**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 23-60173-CR-KMW(s) (GRAHAM)**

**UNITED STATES OF AMERICA**

**vs.**

**CAROLYN DENISE WADE and**
**TRACY D. WADE,**

**Defendants.**
**________________________________/**

**UNITED STATES' RESPONSE IN OPPOSITION**
**TO DEFENDANTS' POST-VERDICT MOTION FOR JUDGMENT OF ACQUITTAL**

## Introduction

The United States of America, by and through its undersigned counsel, hereby responds in opposition to the "Motion for Judgement of Acquittal After Jury Verdict," which Defendants Carolyn Denise Wade and Tracy D. Wade (collectively, "Defendants") filed on November 6, 2024, at docket entry ("DE") 204 (the "Motion" or "Mot."). The Motion seeks a judgment of acquittal as to each Defendant pursuant to Rule 29(c)(1) of the Federal Rules of Criminal Procedure, notwithstanding the jury's guilty verdicts returned on October 23, 2024 (DE 183 as to Carolyn Wade and DE 184 as to Tracy Wade). The Motion follows Defendants' prior Rule 29 motions made *ore tenus* at the close of the government's case (DE 178), and renewed at the close of the defense case, both of which the Court denied.

For the reasons previously argued by the government and explained herein, the evidence presented at trial, which in this posture must be viewed in the light most favorable to the government with all reasonable inferences and credibility choices in favor of the jury's verdict, could permit a reasonable jury to find each Defendant guilty beyond a reasonable doubt as to each count charged in the Superseding Indictment. Accordingly, the Court should deny this post-verdict Rule 29 Motion in its entirety.

## Background

On June 27, 2024, the Grand Jury returned the Superseding Indictment (DE 188), which charged Defendants with the following offenses: conspiracy to commit wire fraud, in violation of Tile 18, United States Code, Section 1349; wire fraud, in violation of Tile 18, United States Code, Section 1343; conspiracy to make false statements to the SBA, in violation of Tile 18, United States Code, Section 371; and false statements to the SBA, in violation of Title 15, United States Code, Section 645(a).[1]

With respect to conspiracy to commit wire fraud (Count 1), the Superseding Indictment alleged that, from May 2021 through August 2021, Defendants agreed with each other, with Haydee Rivero, f/k/a Haydee Granados ("Rivero"), and with others, to obtain loans through the Paycheck Protection Program ("PPP") based upon materially false and fraudulent information, including fictitious tax documents.[2] The substantive wire fraud counts alleged that, from May 2021 through August 2021, Defendants participated in a scheme to defraud in which they obtained PPP loans based upon materially false and fraudulent information, including fictitious tax documents. Count 2 charged Tracy Wade with causing the execution of a wire communication in interstate commerce that disbursed the proceeds of a fraudulently obtained PPP loan for the purported business "Tracy Wade," and Count 3 charged both Defendants with causing the

[1] The original indictment, filed on September 14, 2023 (DE 3), charged only Carolyn Wade with one count of wire fraud. Ms. Wade proceeded to trial on that indictment in May 2024 and the jury was unable to reach a unanimous verdict, resulting in a mistrial (DE 72).

[2] Rivero was charged by information, filed on July 1, 2024, with one count of conspiracy to commit wire fraud and make false statements to the SBA, in violation of 18 U.S.C. § 371 (Case No. 24-60124-CR-Smith).

execution of a wire communication in interstate commerce that disbursed the proceeds of a fraudulently obtained PPP loan for the purported business "Carolyn Wade."

With respect to conspiracy to make false statements to the Small Business Administration (SBA) (Count 4), the Superseding Indictment alleged that, from May 2021 through August 2021, Defendants agreed with each other, with Rivero, and with others, to make false statements to the SBA in PPP loan applications (using SBA Form 2483-C) and SBA PPP loan forgiveness applications (using SBA Form 3508S). Additionally, Carolyn Wade and Tracy Wade were each charged individually with three counts of making false statements to the SBA in their respective PPP loan applications and forgiveness applications (Counts 5, 8, and 9 as to Carolyn Wade and Counts 6, 7, and 10 as to Tracy Wade).

Trial commenced on October 7, 2024. In its case in chief, the government called 9 witnesses (DEs 172-175 &178) and introduced 152 exhibits into evidence (DE 191). At the close of the government's case in-chief, Defendants moved *ore tenus* for judgment of acquittal pursuant to Rule 29. The Court heard argument and denied the motion (DE 178). Defendants then presented a case in which they called 5 witnesses (DEs 178 & 180), including Defendant Tracy Wade, and introduced 14 exhibits (DE 192). At the close of the defense case, Defendants renewed their *ore tenus* Rule 29 motion. The Court heard additional argument and denied the motion.

