UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA,) Fort Myers, Florida
)
) Case 2:20-CR-114-FtM-66MRM
Plaintiff)
) Thursday, March 25, 2021
vs.)
) 1:02 p.m. to 1:48 p.m.
CASEY DAVID CROWTHER,)
) Courtroom 5D
Defendant)
)

TRANSCRIPT OF JURY TRIAL CROSS-EXAMINATION OF DIANE KNOTT

HELD BEFORE THE HONORABLE JOHN E. STEELE,

United States District Court Judge

Official Court Reporter:
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I N D E X

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* * * P R O C E E D I N G S * * *

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THE COURT: Mr. Dickerson, you may proceed.

MR. DICKERSON: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. DICKERSON:

Q Good afternoon, Mrs. Knott.

A Good afternoon.

Q My name is Brian Dickerson. I'm counsel for Mr. Crowther. I'll be asking you some questions based on the government's questions.

I believe you testified that you were formally employed by this U.S. Attorney's Office; correct?

A That's correct.

Q And when --

A Well, as a contractor. Yes.

Q You were hired as a contractor by the U.S. Attorney's Office in what time period?

A I was hired by Forager Support Associates as a contractor position for the United States Attorney's Office. And that timeframe was March of 2017 through September of 2020.

Q Okay. Thank you very much.

I didn't catch the -- I guess the base of your testimony here. You're not here as a fact witness; correct?

A No.

Q And you're not here to provide any opinion, at all; correct?
A That's correct.
Q You're just here to summarize documents.
A That's correct.
Q And if you need to take a drink of water, or take a break, just let me know.
A That's okay. I apologize for my voice.
Q You don't have to apologize.
So the purpose here for you, you were told to come here and summarize documents.
A Yes.
Q And you made reports, the summary reports, based upon you summarizing these documents.
A Correct.
Q Who told you to create these reports?
A I was asked by the United States Attorney's Office.
Q Okay. And, when we look at these reports, do they give you the precise instruction as to what they wanted you to specifically look at in the reports?
A No. They just asked me to summarize the bank documents.
Q All right. So, when we are looking at these various columns on your various summaries, you're the one that independently selected the date, the withdrawal, the payee, you're the one that made that determination that that's what

you wanted on your summary document?
A I've been creating summary documents like that for 35 years, so that's what, usually, my summary document looks like.
Q So you have your own basis for what you're going to choose to summarize in these documents.
A Well, I make it reflect what was on the bank statements.
Q All right. So was there any limitations on what you complete in your summary?
A As with respect to what?
Q Were there any limitations as to the request we want you to summarize these documents from the U.S. Attorney's Office, was there any limitation on what you were to summarize?
A No. Other than, you know, just summarize January through September 2nd.
Q All right. So you were limited to that January, 2020, time period.
A Well, the bank records started on January 1st, so that's -- I didn't have any records prior to that.
Q Thus you were limited to start January, 2020.
A Correct.
Q And you just reviewed bank records; correct?
A Correct.
Q And you didn't review all the financial information for Target Roofing in this analysis.

A As far as records from Target Roofing? You mean like journals, or things like that?
Q Correct.
A No; I didn't have access to anything like that.
Q So you weren't provided any QuickBooks or financial documents of Target Roofing to complete this analysis.
A No.
Q In one of Mr. Reichling's questions, he asked you what the sum of a specific record was. I believe it's 164. What did you mean by sum? And I'm not going to go to that. I'm just trying to figure out what you meant by sum. Asking you what you think it was.
A I would need to see the records to see what context it was used in.
Q No problem. 165. Are you --
A And he asked me the sum of what?
Q He asked you what the sum of the total for Document 165, and you came up with the answer of 403,000.
A Correct. That was the sum of the previous four accounts.
Q Okay. And I'm just asking what is your definition of sum?
A It's an addition.
Q Of all of the previous figures, expenses? That's what I'm just asking.

A It's the sum of certain accounts.
Q So your answer to that was basically you summed up the previous numbers to get that total number.
A Correct.
Q Okay. If you would look at Government's Exhibit 153. And go to Page 26.
A Okay.
Q I'm looking at 4/23/2020. That is a -- what you would define as a non-cash business receipt?
A Okay.
Q Is that correct?
A Yes.
Q Because that's your description of them; correct?
A Yes.
Q And that's for 101,000; correct?
A Correct.
Q And then, 4/24, you have a deposit of $1,242.08; correct?
A Correct.
Q 4/24, deposit of 49,177; correct?
A Correct.
Q And 4/24, there's a second deposit; correct?
A Correct.
Q And that's for $82,349.16?
A Correct.

