

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

4 UNITED STATES OF AMERICA, Miami, Florida
5 Plaintiff, June 5, 2024
6 vs. 9:05 a.m. - 4:49 p.m.
7 ALEXANDRA ACOSTA,
8 Defendant. Pages 1 to

9
10 JURY TRIAL
11 BEFORE THE HONORABLE ROBERT N. SCOLA
12 UNITED STATES DISTRICT JUDGE

12 APPEARANCES:

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1 STENOGRAPHICALLY REPORTED BY:

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I N D E X

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WITNESS

Direct

Cross

Red.

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ALEXANDRA ACOSTA

By Mr. Jones

16 (Cont'd)

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By Mr. Silber

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GOVT. Exhibit No.:

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DEFENSE Exhibit:

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1 (The following proceedings were had:)

2 COURT SECURITY OFFICER: All rise.

3 THE COURT: Good morning, everyone. Welcome.

4 Please be seated.

5 MR. SILBER: Good morning, your Honor.

6 MR. JONES: Good morning, your Honor.

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

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

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

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

16 Page 2 is the burden of proof.

17 Page 3 is direct and circumstantial evidence.

18 Page 4 is the credibility of the witnesses.

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

24 Do you all want it in there?

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

1 instruction.

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

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

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

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

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

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

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

13 We will keep it in, your Honor.

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

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

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

22 Conjunctive charged count on Page 7.

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

25 And then, the general conspiracy charges on Page 10 and

1 11, I don't believe there's any issues with that.

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

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

10 MR. SILBER: Page 12?

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

12 MR. SILBER: Okay.

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

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

17 Thank you.

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

20 THE COURT: Yes. You are asking for a good faith
21 defense instruction to apply to all of the counts. So, I'm
22 trying to understand. I mean, it certainly would apply -- I
23 think even the government agrees that it would apply to the
24 wire fraud count; but, I am trying to understand how,
25 particularly now, since we are telling the jury that the

1 government approved the defendant knowingly made a false
2 statement, how someone can, in good faith, make a false
3 statement?

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

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

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

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

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

23 In other words, if you adopt the government's theory of
24 the case -- you are saying they worked together. You are
25 saying she knew. You are saying that even though she was not

1 the one who did the submission, she was part of it.

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

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

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

12 MR. JONES: The government has no objection.

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

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

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

19 Page 17, aiding and abetting, you agreed to that.

20 So --

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

22 THE COURT: Yes.

23 MR. SILBER: An honestly held opinion, under the second
24 good faith instruction, so that's where I feel they need to
25 hear this, because she had an honestly held opinion that her

1 tax preparer was acting honestly when she authorized him to
2 submit a PPP application.

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

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

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

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

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

23 So, the question is, if I am going to give the good
24 faith instruction and say if good faith is a complete defense
25 to the charge in Count 4, wire fraud, then do we give one of

1 these, or both of them?

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

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

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

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

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

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

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

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

1 MR. JONES: Pursuant to United States versus Feola. It
2 is 420 United States 671 pin site 686, 687. This is from the
3 11th Circuit handbook.

4 In a prosecution under the general conspiracy statute,
5 18 USC 371, a mens rea requirement, the substantive offense is
6 important to the conspiracy; thus, if the substantive offense
7 is the object of the conspiracy as a general intent crime, such
8 as we have here, then a conspiracy to commit that offense does
9 not require proof of specific intent to violate the law. So,
10 the willfulness to join the conspiracy, it is not the -- it
11 does not willingly violate the SBA laws.

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

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

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

21 "If the defendant acted in good faith in her
22 interactions with Vilsaint St. Louis, and the defendant did not
23 act willfully, the burden of proof is not on the defendant to
24 prove good faith intent because the defendant does not need to
25 prove anything. The Government must establish beyond a

1 reasonable doubt that the defendant acted willfully in joining
2 the conspiracy.

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

7 Does the defense have any objection to that?

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

10 THE COURT: As I explained earlier?

11 MR. SILBER: Yes, just after that.

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

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

19 THE COURT: Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 THE COURT: Okay. So on Page 19, the other good faith

1 defense instruction says, "Good faith is a complete defense to
2 Count 4 of wire fraud since that crime required intent to
3 defraud."

4 I believe we will leave the rest of it there.

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

7 All right. Any objection to that?

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

10 MR. SILBER: No, your Honor.

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

15 Any objections to the verdict form?

16 MR. JONES: No, your Honor.

17 MR. SILBER: No, your Honor.

18 THE COURT: Okay.

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

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

24 THE COURT: One second.

25 MR. SILBER: Sorry.

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

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

9 MR. JONES: No, your Honor.

10 MR. SILBER: No, your Honor.

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

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

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

16 THE COURT: Yes.

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

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

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

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

1 THE COURT: Okay.

2 MR. SILBER: Two quick matters, your Honor; one, would
3 the court permit the jury to receive the jury instructions and
4 take them back with them?

5 THE COURT: Yes.

6 MR. SILBER: I don't know what your practice is.

7 THE COURT: I give every juror their own copy.

8 MR. SILBER: Excellent.

9 And, can we take a quick bathroom break?

10 My client has to use the bathroom.

11 THE COURT: Are all the jurors here?

12 Except for Ms. Paloma Hernandez. She is not going to
13 be here.

14 Go ahead.

15 MR. SILBER: Thank you. And can we use the restroom on
16 this floor?

17 THE COURT: Yes.

18 All right, Ms. Acosta. If you could retake the stand,
19 and let's bring in the jurors.

20 COURT SECURITY OFFICER: All rise for the jury.

21 [Whereupon, the jury entered the courtroom at 9:04
22 a.m., and the following proceedings were had:]

23 THE COURT: Welcome back, everyone, and please be
24 seated.

25 All right, folks. As you notice, Ms. Hernandez, our

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

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

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

10 Mr. Jones.

11 MR. JONES: Thank you, your Honor.

12 CROSS-EXAMINATION (Cont'd)

13 BY MR. JONES:

14 Q. Good morning, Ms. Acosta.

15 A. Good morning, sir.

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

19 A. Yes, sir.

20 Q. -- and education.

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

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

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

1 employment policy; correct?

2 A. Yes, sir.

3 Q. In 2016, you completed an outside employment form?

4 A. Yes, sir.

5 Q. In 2017, you were aware that BSO had an outside employment
6 form?

7 A. Yes, sir.

8 Q. And you completed a form in 2017?

9 A. Yes, sir.

10 Q. 2018, likewise, you were aware that BSO had an outside
11 employment form?

12 A. Yes, sir.

13 Q. And, in 2018, you completed that form, as well?

14 A. Yes, sir.

15 Q. And, in 2019, you were, likewise, aware that they had the
16 same policy that was in place; correct?

17 A. Yes, sir.

18 Q. But, you did not --

19 A. No, sir.

20 Q. -- fill out that form?

21 A. I thought it was when I changed commands.

22 Q. In 2020 -- well, the answer to that question is no?

23 A. Right. No, I did not complete the form, sir.

24 Q. In 2020, you were aware of the BSO outside employment
25 policy; correct?

1 A. Yes, sir.

2 Q. And, you did not fill out a Form for that policy; correct?

3 A. No, sir; I never changed commands.

4 Q. In 2021, you were aware of that policy; correct?

5 A. Yes, sir.

6 Q. And, 2021, you did not fill out a form reporting any
7 outside employment; correct?

8 A. No, I still hadn't changed commands.

9 Q. And, I understand you want to keep saying that; but, you
10 abruptly stopped in 2018, reporting any type of outside income
11 to BSO, correct?

12 A. That was the last time I completed the form; yes, sir.

13 THE COURT: What was what?

14 THE WITNESS: The last time that I completed a form,
15 yes, sir.

16 BY MR. JONES:

17 Q. Did BSO ever stop paying your paycheck during the pandemic?

18 A. No, sir.

19 Q. I kind of want to touch a little bit about what we talked
20 about briefly in preparation. You testified before, right?

21 A. Yes, sir.

22 Q. You actually testified that you were suspended right now;
23 correct?

24 A. Yes, sir.

25 Q. And, so, you haven't been -- you have not been working for

1 the past few months?

2 A. I have had jobs here and there.

3 Q. So, you had a lot of time --

4 A. Yes, sir.

5 Q. -- a lot of time to prepare for today?

6 A. Preparing for trial; yes, sir.

7 Q. And, you were reviewing discovery in preparation?

8 A. Yes, sir.

9 Q. You testified yesterday that you didn't do any of that for
10 a factual proffer, right?

11 A. I looked over what I remember seeing.

12 Q. In January 2020, is when you came in to meet with us?

13 A. I believe so, yes.

14 Q. You were suspended as of when, September 2023?

15 A. I believe it was October, sir.

16 Q. October 2023. And during that period, you had received
17 discovery from the Government?

18 A. At some point, yes.

19 Q. And, you didn't review any of that before speaking with the
20 U.S. Attorney's Office?

21 A. I reviewed the PPP information.

22 Q. You didn't review the three years of tax forms that were
23 produced?

24 A. Not that I recall, no.

25 Q. You didn't see that the Government had no idea about the

1 audit, at that point?

2 A. No.

3 Q. But, today, you have had about eight months to prepare to
4 testify, right?

5 A. Yes.

6 Q. Now, have you heard the testimony of Todd Crevier?

7 He testified that the real estate industry did very well in
8 2020, 2021, right?

9 A. Yes.

10 Q. Do you disagree with that?

11 A. I wouldn't know.

12 Q. I am not trying to split hairs or anything? You are a real
13 estate agent, right?

14 A. Yes.

15 Q. Part-time side gig?

16 A. Correct.

17 Q. How would you not know whether the legal estate agency --

18 A. The business I had was I had friends, clients, word of
19 mouth come to me at that time. I had a lot of things going on.

20 Q. It was a side hustle?

21 A. Yes.

22 Q. So, you are saying you really didn't have a feel for the
23 real estate industry at all at that time?

24 A. I do remember it was hard to show homes because of COVID.
25 People weren't letting people into their homes to actually do

1 showings. So, I do remember that.

2 Q. Do you remember, as Mr. Crevier testified, that the real
3 estate industry did very well in 2020?

4 A. According to him, yes.

5 Q. In 2021, it did as well, also?

6 A. According to him, yes.

7 Q. Okay. But, you have no idea how the market did because you
8 don't really do it that much?

9 A. I did it as a side job.

10 Q. Now, you testified that you didn't make any sales in 2020.
11 That is accurate, right?

12 A. Correct. I was still working as a realtor. I did have the
13 referral and some other clients that never ended on a sale, but
14 that doesn't mean I wasn't actively working as a realtor.

15 Q. I understand. Do you want talk about that?

16 Did you report any expenses for 2020?

17 A. According to Mr. St. Louis, I couldn't report expenses
18 because I didn't have a 1099.

19 Q. You didn't report any expenses to the IRS in 2020?

20 A. Because I didn't have a 1099; correct.

21 Q. Do you know what a Schedule C is, though, right?

22 A. Not really, to be honest.

23 Q. Okay. We will get back to that.

24 I am going to show you -- well, you know, let's go
25 there.

1 Your mom, Maritza Acosta, she is a real estate agent?

2 A. Yes.

3 Q. She was a real estate agent with Valor Dog?

4 A. Yes.

5 Q. Is it also Maritza Garcia now?

6 A. Yes.

7 Q. Are you close with your mother?

8 A. Yes.

9 Q. Has she been here during the trial?

10 A. Yes.

11 MR. SILBER: Objection; relevance, your Honor.

12 THE COURT: Overruled.

13 BY MR. JONES:

14 Q. She worked under Valor Dog's brokerage in 2020?

15 A. Yes.

16 Q. 2019?

17 A. I don't recall when she started there.

18 Q. 2021?

19 A. So, I don't remember when she started.

20 Q. And, she, indeed, made sales in those years, 2019?

21 A. I am not aware.

22 Q. She made sales in 2020?

23 A. I am not aware.

24 Q. She made sales in 2021?

25 A. I am not aware.

1 Q. You are close to your mother. When you would talk with
2 your mother, would you ever discuss business?

3 A. I don't know.

4 Q. You are both real estate agents?

5 A. Correct.

6 Q. Working at the same brokerage; correct?

7 A. Correct.

8 Q. And you don't discuss sales?

9 A. 2020 was four years ago. I don't remember if that was the
10 -- she made a sale that year or not.

11 Q. You knew that she was earning money during that period
12 though; correct?

13 A. I don't remember when she started with Valor Dog.

14 Q. Your mother didn't get a PPP loan, did she?

15 A. Not to my knowledge.

16 Q. You didn't tell your mother to go get a PPP loan?

17 A. No.

18 Q. You didn't ensure that your mother, who was on the same
19 footing as you --

20 MR. SILBER: Objection, your Honor. Her mother's
21 activities is not relevant to this case.

22 THE COURT: Overruled.

23 BY MR. JONES:

24 Q. I am taking you back to February 1st now. You are sitting
25 in Mr. Acosta, or Mr. St. Louis's office, right?

1 A. Yes.

2 Q. You find out that there is a program for the Paycheck
3 Protection Program. That's the first time you ever heard of
4 it, right, is that what your testimony was?