The jury began to deliberate on October 22, 2024. On October 23, the jury returned a verdict of guilty as to each Defendant on all counts with which they were charged, respectively (DEs 183 and 184). The Court adjudicated Defendants guilty consistent the jury verdicts (DE 182). Defendants filed this Motion on November 6. The Motion does not raise any new arguments for acquittal or otherwise expand upon the prior Rule 29 motions that the Court denied.

## Evidence Presented at Trial

### 1. The Government's Case in Chief

The government first presented testimony of witnesses affiliated with the SBA (Althea Harris), Womply (Amandeep Thakral), Persona (Lindsey Bergh), Verizon (Dion Morrow), AT&T (Philip Fanara), IRS (Renee McClain), and the Broward Sheriff's Office (Alexander Rodriguez). The government next presented testimony of co-conspirator Rivero, who testified pursuant to a plea agreement. Lastly, the government presented testimony of FBI Special Agent Kelly DiPietrantonio, who testified as a summary witness.

Through this testimony and admitted exhibits, which were summarized in the demonstrative aid admitted as Government Exhibit 1000.1, the government presented substantial evidence of Defendants' conduct throughout the processes that resulted in Defendants obtaining, and receiving forgiveness of, PPP loans based upon materially false information. Specifically, as outlined below, these records and testimony established, among other things, the following:

#### A) Logins to Defendants' PPP Loan Applications on Womply's Website Performed by Defendants.

- Records and testimony from Womply established that logins to PPP loan applications on Womply's website were accomplished through one-time codes that expired after a short period of time. Womply sent to these login codes to the cell phone number or email address registered with respective PPP application being used to perform the login. Womply data showed that, during the relevant period:
    - **Tracy Wade** received **<u>30</u>** login codes from Womply. Womply sent the 30 codes via SMS text message to Tracy Wade's Verizon Wireless cell phone number at the time (786-488-1512) (GX 163e).
    - **Carolyn Wade** received **<u>32</u>** login codes. Womply sent 15 codes via SMS text message to Carolyn Wade's Verizon Wireless cell phone number she had at the time (954-274-6800), and sent 17 codes to Carolyn Wade's email address at the time (ckidd1226@gmail.com) (GX 102.1e).

- **Tracy Wade** performed **17** successful logins to his PPP loan application and **2** logins to Carolyn Wade's PPP application (GXs 163e and 102.1e). That is, the Womply data showed that the logins were accomplished using the cell phone model that Tracy Wade then had and actively used on Verizon Wireless' network, which was a Samsung Galaxy S21 U 5G, Model SM-G998 (the "Tracy Wade Galaxy Phone") and/or using an IP address then accessible by Tracy Wade.[3]

- **Carolyn Wade** performed **11** successful logins to her PPP loan application (GX 102.1e). That is, the Womply data showed that the logins were accomplished using the cell phone model that Carolyn Wade then had and actively used on Verizon Wireless' network, which was a Samsung Note 20 Ultra 55, Model Sm-N986U (the "Carolyn Wade Note 20 Phone") and/or using an IP address then accessible to Carolyn Wade (*e.g.*, the Wade Residence IP; the Verizon IPs; and the IP address ending in .130 then assigned by AT&T to the BSO employee network beginning with .174 (the "BSO IP").

- Mr. Thakral, who designed the code for Womply's PPP application portal on its website when he was employed by Womply, testified that when a user is logged into a PPP loan application on Womply's website, information that had been previously entered was available to review. Several of the logins attributable to Tracy Wade and Carolyn Wade, described above, were performed *after* Rivero uploaded the false tax information, including the fake Schedule C form, into the Defendants' respective PPP loan applications.

**B) Modifications to Defendants' PPP Loan Applications Performed by Defendants.**

- **Tracy Wade** performed **13** modifications to his PPP application and **17** modifications to Carolyn Wade's PPP application (GXs 162e and 102e). That is, the Womply data showed these modifications were accomplished using an IP address then accessible by Tracy Wade (*e.g.*, the WFH IP and the Verizon IPs). Among other things, this data showed that the initiation of the PPP applications for Tracy Wade and Carolyn Wade was attributable to Tracy Wade, including the input of the fictitious business legal names "Tracy Wade" (for his PPP application) and "Carolyn Wade" (for Carolyn Wade's PPP application). Furthermore, many of these modifications by Tracy Wade occurred *after* Rivero uploaded the fake Schedule C form into Tracy Wade's PPP loan application.

