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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 23-cr-60173

UNITED STATES OF AMERICA,	Miami, Florida
Plaintiff,	March 12, 2025
Vs.	1:09 p.m - 3:26 p.m.
TRACY D. WADE and CAROLYN DENISE WADE	
Defendant.	Pages 1 to 95

Sentencing
BEFORE THE HONORABLE DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

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1 (Call to the Order of the Court:)

2 MR. SNIDER: Good afternoon, your Honor. Assistant
3 U.S. Attorney David Snider on behalf of the United States.

4 With me at counsel table is AUSA Adam Love and
5 Special Agent Kelly DiPietrantonio of the FBI.

6 THE COURT: Good afternoon.

7 And, on behalf of the defendant?

8 Good afternoon.

9 MR. HANDFIELD: Good afternoon, your Honor. Larry
10 Handfield on behalf of Carolyn Wade as well as Tracy Wade.

11 THE COURT: Good afternoon.

12 And, from the Probation Office?

13 PROBATION OFFICER: Good afternoon, your Honor. Rosa
14 Mercedes on behalf of U.S. Probation.

15 THE COURT: Good afternoon.

16 You may be seated.

17 As the parties are aware, this matter is scheduled
18 for sentencing. I would like to ask Ms. Carolyn Wade if she
19 has had an opportunity to review the presentence report.

20 DEFENDANT C. WADE: Yes, your Honor.

21 THE COURT: Did you discuss the report with your
22 counsel?

23 DEFENDANT C. WADE: Yes, your Honor.

24 THE COURT: Do you have any questions other than
25 objections that have been filed regarding the presentence

1 report?

2 DEFENDANT C. WADE: No, your Honor.

3 THE COURT: All right.

4 Mr. Tracy Wade, have you had an opportunity to review
5 your presentence report?

6 DEFENDANT T. WADE: Yes, sir.

7 THE COURT: Did you discuss the report with counsel?

8 DEFENDANT T. WADE: Yes, sir.

9 THE COURT: Did you understand the report?

10 DEFENDANT T. WADE: Yes, sir.

11 THE COURT: Any questions with regard to the report?

12 DEFENDANT T. WADE: No, sir.

13 THE COURT: All right.

14 Are there objections to be pursued, Mr. Handfield?

15 MR. HANDFIELD: Judge, respectfully, just as it
16 relates to -- there are issues that I raised.

17 THE COURT: Mr. Handfield, I am having a little
18 difficulty hearing. Yes, let's try that again.

19 MR. HANDFIELD: There is. The only objection is as
20 it relates to Carolyn Wade, as well as -- we would argue for
21 Tracy Wade was just based upon calculation.

22 As relates to Carolyn Wade, we filed an objection on
23 the computation. We believe that it should be a Level 9, and
24 that the range would be four to 11 months under Zone B of the
25 sentencing table.

1 THE COURT: All right. So there were several
2 objections filed; but, as I understand it, your objection is
3 based upon the guidelines computation, that the Probation
4 Office finding that -- perhaps the Level 11 is inappropriate;
5 is that correct, Mr. Handfield?

6 MR. HANDFIELD: Yes, Judge. Just based on the fact
7 that we believe, when all is said and done -- obviously, we
8 would be objecting to the recommendation that the Government
9 presented.

10 But, it still gives the Court a legal authorization
11 to present a sentence of probation, nonincarceration. So
12 that's why I indicated when it is said and done, when we get
13 to that point, I think that, for purposes of what I was
14 objecting to, that has more of an impact, is dealing with that
15 range.

16 THE COURT: Well, I guess what we should do, really,
17 is to look at the objections that were filed.

18 And, as I understand it, these would be the
19 objections filed by Mr. McKay and Mr. Wilcox; is that correct?

20 MR. HANDFIELD: Correct.

21 THE COURT: So there are a number of objections.
22 But, as I understand, your objection is primarily to
23 paragraph 60, which bases the computation on a six-level
24 increase from the base, with a calculation of 40,000 and less
25 than 95,000. Your position is that, at most, Ms. Wade should

1 be accountable for \$20,833?

2 MR. HANDFIELD: That's correct, as previously
3 indicated in the motions that were filed. That is as it
4 relates to both.

5 The Government's position was by combining the two,
6 it places them on the next level. And so the objections,
7 which I adopted -- and felt no need to include any
8 additional -- but it is based, when all is said and done, if
9 you combine it, then you get it to the next level.

10 Individually, they were -- it is 20,000 per, and
11 20,000, a little over 20,000 for both individuals,
12 individually.

13 THE COURT: Well, let's take them individually. So
14 let's take a look at Mrs. Wade's calculation. So the
15 Government's position is that it should be the combination of
16 \$20,833, times two.

17 And, their position is she should only have the loan
18 that was applied in her name attributable to her. Now, in
19 that regard, Government, I did go back and take a look at the
20 transcripts that were part of the record as they related to
21 Ms. Rivero, the Government's cooperating witness.

22 And, in her testimony, I did not see anything that
23 would lead one to find by a preponderance that both amounts
24 should be attributable to Ms. Carolyn Wade.

25 Now, beyond that testimony, the Government makes sort

1 of a general assertion that the jury found them guilty of a
2 conspiracy and, therefor, it would be attributable to both.
3 But, the issue really is not that plain or clear, because one
4 could have a conspiracy, but there could be different amounts
5 attributable to different parties in the conspiracies as far
6 as foreseeability.

7 So I am interested in hearing the Government's
8 argument as to the testimony that would show that the total
9 amounts of two loans would be attributable to Mrs. Wade.

10 And, I will be a little more specific.

11 Ms. Rivero's testimony, generally, was she had
12 contact with Mr. Wade. And, so I want to hear some argument
13 about that, beyond her testimony.

14 MR. SNIDER: Okay. So thank you. Thank you for
15 setting that up so concisely.

16 Yes, the Government's argument, based on the evidence
17 in the record from trial, is that the loss amount from both
18 loans is just over 41,000, and was reasonably foreseeable as
19 to Mrs. Carolyn Wade.

20 And, the evidence that the Government believes
21 supports that by a preponderance really goes to the data, as
22 much as anything, because what the data shows and what the
23 text messages show is that Mr. Wade and Mrs. Wade were very
24 much in touch with each other throughout this conspiracy as it
25 relates to attempting and getting paycheck protection loans.

1 I will give you an example. The checks that Mrs.
2 Wade wrote, upon receipt of her loan, she was writing checks
3 not only to herself, to fabricate payroll, but to Mr. Wade, as
4 well.

5 THE COURT: Let's say, with that particular
6 example -- because I do recall the testimony of checks being
7 signed by Mrs. Wade to Mr. Wade from the USAA account, as I
8 recall.

9 MR. SNIDER: Yes.

10 THE COURT: Is that what you are referencing?

11 And, as I specifically recall, I believe one check
12 was in the amount of \$1,000.

13 MR. SNIDER: So I don't believe there was -- well,
14 the checks I'm referring were drawn on a USAA bank account
15 that Carolyn Wade -- actually, I believe -- I think they were
16 both on the account, but it was a certainly an account --

17 THE COURT: A joint account.

18 MR. SNIDER: -- a joint account she controlled.

19 Upon receipt of her PPP loan proceeds, she is writing
20 checks for "salary" in the memo, right, we saw a lot of those
21 checks. I think there were ten of them.

22 THE COURT: Sorry?

23 MR. SNIDER: I think there were ten of them in total.

24 THE COURT: Ten checks?

25 MR. SNIDER: About five to herself, about five to her

1 husband, which is -- I mean, when a jury returns a verdict
2 finding two defendants guilty of a conspiracy, that they are
3 charged with together, there is a finding by the jury that
4 they agreed with each other, as charged, to commit this crime.

5 And, I don't think it is -- you know, to silo them
6 when they are guilty of a conspiracy saying she had blinders
7 on and was only aware that she was getting a fraudulent PPP
8 loan and had no idea that her husband, who had gone first, had
9 done the exact same thing -- I don't think the jury's verdict
10 supports that. And, I don't think that the checks, writing
11 checks to each other, phony checks, supports that.

12 Another example --

13 THE COURT: One second.

14 MR. SNIDER: Sure.

15 THE COURT: I want to concentrate on the jury's
16 finding of guilty as to a conspiracy.

17 MR. SNIDER: I agree.

18 THE COURT: The question is attributable as to each
19 person. So sometimes, in many of the cases that you have
20 probably tried, someone may be responsible for a quantity of
21 drugs, and other people are responsible for other quantities
22 in the same conspiracy.

23 So I'm interested in the evidence. And, you have
24 given me one point, a check, upon receipt of the loans into a
25 joint account, written by Mrs. Wade to Mr. Wade that has

1 "salary" on it. So what --

2 MR. SNIDER: Well, what was established at trial was
3 that -- and this came through Special Agent Depietranonio's
4 testimony -- that such checks had never existed before;
5 receipts of the loans and Mr. Wade's own testimony that he was
6 never Mrs. Wade's employee -- that evidence established that
7 these -- that the memos were phony, and that the checks were
8 only written to fabricate payroll.

9 That is just an example of them, two conspirators
10 working together in furtherance of a conspiracy which, I would
11 argue, is evidence that the loan amount is foreseeable to her,
12 both her own and her husband's.

13 I will give you another example.

14 THE COURT: All right.

15 MR. SNIDER: But, actually, let me address the
16 testimony first, because you mentioned that. I don't have the
17 transcript in front of me. But, it is my recollection --

18 THE COURT: We checked the docket. I don't know that
19 there is any transcript in existence. It wasn't on a docket
20 because we looked for it.

21 MR. SNIDER: I don't think the entirety of the
22 proceedings have been transcribed.

23 THE COURT: Correct, correct.

24 MR. SNIDER: Mr. Wade got his loan first. There is
25 no doubt about that.

1 And, upon -- and Carolyn's loan was not too long.
2 The application for it was a mere day, or two days, a couple
3 of days after, and these processes overlapped.

4 The one is started -- Mr. Wade's started, and his is
5 pending and moving along, and Mrs. Wade's has started, and
6 hers is moving along.

7 And, Mr. Wade starts both his own -- that is what the
8 data showed. So when I say, "start," like, initiated it, went
9 on to Womply's website and created, put in the first pieces of
10 information; did the same thing for Carolyn Wade's, starts it.
11 These processes are occurring not in, you know, two siloed
12 vacuums.

13 THE COURT: In other words, Mr. Wade doesn't receive
14 his \$20,800 followed by an application from Mrs. Wade. That
15 is your point?

16 MR. SNIDER: In fact, they didn't get the money until
17 months later. All the while, the data supports this, they are
18 receiving text messages with codes from Womply to log in.

19 And, the testimony and the data shows that in some
20 instances, Mrs. Wade is getting the code, and she shares it
21 with her husband.

22 And, the reason -- this is the important -- she is
23 doing that is because he knows how to log in. And, the reason
24 she knows he knows how to log in is because she knows he has
25 done the same thing. She is sending him codes to log in for

1 her. She knows he is already in the process, himself. I
2 don't know -- I don't think the evidence could be clearer that
3 she was aware that the husband and wife, that they are
4 doing -- they are both getting loans, based on what the
5 evidence shows, it was based on false information.

