

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR-60173-KMW

UNITED STATES OF AMERICA, Miami, Florida
Plaintiff, October 16, 2024
vs.
9:37 AM - 3:04 PM
CAROLYN DENISE WADE and DAY 4
TRACY D. WADE,
Defendants. Pages 1 to 176

TRANSCRIPT OF JURY TRIAL
HELD BEFORE THE HONORABLE DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

FOR THE GOVERNMENT:

DAVID A. SNIDER, AUSA
ADAM LOVE, AUSA
United States Attorney's Office

ON BEHALF OF THE DEFENDANTS:

JOHNNY L MCCRAY, JR., ESQ.
Law Office of Johnny L. McCray, Jr, P.A.
and
DARYL E. WILCOX, ESQ.

ALSO PRESENT: Carolyn Wade
Tracy Wade
Hendrith V.A. Smith, paralegal

LANCE W. STEINBEISSER, FCRR, RPR, FPR-C
Official Court Reporter
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Proceedings recorded by mechanical stenography; transcript
produced by computer-aided transcription.

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GOVERNMENT EXHIBITS

MARKED

ADMITTED

2002

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DEFENSE EXHIBITS

MARKED

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1 (Call to the Order of the Court.)

2 THE COURT: As we wrapped up yesterday, I was advised
3 by the courtroom deputy that one of the jurors mentioned that
4 she recognized someone in the courtroom during the lunch hour,
5 that they did not communicate. The court reporter had shut
6 down his equipment, so I made this reference to you all and
7 that we would address the issue again first thing this
8 morning.

9 MR. SNIDER: Your Honor, I just wanted the Court to
10 be aware, Ms. Rivero is at the witness stand. I don't know if
11 you want her there now or --

12 THE COURT: No, I don't want her here now.

13 MR. SNIDER: Okay. Ms. Rivero, you can wait outside
14 until we're ready to proceed. Thank you.

15 THE COURT: Thank you. I did not notice you. I
16 apologize.

17 MR. SNIDER: We wanted her ready to go if the Court
18 was ready to proceed.

19 THE COURT: And I like that.

20 MR. SNIDER: Okay.

21 Just wait outside.

22 (Ms. Rivero exited the courtroom.)

23 THE COURT: So I'm not exactly sure what this could
24 have been about, if it's an accident or otherwise, but perhaps
25 we should have the juror come in and find out what the facts

1 are.

2 MR. SNIDER: That's fine for the Government. I also
3 have -- the Government has no idea what transpired or -- this
4 was the first time it was brought to our attention.

5 THE COURT: Defense? Do you agree we should bring in
6 the juror?

7 MR. MCCRAY: Yes, sir.

8 THE COURT: All right. Which juror is it? Olga
9 Bustamante. Have her come in, please. That's Juror Number 6,
10 Olga Lidia Bustamante.

11 (Juror entered the courtroom.)

12 THE COURT: You may be seated. Good morning.

13 A JUROR: Good morning.

14 THE COURT: Ms. Bustamante, we understand that you
15 communicated to our courtroom deputy yesterday that you may
16 have observed someone in the courtroom that you knew. Would
17 you expound on that issue, please?

18 A JUROR: Yes. Yesterday, in the morning, I noticed
19 a person, and I wasn't sure if it was the same person that I
20 thought I knew from work. And then during lunch, when I went
21 to the seventh floor, I had a closer look and I noticed that I
22 think it is the person that I had worked with before, and they
23 were very close to the defendants.

24 And I just wanted to bring it up to the Court. I
25 don't have an issue with it, but I didn't want it to be an

1 issue later on and say, oh, you knew someone from one of the
2 areas and this is going to be a problem. I don't have a
3 problem with it at all. I have been retired for ten years,
4 so -- I have not even been back to my job or seen anybody from
5 my job since I've been retired. So I have had no
6 communications with that person for ten years or ever seen
7 them again or spoken to them.

8 I don't know that person's family either. All I knew
9 was from -- I'm in IT. So I just knew as far as training and
10 from what I did, but nothing personal with that person that I
11 was close to, but I just felt the need to disclose it. I
12 don't know if it was a problem or not. Just since I had my
13 doubt, I wanted to make sure.

14 THE COURT: All right. First, you did exactly what
15 you're supposed to do, so we appreciate that. And you have
16 stated that you worked with this person -- first, are you sure
17 it's the person --

18 A JUROR: I am not even a hundred percent sure it is
19 the person. I had a closer look at lunchtime and then when I
20 left the building yesterday as well. And it looks like the
21 person, very close to the person, but I'm not a hundred
22 percent sure that it could be the person that I worked with.

23 THE COURT: And this person, you had no close working
24 relationship?

25 A JUROR: No. This person worked in a different

1 department, and I'm in IT, and I go to different areas
2 whenever is needed for any issues with the programs. And if
3 there's a training, I train the staff and just -- that's the
4 only connection that I had with the person, if it is the
5 person.

6 THE COURT: All right.

7 Any questions, counsel?

8 MR. MCCRAY: If I could just ask a few.

9 Good morning.

10 A JUROR: Good morning.

11 MR. MCCRAY: What job are we talking about? What's
12 the name of the job?

13 A JUROR: I'm a database administrator.

14 MR. MCCRAY: That was your position?

15 A JUROR: First programmer and then database
16 administrator.

17 MR. MCCRAY: What was the name of the company?

18 A JUROR: City of North Miami.

19 MR. MCCRAY: How long did you work there?

20 A JUROR: 18 years.

21 MR. MCCRAY: And the person you believe that you may
22 have known, how long did that person work there, if you know?

23 A JUROR: Not -- maybe not more than five. They were
24 not there from when I started.

25 MR. MCCRAY: They were not there when you started?

1 A JUROR: No.

2 MR. MCCRAY: Did you work in a supervisory/advisory
3 capacity with respect to this person?

4 A JUROR: No. Like I said, I was in IT, and she was
5 in a different department. And whenever there was training or
6 program issues, I remember having some type of connection with
7 that department.

8 MR. MCCRAY: Did you have any interaction with this
9 person while you were actually working at the City of Miami?

10 A JUROR: Interactions as far as her explaining any
11 issues that she had that I would have to fix, because we were
12 going through a whole conversion -- system conversion, and I
13 had to be very involved with different departments because of
14 the conversion and initial issues that we had due to the
15 conversion.

16 So I do remember going to -- working with many
17 staff -- like, every department staff because I did the
18 training. And any issues that would come up, they would call
19 me and I would have to go and explain it or fix it.

20 MR. MCCRAY: Okay. Were there any disciplinary
21 issues with respect to this person while you were there?

22 A JUROR: No.

23 THE COURT: Do you recall the person's name?

24 A JUROR: I actually spent the whole time after I
25 thought it was the person trying to remember, and then I

1 couldn't remember. But -- I kind of had an idea what the name
2 was and then I overheard the name when I was leaving the
3 building, and her name was Mary.

4 THE COURT: You overheard someone refer to this
5 person as Mary?

6 A JUROR: As I was passing by and I was like, oh,
7 that was the name. It's been ten years since I've had any
8 type of connection with that person.

9 THE COURT: All right.

10 A JUROR: But I do recall that the name was Mary.

11 MR. MCCRAY: And when you heard Mary, did that cause
12 you to remember the name that you remembered back then?

13 A JUROR: When I heard "Mary," I was like, oh, I
14 think that's the name of the person.

15 MR. MCCRAY: And did you ever interact with this
16 person outside of work?

17 A JUROR: Never.

18 MR. MCCRAY: I don't have any questions, Judge.

19 THE COURT: All right. All right. Thank you very
20 much. You may return with the members of the jury.

21 (Juror exited the courtroom.)

22 THE COURT: Question one, is anyone aware of a person
23 being in the courtroom and in the courthouse named Mary who
24 may be affiliated with one side or the other?

25 MR. SNIDER: The Government has no person named Mary

1 affiliated with this case at all.

2 MR. MCCRAY: Judge, I just spoke with Mrs. Wade, and
3 she indicates that her aunt, who has been present, her name is
4 Mary Johnson.

5 THE COURT: And did she work for North Miami, to your
6 knowledge?

7 MR. MCCRAY: Yes, according to Ms. Wade.

8 THE COURT: All right. So likely the same person.
9 We don't know for sure, but it sounds like it. But based on
10 what I've heard, I don't know that that creates any issues.

11 Do the parties have any comment regarding there being
12 any issues that we should address surrounding this matter?

13 MR. SNIDER: The Government sees no issue whatsoever
14 with that juror continuing to serve.

15 THE COURT: All right.

16 MR. MCCRAY: The defense sees no issue, Judge.

17 THE COURT: All right. Let's bring the jury in.

18 MR. SNIDER: Judge, may we bring the witness in?

19 THE COURT: Yes, please.

20 (Jury entered at 9:47 AM.)

21 THE COURT: Good morning. I think we're missing a
22 person, aren't we?

23 A JUROR: They went to go get her.

24 MR. WILCOX: Your Honor, before I forget -- Your
25 Honor, I would like to invoke the rule.

1 THE COURT: All right. The rule is invoked.

2 (Juror entered the courtroom.)

3 THE COURT: So when lawyers request that the rule be
4 invoked, this is a rule called the rule of sequestration. And
5 very simply, it means that if there are any witnesses to the
6 proceeding in the courtroom, they must exit. There is an
7 exception, and that would be perhaps someone who's serving in
8 the role as an assistant to the lawyers. That's a special
9 exception, but generally speaking, witnesses are not allowed
10 to be in the courtroom to hear the testimony of other
11 witnesses because there's some thought that maybe their
12 testimony could be influenced by what they hear.

13 So when you hear the rule being invoked, it just
14 simply means that each side is responsible for looking to see
15 if any of their witnesses are in the courtroom. And if they
16 are, then they must be asked to leave. So the rule was just
17 invoked. So when you see that on TV and they say something
18 else, you'll know they got that wrong too.

19 MR. SNIDER: And, Judge, we're missing a juror.

20 THE COURTROOM DEPUTY: She's right here.

21 (Juror entered the courtroom.)

22 THE COURT: All right.

23 MR. SNIDER: Judge, with respect to that exception to
24 the rule, just for the Court's awareness, Special Agent
25 DiPietrantonio is assisting the Government as the case agent.

