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

UNITED STATES OF AMERICA, Miami, Florida

Plaintiff, June 5, 2024

vs. 9:05 a.m. - 4:49 p.m.

ALEXANDRA ACOSTA,

Defendant. Pages 1 to

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

\- - -

(The following proceedings were had:)

COURT SECURITY OFFICER: All rise.

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

MR. SILBER: Good morning, your Honor.

MR. JONES: Good morning, your Honor.

THE COURT: Okay. I know that I gave you all some updated version of the jury instructions yesterday, but there were some changes made this morning. I gave that to you and I pointed out the changes made morning so we can go through this.

So, first of all, let the record reflect the defendant and attorneys are present.

So, on Page 1, I am going to quickly go through this so you all can agree to 99 percent of the jury instructions.

Page 1 is the duty to instruct you on reasonable doubt.

Page 2 is the burden of proof.

Page 3 is direct and circumstantial evidence.

Page 4 is the credibility of the witnesses.

Two-thirds of the way down, on Page 4, there is a section about it is entirely proper for a lawyer to talk to a witness about the testimony of the witness -- I don't remember anybody being cross-examined on that. But, I will leave it in evidence.

Do you all want it in there?

MR. SILBER: I think I prefer it. It is a good instruction.

THE COURT: Okay. Page 5 is the other acts instruction.

Page 6 is the statement of a defendant. So, I didn't really understand the context. Did she give her proffer to you after she was arrested and indicted, or before?

MR. JONES: After, your Honor, January of this year.

THE COURT: So, does the defense want this instruction?

MR. SILBER: Can I just re-read it real quick?

THE COURT: Yes. It is not your typical post-arrest interrogation; but, I will give it, if you want.

MR. SILBER: I am going to let her read it real quick.

We will keep it in, your Honor.

THE COURT: Okay. So, just take out the heading and underline and leave it there.

Okay. Then Page 7 is the introduction to the offense instructions. And, there had been a couple of typos; first off, on Counts 2 through 4, you only listed the false statement. So, I added the Count 4, the fraud.

There was also plural of the defendant, instead of singular in the paragraph after that.

Conjunctive charged count on Page 7.

And eight, knowingly and willfully, on or about a particular date, at Page 8.

And then, the general conspiracy charges on Page 10 and

11, I don't believe there's any issues with that.

So, that brings us to the false statements to the SBA, which also duplicates the good faith requested instruction.

So, I read the government's response, and/or memorandum, I guess, and what I suggest and one of the things they suggested was to make the jury instruction a little clearer. I am talking about knowingly making a false statement. So, I took the language from their memo and put it here on Page 12.

MR. SILBER: Page 12?

THE COURT: Yes, the false statement to the SBA.

MR. SILBER: Okay.

THE COURT: So, I am trying to understand, Mr. Silber, how a defendant could have a good faith defense to knowingly making a false statement?

MR. SILBER: If I could just read this real quick?

Thank you.

I am sorry, your Honor. Can you repeat your question again?

THE COURT: Yes. You are asking for a good faith defense instruction to apply to all of the counts. So, I'm trying to understand. I mean, it certainly would apply -- I think even the government agrees that it would apply to the wire fraud count; but, I am trying to understand how, particularly now, since we are telling the jury that the government approved the defendant knowingly made a false statement, how someone can, in good faith, make a false statement?

MR. SILBER: Because it wasn't -- well, how do I articulate this --

THE COURT: I know what your defense is. She didn't make the statement. Somebody else made the statement without her knowledge. That is like she didn't knowingly -- your defense she didn't knowingly make a statement. She made no statement. The other guy made it without her participation.

MR. SILBER: But, she participated in the process to a certain extent, and I think the jury needs to hear that her involvement in the overall process -- which is alleged in their conspiracy count, by the way -- it all ties in together.

THE COURT: Their "conspiracy" is not the conspiracy. I think the conspiracy is only to commit the false statements. I don't think the government included conspiracy to commit wire fraud.

MR. SILBER: This is my feeling on it, Judge. I see it all cohesively. This is all intertwined together. She may not have been the person that made the actual statement; but, the knowing part would come in, in the, "if you believe."

In other words, if you adopt the government's theory of the case -- you are saying they worked together. You are saying she knew. You are saying that even though she was not the one who did the submission, she was part of it.

So, because of the unique circumstances of this case, given her relationship to the tax preparer, I feel that the Court needs to inform the jury that the good faith instruction applies because that's exactly the circumstances we are dealing with.

It is not so cut and dry. It is all overlapping with each other.

THE COURT: So, let's take one step at a time. So, does anybody have any objections to the wording of the elements to false statements, which is found on Page 12?

MR. JONES: The government has no objection.

MR. SILBER: Nothing from the defense, your Honor.

THE COURT: Okay. So, on pages 13, 14 and 15 are the instructions for wire fraud, which I believe you all had agreed to that.

Page 16 is the deliberate ignorance instruction. You agreed to that.

Page 17, aiding and abetting, you agreed to that. So --

MR. SILBER: Can I add one thing to what I was saying?

THE COURT: Yes.

MR. SILBER: An honestly held opinion, under the second good faith instruction, so that's where I feel they need to hear this, because she had an honestly held opinion that her tax preparer was acting honestly when she authorized him to submit a PPP application.

THE COURT: Now, it would have to be an honestly held opinion that she made $8,000 a month, or whatever that thing is she circled there, the information, that is what "honestly held belief" is.

MR. SILBER: Well, we challenge, obviously, that part that she didn't know any of that. I understand what you are saying, your Honor.

Look. My ultimate position is the more we can inform this jury on what good faith means, it will produce a much better and just outcome here, because the nature of the defense and the nature of the allegations, what you are saying isn't wrong, but I think it is -- we are kind of splitting hairs, almost, so to speak.

I just see this as an overall cohesive. And, there is -- they are going to impute, well, it is possible for a jury to impute a lack of good faith understanding of these circumstances, and that's why I think they need to hear that instruction.

THE COURT: Okay. So, I agree with the government, that the good faith instruction only applies to Count 4.

So, the question is, if I am going to give the good faith instruction and say if good faith is a complete defense to the charge in Count 4, wire fraud, then do we give one of these, or both of them?

The government -- I mean, if the good faith defense is applicable to the intent to defraud, it is applicable to the wire fraud count. "Willfulness" is prepared for the IRS tax cases, it is not an element of --

THE COURT: I have given a definition earlier of willfulness. So, what count does that apply to?

MR. JONES: That there is a "willfully joined the conspiracy, but the conspiracy, itself, the elements of that are the underlying charges; so, the SBA false statement.

But, to the extent there is a willfulness, let me just look here at the wire fraud.

So, there is no need to include the good faith on the willfulness. I think "willfully" is good because it is actually in the conspiracy. You either willfully join the conspiracy -- and, the, I mean, I think the face of the instructions for good faith intent to defraud applies to the wire fraud count.

THE COURT: So, the only crime of these four that has an element of willfulness is the conspiracy count.

MR. JONES: So, join a conspiracy, yes.

THE COURT: So then why should we give the good faith defense for both of those, the conspiracy, a good faith defense, and the good faith defense to defrauding, for the Count 4?

MR. JONES: Pursuant to United States versus Feola. It is 420 United States 671 pin site 686, 687. This is from the 11th Circuit handbook.

In a prosecution under the general conspiracy statute, 18 USC 371, a mens rea requirement, the substantive offense is important to the conspiracy; thus, if the substantive offense is the object of the conspiracy as a general intent crime, such as we have here, then a conspiracy to commit that offense does not require proof of specific intent to violate the law. So, the willfulness to join the conspiracy, it is not the -- it does not willingly violate the SBA laws.

And, sorry, I didn't cite that in my memo.

THE COURT: That's okay. This is my suggested instruction. "As I explained earlier, as part of the instructions on conspiracy, the Government must prove that the defendant willfully joined the conspiracy.

"Good faith is a complete defense to the conspiracy count since good faith on the part of the defendant is inconsistent with willfulness, and willfulness is an essential part of that charge.

"If the defendant acted in good faith in her interactions with Vilsaint St. Louis, and the defendant did not act willfully, the burden of proof is not on the defendant to prove good faith intent because the defendant does not need to prove anything. The Government must establish beyond a reasonable doubt that the defendant acted willfully in joining the conspiracy.

"If you find beyond a reasonable doubt that the defendant specifically intended to join the conspiracy to make false statements to the SBA, then the element of willfulness is satisfied."

Does the defense have any objection to that?

MR. SILBER: Can you repeat just the first part, the first sentence?

THE COURT: As I explained earlier?

MR. SILBER: Yes, just after that.

THE COURT: "Good faith is a complete defense to the conspiracy count. Since good faith on the part of the defendant is inconsistent with willfulness, and willfulness is an essential part of that charge, if the defendant acted in good faith in her interaction with Vilsaint St. Louis, the defendant did not act willfully."

MR. SILBER: That is good. We will accept that, Judge.

THE COURT: Okay.

MR. JONES: And the Government would just preserve its objection.

THE COURT: Okay. And then the second good faith defense --- so, that is your starting. "Good faith is a complete defense to Count 4."

MR. JONES: Your Honor, may we note that in -- that

that first instruction, that it is limited to Count 1.

I just don't want any confusion about that, because the conspiracy is to make false statements, that they understand that they can find "guilty" on -- or "not guilty" for Count 1, but guilty on Count 2 and Count 3.

THE COURT: All right. I will add a sentence at the end of this instruction, "only applies to Count 1 of the superseding indictment."

MR. SILBER: I think I would object to that wording, your Honor.

THE COURT: Okay. I know, because you want it to apply to all the other counts. Okay. So, I will overrule the defense objection to that last sentence.

MR. SILBER: Can you just take out the word "only" and say "Count 4"?

Because the instruction, itself, doesn't say the word "only."

I think if you just say, "Count 4," it will convey the same thing.

MR. JONES: What you are trying to do is confusing. When we say "only," then we know it is only applying to one count.

MR. SILBER: I think, when it says 4, it is specifying. I think they will take that too far.

THE COURT: Okay. So on Page 19, the other good faith defense instruction says, "Good faith is a complete defense to Count 4 of wire fraud since that crime required intent to defraud."

I believe we will leave the rest of it there.

And, at the end of that, I will write, "This instruction only applies to Count 4."

All right. Any objection to that?

MR. JONES: None, on behalf of the Government, your Honor.

MR. SILBER: No, your Honor.

THE COURT: And then we have the duty to deliberate, the verdict, and the verdict form, which is simple the verdict which has the style of the case, basically the four counts, guilty or not guilty, and the date and the signature line.

Any objections to the verdict form?

MR. JONES: No, your Honor.

MR. SILBER: No, your Honor.

THE COURT: Okay.

So, we are going to go forward in just a minute, when all the jurors are here, with the cross-examination of Ms. Acosta.

MR. SILBER: I do have one question for you, your Honor.

THE COURT: One second.

MR. SILBER: Sorry.

THE COURT: Okay. So, we have a message from the jury.

THE COURT: Okay. So there is a note from the jury pool section, from Paloma Hernandez, who is our juror number six. She was juror number 15 in the panel, that she had a medical emergency and was hospitalized for an altercation that happened last night, and she plans to return tomorrow morning. So, that's why we have alternate jurors. So, any objection to excusing her and seating the alternate?

MR. JONES: No, your Honor.

MR. SILBER: No, your Honor.

THE COURT: Okay. So, we will excuse Ms. Hernandez.

And, Jacob, could you let the jury pool know to notify her so she knows she doesn't need to come?

MR. SILBER: Would your Honor give the jury instruction so they are not wondering where she is?

THE COURT: Yes.

Okay. So, what I was saying is we will start, go back to the point where we were yesterday. Just -- I know it is hard to know where you may end up. But, just generally, how much time do you think you will need for your cross?

MR. SILBER: Your Honor, maybe one, two hours.

THE COURT: Okay. And do you still -- neither side is planning on calling any other witnesses, up to this point?

MR. SILBER: I don't expect so; but, I need to see how this goes.

THE COURT: Okay.
MR. SILBER: Two quick matters, your Honor; one, would the court permit the jury to receive the jury instructions and take them back with them?
THE COURT: Yes.
MR. SILBER: I don't know what your practice is.
THE COURT: I give every juror their own copy.
MR. SILBER: Excellent.
And, can we take a quick bathroom break?
My client has to use the bathroom.
THE COURT: Are all the jurors here?
Except for Ms. Paloma Hernandez. She is not going to be here.
Go ahead.
MR. SILBER: Thank you. And can we use the restroom on this floor?
THE COURT: Yes.
All right, Ms. Acosta. If you could retake the stand, and let's bring in the jurors.
COURT SECURITY OFFICER: All rise for the jury.
[Whereupon, the jury entered the courtroom at 9:04 a.m., and the following proceedings were had:]
THE COURT: Welcome back, everyone, and please be seated.
All right, folks. As you notice, Ms. Hernandez, our

juror number six, is not here this morning. She called in this morning that she had a medical emergency and was at the hospital. So, we are going to excuse her, and we are going to go forward with the trial without her.

All right. When we left off last evening, we were in the middle of the cross-examination of Ms. Acosta. We are going to pick up at that point now.

And, you are still under oath from yesterday. All right?

Mr. Jones.

MR. JONES: Thank you, your Honor.

CROSS-EXAMINATION (Cont'd)

BY MR. JONES:

Q. Good morning, Ms. Acosta.

A. Good morning, sir.

Q. Just to reorient the jury, yesterday, you testified a bit about your background in law enforcement, and we discussed how you excelled as a law enforcement officer in your training --

A. Yes, sir.

Q. -- and education.

And, we did touch on some additional matters that I will circle back to later today.

But, I am just going to start off a little slow here and just talk to you a little bit about the BSO policy.

In 2016, you were aware that BSO had an outside duty

employment policy; correct?
A. Yes, sir.
Q. In 2016, you completed an outside employment form?
A. Yes, sir.
Q. In 2017, you were aware that BSO had an outside employment form?
A. Yes, sir.
Q. And you completed a form in 2017?
A. Yes, sir.
Q. 2018, likewise, you were aware that BSO had an outside employment form?
A. Yes, sir.
Q. And, in 2018, you completed that form, as well?
A. Yes, sir.
Q. And, in 2019, you were, likewise, aware that they had the same policy that was in place; correct?
A. Yes, sir.
Q. But, you did not --
A. No, sir.
Q. -- fill out that form?
A. I thought it was when I changed commands.
Q. In 2020 -- well, the answer to that question is no?
A. Right. No, I did not complete the form, sir.
Q. In 2020, you were aware of the BSO outside employment policy; correct?