- **Carolyn Wade** performed **15** modifications to her PPP application (GX 102e). That is, the Womply data showed these modifications were accomplished using an IP address then accessible by Carolyn Wade (*e.g.*, the same Verizon IP address that she used perform her identify verification for her PPP loan). All 15 modifications by Carolyn Wade occurred *after* Rivero uploaded the fake Schedule C form into Carolyn Wade's PPP loan application.

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[3] These IP addresses included the AT&T IP address ending in .166 then assigned to Wade Funeral Home (the "WFH IP") (GX 601); the AT&T IP address ending in .84 then assigned to the Wades' residence (the "Wade Residence IP") (GX 600); and the Verizon Wireless IP addresses beginning with .174 (the "Verizon IPs") (GX 805).

**C) Events in Defendants' PPP Loan Applications Performed by Defendants.**

- **Tracy Wade** performed **4** events in his PPP loan application (GX 163e). That is, the Womply data showed that 2 bank statements for an account of Tracy Wade were uploaded using the WFH IP address; 1 bank statement for an account of Tracy Wade was uploaded using the Tracy Wade Galaxy Phone from a Verizon IP address; and 1 bank account for an account of Tracy Wade was linked using the Tracy Wade Galaxy Phone from a Verizon IP. Additionally, **Tracy Wade** performed **1** event in Carolyn Wade's PPP loan application (GX 102.1e). That is, the data showed that a joint bank account belonging to Carolyn Wade and Tracy Wade was linked using the WFH IP address.

- **Carolyn Wade** performed **6** events in her PPP loan application (GX 102.1e). That is, the Womply data showed that 3 bank statements for a joint bank account of Carolyn and Tracy Wade were uploaded, and 3 bank accounts were linked, all using the Carolyn Wade Note 20 Phone and a Verizon IP.

**D) Identity Verification Performed by Defendants.**

- **Tracy Wade** verified his identity for his PPP loan application by uploading 2 photographs of his Florida driver's license and taking 6 selfie images. Persona records showed that Tracy Wade did this using the Tracy Wade Galaxy Phone and a Verizon IP address (GXs 156, 156.1, 156.2).

- **Carolyn Wade** verified her identity for her PPP loan application by uploading 12 photographs of her Florida driver's license and taking 6 selfie images. Persona records showed that Carolyn Wade did using the Carolyn Wade Note 20 Phone and a Verizon IP address (GXs 114, 114.1, 114.2, 115, 115.1, 115.2).

**E) PPP Documents Signed via DocuSign by Defendants.**

- **Tracy Wade** signed and initialed, via DocuSign, 3 separate (but identical) PPP loan applications (SBA Forms 2483-C) and 1 PPP loan forgiveness application (SBA Form 3508S), all in connection with the PPP loan made to the fictitious sole proprietor business "Tracy Wade" (SBA loan number 6261949003) (GXs 157, 157.1, 158, 159, 160, 160.2). More specifically, the records showed:

    - Each PPP loan application signed and initialed by Tracy Wade (GX 157, 157.1, 158, 159) included the false statement that the fictitious sole proprietor business "Tracy Wade" had "$112,430" of gross income in 2019. Furthermore, in each application, Tracy Wade certified (with his initials and signature) that all of the information provided in the application and in all supporting documents was true and accurate in all material respects.

- The forgiveness application signed and initialed by Tracy Wade (GX 160, 160.1) falsely stated that the fictious sole proprietor business "Tracy Wade" had spent "$20,833" on payroll, and that it had "10" employees at the time of the loan and "10" employees at the time of forgiveness. Furthermore, in this application, Tracy Wade certified (with his initials and signature) that he had complied with all of the rules of the PPP program.

- In total, the PPP documents for Tracy Wade's PPP loan (including the promissory note) bore 5 electronic signatures and 38 electronic initials by Tracy Wade. Furthermore, the DocuSign records showed that DocuSign emailed two copies of Tracy Wade's PPP loan application to Tracy Wade on two separate days (GX 157.2).