5 A. Yes.

6 Q. The first time you heard of Paycheck Protection Program was
7 in 2021, and you find out that you can get \$20,000 for just
8 having a 1099, right?

9 That is your testimony?

10 A. Correct.

11 Q. Your mother, who is doing the same thing you are doing, you
12 never once decided, "This is just a great -- what an
13 opportunity. We can all stimulate the economy together. You
14 can have a loan, too."

15 You didn't tell your mother about this great opportunity?

16 A. I didn't know she was in real estate back then.

17 Q. You didn't know that your mother, Ms. "Acosta" -- it is
18 Acosta, right?

19 A. "Acosta," yes, sir.

20 Q. I apologize, if I have been saying "Acosta."

21 Bear with me here. You knew your mother was working
22 under the same firm as you; correct?

23 A. I don't know when she started. I know she started sometime
24 after me, but I am not sure when she started with realty.

25 Q. Is it your testimony that it never occurred to you that --

1 this, this legitimate loan that was just \$20,000 to anybody, a
2 side real estate hustle that could benefit your mother, the
3 person that is supporting you today, the person that is close
4 to you; correct?

5 A. Correct.

6 Q. You never mentioned it to her?

7 A. I don't know if she -- I don't believe she was working as a
8 realtor, at that time.

9 Q. You didn't know your mother was working as a realtor at
10 that time? Is that your testimony?

11 A. I don't recall when she started with Valor Dog.

12 Q. We just -- I will leave it there.

13 You gave a statement to the IRS auditor in
14 December 2020. Right?

15 A. Yes.

16 Q. You have been here at this trial. You have seen the
17 exhibits; correct?

18 A. Yes.

19 Q. You told the tax compliance officer during that interview
20 that St. Louis had been preparing your taxes for four to five
21 years. Right?

22 A. In December?

23 Q. Yes, December of 2020.

24 A. I believe so. I don't really recall. Again, that was in
25 2020. I believe so.

1 Q. Let me pull up the exhibit so we can all recall together.

2 A. Okay.

3 Q. I am just going to pop this out, and we can go line by

4 line.

5 You recognize this from Government's Exhibit 203B?

6 A. Yes, I do.

7 Q. And this is the IRS tax record?

8 A. Yes.

9 Q. Where it was recording the statement that you gave to the
10 IRS on December 17th in response to an audit?

11 A. Yes.

12 Q. And, during that interview, you stated that you, the
13 taxpayer, you make an appointment, and you go to the Davie
14 office, right?

15 A. Most years, yes. Some years, I don't.

16 Q. What it says here, you make an appointment, and you go to
17 the Davie office; correct?

18 Just go line by line. We will go from the top.

19 A. Yes.

20 Q. You take your W-2 and your 1099 miscellaneous and your
21 F-1098?

22 A. Yes.

23 Q. And you take in some receipts of purchases, advertising,
24 statements, gas receipts, supplies for home office, et cetera,
25 for the schedule C expenses?

1 A. Yes.

2 Q. And, you knew what a Schedule C was?

3 A. I didn't know what a Schedule C was.

4 Q. You never sat down and saw what a Schedule C is when you
5 completed your tax forms every year?

6 A. I gave him my 1099, I gave my W-2s, and the receipts, and
7 he did his thing on the computer.

8 Q. "He did his thing."

9 You and Mr. St. Louis figured out the expenses
10 together, correct?

11 That is what you told her.

12 A. When I say we figured it out together. I handed him the
13 paperwork and he did the lines on the tax forms. I don't
14 really understand a lot of that language.

15 Q. You told her that you and Mr. St. Louis figured out the
16 expenses together; correct?

17 A. I said that we were -- by "together," I meant I handed him
18 paperwork, and he did the tax preparer portion of it, which is
19 why I hired a tax preparer.

20 Q. I understand you want to talk about that. But, you told
21 her that you and Mr. St. Louis figured out the expenses
22 together; correct?

23 A. By "together," like I said, I meant I handed him paperwork,
24 and he --

25 Q. Ma'am --

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

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

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

5 BY MR. JONES:

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

8 A. Correct.

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

11 A. Correct.

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

14 A. Define "a while."

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

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

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

22 A. Correct.

23 Q. We will talk about that.

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

1 A. From what I thought, yes.

2 Q. You just testified that you didn't see what a Schedule C
3 was before, but that statement to the IRS says that it is
4 pretty close to what the Schedule C says?

5 A. I didn't know it was described as a Schedule C. I see a
6 form he shows me.

7 Q. So, you have seen the form, but you just didn't know it was
8 called a Schedule C?

9 A. I have seen a form.

10 Q. Are you disputing the schedule form is the C, you saw?

11 A. I don't know which form I saw. I see forms with lines and
12 numbers that I don't really understand.

13 Q. Let's talk about that. We will come back. But, you said
14 you are bad with numbers?

15 A. Yes.

16 Q. It is just not your thing, I think you said?

17 A. Correct.

18 Q. And, we talked about your education before, and how much
19 you excelled in criminal law; correct?

20 A. Correct.

21 Q. But, you excelled in math classes, too, right?

22 A. Not particularly, no. Not -- math is where I struggled.

23 Q. You struggled in math?

24 A. Yes.

25 Q. Let's see -- so, in math topics, in mathematics, A, you

1 didn't get an A in topics in mathematics?

2 A. If that is what it says, yes.

3 Q. Do you define A as struggling?

4 A. No. I wouldn't.

5 Q. Did you also get an A in Statistics -- sorry, Statistical
6 Methods?

7 A. That was a criminal justice class.

8 Q. Statistical methods was?

9 A. Yes.

10 Q. Everything else here has a "criminal" --

11 A. That was a Criminal Justice class. It was part of the
12 Criminal Justice program.

13 Q. Sure. You got an A in that. You also got an A in college
14 Algebra, right?

15 A. No, I don't recall. I don't.

16 Q. You got a B in college Algebra. I apologize.

17 A. Yes.

18 Q. And, you also got an A in Probability and Statistics,
19 right?

20 A. I don't remember that class in college.

21 Q. Ms. Acosta, you are very smart, right?

22 A. I was a good student, yes.

23 Q. Top of your class?

24 A. Yes.

25 Q. You don't struggle with numbers?

1 A. I do struggle with numbers. I don't study for the other
2 classes, to be quite honest. It is Math that I have to really
3 sit myself to study and look into the book, and -- but, as you
4 have seen, I like to excel in the things that I do. So, I like
5 to do well. But, that doesn't necessarily mean that -- math is
6 definitely my weak point.

7 Q. You just told the jury that you struggled with it. But, we
8 just talked about your transcripts, and you did well.

9 Did you find that conflicting?

10 A. No. Like I said, math is something I had to really dive
11 deep into, and pay close attention to. Everything else came
12 fairly easy.

13 Q. So, you pay close attention to your math class, and you are
14 saying you didn't pay close attention to your taxes.

15 A. I trusted my tax preparer who I never had issue or reason
16 not to trust.

17 Q. And, we will talk about the reasons why you could have not
18 trusted him.

19 Going back to this statement, we just talked about the
20 fact that it is pretty close to what is in your head. You
21 matched the Schedule C. And, then you sat with St. Louis for
22 2018 and 2019. That is unequivocal. You did that, right?

23 A. I later found out I did not sit with him.

24 Q. You later found out that you didn't?

25 A. Yes. Correct.

1 Q. You told her, first, that you had sat with him, in 2018,
2 2019; correct?

3 A. Correct.

4 Q. That is what you said on this date?

5 A. That is what I believed at the time.

6 Q. Now, you also stated here that you recall that you two, you
7 and St. Louis, went over the returns each year, and you just
8 can't recall whether there were questions, right, in this
9 section here?

10 A. He went over them with me briefly. But, like I said, I
11 don't really understand most of it, to be honest.

12 Q. You understood you were under an audit at that point,
13 right?

14 A. Yes.

15 Q. It is pretty serious?

16 A. No, I -- Mr. St. Louis always made it seem like it was very
17 minimal. He always minimized it, and it corresponded with the
18 letter I got that said I might not owe anything, and it was
19 standard. Plus, I knew plenty of people that had been audited
20 before, and it was just something that the IRS did. That was
21 my understanding of it at the time.

22 Q. But, you understood, especially as a law enforcement
23 officer, that when you are telling someone something, it is
24 important that it is the truth, and it is actually a --

25 A. Absolutely. And I gave a statement. It was what I

1 believed at the time.

2 Q. Okay. And, it just changes over time, right?

3 A. It -- depending on what I see or what I find out, it could
4 change, yes.

5 Q. You later state here, after explaining some of the expenses
6 or after she explained some of the expenses on the 2018
7 Schedule C, you reiterated that all the figures and expenses on
8 the Schedule C are info you and St. Louis came up with
9 together.

10 You told her that, that day, right?

11 A. I told her that I gave him the paperwork, and he does the
12 numbers. And, that is what I meant by we did it together.

13 Q. That is not what I asked you. Listen to the question.

14 Did you tell her, reiterate, twice, it is more than once,
15 at least, that all the figures and expenses on the schedule Cs
16 are info that you and St. Louis came up with together?

17 A. I am not sure what she wrote on there. What I told her was
18 that I handed him the paperwork. We sat there, depending on
19 the year, for a certain amount of time, and that is what I
20 meant by we did it together.

21 Q. Why don't we pull up --

22 Showing you Government's Exhibit 203F, Page 5, for the
23 record.

24 Is there a signature down here at the bottom?

25 A. Yes.

1 Q. Is that dated February 4, 2020?

2 A. Yes.

3 Q. And, there is a certification here about you understand
4 that the information you are giving in this questionnaire will
5 be used to complete your file, your tax returns?

6 A. Yes.

7 Q. Now, this is Page 4 of this document. We have some
8 expenses listed here; correct?

9 A. Correct.

10 Q. And, this is something that you told St. Louis that you had
11 for expenses that year?

12 A. I gave him the paperwork, and he filled out the numbers.

13 Q. You gave him the paperwork for the gifts for your wife?

14 A. Receipts, yes.

15 Q. Yes, ma'am, and the charity?

16 A. Yes.

17 Q. And the home interest mortgage?

18 A. I gave him paperwork. That was all paperwork I gave him.

19 And, all the numbers he did, that is not my handwriting.

20 Q. Do you see what I am highlighting here?

21 A. Yes.

22 Q. Is this the income that you gave him, as well?

23 A. I can't read that.

24 Q. This is 2019. You have been sitting here through the
25 trial.

1 A. If it was around \$13,900, yes, that is the income.

2 Q. You also see that there is these -- these expenses that
3 were listed here in this form that you signed?

4 A. Yes.

5 Q. That is consistent with someone sitting with someone in
6 2019 and going over their tax records, right?

7 A. Not necessarily.

8 Q. I am also showing, on the second slide here, Government's
9 Exhibit 201, Ms. Acosta, for the 2001 tax year -- sorry, the
10 2019 tax return -- and can you tell me what that -- that date
11 is?