Q 4/27, a deposit for $55,362.05? Correct?
A Yup. Yes.
Q And I just want to look at two more. 4/29, 192,621.63. Correct?
A Correct.
Q April 30th, another $90,757.03.
A Yes.
Q And that's where we're finished. On May 1st, there's a deposit for $6,928.50, and then a second deposit that day of $179,312.71; correct?
A Correct.
Q You didn't total up those specific dollar amounts to figure any analysis; correct? In your report. Your summary.
A I didn't total them where?
Q You didn't make a summary of the sums of those deposits.
A There is a summary of deposits. There is a summary of deposits.
Q Right. But the ones that I just discussed, from April 23rd to May 1st, you don't have a report specifically with the sum of those deposits.
A No, I don't.
Q Right. And you would agree with me those deposits are all made within seven days of April 24th, 2020; correct?
A Correct.
Q Now, when you're conducting your analysis -- I'm sorry,

you're creating your summary sheets, that's not on a cash or an accrual type basis; correct?
A No; it's just a . . . it's a summary of the transactions on the bank statements and the balance in the account is as of that day.
Q So it is just that is the balance in that account on that given day demonstrated by the bank statement.
A Correct.
Q And a bank statement, I think you testified, won't show cash on hand; correct?
A You mean, if you have cash somewhere else, would a bank statement show that you have cash sitting at home?
Q Well, how about petty cash is pretty common with a business; is that right?
A Right.
Q And it doesn't show petty cash, does it.
A Not a bank statement, no.
Q And it doesn't show cash that somebody personally has; is that correct?
A Correct.
Q So you would agree with me that these summaries are just limited to these bank statements, and not subject to any financial transactions.
A That's correct.
Q And you would agree with me that the deposits show

actually when the checks cleared, or was your analysis when they actually deposit it in the bank?
A It is when they clear, which is what is in the bank statement.
Q And, when monies are cleared, is that the same day as they're deposited?
A It could be, but it's usually when the bank in which it was drawn on received notice that the bank -- that the cash has been declared. Or has been cashed.
Q So then these bank statements are just showing when they were actually cleared, not when they were actually -- I mean the deposits were physically deposited at the bank.
A Correct. Let me go back. Are you talking about withdrawals, or are you talking about deposits?
Q I didn't mention anything about withdrawals.
A Okay. If we're talking about deposits, we're talking about the day -- the bank statement is going to reflect the day that that particular check was deposited into the bank.
Q Okay. So your reflection on these summary reports, 5/1 is the day that that $86,928.90 was deposited, not when it cleared.
A Correct. It's the day it's deposited. When you bring in money into a bank, you bring it in on May 1st, then it's gonna reflect the deposit on May 1st. Now, I mean the check may take a couple of days to clear the person who wrote the

check into their bank account. It may not reflect the same day on the person who wrote the check, but the deposit is going to be the day that you actually brought the check in and deposited it into the bank.

Q That's all I'm trying to ask. I'm trying to get your definition of what you used to do your summary.

A Yes; which is what the bank statement would reflect.

Q And I believe you also did a summary of payroll; correct?

A Yes.

Q I believe that's Exhibit 164. I apologize if I take time trying to find it.

A Okay.

Q And that's Exhibit 164. And what -- and again, is this exhibit --

A What is the exhibit? The exhibit is a . . . just a reflection of the withdrawals to Workforce Business Services and the date that the transaction was made.

Q And Workforce Business Services is the payroll; correct?

A Correct.

Q So this is -- I'm just trying to clear the -- if we look at 4/20, that is the day that the payroll was paid, or processed? Do you know? For your summary?

A Since that has a column with check numbers in it, that means that they wrote a check to Workforce Business Services.

So you'd have to look at the actual check to see the date they wrote the check. That would be the date that the check actually cleared the bank.

Q So the date is just the date of the check; correct?

A No. The date is the date that it cleared the bank.

Q All right. So, on your report here, summary, the date is when it cleared, the check number, but you don't have the date of the check.

A I could look at the actual check and look at the date of the check.

Q Okay. So you could make a review and make that determination.

A Sure.

Q Can you do this? Do you have the ability to total up any numbers on your summary report? I doubt you have a calculator or anything; correct?

A No, I don't.

Q Okay. What if you were to take from April 24th, 2020, the top of the chart, down to 8/13/2020, what would be -- and I know you can't do it in your head. Do you know what the sum of those payroll expenses would be?

A Can I have a calculator?

Q I can give you my iPhone if you would like to use it.