A. Yes, sir.
Q. And, you did not fill out a Form for that policy; correct?
A. No, sir; I never changed commands.
Q. In 2021, you were aware of that policy; correct?
A. Yes, sir.
Q. And, 2021, you did not fill out a form reporting any outside employment; correct?
A. No, I still hadn't changed commands.
Q. And, I understand you want to keep saying that; but, you abruptly stopped in 2018, reporting any type of outside income to BSO, correct?
A. That was the last time I completed the form; yes, sir.
THE COURT: What was what?
THE WITNESS: The last time that I completed a form, yes, sir.
BY MR. JONES:
Q. Did BSO ever stop paying your paycheck during the pandemic?
A. No, sir.
Q. I kind of want to touch a little bit about what we talked about briefly in preparation. You testified before, right?
A. Yes, sir.
Q. You actually testified that you were suspended right now; correct?
A. Yes, sir.
Q. And, so, you haven't been -- you have not been working for

the past few months?
A. I have had jobs here and there.
Q. So, you had a lot of time --
A. Yes, sir.
Q. -- a lot of time to prepare for today?
A. Preparing for trial; yes, sir.
Q. And, you were reviewing discovery in preparation?
A. Yes, sir.
Q. You testified yesterday that you didn't do any of that for a factual proffer, right?
A. I looked over what I remember seeing.
Q. In January 2020, is when you came in to meet with us?
A. I believe so, yes.
Q. You were suspended as of when, September 2023?
A. I believe it was October, sir.
Q. October 2023. And during that period, you had received discovery from the Government?
A. At some point, yes.
Q. And, you didn't review any of that before speaking with the U.S. Attorney's Office?
A. I reviewed the PPP information.
Q. You didn't review the three years of tax forms that were produced?
A. Not that I recall, no.
Q. You didn't see that the Government had no idea about the

audit, at that point?
A. No.
Q. But, today, you have had about eight months to prepare to testify, right?
A. Yes.
Q. Now, have you heard the testimony of Todd Crevier?
He testified that the real estate industry did very well in 2020, 2021, right?
A. Yes.
Q. Do you disagree with that?
A. I wouldn't know.
Q. I am not trying to split hairs or anything? You are a real estate agent, right?
A. Yes.
Q. Part-time side gig?
A. Correct.
Q. How would you not know whether the legal estate agency --
A. The business I had was I had friends, clients, word of mouth come to me at that time. I had a lot of things going on.
Q. It was a side hustle?
A. Yes.
Q. So, you are saying you really didn't have a feel for the real estate industry at all at that time?
A. I do remember it was hard to show homes because of COVID. People weren't letting people into their homes to actually do

showings. So, I do remember that.
Q. Do you remember, as Mr. Crevier testified, that the real estate industry did very well in 2020?
A. According to him, yes.
Q. In 2021, it did as well, also?
A. According to him, yes.
Q. Okay. But, you have no idea how the market did because you don't really do it that much?
A. I did it as a side job.
Q. Now, you testified that you didn't make any sales in 2020. That is accurate, right?
A. Correct. I was still working as a realtor. I did have the referral and some other clients that never ended on a sale, but that doesn't mean I wasn't actively working as a realtor.
Q. I understand. Do you want talk about that?
Did you report any expenses for 2020?
A. According to Mr. St. Louis, I couldn't report expenses because I didn't have a 1099.
Q. You didn't report any expenses to the IRS in 2020?
A. Because I didn't have a 1099; correct.
Q. Do you know what a Schedule C is, though, right?
A. Not really, to be honest.
Q. Okay. We will get back to that.
I am going to show you -- well, you know, let's go there.

Your mom, Maritza Acosta, she is a real estate agent?
A. Yes.
Q. She was a real estate agent with Valor Dog?
A. Yes.
Q. Is it also Maritza Garcia now?
A. Yes.
Q. Are you close with your mother?
A. Yes.
Q. Has she been here during the trial?
A. Yes.
MR. SILBER: Objection; relevance, your Honor.
THE COURT: Overruled.
BY MR. JONES:
Q. She worked under Valor Dog's brokerage in 2020?
A. Yes.
Q. 2019?
A. I don't recall when she started there.
Q. 2021?
A. So, I don't remember when she started.
Q. And, she, indeed, made sales in those years, 2019?
A. I am not aware.
Q. She made sales in 2020?
A. I am not aware.
Q. She made sales in 2021?
A. I am not aware.

Q. You are close to your mother. When you would talk with your mother, would you ever discuss business?
A. I don't know.
Q. You are both real estate agents?
A. Correct.
Q. Working at the same brokerage; correct?
A. Correct.
Q. And you don't discuss sales?
A. 2020 was four years ago. I don't remember if that was the -- she made a sale that year or not.
Q. You knew that she was earning money during that period though; correct?
A. I don't remember when she started with Valor Dog.
Q. Your mother didn't get a PPP loan, did she?
A. Not to my knowledge.
Q. You didn't tell your mother to go get a PPP loan?
A. No.
Q. You didn't ensure that your mother, who was on the same footing as you --
MR. SILBER: Objection, your Honor. Her mother's activities is not relevant to this case.
THE COURT: Overruled.
BY MR. JONES:
Q. I am taking you back to February 1st now. You are sitting in Mr. Acosta, or Mr. St. Louis's office, right?

A. Yes.
Q. You find out that there is a program for the Paycheck Protection Program. That's the first time you ever heard of it, right, is that what your testimony was?
A. Yes.
Q. The first time you heard of Paycheck Protection Program was in 2021, and you find out that you can get $20,000 for just having a 1099, right?
That is your testimony?
A. Correct.
Q. Your mother, who is doing the same thing you are doing, you never once decided, "This is just a great -- what an opportunity. We can all stimulate the economy together. You can have a loan, too."
You didn't tell your mother about this great opportunity?
A. I didn't know she was in real estate back then.
Q. You didn't know that your mother, Ms. "Acosta" -- it is Acosta, right?
A. "Acosta," yes, sir.
Q. I apologize, if I have been saying "Acosta."
Bear with me here. You knew your mother was working under the same firm as you; correct?
A. I don't know when she started. I know she started sometime after me, but I am not sure when she started with realty.
Q. Is it your testimony that it never occurred to you that --

this, this legitimate loan that was just $20,000 to anybody, a side real estate hustle that could benefit your mother, the person that is supporting you today, the person that is close to you; correct?
A. Correct.
Q. You never mentioned it to her?
A. I don't know if she -- I don't believe she was working as a realtor, at that time.
Q. You didn't know your mother was working as a realtor at that time? Is that your testimony?
A. I don't recall when she started with Valor Dog.
Q. We just -- I will leave it there.
You gave a statement to the IRS auditor in December 2020. Right?
A. Yes.
Q. You have been here at this trial. You have seen the exhibits; correct?
A. Yes.
Q. You told the tax compliance officer during that interview that St. Louis had been preparing your taxes for four to five years. Right?
A. In December?
Q. Yes, December of 2020.
A. I believe so. I don't really recall. Again, that was in 2020. I believe so.

Q. Let me pull up the exhibit so we can all recall together.
A. Okay.
Q. I am just going to pop this out, and we can go line by line.
You recognize this from Government's Exhibit 203B?
A. Yes, I do.
Q. And this is the IRS tax record?
A. Yes.
Q. Where it was recording the statement that you gave to the IRS on December 17th in response to an audit?
A. Yes.
Q. And, during that interview, you stated that you, the taxpayer, you make an appointment, and you go to the Davie office, right?
A. Most years, yes. Some years, I don't.
Q. What it says here, you make an appointment, and you go to the Davie office; correct?
Just go line by line. We will go from the top.
A. Yes.
Q. You take your W-2 and your 1099 miscellaneous and your F-1098?
A. Yes.
Q. And you take in some receipts of purchases, advertising, statements, gas receipts, supplies for home office, et cetera, for the schedule C expenses?

A. Yes.
Q. And, you knew what a Schedule C was?
A. I didn't know what a Schedule C was.
Q. You never sat down and saw what a Schedule C is when you completed your tax forms every year?
A. I gave him my 1099, I gave my W-2s, and the receipts, and he did his thing on the computer.
Q. "He did his thing."
You and Mr. St. Louis figured out the expenses together, correct?
That is what you told her.
A. When I say we figured it out together. I handed him the paperwork and he did the lines on the tax forms. I don't really understand a lot of that language.
Q. You told her that you and Mr. St. Louis figured out the expenses together; correct?
A. I said that we were -- by "together," I meant I handed him paperwork, and he did the tax preparer portion of it, which is why I hired a tax preparer.
Q. I understand you want to talk about that. But, you told her that you and Mr. St. Louis figured out the expenses together; correct?
A. By "together," like I said, I meant I handed him paperwork, and he --
Q. Ma'am --

MR. SILBER: Objection, asked and answered, your Honor.

THE COURT: All right. Let her finish her answer.

THE WITNESS: By "together," I meant I handed him paperwork, and he did the numbers on the computer in the lines.

BY MR. JONES:

Q. And, you said that you didn't really know exactly how did he come up with the figures. Right?

A. Correct.

Q. You have a figure in your head as to what you spent, and then you give him the paperwork, right?

A. Correct.

Q. And, you believe he analyzes it pretty well, since you are there for a while, right?

A. Define "a while."

Q. You define a while. You are the one that told her you were there for a while.

A. Depends on what he has to go through, through my receipts or my credit card statements. Sometimes it is five minutes, sometimes it is 20. Depends if my wife goes with me. Then, we might be there a little longer because it is both of us.

Q. Your wife gets her taxes done there too, right?

A. Correct.

Q. We will talk about that.

Now, you said he puts the figure on schedule Cs, and it is pretty close to what you have in your head, right?

A. From what I thought, yes.
Q. You just testified that you didn't see what a Schedule C was before, but that statement to the IRS says that it is pretty close to what the Schedule C says?
A. I didn't know it was described as a Schedule C. I see a form he shows me.
Q. So, you have seen the form, but you just didn't know it was called a Schedule C?
A. I have seen a form.
Q. Are you disputing the schedule form is the C, you saw?
A. I don't know which form I saw. I see forms with lines and numbers that I don't really understand.
Q. Let's talk about that. We will come back. But, you said you are bad with numbers?
A. Yes.
Q. It is just not your thing, I think you said?
A. Correct.
Q. And, we talked about your education before, and how much you excelled in criminal law; correct?
A. Correct.
Q. But, you excelled in math classes, too, right?
A. Not particularly, no. Not -- math is where I struggled.
Q. You struggled in math?
A. Yes.
Q. Let's see -- so, in math topics, in mathematics, A, you

didn't get an A in topics in mathematics?
A. If that is what it says, yes.
Q. Do you define A as struggling?
A. No. I wouldn't.
Q. Did you also get an A in Statistics -- sorry, Statistical Methods?
A. That was a criminal justice class.
Q. Statistical methods was?
A. Yes.
Q. Everything else here has a "criminal" --
A. That was a Criminal Justice class. It was part of the Criminal Justice program.
Q. Sure. You got an A in that. You also got an A in college Algebra, right?
A. No, I don't recall. I don't.
Q. You got a B in college Algebra. I apologize.
A. Yes.
Q. And, you also got an A in Probability and Statistics, right?
A. I don't remember that class in college.
Q. Ms. Acosta, you are very smart, right?
A. I was a good student, yes.
Q. Top of your class?
A. Yes.
Q. You don't struggle with numbers?

A. I do struggle with numbers. I don't study for the other classes, to be quite honest. It is Math that I have to really sit myself to study and look into the book, and -- but, as you have seen, I like to excel in the things that I do. So, I like to do well. But, that doesn't necessarily mean that -- math is definitely my weak point.
Q. You just told the jury that you struggled with it. But, we just talked about your transcripts, and you did well.
Did you find that conflicting?
A. No. Like I said, math is something I had to really dive deep into, and pay close attention to. Everything else came fairly easy.
Q. So, you pay close attention to your math class, and you are saying you didn't pay close attention to your taxes.
A. I trusted my tax preparer who I never had issue or reason not to trust.
Q. And, we will talk about the reasons why you could have not trusted him.
Going back to this statement, we just talked about the fact that it is pretty close to what is in your head. You matched the Schedule C. And, then you sat with St. Louis for 2018 and 2019. That is unequivocal. You did that, right?
A. I later found out I did not sit with him.
Q. You later found out that you didn't?
A. Yes. Correct.

Q. You told her, first, that you had sat with him, in 2018, 2019; correct?
A. Correct.
Q. That is what you said on this date?
A. That is what I believed at the time.
Q. Now, you also stated here that you recall that you two, you and St. Louis, went over the returns each year, and you just can't recall whether there were questions, right, in this section here?
A. He went over them with me briefly. But, like I said, I don't really understand most of it, to be honest.
Q. You understood you were under an audit at that point, right?
A. Yes.
Q. It is pretty serious?
A. No, I -- Mr. St. Louis always made it seem like it was very minimal. He always minimized it, and it corresponded with the letter I got that said I might not owe anything, and it was standard. Plus, I knew plenty of people that had been audited before, and it was just something that the IRS did. That was my understanding of it at the time.
Q. But, you understood, especially as a law enforcement officer, that when you are telling someone something, it is important that it is the truth, and it is actually a --
A. Absolutely. And I gave a statement. It was what I

believed at the time.
Q. Okay. And, it just changes over time, right?
A. It -- depending on what I see or what I find out, it could change, yes.
Q. You later state here, after explaining some of the expenses or after she explained some of the expenses on the 2018 Schedule C, you reiterated that all the figures and expenses on the Schedule C are info you and St. Louis came up with together.
You told her that, that day, right?
A. I told her that I gave him the paperwork, and he does the numbers. And, that is what I meant by we did it together.
Q. That is not what I asked you. Listen to the question.
Did you tell her, reiterate, twice, it is more than once, at least, that all the figures and expenses on the schedule Cs are info that you and St. Louis came up with together?
A. I am not sure what she wrote on there. What I told her was that I handed him the paperwork. We sat there, depending on the year, for a certain amount of time, and that is what I meant by we did it together.
Q. Why don't we pull up --
Showing you Government's Exhibit 203F, Page 5, for the record.
Is there a signature down here at the bottom?
A. Yes.

Q. Is that dated February 4, 2020?
A. Yes.
Q. And, there is a certification here about you understand that the information you are giving in this questionnaire will be used to complete your file, your tax returns?
A. Yes.
Q. Now, this is Page 4 of this document. We have some expenses listed here; correct?
A. Correct.
Q. And, this is something that you told St. Louis that you had for expenses that year?
A. I gave him the paperwork, and he filled out the numbers.
Q. You gave him the paperwork for the gifts for your wife?
A. Receipts, yes.
Q. Yes, ma'am, and the charity?
A. Yes.
Q. And the home interest mortgage?
A. I gave him paperwork. That was all paperwork I gave him. And, all the numbers he did, that is not my handwriting.
Q. Do you see what I am highlighting here?
A. Yes.
Q. Is this the income that you gave him, as well?
A. I can't read that.
Q. This is 2019. You have been sitting here through the trial.

A. If it was around $13,900, yes, that is the income.
Q. You also see that there is these -- these expenses that were listed here in this form that you signed?
A. Yes.
Q. That is consistent with someone sitting with someone in 2019 and going over their tax records, right?
A. Not necessarily.
Q. I am also showing, on the second slide here, Government's Exhibit 201, Ms. Acosta, for the 2001 tax year -- sorry, the 2019 tax return -- and can you tell me what that -- that date is?
A. 2-4-2020.
Q. That is the date that this was signed, right?
A. Yes.
Q. Was that the same date that this Government's Exhibit 203 I just showed you was signed, as well?
A. Yes.
Q. Let's just take a quick trip to our Schedule C form.
If you can just look at those numbers, and you tell me. Let's start small.
That's terrible.
What is listed here for supplies in 2022, or line 22?
A. 6,389.
Q. Do you recognize this same number on this form that you signed?

A. Yes.
Q. And, it is listed for supplies, as well, right?
A. It looks like it, yes.
Q. Do you see this -- can you read that?
It says, "travel 2,863," right?
A. Yes. Yes.
Q. And, on your actual tax form that was filed that same day, the same number, do you see that?
A. Yes.
Q. And, that is for travel?
A. Yes.
Q. Do you agree that the numbers that are listed in this 203F form, that are on the Exhibit 203F, which is your taxpayer questionnaire with Mr. St. Louis, match what was filed with the IRS in your Schedule C?
A. They appear to, but I didn't do any of that writing on that, and I don't believe I signed those taxes, to be honest.
Q. Did you sign a blank form and hand it to him for the taxpayer questionnaire?
A. I don't remember. I did fill out the top part of it. I trusted him to do the tax preparing. That's why I went to him. I didn't understand it. And, at the time, I thought it would be for him to do it correctly. Obviously, I know now that it was not done correctly.
Q. You don't dispute that the information that was sent to the

SBA on February 1st was false and fraudulent, right?
A. The --
Q. The information contained on the PPP loan application, you don't dispute that that was always false information?
A. But I had no idea he was saying that. I had absolutely no idea that he was saying that --
Q. You --
MR. SILBER: Your Honor, she should be allowed to answer without being interrupted.
THE COURT: Yes. Go ahead.
THE WITNESS: I had no idea he was sending those forms. He told me he would submit and fill out all of the applications just like did he for my taxes, and that is how our relationship was. And, that's why I trusted him to do that. I never, ever would have thought that he would have created some fraudulent numbers.
BY MR. JONES:
Q. I understand you want to talk about that. But, let's focus on the question.
The information that you earned $8,000 monthly average payroll in 2019 was false; correct?
A. Correct. But, I did not know he was going to do that.
Q. The information that the money would be used for all those six expenses that were listed down there in that box was false; correct?