12 A. 2-4-2020.

13 Q. That is the date that this was signed, right?

14 A. Yes.

15 Q. Was that the same date that this Government's Exhibit 203 I
16 just showed you was signed, as well?

17 A. Yes.

18 Q. Let's just take a quick trip to our Schedule C form.

19 If you can just look at those numbers, and you tell me.
20 Let's start small.

21 That's terrible.

22 What is listed here for supplies in 2022, or line 22?

23 A. 6,389.

24 Q. Do you recognize this same number on this form that you
25 signed?

1 A. Yes.

2 Q. And, it is listed for supplies, as well, right?

3 A. It looks like it, yes.

4 Q. Do you see this -- can you read that?

5 It says, "travel 2,863," right?

6 A. Yes. Yes.

7 Q. And, on your actual tax form that was filed that same day,
8 the same number, do you see that?

9 A. Yes.

10 Q. And, that is for travel?

11 A. Yes.

12 Q. Do you agree that the numbers that are listed in this 203F
13 form, that are on the Exhibit 203F, which is your taxpayer
14 questionnaire with Mr. St. Louis, match what was filed with the
15 IRS in your Schedule C?

16 A. They appear to, but I didn't do any of that writing on
17 that, and I don't believe I signed those taxes, to be honest.

18 Q. Did you sign a blank form and hand it to him for the
19 taxpayer questionnaire?

20 A. I don't remember. I did fill out the top part of it. I
21 trusted him to do the tax preparing. That's why I went to him.
22 I didn't understand it. And, at the time, I thought it would
23 be for him to do it correctly. Obviously, I know now that it
24 was not done correctly.

25 Q. You don't dispute that the information that was sent to the

1 SBA on February 1st was false and fraudulent, right?

2 A. The --

3 Q. The information contained on the PPP loan application, you
4 don't dispute that that was always false information?

5 A. But I had no idea he was saying that. I had absolutely no
6 idea that he was saying that --

7 Q. You --

8 MR. SILBER: Your Honor, she should be allowed to
9 answer without being interrupted.

10 THE COURT: Yes. Go ahead.

11 THE WITNESS: I had no idea he was sending those forms.
12 He told me he would submit and fill out all of the applications
13 just like did he for my taxes, and that is how our relationship
14 was. And, that's why I trusted him to do that. I never, ever
15 would have thought that he would have created some fraudulent
16 numbers.

17 BY MR. JONES:

18 Q. I understand you want to talk about that. But, let's focus
19 on the question.

20 The information that you earned \$8,000 monthly average
21 payroll in 2019 was false; correct?

22 A. Correct. But, I did not know he was going to do that.

23 Q. The information that the money would be used for all those
24 six expenses that were listed down there in that box was false;
25 correct?

1 A. I never saw that application, and he never told me what the
2 expenses were supposed to be used for.

3 Q. You never saw the application.

4 Let's -- let's go to -- I am showing the defendant
5 Government's Exhibit 604.

6 Now. Just as a starting point, you testified that the
7 email address on that PPP loan application, you provided to
8 Mr. St. Louis, right?

9 A. Correct.

10 Q. He included that email address in the loan; correct?

11 A. Correct.

12 Q. He didn't create a fake one; correct?

13 A. No.

14 Q. In fact, it was designed that all the correspondence would
15 go to you? Correct?

16 A. Correct.

17 Q. And, indeed, BlueVine, Scratch, that correspondence was
18 sent to you?

19 A. Correct.

20 Q. It wasn't sent to some fake email, right?

21 A. No. I never had a reason to believe it was -- there was
22 anything wrong with it.

23 Q. Okay. And what is the date of this email?

24 A. February 3, 2021.

25 Q. Okay. And you can see there are attachments to it, right?

1 A. Correct.

2 Q. And, there are attachments, the Paycheck Protection Program
3 application, right?

4 A. Correct.

5 Q. A loan note?

6 A. Correct.

7 Q. A certification note, right?

8 A. Correct.

9 Q. And a tax form, right?

10 A. Correct.

11 Q. And, this was in your personal email box as of February 3,
12 2021. Right?

13 A. Yes.

14 Q. And, you saw that in your email box; correct?

15 A. I did not see that in my email box. And, when it comes as
16 an email, those attachments don't show on the subject line.
17 And, he told me he was handling everything. So, I had no
18 reason to look at it. Also, on that date, I was at work all
19 day. As a matter of fact, I was on a dignitary protection that
20 morning.

21 Q. This email was received in your email box; correct?

22 A. Correct.

23 Q. You just testified that these attachments weren't there?

24 A. No, they weren't in the subject line, is what I said.

25 Q. But, they were attached to the email; correct?

1 A. If I would have opened it, I would have seen there was
2 attachments.

3 Q. You did not open the document that said, "Please DocuSign
4 Paycheck Protection Program loan"?

5 A. I didn't see it. And, by the time I got to it, he must
6 have opened it already and signed it and handled it, like he
7 said he was going to.

8 Q. And, you didn't -- not once, think, "Oh, we are being
9 audited right now. Let me check what he put in the loan"?

10 A. No. Like I said, the audit was very minimal. He always
11 minimized the audit to me. So, he said I wouldn't have to pay
12 penalties or anything, which, at the end of the day, is what
13 happened. And, he also admitted all his mistakes on the audit,
14 which gave me more reason to trust him and believe him.

15 Q. In fact, you changed your story, is what happened,
16 actually, right?

17 A. I did not change my story.

18 Q. And, you got those penalties abated because you changed
19 your story, right?

20 A. I did not change my story.

21 Q. This document, Page 3 of Government 604, do you see that?

22 A. Yes.

23 Q. That is the first attachment to that email; correct?

24 A. I wouldn't know.

25 Q. You wouldn't know. You wouldn't know that this was sent to

1 your email address?

2 A. I did not open it at that time. The first time I ever saw
3 that email was after I was in trouble.

4 Q. Ms. Acosta -- Ms. Acosta, you sat up here and testified
5 that you were reading spam emails about PPP loans in March 22,
6 2021, after you had already done this. Those, you pay
7 attention to. Is that what your testimony is? That you look
8 at your emails for spam, but you do not care about a loan note
9 or a PPP loan?

10 A. He told me he was handling it, and I let him handle it.

11 Q. For the record, you got those emails about the March PPP
12 loans, "everyone gets two loans now" -- you got that after you
13 had applied for a loan, right?

14 A. Yes, before the forgiveness.

15 Q. And, did you get a second loan?

16 A. No, I did not.

17 Q. No. It looked like you would be entitled to it, according
18 to that email, though, right?

19 A. I just did what he told me I qualified for, which is why I
20 applied for it. And, it was like a loan. So, I said sure.
21 Apply for it.

22 Q. Sure.

23 You testified multiple times -- in fact, you keep
24 bringing everybody back to it -- that you have no reason, you
25 had no reason to doubt Mr. St. Louis's trustworthiness, or even

1 competency at this point, right?

2 That has been your testimony?

3 A. I had no reason to distrust him, no. I had worked with him
4 for several years. And, even with the audit, he again
5 minimized it from the very beginning, it was not a big deal.
6 Even on the initial paperwork, it said I could not owe
7 anything. I could get a return. I might have to owe. And
8 then, when I found out he made a mistake on the taxes, he
9 admitted to me that -- the mistakes he made.

10 Q. He made one mistake about a mortgage, double reporting
11 mortgage interest; correct?

12 A. It was my recollection he made a few.

13 Q. Okay. There was a lot more than that, though, wasn't
14 there?

15 A. From what -- the mortgage, and I know that the travel, or
16 the mileage, something like that.

17 Q. Let's explain this, then. So, is it your testimony that
18 you had close to about, I don't know, 35, \$45,000 in expenses
19 in 2018?

20 A. I don't recall.

21 Q. You don't recall that you had over \$40,000 of expenses in
22 2018?

23 A. I don't remember what was on my taxes, or what he put on my
24 taxes.

25 Q. You have sat here through trial, you have seen the

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

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

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

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

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

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

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

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

25 "We have got to get this down."

1 Not "Mr. St. Louis, where did you get these numbers?"

2 A. I told him we needed to get the tax numbers down. I
3 believe I sent one email about that.

4 Q. You sent a bunch of emails about the tax, and you also sent
5 an email about the PPP loan, and you put them together;
6 correct?

7 A. No. They were separate, two separate, completely separate
8 things to me.

9 Q. That you included in the same line of an email to hide from
10 your wife?

11 A. I didn't want to stress her out. And I say, Oh -- in that
12 email, we have specifically -- they were two separate things.

13 Q. You are a technician, right --

14 MR SILBER: I am sorry. I didn't hear the last
15 question, your Honor.

16 MR. JONES: It was a bad one.

17 BY MR. JONES:

18 Q. You have been to -- we talked about the day, and we are
19 going to -- we were just referencing how you have no reason at
20 all to not trust Mr. St. Louis. But, you also agree that you
21 were there on February 1st with him at Victory Taxes?

22 A. Yes.

23 Q. You have been to Victory Taxes in Davie, Florida?

24 A. Yes.

25 Q. You have seen what it looks like?

1 A. Yes.

2 Q. If I showed you a picture of it, you could say, "This is
3 Victory Taxes"?

4 A. Yes.

5 Q. This is dated January 20, 2021. Is that a fair and
6 accurate depiction of what Victory Taxes was when you used to
7 go there?

8 A. Yes.

9 MR. SILBER: Objection. Which exhibit are you showing
10 her? Which --

11 MR. JONES: It is a cross-examination. Well, it is an
12 exhibit that I am creating.

13 THE COURT: You are using it in court, and it has to
14 have an exhibit number.

15 MR. JONES: I would create one, Government's
16 Exhibit 1000.

17 THE COURT: All right.

18 Do you have any objection to 1000?

19 MR. SILBER: Was this disclosed in discovery?

20 MR. JONES: I just got it. It was cross-examination.
21 I just -- that is a picture.

22 MR. SILBER: Well, your Honor, I object. I have never
23 seen this before. It was never disclosed to us.

24 THE COURT: It is a picture of a building.

25 And what is the objection?

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

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

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

4 MR. JONES: I just printed it out.

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

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

8 BY MR. JONES:

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

10 Okay. So, I am showing you Government's Exhibit 1000.

11 And, am I just trying to put some context to what we are
12 talking about here. This is the place that you would go to for
13 your taxes; correct?

14 A. Correct.

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

17 A. Give or take, yes.

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

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

21 Q. Okay. Would it surprise you that it was approximately
22 10:30 or 10:50 or so when you texted a commander that you were
23 going to go throw the ball with Bronx that day?

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

25 Q. So, you did text that to somebody?

1 A. I believe so, yes.

2 Q. Okay. Is Bronx your dog?

3 A. Yes.

4 Q. And, did you go home that day to throw the ball to Bronx?

5 A. No, we usually went to the park or something. I threw the
6 ball to him.

7 Q. Did you go to Victory Tax that day?

8 A. Yes. But, I don't know what time I went.

9 Q. What time did you start work that day? What time would you
10 normally start work, 8:00 A.M.?

11 A. 7:00 A.M.

12 Q. 7:00 A.M. And, would you take some time off in the middle
13 of the day?

14 A. No, but it wasn't unusual for my sergeant to let us run an
15 errand occasionally, especially if it was to drop off pepper
16 wash or something like.

17 Q. And, I am not suggesting you did anything wrong there. I
18 am just asking you that you went to Victory Tax during your
19 lunch break, effectively?

20 A. At some point during the day, yes.

21 Q. And, you came back to the airport around 1:30 that day,
22 right?

23 A. I was there earlier than 1:30.

24 Q. The records would reflect you were there at 1:30, at least
25 from what I have, right?

1 A. I was back before, earlier than that, but yes.

2 Q. Now, that is the same period where you spoke with the IRS,
3 right?

4 A. Yes.

5 Q. The IRS told you --

6 MR. JONES: Let me switch back to the computer, your
7 Honor.

8 BY MR. JONES:

9 Q. So, you come in, you sit down with Mr. St. Louis. And,
10 this meeting is about getting a handle on your audit, right?

