't be gmail. It is April 21, 2021 email.

THE COURT: So, that will be what, B?

MR. SILBER: B.

THE COURT: Okay.

MR. SILBER: Let me just mark it as Defendant's B.

(Defendant's Exhibit B was received in Evidence.)

MR. SILBER: And this is defense 19 through 20.

Government, any objection?

MR. JONES: No objection.

MR. SILBER: At this time, I would, move to admit Defense 19 through 20 for identification into evidence as Defense C.

THE COURT: Okay.

(Defendant's Exhibit C was received in Evidence.)

MR. SILBER: And this one is Defendant's 27 through 31 for identification purposes.

Actually, one second. Let me double check that.

This is defense 27 through 31 for identification purposes.

Any objection?

MR. JONES: No objection.

MR. SILBER: Your Honor, I move to admit Defense Exhibit 27 through 31 as Defense D, delta.

THE COURT: Those are emails, or what is it?

MR. SILBER: It is an email from October 10th and October 9th.

THE COURT: 9th?

MR. SILBER: Yes, and October 10th.

THE COURT: Okay. Those are in as D.

MR. SILBER: Yes, delta.

(Defendant's Exhibit D was received in Evidence.)

BY MR. SILBER:

Q. All right. I am now showing you what has been admitted as defense A. Do you recognize this document?

A. Yes.

Q. What is this?

A. It is my certificate of my indebtedness to the SBA.

Q. Okay. And what is the date on here?

A. May 30, 2024.

Q. Okay. And here is your loan number, right?

A. Yes.
Q. 1554728404, right?
A. Yes.
Q. Cross River Bank -- do you remember the lady with the purple hair, right?
A. Yes.
Q. You're the borrower, Alexandra Acosta; that is your address, 7200 Northwest 9th Way, Tamarac, right?
A. Yes.
Q. Okay. Loan for $20,180?
A. Yes.
Q. Okay. That was the forgiveness, the 2,180, right?
A. Yes.
Q. And now, let's go down here. You then owed interest on the forgiveness, a PPP processing fee, and less your wire payment of 22,750.77. Right?
A. Yes.
Q. Okay. This 22,750, does that represent the total of the 20,180 in interest and the $2,500 processing fee?
A. Yes, it does.
Q. And does this represent all the penalties, interest, and whatever they asked you to pay?
A. Yes.
Q. And including the entire principal?
A. Yes.

Q. And, that comes to the 22,750.77?
A. Yes.
Q. And, that was paid?
A. Yes, completely.
Q. Okay. And your total indebtedness now is?
A. Zero.
Q. I am now showing you what was previously admitted as Defense C.
Let me zoom out just a little.
All right. Do you recognize this?
A. Yes.
Q. All right. Let me show you the next one.
Do you recognize -- first, let me take note here. Do you see the date on here?
What does that say?
A. March 23, 2021.
Q. Okay. That is the 23rd. What does this one say?
A. March 30, 2021.
Q. Okay. And what does this one say?
A. March 20, 2021.
Q. Can you read that again?
A. I mean, sorry. April 20, 2021.
Q. Okay. And just to note, is that date significant to you, April 20, 2021?
A. It was the day before the loan forgiveness was applied for.

Q. Okay. Let's go through these real quick to see what it says.

All right.

Q. What is the title?

A. Forgivable PPP Funds Available for 1099s Without Employees.

Q. So, someone like you doesn't have employees, right?

A. No.

Q. And you had a 1099, right?

A. Yes.

Q. Okay. Read this for us.

A. "Did you know new changes are allowing independent contractors with no employees to qualify for the PPP forgivable loan, and you could qualify for up to $20,833?"

Q. Keep going.

A. "New changes to the PPP loan program are allowing 1099 contractors, real estate agents unique access to forgivable PPP loans. Join us on Wednesday, March 24 at 5:00 P.M. for a live informational session with an SBA-approved lender to discuss funds specifically allocated for 1099 contractors with no employees. Please note, the window of funds is set for close on March 31st, unless extended by the Government."