A. I never saw that application, and he never told me what the expenses were supposed to be used for.
Q. You never saw the application.
Let's -- let's go to -- I am showing the defendant Government's Exhibit 604.
Now. Just as a starting point, you testified that the email address on that PPP loan application, you provided to Mr. St. Louis, right?
A. Correct.
Q. He included that email address in the loan; correct?
A. Correct.
Q. He didn't create a fake one; correct?
A. No.
Q. In fact, it was designed that all the correspondence would go to you? Correct?
A. Correct.
Q. And, indeed, BlueVine, Scratch, that correspondence was sent to you?
A. Correct.
Q. It wasn't sent to some fake email, right?
A. No. I never had a reason to believe it was -- there was anything wrong with it.
Q. Okay. And what is the date of this email?
A. February 3, 2021.
Q. Okay. And you can see there are attachments to it, right?

A. Correct.
Q. And, there are attachments, the Paycheck Protection Program application, right?
A. Correct.
Q. A loan note?
A. Correct.
Q. A certification note, right?
A. Correct.
Q. And a tax form, right?
A. Correct.
Q. And, this was in your personal email box as of February 3, 2021. Right?
A. Yes.
Q. And, you saw that in your email box; correct?
A. I did not see that in my email box. And, when it comes as an email, those attachments don't show on the subject line. And, he told me he was handling everything. So, I had no reason to look at it. Also, on that date, I was at work all day. As a matter of fact, I was on a dignitary protection that morning.
Q. This email was received in your email box; correct?
A. Correct.
Q. You just testified that these attachments weren't there?
A. No, they weren't in the subject line, is what I said.
Q. But, they were attached to the email; correct?

A. If I would have opened it, I would have seen there was attachments.
Q. You did not open the document that said, "Please DocuSign Paycheck Protection Program loan"?
A. I didn't see it. And, by the time I got to it, he must have opened it already and signed it and handled it, like he said he was going to.
Q. And, you didn't -- not once, think, "Oh, we are being audited right now. Let me check what he put in the loan"?
A. No. Like I said, the audit was very minimal. He always minimized the audit to me. So, he said I wouldn't have to pay penalties or anything, which, at the end of the day, is what happened. And, he also admitted all his mistakes on the audit, which gave me more reason to trust him and believe him.
Q. In fact, you changed your story, is what happened, actually, right?
A. I did not change my story.
Q. And, you got those penalties abated because you changed your story, right?
A. I did not change my story.
Q. This document, Page 3 of Government 604, do you see that?
A. Yes.
Q. That is the first attachment to that email; correct?
A. I wouldn't know.
Q. You wouldn't know. You wouldn't know that this was sent to

your email address?
A. I did not open it at that time. The first time I ever saw that email was after I was in trouble.
Q. Ms. Acosta -- Ms. Acosta, you sat up here and testified that you were reading spam emails about PPP loans in March 22, 2021, after you had already done this. Those, you pay attention to. Is that what your testimony is? That you look at your emails for spam, but you do not care about a loan note or a PPP loan?
A. He told me he was handling it, and I let him handle it.
Q. For the record, you got those emails about the March PPP loans, "everyone gets two loans now" -- you got that after you had applied for a loan, right?
A. Yes, before the forgiveness.
Q. And, did you get a second loan?
A. No, I did not.
Q. No. It looked like you would be entitled to it, according to that email, though, right?
A. I just did what he told me I qualified for, which is why I applied for it. And, it was like a loan. So, I said sure. Apply for it.
Q. Sure.
You testified multiple times -- in fact, you keep bringing everybody back to it -- that you have no reason, you had no reason to doubt Mr. St. Louis's trustworthiness, or even

competency at this point, right?
That has been your testimony?
A. I had no reason to distrust him, no. I had worked with him for several years. And, even with the audit, he again minimized it from the very beginning, it was not a big deal. Even on the initial paperwork, it said I could not owe anything. I could get a return. I might have to owe. And then, when I found out he made a mistake on the taxes, he admitted to me that -- the mistakes he made.
Q. He made one mistake about a mortgage, double reporting mortgage interest; correct?
A. It was my recollection he made a few.
Q. Okay. There was a lot more than that, though, wasn't there?
A. From what -- the mortgage, and I know that the travel, or the mileage, something like that.
Q. Let's explain this, then. So, is it your testimony that you had close to about, I don't know, 35, $45,000 in expenses in 2018?
A. I don't recall.
Q. You don't recall that you had over $40,000 of expenses in 2018?
A. I don't remember what was on my taxes, or what he put on my taxes.
Q. You have sat here through trial, you have seen the

exhibits. You agree that in 2018, you reported over $40,000 -- I mean, I can pull it up for you. You reported over $40,000 in expenses?

A. If that is what is on the paperwork, that is on the paperwork. But, again, he put the numbers in those lines. I gave him my correct receipts. I gave him my credit card statements. I gave him my W-2s, my 1099s, and he input all the numbers.

Q. The thing is that you keep talking about a couple of mistakes, and putting numbers in different places. But, we are talking about massive numbers for expenses, and you are still ferreting bank records to him as if you were going to support these numbers throughout the audit, right?

You are trying to get this number down. That is the correspondence we have all seen, right?

A. Correct. We are trying to -- he is trying to get me to send statements to verify the numbers.

Q. You are trying to justify that somehow, you were somehow close to $45,000 in expenses in 2018. You are trying to send support to somehow justify that you had close to $25,000 in expenses, in 2019. Right?

A. I was giving him the paperwork that he asked for.

Q. During the audit process, you kept saying, "We got to get this down." Right?

"We have got to get this down."

Not "Mr. St. Louis, where did you get these numbers?"
A. I told him we needed to get the tax numbers down. I believe I sent one email about that.
Q. You sent a bunch of emails about the tax, and you also sent an email about the PPP loan, and you put them together; correct?
A. No. They were separate, two separate, completely separate things to me.
Q. That you included in the same line of an email to hide from your wife?
A. I didn't want to stress her out. And I say, Oh -- in that email, we have specifically -- they were two separate things.
Q. You are a technician, right --
MR SILBER: I am sorry. I didn't hear the last question, your Honor.
MR. JONES: It was a bad one.
BY MR. JONES:
Q. You have been to -- we talked about the day, and we are going to -- we were just referencing how you have no reason at all to not trust Mr. St. Louis. But, you also agree that you were there on February 1st with him at Victory Taxes?
A. Yes.
Q. You have been to Victory Taxes in Davie, Florida?
A. Yes.
Q. You have seen what it looks like?

A. Yes.
Q. If I showed you a picture of it, you could say, "This is Victory Taxes"?
A. Yes.
Q. This is dated January 20, 2021. Is that a fair and accurate depiction of what Victory Taxes was when you used to go there?
A. Yes.
MR. SILBER: Objection. Which exhibit are you showing her? Which --
MR. JONES: It is a cross-examination. Well, it is an exhibit that I am creating.
THE COURT: You are using it in court, and it has to have an exhibit number.
MR. JONES: I would create one, Government's Exhibit 1000.
THE COURT: All right.
Do you have any objection to 1000?
MR. SILBER: Was this disclosed in discovery?
MR. JONES: I just got it. It was cross-examination. I just -- that is a picture.
MR. SILBER: Well, your Honor, I object. I have never seen this before. It was never disclosed to us.
THE COURT: It is a picture of a building.
And what is the objection?

MR. SILBER: I think, a discovery violation, but --

THE COURT: Yes. But, what is the prejudice?

MR. SILBER: That is all right. Go ahead.

MR. JONES: I just printed it out.

THE COURT: All right. So, Exhibit 1000 will be received in evidence.

(Government's Exhibit 1000 was received in evidence.)

BY MR. JONES:

Q. Can I use the ELMO just for a heartbeat?

Okay. So, I am showing you Government's Exhibit 1000. And, am I just trying to put some context to what we are talking about here. This is the place that you would go to for your taxes; correct?

A. Correct.

Q. And, this was 15 minutes from where you worked at the airport, correct?

A. Give or take, yes.

Q. And, on February 1st, you went there during your lunch break from duty?

A. I don't recall what time I went.

Q. Okay. Would it surprise you that it was approximately 10:30 or 10:50 or so when you texted a commander that you were going to go throw the ball with Bronx that day?

A. No, it is not a commander that I texted that.

Q. So, you did text that to somebody?

A. I believe so, yes.
Q. Okay. Is Bronx your dog?
A. Yes.
Q. And, did you go home that day to throw the ball to Bronx?
A. No, we usually went to the park or something. I threw the ball to him.
Q. Did you go to Victory Tax that day?
A. Yes. But, I don't know what time I went.
Q. What time did you start work that day? What time would you normally start work, 8:00 A.M.?
A. 7:00 A.M.
Q. 7:00 A.M. And, would you take some time off in the middle of the day?
A. No, but it wasn't unusual for my sergeant to let us run an errand occasionally, especially if it was to drop off pepper wash or something like.
Q. And, I am not suggesting you did anything wrong there. I am just asking you that you went to Victory Tax during your lunch break, effectively?
A. At some point during the day, yes.
Q. And, you came back to the airport around 1:30 that day, right?
A. I was there earlier than 1:30.
Q. The records would reflect you were there at 1:30, at least from what I have, right?

A. I was back before, earlier than that, but yes.
Q. Now, that is the same period where you spoke with the IRS, right?
A. Yes.
Q. The IRS told you --
MR. JONES: Let me switch back to the computer, your Honor.
BY MR. JONES:
Q. So, you come in, you sit down with Mr. St. Louis. And, this meeting is about getting a handle on your audit, right?
A. No. I originally went there to drop off my taxes for the following year.
Q. And, it wasn't on your radar to discuss any of these outstanding issues about the letter you had received seven days earlier?
A. I don't believe so.
Q. Previously, you -- you have testified that it was so important to you to resolve these things, you would bother him, you would call him, and he was unresponsive, that day, you didn't want to discuss it at all?
A. I didn't know if we were discussing it that day. I just needed to drop off the paperwork because, like you said, I was at work. So, I intended for it to be a quick meeting.
Q. And then you had a call with the auditor though, right?
A. Yes.

Q. You didn't sign your tax return that day though, right?
A. No, I did not.
Q. You signed that many weeks later?
A. Yes.
Q. Correct?
A. No. It -- it was a week later or so.
Q. So, the primary purpose of this meeting wasn't to go over your taxes like the other years. This one was to talk about the audit, wasn't it?
A. No. It was to go over my taxes. I needed to drop off my paperwork because I needed my taxes done as soon as possible.
Q. During this meeting --
MR. JONES: May I have one moment, your Honor?
BY MR. JONES:
Q. Okay. So, we are going down to our February 1st date. This is during your time away from the airport. You have gone to -- in-person, to meet St. Louis at his place of business that we saw. And, now, you are having a conversation with the tax auditor, right?
A. Yes.
Q. You are both there speaking with this person?
A. Yes.
Q. You can hear what the auditor is saying?
A. Yes.
Q. Where she can hear what you are saying?

A. Yes.
Q. And, you can hear what Vilsaint St. Louis is saying?
A. Yes.
Q. So, we are all on the same page, that the information was being shared openly?
A. Yes.
Q. Where --
A. But again, I -- you know, I listened to the conversation. He did most of the talking, and I understood as much as I could of that conversation in taxes.
Q. Yes. Now, you have made the point a couple of times that there is no reason that you couldn't, you couldn't believe this guy, or trust him. If we accept that as even true, right, this day, you hear that this is not some minor thing. As the TCO explained, this is one of the first things that a good tax preparer learns about, and that he is very mistaken in taking this in actual expenses, which he took in 2018 and 2019.
She is disparaging his ability in front of you. Right?
A. Yes. But again, this was one mistake in almost nine years of working with him --
Q. And for two mistakes --
THE COURT: Let her finish her answer.
MR. JONES: Sorry, your Honor.
THE WITNESS: Again, this is somebody that I trusted. I -- for a few reasons. I am a cop, I don't want to just go

ahead and give somebody else my kid's social security numbers, my kids' address.

He has all my information. The last thing I want to do is fill out all this other paperwork. He already has it, and this is one mistake in -- from what I am learning at the time, in nine years of working with him. I didn't have, okay, and he admitted to it. He said, "I made a mistake. I didn't know this."

BY MR. JONES:

Q. And, that's just for those mileage and expenses that we still know that you had all these large expenses that weren't substantiated, right?

A. That, I did not know at the time.

Q. You had not looked at any of your records, to this point?

A. At the time of this?

Q. Yes.

A. No. I hadn't even -- it was -- he was handling everything.

Q. You spoke with the IRS prior to this; correct?

A. Yes.

Q. And, they talked to you about what was listed on these things; correct?

A. Correct.

Q. And it all sounded right to you, right?

A. Well, she spoke to me, she spoke to me again in IRS terms. I understood what I could. I looked over what I could. I asked him about it. He described it as it was very minimal. We just have to send in paperwork to substantiate what she is saying. So, that's why you see emails of me sending him Home Depot receipts, which I also gave him my login, so he knew what he was looking for. He logged into that, he sent my bank statements to substantiate my expenses. I was sending all the paperwork that he was asking me for.

Q. And, what did you think that stuff was going to show in support of the $40,000 in expenses though?

Do you understand?

A. I didn't even realize it was $40,000 in expenses.

Q. Okay. You had received -- before I go on to the taxes examination report that actually told you the amount of expenses that you received; correct, you got that letter?

A. Correct. But, like I said, I don't really understand a lot of it.

Q. You chose not to read it?

A. I read it, I just don't understand a lot of it, which is why I hired a tax preparer.

Q. Yes. But, these are just numbers; correct?

A. Correct. That's where I struggle the most.

Q. Except in school?

A. I struggled in school. Math, as well.

Q. Now, you mentioned something. You said, "I'm a cop."

And, I remember, during the proffer, too, you said, at the end, you had all -- we asked you how you knew something, and you said, "I have time now, and I am a detective."

You said that, right?

A. I believe I said I had a little time on my hands, yes.

Q. You said, you classified yourself as a detective. You weren't being formal about it, but that is how you said it, right?

A. If that's what I said, then yes.

Q. You are very trained. You understand when you are looking at circumstances, because it is important for your job, isn't it? To understand suspicious circumstances?

A. And, I didn't see anything suspicious about this.

Q. You didn't see anything suspicious?

There is no red flag?

A. He was honest with me. He said he made a mistake, and he was going to fix it.

Q. By getting you to a $20,000 PPP loan?

A. I don't know. He never mentioned the PPP loan when we were talking about my audit.

Q. This is -- this is -- we were just talking about -- you left the airport at approximately 10:40. It is a 15-minute drive, right?

You are there by 11 maybe, ballpark with me, is this good?

A. Sound's right.

Q. At 11:00 o'clock, you are there, maybe, that day.

A. I don't recall.
Q. Close?
A. I don't remember.
Q. You talked with the auditor. We are not talking about like a six-hour window that you were at Victory Taxes, right? You wouldn't say that you were there all day?
A. No.
Q. You wouldn't say -- I mean, you went back to work by 1:00 o'clock or 1:30, right?
A. We spoke about this audit. We spoke to the lady, and then I gave him my paperwork for the following year taxes. And then he brought up the PPP.
Q. Right. So, you are back in a separate room, and a separate PPP conversation, separate from the audit conversation, two totally different worlds?
A. They were too totally separate things to me.
Q. An 18,000 audit, and a 20,000 PPP loan. Separate worlds, same day?
A. He never made it seem like it was together --
Q. Um-hmm?
A. -- the PPP -- he said I qualified. I was a realtor and I had a 1099. And, I was a licensed realtor, like I said.
Q. Yes?
A. And, why would I believe that I didn't qualify?
Why would he lie to me?