- **Carolyn Wade** signed and initialed, via DocuSign, 2 separate (but identical) PPP loan applications (SBA Forms 2483-C) and 1 PPP loan forgiveness application (SBA Form 3508S), all in connection with the PPP loan made to the fictious sole proprietor business "Carolyn Wade" (SBA loan number 6697269001) (GXs 116, 117). More specifically, the records showed:

  - Each PPP loan application signed and initialed by Carolyn Wade included the false statement that the fictitious sole proprietor business "Carolyn Wade" had "$113,560" of gross income in 2019. Furthermore, in each application, Carolyn Wade certified (with her initials and signature) that all of the information provided in the application and in all supporting documents was true and accurate in all material respects.

  - The forgiveness application signed and initialed by Carolyn Wade (GX 118) falsely stated that the fictious sole proprietor business "Carolyn Wade" had spent "$20,833" on payroll, and that it had "3" employees at the time of the loan and "3" employees at the time of forgiveness. Furthermore, in this application, Carolyn Wade certified (with her initials and signature) that she had complied with all of the rules of the PPP program.

  - In total, PPP documents for Carolyn Wade's PPP loan (including the promissory note) contained 4 electronic signatures and 26 electronic initials by Carolyn Wade. Furthermore, the DocuSign records showed that Carolyn Wade viewed the first PPP loan application once before she signed it and 4 times after she signed it, and viewed the second PPP loan application once before she signed it and three times after signing it (GXs 116.1, 116.2).

**F) Receipt of PPP Loan Proceeds by Defendants and Their Payments to Rivero.**

- **Tracy Wade** received the proceeds of his PPP loan ($20,833) via ACH deposit in the USAA Bank joint checking account of Tracy and Carolyn Wade ending in x7309 on June

3, 2024 (GX 306). That same day, a Zelle payment of $1,000 from that account was made to Rivero (GX 306).

- **Carolyn Wade** received the proceeds of her PPP loan ($20,833) via ACH deposit in the USAA Bank joint checking account of Tracy and Carolyn Wade ending in x3926 (GX 303). That same day, a Zelle payment of $1,000 from that account was made to Rivero (GX 303).

**G) Checks Written by Defendants After Receipt of PPP Loan Proceeds.**

- **Tracy Wade** wrote 4 checks, totaling $13,408, from the USAA account ending x7309, payable to Wade Funeral Home, following receipt of his PPP loan on June 3, 2021 (GX 307). The checks were dated between June 4 and June 11, 2021. Three checks had the word "payroll" in the memo, and one check has the word "reimbursement" in the memo. Wade Funeral Home did not have any employees on a payroll (it had 1099 contractors), nor did it pay any payroll taxes. Moreover, in the four years of bank records introduced into evidence (from 2018 through 2022), no checks like this existed before receipt of the PPP loan proceeds or after June 11, 2021.

- **Carolyn Wade** wrote 10 checks, totaling $13,900, from the USAA account ending x3926 payable to herself or Tracy Wade following receipt of her PPP loan proceeds on June 7, 2021 (GX 304). The checks were dated between June 8 and July 15, 2021, and each checks had the word "salary" in the memo the line. There was no business named "Carolyn Wade" from which Carolyn Wade paid herself a salary, and Tracy Wade was never an employee of Carolyn Wade. Moreover, in the four years of bank records introduced into evidence (from 2018 through 2022), no checks like this existed before receipt of the PPP loan proceeds, and no checks like existed after July 2021.

**H) Rivero's Testimony.**

At the start of her testimony, Rivero acknowledged that she had pleaded guilty to conspiracy to commit wire fraud and make false statements to the SBA, and that she was testifying for the government pursuant to a plea agreement. She then testified about role in the PPP applications for Tracy Wade, Carolyn Wade, and other individuals with whom she was involved in the PPP application process. She also testified about her own receipt of fraudulent PPP loans and her knowledge that her PPP loan applications contained false income information.

Regarding the PPP applications for Defendants, Rivero testified that the scope of her involvement included: (a) creating a fictitious Schedule C form for Tracy Wade and Carolyn Wade; (b) uploading the fictitious Schedule C forms she created for Defendants to the respective PPP applications on Womply's website; and (c) inputting the false income information from the fictitious Schedule C forms into each Defendant's application on Womply's website. The scope of Rivero's activity for Defendants was consistent with the Womply data in evidence. Rivero also testified about the understanding she had with Defendants regarding her creation of fictitious Schedule C forms for their PPP loan applications. Specifically, Rivero testified that, during a phone call with Tracy Wade, she told him that to receive a PPP loan of $20,000, Rivero would need to create a Schedule C that reflected $100,000 in gross income for a business in Tracy Wade's own name (that is, not for Wade Funeral Home). Rivero testified she told Tracy Wade that the process would be same for Carolyn Wade. Rivero's testimony about her phone calls with Tracy Wade was corroborated by toll records showing 28 phone calls between them during the conspiracy, and no calls between them either before or after the period of the conspiracy (i.e., before May 2021 or after August 2021) (GX 806). Rivero testified that she had received a $1,000 payment from Tracy Wade and a $1,000 payment from Carolyn Wade because she had created the false Schedule C that allowed them to get the PPP loans.