Q. Okay. Let's look at this one. We don't have to read the whole thing. But, is this materially the same?

A. Yes.

Q. Okay. "Forgivable PPP loan for real estate agents and 1099 contractors, right?

A. Yes.

Q. "New changes to the program allowing 1099 contractors, real estate agents," right, and all this is the same, basically?

A. Yes.

Q. Okay. And, they had that webinar with the SBA-approved lender?

A. Yes.

Q. Right. Okay. Now, this one is similar. But, there are some differences, right?

A. Yes.

Q. "Forgivable PPP loans for real estate agents"?

A. Yes.

Q. And, read this paragraph to us.

A. "New changes are allowing realtors and independent contractors with no employees to qualify for the PPP forgivable loan, and you could qualify for two loans for up to $20,833 per loan."

Q. Two loans?

A. Yes.

Q. So, someone, conceivably, in these conditions like you, who is a real estate agent or a 1099 holder can potentially qualify for two loans of $20,000?

A. Yes.

Q. About $42,000, right?

A. Yes.
Q. And the rest of it is the same as you read before; correct?
A. It appears so.
Q. Okay. And, to clarify, I think you told us before that you received these emails during -- in between the time your application was first applied for, but before the forgiveness was sent, right?
A. Yes.
Q. Okay. And, what is the significance of these to you?
What did this inform you?
A. It was just telling me everything my tax preparer had told me. It was as a realtor, I had a 1099, no employees, and then I qualified for a PPP loan.
Q. Is it fair to say that it confirmed what you already believed, based on what he told you?
A. Yes.
Q. Certainly, it didn't give you reason to question him, right?
A. No, it made -- substantiated what he was telling me.
Q. I forgot to show you one other document.
We are referencing the repayment of the loan.
A. Yes.
Q. This is the second page of Defense A. I am sorry I didn't show this to you before.
It is kind of blurry. Do you recognize this document?

A. Yes.
Q. Space Coast Credit Union?
A. Yes.
Q. Okay. What is this document?
A. That is the printout they gave me after I wired the money to the SBA.
Q. When you say, "they," who were you referring to?
A. Space Coast Credit Union.
Q. Okay. And this is how you made the payment to the bank to pay for the SBA money?
A. Yes.
Q. Okay. And just to go over a couple of things here, 22,750.77?
A. Yes.
Q. And that corresponds to here, 22,750.77?
A. Yes.
Q. Okay. And, entered May 20, 2024, 12:31 P.M.?
A. Yes.
Q. Effective date, May 20th?
A. Yes.
Q. So, basically, this is, for lack of a better term, the receipt you got for wiring the money to the SBA to pay for the loan, right?
A. Correct.
Q. Okay. All right. Sorry, we had to go back there.

All right. I am now showing you Defense Exhibit D. I am going to reverse the order. Now, actually, I will put these out both like this.
Q. Do you recognize this document?
A. Yes.
Q. Okay. What is this?
A. The loan application.
Q. Okay. Is that the actual application, or a screen shot?
A. No, that is an email I sent to St. Louis of a screen shot of the application.
Q. Okay. And what date did you send this email?
A. I believe it was on October 9th.
Q. October 9th. Okay.
And, what is the significance of this circle in here?
THE COURT: Wait, October 9th, 2023?
BY MR. SILBER:
Q. Sorry.
A. Yes, 2023.
MR. SILBER: Thank you, your Honor.
THE WITNESS: The significance is I had no idea where that number came from, and I knew somebody was going to ask me where did these numbers come from. So, I circled it and asked him so that I could explain it at a later date.
Q. Okay. And, what was going on at that time, that prompted you to send this email?