RIVERO - CROSS

11

1 THE COURT: I did say that there are some exceptions.

2 MR. SNIDER: I wanted to point out she's one of them.

3 THE COURT: A person who is assisting one side or the
4 other who could be a witness, they are exempted from the rule.

5 All right. Yes, sir.

6 MR. WILCOX: Thank you, Your Honor.

7 CROSS-EXAMINATION (CONTINUED)

8 BY MR. WILCOX:

9 Q. Ms. Rivero, good morning.

10 A. Good morning.

11 Q. I think when I left off the last time, we were trying to
12 total the number of people that you had received successful
13 loans for.

14 Ms. Barbara Abreu, she's a friend of yours, and you
15 attempted to receive a PPP loan for her; is that correct?

16 A. Yes.

17 Q. Hmm?

18 A. Yes.

19 Q. But you did not get one for her?

20 A. No.

21 Q. How far along did you get in the process?

22 A. She didn't get past confirming her identity.

23 Q. Excuse me?

24 A. She doesn't get past confirming her identity with Womply.

25 Q. And Ms. Katelin Acevedo?

RIVERO - CROSS

12

1 A. I don't recall her.

2 Q. You don't recall her?

3 A. No.

4 Q. You don't remember how -- one moment, Your Honor.

5 Your Honor, may I approach the witness?

6 THE COURT: Yes, sir.

7 BY MR. WILCOX:

8 Q. Ma'am, I'm showing what's going to be marked as defense
9 for identification 9. Do you recognize that?

10 A. I don't remember anything about her application.

11 Q. That's not what I asked you, ma'am. I asked you, do you
12 recognize it?

13 A. No, I don't.

14 Q. You don't recognize it?

15 A. No.

16 Q. Do you recognize the type of document?

17 A. No, I don't recognize anything regarding this person.

18 Q. I didn't ask you did you recognize.

19 Do you recognize that type of document?

20 A. No, I don't.

21 Q. You've never seen a Fast Lane application before?

22 A. No.

23 Q. Thank you.

24 Steve Alison, I believe you said you had no
25 recollection?

RIVERO - CROSS

13

1 A. Correct.

2 Q. No recollection about him as well?

3 A. Correct.

4 Q. You don't remember starting the process?

5 A. I don't remember anything about that person.

6 Q. And Nichole Almanzar?

7 A. Yes, I remember her.

8 Q. You remember her?

9 A. Yes.

10 Q. What happened with her application -- PPP loan
11 application?

12 A. I could never get the one-time passcode on time, so the
13 application was never completed.

14 Q. Now, if I'm not mistaken, you did testify that Angela de
15 la Cruz's loan was successfully funded?

16 A. Yes. Correct.

17 Q. Did she get a Second Draw as well?

18 A. Yes. Correct.

19 Q. So that's \$40,000 for her?

20 A. Correct.

21 Q. Mohamed Faitrouni?

22 A. I don't remember anything about that person.

23 Q. One second.

24 MR. WILCOX: May I approach the witness?

25 THE COURT: Yes, sir.

1 BY MR. WILCOX:

2 Q. I'm showing what's going to be marked defense for
3 identification 10.

4 Does that refresh your recollection?

5 A. No.

6 Q. Are you saying that you never prepared the Schedule C for
7 Mr. Faitrouni?

8 A. No, I said I don't remember anything regarding his
9 application.

10 Q. And now that I've shown you his Schedule C, do you
11 remember it now?

12 A. No, I don't.

13 Q. So are you saying you didn't prepare a Schedule C for
14 Mr. Faitrouni?

15 A. I don't remember.

16 Q. So you may have but you just don't remember?

17 A. Exactly. Probably.

18 Q. How about Carlos Fandino?

19 A. Yes, his application was done.

20 Q. Successful?

21 A. Correct.

22 Q. Did he get a Second Draw?

23 A. I don't remember.

24 Q. One moment.

25 MR. WILCOX: May I approach the witness, Your Honor?

1 BY MR. WILCOX:

2 Q. Showing you what's going to be marked for defense
3 identification Number 11.

4 Do you recognize the document -- the top document?

5 A. No, I don't remember.

6 Q. You don't remember what?

7 A. I don't remember the document.

8 Q. Okay. Do you recognize what the document is?

9 A. No.

10 Q. Well, the title is on the top of the document, ma'am.

11 A. Yeah, it's the Paycheck Protection Program.

12 Q. Continue.

13 A. Lender application, Second Draw.

14 Q. Second Draw --

15 A. Yes.

16 Q. -- right?

17 A. Yes. Correct.

18 Q. Whose name?

19 A. Carlos Fandino.

20 Q. All right. Did that refresh your recollection as to
21 whether Mr. Carlos Fandino received a Second Draw?

22 A. I don't remember -- here it says that he got one, but I
23 don't remember that he had got the second one.

24 Q. Okay. But you know that he got the first one; right?

25 A. Correct.

1 Q. I'm just going to put 40,000 for that one, okay?

2 A. Okay.

3 THE COURT: You have to ask questions.

4 MR. WILCOX: Okay. Sorry.

5 BY MR. WILCOX:

6 Q. But if he did get a Second Draw, that would be \$40,000
7 that you got for him?

8 A. Correct.

9 Q. Now, Yaosca Granados?

10 A. She didn't get one.

11 Q. She did not get one.

12 Now, she's your sister; right?

13 A. Correct.

14 Q. Do you remember preparing a Schedule C for her?

15 A. No, I never did one for her.

16 MR. WILCOX: May I approach the witness, Your Honor?

17 THE COURT: Yes, sir.

18 BY MR. WILCOX:

19 Q. I'm showing you what is going to be marked as defense
20 exhibit for identification 12. In that folder there's a Fast
21 Lane application from Womply; is that right?

22 A. Correct.

23 Q. And it bears the name of Yaosca Granados?

24 A. Correct.

25 Q. Your sister; correct?

RIVERO - CROSS

17

1 A. Yes.

2 Q. And if you look at maybe the third document in that
3 folder, there's a Schedule C, is there not?

4 A. Yes.

5 Q. And who is the Schedule C made out to?

6 A. Yaosca Granados.

7 Q. Yaosca Granados?

8 A. Correct.

9 Q. Does that refresh your recollection as to whether you
10 prepared a fake Schedule C for her?

11 A. I did not prepare a Schedule C for her.

12 Q. Well, who did?

13 A. I have no idea.

14 Q. Okay.

15 A. I didn't do it.

16 Q. Are you saying she may have done it herself?

17 A. I have no idea. I never did one for her.

18 Q. You recall the Government asking you about her, though;
19 right?

20 A. Correct.

21 Q. And the Government asked you about PPP loan applications
22 for all the people I've named so far; right?

23 A. Yes.

24 Q. Okay. How about Onimer Lazaro Garcia Chapotten? I
25 believe we discussed him yesterday.

1 A. Yes.

2 Q. And you indicated that you had not prepared a Schedule C
3 for him?

4 A. Correct.

5 Q. But there was a Schedule C in the exhibit that I showed
6 you?

7 A. Yes.

8 Q. Okay. And Michael Jimenez, do you remember him?

9 A. Yes.

10 Q. What happened with his loan application?

11 A. His application didn't get completed. He couldn't confirm
12 his identity.

13 Q. Okay. Nilda Rivera?

14 A. Yes, her application was completed.

15 Q. One moment, Your Honor.

16 I want to go back to Michael Jimenez. I'm going to
17 go back to Mr. Jimenez. I'm showing you what is going to be
18 marked as a defense exhibit for identification 13.

19 A. Yes.

20 Q. Is the Fast Lane application from Womply in there?

21 A. Yes.

22 Q. Whose name is on it?

23 A. Michael Jimenez.

24 Q. Okay. Look at the second document.

25 A. It's a Schedule C form.

1 Q. In whose name?

2 A. Michael Jimenez.

3 Q. And you're saying you didn't do that?

4 A. I didn't do that one because his identity couldn't be
5 confirmed --

6 Q. Okay.

7 A. -- and he did not get a loan either.

8 Q. If Womply had that application in a file, can you possibly
9 explain why that Schedule C would be in a Womply file?

10 A. I don't know.

11 MR. SNIDER: Objection. Foundation.

12 THE COURT: Sustained.

13 BY MR. WILCOX:

14 Q. When you started the application, you went on the Womply
15 website; is that correct?

16 A. When I uploaded the Schedule C, it was on the Womply
17 website.

18 Q. Okay. But for you to process any loan, you had to go
19 through Womply; right?

20 A. That's the only website I used.

21 Q. That's the only website you used --

22 A. Yes --

23 Q. -- was Womply?

24 A. -- correct.

25 Q. And you admit that you tried to get a loan for

1 Mr. Jimenez; is that correct?

2 A. Yes.

3 Q. And the loan did not go through for what reason again?

4 A. His identity couldn't be confirmed.

5 Q. Okay. But you're saying that you did not prepare that
6 Schedule C?

7 A. No, I did not.

8 Q. Okay. Thank you.

9 Jorge Rivero -- excuse me -- before I get there on
10 Jorge Rivero -- I apologize.

11 Nilda Rivera?

12 A. Yes, her application was completed.

13 Q. Did she get a loan?

14 A. Yes.

15 Q. Did she get a Second Draw?

16 A. Yes.

17 Q. Okay. So if the de la Cruz loan went through and
18 Mr. Fandino got -- sorry. I want -- Ms. De la Cruz got the
19 initial 20,000 -- and -- it's \$20,833. I'm just rounding it
20 off. Ms. De la Cruz got the loan and a Second Draw. That
21 would be a little over 40,000; right?

22 A. Correct.

23 Q. And if Mr. Fandino got a loan and a Second Draw, that
24 would be up to a little more than 80,000; is that correct?