MR. REICHLING: I'm going to object. This is a waste of time. To use it to do calculations? What point is the defense trying to make here? I'm trying to figure it out.

THE COURT: Well, the objection is overruled.

To the extent you've got a calculator and want to give it to her, or an iPhone with a calculator, you may do so.

MR. DICKERSON: Thank you, Your Honor.

(Mr. Dickerson provided an iPhone to the Courtroom Deputy, who cleaned it and provided it to the witness, who uses the iPhone to make mathematical calculations.)

THE WITNESS: Okay. It's a rough calculation. I didn't put in the pennies.

MR. DICKERSON: I accept that.

THE WITNESS: It's, I come up with $3,001,287.

MR. DICKERSON: Okay. And keep that open because then we'll go back to those deposits.

BY MR. DICKERSON:

Q If you could, the sum of the deposits from 4/23, do you want me to read them off for you, or I can just enlarge it for you?

A Yes, please.

Q Okay. 63,352.

A Okay.

Q I'm going to the next one, ma'am.

A Oh.

Q 192,621.

A Okay.

Q 90,757.
A Okay.
Q 86,928.
A Okay.
Q 179,312.
A Okay.
Q And what is that sum?
A 602,980.
Q Thank you. Hopefully, we won't have to use the calculator again. You can put it aside.
If you could look at Exhibit 159, please, ma'am.
A Okay.
Q And which document is this?
A This is a summary of the Laredo, LLC account ending in 8115.
Q And I believe the government asked you about various rent payments on this document; correct?
A Correct.
Q What about March? There's several rent deposits on March that are over just that $13,130; correct? I'm looking at . . . the first one starts on 3/5/2020.
A 3/5/2020, there's a deposit for $1,500.
Q And going down to 3/26, there's more than just that one monthly rent payment; correct?
A Yes. There's a monthly rent payment, and then there's a

loan payment. Correct.
Q And what is this $5,069.67?
A It's a loan payment. It says principal is 1,681.78, and interest is $3,387.89.
Q Okay. Thank you. You also discussed a payment of 3300 that went into the personal account and then went to Venmo; correct?
A Correct.
Q And what is Venmo?
A Venmo is just an app that is used to pay someone else money.
Q And that's the ability to -- if you have that app, you can transfer money back and forth?
A Correct.
Q Do you know what that transfer was for from Venmo?
A No. You can't tell from the statement.
Q Do you know, does Target Roofing have a Venmo account?
A I would not know.
Q All right. So you didn't have any Venmo account statements in your review; correct?
A Correct.
Q You were also asked about a Bank of America deposit.
A Yes.
Q Were you asked to specifically look that the deposit, or did you look at all deposits made at Bank of America?

A I looked at all the deposits.
Q All right. So that one deposit in the Bank of America bank record was not pointed out to you for you to review?
A I mean, it was -- it was discussed, but I -- I reviewed the entire account, but it was discussed. I mean, when I make a deposit like that, I'll look at all the deposit items and indicate what's reflected on the records.
Q Other than that one deposit of $942.90 -- and it's Exhibit 156 if you need to look at it.
A 156. Is it -- are you talking about the deposit item?
Q I'm talking it's the Bank of America, Government's Exhibit 156, it looks like a summary that you created --
A Oh, I'm sorry. I thought you were talking about the actual deposit item. Yes, I have it.
Q Okay. With regard to this Bank of America account, is it your understanding that this account was opened on 3/13/2020?
A No.
Q So I guess I'm asking why does this account analysis start on 3/13/20 and the other analyses for the other accounts start on January 1st, 2020?
A Probably because I actually was running out of time. I just -- I have another job that I was doing, and I just didn't have the time; and the deposits before that timeframe just did not appear relevant to the case, so I started it with 3/13,

because that's when the bank statements for March started.
Q How much time did you have to perform this summer?
A To perform this particular summary?
Q All of the summaries.
A A couple of months. But I'm working another job that I work 50 hours a week.
Q Okay. So this is like a side job, then?
A Yes.
Q And so, for this document, did you have the statements starting in January, 2020?
A Yes.
Q All right. So this is just an example you chose to make your summary to start at 3/13/2020.
A Correct.
MR. DICKERSON: Could I publish, Your Honor? Thank you.
BY MR. DICKERSON:
Q And this is the account that the $942.90 was deposited in; correct?
A Correct.
Q Do you recall the date?
A I believe it was August 20th, I want to say. August 20th, yes. On Page 5.
Q If you need to, please do, but is there anywhere else in your summaries where there's any other deposit by Mr. Casey