Q. Yes. And you didn't tell your mother to get one, right?
A. Again, I didn't know if she was practicing real estate at the time. My mom has done several things.
Q. Now, let's talk about the fact that you think that there is no reason to distrust this guy. Now, your wife, she uses Vilsaint St. Louis, right?
A. Yes.
Q. She had, at that time?
A. Yes.
Q. St. Louis did her 2018 tax returns?
A. Yes.
Q. He did her 2019 tax returns?
A. Yes.
Q. He did her 2020 tax returns?
A. I believe so.
Q. And her 2021 tax returns?
A. Yes.
Q. And, in fact, on February 16th, Erin, your wife, was going to see St. Louis, wasn't she?
A. When?
Q. 2021?
A. If that is what the record says. I am not sure of the date.
Q. Well, the record reflects that you saw the email. It reflects that you told St. Louis specifically not to tell her

about the tax case or the PPP loan, right?
A. Yes.
Q. Okay. And, you did that because he was going to see her that day, right?
A. I don't recall.
Q. Well, you guys, you testified that you are not best friends. You don't hang out at barbecues, right?
A. Correct.
Q. Did Erin ever have any other reason to go hang out with St. Louis, besides do taxes?
A. No.
Q. So, is it fair to say you were advising him not to tell her about something because she was going to see him about taxes?
A. Possibly.
Q. And, you didn't think it was important that your wife, who had her 2018 and 2019 tax returns prepared by the same man, to know that you are being audited for that?
A. I didn't want to stress her out. Our finances are completely separate.
Q. Okay. What if he had tanked hers?
You are saying that he did this without your knowledge?
A. Correct.
Q. Correct?
You never looked to see if he did it without your wife's knowledge?

A. I don't recall our conversations about it.
Q. Didn't it register to you that maybe, if this guy was so bad and he was so terrible, that "Maybe my wife should know about it, because her taxes are at issue now, too," right?
A. My wife never had a 1099. So, there was no expenses or anything. So, I didn't really worry about the extra -- I guess, all the mistakes he made.
Q. And, you told him, you said, "St. Louis, don't mention anything about it," right, and he -- he didn't even, but he said he got it. Right?
A. He responded to an email.
Q. Let's pull it up.
So, this is the statement that we were just talking about, February 16th, right, 2021, where you ask him to hide something from your wife. Right?
A. I didn't want him to tell her about it. Our finances are completely separate. It is one last thing I want to fight about at home, but stressing her out -- my wife tends to overreact about things. I didn't want her to know about the audit or the PPP.
Q. So, let's talk about that. Before I -- let's unpack how a PPP loan could be bad, if you are entitled to it.
A. I am not understanding the question.
Q. Why would you hide a good thing from your wife?
You are not trying to stress her out about a PPP loan that

is forgivable, that is a $20,000 stimulus, in your mind, at that time, according to your testimony, right?
A. Correct.
Q. Okay. So, that is a positive thing. Can we agree?
A. Correct.
Q. Okay. So, according to your testimony, a positive thing just happened to you, and you want to hide it from your wife?
A. I just didn't want her to know how I was spending the money.
Q. Okay. And the IRS case, we can agree, had some negative implications; correct?
It is not a great thing, an audit, correct?
A. It would have stressed her out.
Q. But, if an audit was about your behavior, that's bad. Right?
A. I don't understand your question.
Q. If the audit was about the information you provided falsely, that would be a bad thing, right?
A. I think it would have stressed her out either way. It doesn't matter if it is my mistake, his mistake, anybody's mistake.
Q. St. Louis, according to you, has just gone off the rails in 2018 and 2019, without your knowledge. Right?
Completely good for five, six years before that, and then just goes AWOL. That's your testimony?

A. Like I said, I handed him paperwork, and he filled out all the forms.
Q. And your wife is a law enforcement officer?
A. She is a sergeant for the Miramar Police Department.
Q. You don't think it would concern her, right, that you were getting a PPP loan that you weren't entitled to; correct?
A. I had no idea that I was not entitled to it. He told me I qualified for it, and I had no reason to believe him -- not to believe him at that time.
Q. No reason.
Now, when I asked you how he responded, what did he say?
A. Got it. If you look back on all of our messages, it is usually with one word or two words answers back.
Q. Yes. You guys understand each other, don't you?
A. He responds with a yes or no, or "got it."
Q. Yes.
A. So, the response.
Q. No -- this is not an arm's length transaction. You are not going to Joe Schmoe at H&R Block and saying, "Hey, here is my paperwork."
Whatever. You have a relationship with Vilsaint Louis, don't you?
A. A business relationship, yes. He has been with -- my tax preparer since 2012, '14, something like that.

Q. You have an understanding with him. He is willing to hide something from someone else for you; correct?
A. He didn't have a right to tell her, I believe. Our taxes were separate. Everything is separate. I know plenty of people who keep their finances separate to avoid any arguments.
Q. Now, you also acknowledge that during this tax audit discussion, that you now realize that you must file married, right?
A. Yes.
Q. So, that is 2021. March, you say. I get it. I am going to be more careful in the future, too, right?
A. Correct.
Q. Were you married in 2022?
A. Yes.
Q. Did you file single in 2022 though, didn't you?
A. Correct. The reason was I -- she said something about one of us had to file head of household. And, since our taxes are separate, the other one could file single.
Q. In 2021, you were being audited; correct?
A. 2021?
Q. 2021, you were being audited?
A. Oh, yes.
Q. The tax auditor told you exactly how to file your taxes when you are married; correct?
A. My understanding was one of us could filed head of

household and the other one could file single because our taxes were separate, and that is what I believe the note says, as well.

Q. You said you would file married, filing separately, not single?

A. I said head of household.

Q. You filed single in 2022; correct?

A. Correct, and my wife filed head of household.

Q. And Mr. St. Louis filed that one for you too, as well, right?

A. Yes.

Q. Just for point of reference, when you go to work, when you travel off-site from your airport duties and you go -- and you run on-site errands, are you in your BSO-marked vehicle?

A. Yes.

Q. So, you pull up to Victory Taxes in your --

A. Sorry. I don't have a marked vehicle. It is unmarked.

Q. What type of car is it?

A. It is a Tahoe.

Q. A Chevy Tahoe?

A. Yes.

Q. And, it is -- there is no indication that it is BSO-owned?

A. No.

Q. That is from when you were at the airport?

A. Yes.

Q. What do you drive now, or before you were suspended?
A. A gold Tahoe.
Q. Did you ever drive a patrol car?
A. Yes.
Q. When was that?
A. The last time was in 2017.
Q. Do you recall that day asking St. Louis whether you would get caught.
A. No.
Q. Do you recall that day him telling you no?
A. I would have never asked him that. I never thought he did anything wrong.
Q. Now, you continued, and in April 2021, you persisted to get your loan forgiven, right?
A. Yes.
Q. You kept following up with him, making sure you got it forgiven?
A. His direction, whenever I received a Scratch email, was to send it to him. So, that is what I did.
Q. And, you also spoke with him on the phone multiple times about it?
A. It is either about that or about the ongoing audit.
Q. You are a pretty hands-on person, though, would you describe yourself as a controlling-type person, in that way?
A. No.

Q. No?
A. No, I'm not at all, actually.
Q. You are not involved in a lot of things when --
A. No.
Q. You sent him your own credentials to log in and submit another application for you, right?
A. To complete the forgiveness.
Q. Yes. And, you did that after your March 31st or March 29th statement to the IRS; correct?
A. Yes.
Q. And, that was the statement where you effectively said, "I have no idea where St. Louis came up" -- you used the word "produced," actually. You have no idea where he produced those numbers from. Right?
A. Yes.
Q. And, it is your testimony that, it says, either at that time that you completely couldn't trust this person because he is producing numbers that you don't know about, right?
And then you send him a Gmail log-in information for him to handle your business for you without even checking it, again, right?
A. At the time, he gave me reasons why those numbers were the way they were. And, again, I believed him.
Q. You are a trained law enforcement officer?
A. Not -- I have never taken a white collar crime, and --

Q. You have never taken a white collar crime --
THE COURT: Let her finish her answer.
THE WITNESS: As a law enforcement officer, I have never taken anything about financial crimes, as a law enforcement officer.
So, I understand that there were certain crimes that I do specialize in, or that I -- a task that I have at work, but, I can assure you that financial stuff is not something that I would ever be involved in.
BY MR. JONES:
Q. We went over this yesterday. We can say it again. You had an A in white collar crime?
A. In 2005.
Q. Okay. An A in Crime Prevention, an A in Cyber Crime. The point is, as a law enforcement officer, you receive training on general principles of reasonable suspicion; correct?
A. Correct.
Q. Right. You have to identify suspicious circumstances around you on a daily basis?
A. Correct.
Q. Right. Somebody walking into the airport carrying a bag full of drugs, right, dog detects, you have dogs that do that at the airport?
A. Yes.
Q. Do your dogs do that at the airport.

A. My dog did not do that.

Q. You have a bomb dog?

A. I had a vapor wake bomb dog, yes.

Q. Now, in this scenario, someone is carrying ten kilos of cocaine. You stop them, and they say, "I don't know. I am just bringing this bag."

Do you detain that person?

A. Yes.

Q. Even if they say, "I didn't look at what is in the bag, it is maybe a thousand dollars -- he just paid me a thousand dollars," right, you still detain that person?

A. Yes.

Q. So, it is illegal to possess cocaine. Right?

A. Correct.

Q. He should have known -- "You should have known the cocaine was in that bag," right?

A. Not necessarily. But, it would be suspicious for somebody to give you a bag and not know what it is.

Q. Right. So, suspicious circumstances can create the requirement for you to ask additional questions, right?

A. Correct.

Q. And, as a law enforcement officer, in fact, you are trained to always ask another question, right?

A. Correct.

Q. You did not ask another question that day of St. Louis,

right?
A. What day are we talking about?
Q. February 1st. Let's keep it to when you are together with him.
A. I asked him how I qualified.
Q. And you stopped when he said, "We can get you 20 grand."
You said, great. Right?
A. I said, "How do I qualify?
Why do I qualify?
And, he listed all the reasons I qualified, that it made sense to me.
Q. And, you are saying a trained law enforcement officer, even at that time -- assuming that what you are saying is accurate -- it didn't trigger in you to be like, this doesn't add up. How lucky could I be that I owe $18,000, and we were just talking about, and then lo and behold, I can get the maximum amount for a PPP loan?
A. I didn't end up owing $18,000. It was an ongoing -- that was a very preliminary part of the audit. It was ongoing.
Q. Well, isn't it true that that was the end of the audit because they had not received any, any reports of substantiating it, but then they had the call with you; correct?
That was a report that you were requested to sign, right, that first report, January 21st?

A. I believe so, yes.

Q. Right. The only reason why it didn't become final is because you continued the audit, right?

You wanted to work down the balance; correct?

A. I wanted to substantiate the paperwork, yes, that they were asking for. St. Louis was also -- according to the notes, he had just had a baby, which sometimes, during tax season, it is hard to get hold of him on the phone. So, I am assuming he was extra busy.

Q. But, you were saying that the final number was 14 thousand dollars -- well, it was 14 thousand dollars by the end of it, right?

A. Correct.

Q. That was after you continued it, trying to keep substantiating 40,000-plus dollars in expenses that never materialized. And then you wrote a self-serving letter to them saying, "He did it, on second thought." Right?

That is what happened.

A. It was my -- it is my understanding that when you have an audit, you supply substantiating paperwork to lower the audit number. And, when I spoke to the TCO, she said to write a letter on what happened, and why I felt that the penalty should be taken off.

Q. And, that statement was inconsistent with your December 17th statement?

A. Not necessarily.

Q. Okay.

You have changed -- in this first portion of the 203G, Government's Exhibit 203G, this is the March 29th letter that you signed and sent to the IRS; correct?

A. Correct.

Q. And, here, you say -- now, you are using terms, "To the best of my knowledge," right?

A. Yes.

Q. "To the best of my knowledge, in both 2018 and 2019, due to his busy schedule, he had me drop off my paperwork," right?

A. Correct. I later learned that I had dropped off my paperwork in 2018 based on the paperwork I had filled out.

Q. All right. So, in this March 29th thing, you are telling her, now, it is to the best of your knowledge. So, things are different. To the best of your knowledge, you weren't there.

Here, December 17th, you tell her you sat with Vilsaint St. Louis for 2018, 2019.

You didn't think that is inconsistent?

A. That was my recollection at the time, just like today. Things are obviously different than when I thought at that time.

Q. Yes, things are different today. Again, you are right.

THE COURT: Don't make comments.

What is your question?

MR. JONES: Sorry, your Honor.
BY MR. JONES:
Q. You testified that the statements aren't necessarily inconsistent, correct?
A. Correct.
Q. What is, what is not inconsistent about being there in 2018 and 2019, and not being there in 2018 and 2019?
A. Because I, at the time that I gave that statement, I thought I was there. So, I later realized that I was not there.
Q. Your memory got better?
A. No, it was looking at paperwork.
Q. The paperwork that you signed?
A. I didn't sign any tax paperwork.
Q. What about for the 2019 taxpayer questionnaire that was signed on --
A. I did sign that -- not the tax return, is what I mean. Sorry.
Q. But, did you sign a form that says, "Taxpayer Questionnaire 2019;" correct?
A. Yes, I believe so.
Q. So, that means you were there?
A. That's at some point. I believe that was signed in 2020.
Q. It was 2019 or 2020, is when you signed it; correct, but you were filling out for your 2019 tax year?

A. Yes.
Q. Right? That's the questionnaire?
A. Yes. But I -- it doesn't say that I was there in 2019, signed it in 2020.
Q. The taxpayer questionnaire is for the 2019 return?
A. Correct.
Q. Okay. And you signed it in February 2020.
A. Correct.
Q. All right. And that's the tax year that you were being audited for, the 2019 year; correct?
A. Correct.
Q. So, it would indicate, if you signed something that is wet ink, it wasn't electronic, right?
A. Yes.
Q. You would agree that you were there in person to sign that; correct?
A. Yes.
Q. And, it had numbers on it, right?
A. Yes.
Q. And, it had expenses; correct?
A. Yes. I don't remember if those expenses were on there before, or if I looked at them, or if I verified with the actual Schedule C, as you called it.
Q. Are you saying it is your practice to drop it off and run in and sign and then leave, and then say, "Fill it in"?

A. I don't recall. I don't remember what happened that day.
Q. Now, you understand what a loan is, right?
A. Yes.
Q. You understand that a loan is effectively a binding contract between two parties?
A. Yes, I guess, yes.
Q. To borrow money?
A. Yes.
Q. And, that requires certain formalities, right?
A. Correct.
Q. You have a mortgage. It has been mentioned during trial?
A. Yes.
Q. You signed for that, right?
A. Yes.
Q. You understand the formalities that go into getting a mortgage?
A. Yes.
Q. That is a loan, right?
A. Correct.
Q. You have other loans, right?
A. Yes.
Q. And, you have had to apply for them and sign for them; correct?
A. Yes.
Q. You have also -- during the pandemic, you received stimulus

payments, right?
A. Yes.
Q. You received two?
A. I don't remember.
Q. Did you receive $840 on February 3rd, 2021?
A. If that is what my bank statements say, then yes.
Q. Would you agree that you also received $1,240 on April 15, 2020?
A. If that is what my bank statements say, then yes.
Q. And do you recall emailing St. Louis about stimulus for her son, or is it your -- I apologize, because is it both your mutual sons?
A. It is my son.
Q. You e-mailed about getting a stimulus for her, though; correct?
A. Yes.
Q. So, did she receive that stimulus payment, too?
A. I don't recall.
Q. Do you recall having to submit anything to receive the stimulus payments?
A. I don't remember.
Q. You never had to pay back the stimulus payment, right?
A. No.
Q. You never had to ask for forgiven for a stimulus payment, right?

A. No.
Q. It wasn't a loan, was it?
A. No.
Q. You didn't have to sign for anything?
A. No.
Q. So, you know the difference, and you knew the difference between a stimulus and a loan; correct?
A. It was all very similar to me, and that is how it was explained.
Q. Now, we are going to turn a little bit to the spending here.
When you received the $20,000 under the Paycheck Protection Program, you received that money into your bank account ending 7279?
A. Yes.
Q. And then you immediately moved $19,000 into your savings account?
A. Yes. I believe that's what I saw yesterday.
Q. Then you transferred it back to your checking; correct?
A. Yes.
Q. And then you started a transfer for $19,000 into Robinhood, right?
A. Yes.
Q. And then you cancelled that within three minutes; correct?
A. Yes, sir. That's what the record says, yes.