A. I was suspended from the Sheriff's Office, and I had heard that it was related to these PPP loans.
Q. Okay. And, were you suspended with or without pay?
A. At the time, I was suspended with pay.
Q. Okay. And afterwards?
A. Afterwards, I was suspended without pay.
Q. What about your health insurance, things like that?
A. No, I don't have -- I don't have health insurance through the Broward Sheriff's Office.
Q. Okay. And what does it say here in the green highlight?
Let me zoom in. Hold on.
What does that say?
A. "Can you tell me where this number came from?"
Q. And is that you asking St. Louis?
A. Yes.
Q. And is this the email you were referencing earlier when you said he ghosted you afterwards?
A. Yes.
THE COURT: Was it highlighted like that, in green, when you sent it to him?
THE WITNESS: No. It wasn't highlighted like that in green.
MR. SILBER: Okay. Good question, your Honor. Let me just clarify.
BY MR. SILBER:

Q. This black circle -- was that there in your email?
A. Yes.
Q. Okay. And, who put this here, this green?
A. I don't know.
Q. Okay. Is it a highlighter?
A. Yes.
Q. Okay.
THE COURT: And, he never responded to that?
THE WITNESS: No.
BY MR. SILBER:
Q. I am now showing you Defense Exhibit B that was admitted.
Do you see there?
A. Yes.
Q. Okay. It says, "photo" -- it looks like an iPhone screen shot.
Do you see the second page?
A. Yes.
Q. Okay. What is the date on there?
Let me zoom in. I am sorry.
A. It says, "April 21, 2021."
Q. Okay. And what is the significance of these screen shots here? What are we looking at?
A. There is two different times that he screen shotted the confirmation of forgiveness application, but one is a screen shot he sent me as a text message, which is that first one, and

the second one is an email that he sent me.
Q. Okay. So, is this the screen shot of the text message?
A. Yes.
Q. Okay. And that is -- up here, we see the iPhone stuff. This portion here is the email, right?
A. Yes.
Q. Okay.
THE COURT: But, when he sent you the text and email, he just sent you a picture of that one little part saying, that is the amount of money that is being applied for?
THE WITNESS: He -- it is in two pages there, but yes. He sent it.
THE COURT: Did he ever send you the full application?
THE WITNESS: No, sir. He just sent me that screen shot saying that my forgiveness application was completed.
BY MR. SILBER:
Q. And, the significance of that is that he did it on your behalf, and this was him telling you it was taken care of?
A. Correct.
Q. Can I have a moment, your Honor?
THE COURT: You may.
BY MR. SILBER:
Q. Is there anything else that I didn't cover that you wish to add?
A. I just want to say I'm really sorry that everybody is here

because of this. I never meant to take that money out if I knew I didn't qualify. I have prided myself on being a good, honest person my whole career, and I have an exemplary record at the Sheriff's Office.

And, I would have never, ever been okay with somebody saying I had made $103,000 when I clearly never made anything close to that.

I am so sorry that you are here away from your families. I am sorry I put my family through this. I am so sorry to put my team, my kids -- this is just -- I am -- I am so sorry I trusted him. I didn't -- if I did anything wrong, it was trusting him because I never intended to lie on those applications, and I never filled any of it out.

BY MR. SILBER:

Q. So, would you have ever, for one second, let him do this?

A. No. I -- like I said, I pride myself on being an honest person. And, I know that sometimes, I just like convenience. You know, he said he would handle it for me. So, I let him handle it. And, maybe I should have looked into it further. But, I never would have thought, I never had any reason not to trust him, ever.

Q. And is it fair to say you acted in good faith?

A. Yes.

Q. Based on things he told you?

A. Yes.

Q. And, on the relationship of trust that he had with you as tax preparer and customer?
A. Yes. Even when he messed up on the audit, he admitted that -- he admitted it was his mistake. I had no reason not to trust him.
MR. SILBER: I have nothing further at this time.
THE COURT: All right cross-examination?
CROSS-EXAMINATION
BY MR. JONES:
Q. Ms. Acosta?
A. Yes, sir.
Q. You mentioned you began -- you started your college career at Manatee, Sarasota?
A. No, sir.
Q. Where did you start your career?
A. Atlanta University.
Q. And then you transferred to?
A. Manatee College.
Q. And then you ultimately graduated from Valdosta State University?
A. Yes, sir.
Q. And that was with a Bachelor of Arts in 2008?
A. Yes, sir.
Q. You testified you majored in Criminal Justice?
A. Yes.