Crowther of employee checks other than this one for $942.90?
A Not that I'm aware of. There were a few -- if you'll notice, like in March, there were a few deposits that just say, "Mobile Deposit," and the deposit item was not available from the bank.
Q And that was in March of 2020?
A Yes. On the first page.
Q 3/25, there's two of them?
A Yes.
Q So you can't say, at all, what those deposits are for.
A No. Because the bank didn't provide the deposit item.
Q Okay. And then I'm going to go to Exhibit 165. And this is the exhibit that you were asked as far as the sum; correct?
A Correct.
Q Now, I want to go down to utilities, payroll, and rent, payment to WBS, payment for monthly rent. Did you select the utilities, payroll, and rent categories for this calculation?
A I did.
Q You did?
A Yes.
Q And so that 238,650 is the sum of those expenses?
A Correct.
Q And is there any reason why you didn't pick rent for equipment?

A Rent for equipment?
Q Yes.
A I wasn't aware of any rent for equipment. And I'm not sure that the rent for equipment is covered under PP. PPP.
Q Well, I guess that's my issue. Those topic areas right there, you're including that because your belief that they're covered by PPP? Is that why that's on that summary?
A Yes. Because I believe that that's what's covered, that's what the PPP money was authorized to be used for.
MR. DICKERSON: Give me one second, Your Honor?
THE COURT: Sure.
(Mr. Dickerson and Ms. Waid confer privately.)
MR. DICKERSON: May we have a sidebar, Your Honor?
THE COURT: We can try.
MR. DICKERSON: Thank you.
AT SIDEBAR
THE COURT: All right. Can the defense hear me?
MR. DICKERSON: Yes, Your Honor.
MR. REICHLING: Yes, Your Honor.
THE COURT: How about the prosecutor? Good now? All right. Mr. Dickerson?
MR. DICKERSON: Your Honor, the witness is a summary witness. She is just supposed to be taking summarized information from an admitted document. A voluminous document.
What she just stated there is that she is performing

an analysis and her opinion as to what is an allowable expense under the Paycheck Protection Program. That goes beyond a summary witness in every form and fashion, because they're not supposed to be doing an analysis, they're supposed to be taking data, and doing summaries, and calculating sums. But she's giving opinions on what is or is not an allowable expense.

THE COURT: Can the attorneys hear me? All right. I understand your point, but she responded to the question you asked, so my thought is don't ask that kind of question again.

MR. DICKERSON: Your Honor, it doesn't matter what question I ask. The information she has on there is analysis. It's not a summary.

THE COURT: No, that's not true. I don't believe so. You can ask her, but that's the . . . figures that she's drawn for those categories. Now, why she chose those categories, as she pointed out, may relate to --

(The sidebar system malfunctioned.)

THE COURT: All right. I guess my point, Mr. Dickerson, you asked a question and got the answer. And to your point that it shouldn't be on the chart, it's properly on the chart. Presumably, the numbers are right. And you certainly can ask where she gets the numbers and, if you want, you know, why she chose those numbers or those categories as opposed to others.

MR. DICKERSON: And then I'm going to be eliciting opinion testimony.

THE COURT: You may not want do that, but that's your call.

MR. DICKERSON: Your Honor --

IN OPEN COURT

THE COURT REPORTER: We can't do this. I'm sorry. I'm getting feedback.

THE COURT: All right. Mr. Dickerson, you may proceed. Your last motion, which I did hear despite the feedback from the mikes, will be denied.

MR. DICKERSON: Thank you, Your Honor.

BY MR. DICKERSON:

Q Ma'am, you were making the determination to select utilities, payroll, and rent. Correct?

A Correct.

Q You were not just writing down and creating a summary. You were actually making a determination as to what to include on Exhibit 165.

A I was trying to give Mr. Crowther the benefit of certain expenses that could be reimbursed by the PPP funds.

Q And so did you actually analyze all of the expenses that could be utilized in PPP funds?

A I looked at the expenses during that timeframe for those ten days.

Q Are there any supplier costs included in your analysis?