6 So by a preponderance standard here, the \$41,000 is
7 reasonably foreseeable to Mrs. Wade.

8 THE COURT: Mr. Handfield, how about that?

9 MR. HANDFIELD: Judge, let me address the issue
10 quickly.

11 THE COURT: Well, can I ask you a question first?

12 MR. HANDFIELD: Sure.

13 THE COURT: There's a check signed by Mrs. Wade to
14 Mr. Wade, that has "salary" on it.

15 Now, what inferences do I draw from that?

16 MR. HANDFIELD: Very quickly, the question that this
17 Court asks, he has never -- he has not addressed.

18 Let me tell you, it's very simple.

19 First of all, Mr. Wade, Tracy Wade never wrote a
20 check. The reason I am going into that is --- the issue is
21 very simple; what evidence, by a preponderance, to show that
22 she -- or he should be held, knowing the total amount, because
23 for purposes of what amount should be attributed to the two
24 individuals?

25 As we know, typically, in drug cases with conspiracy,

1 the first thing you named, Judge, is perfect. I may be held
2 accountable for five keys. Another person dealing with the
3 same individual would be held accountable for ten keys. And,
4 what becomes important is what is the evidence for purposes of
5 holding the individual accountable for?

6 Now, he has not addressed that. What he has
7 addressed is, number one, he says there are text messages.

8 There were no text messages that go to -- that
9 address that issue.

10 Number two, there is no evidence whatsoever in the
11 Government's case that was presented to the jury or presented
12 to this Court that shows that Tracy Wade wrote any check to
13 Carolyn Wade.

14 So dealing with the issue afterwards, because what
15 they are saying, what the Government is saying, well,
16 afterwards, we can, we can infer -- no, they want to infer,
17 because it behooves them. They want to have the amount, for
18 both, a higher amount, when there is no evidence. It is to --
19 the very simple question is she is held accountable for the
20 amount that she received.

21 He is held accountable. But, where is the evidence
22 to show that they should be held, under a conspiracy, for that
23 combined amount?

24 And, that's where the problem is, because what he
25 just argued, the Government just argued was that well, if the

1 jury found them guilty, but it did not assess for purposes of
2 assessing the role on the amount -- that part was not
3 addressed by the jury.

4 And, it should not be inferred. It has to be
5 established by a preponderance. His argument does not address
6 that issue.

7 So therefor, I think it would be unfair, for purposes
8 of --

9 THE COURT: Well, it is not a matter of fairness. It
10 is a matter of foreseeability. And, the Government's argument
11 is that there is a check written by Mrs. Wade to Mr. Wade from
12 the joint account that has, in the notation, for "salary,"
13 which it clearly wasn't for salary.

14 So that the question that I'm asking you to respond
15 to, what inferences do you draw from a check from Mrs. Wade to
16 Mr. Wade during the conspiracy that has "salary" on it?

17 Now, if it didn't have that in a notation, maybe I
18 would agree with you. But, it had "salary."

19 MR. HANDFIELD: Just one second.

20 USAA -- my understanding is -- is not one of those
21 banks, for purposes of dealing, cashing a check -- so the
22 salary purpose is reimbursement for purposes of reimbursing
23 him.

24 And, what was placed on there at the time and what
25 the Government has is payroll reimbursed, because the account

1 money, that check, that particular bank, USAA, is not like
2 other banks where, for purposes -- it is not a local bank.

3 THE COURT: No, it is out of Texas.

4 MR. HANDFIELD: Yes. And so, for purposes of paying,
5 providing him a check from that account where the money was,
6 that is why it was written in there as relates to for
7 "payroll," because it is not --

8 THE COURT: What payroll?

9 He testified he is not an employee of her.

10 MR. HANDFIELD: No.

11 DEFENDANT T. WADE: Your Honor, good afternoon. So
12 because USAA is not a local bank, all right?

13 THE COURT: Yes, sir.

14 DEFENDANT T. WADE: In order for -- Carolyn has
15 vendors that she would utilize that she would pay cash for
16 suppliers that had supplies. For her to go to the ATM machine
17 to get the money out was a task, and you have to pay,
18 depending on the ATM machines you go to, you pay the fees.

19 People pay me for funerals all the time in cash.
20 This is where the carelessness of myself and her came in, and
21 not paying attention to detail, as I testified, it was not
22 paying me.

23 If every check that she wrote me, she put "salary"
24 but it should have said, "Carolyn's salary" -- I gave her
25 cash; meaning she said, "I got to go to the bank, and I need

1 to get this."

2 I said, "Simply write me a check. I will give you
3 the cash."

4 Every check she gave me, I put into Wade Funeral
5 Homes's checking account, because it was Wade's Funeral
6 Homes's money I gave her. It was never her paying me for any
7 services or as an employee.

8 THE COURT: I hear you.

9 But, that doesn't quite fit the notation. "Salary"
10 is the troublesome part.

11 And, there is one other position that I haven't
12 heard. And, clarify for me -- since we don't have a
13 transcript -- there were some attempts by Ms. Rivero to input
14 some information to Womply.

15 And, as I recall the testimony, a code was sent, and
16 that Ms. Rivero somehow had to receive this code that went to
17 Mrs. Wade's computer; but, she received the information, the
18 code, if you will, from Mr. Wade. Is that accurate?

19 MR. SNIDER: Let me -- I am all too familiar with
20 this because it took up six months of my life last year.

21 THE COURT: I'm listening.

22 MR. SNIDER: So in order to lock into Womply, okay,
23 you need two things: You need to put in either a phone number
24 or an email address, and a one-time code. The one-time
25 code -- if you want to log in with your phone number, the

1 one-time code is sent to your phone number.

2 When I said text messages, that is what I was
3 referring to. It is sent by text message to the phone number.
4 If you want to log in with your email, the one-time code is
5 sent to the email. That code lasts for about 15 minutes.
6 That was the testimony from the Womply witness.

7 Ms. Rivero never received the codes directly because
8 with respect to Carolyn Wade's application, it was Carolyn
9 Wade's phone number and Carolyn Wade's email address. It
10 could only go to one of those two places.

11 And, for Mr. Wade, it could only go to Mr. Wade's
12 phone number or Mr. Wade's email address, because that was
13 registered for his.

14 So yes. When -- if Ms. Rivero was to log in, which
15 she did, and she testified she did upload the fake Schedule C
16 or B, put in the fake number from the fake Schedule C, she had
17 to get those codes from the Wades.

18 And, the testimony was and the data showed that there
19 were instances where, when Mrs. -- sorry, when Ms. Rivera was
20 logging into Mrs. Wade's -- the code, when it was sent to
21 Carolyn Wade's phone, she only got those codes. She never got
22 them through email. The code went to Carolyn Wade's cell
23 phone. Mrs. Wade provided it to Mr. Wade, and Mr. Wade
24 provided it to Ms. Rivero.

25 THE COURT: Isn't that what I just said?

1 That is what I recall --

2 MR. SNIDER: When you said a computer --

3 THE COURT: -- that is what I recall the testimony
4 being.

5 MR. SNIDER: That is what the testimony and data
6 supports.

7 There is one other point. There was another piece of
8 evidence I wanted to bring to the Court's attention about how
9 -- related to foreseeability.

10 THE COURT: Just so there is a clear record, so the
11 inference is that the code was sent to Mrs. Wade, who gave the
12 information to Mr. Wade, who then gave the information, as
13 testified, to Ms. Rivero, correct?

14 MR. SNIDER: Exactly. And, to expand on that again,
15 the reason that it goes to foreseeability -- which is the crux
16 here on the loss amount -- the reason it is foreseeable to
17 Mrs. Wade is because she knows that her husband has done --
18 started an application for himself, just days before, and was
19 continuing to do that.

20 And, the reason she knows is because Mr. Wade is
21 doing hers, too.

22 And, she is providing codes for him to log in and/or
23 to provide to Ms. Rivero. That's -- that is the evidence of
24 the foreseeability.

25 And, I am just going to add one more piece of

1 evidence on top of that. Mrs. Wade knew that Mr. Wade paid
2 Haydee Granados for his loan because the Zelle, the \$1,000
3 Zelle was sent from another joint account that day that they
4 both had.

5 So it is the -- USAA, they have two joint USAA
6 accounts, right?

7 And, each one of those accounts sends a \$1,000 Zelle
8 to Ms. Rivero; one is for Mr. Wade, and the other is for
9 Mrs. Wade. They are both on those accounts.

10 So when you put all that together, Judge -- and you
11 look at the fact that the -- this is happening in an
12 overlapping time period -- this isn't like one is begun and
13 finished and then another one happens.

14 These are -- it is entirely overlapping. All the
15 conduct here is intertwined. And, that is why the total
16 amount of the loss here is foreseeable and equal. They both
17 testified --

18 MR. HANDFIELD: May I respond quickly, Judge?

19 THE COURT: Yes, sir.

20 MR. HANDFIELD: With all due respect, the evidence
21 does not support what the Government just alleged, and I will
22 tell you why.

23 THE COURT: They just gave us evidence, so --

24 MR. HANDFIELD: But, I am not questioning what it is
25 that Ms. Rivero had access -- had the email as it relates to

1 Tracy in this particular case, Tracy Wade. She ended up
2 getting it for both.

3 But, the evidence, the husband of -- Eduardo, who is
4 the husband of Ms. Rivero -- approached and gave information
5 for purposes of Mr. Tracy Wade about being able to get a PPP
6 loan information. Based upon that, that's how he got caught
7 up in this.

8 Now, I will address that later because he was not
9 charged, as well as Jamar Hunter, who was a friend of the
10 husband, that were involved in a whole lot of these cases.
11 Those individuals were never indicted or charged. But, the
12 person who Ms. Rivero -- through her husband -- approached was
13 Tracy Wade, not the wife at all.

14 So -- and that testimony was testimony that was given
15 in the first trial that ended in a mistrial involving Carolyn
16 Wade. She was the person that was charged initially even
17 though she was -- she had no involvement, because it was the
18 husband, Tracy Wade, who submitted that information. He
19 testified to that. The Government was aware of that. When
20 the case ended in a mistrial, then the Government went ahead
21 and indicted Tracy Wade and Carolyn Wade.

22 And so, for purposes of saying that, "Well,
23 Mrs. Carolyn was involved first and then Tracy" -- no. The
24 evidence in this case came about, as relates to Tracy Wade,
25 based upon him knowing the husband of Ms. Rivero, and, you

1 know, based upon the PSI, that she was involved in about at
2 least 18 other individuals, almost 21. And so, that's how
3 this originated.

4 So it still goes to the same question for purposes --
5 how would Carolyn Wade -- should be held accountable as
6 conspiracy, when the evidence is unrefuted that she was
7 never -- she was not the person that was involved from the
8 very beginning?

9 THE COURT: Well, with all due respect, Mr.
10 Handfield, you are missing a lot of testimony here. There is
11 a lot of testimony in the trial that the Court listened to,
12 and, you know, the check with the notation of "salary" is
13 compelling.

14 And, the transfer of the codes to Mr. -- to
15 Ms. Rivero from Mr. Wade, which went to, according to the
16 testimony, Mrs. Wade shows some collusion.

17 And, what we are talking about is foreseeability.

18 And, based upon the totality of the evidence, the
19 Court finds that it is foreseeable that she was aware of the
20 conspiracy. So the Court overrules the objection, finding
21 that the total amounts are attributable to both defendants.
22 So the objection is overruled.