Rivero testified that she did not know how to assist with any PPP loan application other than one for a sole proprietorship (i.e., she did not know how to apply for a PPP loan for a corporation or limited liability company). When asked during cross examination about images of blank checks for businesses "Wade Funeral Home" and "1 Step A-Head," which were emailed to her in or around March 2021, Rivero testified that those were not related to the sole proprietorship

PPP loans she was involved with for Defendants and other individuals. When questioned on re-direct, Rivero testified that she received an email from her husband's accountant regarding a PPP loan application for "Wade Funeral Home" in the estimated loan amount of $701,873 (GX 2002).

Regarding the PPP applications for other individuals with whom she was involved, the government asked Rivero about 18 individuals, many of whom were Rivero's relatives and friends, and she testified about what she remembered about everyone whom she recalled assisting. Regarding the individuals whom Rivero remembered had received PPP loans, she testified that she had created a false Schedule C, and that the individual for whom she had done so knew the Schedule C was false. Rivero did not remember every person whom the government and the defense asked her about in terms of assistance with a PPP loan application. Rivero recalled that some individuals did not receive PPP loans because they could not successfully verify their identity. For those individuals who could not verify their identity, Rivero testified that she did not create a Schedule C for their PPP loan application.

**2. The Defense Case**

The defense called three witnesses to attempt to rebut Rivero's testimony concerning the creation of fictitious Schedule C forms. Two of these witnesses, Clemente Perez and Edison Rogers, testified on direct examination that they did not receive a PPP loan. With respect to Mr. Perez, he admitted during cross examination that he had difficulty verifying his identity despite several attempts, and that his PPP application ultimately failed. Mr. Perez's testimony was consistent with Rivero's testimony that Mr. Perez did not receive a loan because his identify verification failed. With respect to Edison Rogers, he testified that he was not familiar with Rivero and did not recall Rivero assisting him with a PPP loan application. Mr. Rogers' testimony was consistent with Rivero's testimony that she did not recall a person named Edison Rogers or helping that person with a PPP loan application. The other defense witness, Walter Wright, testified that he received a PPP loan with Ms. Rivero's assistance. However, on cross examination, Mr. Wright admitted that it took several attempts for him to verify his identity before his application was accepted. That testimony was consistent with Rivero's testimony that Mr. Wright had trouble verifying his identity. Furthermore, the fact that Mr. Wright's identify verification failed several times is consistent with Rivero not remembering that Wright had received a PPP loan or that she had created a false Schedule C for him.

The three defense witnesses did not rebut any of the Womply data, outlined above, that established activity by Tracy Wade and Carolyn Wade in their PPP loan applications. To the contrary, when the government asked the defense witnesses if they had done any of the type of activity that Defendants had done (e.g., received one-time codes, logged into their accounts, made modifications to their PPP loan applications, or uploaded bank statements), all of the defense witnesses testified that they had not.

When Mr. Wade testified on cross examination, he accepted the data as true, thereby admitting to his and Carolyn Wade's activity established by the data. Mr. Wade also admitted to paying Rivero, and testified that he and Carolyn Wade had written additional checks to Jersey City Group (a company owned by Rivero's husband, Edward Rivero) for services. Mr. Wade also admitted that he was never his wife's employee and never received a salary from her. Nevertheless, Mr. Wade insisted that neither he nor Carolyn Wade had knowledge of any of the false information contained in their PPP loan applications and PPP forgiveness applications.