A No. Because I didn't believe those were covered under the PPP reimbursement.
Q And have you read the interim rule from February 25th, 2021?
A There's many, many rules, so I can't say I've read them all, no.
Q I'm just specifically asking -- that was a month ago. Did you read the interim rule from February 25th, 2021?
A No.
Q So you're unaware that, if you are going to do an analysis on allowable -- reimbursable PPP expenses, that supplier cost are included?
A I'm not aware of what was -- what was included as of February 5th.
Q Have you read and reviewed every interim rule regarding application of forgiveness?
A No. Not every one, no.
Q Did you include any covered worker protection in your analysis?
A I mean, what I included was right there.
Q All right. So you didn't include it.
A It's not on there. If there was one, then I guess I didn't list it because it's not on that sheet.
Q So you don't know whether that is --
A I don't know if there was an expense of that date, and I

don't know whether it's -- I don't know that it's reimbursable by PPP funds.
Q Because you haven't read the February 5th, 2021 IFR.
A No. February 5th of 2021?
Q Yes.
A No.
Q What about group healthcare? Did you include that with win your summary?
A No. It's not on there. I just included those items.
Q And group healthcare is a forgivable expense; correct?
A I'm not here to be an expert on the PPP forgiveness.
Q All right. So then we go back to the numbers you did select. Those aren't necessarily accurate as to what is permissible, allowable, forgivable; that's just what you thought you should include in that summary.
A At that time, yes.
Q Okay. And, doing a summary analysis just based upon the bank records, you're unaware if any expenses have been paid with cash; correct?
A I wouldn't have any knowledge of any cash payments. I haven't reviewed anything -- I've only reviewed bank statements, so I don't know of any cash payments.
Q Kindly answer the question, but answering the question directly. You're unaware, then, since you just did a bank statement analysis -- I mean summary, of whether any cash was

used to pay any expenses.
A That's correct. I'm unaware of that.
Q Showing Exhibit 161. This is your analysis as to the Target Roofing and Sheet Metal operating account; correct?
A Correct.
Q And this is where you're stating that the operating account was making payments to Chase credit card; correct?
A Correct.
Q And you noted that the 0417. I believe, from your testimony, you thought that stuck out because it seemed like a lot for that month; correct?
A I didn't say anything stuck out. I just am making the summary of the payments to Chase credit cards.
Q And that summary was 125,145 on 4/17.
A Yes.
Q But you agree would with me, when you look at February's, if you were to do a sum of February's payments starting 2/3 to 2/28, significant payments are being made to that credit card payment through this operating account; correct?
A Correct. Yes.
Q Same in January; correct?
A Correct.
Q So, if you actually look at the entire picture, there's significant amount of sums being paid each month in January,

February, and March; correct?
A Correct.
Q Going back to your 165, is there any specific reason why you only selected the balance of Target operating account 1791, the balance of the Crowther personal account 1439, the balance in the Jade account 8841, and the balance in the Laredo account 8115?
A Those were the accounts that had balances at Sanibel Captiva Bank.
Q So you were not provided with the bank statements from FineMark account? FineMark Bank?
A I was. But this was just about -- this was just a picture of the balances at Sanibel Captiva Bank.
Q Oh. So it's not actually a summary picture of all the accounts available on 4/24/20.
A No.
Q So it excludes the FineMark account 4732.
A Well, the reason for that was because the reason for this particular spreadsheet was to show the financial picture at Sanibel Captiva Bank, because that's where the funds were -- for the boat were wired out of. They were wired out of Sanibel Captiva Bank, so someone at Sanibel Captiva Bank could not know what the financial picture was at FineMark Bank or Bank of America.
Q All right. So that helps, because there's no title on

this Document 165 that says this is just limited to Sanibel Captiva Bank. Correct?
A No, there's no title on this.
Q So there are other bank accounts that would show, with regard to those balances on that day, a different number, a different sum than your $403,727; correct?
A Correct, yes. This wasn't -- this wasn't meant to be a picture of Casey Crowther's entire financial picture.
Q That makes a lot more sense. And this also isn't including cash either; correct?
A No, there's no cash on this statement. Or summary chart.
Q So, if there is cash, that number would be different as far as the financial picture; correct?
A If we were looking at his entire financial picture, it would be a different -- completely different chart.
Q And were you provided from the government any information with regard to Casey Crowther having cash, a significant amount of cash, from March, 2020?
A No.
Q Because it was just limited, this summary, to bank statement only.
A Correct.
MR. DICKERSON: One second, Your Honor?
(Mr. Dickerson and Ms. Waid confer privately.)

MR. DICKERSON: Thank you very much, ma'am.

THE WITNESS: You're welcome.

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(Thereupon, at 1:48 p.m., the cross-examination of Diane Knott was concluded.)

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CERTIFICATE

I CERTIFY THAT THE FOREGOING TRANSCRIPT IS A TRUE AND ACCURATE TRANSCRIPT FROM THE ORIGINAL STENOGRAPHIC RECORD IN THE ABOVE-ENTITLED MATTER.

Dated this 25th day of March, 2021.

[redacted]