Q. And you earned an A in Introduction to Criminal Justice, does that sound right?
A. Yes.
Q. You earned an A in Criminal Law and Procedure, does that sound right?
A. Yes.
Q. You earned an A in Criminal Law, does that sound right?
A. Yes.
Q. And you earned an A in Criminology, does that sound right?
A. Yes.
Q. You earned an A in Forensic Criminology?
A. Yes.
Q. You earned an A in White Collar Crime?
A. Yes.
Q. You earned an A in Crime Prevention through Environmental Design?
A. Yes.
Q. You earned an A in Cyber Crime?
A. Yes.
Q. And just looking through your transcripts, do you dispute you are an A student in this field?
A. In Criminal Justice, yes.
Q. Now, you started working at BSO in June 2013?
A. Yes.
Q. You had to go through training at the police academy before

joining BSO; correct?
A. Yes.
Q. You were trained to prevent and detect criminal investigations?
A. Yes. Of --
Q. Sorry?
A. Criminal violations.
Q. Criminal violations, I apologize.
A. Yes.
Q. You were first assigned to the West Park District, as you testified?
A. Yes.
Q. And then in September 2, 2017, you transferred to the Fort Lauderdale International Airport?
A. Yes.
Q. That is the ICT unit?
A. Yes.
Q. And, you had special access to the airport?
A. Yes.
Q. You are familiar with all the laws in force at the airport?
A. Yes.
Q. Did you work among customs and border patrol officers at the airport?
A. Yes.
Q. Are you generally familiar with the laws that they

enforced?
A. They had different laws than us. But, for the most part, yes.
Q. Would you see postings about what people can and can't do in the airport?
A. Yes.
Q. Now, your most recent position was with the SWAT team; correct?
A. Yes.
Q. That is special weapons and tactics?
A. Yes.
Q. It is a special unit?
A. Yes.
Q. They have extra requirements to join that unit?
A. Yes.
Q. Special physical requirements that you testified about?
A. Absolutely.
Q. But, you also have to have an elevated sense of situational awareness; correct?
A. There was no test or anything for situational awareness. It was a test for physical ability, yes.
Q. There was no requirement that you had to have some sort of mental acuity?
A. It was not a test on that, no, sir.
Q. As a SWAT team member, do you have to quickly respond and

evaluate situations?
A. Yes.
Q. Do you have to be disciplined mentally and physically?
A. Yes.
Q. And that is probably more so than other BSO officers, is that fair to say?
A. Depending on the situation, yes.
Q. But you're a special unit?
A. Yes. There are different units assigned to different things at the -- with different specialties in the department, yes.
Q. You testified that you graduated at the top of your class?
A. Yes.
Q. And, you don't dispute that you're an exceptional police officer, as far as training is concerned?
A. No.
Q. And, during your time as a BSO deputy, have you testified in trial before?
A. Once.
Q. And, have you testified in any other matters?
A. Some traffic tickets.
Q. Anything personal?
A. Yes.
Q. How many times?
A. Once or twice.

Q. So, you have been sworn in to testify before?
A. Yes.
Q. Just like you were today?
A. Yes.
Q. And, you understand that when you testify, you are asked to tell the truth, you are asked to tell the whole truth?
A. Yes.
Q. Nothing but the truth?
A. Yes.
Q. Do you understand this distinction between the whole truth and just telling the truth?
A. Yes.
Q. Do you understand that that means omissions?
A. Yes.
Q. You testified that you started with BSO in June 2013. And that was your first law enforcement job; correct?
A. Correct.
Q. You also had filed, just you -- you filed a tax return for the 2012 year, is that accurate?
A. Yes.
Q. St. Louis did that tax return for you, didn't he?
A. Yes.
Q. You knew St. Louis before you worked at BSO?
A. Yes.
Q. St. Louis knew you before you were in law enforcement?

A. Yes.
Q. Over the years, you have obtained his personal number?
A. Yes.
Q. You had his business number?
A. Yes.
Q. You e-mailed him at VictoryTaxes@gmail.com?
A. Yes.
Q. And then you used text messages to contact him?
A. Yes.
Q. Is it true his office was about 15 minutes from the airport, in a drive?
A. Yes.
Q. Did you introduce your wife to Mr. St. Louis, to do her taxes too; correct?
A. Correct.
Q. And, you referred multiple people to him for taxes?
A. Yes.
Q. Over five people?
A. Probably about that.
Q. And, he doesn't charge you sometimes for his tax preparation, does he?
A. Correct.
Q. Is that because you gave him referrals in return?
A. Yes.
Q. Is that a give and take?