11 A. No. I originally went there to drop off my taxes for the
12 following year.

13 Q. And, it wasn't on your radar to discuss any of these
14 outstanding issues about the letter you had received seven days
15 earlier?

16 A. I don't believe so.

17 Q. Previously, you -- you have testified that it was so
18 important to you to resolve these things, you would bother him,
19 you would call him, and he was unresponsive, that day, you
20 didn't want to discuss it at all?

21 A. I didn't know if we were discussing it that day. I just
22 needed to drop off the paperwork because, like you said, I was
23 at work. So, I intended for it to be a quick meeting.

24 Q. And then you had a call with the auditor though, right?

25 A. Yes.

1 Q. You didn't sign your tax return that day though, right?

2 A. No, I did not.

3 Q. You signed that many weeks later?

4 A. Yes.

5 Q. Correct?

6 A. No. It -- it was a week later or so.

7 Q. So, the primary purpose of this meeting wasn't to go over
8 your taxes like the other years. This one was to talk about
9 the audit, wasn't it?

10 A. No. It was to go over my taxes. I needed to drop off my
11 paperwork because I needed my taxes done as soon as possible.

12 Q. During this meeting --

13 MR. JONES: May I have one moment, your Honor?

14 BY MR. JONES:

15 Q. Okay. So, we are going down to our February 1st date.

16 This is during your time away from the airport. You have gone
17 to -- in-person, to meet St. Louis at his place of business
18 that we saw. And, now, you are having a conversation with the
19 tax auditor, right?

20 A. Yes.

21 Q. You are both there speaking with this person?

22 A. Yes.

23 Q. You can hear what the auditor is saying?

24 A. Yes.

25 Q. Where she can hear what you are saying?

1 A. Yes.

2 Q. And, you can hear what Vilsaint St. Louis is saying?

3 A. Yes.

4 Q. So, we are all on the same page, that the information was
5 being shared openly?

6 A. Yes.

7 Q. Where --

8 A. But again, I -- you know, I listened to the conversation.
9 He did most of the talking, and I understood as much as I could
10 of that conversation in taxes.

11 Q. Yes. Now, you have made the point a couple of times that
12 there is no reason that you couldn't, you couldn't believe this
13 guy, or trust him. If we accept that as even true, right, this
14 day, you hear that this is not some minor thing. As the TCO
15 explained, this is one of the first things that a good tax
16 preparer learns about, and that he is very mistaken in taking
17 this in actual expenses, which he took in 2018 and 2019.

18 She is disparaging his ability in front of you. Right?

19 A. Yes. But again, this was one mistake in almost nine years
20 of working with him --

21 Q. And for two mistakes --

22 THE COURT: Let her finish her answer.

23 MR. JONES: Sorry, your Honor.

24 THE WITNESS: Again, this is somebody that I trusted.

25 I -- for a few reasons. I am a cop, I don't want to just go

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

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

9 BY MR. JONES:

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

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

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

15 A. At the time of this?

16 Q. Yes.

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

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

19 A. Yes.

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

22 A. Correct.

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

24 A. Well, she spoke to me, she spoke to me again in IRS terms.

25 I understood what I could. I looked over what I could. I

1 asked him about it. He described it as it was very minimal.
2 We just have to send in paperwork to substantiate what she is
3 saying. So, that's why you see emails of me sending him Home
4 Depot receipts, which I also gave him my login, so he knew what
5 he was looking for. He logged into that, he sent my bank
6 statements to substantiate my expenses. I was sending all the
7 paperwork that he was asking me for.

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

10 Do you understand?

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

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

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

17 Q. You chose not to read it?

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

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

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

22 Q. Except in school?

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

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

25 And, I remember, during the proffer, too, you said, at

1 the end, you had all -- we asked you how you knew something,
2 and you said, "I have time now, and I am a detective."

3 You said that, right?

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

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

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

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

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

13 Q. You didn't see anything suspicious?

14 There is no red flag?

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

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

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

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

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

24 A. Sound's right.

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

1 A. I don't recall.

2 Q. Close?

3 A. I don't remember.

4 Q. You talked with the auditor. We are not talking about like
5 a six-hour window that you were at Victory Taxes, right? You
6 wouldn't say that you were there all day?

7 A. No.

8 Q. You wouldn't say -- I mean, you went back to work by
9 1:00 o'clock or 1:30, right?

10 A. We spoke about this audit. We spoke to the lady, and then
11 I gave him my paperwork for the following year taxes. And then
12 he brought up the PPP.

13 Q. Right. So, you are back in a separate room, and a separate
14 PPP conversation, separate from the audit conversation, two
15 totally different worlds?

16 A. They were too totally separate things to me.

17 Q. An 18,000 audit, and a 20,000 PPP loan. Separate worlds,
18 same day?

19 A. He never made it seem like it was together --

20 Q. Um-hmm?

21 A. -- the PPP -- he said I qualified. I was a realtor and I
22 had a 1099. And, I was a licensed realtor, like I said.

23 Q. Yes?

24 A. And, why would I believe that I didn't qualify?

25 Why would he lie to me?

1 Q. Yes. And you didn't tell your mother to get one, right?

2 A. Again, I didn't know if she was practicing real estate at
3 the time. My mom has done several things.

4 Q. Now, let's talk about the fact that you think that there is
5 no reason to distrust this guy. Now, your wife, she uses
6 Vilsaint St. Louis, right?

7 A. Yes.

8 Q. She had, at that time?

9 A. Yes.

10 Q. St. Louis did her 2018 tax returns?

11 A. Yes.

12 Q. He did her 2019 tax returns?

13 A. Yes.

14 Q. He did her 2020 tax returns?

15 A. I believe so.

16 Q. And her 2021 tax returns?

17 A. Yes.

18 Q. And, in fact, on February 16th, Erin, your wife, was going
19 to see St. Louis, wasn't she?

20 A. When?

21 Q. 2021?

22 A. If that is what the record says. I am not sure of the
23 date.

24 Q. Well, the record reflects that you saw the email. It
25 reflects that you told St. Louis specifically not to tell her

1 about the tax case or the PPP loan, right?

2 A. Yes.

3 Q. Okay. And, you did that because he was going to see her
4 that day, right?

5 A. I don't recall.

6 Q. Well, you guys, you testified that you are not best
7 friends. You don't hang out at barbecues, right?

8 A. Correct.

9 Q. Did Erin ever have any other reason to go hang out with
10 St. Louis, besides do taxes?

11 A. No.

12 Q. So, is it fair to say you were advising him not to tell her
13 about something because she was going to see him about taxes?

14 A. Possibly.

15 Q. And, you didn't think it was important that your wife, who
16 had her 2018 and 2019 tax returns prepared by the same man, to
17 know that you are being audited for that?

18 A. I didn't want to stress her out. Our finances are
19 completely separate.

20 Q. Okay. What if he had tanked hers?

21 You are saying that he did this without your knowledge?

22 A. Correct.

23 Q. Correct?

24 You never looked to see if he did it without your wife's
25 knowledge?

1 A. I don't recall our conversations about it.

2 Q. Didn't it register to you that maybe, if this guy was so
3 bad and he was so terrible, that "Maybe my wife should know
4 about it, because her taxes are at issue now, too," right?

5 A. My wife never had a 1099. So, there was no expenses or
6 anything. So, I didn't really worry about the extra -- I
7 guess, all the mistakes he made.

8 Q. And, you told him, you said, "St. Louis, don't mention
9 anything about it," right, and he -- he didn't even, but he
10 said he got it. Right?

11 A. He responded to an email.

12 Q. Let's pull it up.

13 So, this is the statement that we were just talking about,
14 February 16th, right, 2021, where you ask him to hide something
15 from your wife. Right?

16 A. I didn't want him to tell her about it. Our finances are
17 completely separate. It is one last thing I want to fight
18 about at home, but stressing her out -- my wife tends to
19 overreact about things. I didn't want her to know about the
20 audit or the PPP.

21 Q. So, let's talk about that. Before I -- let's unpack how a
22 PPP loan could be bad, if you are entitled to it.

23 A. I am not understanding the question.

24 Q. Why would you hide a good thing from your wife?

25 You are not trying to stress her out about a PPP loan that

1 is forgivable, that is a \$20,000 stimulus, in your mind, at
2 that time, according to your testimony, right?

3 A. Correct.

4 Q. Okay. So, that is a positive thing. Can we agree?

5 A. Correct.

6 Q. Okay. So, according to your testimony, a positive thing
7 just happened to you, and you want to hide it from your wife?

8 A. I just didn't want her to know how I was spending the
9 money.

10 Q. Okay. And the IRS case, we can agree, had some negative
11 implications; correct?

12 It is not a great thing, an audit, correct?

13 A. It would have stressed her out.

14 Q. But, if an audit was about your behavior, that's bad.
15 Right?

16 A. I don't understand your question.

17 Q. If the audit was about the information you provided
18 falsely, that would be a bad thing, right?

19 A. I think it would have stressed her out either way. It
20 doesn't matter if it is my mistake, his mistake, anybody's
21 mistake.

22 Q. St. Louis, according to you, has just gone off the rails in
23 2018 and 2019, without your knowledge. Right?

24 Completely good for five, six years before that, and then
25 just goes AWOL. That's your testimony?

1 A. Like I said, I handed him paperwork, and he filled out all
2 the forms.

3 Q. And your wife is a law enforcement officer?

4 A. She is a sergeant for the Miramar Police Department.

5 Q. You don't think it would concern her, right, that you were
6 getting a PPP loan that you weren't entitled to; correct?

7 A. I had no idea that I was not entitled to it. He told me I
8 qualified for it, and I had no reason to believe him -- not to
9 believe him at that time.

10 Q. No reason.

11 Now, when I asked you how he responded, what did he
12 say?

13 A. Got it. If you look back on all of our messages, it is
14 usually with one word or two words answers back.

15 Q. Yes. You guys understand each other, don't you?

16 A. He responds with a yes or no, or "got it."

17 Q. Yes.

18 A. So, the response.

19 Q. No -- this is not an arm's length transaction. You are not
20 going to Joe Schmoe at H&R Block and saying, "Hey, here is my
21 paperwork."

22 Whatever. You have a relationship with Vilsaint Louis,
23 don't you?

24 A. A business relationship, yes. He has been with -- my tax
25 preparer since 2012, '14, something like that.

1 Q. You have an understanding with him. He is willing to hide
2 something from someone else for you; correct?

3 A. He didn't have a right to tell her, I believe. Our taxes
4 were separate. Everything is separate. I know plenty of
5 people who keep their finances separate to avoid any arguments.

6 Q. Now, you also acknowledge that during this tax audit
7 discussion, that you now realize that you must file married,
8 right?

9 A. Yes.

10 Q. So, that is 2021. March, you say. I get it. I am going
11 to be more careful in the future, too, right?

12 A. Correct.

13 Q. Were you married in 2022?

14 A. Yes.

15 Q. Did you file single in 2022 though, didn't you?

16 A. Correct. The reason was I -- she said something about one
17 of us had to file head of household. And, since our taxes are
18 separate, the other one could file single.