23 Now, there were other objections filed.

24 Are there any of those objections that the Court
25 should be reviewing?

1 MR. TIBBITT: Judge -- one other issue, Judge.

2 I didn't introduce myself. Daniel Tibbitt on
3 behalf of the defendant.

4 THE COURT: I am not sure who you are, sir. Some
5 paper was filed today, and so help me out. I didn't hear a
6 notice of appearance earlier.

7 MR. TIBBITT: I filled a notice of appearance today,
8 Judge.

9 THE COURT: Yes, you filed a notice of appearance
10 today, which is unusual. But, what I am saying is when I
11 asked counsel for the defense, I didn't realize you were an
12 attorney of record. And, really, filing a notice of
13 appearance doesn't really mean that the Court gives some
14 credence to that. So that is little difficult, to file a
15 notice on the day of the hearing.

16 However, I am going to allow you to appear, if you
17 are requesting appearance. And then I will let you make any
18 argument that you would like to at this time.

19 MR. TIBBITT: Thank you, your Honor. I appreciate
20 that. I am sorry if I didn't follow procedure that was
21 preferred, Judge, but, so it is clear, I am retained for
22 appellate purposes in this case.

23 THE COURT: All right.

24 MR. TIBBITT: Since I had already been retained, I
25 wanted to come to the sentencing.

1 But, the other -- the other issue, Judge, that I
2 think -- well, that we would object to that is talked about in
3 the written objections for Mr. Wade; the consideration as to
4 uncharged, other conducts regarding EIDL loans and some other
5 PPP loans.

6 THE COURT: There is an objection, which is why I
7 asked are there any other objections other than the issue I
8 just resolved?

9 And, you want to address the matter in the
10 presentence report related to matters that were not part of
11 the indictment in this case; is that correct?

12 MR. TIBBITT: Yes, it is, Judge.

13 THE COURT: All right. So why don't you state for
14 the record the paragraphs that you are objecting to.

15 There is a separate section in Mr. Wade's presentence
16 report.

17 MR. TIBBITT: Paragraphs 130 through 140, Judge.

18 THE COURT: Actually, my intent was to address the
19 objections separately; but, if you want to raise this matter,
20 I'm happy to consider it now.

21 MR. TIBBITT: Okay. So yes, Judge. So for that
22 section, the -- well, the PSI discusses it, but the Government
23 asks in their sentencing memo for you to consider and hold
24 against Mr. Wade this uncharged conducted with these other
25 alleged loans.

1 Obviously, I wasn't here for the trial. I did read
2 some of the excerpts that have been provided. But, even from
3 the sentencing memo the Government prepared, they do not
4 allege that there was any of this sort of electronic evidence
5 that they had for the charged loans to say, "Okay, well, it is
6 these IP addresses" -- you know, "it was these codes that were
7 sent to the phones."

8 There is nothing like that for these loans. It is
9 just -- or these applications which were never disbursed. It
10 is just something was filed in their name.

11 There was apparently testimony at the trial from
12 Tracy Wade that he did not know anything about -- we know
13 that, obviously, there was -- there was Ms. Rivero, who was
14 dealing with many of these PPP loans, and we alleged she filed
15 them -- well, she was filing. She was, you know, dealing with
16 many of these people who got charged.

17 He said he didn't even know about that other \$700,000
18 PPP loan. The Government provided, you know, no evidence to
19 refute that.

20 As to these EIDL loans, they were -- there was some
21 application that was millions of dollars, apparently, for the
22 business, the funeral home business income and expenses, both
23 of which were clearly wrong, and he testified that those --
24 those were errors of, you know, extra zeros being put in, in
25 both the income and the expenses.

1 So I don't think by -- you know, since those weren't
2 charged, since there was no additional corroborating evidence
3 other than just the fact that the applications were made, I
4 don't think it would be proper to hold that against Mr. Wade,
5 and that is our objection.

6 THE COURT: All right. And, specifically, you are
7 referring to paragraphs 130 through 140, and you will note
8 that it is captioned Factors That May Warrant a Departure
9 and/or Variance.

10 So typically, in sentencing, we handle departures and
11 variances after the guidelines have been computed.

12 MR. TIBBITT: Well, it doesn't go to the
13 guidelines --

14 THE COURT: Sorry?

15 MR. TIBBITT: I agree with you, your Honor, that
16 obviously, it does not go to the guidelines score. If that is
17 how the Court wants to handle it --

18 THE COURT: And, in adding to that, I really can't
19 find, by a preponderance of the evidence, the matters in 130
20 through 140. So as the caption states, this is not the
21 probation officer's recommendation.

22 I have read each of the paragraphs. I can't make a
23 finding with regard to those matters as far as this sentencing
24 is concerned. So there will be no departures or variances
25 based upon paragraphs 130 through 140.

1 MR. TIBBITT: All right.

2 THE COURT: All right?

3 MR. TIBBITT: Yes, Judge.

4 THE COURT: Now, let's get back to the guidelines
5 computation.

6 Are there any additional objections as far as the
7 guidelines computation?

8 MR. HANDFIELD: No, Judge.

9 THE COURT: All right.
10 Government, do you have any objections to the
11 presentence report?

12 MR. SNIDER: No, we do not.

13 THE COURT: All right.

14 THE GOVERNMENT: We have no objection to the
15 computation of the guidelines.

16 THE COURT: So based upon the presentence reports,
17 the calculation for each defendant is an offense level of 11.
18 Is that agreed?

19 MR. SNIDER: Yes, from the Government.

20 THE COURT: All right.

21 Defense?

22 MR. HANDFIELD: No objection, based upon the Court's
23 ruling.

24 THE COURT: I'm sorry?

25 MR. HANDFIELD: Yes, based upon the Court's ruling,

1 findings.

2 THE COURT: Yes. So now that we know the guideline
3 computation -- and there are no other objections to the
4 reports, I'm going to give the parties an opportunity to
5 allocute -- the guideline range is eight to 14 months. There
6 are some provisions, of course, that have an impact on that
7 calculation, pursuant to the guidelines and federal statutes.
8 So I want to consider all of those matters at sentencing.

9 The Government gets to allocute first, and the
10 defense and counsel get to allocute last.

11 So Government, you may present matters regarding an
12 appropriate sentence in this cause.

13 MR. SNIDER: May I take the podium?

14 THE COURT: Yes, sir.

15 MR. SNIDER: Thank you.

16 As the Court just computed, the guideline range for
17 both defendants in this case is eight to 14 months. And, it
18 is the Government's position that after consideration of the
19 factors set forth in Title 18, United States Code Section
20 3553(a) that a sentence of 14 months imprisonment is
21 sufficient but not greater than necessary for defendant Tracy
22 Wade, and a sentence of ten months is sufficient but not
23 greater than necessary for defendant Carolyn Wade.

24 And, I'm going to now address those factors, your
25 Honor, as to each defendant. And, I will begin with the

1 nature and circumstances of the offense.

2 There is an overarching theme in this case, your
3 Honor, and that is a breach of trust. There was a breach of
4 trust in two respects: First, to the PPP, Paycheck Protection
5 Program, itself, that was a trust-based program that relied
6 upon the candor, the veracity of the applicant to certify that
7 all the information was true.

8 And, it was set up that way intentionally because we
9 were in a global pandemic, and the economy was cratering, and
10 it was Congress's thoughts and belief to make emergency relief
11 available to Americans as quickly as possible. And, the only
12 way to do that was through a trust-based system.

13 And that trust, that verification that all the
14 information was true was violated by Tracy Wade multiple
15 times, and violated by Carolyn Wade multiple times. Because
16 if you will recall, it wasn't just one application, even with
17 the respect to their own loans. They actually had to sign it
18 multiple times, each time falsely certifying the information
19 was true. That is one aspect of the breach of trust.

20 The second breach of trust is the fact that these two
21 defendants committed these crimes while they were sworn law
22 enforcement officers. And, you don't have to violate the law
23 under color of law within the scope of your duty as law
24 enforcement officers to breach that trust, because committing
25 crimes of dishonesty as sworn law enforcement officers erodes

1 the public's trust in its law enforcement.

2 And, that's what happened here, because Carolyn Wade
3 and Tracy Wade, during the period of these offenses -- and
4 this is what makes it so serious -- were sworn to uphold the
5 laws that they were enforcing. And, they'll failed. And,
6 this erodes the public's trust in them.

7 Now, of course, it is also serious because the breach
8 of trust here and the crimes were affecting a Government
9 program that, again, was passed in response to an emergency.

10 And, the conduct occurred while both defendants were
11 still employed.

12 So the Paycheck Protection Program is a program that
13 was designed to protect paychecks from those that are not
14 employed because they were laid off or going to be laid off
15 because of the restaurants were shuttering, and other
16 businesses where people had to be face-to-face were
17 shuttering.

18 But, that wasn't true with respect to Carolyn and
19 Tracy Wade. They were receiving real paychecks as public
20 employees when they committed these crimes. And, they took
21 advantage of the program because, again, it had very little
22 oversight, because there was a national emergency, to get
23 money out as fast as possible.

24 And, they saw this as an opportunity to take
25 advantage of a program by believing that no one was going to

1 look too deeply into 20,000 loans.

2 As I will talk about in a moment, this case, whether
3 it is \$20,000 or \$20 million, it is fraud. And, the
4 Government's burden is the same, whether it is 20,000 or 20
5 million. The loss amount is not an element of the crime. We
6 have the same burden whether it is a small amount or large
7 amount.

8 The second area I want to talk about is the duration
9 here and the steps that each defendant took to carry out these
10 offenses; because, as the Court heard during trial, the PPP
11 loan application process -- it wasn't just like one click and
12 you are done. There were multiple steps, right, all right,
13 how to start the application, how you had to input
14 information, had to upload documents, had to verify your
15 identity, had to sign the documents.

16 And, in this case, as we saw, if you did all that and
17 then the first lender said, "Sorry, we can't loan you the
18 money, you had to go to the second lender and had to sign
19 again.

20 And, each time there was a login, there was a new
21 code that was generated. What does this show?

22 Not only does it show the defendants each had direct
23 involvement every step of the way, every opportunity, every
24 text message that they got a code, every selfie that they took
25 was an opportunity to walk away from this. And, they didn't.

1 They continued along this path, step by step,
2 signature after signature, initial after initial; one, any
3 moment, because they could say, "I don't want to initial.
4 Something isn't right here," and they could have walked away.

5 There were more than enough opportunities to do that.
6 They didn't.

7 It was not one bad decision, Judge. It was
8 deliberate dishonest conduct over and over and over again
9 during about several months, because by the time the
10 applications were finally approved, the money got disbursed.
11 They get the money, and then comes forgiveness, which was
12 another process in which the defendants made additional false
13 statements to get loans they were never entitled to receive,
14 forgiven so they wouldn't have to pay them back.

15 I'm sure you are going to hear, from defense,
16 comparisons to Ms. Rivero. So let's talk about that for a
17 moment.

18 What the evidence showed and the records -- not even
19 just her testimony, which I will get to in a second -- but
20 what the evidence showed was that Mrs. Rivero's involvement,
21 the steps that she took were actually quite limited in
22 comparison to the defendants', who were verifying their
23 identity and signing the documents and uploading the bank
24 statements.

25 Ms. Rivero testified and the evidence, record showed

1 that she really did, for each application, two things: She
2 uploaded a false Schedule C, which she created, and she put
3 in, for line 7 -- although she got the line wrong -- she put
4 in the fake number that she had made up out of thin air. And,
5 when she was done with that part, it was over.