25 A. Yes.

1 Q. And if Ms. Nilda Rivero got a loan and a Second Draw, that
2 would be up to about 120,000; right?

3 A. Yep.

4 Q. Okay. Now we're at Jorge Rivero. That's your
5 brother-in-law?

6 A. Yes.

7 Q. Did he get his loan?

8 A. Yes, he did.

9 Q. Did he get a Second Draw?

10 A. Yes, he did.

11 Q. So now we're up to \$160,000 that has been stolen from the
12 Government with your help?

13 A. Yes.

14 Q. And Jose Rivero, is that a different person?

15 A. Yes.

16 Q. So you have a Jorge Rivero and a Jose Rivero. They're
17 both your brother-in-laws; is that correct?

18 A. No. He's cousins with --

19 Q. Pardon me?

20 A. He's the cousin of my brother-in-law. They're not
21 brothers. They're cousins.

22 Q. Okay. I'm sorry. He's the cousin of your brother-in-law,
23 but he received the loan?

24 A. Yes.

25 Q. Did he get a Second Draw?

1 A. I don't remember.

2 Q. Okay. But he got a loan for the 20,833; right?

3 A. Yes.

4 Q. We're back up to \$140,000 and some change; is that right?

5 A. Yes.

6 Q. Do you remember a person by the name of Victor Rivero?

7 A. That's my brother-in-law's brother. That's my
8 brother-in-law's brother. He's my brother-in-law as well.

9 Q. Did he get a loan?

10 A. I don't remember.

11 Q. You don't remember?

12 A. No.

13 Q. You do recall attempting to get a loan for him; is that
14 right?

15 A. I don't remember anything about his application.

16 Q. You know that he had an application?

17 A. I guess. I just don't remember.

18 Q. Well --

19 A. I don't remember --

20 Q. You don't remember what?

21 A. -- anything regarding his application.

22 Q. I'm showing you what is going to be marked as defense
23 exhibit for identification 14.

24 The first document in that folder is a Womply Fast
25 Lane application; is that right?

1 A. Yes.

2 Q. Whose name is on it?

3 A. Victor Rivero.

4 Q. And there's a PPP loan application in there; is that
5 right?

6 A. Yes.

7 Q. Whose name is on that?

8 A. Victor Rivero.

9 Q. Okay. And what's the amount of the loan? 20,833?

10 A. -- -33, yes.

11 Q. I've lost track. In fact, we're up to 180. Do you know
12 if he got a Second Draw?

13 A. I don't remember.

14 Q. Edison Rogers?

15 A. I don't remember.

16 Q. Do you remember the Government asking you about Edison
17 Rogers?

18 A. Yes.

19 Q. And you don't remember anything about that loan?

20 A. No.

21 Q. Julio Arena?

22 A. Yes, his application was completed.

23 Q. Did he get a loan?

24 A. Yes, he did.

25 Q. Did he get a Second Draw?

1 A. I don't remember.

2 Q. But he did get one loan approved; is that right?

3 A. Yes.

4 Q. So I believe that would make it about \$200,000 that you
5 have helped people steal from the government -- a little over
6 \$200,000; is that right?

7 A. If that's the amount that you have, yes.

8 Q. I didn't quite get that.

9 A. I'm not keeping up with the amount that you're adding --
10 yes.

11 Q. That's all right.

12 And Aliec Vale?

13 A. She couldn't confirm her identity with Womply.

14 Q. Aliec Vale didn't get a loan?

15 A. She couldn't confirm her identity with Womply, so no.

16 Q. Are you saying that Aliec Vale did not get a loan?

17 A. No, her loan did not go through.

18 Q. Showing you what is going to be marked as Defense
19 Exhibit 15. Is the first document you see a Fast Lane
20 application for Aliec Vale?

21 A. Yes.

22 Q. The next document, do you see a PPP loan application for
23 Aliec Vale?

24 A. Yes.

25 Q. How much is it? 20,833?

1 A. Correct.

2 Q. Does that refresh your recollection as to whether that
3 loan went through?

4 A. It didn't go through with me because with me her identity
5 couldn't go through. I didn't do the Schedule C for her or
6 completed the application for her.

7 Q. Let me ask you this. On these folders that you're saying
8 someone else prepared the Schedule C and that a Schedule C was
9 prepared, it must have been prepared by someone else?

10 MR. SNIDER: Objection. It misstates the testimony.

11 THE COURT: Rephrase the question, please.

12 BY MR. WILCOX:

13 Q. Okay. Let's just take Aliec Vale.

14 Now, are you saying that you did not process his
15 loan?

16 A. Correct.

17 Q. Okay. Do you know your IP address number?

18 A. No, I don't know it by memory.

19 Q. Well, if your IP address was linked to this Fast Lane
20 application in the uploading of a Schedule C, does that mean
21 that you did, in fact, process the loan?

22 A. I would have to see that because with me she tried to
23 confirm her identity and it wouldn't go through, so I didn't
24 complete her application. It will show that, you know, I
25 tried to -- she tried to confirm her identity and it didn't go

1 through. So I didn't complete her application.

2 Q. I want you to listen to the question carefully, okay?

3 If your IP is connected to your -- do you know what
4 an IP address is?

5 A. Correct. I do.

6 Q. If your IP address is connected to the uploading of any of
7 these documents in Mr. Vale's Womply file, would that change
8 your mind as to whether or not you processed this loan?

9 MR. SNIDER: Objection. Foundation.

10 THE COURT: Well, I think you need to rephrase the
11 question. "Connected with," I'm not sure what that means.

12 BY MR. WILCOX:

13 Q. If Womply's records show that your IP address uploaded the
14 Schedule C that was filed with this PPP loan application,
15 would that change your mind?

16 A. I would have to see it, but I know that I didn't complete
17 it.

18 Q. Okay. All right.

19 Now, with respect to Carolyn Wade's loan, would it be
20 fair to say that Mr. Wade was the person that you had most of
21 the contact with?

22 A. I only had contact with him.

23 Q. Right.

24 You didn't have any contact with Carolyn Wade?

25 A. I don't remember having any contact with her.

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1 Q. You don't remember speaking to her on the phone?

2 A. I don't remember. Most of my conversation was with Tracy
3 Wade.

4 Q. Okay. You don't remember --

5 A. I don't remember.

6 Q. Okay. You don't remember having email contact with
7 Ms. Wade about processing her PPP loan application?

8 A. No. I remember Tracy Wade wrote for me the emails from
9 her.

10 Q. And would it be fair to say that Tracy Wade was more
11 involved in the processing of Carolyn Wade than Carolyn Wade?

12 A. Yes.

13 Q. Okay. So he was the lead person for that loan?

14 A. Yes.

15 Q. Okay. And as far as you know, the only thing Carolyn Wade
16 did with respect to that loan was sign the DocuSign?

17 A. I don't remember if that's the only thing she did. I only
18 uploaded the Schedule C, and Tracy Wade, with her, did their
19 part. I don't know.

20 Q. Okay. One moment.

21 Now, we touched on it earlier. You pled guilty to
22 conspiracy to commit offenses against the United States in
23 violation of 18, United States Code, 371; is that right?

24 A. Yes.

25 MR. WILCOX: May I approach?

1 THE COURT: Yes, sir.

2 BY MR. WILCOX:

3 Q. I'm showing you what is going to be marked as defense
4 exhibit for identification 16.

5 Can you identify what that is?

6 A. Yes.

7 Q. What is that?

8 A. Information.

9 Q. An information.

10 And an information, basically that's the document
11 that you pled guilty to?

12 A. Correct.

13 Q. You admitted to all the allegations in that -- you admit
14 to all the allegations in that document?

15 A. Yes.

16 Q. Now, you're charged by information but you waived your
17 right to be charged by indictment. Do you understand what
18 that is?

19 A. Yes.

20 Q. Do you understand that you had a right to be charged by an
21 indictment?

22 A. Yes.

23 Q. And do you know that an indictment is returned when a
24 grand jury hears evidence from the Government and the grand
25 jury decides that you should be charged?

1 A. Yes.

2 Q. And you waived that?

3 A. Yes.

4 Q. And that was part of your plea agreement?

5 A. Yes.

6 Q. And you're only charged with one count?

7 A. Yes.

8 Q. I'm sorry. I'll show you the document. I'll show you the
9 information again, if I need to.

10 But in that one count of conspiracy, they allege that
11 you conspired to do two crimes; is that right?

12 A. I was -- I pled guilty to conspiracy and false
13 information.

14 Q. But the allegation in the information alleges that you --

15 Judge, can I just introduce -- I move to introduce
16 Defense Exhibit 16.

17 THE COURT: Any objection?

18 MR. SNIDER: No.

19 THE COURT: Received.

20 (Defense Exhibit 16 was received in evidence.)

21 BY MR. WILCOX:

22 Q. You only were charged with one count; is that right?

23 A. Yes.

24 Q. And here it says that -- starting with your name, "Haydee
25 Rivero, formerly known as Haydee Granados, did willfully, that

1 is, with intent to further the objects of the conspiracy, and
2 knowingly combine, conspire, confederate, and agree with
3 Carolyn Wade, Tracy Wade, and with others, known and unknown
4 to the United States Attorney, to commit certain offenses
5 against the United States."

6 Do you see that there's an "S" after offenses? Do
7 you see that?

8 A. Yes.

9 Q. One is that you, (a), to knowingly, and with intent to
10 defraud, devise and intend to devise a scheme or artifice to
11 defraud, and to obtain money by means of materially false and
12 fraudulent pretenses, representation, and promises, knowing
13 that the pretenses, representations, and promises were false
14 when fraudulently made --

15 THE COURT: Counsel, is all of that on the screen?

16 THE JURY: No.

17 THE COURT: So if you want --

18 MR. WILCOX: Thank you, Your Honor.

19 BY MR. WILCOX:

20 Q. But it's basically charged in violation of Title 18,
21 United States Code, 1343; is that right?

22 A. Yes.

23 Q. And that's a conspiracy to commit wire fraud they're
24 alleging you're doing; is that correct?

25 A. Yes.

1 Q. And if we go to (b), it says "To make any" -- that is --
2 "to make any statement knowing it to be false for the purpose
3 of obtaining for herself or for any applicant any loan, or
4 extension thereof by renewal, deferment of action, or for the
5 purpose of influencing in any way the action of the United
6 States Small Business Administration for the purpose of
7 obtaining money, property, or anything of value, under
8 Title 15, United States Code, Section 645(a)."

9 So that's a separate crime of making false statements
10 to the SBA; right?

11 A. Correct.

12 Q. Okay. So they combined two crimes and one conspiracy;
13 right?

14 A. Yes.

15 Q. Okay. And that's the only thing you're charged with?

16 A. Yes.

17 Q. You're not charged individually with helping all of those
18 people that you helped to give loans to?

19 A. Correct.

20 Q. Okay. And you tried to help at least 18 other people
21 other than the Wades and yourself; right?

22 A. Correct.

23 Q. You're not charged with 18 counts. You're only charged
24 with one count; correct?

25 A. Yes.

1 Q. And you're not charged with separate conspiracies. You're
2 not charged with the conspiracy to commit wire fraud and a
3 conspiracy to lie to the SBA. You're not charged with that;
4 right?