**Legal Standard for Rule 29 Motion Post-Verdict**

A court considering a post-verdict Rule 29 motion must view the evidence "in the light most favorable to the government with all reasonable inferences and credibility choices made in the prosecution's favor." *United States v. Alaboud*, 347 F.3d 1293, 1296 (11th Cir. 2003) (citing *United States v. Lopez–Ramirez*, 68 F.3d 438, 440 (11th Cir.1995). Additionally, "[t]he prosecution need not rebut all reasonable hypotheses other than guilt. The jury is free to choose between or among the conclusions to be drawn from the evidence presented at trial, and the district court must accept all reasonable inferences and credibility determinations made by the jury." *United States v. Miranda*, 425 F.3d 953, 959 (11th Cir. 2005). Furthermore, "a jury's verdict must be sustained against such a challenge if any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Alaboud*, 347 F.3d at 1296 (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)).

**Argument**

Consistent with the Court's prior rulings on the Defendants' *ore tenus* Rule 29 motions made during trial, the evidence in this case, when viewed in the light most favorable to the government with all reasonable inferences and credibility choices made in its favor, was sufficient to permit a rational jury to have found the elements of the offenses beyond a reasonable doubt as to each count.

As outlined in detail above, the records and testimony in this case established that Tracy Wade and Carolyn Wade were directly and substantially involved in the loan application and forgiveness processes that resulted in each Defendant obtaining, and receiving forgiveness of, PPP loans to themselves based upon blatantly false information. That evidence also established that

Tracy Wade was directly and substantially involved in the loan application process that resulted Carolyn Wade's fraudulent PPP Loan. To summarize, the evidence showed that, on multiple occasions throughout the process, Defendant logged into their PPP applications on the Womply website, made changes, uploaded bank documents and linked bank accounts, verified their identity, and viewed, initialed, and signed the critical documents via DocuSign, including multiple SBA application forms in which they certified that false information was true. Thereafter, Defendants received the proceeds of their fraudulent PPP loans in their personal bank accounts, immediately paid Rivero $1,000 for each fraudulent Schedule C she had prepared for each PPP application ($2,000 total), and then wrote checks to themselves with phony memo lines to make it appear as if they had spent the PPP loan proceeds on payroll when they knew they had not. Defendants then applied to have their fraudulently obtained PPP loans forgiven, which required them to again sign and initial SBA forms that contained blatantly false information. As the government argued to the jury in closing, Defendants' conduct, shown through the data records and the bank records (among other things), was evidence of Defendants acting knowingly (that is, not by accident or mistake) and with the requisite intent for each offense charged.

Furthermore, the data records corroborated Rivero's testimony that her role in the PPP applications for Defendants was to create and upload fictitious Schedule C forms and input false information therefrom. The evidence presented by the defense failed to rebut the material aspects of Rivero's testimony. The jury was free (as it did) to credit Rivero's testimony, discredit Tracy Wade's testimony, and thus accept that Defendants knew Rivero had created fictitious Schedule C forms for their PPP applications and paid her to do so. Defendants' payments to Rivero for creating false tax documents was additional evidence of Defendants' acting with the requisite knowledge and intent as to each offense charged.

In sum, the records in this case, in conjunction with Rivero's testimony, was sufficient for a jury to find the elements of each conspiracy (Counts 1 and 4) proven beyond a reasonable doubt, that is, Defendants agreed with each other, and with Rivero, to try to accomplish a common and unlawful plan to commit wire fraud (Count 1) and make false statements to the SBA (Count 4), and Defendants knew the unlawful purpose of each plan and willfully joined in it. Defendants' conduct, as demonstrated through the Womply and DocuSign records, the phony checks, Rivero's testimony, and other admitted evidence discussed herein, was also sufficient for a jury to find the elements of wire fraud (Count 2 as to Tracy Wade and Count 3 as to both Defendants) proven beyond a reasonable doubt because this evidence established, among other things, that Defendants knowingly participated in a scheme to fraudulently obtain PPP loans, and acted with intent to defraud. Finally, the evidence was sufficient to find Defendants guilty of the substantive counts of making false statements to the SBA. Among other things, the evidence established that Defendants had viewed and signed their own PPP loan applications and forgiveness multiple times. Therefore, a rational jury could conclude that Defendants had knowingly submitted false information to the SBA in connection with their PPP loans and loan forgiveness.

## Conclusion

In sum, the jury's guilty verdicts as to Defendant Carolyn Wade (DE 183) and Defendant Tracy Wade (DE 184) must be sustained because, viewing the evidence at trial in the light most favorable to the government with all reasonable inferences and credibility choices made in its favor, any rational trier of fact could have found the essential elements of the offenses beyond a reasonable doubt. Accordingly, the United States respectfully asks the Court to deny Defendants' post-verdict Motion (DE 204) in its entirety.

Respectfully submitted,

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