Q. And then, instead, three minutes later, you send $10,000?
A. Correct.
Q. And now, you have worked at the airport, and you testified to that. You were generally aware of the significance of what $10,000 means in the law enforcement world?
A. Not at all.
Q. And, you bought stocks with the $1,000 that was immediately available, right?
A. Yes.
Q. Within the hour?
A. Possibly.
Q. And then you later received access to the $9,000, a week later or so; correct?
A. I don't remember when. But, if that's what the records shows, yes.
Q. And then you immediately purchased the approximately $8,000 in other stock?
A. If that is what the record shows, yes.
Q. And, it is your testimony that you thought this was all part of your stimulus package?
A. I was told that I could spend the money on different things. It didn't have to be a payroll or paycheck or for employees or anything like that.
Q. And, you ultimately just ended up using the money on personal expenses for the rest of the year?

A. Yes.
Q. And, you didn't share that with your wife though, right?
A. It was shared with my wife based on that we did family activities.
Q. Right. You never disclosed it to her?
A. No.
Q. You keep saying that "he told me I had a 1099, so I thought I qualified," right?
A. He said I qualified because I was a realtor and I had a 1099, and I was actively working as a real estate agent.
Q. And, you thought that was a flat $20,000 windfall?
A. He said it was a standard amount.
Q. Um-hmm. And so your mom, as we talked about, could have gotten one for $20,000, as well, right?
A. Again, I didn't know if she was working in real estate at the time.
Q. You -- and then if you are walking back the logic here, what we are saying is that because you had a 1099, you could have made a hundred dollars that year, right?
In your logic, you are sitting there that day and he says, "You have a 1099, you could get 20 grand"?
A. Yes.
Q. And you thought that anyone with any 1099 would get 20 grand, and there was no scale, right?
A. That would have probably raised more red flags. I had made

a significant amount of money in real estate. If I would have sold one more house in 2019, I would have made 20 grand. I made 23 grand the year before, and I made 36 the year before that. So --

Q. It wasn't a yearly protection program?

A. No. But, it was a standard amount for somebody who could have made that amount of money.

Q. Think about this: What sense does it make that someone who is an active real estate agent, who is working out there, hitting the pavement, you know, just like you said, you didn't even have to -- you didn't do a 1099 one year because you were an active real estate agent, you said, because you didn't earn anything, you don't have to include your expenses. Is that what you testified to?

A. That is what he told me.

Q. Um-hmm, and it didn't trigger you, "Maybe my wife," you know, why would it be that she doesn't get a $20,000 loan just because she didn't sell a hundred dollars worth of stuff that year?

A. She wasn't an active -- her license wasn't active.

Q. Her license wasn't active in 2021?

A. She wasn't registered with the MLS.

Q. She was working under that brokerage. You heard the testimony from Todd Crevier, right?

A. She was not working under the MLS. We did it all or worked under my name.

Q. But it didn't matter what happened in 2021, according to you; it mattered what happened in 2019; correct?

A. Correct.

Q.

A. She still wasn't -- she didn't have an MLS access, so --

Q. She had a real estate license, is what you said?

A. Correct.

Q. And, that is what you said mattered?

A. Yes, but she couldn't access houses because she didn't have access to SUPRA, which is how you get in and out of houses, how you schedule an appointment --

Q. So, you are doing all this --

MR. SILBER: Objection, he keeps interrupting her.

MR. JONES: Sorry.

THE COURT: Sustained.

Go ahead and finish your answer.

THE WITNESS: So, in order to show houses, you have to have access to the Miami Realtor Board. They give you access to, like, a SUPRA program, where they even give you a key or a code and you can go into those houses. It was an extra fee for us to pay for her to have that access to that board. So, instead of both of us doing it, I just had access to the Supra, and she would help me with real estate functions.

BY MR. JONES:
Q. You just went through a full analysis. Right? I am talking about at this moment, you didn't have questions of why, maybe, maybe she could have qualified.
You just didn't want to tell her. All of a sudden, you're an expert that day that is determining she is not qualified, or are you someone relying on someone else that is telling you she is qualified?
A. She didn't have a 1099.
Q. That is what I am saying. That was your logic at that point, that she didn't have a 1099?
A. Correct.
Q. Does that make any sense, that someone could sell a house for a $100 in 2019 and get a $20,000 thing in 2021?
A. I didn't think of it that way then.
Q. You know that income mattered?
A. I did not know the income mattered. He told me it was a standard loan, and that I qualified because I was a realtor and I had a 1099.
And, when I even asked about employees and payroll, and he said I could use the money for other things, it was used to supplement income during COVID, and it was used for COVID relief. That's what he told me.
Q. Was she a law enforcement officer when you were being audited in 2018 and 2019, right --

A. Yes.

Q. -- she was a law enforcement officer at the time you applied for and received the loan?

A. Yes.

Q. She used St. Louis for her taxes, as well?

A. Yes.

Q. Do you recall receiving the email to talk to us in 2023?

A. Yes.

Q. And this was before anything happened?

A. Yes.

Q. You weren't charged yet?

A. No.

Q. You received an email from special agent Tonya Johnson, with her formal signature block?

A. Yes.

Q. With the .gov address?

A. I don't think I looked at the email.

Q. You didn't look at the email?

A. The email, like, address that said ".gov."

Q. But you saw the email?

A. Yes.

Q. And, in the email, she said, "I have left you a few voicemails." Right?

She left her phone number for you to call, right?

"I would like to interview you as soon as possible, and it is regarding your PPP loan application. Right?

MR. SILBER: Objection, your Honor. This question seeks for her to comment on her right to remain silent. At that time, she had no duty to respond to anything.

MR. JONES: For the case, on cross-examination.

THE COURT: Overruled.

BY MR. JONES:

Q. And, she also asked you to confirm receipt of the email, right?

A. I don't remember that.

Q. Is there anything that could refresh your recollection?

A. The email?

MR. JONES: May I approach, your Honor?

THE COURT: Yes.

BY MR. JONES:

Q. Do you recognize the email I just showed you?

A. Yes, I do.

Q. And, that refreshed your memory of this?

A. Yes, I do.

Q. So, do you recall that she provided two phone numbers or she provided a number that she called, which was (305) 494-9699?

A. Yes.

Q. And that is your phone number?

A. Correct.

Q. And, she left her phone number to be reached?
A. Yes.
Q. And, she had her signature block that said Office of the Inspector General?
A. Yes. But, there was no law enforcement seal or badge or anything. It looked like a little business logo, and I thought it was spam.
Q. You thought it was spam?
A. Yes.
Q. And, that is what you told us on January 10th, when you came into the office again, right?
A. Correct.
Q. You said you thought it was spam. But, actually, what you did was you called St. Louis immediately, didn't you?
A. I asked him to verify the email.
Q. That day, you called him?
A. Yes.
Q. You didn't think it was spam?
A. I thought it was spam. But, I wanted to double check to make sure it was not spam, if it was or was not spam.
Q. And you also texted him?
A. I called or texted him.
Q. And, you were trying to figure out what you had to show?
A. Possibly, yes.
Q. And then we never heard from you, right?

A. No one ever called me back. I figured if it wasn't spam, I would have received something else.
Q. She left you a few voicemails, right?
She emails right here, alexacosta03@gmail.com. That is your personal email; correct?
A. Correct.
Q. And, she also e-mailed you at your Broward Sheriff's Office address; correct?
A. That's what you said, yes.
Q. Have you ever received spam simultaneously at both your personal and your private email address?
A. My personal and my private, aren't they --
Q. Your personal, and your work email address?
A. I didn't see the work email.
Q. Well, even if you saw the G-mail, you would see that your work email was CC'd?
A. I didn't even realize that.
Q. It was actually the one that it was sent to, correct?
A. I don't know.
Q. Would you like to --
A. If you are saying that that is where it was sent to, that is where it was sent to. I just don't recall.
I recall something on my personal email, and I did call St. Louis and ask him what this was. And, he told me it seems "spammy", and if they needed something, that they would call me

back.

Q. He didn't tell you to get an attorney?

A. No.

THE COURT: All right. Let's take our morning recess. See everybody in 15 minutes.

[Whereupon, the jury left the courtroom, and the following proceedings were had at 10:35 a.m.:]

THE COURT: All right. Before we recess, I want to bring up something here outside the presence of the jurors. So, this is like the second time that the Government has implied or inferred that there was something nefarious about changing the monies that were sent to the Robinhood. There is some concern about monies over $10,000. So, what reporting requirements are there for somebody who is not making a cash deposit?

Because when somebody is making a cash deposit, they would have a reporting requirement and they might want to structure their transaction. So, what nefarious reporting requirement was she trying to avoid by that?

That came out during the agent testimony, and now in her cross-examination.

MR. JONES: Right. The inference is that for a layperson, anyone, even myself, when you have to research it -- you have to research it to really get into the weeds of whether it is currency or any other requirement. If you Googled it, for example, it would say, $10,000, wired, it must be reported by the bank, or anything over. So, it's to the public in general. And even for law enforcement, we have to get into the weeds to understand certain pieces about the Bank Secrecy Act. The purpose of that isn't to say she violated that. In fact, during the direct examination of Ms. Johnson, I clarified that it doesn't mean that it has to be done, just because there was a transaction over $10,000. It is to -- it is to put everyone on notice that someone who is working at the airport sees the $10,000 number all over the place, who is in law enforcement, understands that number, as much as anyone sitting at these tables do.

THE COURT: You just said they don't. You just said you -- even law enforcement has to get involved to understand it. So, you are making an inference. I mean, I am not very smart. I am sitting here paying attention, and I am like, wow, this seems like she might have done something wrong. And now we are enforcing it again. So, you are admitting she didn't do something wrong. So, you are raising an issue that seems to be nefarious without anything to back it up.

So, before we finish this trial, you better figure out a way to clarify this for the jury.

All right? We will see everybody in 15.

MR. SILBER: Your Honor, one more thing. I just want to make an objection about this line of questioning. Not only did counsel get into her right to remain silent in terms of responding to contact by law enforcement and submitting to interviews, but now, this last question, he commented on her right to counsel. He said, "And didn't he tell you to get a lawyer," which, by the way, wasn't true. I wasn't even hired until after she was arrested.

THE COURT: She said no. Okay.

I think you are on dangerous ground there, Mr. Jones. Move to another area.

MR. JONES: Okay.

(Whereupon, there was a recess, after which the following proceedings were had:)

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, and the following proceedings were had at 10:50 P.M.:]

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

All right. Go ahead.

MR. JONES: Thank you, your Honor.

BY MR. JONES:

Q. Just a brief housekeeping, to clarify a point. I have been mentioning a $19,000 transfer; correct?

A. Yes.

Q. And a $10,000 transfer; correct?

A. Yes.
Q. There is nothing illegal or nefarious at all about transferring $19,000 to someplace, a bank?
A. Correct.
Q. And, there is no reporting requirement, ultimately, for a $19,000 transfer if it is not cash or currency; correct?
A. Correct.
Q. Now. Circling back to the loan application here and the circumstances of that loan application, you testified -- you didn't pay St. Louis for this loan, right?
A. No.
Q. So, it is your testimony today that St. Louis decided to commit a felony for you for free?
A. That is something you would have to ask him. I also didn't pay him to do my taxes some years.
Q. Well, let's talk about that. You are saying that St. Louis prepared fake tax documents for a sworn law enforcement officer, right --
A. Yes.
Q. -- and sent them to a Government agency, completed a form inflating income, correct?
A. That's what he did without my knowledge, yes.
Q. He completed the form, inflated income; correct?
A. Without my knowledge, yes.
Q. False statements, correct?

A. Without my knowledge, yes.
Q. And, he submitted that to the SBA, right?
A. Yes.
Q. He committed a felony for somebody for no reason, no compensation, right? Is that what you are saying?
A. Correct.
But, that was usual for us. He did my taxes. I didn't pay -- I didn't pay always to do my taxes.
Q. It was usual for him to commit felonies for you?
A. No, it was usual for us for him to commit or to do transactions without me paying him. I had not paid him since 2019. I sent him referrals. I sent him friends of mine, or other customers that were for, um, tax services.
Q. Your email was listed on the PPP loan application, right?
A. Yes.
Q. He did not use a fake email address, as we discussed earlier, right?
A. Correct.
Q. And, you were a sworn law enforcement officer at that time, right?
A. Yes.
Q. And, he knew you to be a sworn law enforcement officer for many years, right?
A. Yes.
Q. He -- your testimony is that he asked for your email

address to do this, right?

A. Correct.

Q. So, he knew that correspondence from the banks would be going to you, right?

A. I would assume, yes.

Q. All right. And, with that, supporting documents for this loan, right?

A. Yes.

Q. He used your active email address, right?

A. Correct.

Q. And, you did receive these documents, right?

A. In my email, yes, they were in my email.

Q. It is your testimony that St. Louis unilaterally decided to commit a felony and send the evidence directly to a law enforcement officer? Is that your testimony?

A. I never saw the emails or opened the forms. He told me he was handling everything, and they were -- emails were already opened. So, by the time I checked my emails, I couldn't see them. They were at the bottom. I never saw them on the screen. It never came up.

MR. JONES: No further questions, your Honor.

THE COURT: All right.

Do you have redirect?

MR. SILBER: I do, your Honor.

REDIRECT EXAMINATION

BY MR. SILBER:

Q. Ms. Acosta, you are a very decorated law enforcement officer. They made a big issue of that in this case?

A. Yes.

Q. Now that you know everything, what happened in this case, do you have an understanding as to why St. Louis did this?

A. More or less, yes.

Q. What was the reason?

A. I believe he was trying to make up for his mistake.

Q. His mistake in your taxes, right?

A. Yes.

Q. At a time when you had a baby on the way, right?

A. Yes.

Q. And, this was after December 2020 when he applied for his own SBA PPP loan; correct?

A. Yes.

Q. And, that would tell us that -- it would at least suggest that he might have his own financial problems?

A. Correct.

Q. And, what would happen, what would have you done if you had to pay those penalties?

I am not talking about the tax that you owed because you earned the money and had to pay anyway. I am talking about the penalties. What would you have done if you had to reach into

your pocket and pay the penalties that he caused you to incur?
A. I mean, I would have, obviously, been really upset and had to find a new tax person. I didn't want to pay penalties. I didn't do anything wrong.
Q. And, he would have been very worried for his business, wouldn't he?
A. Yes.
Q. Because you referred him customers?
A. Yes.
Q. And, you were in real estate, right?
A. Yes.
Q. That means you are very sociable with your business?
A. Yes.
Q. You know a lot of people?
A. Yes.
Q. You work in an agency that has 5,600 employees, don't you?
A. Yes.
Q. And cops talk, don't they?
A. Yes.
Q. And word spreads?
A. Yes.
Q. And the word would spread that he is a terrible, lousy tax preparer that cost you $18,000?
THE COURT: Hold on.
What is the objection?

MR. JONES: Leading.

THE COURT: Sustained.

MR. SILBER: Your Honor, can you turn on the screen, please?

BY MR. SILBER:

Q. I am showing you what has been previously admitted as Government's 203B, if I am reading it right.

Do you recognize this document? We have discussed it before.

A. Yes.

Q. What is the date?

A. The 4-1-21.

Q. Who is that?

A. Phyllis Kampmeyer. She is the audit examiner.

Q. Okay. Let's take it from the top. Tell me what this says here.

A. "Taxpayer was not educated in the field of taxes, and no intentional disregard of rules or regulations was evidenced based on taxpayer's oral testimony and all evidence provided related to the case."

Q. "And all evidence provided related to the case;" correct?

A. Correct.

Q. "TP" -- read that for us.

A. "Used and relied on Mr. Vilsaint St. Louis as her preparer to file an accurate return based on her circumstances."

Q. Moving along, I am showing you Government's Exhibit 505.
Do you recognize this document?
A. Yes.
Q. What is that?
A. It is a deposit.
Q. What is that?
A. A deposit.
Q. What is that?
A. A cancellation.
Q. Okay. What is the date?
A. February 4, 2021.
Q. And this one?
A. February 4, '21.
Q. And that cancellation is?
A. February 4, '21.
Q. All right. We see up here what?
A. Credit.
Q. And what this?
A. A debit.
Q. Okay. So, on February 4th, 2021, this deposit here was for $19,000. Then on February 4, 2021, same day -- which, by the way, was the same day you received the money; correct?
A. Correct.
Q. There is another deposit for what?
A. $10,000.