5 A. No.

6 Q. You're only charged with one general conspiracy; correct?

7 A. Correct.

8 Q. Okay. Do you know how much that is punishable by?

9 A. Up to five years.

10 Q. Up to five years.

11 Do you know how much wire fraud is punishable by?

12 A. No.

13 Q. It's up to 20 years. We ask the Court to take judicial
14 notice that wire fraud is punishable by 20 years.

15 THE COURT: One moment. Any objection?

16 MR. SNIDER: No.

17 THE COURT: The Court judicially notes that the
18 maximum punishment is 20 years, as stated for the offense
19 stated.

20 BY MR. WILCOX:

21 Q. And you could have been charged with wire fraud for each
22 of the 18 people that you helped get a loan?

23 MR. SNIDER: Objection.

24 THE COURT: Overruled.

25 BY MR. WILCOX:

1 Q. Right?

2 A. That's not up to me.

3 Q. I know it's not up to you, but it's up to them --

4 A. Correct.

5 Q. -- you know.

6 And they decided that even though you committed 18
7 acts of wire fraud, they were going to charge you with one
8 count of conspiracy; right?

9 A. Yes.

10 Q. The Government decided that; right?

11 A. Correct.

12 Q. A pretty good deal, uh?

13 A. That's what they charged me with. I don't control that or
14 have anything -- that's not up to me.

15 Q. Would you say that was a good deal for you?

16 A. That's what they decided to charge me with. I have no
17 control over that.

18 Q. I heard that. I understand you're not in control of that.

19 What I'm asking you -- and I want you to listen to my
20 question. Would you say that was a good deal for you?

21 A. Yes.

22 Q. I'm sorry, Your Honor. I seem to have misplaced my
23 questions.

24 Now, part of your agreement with the Government is
25 that if they determine that you had provided substantial

1 assistance to them, they can move or request from your judge,
2 the judge that's going to sentence you, for a reduction in
3 sentence; is that right?

4 A. Yes.

5 Q. Okay. And you want them to do that?

6 A. I would take -- I hope they take in consideration that I
7 am here today saying the truth -- that they take in
8 consideration that, but it's up to the judge.

9 Q. I know, but you hope that the Government asks the judge to
10 give you a sentence below what you would normally get based on
11 your cooperation with the Government?

12 A. Correct.

13 Q. You understand that you are facing prison time for the
14 crime you've already admitted to?

15 A. Yes.

16 Q. And you do not wish to go to prison?

17 A. Of course not.

18 Q. In fact, the Government made it clear to you that just
19 because you testify here today that they're under no
20 obligation to recommend a reduction of sentence?

21 A. Correct.

22 Q. But you're hoping that they will?

23 A. Yes.

24 Q. So you're hoping that your testimony is pleasing to them?

25 A. Yes.

1 Q. Now, you met with the Government to prepare for your
2 testimony? That's correct?

3 A. Yes.

4 Q. About how many times?

5 A. We met four times.

6 Q. Four times?

7 A. Yes.

8 Q. Thank you, Mr. McCray.

9 I want to -- Your Honor, I'm not sure. Have we
10 admitted Defendants' Exhibit 7?

11 THE COURT: Admitted?

12 MR. WILCOX: Yes.

13 THE COURT: No, sir.

14 MR. WILCOX: Your Honor, I would like to admit
15 Defendants' Exhibit 7.

16 MR. SNIDER: I think you need to lay a foundation for
17 it.

18 THE COURT: I don't have 7 as a foundation. So what
19 is 7? I don't have 7 on my list for identification, that is.
20 I do not have 7 for identification listed.

21 MR. WILCOX: I'm sorry, Your Honor. Okay. Let's do
22 that.

23 BY MR. WILCOX:

24 Q. Ms. Granados, is your email address hgranados29@gmail.com?

25 A. Yes.

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1 Q. And I'm sorry. I should have said Ms. Rivero. I
2 apologize.

3 And did you send email communications to Tracy Wade
4 with respect to Carolyn Wade's PPP loan application?

5 A. I don't remember.

6 MR. WILCOX: May I approach?

7 THE COURT: Yes, sir.

8 BY MR. WILCOX:

9 Q. Do you remember receiving that email?

10 A. No.

11 Q. It is your --

12 A. Yes, that's my email.

13 Q. It is --

14 A. That is my email.

15 Q. That is your email address; is that right?

16 A. Yes. Mm-hmm.

17 Q. And do you recognize Tracy Wade's email address?

18 A. Yes.

19 Q. So and the document appears to have been sent to you, from
20 Tracy Wade to you -- from Tracy Wade on March 26, 2021?

21 A. Yes.

22 Q. And it has some attachments; is that correct?

23 A. Yes.

24 Q. And do you see the first one on the left -- do you see
25 that I -- that large ID?

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1 A. What do you mean? I don't understand.

2 Q. Do you see the document to the left of the email?

3 A. Yes. It doesn't -- yes, I see it.

4 Q. Okay. If you turn to the second page.

5 A. Mm-hmm.

6 Q. Now that's a voided check from 1 Step A-Head hair salon?

7 A. Yes, I see it.

8 Q. Would you agree that this voided check was sent to you
9 from Tracy Wade?

10 A. Yes.

11 MR. WILCOX: Okay. I would like to admit Exhibit 7.

12 THE COURT: For identification.

13 Government?

14 MR. SNIDER: No objection.

15 THE COURT: Received as marked.

16 (Defense Exhibit 7 was received in evidence.)

17 MR. WILCOX: May I publish to the jury?

18 THE COURT: Yes, sir. That's 7; correct?

19 MR. WILCOX: That is correct.

20 BY MR. WILCOX:

21 Q. This is the email that Tracy Wade sent to you; is that
22 correct?

23 A. Yes.

24 Q. Do you see the number here? Do you know what that number
25 is?

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1 A. That's an EIN number.

2 Q. What do you need that for?

3 A. That comes with her corporation.

4 Q. Whose corporation?

5 A. Carolyn Wade's.

6 Q. Okay. So that's the number associated with her
7 corporation or her business; correct?

8 A. Correct.

9 Q. Tracy sent you a voided check from 1 Step A-Head hair
10 salon?

11 A. Yes.

12 Q. And you requested that; right?

13 A. I didn't request that.

14 Q. You did not?

15 A. No.

16 Q. But it was sent to you --

17 A. Yes.

18 Q. -- by Tracy Wade on behalf of Carolyn Wade --

19 A. Yes.

20 Q. -- for a business called 1 Step A-Head?

21 A. Yes.

22 MR. WILCOX: Your Honor, I just want to check.

23 I'm almost done, Ms. Rivero.

24 BY MR. WILCOX:

25 Q. Do you remember completing a PPP application for Walter

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1 Wright?

2 A. No.

3 Q. Walter Wright?

4 A. No.

5 Q. One moment, Your Honor.

6 MR. WILCOX: Your Honor, I don't have any -- well,
7 let me check with my co-counsel and assistant first.

8 I don't have any more questions for Ms. Rivero.

9 Thank you, Ms. Rivero.

10 THE COURT: Redirect?

11 MR. SNIDER: Yes, Your Honor. I'm going to take the
12 podium, if that's okay. I'm going to need a moment to set up,
13 please.

14 REDIRECT EXAMINATION

15 BY MR. SNIDER:

16 Q. Good morning, Ms. Rivero.

17 A. Good morning.

18 Q. So yesterday when you were on cross-examination, the
19 defense showed you an exhibit that was marked for
20 identification as Defense Exhibit 8 and then the defense moved
21 that exhibit into evidence and the Court received it. And I'm
22 going to publish that for everyone now, which I have put into
23 my program to publish.

24 Do you recognize Defendants' Exhibit 8?

25 A. Yes.

1 Q. Do you remember seeing it yesterday?

2 A. Yes.

3 Q. We're going to go to the last page. We're on the last
4 page of Defense 8, which is page 4. Do you see that?

5 A. Yes.

6 Q. Do you remember seeing that yesterday?

7 A. Yes.

8 Q. And do you remember Mr. Wilcox asking you questions about
9 this?

10 A. Yes.

11 Q. What are we looking at on page 4?

12 A. A voided check from Wade Funeral Home.

13 Q. Did this voided check relate to the Paycheck Protection
14 Program loan that you were involved with for Tracy Wade?

15 A. No.

16 Q. I believe that you testified yesterday that this -- well,
17 let me ask you this.

18 What did you testify yesterday that this document
19 we're looking at here, this check, related to?

20 A. That information that was shown to me yesterday and was
21 sent to me by email had nothing to do with the application I
22 completed.

23 Q. Do you know which application, if any, it did relate to?

24 A. Yes, for a business loan Tracy Wade was applying for.

25 Q. Are you familiar with that loan?

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1 A. Yes.

2 MR. WILCOX: Objection, Your Honor. This relates to
3 the matter that we may have to --

4 THE COURT: Come sidebar.

5 MR. WILCOX: Come sidebar.

6 (The following proceedings were held sidebar:)

7 THE COURT: There's an understanding so far the
8 document --

9 MR. SNIDER: Defense 8.

10 THE COURT: Defense 8 is in evidence. There have
11 been questions asked about various loans and whether the
12 witness is familiar with them or not. So now she's being
13 asked, one, did you receive it, yes, and what does 8 relate
14 to; correct?

15 MR. SNIDER: Yes.

16 THE COURT: All right. And now, what is the
17 objection?

18 MR. WILCOX: I believe that the witness is going to
19 testify that the exhibit -- void check --

20 THE COURT: I'm sorry. That?

21 MR. WILCOX: That the void check -- the void check
22 related to either an IPI loan or the PPP loan, which is the
23 subject of the Government's 404(b) motion.

24 THE COURT: This is not really 404(b). The thing
25 that makes it evidentiary is that the check is in evidence,

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1 and he's asking her about this check and why did you receive
2 this check or what was the reason for it, the same as you
3 asking her about various checks that she didn't recall. So I
4 don't see that as the same issue. What is the witness going
5 to say?