19 Q. In 2021, you were being audited; correct?

20 A. 2021?

21 Q. 2021, you were being audited?

22 A. Oh, yes.

23 Q. The tax auditor told you exactly how to file your taxes
24 when you are married; correct?

25 A. My understanding was one of us could filed head of

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

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

6 A. I said head of household.

7 Q. You filed single in 2022; correct?

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

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

11 A. Yes.

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

15 A. Yes.

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

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

18 Q. What type of car is it?

19 A. It is a Tahoe.

20 Q. A Chevy Tahoe?

21 A. Yes.

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

23 A. No.

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

25 A. Yes.

1 Q. What do you drive now, or before you were suspended?

2 A. A gold Tahoe.

3 Q. Did you ever drive a patrol car?

4 A. Yes.

5 Q. When was that?

6 A. The last time was in 2017.

7 Q. Do you recall that day asking St. Louis whether you would
8 get caught.

9 A. No.

10 Q. Do you recall that day him telling you no?

11 A. I would have never asked him that. I never thought he did
12 anything wrong.

13 Q. Now, you continued, and in April 2021, you persisted to get
14 your loan forgiven, right?

15 A. Yes.

16 Q. You kept following up with him, making sure you got it
17 forgiven?

18 A. His direction, whenever I received a Scratch email, was to
19 send it to him. So, that is what I did.

20 Q. And, you also spoke with him on the phone multiple times
21 about it?

22 A. It is either about that or about the ongoing audit.

23 Q. You are a pretty hands-on person, though, would you
24 describe yourself as a controlling-type person, in that way?

25 A. No.

1 Q. No?

2 A. No, I'm not at all, actually.

3 Q. You are not involved in a lot of things when --

4 A. No.

5 Q. You sent him your own credentials to log in and submit
6 another application for you, right?

7 A. To complete the forgiveness.

8 Q. Yes. And, you did that after your March 31st or March 29th
9 statement to the IRS; correct?

10 A. Yes.

11 Q. And, that was the statement where you effectively said, "I
12 have no idea where St. Louis came up" -- you used the word
13 "produced," actually. You have no idea where he produced those
14 numbers from. Right?

15 A. Yes.

16 Q. And, it is your testimony that, it says, either at that
17 time that you completely couldn't trust this person because he
18 is producing numbers that you don't know about, right?

19 And then you send him a Gmail log-in information for him to
20 handle your business for you without even checking it, again,
21 right?

22 A. At the time, he gave me reasons why those numbers were the
23 way they were. And, again, I believed him.

24 Q. You are a trained law enforcement officer?

25 A. Not -- I have never taken a white collar crime, and --

1 Q. You have never taken a white collar crime --

2 THE COURT: Let her finish her answer.

3 THE WITNESS: As a law enforcement officer, I have
4 never taken anything about financial crimes, as a law
5 enforcement officer.

6 So, I understand that there were certain crimes that I
7 do specialize in, or that I -- a task that I have at work, but,
8 I can assure you that financial stuff is not something that I
9 would ever be involved in.

10 BY MR. JONES:

11 Q. We went over this yesterday. We can say it again. You had
12 an A in white collar crime?

13 A. In 2005.

14 Q. Okay. An A in Crime Prevention, an A in Cyber Crime. The
15 point is, as a law enforcement officer, you receive training on
16 general principles of reasonable suspicion; correct?

17 A. Correct.

18 Q. Right. You have to identify suspicious circumstances
19 around you on a daily basis?

20 A. Correct.

21 Q. Right. Somebody walking into the airport carrying a bag
22 full of drugs, right, dog detects, you have dogs that do that
23 at the airport?

24 A. Yes.

25 Q. Do your dogs do that at the airport.

1 A. My dog did not do that.

2 Q. You have a bomb dog?

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

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

7 Do you detain that person?

8 A. Yes.

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

12 A. Yes.

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

14 A. Correct.

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

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

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

21 A. Correct.

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

24 A. Correct.

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

1 right?

2 A. What day are we talking about?

3 Q. February 1st. Let's keep it to when you are together with
4 him.

5 A. I asked him how I qualified.

6 Q. And you stopped when he said, "We can get you 20 grand."

7 You said, great. Right?

8 A. I said, "How do I qualify?

9 Why do I qualify?

10 And, he listed all the reasons I qualified, that it made
11 sense to me.

12 Q. And, you are saying a trained law enforcement officer, even
13 at that time -- assuming that what you are saying is
14 accurate -- it didn't trigger in you to be like, this doesn't
15 add up. How lucky could I be that I owe \$18,000, and we were
16 just talking about, and then lo and behold, I can get the
17 maximum amount for a PPP loan?

18 A. I didn't end up owing \$18,000. It was an ongoing -- that
19 was a very preliminary part of the audit. It was ongoing.

20 Q. Well, isn't it true that that was the end of the audit
21 because they had not received any, any reports of
22 substantiating it, but then they had the call with you;
23 correct?

24 That was a report that you were requested to sign, right,
25 that first report, January 21st?

1 A. I believe so, yes.

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

4 You wanted to work down the balance; correct?

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

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

13 A. Correct.

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

18 That is what happened.

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

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

1 A. Not necessarily.

2 Q. Okay.

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

6 A. Correct.

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

9 A. Yes.

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

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

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

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

19 You didn't think that is inconsistent?

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

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

24 THE COURT: Don't make comments.

25 What is your question?

1 MR. JONES: Sorry, your Honor.

2 BY MR. JONES:

3 Q. You testified that the statements aren't necessarily
4 inconsistent, correct?

5 A. Correct.

6 Q. What is, what is not inconsistent about being there in 2018
7 and 2019, and not being there in 2018 and 2019?

8 A. Because I, at the time that I gave that statement, I
9 thought I was there. So, I later realized that I was not
10 there.

11 Q. Your memory got better?

12 A. No, it was looking at paperwork.

13 Q. The paperwork that you signed?

14 A. I didn't sign any tax paperwork.

15 Q. What about for the 2019 taxpayer questionnaire that was
16 signed on --

17 A. I did sign that -- not the tax return, is what I mean.
18 Sorry.

19 Q. But, did you sign a form that says, "Taxpayer Questionnaire
20 2019;" correct?

21 A. Yes, I believe so.

22 Q. So, that means you were there?

23 A. That's at some point. I believe that was signed in 2020.

24 Q. It was 2019 or 2020, is when you signed it; correct, but
25 you were filling out for your 2019 tax year?

1 A. Yes.

2 Q. Right? That's the questionnaire?

3 A. Yes. But I -- it doesn't say that I was there in 2019,
4 signed it in 2020.

5 Q. The taxpayer questionnaire is for the 2019 return?

6 A. Correct.

7 Q. Okay. And you signed it in February 2020.

8 A. Correct.

9 Q. All right. And that's the tax year that you were being
10 audited for, the 2019 year; correct?

11 A. Correct.

12 Q. So, it would indicate, if you signed something that is wet
13 ink, it wasn't electronic, right?

14 A. Yes.

15 Q. You would agree that you were there in person to sign that;
16 correct?

17 A. Yes.

18 Q. And, it had numbers on it, right?

19 A. Yes.

20 Q. And, it had expenses; correct?

21 A. Yes. I don't remember if those expenses were on there
22 before, or if I looked at them, or if I verified with the
23 actual Schedule C, as you called it.

24 Q. Are you saying it is your practice to drop it off and run
25 in and sign and then leave, and then say, "Fill it in"?

1 A. I don't recall. I don't remember what happened that day.

2 Q. Now, you understand what a loan is, right?

3 A. Yes.

4 Q. You understand that a loan is effectively a binding
5 contract between two parties?

6 A. Yes, I guess, yes.

7 Q. To borrow money?

8 A. Yes.

9 Q. And, that requires certain formalities, right?

10 A. Correct.

11 Q. You have a mortgage. It has been mentioned during trial?

12 A. Yes.

13 Q. You signed for that, right?

14 A. Yes.

15 Q. You understand the formalities that go into getting a
16 mortgage?

17 A. Yes.

18 Q. That is a loan, right?

19 A. Correct.

20 Q. You have other loans, right?

21 A. Yes.

22 Q. And, you have had to apply for them and sign for them;
23 correct?

24 A. Yes.

25 Q. You have also -- during the pandemic, you received stimulus

1 payments, right?

2 A. Yes.

3 Q. You received two?

4 A. I don't remember.

5 Q. Did you receive \$840 on February 3rd, 2021?

6 A. If that is what my bank statements say, then yes.

7 Q. Would you agree that you also received \$1,240 on April 15,
8 2020?

9 A. If that is what my bank statements say, then yes.

10 Q. And do you recall emailing St. Louis about stimulus for her
11 son, or is it your -- I apologize, because is it both your
12 mutual sons?

13 A. It is my son.

14 Q. You e-mailed about getting a stimulus for her, though;
15 correct?

16 A. Yes.

17 Q. So, did she receive that stimulus payment, too?

18 A. I don't recall.

19 Q. Do you recall having to submit anything to receive the
20 stimulus payments?

21 A. I don't remember.

22 Q. You never had to pay back the stimulus payment, right?

23 A. No.

24 Q. You never had to ask for forgiven for a stimulus payment,
25 right?

1 A. No.

2 Q. It wasn't a loan, was it?

3 A. No.

4 Q. You didn't have to sign for anything?

5 A. No.

6 Q. So, you know the difference, and you knew the difference
7 between a stimulus and a loan; correct?

8 A. It was all very similar to me, and that is how it was
9 explained.

10 Q. Now, we are going to turn a little bit to the spending
11 here.

12 When you received the \$20,000 under the Paycheck
13 Protection Program, you received that money into your bank
14 account ending 7279?

15 A. Yes.

16 Q. And then you immediately moved \$19,000 into your savings
17 account?

18 A. Yes. I believe that's what I saw yesterday.

19 Q. Then you transferred it back to your checking; correct?

20 A. Yes.

21 Q. And then you started a transfer for \$19,000 into Robinhood,
22 right?

23 A. Yes.

24 Q. And then you cancelled that within three minutes; correct?

25 A. Yes, sir. That's what the record says, yes.

1 Q. And then, instead, three minutes later, you send \$10,000?

2 A. Correct.

3 Q. And now, you have worked at the airport, and you testified
4 to that. You were generally aware of the significance of what
5 \$10,000 means in the law enforcement world?

6 A. Not at all.

7 Q. And, you bought stocks with the \$1,000 that was immediately
8 available, right?

9 A. Yes.

10 Q. Within the hour?

11 A. Possibly.

12 Q. And then you later received access to the \$9,000, a week
13 later or so; correct?

14 A. I don't remember when. But, if that's what the records
15 shows, yes.

16 Q. And then you immediately purchased the approximately \$8,000
17 in other stock?

18 A. If that is what the record shows, yes.

19 Q. And, it is your testimony that you thought this was all
20 part of your stimulus package?

21 A. I was told that I could spend the money on different
22 things. It didn't have to be a payroll or paycheck or for
23 employees or anything like that.

24 Q. And, you ultimately just ended up using the money on
25 personal expenses for the rest of the year?

1 A. Yes.

2 Q. And, you didn't share that with your wife though, right?

3 A. It was shared with my wife based on that we did family
4 activities.

5 Q. Right. You never disclosed it to her?

6 A. No.

7 Q. You keep saying that "he told me I had a 1099, so I thought
8 I qualified," right?

9 A. He said I qualified because I was a realtor and I had a
10 1099, and I was actively working as a real estate agent.

11 Q. And, you thought that was a flat \$20,000 windfall?

12 A. He said it was a standard amount.

13 Q. Um-hmm. And so your mom, as we talked about, could have
14 gotten one for \$20,000, as well, right?

15 A. Again, I didn't know if she was working in real estate at
16 the time.

17 Q. You -- and then if you are walking back the logic here,
18 what we are saying is that because you had a 1099, you could
19 have made a hundred dollars that year, right?

20 In your logic, you are sitting there that day and he says,
21 "You have a 1099, you could get 20 grand"?

22 A. Yes.

23 Q. And you thought that anyone with any 1099 would get 20
24 grand, and there was no scale, right?

25 A. That would have probably raised more red flags. I had made

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

5 Q. It wasn't a yearly protection program?

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

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

15 A. That is what he told me.

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

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

21 Q. Her license wasn't active in 2021?

22 A. She wasn't registered with the MLS.

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

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

1 under my name.

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

4 A. Correct.

5 Q.

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

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

8 A. Correct.

9 Q. And, that is what you said mattered?

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

13 Q. So, you are doing all this --

14 MR. SILBER: Objection, he keeps interrupting her.

15 MR. JONES: Sorry.

16 THE COURT: Sustained.

17 Go ahead and finish your answer.

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

25

1 BY MR. JONES:

2 Q. You just went through a full analysis. Right? I am
3 talking about at this moment, you didn't have questions of why,
4 maybe, maybe she could have qualified.