6 And, yes, maybe there was some residual logins by her
7 after that, but the substance of what she did was limited to
8 those things. And, yes, she did that for several others.
9 There is no question about that. Right?

10 THE COURT: A lot of others.

11 MR. SNIDER: A lot of others. But, she took
12 responsibility for that. She admitted to the Government --
13 and I will say this: She told us more -- she told the
14 Government, when she came in for the very first time, which
15 was after Mrs. Wade's first trial that resulted in a
16 mistrial --

17 THE COURT: Which -- may I ask you a question in that
18 regard?

19 So you discovered Mrs. Rivero's involvement after the
20 first trial?

21 MR. SNIDER: No. We were aware, right, of her
22 involvement. The breadth, the full extent of what she had
23 done, the Government learned from her.

24 THE COURT: So you were not aware of the 17 other --
25 the totality in this case?

1 MR. SNIDER: I think there is a total of 18 other
2 people including -- including Ms. Rivero.

3 THE COURT: Including Ms. Rivero, there are 18?

4 MR. SNIDER: I think there are 18. Ms. Rivero was
5 19, and Tracy and Carolyn Wade are 20 and 21.

6 But, if memory serves --

7 THE COURT: Well, I have a list of all of the
8 sentences, including Ms. Rivero, not including Mr. and
9 Mrs. Wade, and the total I have is 18. I mean, if there are
10 others --

11 MR. SNIDER: Wait, wait, wait. Hold on, I want to
12 make sure we are clear on something. You said list of
13 sentences --

14 THE COURT: Sorry?

15 MR. SNIDER: You said a list of sentences.

16 THE COURT: A list of sentences, as well as
17 individuals who were charged, totally, and in the area, not
18 specifically related to Ms. Rivero --

19 MR. SNIDER: Correct.

20 THE COURT: -- to see all of the officers, if you
21 will, who were charged and their sentences.

22 MR. SNIDER: Yes. So Mrs. Wade, as far as officers,
23 deputy sheriffs or employees of the Broward Sheriff's Office
24 that were charged by the U.S. Attorney's Office, prosecuted by
25 the U.S. Attorney's Office, Mr. And Mrs. Wade are the only --

1 they are the only defendants whose applications were done by
2 Haydee Rivero.

3 The others that were charged -- right.

4 THE COURT: Yes, I agree.

5 MR. SNIDER: I am going a little far off track here.
6 But, my point was what I was trying to say was that her
7 involvement is, you know, defendants' -- their whole defense
8 was to push everything on Haydee Rivero. "She did it all.
9 She knew it all. We didn't, we were ignorant. We had no idea
10 she was doing that."

11 That was the defense.

12 Obviously, the jury did not accept that. Right?

13 But, even if you know, the fact -- what the evidence
14 showed was that -- and probably why the jury rejected it -- is
15 because her involvement did not -- she was not involved in all
16 these steps. She didn't verify their own identities for them.
17 She didn't sign anything. Ms. Rivero did not certify anything
18 on Tracy or Carolyn Wade's application was true when it
19 wasn't. That is on the defendants.

20 Let me move on. I talked about this briefly, but
21 again, the forgiveness aspect of this -- and that's where the
22 checks come in, right?

23 Because in order to -- the phony checks -- let's be
24 clear, because there were a lot of checks. I am talking about
25 phony checks that Mr. Wade wrote after he got his loan, that

1 Mrs. Wade wrote, after she got hers. That was an effort to
2 fabricate payroll, to get loans forgiven that they were never
3 entitled to in the first place.

4 I think that shows -- that's -- that's serious.
5 That's serious.

6 And, you mentioned the other cases. What the
7 Government has seen, particularly with respect to the
8 individuals that accepted responsibility, pled guilty -- of
9 which the vast majority are in that category, right?

10 The theme that emerged is that they did this because
11 they didn't think they were going to get caught; that
12 everybody was doing it -- and, certainly, there were a lot.

13 And, we will probably be prosecuting these cases up
14 until the statute of limitations, which Congress extended to a
15 period of ten years back. Yes, there was a lot of fraud on
16 this program.

17 THE COURT: Has anyone been indicted since the ending
18 of this case?

19 MR. SNIDER: I don't know if there has been
20 indictments. There may be informations that either have been
21 or will be filed. But, the --

22 THE COURT: Well, I am referring to have been.

23 MR. SNIDER: No.

24 THE COURT: That is all I asked.

25 MR. SNIDER: I know. I don't think there has been

1 any indictments. Put it that way.

2 So yeah, there was the mindset of, "Well, everyone is
3 doing it, and it is -- you know, it is small dollars, and we
4 are not going to get caught."

5 I mean, there were -- if everyone took that mentality
6 -- and a lot did -- it adds up. And, it is real money,
7 because I can tell you just from the 17 that were charged,
8 initially, the total amount was about half-a-million dollars.

9 And, Womply did -- was responsible for a lot of these
10 \$20,000 individual loans that I think that there was, you know
11 over a billion dollars in just \$20,000 loans. Everyone took
12 this attitude like "Oh, it is nothing. Small pennies."

13 It has a real impact on the Government, and that is
14 something for the Court to consider.

15 Let me shift now to the history and characteristics
16 of each defendant, because that is another factor for the
17 Court to consider under 3553(a).

18 I will start with Mr. Wade.

19 I said that in my sentencing memorandums, and I don't
20 want to go through them verbatim because I know the Court has
21 read it. There were a few points that I think are worth
22 highlighting.

23 Mr. Wade is an educated, college-educated man.

24 He spent, I think, a quarter-century in law
25 enforcement.

1 He is a business owner, and has been for a long time.

2 He certainly knew better than to submit false
3 applications for himself and his wife for PPP loans.

4 He was in a position for, quite frankly, to avoid all
5 that. He didn't have to do that. This is -- in our view, it
6 is driven by shortsighted greed to make false statements like
7 this, to take out loans just because they think no one can
8 catch them.

9 Mr. Wade testified in two trials before this Court.
10 First, as a witness in the first trial; secondly, as a
11 defendant. And, he has a Constitutional right to do that, as
12 a defendant, and he exercised that right and waived his right
13 to remain silent as a defendant.

14 But, his testimony was not truthful in either trial,
15 and that has to have consequences.

16 And, it is an important distinguishing factor, which
17 is why the Government is asking for a higher sentence for
18 Mr. Wade compared to Mrs. Wade. And, again, in my sentencing
19 memo, I gave several examples of that untruthful testimony,
20 and I provided excerpts from the record, both from the first
21 and the second trial.

22 And, the jury's verdict is necessarily a finding that
23 he was not credible, because if they accepted his testimony as
24 truth, they could not have returned a verdict of guilty on all
25 counts, because what he was testifying to was "I had no idea

1 that it was false information in there. I didn't know about
2 it until the night that Carolyn was arrested. I trusted these
3 people."

4 Like, just by putting on blinders.

5 And, that was not credible. None of it.

6 And, the jury's verdict reflects that.

7 It is also reflected, the -- well, the falsehoods
8 were demonstrated when you juxtaposed his testimony with the
9 records, which are unrefutable.

10 He may have tried to wiggle out of it by saying, "I
11 hired a private investigator," but -- which he actually said,
12 right in between the second and third day of his testimony,
13 during the overnight recess, he said he hired a private
14 investigator when he was trying to wiggle out of the fact that
15 the data was showing it of him logging in, which, at first, he
16 accepted, and then he tried to backpedal a little bit.

17 It was his phone number and his mobile cell phone and
18 IP addresses that were attributable to him. So I think the
19 Court has to consider, in determining what an appropriate
20 sentence should be, the testimony that he presented twice now,
21 under oath, from that chair, because it was not credible.

22 Now, I want to talk about the other loans, because
23 what the Court can consider as a 3553(a) factor is relevant
24 conduct, or even -- I have the section, 1A 1.4, "Information
25 to be used in imposing sentence," and determining the sentence

1 to impose within the guideline range is what we are asking
2 for. It is not a variance or departure.

3 "The Court may consider, without limitation, any
4 information concerning the background, character, and conduct
5 of the defendant unless otherwise prohibited by law."

6 So what I would like the Court to consider --

7 THE COURT: And what is the standard that the Court
8 has to evaluate testimony?

9 MR. SNIDER: Preponderance.

10 THE COURT: All right. And what I stated was, with
11 regard to those other matters that I looked at between 130 and
12 140, I really can't make any findings by a preponderance of
13 the evidence. I mean, it is more likely than not that this
14 occurred, and so that's why I am not considering a variance up
15 or a downward departure --

16 MR. SNIDER: I am not asking for a variance.

17 THE COURT: -- based on those matters.

18 MR. SNIDER: I agree. That is why I did not ask for
19 a variance. I am asking -- we are within the guidelines,.

20 I am asking for a guidelines sentence, and I am
21 presenting argument as to where, within the guidelines, the
22 Court should sentence Tracy Wade.

23 And, one of the reasons I am asking for a top of the
24 guideline sentence, which is 14 months, is, well, it is all --
25 it is everything, but his false testimony to this Court in two

1 different trials.

2 And, the other area I want the Court to consider is
3 these other applications, because what is undisputed -- you
4 don't have to look to anything other than the record. It is
5 undisputed that he applied for two other EIDL loans for the
6 Wade Funeral Home. He doesn't dispute doing that. It is his
7 argument that it was a typo.

8 And, I will just leave it to the Court to decide
9 whether the Court thinks that making two different
10 applications for Wade Funeral Home on two different dates,
11 about a month apart, each inflating revenue expenses by
12 hundreds of millions of dollars, different amounts of hundreds
13 of million of dollars, was a typo or was an intentional act.

14 That is just for the Court to consider. That is all
15 I'm putting out there.

16 And, the same thing with respect to Wade Funeral
17 Home, a separate PPP loan application. It is for the Court to
18 consider. Is this -- again, is it just a coincidence?

19 Or, is there a pattern here of false income
20 information?

21 If you count them all up, on five different
22 applications during the pandemic, five, Tracy Wade's, Carolyn
23 Wade's, the one for Wade Funeral Home and these two EIDLs, is
24 it a coincidence they all contained grossly overstated income
25 information?

1 I just -- I leave that to the Court to consider.

2 Now, Carolyn Wade, like her husband, does not have
3 any criminal history. That's taken into consideration. It is
4 taken into consideration under the guideline range in two
5 ways; one, they are both in the criminal history category of
6 one; and, second, they both received a two-level reduction for
7 having no prior criminal history points. So that is already
8 factored into the range of eight to 14 months.

9 So we shouldn't be -- I am asking the Court not to go
10 below that base. And, their not having a criminal history,
11 because I think it is already appropriately accounted for,
12 what distinguishes Carolyn Wade from Tracy Wade, and why I'm
13 asking -- why I believe, in all fairness, that a sentence of
14 imprisonment that is lower than his is appropriate. It is
15 because she did not testify falsely. She didn't testify at
16 all, which was her right.

17 And, as I say in the memo, my sentencing memorandum,
18 there is no evidence of her trying to get other pandemic
19 relief, as Mr. Wade did.

20 The next factor for the Court to consider is the -- a
21 sentence that must reflect the seriousness of the offense,
22 provide just punishment, afford adequate deterrence. And, the
23 sentences that the Government is recommending accomplishes all
24 of that.