6 MR. SNIDER: Your Honor, it is the Government's
7 position that the defense has now --

8 THE COURT: Wait a minute. What is she going to say?

9 MR. SNIDER: She is going to say that this relates to
10 a business -- a separate PPP loan for the business Wade
11 Funeral Home. She is aware of that loan and she -- I'm going
12 to ask her how much that loan was seeking, and she knows the
13 amount and she --

14 THE COURT: Was this loan processed by her?

15 MR. SNIDER: No, but she's aware of it. She received
16 documents about it.

17 THE COURT: One moment.

18 MR. SNIDER: Go ahead.

19 THE COURT: So she received documents that related to
20 a different program.

21 MR. SNIDER: The same program. It's a PPP loan.

22 THE COURT: It's a -- this is a PPP loan -- thank
23 you. And she received the documents, but what, she didn't
24 process it or --

25 MR. SNIDER: We're going to ask her.

1 THE COURT: Well, what is she going to say, is the
2 question. Do you know?

3 MR. SNIDER: She did not process it, correct. She
4 was not -- and this goes to the heart of something that's
5 important.

6 THE COURT: I don't need to know about the heart.
7 Just tell me what the facts are.

8 MR. SNIDER: The facts are that Mr. Wade applied for
9 a separate PPP loan for his business. So what that shows --

10 THE COURT: I'm trying to keep the facts --

11 MR. SNIDER: The defense --

12 THE COURT: One moment. He receives a check -- a
13 voided -- I mean, she receives -- Ms. Rivero receives a voided
14 check for what purpose? To process a different loan?

15 MR. SNIDER: Well, in connection with a -- yes, a
16 loan for the Wade Funeral Home, which is why that check was
17 sent to her. The extent of her involvement I'm going to ask
18 her, but I know, because I've asked her before, did you
19 process a loan -- did you apply for a loan for a business Wade
20 Funeral Home, and the answer is no. In fact, she testified on
21 direct she didn't know how to do -- the only loans she knew
22 how to do were for sole proprietors. This is a separate --

23 THE COURT: All right. All right. I think she can
24 be asked did you receive this voided check and what was the
25 purpose? The purpose was to process a PPP loan which was not,

1 in fact, processed -- is that correct? -- which is not --

2 MR. SNIDER: By her. It was applied for -- yes, it
3 was applied for.

4 THE COURT: Now, when you say applied for, she did
5 something?

6 MR. SNIDER: She didn't do it. Someone else did,
7 someone else that she's aware of. And this is the evidence
8 that I wanted to -- there is a separate PPP loan application
9 for Wade Funeral Home. It represents that Wade Funeral Home
10 had 45 employees and \$3 million in payroll in 2020. Attached
11 to that --

12 THE COURT: Is there a document with all of this?

13 MR. SNIDER: I've been asking to move that into
14 evidence.

15 THE COURT: No, no, no. I'm asking did she --

16 MR. SNIDER: She did receive -- yes, she received an
17 email attached, which it was in evidence.

18 THE COURT: It was in evidence?

19 MR. SNIDER: Yes. Yesterday morning, I asked the
20 Court to withdraw from evidence a document that had been
21 admitted, and the reason that I did that was because attached
22 to that email was a reference to this loan. And at that
23 point, because of the Court's ruling on deferring -- I didn't
24 want -- I didn't want to -- even the appearances I was trying
25 to get something through the back door.

1 We are in a different posture now because she has
2 testified -- because the defense has put into evidence an
3 exhibit that relates to this other loan. She has testified
4 during cross-examination that this check related to another
5 PPP loan for Wade Funeral Home. I am now going to ask her
6 about that. And when we're finished, I'm going to try to move
7 into evidence that actual --

8 THE COURT: No, I'm not going that far. Here's what
9 you can do -- one moment. You may ask her what this reference
10 is and she may respond it references another loan. And you
11 can ask her did she process the loan as she has for other
12 cases, and apparently she's going to say, "No, I didn't
13 process the loan."

14 MR. SNIDER: Can I ask her if she knows anything else
15 about it?

16 THE COURT: Well, no, because what else if she didn't
17 process it --

18 MR. SNIDER: Because she knows that that loan saw a
19 \$700,000 -- she knows that because she got an email. I can
20 show her the email. She got an email from the person who did
21 it.

22 THE COURT: Who is the person?

23 MR. SNIDER: Her name is Odalys Concepcion.

24 THE COURT: I mean, these are a lot of facts I
25 haven't heard anything about, and so --

1 MR. SNIDER: I think it's fair to go down -- at least
2 ask her about, "Do you know anything about this application?"
3 And she can answer if she knows.

4 THE COURT: I am going to ask for an out-of-court
5 hearing to hear the testimony about this other issue so that I
6 can figure out where we are because I'm not quite sure.

7 MR. SNIDER: Okay.

8 THE COURT: Okay.

9 (The following proceedings were held in open court:)

10 THE COURT: Perfect timing because an issue has
11 arisen that I want to address that's going to take a little
12 more time than usual, so we're going to do that consistent
13 with your break at this time, and we'll get back to you as
14 soon as possible. And once we finish, I'm going to give them
15 a little time for a break too. So we'll be back with you as
16 quickly as we can. Thank you.

17 (Jury exited at 10:54 AM.)

18 THE COURT: All right. Be seated, please.

19 MR. SNIDER: May I take the podium, please?

20 THE COURT: Yes, sir.

21 You may proceed.

22 BY MR. SNIDER:

23 Q. Okay. Ms. Rivero, you received the check that is on
24 display here, page 4 of Defendants' 8?

25 MR. WILCOX: Objection to the leading, Your Honor.

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1 MR. SNIDER: I think we're laying --

2 THE COURT: Based on what we've already heard,
3 overruled.

4 BY MR. SNIDER:

5 Q. Did you receive this check that is on page 4 of
6 Defendants' 8?

7 A. Yes, I received that email.

8 Q. You received the email, and attached to the email was --
9 one of the attachments was the check that's on page 4?

10 A. Yes.

11 Q. Okay. And what is your understanding of what this --

12 THE COURT: First, did you request this check, ma'am?

13 THE WITNESS: No, I did not.

14 THE COURT: Why did you receive the check, if you
15 know?

16 THE WITNESS: My husband told Tracy Wade to forward
17 me all that information via email so that I can send it to my
18 husband's accountant because she was going to apply for a
19 business loan through my husband's accountant.

20 BY MR. SNIDER:

21 Q. Who's your husband's accountant?

22 A. Odalys Concepcion.

23 THE COURT: Is this because someone told you this?

24 In other words, your husband told you about this check?

25 THE WITNESS: My husband told me that Tracy was going

1 to email me all that information and to forward it to his
2 accountant.

3 THE COURT: All right. So you received the check and
4 then you -- the voided check -- and you forwarded that check
5 to your husband; correct?

6 THE WITNESS: No, to my husband's accountant, Odalys
7 Concepcion.

8 THE COURT: You forwarded the check to your husband's
9 accountant?

10 THE WITNESS: Correct.

11 THE COURT: So that's the non-hearsay testimony.

12 MR. SNIDER: Yes. She received the check.

13 THE COURT: She received the check and she forwarded
14 the check to her husband's accountant, period. That's all
15 nonhearsay.

16 BY MR. SNIDER:

17 Q. Did you testify on cross-examination why it is that you
18 received this check?

19 THE COURT: Because of hearsay.

20 MR. SNIDER: Sorry?

21 THE COURT: Because of hearsay. Someone told her
22 something.

23 MR. SNIDER: But it's in the record now.

24 THE COURT: Sir, what's in the record is the check.
25 Why did you receive the check? What did you do --

1 you received the check. What did you do with the check?

2 I forwarded the check to my husband's accountant.

3 BY MR. SNIDER:

4 Q. And why did you do that?

5 A. Because he was -- she was going to apply for a business
6 loan for Tracy Wade.

7 THE COURT: See? That's hearsay.

8 BY MR. SNIDER:

9 Q. Did you ever receive a document from that accountant?

10 A. Yes.

11 Q. Was it an email?

12 A. Yes.

13 Q. Was something attached to it?

14 A. Yes.

15 MR. SNIDER: May I approach? Well, actually, the
16 jury is not here. May I publish it for her?

17 THE COURT: Yes, sir. You can mark it for
18 identification.

19 BY MR. SNIDER:

20 Q. I'm marking for identification Government Exhibit 2002,
21 and I'm just going to show it to you because the jury is not
22 presently in the courtroom.

23 Do you recognize Government Exhibit 2002?

24 A. Yes.

25 Q. And what is this?

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1 A. It's an email from Odalys Concepcion.

2 Q. And what is the date of the email?

3 A. May 6 of 2021.

4 Q. Who is it sent to?

5 A. Me.

6 Q. Did you receive it?

7 A. Yes.

8 Q. We're going to page 2 of what's been identified for the
9 record as Government Exhibit 2002. Do you see that?

10 A. Yes.

11 Q. And do you remember receiving the attachment to it?

12 A. Yes.

13 Q. What does it say?

14 A. It's an estimate loan application.

15 Q. Okay. And what is the estimated loan amount?

16 A. 701 -- 701,873.

17 Q. And when was the application started, according to this?

18 A. May 6, 2021.

19 THE COURT: So what application started? Tell me
20 more.

21 BY MR. SNIDER:

22 Q. Do you have an understanding of what that --

23 THE COURT: Not your understanding. Her personal
24 knowledge. Okay?

25 BY MR. SNIDER:

1 Q. Do you have personal knowledge that an application was
2 submitted apart -- a PPP loan apart from the one you did that
3 related to Tracy Wade's business?

4 A. Yes.

5 THE COURT: And how do you know that?

6 THE WITNESS: Because Odalys Concepcion, the
7 accountant, forwarded me that email with that attachment
8 stating she started an application for Wade Funeral Home.

9 THE COURT: How do you know what this is for? Did
10 someone tell you or you're looking at the document or what?

11 THE WITNESS: Yes, I was told by my husband --

12 THE COURT: See?

13 THE WITNESS: Yes.

14 THE COURT: That's what the problem is. So I'm just
15 explaining to you what the problems are. So you work around
16 those problems in the way --

17 BY MR. SNIDER:

18 Q. This is an email that you received?

19 A. Yes.

20 Q. And it's for an estimated loan amount for \$701,873?

21 A. Yes.

22 MR. SNIDER: The fact that she received this is not
23 hearsay. I'm going to move this into evidence, the fact that
24 she got it.

25 THE COURT: She received it from the defendant;

1 correct?

2 MR. SNIDER: Not from the defendant.

3 THE COURT: She received this -- now I'm confused.

4 MR. SNIDER: I'm going to go to the first page. This
5 is from Odalys Concepcion. That is her husband's accountant
6 who sent it to her.