Q. And then we have this cancellation for how much?
A. $19,000.
Q. Can you explain these transactions to the jury, please?
A. Yes. I -- on -- I wanted to invest the money in Robinhood, which is a stock app. I transferred $19,000, and wasn't allowed to transfer $19,000. So, that transaction was cancelled, and then I transferred $10,000 to Robinhood.
Q. And can you explain why you weren't allowed to do that? Was that because of a regulation or a rule or procedure that Robinhood has, for instance?
A. I guess there is a rule with currency, the $19,000 or over $10,000.
Q. So, the system wouldn't let you do that transaction?
A. Correct.
Q. And, what did you do in response?
A. I transferred the other $10,000.
Q. Okay. And, at the time you tried to wire the $19,000, did you think there was anything wrong with that?
A. No.
Q. Did you think the system would accept it?
A. Yes.
Q. Now, looking at Defense Exhibit C, these emails, I see there is kind of a bright red color here, white letters, contrasted with the red background.
I want you to clarify something for the jury. When you

open up your email application, either on your phone or in your laptop or desktop, computer or iPad, you can see a preview of that email?

A. Yes.

Q. Okay. And, additionally, if you wanted to, you could click on it, open it up, and really read through the whole thing?

A. Yes.

Q. Okay. In regards to these emails, the advertisements, is that something you clicked on and read every word, word for word, or you saw it in that viewing window and got the gist of it, and understood basically what it was telling you?

A. I saw it in the viewing window and got the gist of it. It is possible I opened one of them and saw that it was all about the $20,000, the PPP forgivable loan.

Q. Okay. Now, insofar as the tax that you owed to the IRS, remember, the penalty wasn't due. You owed the tax and a little bit of interest, right?

A. Correct.

Q. Did you pay that?

A. Yes. That was -- I set up a payment plan, and that was paid off.

Q. And, how was it paid to the payment plan?

A. It was made monthly, through a payment plan.

Q. And did you write them a check?

Did you give them a credit card?

How did they actually receive the funds?
A. They came out of my bank account every month.
Q. And did it happen once a month, or every time you got paid?
A. I believe it was once a month.
Q. And was that balance paid off in full?
A. Yes, the balance is paid off in full.
Q. Let's talk about the BSO off-duty work policy.
Okay? You mentioned in your cross-examination something about your command, when Mr. Jones was asking you some questions. Can you elaborate for the jury what you were referring to, and why you did not submit the off-duty permission slip request there those years?
A. Yes. So, I now know that the rule, my understanding of it is wrong. But, at the time, I thought it was once I changed commands, that I had to resubmit a new application or a new employment form.
And, from 2017 to -- I transferred over to the Fort Lauderdale airport -- so, in 2018, I filled out my employment form, which was the last form that I filled out, and I did not leave the airport until I was transferred to SWAT, in -- until 2023.
Q. Okay. So, let's just explain to the jury what a command is. Can you explain that a little bit further for us?
A. Yes, a command is or also known as a district. So, it is one of the cities or municipalities that BSO has jurisdiction

over. So, the airport would be a district or a command, West Park would be a district or command, Parkland would be a district or command, Pompano Beach would be another district or command. So -- and each command has a captain who is the head of command, and there are people that report throughout and work throughout that command.

Q. Okay. So, if I understand you correctly, what you are telling us is that it was your misunderstanding at the time that a deputy only had to submit that form per their command, and that's why you didn't submit new ones, because you stayed in the same place that whole time; correct?

A. Correct. I submitted it to my supervisor. And yes, I thought it was -- my command never changed. I stayed at the airport while I was a working realtor.

Also, it was very well-known to my supervisor and my coworkers and everybody that I was working as a realtor. It was not like I was trying to hide that I was a realtor.

Q. Because you were trying to get business, right?

A. Yes, those were, predominantly, my clients.

Q. Let's talk about hiding.

When you went to the U.S. Attorney's Office and you submitted yourself to an interview by Special Agent Johnson, Assistant United States Attorney Jones, and two other people who were in the room, did you do that voluntarily?

A. Yes.

Q. In fact, wasn't it you that requested to set the meeting?
A. I believe so, yes.
Q. And, when you went there, didn't you sign papers agreeing to waive your right to remain silent and discuss this case with them?
A. Yes, I did.
Q. And, in that conversation, while I may have given an opening statement for a couple of seconds, wasn't it you that spoke the entire time, or at least 90 percent of the time?
A. Yes.
Q. And, did you answer all of their questions?
A. To the best of my ability, yes.
Q. Was there a single question you refused to answer?
A. No.
Q. And, didn't you tell them you were an open book?
A. Yes.
Q. And, didn't you tell them you wanted to clarify this?
A. Yes.
Q. And, didn't you tell them that you wanted to answer every question that they had?
A. Yes.
Q. And, at that time, at that time, did you have the DocuSign evidence, were you aware of the DocuSign evidence that proved that IP address was Mr. St. Louis's?
A. I don't remember.

Q. Okay. That's fair.
And, where did that interview take place?
A. At the -- I believe the U.S. Attorney's Office.
Q. In Fort Lauderdale?
A. Yes.
Q. Okay. So, you entered their Government building?
A. Yes.
Q. And, you went up to their offices?
A. Yes.
Q. Did you have to go through a metal detector?
A. Yes.
Q. Did you have to show ID?
A. Yes.
Q. Just like coming into this courthouse, right?
A. Um-hmm, yes.
Q. It is a secured Government facility, right?
A. Yes.
Q. And, you were escorted to a meeting room; correct?
A. Yes.
Q. And, when you went into that room, the door was closed, wasn't it?
A. Yes.
Q. And, the only people present were you and me, right?
A. Yes.
Q. And Assistant United States Attorney Trevor Jones?

A. Yes.
Q. And another U.S. attorney?
A. Yes.
Q. And Special Agent Tonya Johnson?
A. Yes.
Q. And Detective Earl Scott?
A. Yes.
Q. Who were those people present, and you answered every question they asked you, didn't you?
A. Yes.
Q. You weren't lying?
A. I have nothing to hide. I told the truth the whole time.
Q. And, did you feel compelled to do that, in part, because you are a law enforcement officer?
A. Yes.
Q. On February 1, 2024, when that PPP loan application was submitted on your behalf, was your audit finalized?
A. No.
Q. Was it a work in progress?
A. Yes.
Q. And, when did you ultimately find out the end result about how much was owed?
A. March 29th or April 1st, one of those days.
Q. Long after that application; correct?
A. Yes.

Q. And, long after you tried wiring the money to Robinhood, right?
A. Yes.
Q. And, when you signed your tax returns, in that moment, when they were presented to you for signature by Mr. St. Louis, was it your belief that everything that was in there was true and correct?
A. I don't know if I always signed them.
Q. You do know if you signed them?
A. No.
Q. Let me ask the question a different way. You understood that he was going to submit them to the IRS on your behalf; correct?
A. Correct.
Q. And, it was your impression and your belief and your state of mind that he was submitting true and accurate returns?
A. Yes.
Q. And returns without errors?
A. Yes.
Q. Because you don't -- nobody wants to get audited, right?
A. No. I provided him paperwork, and assumed he could -- would do the numbers based on the paperwork that I gave him.
Q. And tell me something. You are not a regular person. You are a law enforcement officer?
A. Yes.

Q. What happens at your job when a law enforcement officer gets arrested?
A. There is a lot of things that happen. I think you have to be more specific.
Q. Okay. Well, are they allowed to continue working?
A. No.
Q. Take a moment.
Because of your position, there are major consequences to this type of thing, right?
A. Yes.
Q. Now, counsel asked you, on cross-examination, if BSO continued to pay your paycheck during COVID, and you answered yes. Do you remember that?
A. Yes.
Q. When everybody was home during COVID and hiding, and social distancing, where were you?
A. Working at the airport.
Q. At the airport. Doing what?
A. Patrolling, working with my canine.
Q. So, when you got those paychecks, you were earning every penny, weren't you?
A. Yes, I was.
Q. While the rest of us stayed home.
May I have a moment, your Honor?
THE COURT: Yes.

MR. SILBER: Thank you.
BY MR. SILBER:
Q. One last thing to ask you.
I am now showing you what was previously marked as defense -- do you see it?
I showed it to you before as defense 34, for identification purposes.
Do you see the document?
A. Yes.
Q. Do you recognize this image?
A. Yes, I do.
Q. How do you recognize the image?
A. It is an image of my cell phone, and the unanswered and answered voicemails.
Q. Okay. Is that an accurate photo of the voicemail section of your personal iPhone?
A. Yes.
Q. And, obviously, because it is your iPhone, you have personal knowledge of its contents; correct?
A. Correct.
MR. SILBER: And, I would like -- your Honor, at this time, I would move to admit Defense 34 into evidence.
THE COURT: Okay. So, that will be E as in echo.
(Defendant's E was received in Evidence.)
MR. SILBER: I will mark the exhibit -- you said E,

echo, right?

THE COURT: That's what I have, my note says, yes.

BY MR. SILBER:

Q. Okay. Looking back at Defense Exhibit E, I would like to draw your attention to right here where my finger is pointed. Can you read this phone number?

A. (202) 527-3049.

Q. Yes. And what is that, where my finger is pointing?

A. It means that is an unopened message.

Q. Are you referring to the blue dot on top of my finger?

A. Yes.

Q. And why is that blue dot there?

A. Because I never heard the voicemail or answered the call.

Q. It looks like you don't really listen to voicemail at all either, do you?

A. No.

MR. SILBER: I have nothing further, your Honor.

THE COURT: All right.

Thank you. You can return to your counsel table.

(Witness Excused.)

THE COURT: All right.

Any other witnesses for the defense?

MR. SILBER: No, your Honor. At this time, the defense rests.

THE COURT: Any other witness or evidence on behalf of the Government?

MR. JONES: No, your Honor.

MR. SILBER: No, your Honor.

THE COURT: So, all right. Folks, both the Government and the defense have now rested their cases. I need to take up some legal issues with the attorneys. What I am going to do is I am going to have you order lunch during this recess while I am talking to the lawyers. When we come back, we will do the closing arguments and jury instructions, and then we will get the case in your hands so you can deliberate while you are having your lunch.

So, we will see you all back in about ten minutes. All right?

COURT SECURITY OFFICER: All rise for the jury.

[Whereupon, the jury left the courtroom at 11:15 a.m., and the following proceedings were had:]

THE COURT: All right, thank you. You may be seated.

All right. We are here in open court outside the presence of the jury; but, everybody else is here, and all parties have rested.

Any motions?

MR. SILBER: Yes. At this time, the defense would renew all previously made objections and make a motion for judgment of acquittal.

THE COURT: All right. I am going to reserve ruling on that.

I am going to give each side 30 minutes for closing arguments.

Who is going to do the argument on behalf of the Government?

MR. JONES: Trevor Jones, your Honor.

THE COURT: And how much time do you want for rebuttal.

MR. JONES: Ten minutes, your Honor.

THE COURT: All right. So, see everybody in ten minutes.

MR. SILBER: Thank you, your Honor.

So, since I have the jury instructions ready, we are going to the instructions first. That way, you can make your arguments and don't have to say, "Judge Scola is going to tell you this and that," a better use of your 30 minutes. Okay?

See everybody in ten minutes.

(Whereupon, there was a recess, after which the following proceedings were had:)

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

COURT SECURITY OFFICER: All rise for the jury.

[Whereupon, the jury entered the courtroom at 11:25 a.m., and the following proceedings were had:]

THE COURT: All right. Welcome back, everybody.

Members of the jury, ordinarily, the attorneys will make their final closing arguments to you, and then I or the judge would instruct you on the law. One of the reasons we do that is a lot of times, we are making last-minute changes to the jury instructions. So, while the lawyers are arguing, my staff is back there making those changes.

It makes more sense for me to read the instructions first, because if I don't, then the lawyers get up and they are going to say, "Well, Judge Scola is going to tell you this, and he is going to tell you this."

And, if I read the instructions first, they can just get up and make their arguments to you

And, I think it's easier for everybody. So, each of you should have a full set of the written instructions there on your chair. You can take that set of instructions with you into the jury room when you deliberate.

I also gave you a copy of the verdict form, which we will go over at the end of these instructions. I have the original verdict form which you will take back in the jury room with you. So, if you want to read along with me as I read the instructions, you may; if you want to just listen to me, you may.

All right. Members of the jury, it is my duty to instruct you on the rules of law that you must use in deciding this case.

After I have completed these instructions, you will go to the jury room and begin your discussions, what we call your deliberations.

You must decide whether the Government has proved the specific facts necessary to find the defendant guilty beyond a reasonable doubt. Your decision must be based only on the evidence presented here. You must not be influenced in any way by either sympathy for or prejudice against the defendant or the Government.

You must follow the law as I explain it, even if you do not agree with the law.

You must follow all of my instructions as a whole.

You must not single out or disregard any of the Court's instructions on the law.

The superseding indictment or formal charge against a defendant is not evidence of guilt. The law presumes every defendant is innocent. The defendant does not have to prove her innocence or produce any evidence at all.

The Government must prove guilt beyond a reasonable doubt. If it fails to do so, you must find the defendant not guilty.

The government's burden of proof is heavy, but it does not have to proven a defendant's guilt beyond a possible doubt. The government's proof only has to exclude any reasonable doubt concerning the defendant's guilt.

A reasonable doubt is a real doubt based on your reason and common sense after you have carefully and impartially considered all of the evidence in the case.

Proof beyond a reasonable doubt is proof so convincing that you would be willing to rely and act on it without hesitation in the most important of your own affairs.

If you are convinced that the defendant has been proved guilty beyond a reasonable doubt, say so. If you are not convinced, say so.

As I said before, you must consider only the evidence that I have admitted in the case. Evidence includes the testimony of witnesses, and the exhibits admitted. But, anything the lawyers say is not evidence, and is not binding on you.

You should not assume from anything I have said that I have any opinion about any factual issue in the case except for my instructions to you on the law. You should disregard anything I may have said during the trial in arriving at your own decision about the facts.

Your own recollection and interpretation of the evidence is what matters. In considering the evidence, you play use reason and common sense to make deductions and reach conclusions. You should not be concerned whether the evidence is direct or circumstantial.

Direct evidence is the testimony of a person who asserts that he or she has actual knowledge of a fact, such as an eyewitness.

Circumstantial evidence is proof of a chain of facts and circumstances that tend to prove or disprove a fact. There is no legal difference in the weight you may give to either direct or circumstantial evidence.

When I say you must consider all the evidence, I do not mean that you must accept all the evidence as true or accurate. You should decide whether you believe what each witness had to say and how important that testimony was. In making that decision, you may believe or disbelieve any witness in whole or in part. And, the number of witnesses testifying concerning a particular point does not necessarily matter.

To decide whether you believe any witness, I suggest you ask yourself a few questions:

Did the witness impress you as one who was telling the truth?

Did the witness have any particular reason not to tell the truth?

Did the witness have a personal interest in the outcome of the case?

Did the witness seem to have a good memory?

Did the witness have the opportunity and ability to accurately observe the things he or she testified about?

Did the witness appear to understand the questions clearly and answer them directly?

Did the witness' testimony differ from other testimony or other evidence?

And, since the defendant testified, you should decide whether you believe the defendant's testimony in the same way as that of any other witness.

It is entirely proper for a lawyer to talk to a witness about what testimony the witness would give if called to the courtroom.

The witness should not be discredited by talking to a lawyer about his or her testimony. You should also ask yourself whether there was evidence that a witness testified falsely about an important fact, and ask whether there was evidence that -- whether at some other time a witness said or did something, or did not say or do something that was different from the testimony the witness gave during the trial.

But, keep in mind that a simple mistake does not mean a witness was not telling the truth as he or she remembers it. People naturally tend to forget some things or to remember them inaccurately. So, if a witness misstated something, you must decide whether it was because of an innocent lapse in memory or an intentional deception. The significance of the misstatement may depend on whether the misstatement was about an important fact or about an unimportant detail.

And, a defendant has --

Well, that should not be in there.

During the trial, you heard evidence of acts allegedly done by the defendant on other occasions that are not directly related to the charged offenses. 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 crime charged in the superseding indictment; whether the defendant had a motive or the 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.