5 You just didn't want to tell her. All of a sudden, you're
6 an expert that day that is determining she is not qualified, or
7 are you someone relying on someone else that is telling you she
8 is qualified?

9 A. She didn't have a 1099.

10 Q. That is what I am saying. That was your logic at that
11 point, that she didn't have a 1099?

12 A. Correct.

13 Q. Does that make any sense, that someone could sell a house
14 for a \$100 in 2019 and get a \$20,000 thing in 2021?

15 A. I didn't think of it that way then.

16 Q. You know that income mattered?

17 A. I did not know the income mattered. He told me it was a
18 standard loan, and that I qualified because I was a realtor and
19 I had a 1099.

20 And, when I even asked about employees and payroll, and he
21 said I could use the money for other things, it was used to
22 supplement income during COVID, and it was used for COVID
23 relief. That's what he told me.

24 Q. Was she a law enforcement officer when you were being
25 audited in 2018 and 2019, right --

1 A. Yes.

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

4 A. Yes.

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

6 A. Yes.

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

8 A. Yes.

9 Q. And this was before anything happened?

10 A. Yes.

11 Q. You weren't charged yet?

12 A. No.

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

15 A. Yes.

16 Q. With the .gov address?

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

18 Q. You didn't look at the email?

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

20 Q. But you saw the email?

21 A. Yes.

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

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

25 "I would like to interview you as soon as possible, and

1 it is regarding your PPP loan application. Right?

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

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

6 THE COURT: Overruled.

7 BY MR. JONES:

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

10 A. I don't remember that.

11 Q. Is there anything that could refresh your recollection?

12 A. The email?

13 MR. JONES: May I approach, your Honor?

14 THE COURT: Yes.

15 BY MR. JONES:

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

17 A. Yes, I do.

18 Q. And, that refreshed your memory of this?

19 A. Yes, I do.

20 Q. So, do you recall that she provided two phone numbers or
21 she provided a number that she called, which was

22 (305) 494-9699?

23 A. Yes.

24 Q. And that is your phone number?

25 A. Correct.

1 Q. And, she left her phone number to be reached?

2 A. Yes.

3 Q. And, she had her signature block that said Office of the
4 Inspector General?

5 A. Yes. But, there was no law enforcement seal or badge or
6 anything. It looked like a little business logo, and I thought
7 it was spam.

8 Q. You thought it was spam?

9 A. Yes.

10 Q. And, that is what you told us on January 10th, when you
11 came into the office again, right?

12 A. Correct.

13 Q. You said you thought it was spam. But, actually, what you
14 did was you called St. Louis immediately, didn't you?

15 A. I asked him to verify the email.

16 Q. That day, you called him?

17 A. Yes.

18 Q. You didn't think it was spam?

19 A. I thought it was spam. But, I wanted to double check to
20 make sure it was not spam, if it was or was not spam.

21 Q. And you also texted him?

22 A. I called or texted him.

23 Q. And, you were trying to figure out what you had to show?

24 A. Possibly, yes.

25 Q. And then we never heard from you, right?

1 A. No one ever called me back. I figured if it wasn't spam, I
2 would have received something else.

3 Q. She left you a few voicemails, right?

4 She emails right here, alexacosta03@gmail.com. That is
5 your personal email; correct?

6 A. Correct.

7 Q. And, she also e-mailed you at your Broward Sheriff's Office
8 address; correct?

9 A. That's what you said, yes.

10 Q. Have you ever received spam simultaneously at both your
11 personal and your private email address?

12 A. My personal and my private, aren't they --

13 Q. Your personal, and your work email address?

14 A. I didn't see the work email.

15 Q. Well, even if you saw the G-mail, you would see that your
16 work email was CC'd?

17 A. I didn't even realize that.

18 Q. It was actually the one that it was sent to, correct?

19 A. I don't know.

20 Q. Would you like to --

21 A. If you are saying that that is where it was sent to, that
22 is where it was sent to. I just don't recall.

23 I recall something on my personal email, and I did call
24 St. Louis and ask him what this was. And, he told me it seems
25 "spammy", and if they needed something, that they would call me

1 back.

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

3 A. No.

4 THE COURT: All right. Let's take our morning recess.

5 See everybody in 15 minutes.

6 [Whereupon, the jury left the courtroom, and the

7 following proceedings were had at 10:35 a.m.:]

8 THE COURT: All right. Before we recess, I want to

9 bring up something here outside the presence of the jurors.

10 So, this is like the second time that the Government has

11 implied or inferred that there was something nefarious about

12 changing the monies that were sent to the Robinhood. There is

13 some concern about monies over \$10,000. So, what reporting

14 requirements are there for somebody who is not making a cash

15 deposit?

16 Because when somebody is making a cash deposit, they

17 would have a reporting requirement and they might want to

18 structure their transaction. So, what nefarious reporting

19 requirement was she trying to avoid by that?

20 That came out during the agent testimony, and now in

21 her cross-examination.

22 MR. JONES: Right. The inference is that for a

23 layperson, anyone, even myself, when you have to research it --

24 you have to research it to really get into the weeds of whether

25 it is currency or any other requirement. If you Googled it,

1 for example, it would say, \$10,000, wired, it must be reported
2 by the bank, or anything over. So, it's to the public in
3 general. And even for law enforcement, we have to get into the
4 weeds to understand certain pieces about the Bank Secrecy Act.
5 The purpose of that isn't to say she violated that. In fact,
6 during the direct examination of Ms. Johnson, I clarified that
7 it doesn't mean that it has to be done, just because there was
8 a transaction over \$10,000. It is to -- it is to put everyone
9 on notice that someone who is working at the airport sees the
10 \$10,000 number all over the place, who is in law enforcement,
11 understands that number, as much as anyone sitting at these
12 tables do.

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

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

23 All right? We will see everybody in 15.

24 MR. SILBER: Your Honor, one more thing. I just want
25 to make an objection about this line of questioning. Not only

1 did counsel get into her right to remain silent in terms of
2 responding to contact by law enforcement and submitting to
3 interviews, but now, this last question, he commented on her
4 right to counsel. He said, "And didn't he tell you to get a
5 lawyer," which, by the way, wasn't true. I wasn't even hired
6 until after she was arrested.

7 THE COURT: She said no. Okay.

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

10 MR. JONES: Okay.

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

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

15 COURT SECURITY OFFICER: All rise for the jury.

16 [Whereupon, the jury entered the courtroom, and the
17 following proceedings were had at 10:50 P.M.:]

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

19 All right. Go ahead.

20 MR. JONES: Thank you, your Honor.

21 BY MR. JONES:

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

24 A. Yes.

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

1 A. Yes.

2 Q. There is nothing illegal or nefarious at all about
3 transferring \$19,000 to someplace, a bank?

4 A. Correct.

5 Q. And, there is no reporting requirement, ultimately, for a
6 \$19,000 transfer if it is not cash or currency; correct?

7 A. Correct.

8 Q. Now. Circling back to the loan application here and the
9 circumstances of that loan application, you testified -- you
10 didn't pay St. Louis for this loan, right?

11 A. No.

12 Q. So, it is your testimony today that St. Louis decided to
13 commit a felony for you for free?

14 A. That is something you would have to ask him. I also didn't
15 pay him to do my taxes some years.

16 Q. Well, let's talk about that. You are saying that St. Louis
17 prepared fake tax documents for a sworn law enforcement
18 officer, right --

19 A. Yes.

20 Q. -- and sent them to a Government agency, completed a form
21 inflating income, correct?

22 A. That's what he did without my knowledge, yes.

23 Q. He completed the form, inflated income; correct?

24 A. Without my knowledge, yes.

25 Q. False statements, correct?

1 A. Without my knowledge, yes.

2 Q. And, he submitted that to the SBA, right?

3 A. Yes.

4 Q. He committed a felony for somebody for no reason, no
5 compensation, right? Is that what you are saying?

6 A. Correct.

7 But, that was usual for us. He did my taxes. I didn't
8 pay -- I didn't pay always to do my taxes.

9 Q. It was usual for him to commit felonies for you?

10 A. No, it was usual for us for him to commit or to do
11 transactions without me paying him. I had not paid him since
12 2019. I sent him referrals. I sent him friends of mine, or
13 other customers that were for, um, tax services.

14 Q. Your email was listed on the PPP loan application, right?

15 A. Yes.

16 Q. He did not use a fake email address, as we discussed
17 earlier, right?

18 A. Correct.

19 Q. And, you were a sworn law enforcement officer at that time,
20 right?

21 A. Yes.

22 Q. And, he knew you to be a sworn law enforcement officer for
23 many years, right?

24 A. Yes.

25 Q. He -- your testimony is that he asked for your email

1 address to do this, right?

2 A. Correct.

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

5 A. I would assume, yes.

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

8 A. Yes.

9 Q. He used your active email address, right?

10 A. Correct.

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

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

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

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

21 MR. JONES: No further questions, your Honor.

22 THE COURT: All right.

23 Do you have redirect?

24 MR. SILBER: I do, your Honor.

25

1 REDIRECT EXAMINATION

2 BY MR. SILBER:

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

5 A. Yes.

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

8 A. More or less, yes.

9 Q. What was the reason?

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

11 Q. His mistake in your taxes, right?

12 A. Yes.

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

14 A. Yes.

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

17 A. Yes.

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

20 A. Correct.

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

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

1 your pocket and pay the penalties that he caused you to incur?

2 A. I mean, I would have, obviously, been really upset and had
3 to find a new tax person. I didn't want to pay penalties. I
4 didn't do anything wrong.

5 Q. And, he would have been very worried for his business,
6 wouldn't he?

7 A. Yes.

8 Q. Because you referred him customers?

9 A. Yes.

10 Q. And, you were in real estate, right?

11 A. Yes.

12 Q. That means you are very sociable with your business?

13 A. Yes.

14 Q. You know a lot of people?

15 A. Yes.

16 Q. You work in an agency that has 5,600 employees, don't you?

17 A. Yes.

18 Q. And cops talk, don't they?

19 A. Yes.

20 Q. And word spreads?

21 A. Yes.

22 Q. And the word would spread that he is a terrible, lousy tax
23 preparer that cost you \$18,000?

24 THE COURT: Hold on.

25 What is the objection?

1 MR. JONES: Leading.

2 THE COURT: Sustained.

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

5 BY MR. SILBER:

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

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

10 A. Yes.

11 Q. What is the date?

12 A. The 4-1-21.

13 Q. Who is that?

14 A. Phyllis Kampmeyer. She is the audit examiner.

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

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

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

22 A. Correct.

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

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

1 Q. Moving along, I am showing you Government's Exhibit 505.

2 Do you recognize this document?

3 A. Yes.

4 Q. What is that?

5 A. It is a deposit.

6 Q. What is that?

7 A. A deposit.

8 Q. What is that?

9 A. A cancellation.

10 Q. Okay. What is the date?

11 A. February 4, 2021.

12 Q. And this one?

13 A. February 4, '21.

14 Q. And that cancellation is?

15 A. February 4, '21.

16 Q. All right. We see up here what?

17 A. Credit.

18 Q. And what this?

19 A. A debit.

20 Q. Okay. So, on February 4th, 2021, this deposit here was for

21 \$19,000. Then on February 4, 2021, same day -- which, by the

22 way, was the same day you received the money; correct?

23 A. Correct.

24 Q. There is another deposit for what?

25 A. \$10,000.

1 Q. And then we have this cancellation for how much?

2 A. \$19,000.

3 Q. Can you explain these transactions to the jury, please?

4 A. Yes. I -- on -- I wanted to invest the money in Robinhood,
5 which is a stock app. I transferred \$19,000, and wasn't
6 allowed to transfer \$19,000. So, that transaction was
7 cancelled, and then I transferred \$10,000 to Robinhood.