7 THE COURT: And why did he send it to you, ma'am?

8 THE WITNESS: So that I can print it out and give it
9 to my husband.

10 BY MR. SNIDER:

11 Q. Let me ask you a question. Is your husband good with
12 computers?

13 A. No.

14 Q. Do you sometimes print things out for him?

15 A. Yes.

16 Q. Does he use email frequently?

17 A. No.

18 Q. Is he good at using email and receiving and printing
19 things?

20 A. No.

21 Q. Are you?

22 A. Yes.

23 THE COURT: All right. You received it?

24 THE WITNESS: And I printed it out.

25 THE COURT: And you printed it?

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1 THE WITNESS: Yes.

2 THE COURT: And gave it to your husband?

3 THE WITNESS: Correct.

4 THE COURT: All right.

5 MR. SNIDER: The Government moves to admit
6 Government 2002.

7 MR. WILCOX: Your Honor, and I'm going to --

8 THE COURT: All right. I'm listening.

9 MR. WILCOX: Your Honor, one, I would object to
10 relevancy because if you look at this loan overview, there's
11 not one reference to Tracy Wade in here.

12 MR. SNIDER: Actually, there is. If you look at the
13 first page, the subject of this is Wade Funeral Home.

14 THE COURT: May I see the first page again?

15 MR. SNIDER: It's on the screen, if you can see it,
16 Judge. I'll make it larger so you can...

17 THE COURT: All right. And the attachment, bring
18 that up again.

19 All right. So what's the additional testimony, if
20 any?

21 MR. SNIDER: The Government is trying to separate
22 this loan for Wade Funeral Home from the one she did. The
23 defense -- yes. Because -- the defense is trying -- what the
24 defense is now -- it's clear that their theory is that, you
25 know, he thought that he was applying for a PPP loan through

1 Ms. Rivero for Wade Funeral Home --

2 THE COURT: Wait a minute. I lost you.

3 MR. SNIDER: The defense is trying to conflate these
4 two loans to show that Mr. Wade was trying to apply for a
5 loan -- that the loan that he got for \$20,000 was for his
6 business. And what this shows is that it was an entirely
7 separate loan --

8 THE COURT: I don't know that it shows that.

9 MR. SNIDER: Well, she's testified on direct she
10 doesn't know how to do loans for a business like Wade Funeral
11 Home, and I'm going to establish on redirect that she -- the
12 one that she did was for Tracy Wade in his own name, not for
13 Wade Funeral Home.

14 THE COURT: We have that testimony; right?

15 MR. SNIDER: They have opened the door to this
16 argument that Mr. Wade was sending her information for Wade
17 Funeral Home for her to do a loan for Wade Funeral Home, and
18 this rebuts that.

19 THE COURT: It does rebut it with regard to your
20 argument. Do you follow me? In other words, your argument is
21 that this was not for a particular loan. This was not for a
22 \$20,800 loan.

23 MR. SNIDER: Exactly. It was a separate one.

24 THE COURT: Your argument is to the jury that this
25 shows it was a separate loan.

1 MR. SNIDER: I'm just admitting, for the record --

2 THE COURT: My point is you're not arguing it through
3 her. Your oral argument to the jury at the conclusion of the
4 case is that this rebuts that concept.

5 MR. SNIDER: But I need the document in evidence to
6 make that argument.

7 THE COURT: I understand. I understand.
8 Defense.

9 MR. MCCRAY: Judge, I just want to interject. I
10 think that this could be accomplished by the witness simply
11 saying this was for an unrelated SBA loan or business loan.
12 We don't have to get into the details of the loan as counsel
13 has projected up at the sidebar.

14 THE COURT: I'm not following, Counsel.

15 MR. MCCRAY: You're not following me?

16 THE COURT: No.

17 MR. MCCRAY: All I'm saying is if we look at the
18 reason why --

19 THE COURT: All right. Let's just assume she
20 receives an email -- right? -- and attached to that -- that's
21 addressed or subject matter Wade Funeral Home. She receives
22 it and it has an attachment. That's really the testimony.
23 All right?

24 Now, he's going to argue something during closing and
25 you're going to argue something during closing.

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1 MR. MCCRAY: Oh, I agree with that.

2 THE COURT: And that's where we are. And that ends
3 the scenario.

4 MR. SNIDER: Is the Court receiving this into
5 evidence? And I'll ask the questions you just went over.

6 THE COURT: Yes, sir.

7 MR. SNIDER: It's received?

8 THE COURT: Received.

9 (Government Exhibit 2002 was received in evidence.)

10 MR. SNIDER: Thank you.

11 MR. WILCOX: With respect to the --

12 THE COURT: And we aren't going to go beyond what
13 we've --

14 MR. SNIDER: Exactly.

15 THE COURT: All right.

16 MR. SNIDER: Correct. I'm going to ask her, was she
17 involved in a PPP loan --

18 THE COURT: Not involved in anything. You received
19 an email. The document has Wade Funeral Home and it has an
20 attachment; right?

21 MR. SNIDER: And I'm going to establish -- yeah. And
22 then I'm going to move on.

23 THE COURT: Exactly. Exactly.

24 MR. SNIDER: Do you want me to ask her or just move
25 on?

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1 THE COURT: Yes, you're going to move on. That's the
2 operative word.

3 All right. Yes, sir.

4 MR. WILCOX: Clarification, Your Honor. Are the
5 email and the attachments going to be admitted into evidence?

6 MR. SNIDER: It's one exhibit.

7 THE COURT: I'm sorry? You'll have to say that
8 again.

9 MR. WILCOX: It's Exhibit 2002, the email 2002.

10 THE COURT: And it says email and attachment thereto.

11 MR. WILCOX: So you're admitting the email and the
12 attachment?

13 THE COURT: That's correct.

14 MR. WILCOX: Well, Your Honor, we have a concern with
15 that -- the amount.

16 THE COURT: I understand your objection.

17 MR. WILCOX: Hmm?

18 THE COURT: You're objecting to that?

19 MR. WILCOX: Yes.

20 THE COURT: I understand.

21 MR. WILCOX: And you're overruling.

22 THE COURT: Yes, sir. You all opened the doors, so
23 here we are. Let's take a break. We'll take about what? 10,
24 15 minutes.

25 By the way, we have to end today -- gentlemen?

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1 MR. SNIDER: I'm listening.

2 THE COURT: Mr. Wilcox?

3 MR. WILCOX: Excuse me? I'm sorry.

4 THE COURT: We have to end today at 3:00 PM. I have
5 several hearings starting at 3:00, and so today's session will
6 end at 3:00. And just -- I'm not sure where we're going to
7 be. But on Friday, there's an investiture that starts at
8 3:00 PM, which I have to attend. It's next door. So I'm
9 going to have to be away. I'm not sure where we will be at
10 that time, but just be mindful, today 3:00 PM and Friday --
11 well, they say be there at 2:30, but 15 till at least. If
12 it's a convenient time at 2:30, we will. If it makes any
13 difference, I may stay a few minutes longer.

14 Now, having said that, where do you think we might be
15 over the next couple of days if we end today at 3:00 PM?

16 MR. SNIDER: Judge, so if we resume -- I mean, my
17 redirect is going to take maybe 10 to 15 minutes. Then I
18 think the Court was going to take up some matters relating to
19 the 404(b) that we have noticed before the agent testifies --

20 THE COURT: I thought you told me --

21 MR. SNIDER: What?

22 THE COURT: I thought you told me that the 404(b)
23 witnesses were not being presented.

24 MR. SNIDER: Correct. We were going to move the
25 records into evidence as business records pursuant to a

1 902.11.

2 THE COURT: And I asked you to confer with your
3 counsel.

4 MR. SNIDER: I did. And I believe their position was
5 with respect to the IDLE records, they did not object to the
6 authenticity or that they were business records for purposes
7 of the hearsay exception.

8 THE COURT: All right.

9 MR. SNIDER: So now it's up to the Court
10 substantively to determine whether they come in under 404(b).

11 THE COURT: Oh, without the witnesses, I'm not going
12 to receive them as 404(b). So now the next step is are they
13 relevant.

14 MR. SNIDER: Yes.

15 THE COURT: And if they're relevant, then the
16 self-authenticating exception to the hearsay rule would allow
17 its admissibility, but that's something I'm going to have to
18 determine when you explain to me why it's relevant. Okay?

19 MR. SNIDER: So can I tee up part of it? Let's talk
20 about the loan application. I'm more concerned about the loan
21 application for the \$700,000 PPP loan.

22 THE COURT: All right.

23 MR. SNIDER: What is now in evidence as Government
24 Exhibit 2002 on page 2 is a reference to that. The records
25 that I wanted to move in are business records just like the

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1 hundred plus documents that are already in evidence. They're
2 just computer-generated --

3 THE COURT: Hundred plus are relevant. Now, you're
4 going to tell me why they are relevant. I'm going to listen
5 to your argument --

6 MR. SNIDER: Okay.

7 THE COURT: -- and then I'm going to make a decision.

8 MR. SNIDER: All right.

9 THE COURT: So let's take a --

10 MR. SNIDER: As far as the rest of the schedule, so
11 then I would call Agent DiPietrantonio.

12 THE COURT: The next witness?

13 MR. SNIDER: Yes.

14 THE COURT: How long do you expect her testimony to
15 be?

16 MR. SNIDER: Two hours.

17 THE COURT: All right. And how long do you expect
18 your case in chief will be?

19 MR. SNIDER: After that, the Government expects to
20 rest -- oh, I'm sorry. I thought you were talking --

21 THE COURT: I'm just trying to plan ahead. No one's
22 obligated.

23 MR. MCCRAY: Judge, we would anticipate about
24 maybe -- I can't -- I don't know how long they're going to
25 take, but we think about three hours for our witnesses.

1 THE COURT: All right. So we are likely going to be
2 have closings either Friday or Monday. I'm not sure when that
3 will be. We'll handle it accordingly. So we're pretty much
4 still on schedule, which is good news.