You may not consider this evidence for any other purpose. The defendant is currently on trial only for the crimes charged in the superseding indictment.

You may not convict a person simply because you think that person may have committed an act in the past that is not charged in the superseding indictment.

If the Government offers evidence that a defendant made a statement or admitted to something after being arrested or detained, you must consider that evidence with caution and great care. You must decide, for yourself, whether the defendant made the statement and, if so, how much weight to give it. To make these decisions, you must consider all the evidence about the statement, including the circumstances under which it was made.

You have been permitted to take notes during the trial. Many of you have taken advantage of that opportunity. You must use your notes only as a memory aid during deliberations. You must not give your notes priority over your independent recollection of the evidence, and you must not allow yourself to be unduly influenced by the notes of other jurors. I emphasize notes are not entitled to any greater weight than your memories or impressions of the testimony.

The superseding indictment charges four separate crimes called counts against the defendant; each count has a number. And, you will be given a copy of the superseding indictment to refer to during your deliberations

Count 1 charges that the defendant knowingly and willfully conspired to defraud the United States by submitting false information to the Small Business Administration in relation to a Paycheck Protection Program loan.

Counts 2 through 4 charge the defendant committed what are called substantive offenses; specifically, Counts 2 and 3 charge the defendant made or caused to be made false statements to the Small Business Administration, and, Count 4 charges defendant committed wire fraud.

I will explain the law governing those substantive offenses in a moment. But, first, note that the defendant is not charged in Count 1 with committing a substantive offense. She is charged with conspiring to commit that offense.

I will give you specific instructions on conspiracy in a moment.

Where a statute specifies multiple alternative ways in which an offense may be committed, the superseding indictment may allege the multiple ways in the conjunctive; that is by using the word "and."

If only one of the alternatives is proved beyond a reasonable doubt, that is sufficient for a conviction, so long as you agree unanimously as to that alternative.

The word knowingly means an act was done voluntarily and intentionally and not because of a mistake or by accident. The word willfully means that the act was committed voluntarily and purposely, with the intent to do something the law forbids, that's with the bad purpose to disobey or disregard the law.

While a person must have acted with the intent to do something the law forbids, before you can find the person acted willfully, the person need not be aware of the specific law or rule that her conduct may be violating.

You will see that the superseding indictment charges that a crime was committed on or about a certain date. The Government does not have to prove that offense occurred on an exact date. The Government only has to prove beyond a reasonable doubt that the crime was committed on a date reasonably close to the date alleged.

Every count of the superseding indictment charges a separate crime. You must consider each and the evidence related to it separately.

If you find the defendant guilty of or not guilty of one crime, that must not affect your verdict for any other crime.

I caution you the defendant is on trial only for the specific crimes charged in the superseding indictment. You are here to determine from the evidence in this case whether the defendant is guilty or not guilty of those specific crimes.

You must never consider punishment in any way to decide whether the defendant is guilty or not guilty. If you find the defendant guilty, the punishment is for me alone to decide later.

Q. All right. I will now define for you the elements of the crime in Count 1, which is the conspiracy count.

Now, in order to fully consider the conspiracy count, you have to read this in conjunction with the definition of false statements to the SBA, which is contained on Page 12. That is the crime that is actually charged in Counts 2 and 3.

For you to understand whether the defendant conspired to commit Counts 2 and 3, you have to use those elements in your consideration of the general conspiracy charge.

So, it is a separate federal crime for anyone to conspire or agree with someone else to do something that would be another federal crime if it is actually carried out.

A conspiracy is an agreement by two or more people to commit an unlawful act. In other words, it is a kind of partnership for criminal purposes.

Every member of a conspiracy becomes the agent or partner of every other member. The Government does not have to prove that all the people named in the superseding indictment were members of the plan, or that these who were members made any kind of formal agreement. The Government does not have to prove that the members planned together all the details of the plan, or the overt acts of the superseding indictment charges would be carried out in an effort to commit the intended crime

The heart of a conspiracy is the making of the unlawful plan, itself, followed by the commission of any overt act.

The Government does not have to prove that the conspirators succeeded in carrying out the plan. The defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt: Number one, two or more persons, in some way, agreed to try to accomplish a shared and unlawful plan;

Number two, the defendant knew the unlawful purposes of the plan and willfully joined in it.

Number three, during the conspiracy, one of the conspirators knowingly engaged in at least one overt act as described in the superseding indictment;

And, number four, the overt acts were committed at or about the time alleged in and with the purpose of carrying out or accomplishing some object of the conspiracy.

An overt act is any transaction or event, even one that may be entirely innocent, when viewed alone, that conspirator commits to accomplish some object of the conspiracy.

A person may be a conspirator without knowing all the details of the unlawful plan or the names and identities of all the other alleged conspirators.

If the defendant played only a minor part in the plan, but had a general understanding of the unlawful purpose of the plan, and willfully joined in the plan on at least one occasion, that is sufficient for you to find the defendant guilty.

But, simply being present at the scene of an event or merely associating with certain people and discussing common goals and interests does not establish proof of a conspiracy.

A person who does not know about a conspiracy but happens to act in a way that advances some purpose of one does not automatically become a conspirator.

Next, I will next define for you the elements of false statements to the SBA; and, again, you would use this for Counts 2 and 3, and you would also use it as to Count 1, which I just explained to you.

It is a federal crime to knowingly make any false statement for the purpose of obtaining a loan from the U.S.

Small Business Administration, or for the purpose of influencing the action of the SBA, in any way.

The defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt: Number one, the defendant knowingly made any false statements and, number two, the false statement was for the purpose of obtaining for herself or for any applicant any loan, or for the purpose of influencing in any way the action of the SBA.

A statement is false if it is untrue when made, and the person making it knows it is untrue.

All right. I will now define for you the elements of wire fraud which is found in Count 4.

It is a federal crime to use interstate wire, radio, or television communications to carry out a scheme to defraud someone else. The defendant can be found guilty of the crime only if the following facts are proved beyond a reasonable doubt:

Number one, the defendant knowingly devised or participated in a scheme to defraud someone else by using false or fraudulent pretenses, representations, or promises;

Number two, the false pretenses, representations or promises were about a material fact;

Number three, the defendant acted with the intent to defraud;

And, number four, the defendant transmitted or caused to be transmitted by wire some communication in interstate commerce to help carry out the scheme to defraud.

A scheme to defraud means any plan or course of action intended to deceive or cheat someone out of money or property by using false or fraudulent pretenses, representations, or promises.

A statement or representation is false or fraudulent if it is about a material fact that the speaker knows is untrue, or makes with reckless indifference to the truth, and makes with the intent to defraud.

A statement or representation may be false or fraudulent when it is a half-truth, or effectively conceals a material fact and is made with the intent to defraud

A material fact is an important fact that a reasonable person would use to decide whether to do or not do something.

A fact is material if it has the capacity or natural tendency to influence a person's decision.

It does not matter whether the decisionmaker actually relied on the statement or knew or should have known that the statement was false.

To act with intent to defraud means to act knowingly and with the specific intent to use false or fraudulent pretenses, representations, or promises to cause loss or injury.

Proving intent to deceive, alone, without the intent to cause loss or injury is not sufficient to prove intent to defraud.

The Government does not have to prove all the details alleged in the superseding indictment about the precise nature and purpose of the scheme.

It also does not have to prove the material transmitted by interstate wire was, itself, false or fraudulent; or using the wire was intended as the specific or exclusive means of carrying out the alleged fraud; or, that the defendant personally made the transmission over the wire. And, it does not have to prove that the alleged scheme actually succeeded in defrauding anyone.

To use interstate wire communications is to act so that something would normally be sent through wire, radio, or television communications in the normal course of business.

Each separate use of the interstate wire communications as part of the scheme to defraud is a separate crime.

If a defendant's knowledge of a fact is an essential part of a crime, it is enough that the defendant was aware of a high probability that the fact existed, unless the defendant actually believed the fact did not exist.

Deliberate avoidance of positive knowledge, which is the equivalent the knowledge, occurs, for example, if a defendant possesses a package and believes it contains a controlled substance, but deliberately avoids learning that it contains the controlled substance so that she or he can deny knowledge of the package's contents.

So, you may find that the defendant knew about the scheme to defraud or false statements if you determine beyond a reasonable doubt that the defendant, one, actually knew about the scheme to defraud, or, false statements; or, two, had every reason to know but deliberately closed her eyes.

But, I must emphasize that negligence, carelessness, or foolishness is not enough to prove that the defendant knew about the scheme to defraud or the false statements.

It is possible to prove the defendant guilty of a crime even without evidence that the defendant personally performed every act charged. Ordinarily, any act a person can do may be done by directing another person or agent. Or, it may be done by acting with or under the direction of others. A defendant aids or abets or aids and abets a person if the defendant intentionally joins with the person to commit a crime.

A defendant is criminally responsible for the acts of another person if the defendant aids and abets the other person.

A defendant is also responsible if the defendant willfully directs or authorizes the acts of an agent, employee, or other associate.

But, finding that a defendant is criminally responsible for the acts of another person requires proof that the defendant intentionally associated with or participated in the crime, not just prove that the defendant was simply present at the scene of the crime or knew about it.

In other words, you must find beyond a reasonable doubt that the defendant was a willful participant and not merely a knowing spectator.

As I explained earlier, as part of the instructions on conspiracy, the Government must prove that the defendant willfully joined the conspiracy.

Good faith is a complete defense to the conspiracy count since good faith on the part of the defendant is inconsistent with willfulness, and wilfulness is also an essential part of that charge.

If the defendant acted in good faith in her interactions with Vilsaint St. Louis, then the defendant did not act willfully. The burden is not on the defendant to prove good faith intent, because the defendant does not need to prove anything.

The Government must establish proof beyond a reasonable doubt that the defendant acted willfully in joining the conspiracy.

If you find beyond a reasonable doubt that the defendant specifically intended to join the conspiracy to make false statements to the SBA, then the element of willfulness is satisfied, and this instruction only applies to Count 1 of the superseding indictment.

Good faith is a complete defense account for wire fraud since that count requires intent to defraud. Again, a defendant is not required to prove good faith. The Government must prove intent to defraud beyond a reasonable doubt. An honestly held opinion or an honestly formed belief cannot be fraudulent intent, even if the opinion or belief is mistaken. Similarly, evidence of a mistake in judgment or an error in management or carelessness cannot establish fraudulent intent.

But, an honest belief that a business venture would ultimately succeed does not constitute good faith if the defendant intended to deceive others by making representations that the defendant knew to be false or fraudulent.

This instruction only applies to Count 4

Your verdict, whether guilty or not guilty, it must be unanimous. In other words, all 12 of you must agree.

Your deliberations are secret, and you will never have to explain your verdict to anyone.

Each of you must decide the case for yourself, but only after fully considering the evidence with the other jurors. So, you must discuss the case with one another and try to reach an agreement. While you are discussing the case, do not hesitate to reexamine your own opinion and change your mind if you become convinced that you were wrong. But, do not give up your honest beliefs just because others thing differently or because you simply want to get the case over with.

Remember that in a very real way, you are judges, judges of the facts. Your only interest is to seek the truth from the evidence in the case.

When you go to the jury room, you will choose one of your members to act as a foreperson. The foreperson will direct your deliberations and will speak for you in court.

And for your convenience, we have prepared a verdict form for you. So, if you put the jury instruction to the side for a second and pick up the copy of the verdict form. So, you can take your copy of the jury instructions back with you during the deliberations. But, leave the extra verdict forms on your chairs. I have the original verdict form, and I have highlighted the heading, "Verdict" and the date and the place with the signature and the foreperson juror number. So, we know this is the original.

So, it has the style of the case, heading, "verdict", and it says, "We the jury in the above-captioned case unanimously find the defendant, Alexandra Acosta, as to Count 1 of the superseding indictment, of the crime of conspiracy," and then there are two options; either guilty or not guilty.

When all 12 of you agree on one of those two options, the foreperson would check the appropriate box and then you would move to your consideration of Count 2, which is alleged as a false statement again.

There are two options for Count 2; two options for Count 3, two options for Count 4. Each of those are those guilty or not guilty. And, all 12 of you have to agree on all of -- each of those four options.

And then there is a date. We have been confident enough to believe you will have something sometime in the month of June. So, we typed in June. Today is June 5th. I don't know if you will have a verdict today; but, if you do, you put down the fifth. If it is not today, then you put down tomorrow's date, or whatever other day you come up with a verdict.

And, there is a line for the foreperson to the verdict form and put down his or her jury number.

So, I will give you some additional instructions on the logistics of the deliberations and our communications with each other after the closing arguments.

So, at this point in time, we are going forward with the final or closing arguments by the attorneys. I want to remind you that what the attorneys are about to tell you is not evidence.

You have heard all the evidence in the case. But the closing arguments are a very important part of the case because in these arguments, the attorneys are allowed to argue to you why they believe the case has or has not been proven.

Under our rules, each side will have an equal amount of time to present its argument. But, because the Government has the burden of proof, it has the right to go first and last. So, we are going to hear first from Mr. Jones on behalf of the Government, then from Mr. Silva on behalf of the defendant, and then, finally, from Mr. Jones again on behalf of the Government.

So, please give each of those attorneys your full attention, starting with, at this time, with Mr. Jones.

MR. JONES: Thank you, your Honor.

Quid pro quo.

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

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

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

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

That applies to Count 4. That is wire fraud. The parties agree that this, that element of the case has been met. I don't believe there is any dispute here between the parties that there was false statements. And, in these PPP loans; correct? I think we are all on the same page, that the number 8,300 and some-odd dollars on average monthly payroll. That is false; that the funds were going to be used for certain expenses, false; the fact that Ms. Alex Acosta potentially signed it could be false. So, what are we talking about now?

Knowledge.

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

Nobody was in the room that day besides those two.

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

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

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

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

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

Memory doesn't get better with age. It was exactly the first time she spoke about it. It was fresh in her mind. It was 2021, this was for two I 19-year, 2018-year and she knew that she had gone in that day for two of those years, and sat with him to get lower expenses calculated for her tax return.

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

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

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

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

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

The IRS sends this examination report changes.

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

Ms. Acosta got that. Her tax preparer got it. They saw it. They met together on February 1st. And, that's not all.

They actually had a call with the IRS about those charges that day.

And, this wasn't over the course of seven hours. This was during the period in which she had come into the office, during her lunch break, spent about an hour there, probably, and sat with him. They had a call with the auditor, and then boom, the application for PPP loan was created around noon that same day.

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

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

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

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

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

Okay, let's think about that.

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

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

It doesn't make any sense.

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

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

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

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

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

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

When the tax auditor told her that "You can get out of doing it by writing a letter blaming him," that is what she did. She changed her story. She was working that case up. She was trying to get the emails. Look. What you will see and what you have seen is that there is correspondence about this tax case with her, between her and St. Louis.

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

She is not doing that at all.

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

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

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

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

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

She knows it is a side hustle. Right?

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

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

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

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

Pure gratis.

It is illogical.

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

And then it is in the attachment you have to the application, with the first part of it shows this income amount of $8,000. It is in the first section. She knows she was not entitled to 20,180 based on the 2019 income of $13,000. She knew that. And, that is why she didn't share that information with anyone she cared about.

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

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

When her wife can't even really trust what she is doing because she doesn't disclose significant events. They are not -- this is not buying an energy drink six times a week. These were two massive life events, in theory; you have a tax audit, which isn't a small deal. It is big. And, you hide that from your spouse. And then you hide what is purportedly a good thing from your spouse. If you listen to her theory that somehow, she was entitled to this, why wouldn't you tell your wife?

It is $20,000.

This is not a girlfriend. It is not an acquaintance.

We are talking about her mother didn't know she did it, and her wife. That is how you know that she knew.

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

They are together.

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

No problem.

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

She pushes the G-mail. Sure.

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

20 grand is perfect.

Deliberate ignorance?

Yes.

There is -- as you walk through the evidence that will go back with you, it is not a massive amount of data within a very small period of time. Remember, we have circumstantial evidence of getting into the state of mind of defendant Acosta;

the timing of when the application was created, the timing of when the forgiveness application was created, where she was during that period. She was with him when that loan was created, when that loan application was created.

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

Again, we all agree, false statement.

The only remaining element is knowledge.

She knew.

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

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

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

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

What is the benefit?