A. I would believe so.
Q. Are you familiar with the Latin term, quid pro quo?
A. No.
Q. But, would it surprise you that it means "this for that"?
A. No.
Q. Is it fair to say that Mr. St. Louis is a longtime associate of yours?
A. Define "associate."
Q. Well, let's talk about a meeting. Do you recall a time after you were charged where you had an opportunity to come speak at the U.S. Attorney's Office?
A. Yes.
Q. Do you recall that at that time, we agreed to meet with you?
A. Yes, yes.
Q. And, you came in?
A. Yes.
Q. And, you sat down across from me?
A. Yes.
Q. And you sat down across from Special Agent Tonya Johnson?
A. Yes.
Q. Your attorney was present?
A. Yes.
Q. And, your attorney gave a -- well, let's talk about at the beginning of that, that meeting. We discussed the importance

of telling the truth and the whole truth?
A. Yes.
Q. We talked to you about the fact that this was an opportunity for you to tell us everything that you knew about this case?
A. Yes.
Q. And, in the beginning, your attorney made a statement that you adopted. Do you recall that?
A. I don't remember the statement exactly, but I remember him making a statement at the beginning.
Q. Would it surprise you that he identified Mr. St. Louis as a longtime associate of yours during that statement?
A. Longtime business tax preparer, yes.
Q. In advance of that meeting, did you have an opportunity to view all of the discovery that had been produced to that date?
A. I don't recall.
Q. You don't recall meeting at the U.S. Attorney's Office, preparing to meet at the U.S. Attorney's Office about this case?
A. That, I recall. I don't remember any discovery, evidence or anything.
Q. You didn't prepare for the interview?
A. Other than knowing what had happened, no.
Q. How many times have you been indicted in your life?
A. Once.

Q. How many times have you met with the U.S. Attorney's Office to discuss an indictment?
A. Once.
Q. You can't remember whether you reviewed the records that we were charging you, based on --
A. Like, the paperwork?
Q. Yes.
A. The documents?
Q. Yes.
A. The materials? Yes.
Q. You reviewed them?
A. Yes.
Q. You reviewed the IRS records that were produced at that point; correct?
A. What IRS records?
Q. The tax return information, everything that was produced in discovery.
A. That, I had nothing to do with -- that had nothing to do with the -- with PPP.
Q. The question is did you review the tax records that were produced in discovery?
THE COURT: Prior to meeting with you?
MR. JONES: Prior to the meeting.
THE COURT: In preparation of the meeting?
MR. JONES: In preparation of the meeting.

Sorry, your Honor.

THE WITNESS: Not that I recall.

BY MR. JONES:

Q. You only -- you went in with loose knowledge of all the supporting facts related to this very important case?

A. I reviewed the PPP information.

Q. Would it surprise you that there was the 2018, 2019, and 2020 tax returns that were discussed today, Government's Exhibits 200 through 201, that were included in that discovery file?

A. Yes.

Q. It would surprise you, or it wouldn't surprise you?

A. It would surprise me.

Q. When you came in that day, and you had an opportunity to speak with us, and you asked -- we asked you what we needed to know about Mr. St. Louis; correct?

A. Correct.

Q. Well, you brought him up, as well. You have had effectively close to the testimony that you talked about today, except one thing. Do you know what that thing is?

A. No.

Q. Is it that you didn't tell us anything, not even -- not a single statement or "Hey, by the way," or, guess what, that during this same period, you and Mr. St. Louis, your codefendant now, were being audited by the IRS, and had met with the IRS on the phone the same day that the application was created? Was that not relevant?

A. No, it was completely separate. Even in the email with my -- that I explained with my wife, it says "or" not "and." They were not two -- singular things to me, they were completely separate issues.

Q. Well, we are going to go back in that proffer, and we will talk about that, as well. If you want to go to email, I am -- we will talk about the email now, too.

You're characterizing these things as separate.