5 All right. We are in recess. Let's take 15 minutes.
6 (Recess at 11:14 AM to 11:29 AM.)

7 MR. WILCOX: Your Honor, I know that the Court
8 generally frowns upon recross, but I think this opens up a new
9 area, and I'd like to --

10 THE COURT: What opens up a new area? The exhibit?

11 MR. WILCOX: Yes, this exhibit -- and I apologize. I
12 think it's 2001.

13 MR. SNIDER: 2002.

14 THE COURT: 2002.

15 MR. WILCOX: Okay. Exhibit 2002 opens up a new area,
16 and I think I should be allowed to recross on that --

17 THE COURT: The Government's position? This is a new
18 item. I don't usually have it surface this way. And I don't
19 usually allow recross, but this is a new exhibit, and my
20 inclination is to allow it.

21 MR. SNIDER: Would the Government be allowed a
22 redirect after that recross?

23 THE COURT: Wait. Now we're getting into the
24 California review and re, re and re, re, re, re. No, you ask
25 the questions that we've discussed. If he opens up a new

1 area, then I'll consider it, but frowned upon. All right?

2 MR. SNIDER: All right. Our position is --

3 THE COURT: I understand your position. Let me see
4 where we are after he finishes, and then I'll have to take a
5 position.

6 All right. Bring the jury in, please.

7 (Jury entered at 11:31 AM.)

8 THE COURT: Defense, can I have you all come sidebar
9 quickly?

10 (The following proceedings were held sidebar:)

11 THE COURT: So as you all know, I don't usually allow
12 this recross. This is a little different.

13 Be seated, please.

14 This scenario is a little different because an
15 exhibit is being introduced subsequent to your cross, but
16 there are risks with that, so I'm going to listen to your
17 questions and then I'll decide what, to any extent, he can
18 ask.

19 MR. WILCOX: Yes, Your Honor.

20 THE COURT: I'm just putting you on notice.

21 MR. SNIDER: Thank you. Thank you.

22 (The following proceedings were held in open court:)

23 MR. SNIDER: May I proceed?

24 THE COURT: Yes, sir.

25 BY MR. SNIDER:

1 Q. Ms. Rivero, I'm going to publish for you and the jury an
2 exhibit that was received into evidence during the break
3 called Government 2002.

4 Do you see Government 2002 on your screen?

5 A. Yes.

6 Q. Do you recognize this document?

7 A. Yes.

8 Q. What is the type of document that we're looking at on the
9 first page?

10 A. It's an email.

11 Q. And I'm going to enlarge part of the email.

12 Is this an email that you received?

13 A. Yes, I received that email from Odalys Concepcion.

14 Q. Who is Odalys Concepcion?

15 A. She's my husband's accountant.

16 Q. What is the date that you received this email?

17 A. May 6, 2021.

18 Q. And what is the subject of the email?

19 A. Wade Funeral Home.

20 Q. Did this email have an attachment to it?

21 A. Yes.

22 Q. I've now moved to page 2 of Government's 2002. Do you see
23 that on your screen?

24 A. Yes.

25 Q. Is this attachment that was attached to the email that you

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1 received from Odalys Concepcion on page 1 of Government 2002?

2 A. Yes.

3 Q. I'm going to enlarge a section.

4 What do you read in the section I just enlarged?

5 A. A loan overview.

6 Q. Do you see a section that says "estimated loan amount"?

7 A. Yes.

8 Q. What is the amount that you see there?

9 A. 701,873.

10 Q. Do you see a section on this that says "application
11 started"?

12 A. Yes.

13 Q. What is the date that you see there?

14 A. May 6 of 2021.

15 Q. Do you see a section that says "application number"?

16 A. Yes.

17 Q. What is the number, for the record?

18 A. 6781674.

19 Q. Ms. Rivero, did you start this application?

20 A. No.

21 Q. Ms. Rivero, what did you do, if anything, when you
22 received this email?

23 A. I printed it out and gave it to my husband.

24 Q. Is your husband good with computers?

25 A. No.

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1 Q. Does he use email frequently?

2 A. No.

3 Q. Do you ever assist him in receiving information because
4 he's not good at computers?

5 A. Yes.

6 Q. I'm enlarging the top portion of this document. What does
7 it say there?

8 A. SmartBiz.

9 Q. Do you know what SmartBiz is?

10 A. It's SBA.

11 Q. Have you ever gone to SmartBiz's website?

12 A. No.

13 Q. You testified that you did loans on what website?

14 A. Womply.

15 Q. Have you ever done a PPP loan through SmartBiz?

16 A. No.

17 Q. Ms. Rivero, did Mr. Wade ever ask you to do a Paycheck
18 Protection Program loan for Wade Funeral Home?

19 A. No.

20 Q. Did Mr. Wade ever ask you to do a Paycheck Protection
21 Program loan for a business called 1 Step A-Head?

22 A. No.

23 Q. Ms. Rivero, do you know how to do a Paycheck Protection
24 Program loan for a business like Wade Funeral Home?

25 A. No.

1 Q. Do you know how to do Paycheck Protection Program loans
2 for any other business other than the ones that you were
3 involved with that you've testified about in this trial?

4 A. No.

5 Q. Now, during cross-examination, Mr. Wilcox asked you about
6 a number of other PPP loans that you were involved with;
7 right?

8 A. Yes.

9 Q. And were those the loans and individuals that I had asked
10 you about when I was asking you questions first on direct
11 examination?

12 A. Yes.

13 Q. Did Mr. Wilcox ask you about every person that I had asked
14 you about?

15 A. Yes -- most of them, yes.

16 Q. I believe there may have been one person that Mr. Wilcox
17 asked you about that I didn't and that was Victor Rivero; is
18 that right?

19 A. Yes.

20 Q. And did you do a loan for Mr. Rivero?

21 A. I don't remember.

22 Q. Have you told this jury about every Paycheck Protection
23 Program application that you were involved with?

24 A. Yes.

25 Q. Have you told this jury about every Schedule C that you

1 created?

2 A. Yes.

3 Q. And is it true that some names that I asked you about you
4 didn't remember?

5 A. Correct.

6 Q. Have you told the jury about every loan that you remember
7 preparing?

8 A. Yes.

9 Q. And your role in preparing the Schedule Cs for those
10 Paycheck Protection Program loans, is that part of the
11 conspiracy that you pled guilty to?

12 A. Yes.

13 Q. So have you accepted responsibility for your conduct as it
14 relates to the other individuals that you were involved with
15 in the PPP program?

16 A. Yes.

17 Q. You were asked some questions during direct examination
18 about a Second Draw. Do you remember that?

19 A. Yes.

20 Q. And when I was asking you questions on direct examination,
21 I asked you how many PPP loans you got?

22 A. Yes.

23 Q. And what was your answer?

24 A. Two.

25 Q. The second loan that you received, was that a Second Draw?

1 A. Yes.

2 Q. And I believe you testified that the process for the
3 Second Draw was not the same as the first; is that right?

4 A. Correct.

5 Q. And you testified on cross-examination that you were aware
6 that some of the individuals for whom you prepared Schedule Cs
7 for a First Draw also got a Second Draw?

8 A. Yes.

9 Q. Was your involvement with respect to those second draws
10 the same as it was with the first?

11 A. Yes.

12 Q. Did you have to create Schedule Cs again?

13 A. No. No, it was not the same.

14 Q. It was not the same?

15 A. No, it was not.

16 Q. I believe you testified on direct examination that you
17 were invited. Is that the word that you used to get a Second
18 Draw?

19 A. Yeah, Womply sends you an email stating if you want to go
20 ahead and do a second loan.

21 Q. And with respect to your Second Draw, you didn't have to
22 do the whole thing over again?

23 A. No.

24 MR. WILCOX: Objection to the leading, Your Honor.

25 THE COURT: Sustained.

1 BY MR. SNIDER:

2 Q. Ms. Rivero, have you told this jury everything that you
3 did with respect to the PPP loan application for Tracy Wade?

4 A. Yes.

5 Q. And that was a PPP loan application for how much?

6 A. 20,000.

7 Q. Have you told the jury everything that you did with
8 respect to the PPP loan application for Carolyn Wade?

9 A. Yes.

10 Q. And that was a PPP loan application for a loan for how
11 much?

12 A. 20,000.

13 Q. And with respect to your role, what was the two things
14 that you did on the Womply website?

15 A. I created the Schedule C, I filled it in, uploaded it, and
16 one of the numbers on the Schedule C I inputted in the website
17 of Womply.

18 Q. And did you get paid for doing that?

19 A. Yes.

20 Q. By Carolyn Wade?

21 A. Yes.

22 Q. And by Tracy Wade?

23 A. Yes.

24 MR. SNIDER: No further questions.

25 MR. WILCOX: Can I borrow your Exhibit 2002?

1 RECROSS-EXAMINATION

2 BY MR. WILCOX:

3 Q. Good morning, Ms. Rivero. I just want to ask you a couple
4 of questions relating to the Government's Exhibit 2002, but
5 before I do that, I just want to refresh your recollection.

6 Now, you said that you did not -- I'm showing you
7 part of Defense Exhibit 8.

8 I don't have a screen. Are the screens on?

9 Now, you indicated you did not request this from
10 Mr. Wade?

11 A. Yes.

12 Q. And that somehow -- but this was sent to you on March 22,
13 2021?

14 A. Yes, 2021.

15 Q. Right.

16 And that's the date of the email?

17 A. Yes.

18 Q. You also testified that that check was sent for some other
19 purpose; is that right?

20 A. Yes.

21 Q. That your husband asked Mr. Wade to send that check to you
22 for some other purpose?

23 A. Yes.

24 Q. Well, Ms. Carolyn Wade also sent you a voided check?

25 A. Yes.

1 Q. Your husband didn't ask her to send you this check for
2 some other purpose?

3 A. I don't know what my husband spoke about with Tracy Wade.
4 I know that I received that email.

5 Q. I understand you received that email, but what I'm saying
6 is that your husband didn't ask you for this check, did he?

7 A. No.

8 Q. He didn't request this from Carolyn Wade?

9 A. No.

10 Q. As far as you know, that is not for some other purpose?

11 A. The email was sent to me. I didn't request it.

12 Q. Ma'am, I'm asking you, as far as you know, this check was
13 not for some other purpose?

14 A. Yes, it was. It was sent around the same time that Tracy
15 Wade sent me his email with his information in March of 2021.

