

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA
Plaintiff

CASE NO.: 23-CR-60173-1

vs.

CAROLYN DENISE WADE
Defendant.

**MOTION PURSUANT TO FEDERAL RULE OF APPELLATE
PROCEDURE 24 TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Carolyn Denise Wade was found guilty at trial of multiple counts of wire fraud, conspiracy, and false statements related to Paycheck Protection Program (PPP) loans disbursed during the Covid-19 pandemic. She was sentenced on March 12, 2025 to three years of probation with 90 days of home detention, as well as restitution. She had already paid the restitution in full before sentencing. The written judgment has not yet issued. Undersigned counsel was privately retained to handle the appeal of both Ms. Wade and her husband and co-defendant, Tracy D. Wade. Both defendants will be filing a Notice of Appeal and appealing the conviction to the Eleventh Circuit Court of Appeals. They are in different financial situations and Mr. Wade is not seeking to proceed in forma pauperis.

Ms. Wade's Financial Affidavit, form CJA-23, is being filed with this motion. Ms. Wade has minimal income from a part time job as a server at the restaurant Juicy

Patty, working approximately 30 hours a week and being paid \$15 an hour. She was also recently hired for a part time job as a server at Waffle House which she starts next week, and expects her hourly wage to be between \$10-\$13. She has significant debts, including a mortgage balance of approximately \$585,000 and credit card debt of approximately \$44,000. Her husband Mr. Wade makes the mortgage payments as well as the bulk of the credit card payments. Ms. Wade has no excess disposable income and her living expenses are met through assistance from Mr. Wade. Legal fees in this case, including for undersigned counsel, have been paid by Mr. Wade, not Ms. Wade.

Given her demonstrated indigency, Ms. Wade moves the Court, pursuant to Federal Rule of Appellate Procedure 24(a)(1), to be declared indigent for appellate purposes, including the filing fee and transcription of necessary proceedings including the trial. On appeal Ms. Wade expects to raise issues related to the sufficiency of the evidence that she personally or knowingly committed the crimes charged, and potentially other issues to be identified by undersigned counsel after reviewing the transcripts and other records in this case. An affidavit from Ms. Wade which complies with 28 U.S.C. § 1746 and Federal Rule of Appellate Procedure 24(a)(1) is attached.

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Respectfully submitted,

s/ Daniel Tibbitt
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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of March, 2025, I electronically filed the foregoing with the Clerk of Court for the Southern District of Florida using the CM/ECF system, and served a copy on counsel for the government, Assistant United States Attorney David A. Snider at david.snider@usdoj.gov, as well as all persons registered for electronic service through the CM/ECF system.

s/ Daniel Tibbitt
Daniel Tibbitt