Why would St. Louis do this at all?

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

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

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

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

THE COURT: You have used 20 minutes.

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

THE COURT: Okay.

MR. SILBER: Thank you.

THE COURT: Mr. Silber?

MR. SILBER: Yes, your Honor.

73.56.139.104.

73.56.139.104.

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

73.56.139.104.

73.56.139.104.

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

February 1st, 2021; 73.56.139.104.

February 2nd, 2021; 73.56.139.104.

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

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

Look at all these initials here and there.

There it is. DocuSign.

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

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

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

What did she tell us about this signature here?

We can see this is the forgiveness application.

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

Because it is not authenticated.

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

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

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

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

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

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

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

How did she spend the money?

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

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

Who cares what she did in college?

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

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

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

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

Let's talk about the IRS evidence.

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

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

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

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

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

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

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

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

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

And, do you know what that is called?

That is abuse of a position of trust.

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

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

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

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

She is a straight A student. Okay?

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

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

And, that is also why none of this makes sense. Because to believe their story, this is what we have to think: This guy, this tax preparer, he has his law enforcement client come into his office -- oh, by the way, and her wife also is a sergeant in a police department -- and, he says, "Hey, no problem. Don't worry about your taxes. This is what we are going to do. We are going to go rob a bank."

Is that what he tells the SWAT officer?

Is that the plan?

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

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

What did I tell you in the opening statements?

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

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

And, only those two know what was said.

And, the problem is this, for the Government --

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

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

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

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

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

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

The defendant knowingly made a false statement.

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

He is the one that submitted it.

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

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

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

And, let's talk about what that means.

How does that work?

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

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

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

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

Did they sit down together and prepare it together?

Yeah. But, what does that mean?

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

That is -- that is not what this is.

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

What did the note say?

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

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

What else could she do?

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

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

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

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

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

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

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

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

Another thing, I am going to make a comparison.

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

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

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

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

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

A good tax preparer?

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

She never had a reason to question his honesty.

She never had a reason to question his honesty.

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

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

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

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

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

They need to prove she is guilty.

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

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

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

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

THE COURT: All right. Thank you.

Mr. Jones?

Do you want either the ELMO or your computer on?

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

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

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

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

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

Who got the money?

The defendant.

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

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

It is just -- it strains credulity.

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

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

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

It is Ms. Acosta and her defense counsel want you to believe that she walked out one day and got struck by lightning; she was on top of the mountain, holding the rod, telling somebody to get the lightning machine going and then activate it. That wasn't what happened. This wasn't a mistake, a bunch of coincidences that all don't add up.

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

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

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

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

Motive.

Defense counsel can talk about St. Louis, some bad guy.

He clearly is involved in this fraud. I didn't choose him. The Government didn't choose him as our tax preparer. She chose him as her tax preparer, this guy who is capable of doing this.

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

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

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

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

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

That doesn't click.

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

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

Nobody.

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

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

Thank you.

THE COURT: All right. Thank you.

All right. Members of the jury, in just a minute, I am going to ask you to go back into the jury room to commence your deliberations. Your lunch should be there. You can have a working lunch while you're deliberating.

So, before we do that, we have been very careful throughout the trial to make sure there was no contact between you and the lawyers and the witnesses and the parties. During deliberations, you are not even allowed to have discussions with the staff anymore. So, any communications you have during the deliberations have to be in writing.

So, I am giving you, to bring with you also, a number of juror notes or questions. So, if you have a question or concern or verdict, if you have a verdict, write down, "We have a verdict."

Knock on the door and hand the note to everyone answers. Don't engage in conversation. If you have some kind of a question, then write it down, knock on the door and hand the person who answers the door the note

I cannot receive your verdict and answer your question until I consult with the attorneys and get everybody here either to take your verdict or to decide what our response should be. So, if there is some delay, it is not because we are ignoring you. We are just regathering to decide what the answer should be, or to accept your verdict.

Also, we want to make sure that you have no outside or contact with the outside world while you are deliberating. So, we are going to, while you are in the room deliberating, take your phones, or if anybody brought an iPad or laptop. That doesn't mean you can't use them. Okay?

So, first of all, before we take them, and before you start your deliberations, if you want to call home or work or something now, you can do that. Let's say it gets to be 3:00 o'clock and you want to call your spouse or call work. You will all stop your deliberations and we will give you your phone and you can make your phone call.

Again, even though you are now allowed to discuss the case, you can only discuss the case when all 12 of you are there. So, if one of two people make a phone call, the other ten of you need to stop and not deliberate until they come back.

If, for some reason, you don't have a verdict tomorrow, I know Mr. Morrison still has to leave at five.

But, I may give you enough time, but I don't know how long it is going to take, that you reach a verdict. If, for some reason, you don't have a verdict today, then and you are leaving, and six of you are walking to your car, if you are parked in a section at the back of the metro rail, you can't have conversations in those smaller groups.

So, what you do is come back tomorrow. And, if three of you are there, or 11 of you, again, until all 12 of you are there, you can't discuss the case.

So, when you go back, you can and should take your full copy of the written jury instructions. Leave the extra verdict form behind. I have the original verdict form here, I have a copy of the superseding indictment, and I have a bunch of the note things here that we will give you.

And, in just a couple of minutes, we will have all of the evidence back before you on --

I am trying to think. I don't believe there were any things referred to that didn't actually come into evidence.

I don't think that happened in this case.

So, we will have all of the items in evidence back for your consideration in just a couple of minutes.

And, Ms. Navarre, you were the alternate juror. If you could remain in the courtroom for a minute, I will explain to you your obligation as the alternate juror.

So, at this time, I would ask the 12 jurors to retire to the jury room. Again, if you want to make some calls before you start your deliberations -- but, once you are ready to get started, you turn your phones over and commence your deliberations.

THE COURTROOM DEPUTY: All rise for the jury.

[Whereupon, the jury left the courtroom at 12:47, and the following proceedings were had:]

THE COURT: Thank you. Please be seated.

Ms. Navarre, I don't know if you realized that you were one of the alternate jurors in this case.

Many times, even for a relatively short case, one of the jurors has some kind of family or business or health emergency. And, so, we need to have at least 12 -- we need to have 12 jurors.

We would have fewer that 12 jurors to reach a verdict. In fact, we saw Ms. Hernandez -- we, unfortunately, lost her because of a medical issue. So, one of the other alternates took her place.

So, I am going to allow you to go home, work, wherever you want to be; but, I am not excusing you as a juror in the case. It is possible, and I have had it happen three times in my career, that even during deliberations, you know, something may happen with one of the jurors, and then we would recall you to come in and tell the other jurors to commence your deliberations now with you. Again, that is very unlikely to happen, but it is possible. So, you are still under your oath as a juror not to discuss the case, not to read anything about the case.

What I suggest you do is if it gets close to the end of the day, around 5, 5:30, call the office and find out if the jury has reached a verdict. If they have reached a verdict, then you are excused in your obligations as a juror in this case.

If they have not reached a verdict, then call, like, midday tomorrow. I would suggest that.

So, once the jury reaches a verdict, you are done with your obligation as a juror in this case. Remember, that is a two-week trial period, if you want to be left on. So, in case another judge is picking a jury tomorrow or next week, we will do that.

But, as I said, if you served on a jury, and want to be excused for the rest of the two-week period, we will also let you do that. So, before you leave, let Jacob know if you want to stay on the service list for the rest of this week and next week, or whether you want to be excused.

We also ordered lunch for you already. So, you can't eat lunch with the other jurors. But, if you want to take the lunch with you, you can, or whatever you want to do.

And, do you have any personal belongings in the jury room?

ALTERNATE JUROR: I have my lunch.

THE COURT: Sorry? I didn't hear you.

ALTERNATE JUROR: I have my own lunch.

THE COURT: You have your own lunch. Perfect. So, you can go with Jacob into the jury room. And, again, you are free to go. But, you are not excused from your obligation as a juror. All right?

Thank you. All rise for the alternate juror.

(The alternate juror left the courtroom, and the following proceedings were had:)

THE COURT: All right. Thank you. Be seated.

We are here outside the presence of the jurors, but everyone else is here.

So, before we recess, I want the attorneys to make sure you give my law clerk your cell phone numbers and email addresses so we can get in touch with you.

Do not leave the building. If you need to eat, you can go to the 7th floor, or your office here.

Don't the U.S. attorneys have an office here?

MR. JONES: Yes, the grand jury room.

THE COURT: So, don't leave the building until we hear from the jurors.

Thank you all for your very excellent and professional preparations, and good luck, and we will see you when we hear from the jury.

COURT SECURITY OFFICER: All rise.

(Whereupon, there was a recess, after which the following proceedings were had:)

THE COURT: Wait.

The evidence in the case -- I have for the Government, in evidence, all of the exhibits on your exhibit list except for one, 500B, 500B as in bravo, 502, 503.

MR. JONES: Did you say 150A and 150B not in evidence?

THE COURT: I said B, but yes, 150A is also not in evidence. 150 is.

MR. JONES: Okay.
THE COURT: And, for the defense, I --
MR. SILBER: I have them all right here, your Honor.
THE COURT: I have --
MR. SILBER: A, B, C, D, and E.
THE COURT: Correct.
MR. JONES: 607 is not in evidence. It is just a placeholder.
THE COURT: I missed that. But, yes, I have that it is not in evidence, also.
So, look at each other's exhibits that are going to go back.
Have you marked copies of all exhibits?
MR. JONES: I have the jury laptop and flash drive. I also have copies of our own, and I can give back the binder and the laptop.
THE COURT: And does the laptop need a password?
MR. JONES: The laptop doesn't. That is why it is the jury's laptop, Judge.
THE COURT: But, there is no digital, like, videos or recordings?
MR. JONES: No.
THE COURT: So, if you have a hard copy, let's just give them all hard copies of everything.
MR. JONES: Sounds good.

THE COURT: So, does -- Mr. Jones, have you seen his, and make sure --

MR. JONES: Why don't we sit and chat and make sure.

THE COURT: Yes, make sure. Look at each other's, and give them to the court security officer, and then when you do that, give your information, contact information to my law clerk. Then you can be in recess until we hear from the jurors. Don't leave the building.

All right. Thank you.

MR. JONES: Thank you, your Honor.

(Whereupon, at 12:54 p.m., there was a recess, after which the following proceedings were had at 3:37 p.m.:)

COURT SECURITY OFFICER: All rise.

THE COURT: All right. Let's go back on the record. We have a note from the jury that they have reached a verdict.

Please bring in the jury.

COURT SECURITY OFFICER: Please remain standing for the jury.

[Whereupon, the jury entered the courtroom, and the following proceedings were had at 4:40 p.m.:]

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

All right. We received your note that you have reached a verdict. Would the foreperson please hand the verdict form to the court security officer.

THE COURT: All right. Would the clerk please publish the verdict.

THE COURTROOM DEPUTY: Yes.

United States District Court, Southern District of Florida, United States of America versus Alexander Acosta, verdict: "We, the jury in the above-captioned cause unanimously find the defendant, Alexander Acosta, as to Count 1 of the superseding indictment, guilty;

And, as to Count 2, guilty;

As to Count 3, guilty;

As to Count 4, guilty.

So say we all."

It is dated this fifth day of June of 2024, and it is signed by the foreperson.

THE COURT: Will you please poll the jury?

THE COURTROOM DEPUTY: Yes.

Members of the jury, you have just heard me read the verdict in this case. When I say your juror number, please answer yes, if this is your verdict, or no.

Juror No. 1, is this your verdict?

JUROR NO. 1: Yes.

THE COURTROOM DEPUTY: Juror No. 2, is this your verdict?

JUROR NO. 2: Yes.

THE COURTROOM DEPUTY: Juror No. 3, is this your verdict?

JUROR NO. 3: Yes.

THE COURTROOM DEPUTY: Juror No. 4, is this your verdict?

JUROR NO. 4: Yes.

THE COURTROOM DEPUTY: Juror No. 5, is this your verdict?

JUROR NO. 5: Yes.

THE COURTROOM DEPUTY: Juror No. 7, is this your verdict?

JUROR NO. 7: Yes.

THE COURTROOM DEPUTY: Juror No. 8, is this your verdict?

JUROR NO. 8: Yes.

THE COURTROOM DEPUTY: Juror No. 9, is this your verdict?

JUROR NO. 9: Yes.

THE COURTROOM DEPUTY: Juror No. 10, is this your verdict?

JUROR NO. 10: Yes.

THE COURTROOM DEPUTY: Juror No. 11, is this your verdict?

JUROR NO. 11: Yes.

THE COURTROOM DEPUTY: Juror No. 12, is this your verdict?

JUROR NO. 12: Yes.

THE COURTROOM DEPUTY: And, Juror No. 13, is this your verdict?

JUROR NO. 13: Yes.

THE COURT: All right. The jurors have acceded in the verdict.

All right. Members of the jury, now that you have reached a verdict, you have concluded your obligation as jurors in this case.

And, I also have indicated to you that if you wanted to be excused for the rest of the two-week trial period, if you were selected, then I would excuse you.

So, I am going to leave that up to you. So, before you leave, just let Jacob know if you want to continue to be available to serve, then we will leave you on the list.

If not, you will be excused for the rest of the two-week trial period.

On behalf of all of us, the staff that participated, I want to thank you for the time you gave us and the careful consideration that I know you gave to the case prior to reaching your verdict.

As a small token of appreciation, I have a certificate of appreciation which Jacob is about to give you on the way out.

And, now that you are former jurors, I want you to know that you enjoy certain rights and privileges.

For over 200 years, we have relied upon citizens such as yourselves to make these difficult decisions in these serious cases.

For that reason, when you leave here today, if you never want to speak about the case, you don't have to.

In fact, under our rules, the attorneys are prohibited from approaching you and asking you about the case. But, this is a free country. If you want to discuss the case with anyone, you are also free to do that. But, I want to emphasize that that should be your decision and not someone else's.

So, please make sure that you gather any of your personal belongings, if you left them in the jury room.

And, again, with all of our thanks, you are free to go.

All rise for the jury.

[Whereupon, the jury left the courtroom, and the following proceedings were had at 4:44 p.m.:]

THE COURT: All right. Thank you. Please be seated.

We are here in open court outside the presence of the jurors, but everybody else is here.

I am going to set sentencing on this matter for August 27th.

Is anybody on vacation at that time, or, most people are back by then?

MR. JONES: No, your Honor.

THE COURT: Mr. Silber, are you available?

MR. SILBER: I am checking right now. I am available.

THE COURT: All right. I will set sentencing at 8:30 on August 27th.

And, I am going to order a Presentence Investigation Report.

And, I am going to order that any post trial motions be filed by July 19th.

And what is the Government's position as to the release or nonrelease of the defendant, pending her sentencing?

MR. JONES: I believe that she should be allowed out on the current bond, your Honor.

THE COURT: And what is the current bond?

MR. JONES: I think it is a --

MR. SILBER: Promissory.

MR. JONES: -- personal surety bond, standard conditions.

THE COURT: Ms. Acosta, I will allow you to remain free with the same conditions of release until your sentencing on August 27th.

Is there anything further from either the Government or the defendant this afternoon?

MR. JONES: Not from the Government, your Honor.

MR. SILBER: Your Honor, has the Court reserved ruling on my judgment for judgment of acquittal?

THE COURT: That is why I give a deadline to file post-trial motions, to take up that issue.

MR. SILBER: I understand. I thought you were going to announce today.

THE COURT: And, it is in a very unusual situation that I would do that. And, I am not going to substitute my judgment for that of the jurors; but, obviously, on the rare occasion, I would reserve ruling.

So, I will give both sides an opportunity to fully brief the issue. Okay?

So, I am going to let you remain free with the same conditions of release until the sentencing on August 27th.

And, you should have motions and any response, and I will set the date for arguments on that, once I have everything. I don't want to do it now and then find out that they order the transcript and we don't have the transcript and we need more time.

So, I will set the sentencing date so we have a future date. Okay?

All right. So, we will be in recess on this matter.

MR. SILBER: Thank you, your Honor.

MR. JONES: Thank you, your Honor.

COURT SECURITY OFFICER: All rise.

(Proceedings adjourned at 4:49 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 14, 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

B

D

E

F

G

J

Q

R