A. Yes. To me, they were separate.

Q. Distinct.

A. Yes.

Q. Tax case, PPP loan. No relation.

A. I had no reason to believe that they were together. He always minimized the loan, and to me, it was never a big deal.

Q. The same -- you received a letter from the IRS on approximately January 25, 2021; correct?

A. It sounds about right.

Q. Seven days later, you were sitting with Mr. St. Louis speaking to the IRS about $18,000 in tax liabilities; correct?

A. Correct.

Q. And, like manna from heaven, a 20,000 PPP loan is offered to you at that moment. Boom. That is what happened?

A. He always made it seem like the audit was going to be very minimal, and he gave me all the reasons that supported why I qualified for the loan. I didn't have any reason to distrust his honesty.

Q. You didn't have any reason to distrust the person who purportedly had submitted a bunch of fake numbers to the IRS for two different tax years for you, without your knowledge?

A. I had no idea those numbers were fake, according to that conversation we had on the first. He was actually agreeing that he made a mistake. So, I believed his honesty.

Q. Mr. St. Louis mentioned that he double-reported one specific thing. That did not substantiate the rest of these issues; correct?

A. Correct. I know that now.

Q. You knew it then, didn't you?

It was in -- the changed report. It stated the exact numbers that the IRS had deemed were unsupported, correct?

A. Yes. But, like I said, I don't really understand any of the IRS stuff. And, to me, when he admitted his mistakes, it was like I felt he was being honest about what happened on the loan, or on the audit.

THE COURT: All right. It is past 5:30. Let's take our evening recess, and we will come back at 9:00 o'clock.

I don't have any other matters except for this trial. So, we should start promptly at 9:00 o'clock.

So, have a safe trip home and back, and we will see all the jurors at 9:00 o'clock.

COURT SECURITY OFFICER: All rise.

[Whereupon, the jury left the courtroom at 5:35 p.m., and the following proceedings were had:]

THE COURT: Thank you, Ms. Acosta. You can go back to your counsel table for our next discussion.

We are here outside the presence of the jurors, but everybody else is here.

Let's just talk about scheduling a little bit. I think we should all get together at 8:30 to go over the jury instructions. I don't know if it is going to be the final version, but if there are still some things in dispute, I think we can talk about that.

Do you have any other witness, other than your client?

MR. SILBER: I expect not. But, I don't want to give you a final answer until tomorrow, if that's possible.

THE COURT: And were you going to have any other witnesses?

MR. SILBER: Depends on -- are you talking to the Government?

THE COURT: The Government.

MR. JONES: I will reiterate the statement for rebuttal, based on what the defendant is testifying to, perhaps.

THE COURT: Well, she has already testified to everything. So, based on as of now, do you anticipate --

MR. JONES: As of now, I don't believe we will be calling anybody else.

THE COURT: So, we are probably going to get to closing arguments tomorrow.

MR. JONES: To be clear, your Honor, sorry, we have not testified yet about the factual proffer, where I do have witnesses for factual proffer. So, I don't know where we are going to go with that, and that could require rebuttal.

THE COURT: What do you mean, the factual proffer?

MR. JONES: When she came into the U.S. Attorney's office and spoke with us. There were witnesses there. To the extent she challenges anything that was heard --

THE COURT: Okay. But, I think you just -- I mean, you want -- I don't know what she said, because you guys have not been through it. But, you said in front of the jury that whatever she just said to the jury is the same thing she told you, except about the audit.

MR. JONES: It is close, yes.

THE COURT: So, I don't know if that was a spoiler alert that you should have given us -- but so, in any event, we are all going to be here at 8:30 to go over the jury instructions, and we will go forward at 9:00 o'clock with the jury.

Okay. Have a good evening.

1MR. SILBER: Thank you, your Honor.

MR. JONES: Thank you.

(Proceedings adjourned at 5:37 p.m.)

\- - -

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 18, 2024 /s/Sharon Velazco
DATE

SHARON VELAZCO, RPR, FPR
Official Court Reporter
United States District Court
400 North Miami Avenue
9th Floor
Miami, Florida 33128

$

'

/

0

1

C

E

H

I

M