25 Fraud on the Government must result in just

1 punishment. You can't just say, "Well, you know, it is the
2 Government, and they got" -- you know, I mean, it harms
3 everybody to commit fraud on government programs, and
4 deterrence is needed, because I know all too well from
5 prosecuting health care fraud in this district, you know, for
6 reasons that we are still searching for -- there is a
7 tremendous amount of fraud on government programs in the
8 Southern District of Florida.

9 And, yes, the PPP program is no longer offering
10 loans. But, the EIDL program is still available, and
11 unemployment insurance is still available; and, Medicare and
12 Medicaid, and all these government programs.

13 I think deterrence is necessary; not specifically to
14 these two defendants, but general deterrence in the white
15 collar area.

16 THE COURT: I have been told that the Southern
17 District of Florida has more fraud than any other district in
18 the country. Is that correct, or do you know?

19 MR. SNIDER: I have only practiced in this District,
20 but I have heard that to be true. And, I have been practicing
21 here for a while, and there seems to be an endless amount of
22 fraud. And, it is good job security, I guess, for a federal
23 prosecutor that is in the economics crime section.

24 But, yeah. There seems to be a trend that,
25 unfortunately, is not reversing. So there is a need for

1 deterrence.

2 And, as I said, the Government -- the defendants
3 absolutely have the right to -- they were -- they were
4 presumed innocent before the verdicts, and they had the right
5 to go to trial and put the Government to its burden.

6 The Government has carried its burden. And, as I
7 said in my remarks in the beginning, that burden is the same,
8 whether it is \$20,000 or \$20 million.

9 And, it was, you know, a significant amount of
10 resources for the Government to prosecute these cases, and
11 there should be consequences for that, for going to trial and
12 being convicted.

13 Finally -- and, again, we are not asking for
14 sentences above or below the guidelines. We are asking for
15 guidelines sentences.

16 And, I think the facts that I am addressing are
17 within the guidelines, and an appropriate term of imprisonment
18 should be for each of the defendants.

19 Lastly, I just want to mention that every defendant
20 that has gone to trial and been convicted -- and there have
21 been no acquittals -- every former Broward Sheriff's employee
22 that has gone to trial in this related PPP fraud has been
23 sentenced to a term of imprisonment.

24 THE COURT: There were two, right?

25 MR. SNIDER: Correct; Stephanie Smith was sentenced

1 to a term of seven months, and Alexandra Acosta was sentenced
2 to four months.

3 I believe it was in one of the memoranda that the
4 defendants filed, with a list -- I think the Court has it now,
5 too -- of the other sentences that were imposed in similar
6 cases, with defendants with similar records, were convicted of
7 similar charges, but those convictions, the other ones were by
8 guilty plea.

9 And, there were terms of probation that were imposed
10 because those defendants had accepted responsibility, and
11 their guidelines were lower.

12 They were in a range that included a term of
13 zero months imprisonment because of either the loss amounts or
14 because they had received credit for accepting responsibility.

15 So the only -- again, the only two that have gone to
16 trial and been convicted at trial for wire fraud, similar
17 offenses have received sentences of imprisonment, and that is
18 appropriate in this case.

19 These defendants did not cooperate. They did not
20 accept responsibility.

21 With all due respect, Mr. Wade -- I believe from his
22 -- even just the statement in his Presentence Investigation
23 Report -- has not shown remorse for this.

24 So for those reasons, your Honor, under 3553(a), the
25 Government is asking the Court to sentence Mr. Wade to

1 14 months imprisonment, and Mrs. Wade to ten months.

2 THE COURT: All right. Just a couple of questions,
3 and this goes back to a matter I asked earlier.

4 With respect to the parties that Ms. Rivero aided in
5 this offense, I think there were six or so was that
6 information known to the Government subsequent to the first
7 trial, or was it after the defense intended to call Ms. Rivero
8 and then she decided, I guess, to cooperate -- was that
9 known -- was Ms. Rivero known to the Government before the
10 first trial in this cause?

11 MR. SNIDER: Of course, she was known. She was --
12 yeah, let me be clear, because there has been -- there was
13 even -- there were motions made based on this, and it has
14 been -- it was litigated in this --

15 THE COURT: Well, I have already ruled on those
16 motions.

17 MR. SNIDER: But, I will tell you what the Government
18 knew. The Government knew that there was an IP address that
19 was present in a number of applications.

20 And, that IP address was attributable to Haydee
21 Rivero.

22 And, the Government knew, certainly before -- because
23 it came -- you know, it was -- there was testimony and
24 evidence the Government knew before Ms. Wade's first trial
25 that Haydee Rivero had been involved in the preparation of

1 Carolyn Wade's PPP loan application and, it turned out,
2 Mr. Wade's.

3 But, the Government hadn't -- because it was focusing
4 on Carolyn Wade, and prosecuting Carolyn Wade, who had been
5 indicted, and we had a trial pending -- was not, at the same
6 time, going out and investigating what, if anything else, Ms.
7 Haydee Rivero had done because we were not even calling her as
8 a witness.

9 So we had knowledge, but it was very limited, at that
10 point. We did not know -- and, here is the other thing.

11 The fact that an IP address had popped up in other
12 applications, we had no idea. We could make assumptions, but
13 we had no evidence that there were any false statements in any
14 of those applications. We had not even went over them to make
15 that determination, let alone, you know, serve subpoenas,
16 interview witnesses, doing all the things that we do as
17 federal prosecutors to collect evidence to prove falsities.

18 We were -- that was there, but we had not even begun
19 to sort of dive into it. We knew there was an IP address. We
20 knew Ms. Rivero was involved, and we knew that it involved --
21 certainly, as to Carolyn Wade. And, when we spoke to her,
22 approached her and spoke to her for the very first time, which
23 was in June of 2024, after the first trial, we learned a lot
24 more from Ms. Rivero who came in and truthfully debriefed with
25 us, and never minimized, and even, you know, never -- never

1 tried to point the finger at someone else, and never tried to,
2 you know, protect family and other individuals that were
3 implicated.

4 She was -- she was truthful, and I believe that the
5 jury found her truthful, which is why they returned the
6 verdicts that they did.

7 THE COURT: All right.

8 MR. SNIDER: Thank you.

9 THE COURT: Thank you.

10 Mr. Handfield?

11 MR. HANDFIELD: May I approach, your Honor?

12 THE COURT: Yes, sir.

13 MR. HANDFIELD: May it please the Court.

14 THE COURT: Yes, sir.

15 MR. HANDFIELD: Counsel for the Government -- first
16 of all, I thank you for this opportunity for me to address the
17 Court in response and respond to some of the arguments that
18 have been made by the Government, and to give the Court what I
19 believe should be an appropriate sentence in this case.

20 First of all, I think it was very rich to hear the
21 Government suggest to this Court that Ms. Haydee Rivero's
22 involvement, total involvement in all of this was less than
23 the conduct of my two clients, Carolyn Wade and Tracy Wade,
24 when there is no question Haydee Rivero was going to be called
25 as a witness by the defense in the first trial with Carolyn

1 Wade.

2 And, before she was called, the Government has
3 already stated they knew about her.

4 But, once the Government made contact with her, then
5 obviously, she refused to testify on behalf of our client as
6 to her involvement.

7 But, more importantly, I think it is very important
8 that the Government now wants this Court to minimize the
9 conduct of Haydee Rivero.

10 THE COURT: And, I am not going to do that.

11 MR. HANDFIELD: But I think the record is clear,
12 Judge.

13 THE COURT: I understand.

14 MR. HANDFIELD: I know this Court, and I know this
15 Court has seen and heard a lot. So I will not even waste your
16 time on matters that I think defies common sense.

17 Number one, there is no question that Jamal Hunter,
18 who got -- the first person that got involved in this case as
19 an uncharged codefendant has not been indicted, is not going
20 to be indicted.

21 The other benefit that Ms. Rivero will receive is her
22 husband, Eduardo -- and that is the connection in this case as
23 relates to Tracy Wade -- someone that he knew approached him.

24 So what is different about this case and all these
25 other cases that I am going to talk about?

1 Remember the question that you asked, from
2 Government's own mouth, these two individuals had nothing to
3 do with the 17 -- these other Broward officers that were
4 indicted. Based upon their involvement in these cases -- all
5 of them were related because they were telling other -- and
6 they told others, and that's why you had them all scooped up.

7 These individuals had nothing to do with that. There
8 is no question that the Government would even concede that.

9 So they didn't get involved in this unfortunate
10 situation that they find themselves in here today based upon
11 the scheme that was going on with all the other Broward BS0
12 officers, sheriffs. The Government has indicated that to this
13 Court.

14 So it is important that the Court understand, number
15 two, when you look at the amount of money you are talking
16 about 18 -- not counting Tracy Wade and Carolyn Wade -- you
17 have got, as documented in the presentence investigation they
18 did, a total overview. It indicates that Ms. Rivero was --
19 received assistance and got involved in all of these fake IRS
20 schemes that she prepared now -- she prepared in all these
21 cases, a total of 21 that she did.

22 But, the Government said her involvement was very
23 minimal. It could not be submitted. And, notwithstanding
24 what information was provided, or by my two clients for
25 purposes of establishing the information that the Government

1 needed to, the IRS, all those forms, all that stuff is entered
2 by who?

3 Haydee Rivero.

4 So for the Government to stand up to this Court and
5 say, "Well, her involvement was very minimal," that defies
6 common sense and logic.

7 But, more importantly, look at the amount. She got
8 involved with 21 of these cases. The amount of money that was
9 involved in all those cases was \$229,163.

10 Now, the names of these individuals for which this
11 Court asks the question -- which is very, very important --
12 when did the Government know about her?

13 They knew about her before my clients. But,
14 purposely, they chose not to take any action.

15 But, they knew.

16 But, they said they were only concerned about Carolyn
17 Wade, at that point.

18 So the individuals that was attributed to Rivero,
19 Angela de la Cruz, Jose Rivero -- I don't know whether that is
20 a relative, Carlos Rivero -- I don't know whether that is a
21 relative. Got the same last name.

22 THE COURT: There was testimony at the trial that
23 there were a number of relatives involved.

24 MR. HANDFIELD: Yes. So therefor, I think it is very
25 rich, as well as insulting, to argue to this Court that

1 Ms. Haydee Rivero's involvement should be minimized because it
2 did not reach the level of Carolyn Wade and Tracy Wade.

3 Now, for purposes -- it is interesting. I can tell
4 this Court that as an officer of the Court, that I represented
5 at least two officers, BSO officers for the same amount. They
6 were not charged at all. It was resolved civilly, same
7 amount.

8 They were given an opportunity to pay the money, and
9 it was handled through civil forfeiture.

10 I didn't represent these two individuals at the
11 beginning. I got hired afterwards.

12 But, I can tell you one thing. I can tell this Court
13 that I take issue with the Government. There is a case by the
14 name of Maurice Shazier, spelled S-H-A-Z-I-E-R, in the
15 Southern District of Florida, Case Number 22-80144-cr-Smith.
16 The amount -- he was not an officer. He went to trial. He
17 was found guilty.

18 The attendant loss was over a million dollars. The
19 actual loss was over \$500,000. He was convicted of all
20 charges.