8 Q. And can you explain why you weren't allowed to do that?

9 Was that because of a regulation or a rule or procedure that
10 Robinhood has, for instance?

11 A. I guess there is a rule with currency, the \$19,000 or over
12 \$10,000.

13 Q. So, the system wouldn't let you do that transaction?

14 A. Correct.

15 Q. And, what did you do in response?

16 A. I transferred the other \$10,000.

17 Q. Okay. And, at the time you tried to wire the \$19,000, did
18 you think there was anything wrong with that?

19 A. No.

20 Q. Did you think the system would accept it?

21 A. Yes.

22 Q. Now, looking at Defense Exhibit C, these emails, I see
23 there is kind of a bright red color here, white letters,
24 contrasted with the red background.

25 I want you to clarify something for the jury. When you

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

4 A. Yes.

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

7 A. Yes.

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

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

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

18 A. Correct.

19 Q. Did you pay that?

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

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

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

24 Q. And did you write them a check?

25 Did you give them a credit card?

1 How did they actually receive the funds?

2 A. They came out of my bank account every month.

3 Q. And did it happen once a month, or every time you got paid?

4 A. I believe it was once a month.

5 Q. And was that balance paid off in full?

6 A. Yes, the balance is paid off in full.

7 Q. Let's talk about the BSO off-duty work policy.

8 Okay? You mentioned in your cross-examination something
9 about your command, when Mr. Jones was asking you some
10 questions. Can you elaborate for the jury what you were
11 referring to, and why you did not submit the off-duty
12 permission slip request there those years?

13 A. Yes. So, I now know that the rule, my understanding of it
14 is wrong. But, at the time, I thought it was once I changed
15 commands, that I had to resubmit a new application or a new
16 employment form.

17 And, from 2017 to -- I transferred over to the Fort
18 Lauderdale airport -- so, in 2018, I filled out my employment
19 form, which was the last form that I filled out, and I did not
20 leave the airport until I was transferred to SWAT, in -- until
21 2023.

22 Q. Okay. So, let's just explain to the jury what a command
23 is. Can you explain that a little bit further for us?

24 A. Yes, a command is or also known as a district. So, it is
25 one of the cities or municipalities that BSO has jurisdiction

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

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

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

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

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

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

20 Q. Let's talk about hiding.

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

25 A. Yes.

1 Q. In fact, wasn't it you that requested to set the meeting?

2 A. I believe so, yes.

3 Q. And, when you went there, didn't you sign papers agreeing
4 to waive your right to remain silent and discuss this case with
5 them?

6 A. Yes, I did.

7 Q. And, in that conversation, while I may have given an
8 opening statement for a couple of seconds, wasn't it you that
9 spoke the entire time, or at least 90 percent of the time?

10 A. Yes.

11 Q. And, did you answer all of their questions?

12 A. To the best of my ability, yes.

13 Q. Was there a single question you refused to answer?

14 A. No.

15 Q. And, didn't you tell them you were an open book?

16 A. Yes.

17 Q. And, didn't you tell them you wanted to clarify this?

18 A. Yes.

19 Q. And, didn't you tell them that you wanted to answer every
20 question that they had?

21 A. Yes.

22 Q. And, at that time, at that time, did you have the DocuSign
23 evidence, were you aware of the DocuSign evidence that proved
24 that IP address was Mr. St. Louis's?

25 A. I don't remember.

1 Q. Okay. That's fair.

2 And, where did that interview take place?

3 A. At the -- I believe the U.S. Attorney's Office.

4 Q. In Fort Lauderdale?

5 A. Yes.

6 Q. Okay. So, you entered their Government building?

7 A. Yes.

8 Q. And, you went up to their offices?

9 A. Yes.

10 Q. Did you have to go through a metal detector?

11 A. Yes.

12 Q. Did you have to show ID?

13 A. Yes.

14 Q. Just like coming into this courthouse, right?

15 A. Um-hmm, yes.

16 Q. It is a secured Government facility, right?

17 A. Yes.

18 Q. And, you were escorted to a meeting room; correct?

19 A. Yes.

20 Q. And, when you went into that room, the door was closed,
21 wasn't it?

22 A. Yes.

23 Q. And, the only people present were you and me, right?

24 A. Yes.

25 Q. And Assistant United States Attorney Trevor Jones?

1 A. Yes.

2 Q. And another U.S. attorney?

3 A. Yes.

4 Q. And Special Agent Tonya Johnson?

5 A. Yes.

6 Q. And Detective Earl Scott?

7 A. Yes.

8 Q. Who were those people present, and you answered every
9 question they asked you, didn't you?

10 A. Yes.

11 Q. You weren't lying?

12 A. I have nothing to hide. I told the truth the whole time.

13 Q. And, did you feel compelled to do that, in part, because
14 you are a law enforcement officer?

15 A. Yes.

16 Q. On February 1, 2024, when that PPP loan application was
17 submitted on your behalf, was your audit finalized?

18 A. No.

19 Q. Was it a work in progress?

20 A. Yes.

21 Q. And, when did you ultimately find out the end result about
22 how much was owed?

23 A. March 29th or April 1st, one of those days.

24 Q. Long after that application; correct?

25 A. Yes.

1 Q. And, long after you tried wiring the money to Robinhood,
2 right?

3 A. Yes.

4 Q. And, when you signed your tax returns, in that moment, when
5 they were presented to you for signature by Mr. St. Louis, was
6 it your belief that everything that was in there was true and
7 correct?

8 A. I don't know if I always signed them.

9 Q. You do know if you signed them?

10 A. No.

11 Q. Let me ask the question a different way. You understood
12 that he was going to submit them to the IRS on your behalf;
13 correct?

14 A. Correct.

15 Q. And, it was your impression and your belief and your state
16 of mind that he was submitting true and accurate returns?

17 A. Yes.

18 Q. And returns without errors?

19 A. Yes.

20 Q. Because you don't -- nobody wants to get audited, right?

21 A. No. I provided him paperwork, and assumed he could --
22 would do the numbers based on the paperwork that I gave him.

23 Q. And tell me something. You are not a regular person. You
24 are a law enforcement officer?

25 A. Yes.

1 Q. What happens at your job when a law enforcement officer
2 gets arrested?

3 A. There is a lot of things that happen. I think you have to
4 be more specific.

5 Q. Okay. Well, are they allowed to continue working?

6 A. No.

7 Q. Take a moment.

8 Because of your position, there are major consequences
9 to this type of thing, right?

10 A. Yes.

11 Q. Now, counsel asked you, on cross-examination, if BSO
12 continued to pay your paycheck during COVID, and you answered
13 yes. Do you remember that?

14 A. Yes.

15 Q. When everybody was home during COVID and hiding, and social
16 distancing, where were you?

17 A. Working at the airport.

18 Q. At the airport. Doing what?

19 A. Patrolling, working with my canine.

20 Q. So, when you got those paychecks, you were earning every
21 penny, weren't you?

22 A. Yes, I was.

23 Q. While the rest of us stayed home.

24 May I have a moment, your Honor?

25 THE COURT: Yes.

1 MR. SILBER: Thank you.

2 BY MR. SILBER:

3 Q. One last thing to ask you.

4 I am now showing you what was previously marked as
5 defense -- do you see it?

6 I showed it to you before as defense 34, for
7 identification purposes.

8 Do you see the document?

9 A. Yes.

10 Q. Do you recognize this image?

11 A. Yes, I do.

12 Q. How do you recognize the image?

13 A. It is an image of my cell phone, and the unanswered and
14 answered voicemails.

15 Q. Okay. Is that an accurate photo of the voicemail section
16 of your personal iPhone?

17 A. Yes.

18 Q. And, obviously, because it is your iPhone, you have
19 personal knowledge of its contents; correct?

20 A. Correct.

21 MR. SILBER: And, I would like -- your Honor, at this
22 time, I would move to admit Defense 34 into evidence.

23 THE COURT: Okay. So, that will be E as in echo.

24 (Defendant's E was received in Evidence.)

25 MR. SILBER: I will mark the exhibit -- you said E,

1 echo, right?

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

3 BY MR. SILBER:

4 Q. Okay. Looking back at Defense Exhibit E, I would like to
5 draw your attention to right here where my finger is pointed.

6 Can you read this phone number?

7 A. (202) 527-3049.

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

9 A. It means that is an unopened message.

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

11 A. Yes.

12 Q. And why is that blue dot there?

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

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

16 A. No.

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

18 THE COURT: All right.

19 Thank you. You can return to your counsel table.

20 (Witness Excused.)

21 THE COURT: All right.

22 Any other witnesses for the defense?

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

25 THE COURT: Any other witness or evidence on behalf of

1 the Government?

2 MR. JONES: No, your Honor.

3 MR. SILBER: No, your Honor.

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

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

14 COURT SECURITY OFFICER: All rise for the jury.

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

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

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

21 Any motions?

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

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

1 that.

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

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

6 MR. JONES: Trevor Jones, your Honor.

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

8 MR. JONES: Ten minutes, your Honor.

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

11 MR. SILBER: Thank you, your Honor.

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

16 See everybody in ten minutes.

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

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

20 COURT SECURITY OFFICER: All rise for the jury.

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

23 THE COURT: All right. Welcome back, everybody.

24 Members of the jury, ordinarily, the attorneys will
25 make their final closing arguments to you, and then I or the

1 judge would instruct you on the law. One of the reasons we do
2 that is a lot of times, we are making last-minute changes to
3 the jury instructions. So, while the lawyers are arguing, my
4 staff is back there making those changes.

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

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

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

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

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

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

1 deliberations.

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

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

10 You must follow all of my instructions as a whole.

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

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

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

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

24 A reasonable doubt is a real doubt based on your reason
25 and common sense after you have carefully and impartially

1 considered all of the evidence in the case.

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

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

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

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

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

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

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

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

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

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

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

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

20 Did the witness seem to have a good memory?

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

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

25 Did the witness' testimony differ from other testimony

1 or other evidence?

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

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

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

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

23 And, a defendant has --

24 Well, that should not be in there.

25 During the trial, you heard evidence of acts allegedly

1 done by the defendant on other occasions that are not directly
2 related to the charged offenses. This evidence is admitted and
3 may be considered by you for the limited purpose of assisting
4 you in determining whether the defendant had the state of mind
5 or intent necessary to commit the crime charged in the
6 superseding indictment; whether the defendant had a motive or
7 the opportunity to commit the acts charged in the superseding
8 indictment; whether the defendant acted according to a plan or
9 in preparation to commit a crime; or whether the defendant
10 committed the acts charged in the superseding indictment by
11 accident or mistake.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Every count of the superseding indictment charges a

1 separate crime. You must consider each and the evidence
2 related to it separately.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 And, number four, the overt acts were committed at or

1 about the time alleged in and with the purpose of carrying out
2 or accomplishing some object of the conspiracy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 And, number four, the defendant transmitted or caused

1 to be transmitted by wire some communication in interstate
2 commerce to help carry out the scheme to defraud.

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

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

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

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

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

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

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

25 Proving intent to deceive, alone, without the intent to

1 cause loss or injury is not sufficient to prove intent to
2 defraud.

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

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

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

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

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

22 Deliberate avoidance of positive knowledge, which is
23 the equivalent the knowledge, occurs, for example, if a
24 defendant possesses a package and believes it contains a
25 controlled substance, but deliberately avoids learning that it

1 contains the controlled substance so that she or he can deny
2 knowledge of the package's contents.

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

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

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

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

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

24 But, finding that a defendant is criminally responsible
25 for the acts of another person requires proof that the

1 defendant intentionally associated with or participated in the
2 crime, not just prove that the defendant was simply present at
3 the scene of the crime or knew about it.

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

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

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

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

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

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

1 superseding indictment.

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

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

14 This instruction only applies to Count 4

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

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

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

1 because you simply want to get the case over with.

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

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

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

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

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

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

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

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

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

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

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

25 Under our rules, each side will have an equal amount of

1 time to present its argument. But, because the Government has
2 the burden of proof, it has the right to go first and last.
3 So, we are going to hear first from Mr. Jones on behalf of the
4 Government, then from Mr. Silva on behalf of the defendant, and
5 then, finally, from Mr. Jones again on behalf of the
6 Government.