21 And, Judge Smith -- the Government was asking for
22 substantially more prison time. And, that is a PPP loan case
23 I did -- personally, I did the research on it. I didn't
24 represent him. The sentence in that particular case, the
25 amount of the sentence was five years probation, over the

1 objections of the Government.

2 He was convicted of Counts 14, 15, 21, 22, plus he
3 served 50 hours of community service. The actual loss -- for
4 which he never paid back -- \$573,528. The intended loss, over
5 a million dollars.

6 THE COURT: Mr. Handfield, I hear a lot of argument
7 by counsel about other cases, and what happened in those
8 cases. But, I have no idea why.

9 MR. HANDFIELD: I understand that, Judge, I
10 understand that. All I am saying is -- what I am trying to
11 voice to this Court is that when you have two individuals --
12 which is undisputed. What happened was wrong, I don't condone
13 this or stand up here and make any excuses -- but I do think
14 that it is unfair for the Government to stand up and suggest
15 that the appropriate sentence is imprisonment when you have
16 individuals -- number one, they even -- the restitution has
17 been paid in full. There was no restitution order because as
18 soon as I was hired, I asked if that had been done.

19 It was indicated that counsel did not -- told them
20 not to -- or suggested that they hold off on that. They paid
21 the restitution.

22 I think it is inconsistent with two things: One, the
23 Government -- that I take -- respectfully, take issue is, is
24 to suggest to the Court that because they exercised their
25 right to go to trial and was found guilty, that there should

1 be some punishment assessed with that. I disagree with that.

2 I know this Court does not view individuals
3 exercising their Constitutional rights should be punished for
4 doing that.

5 I believe that when you are dealing with nonviolent
6 crimes where the individuals have no prior history,
7 whatsoever, with the system, and restitution has been removed
8 because that has been taken care of, I believe that it is not
9 consistent with justice or consistent with where we are as a
10 country to send those type of individuals to prison. With all
11 due respect, I believe that.

12 I couldn't stand up here and make that argument if
13 the person had prior contact with the system. I could not
14 stand up in good faith and argue that if we were dealing with
15 a violent crime. I couldn't stand up.

16 I had a recent case in front of Judge Martinez, Jose
17 Martinez, and the PPP, Miami-Dade County officer, and the
18 amount was \$150,000. And, he, too, paid the money.

19 And, one of the things that Judge Martinez indicated
20 is that he had someone -- and the amount was 300,000, and they
21 came before him at sentencing requesting mercy and requesting
22 no incarceration, but he found insulting the fact that they
23 made no effort, they did not pay a penny -- and, this was a
24 female -- did not pay a penny towards restitution.

25 What I am saying to this Court is that I don't

1 believe that it is -- there is no interest to be made when you
2 send someone to prison where restitution has been made, and it
3 is a nonviolent crime, and they have no history whatsoever.

4 And, so what I'm trying to show this Court is that
5 there have been more cases -- and I am talking about cases
6 where they -- individuals have gone to trial and have been
7 found guilty, individuals who pled, and the amount of money
8 was way more than here, and, they were given a probationary
9 sentence.

10 THE COURT: All right. So Mr. Handfield, I -- I
11 really can't look at the universe of cases --

12 MR. HANDFIELD: I understand that.

13 Thank you, your Honor.

14 THE COURT: -- because they are so varied, and so
15 many different circumstances; but, having said that,
16 interestingly, in this particular series of cases, I do have a
17 universe -- I have a universe of about 18 cases which involve
18 the same amounts, which we have gone through court records and
19 found the loss amounts, the guideline range and what the
20 sentence was. So I do have that.

21 As a matter of fact, I do want to make this a Court
22 exhibit and introduce it into the record, which includes all
23 of the deputies or corrections officers who were charged in
24 this series of cases, numbering about 18 or so, which has the
25 docket number, as I said, loss amount, guideline range, and

1 what the sentence was.

2 So I am going to consider that so as not to have --
3 what we try to avoid is great disparity. As I said, this case
4 is unique because usually, it is just the defendants in a
5 particular case, which you can show the relative comparison of
6 what they received.

7 But, in the case -- I have 18 or so cases that are
8 very similar, and so I am going to consider that.

9 And, you are right. I do not punish people for going
10 to trial. That is a Constitutional right. And, that is sort
11 of factored into the system, because you don't get credit if
12 you go to trial. But, if you elect to enter a plea, you do
13 get a reduction. So when I look at guideline ranges, that is
14 all factored into the sentences that have been imposed and
15 that I will impose.

16 MR. HANDFIELD: Judge, I was just suggesting, as it
17 relates to 4C, 4C 1.1, under the guidelines range, when
18 considering if a defendant is a nonviolent first offender, and
19 is in that range of A or B zone under the sentencing table,
20 the Court should consider imposing a sentence other than
21 imprisonment for purposes of make its decision, whether it is
22 the appropriate thing to do. So that is what -- I was just
23 trying to make a record in that --

24 THE COURT: Absolutely.

25 And, that is a statutory matter.

1 MR. HANDFIELD: Yes. So your Honor, I'm not going to
2 belabor more. Obviously, there are people here. And I would
3 just have them stand up, and they are going to be -- in just
4 one minute, they just -- one is the daughter, and
5 daughter-in-law, and then a colleague who is an officer that
6 would like to just address the Court.

7 THE COURT: All right.

8 MR. HANDFIELD: Then I would respect whatever
9 sentence that your Honor deems appropriate under this set of
10 circumstances. May I, please?

11 THE COURT: Yes, sir.

12 State your name and address, please.

13 THE WITNESS: Christian Florigas. I live in Tamarac.
14 I served in the United States Army from '90 to '97. I am a
15 Gulf war veteran. After I got home, I got a discharge in
16 1997. I was employed with the Broward Sheriff's Office. At
17 that time, I met Tracy Wade. He worked in State corrections,
18 and then came over to County corrections.

19 And, we both were deputies. We were on the midnight
20 shift. He was my mentor. He helped me tremendously.

21 Coming into a jail setting is -- could be
22 overwhelming, especially when they put you working with mental
23 health; inmates that deliberately throw feces, your Honor, at
24 you, literally, banging at night, and so forth. So it was
25 pretty intense.

1 But he took me under his wing. He taught me a lot.
2 After that, that is when I met Mrs. Carolyn Wade. She started
3 a few years after me.

4 And, we worked together at the mentally -- mental
5 health facility.

6 And, from there, they always embraced me. We were
7 like family. People don't realize I am Hispanic. They think
8 I'm white. But, they took me in like I'm their blood
9 relative, and I considered them family, closer than some of my
10 other family members.

11 I talk to Mr. Tracy Wade several times a week. He is
12 an honorable man. They are both honorable people. They love
13 their family.

14 They are very religious, very involved in church.

15 Tracy Wade owns a funeral home. And, you know,
16 several years ago, I had lost my brother-in-law in a car
17 accident, and he was there for the entire process to help me
18 out, help my family out. And, I am always indebted to him.

19 And then about six years ago, my son was attending
20 Stoneman Douglas High School. He was in high school when that
21 massacre happened, that tragedy. One of the first people that
22 called me was the Wade family. They were there for me. I
23 suffered from PTSD from the Gulf war, and that was pretty
24 traumatic, going through that; seeing what my son went
25 through.

1 And, he has always been there for me. And, I just
2 say, your Honor, it would be a travesty if they got jail time.
3 I mean, they are depended upon within the community. Their
4 family needs them. They have a minor child together that --
5 that they truly love and adore. And, I think it would have a
6 big impact on her and their entire family. I just hope that
7 you take that into consideration, your Honor.

8 I don't know. I had sent you a letter. I don't
9 know, okay. And --

10 THE COURT: I have it, and I have read it.

11 THE WITNESS: Thank you, your Honor.

12 THE COURT: All right. Thank you, sir.

13 Good afternoon.

14 THE WITNESS: Thank you, your Honor.

15 THE COURT: State your name.

16 THE WITNESS: My name is Chantel Wade. I am the
17 daughter of Tracy Wade and Carolyn Wade, and I live in Miami,
18 Florida.

19 THE COURT: Okay.

20 THE WITNESS: So I am going to keep it short.

21 I stand here today and speak with the depth of my
22 heart as a daughter who dearly loves and cherishes her father.

23 My father had devoted 52 years -- 53 years in law
24 enforcement, and has been the steadfast pillar in our
25 community.

1 He is not just a public servant, but the heart of our
2 family. The thought of losing my father is heart wrenching.
3 He is my guide, my protector, and my hero. His absence would
4 leave an irreplaceable void in our lives, and I hope -- I hope
5 you will find it in your heart to grant leniency and allow my
6 father to remain the guiding light in our lives.

7 Thank you for your time and consideration.

8 THE COURT: Thank you very much, ma'am.

9 THE WITNESS: Good afternoon. My name is Alicia
10 Wade, and I live in Miami Gardens.

11 I am nervous, and I apologize.

12 I come here as a daughter-in-law in support of my
13 in-laws. And, I just ask that you have clemency and mercy on
14 their sentencing, as their absence would be a tremendous loss
15 to us, and is a negative impact on our family.

16 Thank you for your time.

17 THE COURT: Thank you very much.

18 MR. HANDFIELD: I am not going to call anyone else.
19 I just want to leave with this:

20 With your permission, your Honor, I think that if
21 Haydee Rivero was given a three-year probationary sentence for
22 all that she was involved in, I think, clearly, it would be
23 inconsistent with justice for my clients to receive anything
24 more than that.

25 I thank the Court for its attention and time.

1 Thank you so much for the pleasure of appearing
2 before you.

3 THE COURT: Okay. Thank you very much.

4 Mr. Wade and Mrs. Wade, is there anything that you
5 would like to say?

6 You may allocute, if you elect to do so.

7 DEFENDANT T. WADE: The only thing I would say, your
8 Honor, is I apologize for being in this situation. I accept
9 responsibility for my negligence and in not reading the
10 material. That's why we are here.

11 MR. HANDFIELD: Judge, I can let you know that I have
12 requested that the comments be limited only due to the fact
13 that he is exercising for -- as far as his appeal. And I
14 know -- I told him how that could have some negative impact at
15 this time.

16 THE COURT: All right.

17 MR. HANDFIELD: Thank you, Judge.

18 THE COURT: Anything further by Mrs. Wade?

19 MR. HANDFIELD: No, Judge.

20 THE COURT: Very well.

21 So there are a number of issues for the Court to
22 consider in this case. And, as the defense counsel stated,
23 there are some statutes and guideline provisions in this case
24 that the Court must consider.

25 28 U.S.C. Section 994 states that "The Commission" --

1 this is Congress's directive to the Sentencing Commission --
2 "shall ensure that the guidelines reflect the general
3 appropriateness of imposing a sentence other than
4 imprisonment, the cases in which the defendant is a first
5 offender, who has not been convicted of a crime of violence or
6 otherwise serious offense, and the general appropriateness of
7 imposing a term of imprisonment on a person convicted of a
8 crime of violence that results in serious bodily harm."

9 And, so given that statutory provision, the
10 Sentencing Commission has concurred with the Congressional
11 dictate, and, hence 5C1.1 references the imposition of a term
12 of imprisonment.

13 And, the Sentencing Commission states that if a
14 sentence is in a Zone B range, then that minimum may be
15 satisfied by a sentence of probation that includes a condition
16 or combination of conditions that substitute intermittent
17 confinement, community confinement, or home detention for
18 imprisonment according to its stated schedule.

19 And, one of those schedules states one day of home
20 confinement for one day of imprisonment.

21 So we know that the guidelines in this case are eight
22 months to 14 months.

23 In trying to determine an appropriate sentence, I
24 have considered all of the letters that were received on
25 behalf of Mrs. Wade and Mr. Wade, testifying or stating their

1 observations that they are or have been persons of good
2 character, and there is no evidence of any other involvement
3 in this particular case.

4 I am going to address the sentence of Mrs. Wade
5 first.

6 And, with regard to the relative comparison of
7 involvement in these matters, I don't think that Ms. Rivero
8 was any less culpable than anyone in this case.

9 We have a guideline regimen which considers the value
10 of loss. And, I mean, the Government is right. That doesn't
11 necessarily mean that is the sentence that one should get.
12 But, someone who takes 20,000 versus someone who takes a
13 million dollars always gets a much higher sentence. And, that
14 is the guideline system that we have. And so I have to
15 consider that when I look at Ms. Rivero's involvement. As was
16 argued, her involvement created loss or intended loss of up to
17 \$200,000, which is significant.

18 There was a time when -- and I don't know if the
19 Government still does this or not -- but, there was a time
20 when people cooperated -- the Government would come in and
21 recommend a percentage reduction. And, I usually follow the
22 paradigm of a 50 percent reduction for those who cooperated if
23 they had no priors, and a third if they had priors, for their
24 cooperation. I have not heard that in many years. So I don't
25 know if that is still the case.

1 MR. SNIDER: If I may address that briefly, as I
2 think this is important for the Court to understand.

3 THE COURT: Well, I don't want any other argument
4 because I have - I have given you the last word. But, I think
5 you were going to say something referencing the recommendation
6 that I used to hear all the time.

7 MR. SNIDER: We made a -- so we made a 5K motion,
8 motion for reduction in Ms. Rivero's case. Her guidelines
9 were already -- I believe started at zero to -- I believe it
10 was zero to six months --

11 THE COURT: Let me address that issue.

12 MR. SNIDER: -- and I can address why.

13 THE COURT: I know why.

14 MR. SNIDER: Okay.

15 THE COURT: -- because she had a Kastigar agreement.
16 And, you can't consider her dollar loss with respect to the
17 sentence that she is going to receive.

18 But, that doesn't preclude the Court from considering
19 that in determining relative culpability of other individuals
20 in the case.

21 So I recognize that her guidelines were not based on
22 the \$200,000, because that's why I asked you earlier, of at
23 what point did you learn of her involvement, because she
24 received a considerable reduction because of her Kastigar
25 agreement, and her guidelines would have been substantially

1 higher had it been considered. But --

2 MR. SNIDER: We were also following Section 1B 1.8 of
3 the Guidelines, which prohibits us from -- that is exactly
4 what we did.

5 THE COURT: That is precisely why the guidelines are
6 lower. So the argument that her guidelines are lower is
7 applicable to the sentence that she received, but it is not
8 applicable to the universe of culpability of the other
9 defendants and the extent to which the Court can consider
10 those matters.

11 So her conduct was serious. And, she was helpful to
12 the Government. And, that is a fact, and she received credit
13 for that.

14 I do want to append -- and I think we have a copy of
15 the relative sentences of all of the persons.

16 I want to mark that as Court Exhibit 1, and make it a
17 part of the record.

18 (Court's Exhibit No. 1 was received in Evidence.)

19 THE COURT: So it has all of the -- I assume they
20 were corrections officers. I don't know if they were
21 sheriffs, deputies, but at least officers. We have a list.

22 And, why don't we show this to counsel, just so you
23 can take a look and -- because I am going to receive that as a
24 court exhibit.

25 MR. SNIDER: Your Honor, I will put it on the record,

1 I represent to the Court that Stephanie Smith and Alexandra
2 Acosta were not corrections officers. They were sworn deputy
3 sheriffs --

4 THE COURT: All right.

5 MR. SNIDER: -- in the department of law enforcement
6 within the Broward Sheriffs Office.

7 THE COURT: All right.

8 We have a list of all of the officers and the dollar
9 value. So I am going to consider that, because I don't want
10 to have disparate sentencing, which is a directive, as well,
11 from the statutes as it relates to sentencing. We want to
12 avoid disparity in sentencing.

13 I don't know if you were involved -- I don't know if
14 you were involved in that Judge Williams case, Earnest Bernard
15 Gander -- was that one of yours?

16 MR. SNIDER: I did not handle that prosecution.

17 THE COURT: All right. Because that one was sort of
18 astonishing. The loss amount was 168,000, his guidelines were
19 ten to 16 months; but, he got five years probation. So I'm
20 not sure what the circumstances were.

21 MR. SNIDER: I am not personally familiar, Judge.

22 THE COURT: All right. That's fine.

23 But, there's a range of sentences. Everyone received
24 probation except a Judge Scola case, where the defendant went
25 to trial, and the Judge Cohn case, where the defendant went to

1 trial.

2 So that is a big consideration in determining what
3 sentence to impose, especially when, statutorily, the Court
4 should consider the appropriateness of confinement.

5 Now, I note that in Mrs. Wade's case, she did not
6 take the stand. She put the Government to its proof, and the
7 jury concurred that the Government met its burden of proof.
8 And so that's going to be a factor in the imposition of
9 sentence.

10 Mr. Wade did take the stand on two occasions. And,
11 as was noted, the jury elected not to concur with his
12 testimony.

13 I have observed, astutely, the conduct of the parties
14 in this case. And, I noted Mr. Wade's reaction to some of the
15 things that were occurring today.

16 But, the jury determined that you were guilty,
17 Mr. Wade. And, I don't want you to be indignant about that.
18 We all heard the testimony, and they listened to the testimony
19 and decided that the offenses had been committed.

20 So with regard to Mrs. Carolyn Wade, the Court has
21 considered the statements of all parties, the presentence
22 report, which contains advisory guidelines, and the statutory
23 factors set forth in United States Code Section 3553(a).

24 It is the finding of the Court that the defendant is
25 not able to pay a fine in addition to the restitution.

1 And, I believe the Government concurs with the
2 representation of Mr. Handfield that the restitution was paid.

3 Is that correct, Government?

4 MR. SNIDER: Yes. After -- after conviction.

5 THE COURT: It is the judgment of the Court that the
6 defendant, Carolyn Denise Wade is placed on probation for a
7 period of three years, and a condition of that probation,
8 consistent with the statute that I read earlier, and 5C 1.1,
9 with regard to the appropriateness of imprisonment, 90 days of
10 home detention.

11 The sentence consists of three years probation, with
12 the home detention as to each of Counts 1, 3, 4, 5, 8, and 9,
13 all terms to run currently.

14 Restitution has been paid; and, therefor, the Court
15 will not make any further statements in that regard.

16 MR. SNIDER: Your Honor, I -- I believe that the
17 restitution still needs to be ordered, and then the Court --
18 and then the Clerk can apply what has been paid to the
19 restitution order.

20 Without the ordering of restitution -- I think it
21 still needs to be ordered, but the Court -- the Clerk will
22 credit what has paid, which the Government agrees has been
23 paid in full.

24 THE COURT: Yes, sir.

25 MR. HANDFIELD: May I speak, Judge?

1 THE COURT: Yes.

2 MR. HANDFIELD: You signed an order, and that's what
3 I needed for purposes of the clients paying it. So upon
4 receiving that -- which was a couple of months ago -- they
5 paid it.

6 So the restitution -- as proof, I was waiting on the
7 order. Even before I got involved, the Government provided me
8 the necessary paperwork. We requested that you submit it.
9 You signed it, and, upon receiving it, it was paid.

10 And, the record is consistent. It will show it is
11 paid in full.

12 THE COURT: The Court imposes restitution, and notes
13 that the restitution has been paid. So that is not a matter
14 that we have to address.

15 MR. HANDFIELD: Thank you.

16 THE COURT: Further, as a result of the term of
17 probation, the defendant shall comply with the mandatory and
18 standard conditions of supervised release -- I'm sorry, as to
19 probation, not many probation sentences are given nowadays.

20 There are also some special conditions of probation;
21 the association restriction, financial disclosure requirement,
22 no new debt restriction, permissible search and any other
23 special assessments.

24 It is further ordered that the defendant shall pay
25 immediately to the United States a special assessment of \$100

1 as to each of Counts 1, 3, 4, 5, 8, and 9, for a total of
2 \$600.

3 The total sentence is three years probation, with the
4 90 days of home detention, the \$600 special assessment, and,
5 of course, the mandatory conditions of probation, as well.

6 Now that the sentence has been imposed, does
7 defendant or her counsel object to the Court's finding of fact
8 or the manner in which sentence was pronounced?

9 MR. HANDFIELD: No objection, Judge.

10 THE COURT: Mrs. Wade, you do have the right to
11 appeal the conviction and sentence.

12 Any notice of appeal must be filed within 14 days
13 after the entry of the judgment. If you are unable to pay the
14 cost of an appeal, you may apply for leave to appeal in forma
15 pauperis, which means without costs.

16 Do you understand your appellate rights?

17 DEFENDANT C. WADE: Yes, your Honor.

18 THE COURT: All right.

19 The same statutory provisions apply to Mr. Tracy
20 Wade, and, of course, I have considered the letters submitted
21 on your behalf and your service to the public.

22 As has been stated, Mr. Wade, I don't know how you
23 got yourself involved in this scenario. I listened to your
24 testimony very carefully on both occasions. And, I can
25 understand the jury's finding in this case.

1 And, I don't want you not to at least respect the
2 verdict of the jury. I know that you don't concur with the
3 verdict. But, the evidence in this case was pretty
4 compelling, frankly.

5 I listened carefully to your testimony. And, there
6 were a number of things that just didn't fit in place. I will
7 just leave it at that.

8 The Court has considered the statements of all
9 parties, the presentence report which contains advisory
10 guidelines, and the statutory factors.

11 It is the finding of the Court that the defendant is
12 not able to -- well, the Court finds that the defendant is
13 able to pay a fine, and I note from the report that the
14 defendant was requested to provide IRS statements, and that
15 information was not provided.

16 Is that correct?

17 PROBATION OFFICER: That's correct, your Honor.

18 THE COURT: All right. So the defendant has the
19 right not to provide information requested.

20 But, based upon the presentence report, the Court
21 finds that he is able to pay a fine in addition to the
22 mandatory restitution that has been paid, which the Court
23 orders, as in Mrs. Wade's case, the joint and several of
24 \$41,666, which, as has been stated, both have contributed to
25 the totality of the restitution amount.

1 That restitution will be forwarded by the Clerk of
2 the Courts to the victim.

3 Now, as I stated with regard to the sentence that is
4 imposed, both sentences are below the guideline range, or will
5 be below the guideline range. As I stated with regard to
6 Mrs. Wade, I consider the fact that she did not testify and
7 make statements which were really contrary to much of the
8 evidence in the case.

9 I want to avoid disparity with regard to the
10 defendants. I want to consider their good citizenship up to
11 this particular offense.

12 It is the judgment of the Court that the defendant,
13 Tracy Wade, is committed to the Bureau of Prisons to be
14 imprisoned for 90 days.