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

9 MR. JONES: Thank you, your Honor.

10 Quid pro quo.

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

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

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

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

25 That applies to Count 4. That is wire fraud. The

1 parties agree that this, that element of the case has been met.
2 I don't believe there is any dispute here between the parties
3 that there was false statements. And, in these PPP loans;
4 correct? I think we are all on the same page, that the number
5 8,300 and some-odd dollars on average monthly payroll. That is
6 false; that the funds were going to be used for certain
7 expenses, false; the fact that Ms. Alex Acosta potentially
8 signed it could be false. So, what are we talking about now?

9 Knowledge.

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

15 Nobody was in the room that day besides those two.

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

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

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

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

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

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

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

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

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

25 But, as we know now, the story has changed. Stories

1 changed to fit the circumstances, to pivot out of something.

2 That's the defendant. That is who testified today. A new
3 story, different from the one previously made.

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

6 The IRS sends this examination report changes.

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

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

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

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

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

25 And, within that period, the application was created,

1 it is all right, sent up. The numbers are in there, at that
2 point.

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

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

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

10 Okay, let's think about that.

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

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

16 It doesn't make any sense.

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

24 After meeting with Ms. Acosta, during the meeting with
25 Ms. Acosta, she does not disclose anything about this timeline,

1 about Vilsaint St. Louis and how she was being audited, and he
2 caused these problems with her taxes, and that this somehow
3 created a reason for him to inflate these things; and, here is
4 why. This is why this all happened.

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

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

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

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

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

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

24 She is not doing that at all.

25 She is actively working to get -- to get it down. She

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

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

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

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

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

24 She knows it is a side hustle. Right?

25 And, this is 2021 PPP fraud. This isn't like the

1 beginning where no one knew about what the program was. In
2 fact, she came in here and testified she didn't know what the
3 program was until the day in February 2021. It is up to you to
4 believe it.

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

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

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

22 Pure gratis.

23 It is illogical.

24 It is -- evidence of a felony is sitting in
25 Ms. Acosta's email box as of February 3rd, 2021. First, the

1 attachment to the document, it says, "DocuSign," right -- right
2 there. Big sign.

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

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

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

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

24 It is \$20,000.

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

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

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

5 They are together.

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

7 No problem.

8 Her wife goes in there to do her taxes. She is being
9 audited. Boy, this guy -- with this guy, the St. Louis. And,
10 her wife is heading there to do her taxes, and she doesn't want
11 her wife to know about that. She doesn't want her wife to know
12 that she is walking into a potential buzz saw, to check her
13 2018, and to check her wife's 2018 and 2019 tax returns. And,
14 the reason why is because she knows what she is doing. She
15 knows, and that's why she wants him to do a lot of this, too.

16 She pushes the G-mail. Sure.

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

19 20 grand is perfect.

20 Deliberate ignorance?

21 Yes.

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

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

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

8 Again, we all agree, false statement.

9 The only remaining element is knowledge.

10 She knew.

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

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

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

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

1 What is the benefit?

2 Why would St. Louis do this at all?

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

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

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

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

15 THE COURT: You have used 20 minutes.

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

18 THE COURT: Okay.

19 MR. SILBER: Thank you.

20 THE COURT: Mr. Silber?

21 MR. SILBER: Yes, your Honor.

22 73.56.139.104.

23 73.56.139.104.

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

1 73.56.139.104.

2 73.56.139.104.

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

8 February 1st, 2021; 73.56.139.104.

9 February 2nd, 2021; 73.56.139.104.

10 February 3rd, the date the loan was approved,
11 73.56.139.104.

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

16 Look at all these initials here and there.

17 There it is. DocuSign.

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

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

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

25 What did she tell us about this signature here?

1 We can see this is the forgiveness application.

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

8 Because it is not authenticated.

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

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

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

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

24 And, when we take in the context of the IRS audit, they
25 got this backwards. They got it totally backwards. She is not

1 the one who is hurting for money, finding a way to solve her
2 problems.

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

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

12 How did she spend the money?

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

24 Deputy Acosta has conducted herself like a lady, and
25 like an honorable officer of the law. When she was in trouble,

1 just like at the airport, just like getting on SWAT, just like
2 all the college grades the Government brought up, how is that
3 even relevant?

4 Who cares what she did in college?

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

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

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

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

24 Let's talk about the IRS evidence.

25 According to the tax compliance officer -- all those

1 notes, by the way, with the redactions in the missing
2 information that we saw -- okay. What did it say in what was
3 the end conclusion of this three, four-month investigation,
4 that they spent so many hours on discussing?

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

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

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

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

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

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

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

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

7 And, do you know what that is called?

8 That is abuse of a position of trust.

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

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

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

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

21 She is a straight A student. Okay?

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

24 She is the person who protects the president of the
25 United States at the airport, and other dignitaries. They

1 don't just let anybody do that. You have to be vetted and re-
2 vetted. You can't even be a regular police officer. You have
3 to be special.

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

11 Is that what he tells the SWAT officer?

12 Is that the plan?

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

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

18 What did I tell you in the opening statements?

19 90 percent of what you are going to hear, we agree
20 with.

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

24 And, only those two know what was said.

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

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

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

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

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

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

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

20 The defendant knowingly made a false statement.

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

1 He is the one that submitted it.

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

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

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

11 And, let's talk about what that means.

12 How does that work?

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

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

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

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

23 Did they sit down together and prepare it together?

24 Yeah. But, what does that mean?

25 That doesn't mean she sat there with him and said, "Oh,

1 when you put in this field here, put that number, and when you
2 do this field here, do that number, use this code" -- no.

3 That is -- that is not what this is.

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

9 What did the note say?

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

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

15 What else could she do?

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

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

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

1 admit that the forgiveness was applied for.

2 She admits -- and she admits the numbers were false.

3 There is no dispute about any of that.

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

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

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

16 I am sorry to have to tell you this, but, someone who
17 has worked that hard and comes so far and done so much is not
18 going to throw away their law enforcement career on a stupid
19 \$20,000.

20 Another thing, I am going to make a comparison.

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

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

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

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

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

14 A good tax preparer?

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

19 She never had a reason to question his honesty.

20 She never had a reason to question his honesty.

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

24 She is a person that needs her information protected.

25 She is a person that, when she hands a document and said, "Here

1 is my kid's name. This is where they live. This is where we
2 rest our head at night," that that is not going to get lost,
3 misplaced, or end up in the wrong hands.

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

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

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

13 They need to prove she is guilty.

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

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

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

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

23 THE COURT: All right. Thank you.

24 Mr. Jones?

25 Do you want either the ELMO or your computer on?

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

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

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

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

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

13 Who got the money?

14 The defendant.

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

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

19 It is just -- it strains credulity.

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

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

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

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

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

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

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

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

24 Motive.

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

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

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

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

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

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

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

24 That doesn't click.

25 If his motive is to make it right, he is going to have

1 to let her know he is making it right, somehow; otherwise, that
2 is her money. She would be entitled to it, regardless.

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

6 Nobody.

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

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

22 Thank you.

23 THE COURT: All right. Thank you.

24 All right. Members of the jury, in just a minute, I am
25 going to ask you to go back into the jury room to commence your

1 deliberations. Your lunch should be there. You can have a
2 working lunch while you're deliberating.

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

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

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

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

23 Also, we want to make sure that you have no outside or
24 contact with the outside world while you are deliberating. So,
25 we are going to, while you are in the room deliberating, take

1 your phones, or if anybody brought an iPad or laptop. That
2 doesn't mean you can't use them. Okay?

3 So, first of all, before we take them, and before you
4 start your deliberations, if you want to call home or work or
5 something now, you can do that. Let's say it gets to be
6 3:00 o'clock and you want to call your spouse or call work.
7 You will all stop your deliberations and we will give you your
8 phone and you can make your phone call.

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

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

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

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

25 So, when you go back, you can and should take your full

1 copy of the written jury instructions. Leave the extra verdict
2 form behind. I have the original verdict form here, I have a
3 copy of the superseding indictment, and I have a bunch of the
4 note things here that we will give you.

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

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

9 I don't think that happened in this case.

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

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

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

20 THE COURTROOM DEPUTY: All rise for the jury.

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

23 THE COURT: Thank you. Please be seated.

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

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

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

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

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

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

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

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

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

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

16 ALTERNATE JUROR: I have my lunch.

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

18 ALTERNATE JUROR: I have my own lunch.

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

23 Thank you. All rise for the alternate juror.

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

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

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

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

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

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

10 MR. JONES: Yes, the grand jury room.

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

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

16 COURT SECURITY OFFICER: All rise.

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

19 THE COURT: Wait.

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

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

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

1 MR. JONES: Okay.

2 THE COURT: And, for the defense, I --

3 MR. SILBER: I have them all right here, your Honor.

4 THE COURT: I have --

5 MR. SILBER: A, B, C, D, and E.

6 THE COURT: Correct.

7 MR. JONES: 607 is not in evidence. It is just a
8 placeholder.

9 THE COURT: I missed that. But, yes, I have that it is
10 not in evidence, also.

11 So, look at each other's exhibits that are going to go
12 back.

13 Have you marked copies of all exhibits?

14 MR. JONES: I have the jury laptop and flash drive. I
15 also have copies of our own, and I can give back the binder and
16 the laptop.

17 THE COURT: And does the laptop need a password?

18 MR. JONES: The laptop doesn't. That is why it is the
19 jury's laptop, Judge.

20 THE COURT: But, there is no digital, like, videos or
21 recordings?

22 MR. JONES: No.

23 THE COURT: So, if you have a hard copy, let's just
24 give them all hard copies of everything.

25 MR. JONES: Sounds good.

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

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

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

9 All right. Thank you.

10 MR. JONES: Thank you, your Honor.

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

13 COURT SECURITY OFFICER: All rise.

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

17 COURT SECURITY OFFICER: Please remain standing for the
18 jury.

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

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

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

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

3 THE COURTROOM DEPUTY: Yes.

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

9 And, as to Count 2, guilty;

10 As to Count 3, guilty;

11 As to Count 4, guilty.

12 So say we all."

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

15 THE COURT: Will you please poll the jury?

16 THE COURTROOM DEPUTY: Yes.

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

20 Juror No. 1, is this your verdict?

21 JUROR NO. 1: Yes.

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

24 JUROR NO. 2: Yes.

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

1 verdict?

2 JUROR NO. 3: Yes.

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

4 verdict?

5 JUROR NO. 4: Yes.

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

7 verdict?

8 JUROR NO. 5: Yes.

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

10 verdict?

11 JUROR NO. 7: Yes.

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

13 verdict?

14 JUROR NO. 8: Yes.

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

16 verdict?

17 JUROR NO. 9: Yes.

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

19 verdict?

20 JUROR NO. 10: Yes.

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

22 verdict?

23 JUROR NO. 11: Yes.

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

25 verdict?

1 JUROR NO. 12: Yes.

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

4 JUROR NO. 13: Yes.

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

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

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

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

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

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

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

25 And, now that you are former jurors, I want you to know

1 that you enjoy certain rights and privileges.

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

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

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

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

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

15 All rise for the jury.

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

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

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

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

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

25 MR. JONES: No, your Honor.

1 THE COURT: Mr. Silber, are you available?

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

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

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

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

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

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

13 THE COURT: And what is the current bond?

14 MR. JONES: I think it is a --

15 MR. SILBER: Promissory.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 MR. SILBER: Thank you, your Honor.

22 MR. JONES: Thank you, your Honor.

23 COURT SECURITY OFFICER: All rise.

24 (Proceedings adjourned at 4:49 p.m.)

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C E R T I F I C A T E

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

<u>November 14, 2024</u>	<u>/s/Sharon Velazco</u>
DATE	SHARON VELAZCO, RPR, FPR
	Official Court Reporter
	United States District Court
	400 North Miami Avenue
	9th Floor
	Miami, Florida 33128

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