15 The sentence consists of 90 days as to each of
16 Counts 1 through 4, 6, 7, and 10, all terms to run
17 concurrently.

18 Upon release from imprisonment, the defendant shall
19 be placed on supervised release for a term of three years as
20 to each of Counts 1 through 4, and one year as to each of
21 Counts 6, 7, and 10, all terms to run currently.

22 Within 72 hours of release, the defendant shall
23 report in person to the Probation Office in the district where
24 released.

25 While on supervised release, the defendant shall

1 comply with the mandatory and standard conditions of
2 supervised release.

3 As referenced in Part F of the presentence report,
4 the following special conditions shall apply: The association
5 restriction, the financial disclosure requirement, no new debt
6 restriction, permissible search, and any special assessment.

7 It is further ordered that the defendant shall pay
8 immediately to the United States a special assessment of \$100
9 as to each of Counts 1 through 4, 6, 7, and 10, for a total of
10 \$700.

11 The Court, having found that the defendant is able to
12 pay a fine, a fine in the amount of \$5,000 is imposed.

13 So the total sentence in this cause is 90 days
14 imprisonment, three years supervised release, a \$700 special
15 assessment, and a \$5,000 fine.

16 Are there any forfeitures, other than what we have
17 discussed in this cause?

18 MR. SNIDER: No, we are not seeking forfeiture.

19 THE COURT: Very well. Then the Court will not make
20 any indication with regard to any outstanding forfeitures.

21 Mr. Wade, you do have the right to appeal the
22 conviction and sentence imposed. Any notice of appeal must be
23 filed within 14 days of the date the judgment is entered.

24 If you are unable to pay the cost of an appeal, you
25 may apply for leave to appeal in forma pauperis.

1 Do you understand your appellate rights, sir?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: With regard to passports, I see the
4 passports were surrendered to the Probation Office.

5 May the Court issue an order directing that the
6 passports be turned over to Mr. Handfield for his keeping,
7 safekeeping until such time as the defendants are entitled to
8 receive them?

9 MR. HANDFIELD: Yes, Judge. I will accept them.

10 THE COURT: All right.

11 MR. HANDFIELD: Judge, may I have just some
12 clarification, with the Court's permission?

13 THE COURT: Yes, sir.

14 MR. HANDFIELD: One is that I was not involved, but
15 my understanding is from the clients, that they were -- I
16 don't want to quote them -- but I think that my client, as it
17 relates to Tracy Wade, was in noncompliance as far as the --
18 his IRS forms, because he said that that is news to him. He
19 was not aware.

20 I know when I represent someone, I make sure all that
21 is done. So can I --

22 THE COURT: It is referenced in the presentence
23 report. Let's find the paragraph.

24 THE PROBATION OFFICER: That is correct, your Honor.
25 It is in Paragraph 113 -- Paragraph 113. The PSI was

1 disclosed September 18th. So he had time to review and to let
2 me know.

3 THE COURT: I'm looking at why that information is
4 included in the presentence report.

5 Do you want to read that paragraph, please?

6 PROBATION OFFICER: "The defendant reported that he
7 regularly files income tax returns with the Internal Revenue
8 Service. Wade was requested to provide copies of his personal
9 income tax return filed for tax years 2019 through 2023;
10 however, as of December 18, 2024, the defendant has not
11 provided copies of his individual tax returns."

12 MR. HANDFIELD: He indicated to me, Judge, that he
13 provided it, but he submitted the package to -- when he
14 submitted the package to Pretrial.

15 THE COURT: Well, we have a conflict of issues.
16 Government, do you have any information on that, or
17 not?

18 MR. SNIDER: I do not.

19 THE COURT: So you are suggesting that the tax returns
20 were turned over to Pretrial Services, or the Probation
21 Office, or --

22 DEFENDANT T. WADE: Your Honor, if I may speak -- so
23 when we submitted the package, I submitted everything. I went
24 through it thoroughly and I submitted everything.

25 I can't recall if I spoke to Ms. Mercedes an

1 additional time, but everything that was asked of me, I
2 submitted it. Why would I not submit it?

3 A tax document would be just a click of a button and
4 sent on the computer.

5 MR. HANDFIELD: So you submitted it?

6 DEFENDANT T. WADE: Yes, I submitted it.

7 MR. HANDFIELD: It was the package with all of the
8 stuff --

9 DEFENDANT T. WADE: Everything in that package that
10 was asked for, I submitted.

11 THE COURT: Well, wait. Let's be perfectly clear.
12 Was it the tax return?

13 And, if so which year tax return was turned over?

14 DEFENDANT T. WADE: I can't recall right now exactly
15 the years; but, whatever years it stated that we need to
16 include in it.

17 I thoroughly went through that package and submitted
18 everything. And, when I went through it with her, if I am
19 remembering correctly, it was never brought to my attention
20 that anything was needed.

21 PROBATION OFFICER: Your Honor, on the date of the
22 interview, November 5, 2024, I have notes where I interviewed
23 him for financial reasons, and I have a note that says, "The
24 defendant will provide income tax returns."

25 THE COURT: But, it wasn't in the package?

1 PROBATION OFFICER: Correct. He did not provide --
2 the day of the interview, he did not provide.

3 I also gave him, like, homework, a list to give me of
4 documents.

5 THE COURT: Did the homework list have "tax return"
6 on it?

7 PROBATION OFFICER: No, your Honor.

8 It is "bank statements," as you see in paragraphs
9 106, 107.

10 He did email me later, like, later, after the
11 interview, he e-mailed me a couple of bank statements, but he
12 never provided me any income tax returns. And, like I said
13 earlier, the draft report was disclosed December 18th. He had
14 time to review the report and to get back to me and tell me,
15 "Hey, I did give you the income tax returns."

16 THE COURT: I did ask if there were any objections to
17 the report. And --

18 MR. HANDFIELD: Again, that was before I was --

19 THE COURT: I understand. But, what I am suggesting
20 is it is in the presentence report, and so I don't know what
21 -- how to alter that.

22 Yes, sir?

23 DEFENDANT T. WADE: Your Honor, as she stated, when I
24 left, she gave me things to do, a list. I didn't return.
25 Then I went home and e-mailed her bank statements.

1 Had I been advised there was a tax document that
2 needed to be sent with the bank statements, that would have
3 came along with the bank statements. I didn't hesitate. I
4 got on it immediately.

5 THE COURT: All right. I am hearing two different
6 things. I am hearing that you e-mailed documents; is that
7 correct?

8 DEFENDANT T. WADE: Yes, sir.

9 THE COURT: So the email will have attached document
10 or not; correct?

11 And so her position is that there was no tax return
12 attached. We can take a look at the email.

13 DEFENDANT T. WADE: She told me she needed, in
14 addition to the package, bank statements. She never made
15 known to me that she needed tax documents.

16 So then I left and went home, and gave -- immediately
17 e-mailed her what she said I needed to give her, which she has
18 the notation saying.

19 THE COURT: But, you are suggesting you had already
20 given her the tax returns.

21 DEFENDANT T. WADE: I gave her some, whatever, the
22 packet, so I don't recall.

23 THE COURT: Let's -- no, I want you to recall because
24 this is important.

25 Did you give her tax returns before the email?

1 THE DEFENDANT: If that was what was requested. I
2 think she may have -- I don't recall what was missing. She
3 told me that I needed this, this, this, and then I immediately
4 went home to get the tax documents.

5 THE COURT: Do we have the email?

6 PROBATION OFFICER: I do, your Honor.

7 THE COURT: So do you want to read it into the
8 record?

9 It seems to be on your phone.

10 PROBATION OFFICER: November 5, 2024, at 4:56 P.M. he
11 did email me his corporation tax returns, which are referenced
12 in paragraph 93, 94, 95, 96. And then he sent me, three
13 minutes later, the same documents, the corporate tax returns.
14 He never sent me the personal income tax returns.

15 THE COURT: Well, this is getting a little clearer,
16 isn't it? "Give me your tax return."

17 What tax return? I didn't -- I didn't even know that
18 there was a distinction between -- taxes and individual.

19 So if the defendant --

20 MR. HANDFIELD: The only reason I bring it up, your
21 Honor -- I don't want this Court to think that he, for the
22 record, Tracy Wade was, for some reason, being resistant or
23 not cooperating; and, because I think that is important so
24 that the record is set, your Honor.

25 THE COURT: Well, it is important as to the fine I am

1 imposing, frankly.

2 MR. HANDFIELD: Absolutely.

3 THE COURT: That is the point. And, you know,
4 before, we were talking about tax returns, and now, we are
5 talking about corporate returns and individual returns. And
6 so that is a little problematic.

7 Was the corporate return -- was it attached to the
8 email?

9 PROBATION OFFICER: Yes, your Honor.

10 THE COURT: Well, I have to tell you, I'm not going
11 to impose a fine. All right?

12 This is a little unclear, frankly, and I can't find
13 by a preponderance that there was an intentional violation of
14 the directive. So I'm not going to impose a fine.

15 MR. HANDFIELD: Judge, what I ask the Court to
16 reconsider is as it relates to the 90 days, because --

17 THE COURT: I understand.

18 DEFENDANT T. WADE: Can I speak, Judge?

19 THE COURT: I understand, Mr. Handfield, but I didn't
20 consider that with regard to the sentence that I imposed,
21 other than the fine. I really didn't.

22 And, I understand your position; but, having gone
23 through the entire case with it, looked at all of the other
24 sentences, et cetera, and, you know, as you know, this
25 sentence imposed is substantially less than the guideline

1 range, although that's not the determinative factor. I place
2 more credence on the statute with regard to the
3 appropriateness of confinement. And, I determined in this
4 case that the 90 days was appropriate.

5 MR. HANDFIELD: Would the Court allow for surrender?

6 THE COURT: What are you requesting?

7 MR. HANDFIELD: 30 days.

8 THE COURT: Any objection?.

9 MR. SNIDER: Your Honor, I believe that Mr. Wade has
10 had ample time to get his affairs in order in this case. The
11 sentencing was originally set for January, and continued to
12 February.

13 And then the Court, sua sponte -- January, and it was
14 continued to February.

15 And then the Court sua sponte continued it from then.

16 MR. HANDFIELD: The only reason I requested -- I am
17 out of the country from, I believe, next week -- I get back on
18 the 29th of March, and that's why I was requesting 30 days.

19 THE COURT: Well, I'm going to grant 30 days
20 surrender. I am getting a date now.

21 Monday, April 14th, not later than 2:00 P.M. at the
22 designated institution.

23 Now, the BOP claims they make decisions within
24 30 days; but, I am not sure that always happens. So I'm going
25 to direct my staff to contact the marshals and let them know

1 that there is to be a surrender in 30 days.

2 If, for some reason, there is no designation, you can
3 request the appropriate leave.

4 MR. SNIDER: I think this is clear. But, I would
5 just ask that the defendant's passport not be returned until
6 after his surrender.

7 THE COURT: And, I directed that Mr. Handfield
8 maintain custody of the passports until it is appropriate to
9 release them.

10 MR. HANDFIELD: Thank you.

11 MR. SNIDER: Thank you.

12 THE COURT: All right.

13 I already stated that.

14 Anything further?

15 MR. HANDFIELD: Not from the defendant.

16 THE COURT: Government?

17 MR. SNIDER: No, your Honor. Thank you.

18 THE COURT: Thank you very much. We are in recess.

19 (Proceedings concluded at 3:26 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-captioned matter.

May 23, 2025 /s/Sharon Velazco

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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