16 Q. So you're saying this check was sent --

17 A. It was sent for a business loan under her business.

18 Q. And -- one moment, Your Honor.

19 Ma'am, you testified yesterday you didn't even know
20 whether she had a business; isn't that correct?

21 A. I'm going with what is in front of me right now -- what
22 you're showing me on the screen.

23 Q. You testified yesterday you didn't even know whether
24 Ms. Wade had a business?

25 A. Correct.

1 Q. Okay. But you received this check. You didn't look at
2 it. Is that what you're saying?

3 A. I received it and I don't remember looking at it.

4 Q. When did they send you this check?

5 A. I don't know. It was sent by Tracy Wade.

6 Q. Right.

7 On behalf of Carolyn Wade; right?

8 A. Correct.

9 Q. Okay. And now you're saying this check was for some other
10 purpose too?

11 A. It was for a business loan.

12 MR. WILCOX: One moment, Your Honor.

13 BY MR. WILCOX:

14 Q. This email that you received from the accountant that's
15 reflected in Government Exhibit 2002 was sent two months
16 later?

17 A. Correct.

18 Q. And you're saying that somehow this email in Defense
19 Exhibit 8 that was sent in March is related to this email that
20 was sent in May?

21 A. Yes.

22 MR. WILCOX: One moment, Your Honor.

23 Nothing further, Your Honor.

24 MR. SNIDER: The Government has no further questions,
25 Your Honor.

1 THE COURT: May the witness be permanently excused?

2 MR. SNIDER: From the Government's side.

3 THE COURT: May the witness be permanently excused?

4 MR. WILCOX: Yes, Your Honor.

5 THE COURT: All right. You may step down. You are
6 excused.

7 MR. WILCOX: Your Honor, we have her under subpoena,
8 so we would ask that she be available and she not be
9 permanently excused.

10 THE COURT: You are excused unless notified by
11 counsel to return.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: Government?

14 MR. SNIDER: The Government is prepared at this time
15 to call Kelly DiPietrantonio. I understand that the Court was
16 going to entertain some argument before that with respect to
17 some other issues. Do you want to hear that now or how should
18 we proceed?

19 THE COURT: I'm not sure I'm following you.

20 MR. SNIDER: Maybe we should come sidebar.

21 THE COURT: All right, come sidebar.

22 (The following proceedings were held sidebar:)

23 MR. SNIDER: So I believe what the Court had
24 previously advised was that prior to the case agent testifying
25 it would make a ruling on the admissibility of two areas --

1 THE COURT: I'm with you.

2 MR. SNIDER: So the first, Judge, is the loan
3 application that is from SmartBiz. It's the loan application
4 that was referenced in Government Exhibit 2002, that email
5 that I just showed Ms. Rivero. That is an application for
6 Wade Funeral Home. It states on it that Mr. Wade is the
7 primary contact, that he's the owner of Wade Funeral Home,
8 that it seems a PPP loan application based on payroll -- it
9 represents that Wade Funeral Home had over \$3 million in
10 payroll in 2020. It represents that it had 45 employees.
11 Attached to the application were several documents that are
12 entirely false and fictitious. Three relate to that payroll
13 of purportedly \$3 million showing --

14 THE COURT: How is that relevant to this case?

15 MR. SNIDER: It's relevant --

16 THE COURT: What is it going to show? When you say
17 it's false, what's the evidence that it's false?

18 MR. SNIDER: The evidence -- so there is evidence in
19 the record, tax returns, that there was no Form 941 filed with
20 the IRS. And the IRS agent --

21 THE COURT: The 941, why does it have --

22 MR. SNIDER: Because there was a 941 attached to the
23 application, and they represented that it had 45 employees and
24 \$3 million in payroll.

25 THE COURT: Okay.

1 MR. SNIDER: The relevance, Judge -- it's relevant in
2 several ways. The application was submitted on May 6, 2021,
3 the same day that Mr. Wade, the evidence shows, was involved
4 in the PPP loan application that we've been talking about in
5 this trial, the \$20,000. It is a separate -- it shows it's
6 relevant because what it shows is Mr. Wade's knowledge that
7 what he was applying for with Haydee Granados was not for Wade
8 Funeral Home. It is for a business that didn't exist, which
9 was Tracy Wade, and he knows that because he separately
10 applied for a PPP loan for Wade Funeral Home for which there's
11 evidence we can show it was false.

12 THE COURT: Okay.

13 MR. SNIDER: My original argument was that because
14 this is literally the same day that he's applying for the
15 other one and it is a PPP loan, and the indictment alleges
16 that the purpose of the conspiracy was to get PPP loans based
17 on false information, this is the evidence of the conspiracy.
18 The Court at the time did not accept that and was treating
19 this as a 404(b).

20 And 404(b) -- what this goes to, Judge, is Mr. Wade's
21 knowledge, intent, absence of mistake with respect to the
22 charged PPP loan. In other words, he didn't make a mistake
23 and think he was getting a loan for Wade Funeral Home with
24 Ms. Granados. He knew he wasn't because he had separately
25 applied for one through a different person that claimed --

1 THE COURT: A lot of the testimony you're telling me
2 about is not a part of this record.

3 MR. SNIDER: No, I'm explaining the relevance.

4 THE COURT: I know, but there has to be evidence of
5 record to support it, and you're giving me the inferences that
6 aren't in evidence. You might want to argue -- I understand
7 your point. Is there an objection?

8 MR. WILCOX: Yes, Your Honor, there's an objection.
9 And let me preface the objection with the defense's position
10 with respect to the \$700,000 PPP loan. Mr. Wade had no
11 knowledge of that loan being filed on his behalf. There's no
12 IP address that connects that application --

13 THE COURT: Your objection really is there's no
14 evidence that this is relevant to this case is what you're
15 arguing, and the objection is sustained.

16 MR. SNIDER: Just so we're clear, the Government is
17 going -- if you're not letting it in in the case in chief,
18 then we're going to just reserve our right to cross-examine if
19 the defendant testifies.

20 THE COURT: That's a whole different issue. All
21 right.

22 (The following proceedings were held in open court:)

23 MR. SNIDER: Your Honor, we're ready to proceed with
24 the testimony of Special Agent Kelly DiPietrantonio of the
25 FBI. We just need a moment to set up.

1 Your Honor, before I proceed with my direct
2 examination of Agent DiPietrantonio. I would like to read
3 into the record and publish a stipulation between the United
4 States and the defendants.

5 THE COURT: All right. So, ladies and gentlemen, a
6 stipulation is going to be published. Sometimes lawyers agree
7 as to certain facts or testimony, et cetera, and they
8 stipulate, meaning they agree to it so you can consider this
9 stipulation as you would any other evidence in the case.

10 You may publish.

11 MR. SNIDER: Thank you.

12 For the record, I have published what is a
13 stipulation marked as Government Exhibit 001, which reads as
14 follows:

15 "In the United States District Court for the Southern
16 District of Florida, Case Number 23-60173-CR-KMW (S) (Graham).
17 United States of America versus Carolyn Denise Wade and Tracy
18 D. Wade, Defendants. This is a trial stipulation regarding
19 communications transmitted by wire in interstate commerce.

20 "The United States of America and Defendants Carolyn
21 Denise Wade and Tracy D. Wade, through their respective
22 undersigned counsel, hereby stipulate and agree to the
23 following facts:

24 "As alleged in Count 2 of the superseding indictment
25 the disbursement of SBA Loan Number 6261949003, hereinafter

1 referred to as PPP Loan 1, from Harvest Small Business
2 Finance LLC, identified in the superseding indictment as
3 Lender 1, in the approximate amount of \$20,833 by automated
4 clearinghouse, that is, ACH transfer to USAA Federal Savings
5 Bank, account ending number 7309, was a communication
6 transmitted by wire in interstate commerce on or about June 3,
7 2021.

8 "Among other things, the funds for PPP Loan 1
9 originated from Lender 1's bank, which was a bank located in
10 the state of California, and the funds were transmitted
11 electronically via ACH transfer to a classic checking account
12 ending in 7309 at USAA bank, which was a bank located in the
13 state of Texas.

14 "As alleged in Count 3 of the superseding indictment,
15 the disbursement of SBA Loan Number 6697269001, hereinafter
16 referred to as PPP Loan 2 from Lender 1, in the approximate
17 amount of \$20,833 by ACH transfer to USAA bank account number
18 ending in 3926, was a communication transmitted by wire in
19 interstate commerce on or about June 7, 2021.

20 "Among other things, the funds for PPP Loan 2
21 originated from Lender 1's bank, which was a bank located in
22 the state of California, and the funds were transmitted
23 electronically via ACH transfer to a checking account ending
24 in 3926 at USAA bank, which was a bank located in the state of
25 Texas.

1 "The United States and defendants further stipulate
2 and agree the United States would prove the above-stated facts
3 beyond a reasonable doubt with evidence admissible at trial
4 under the Federal Rules of Evidence, including but not limited
5 to testimony and records from Lender 1, and that these facts
6 are deemed proven beyond a reasonable doubt."

7 The stipulation is dated September 23, 2024. It is
8 signed by David A. Snider, Assistant United States Attorney
9 for the United States Attorney Markenzy Lapointe, and is
10 signed for the defendants by Johnny L. McCray.

11 THE COURT: Received.

12 MR. SNIDER: Thank you.

13 (Government witness, KELLY DIPIETRANTONIO, duly
14 sworn.)

15 THE COURTROOM DEPUTY: Please state and spell your
16 full name for the record.

17 THE WITNESS: Kelly DiPietrantonio, K-E-L-L-Y. The
18 last name is D-I-P-I-E-T-R-A-N-T-O-N-I-O.

19 DIRECT EXAMINATION

20 BY MR. SNIDER:

21 Q. It's now five minutes past 12:00, so I'll say good
22 afternoon.

23 A. Good afternoon.

24 Q. Special Agent DiPietrantonio, can you remind the jury
25 where you work?

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1 A. I'm a special agent with the Federal Bureau of
2 Investigation.

3 Q. I'm going to refer to the Federal Bureau of Investigation
4 as FBI. Is that okay?

5 A. Okay.

6 Q. How long have you worked for the FBI?

7 A. Since 2014.

8 Q. And how long have you been a special agent with the FBI?

9 A. Since 2018.

10 Q. Are you assigned to a particular squad?

11 A. Yes, I am.

12 Q. What squad is that?

13 A. I'm assigned to the Broward County Public Corruption
14 Squad.

15 Q. What do you do as a special agent for the public
16 corruption squad?

17 A. I investigate federal criminal violations as they relate
18 to a public official. That could be a politician or a law
19 enforcement officer, somebody like that.

20 Q. Does it have to be conduct that you're investigating of a
21 public official in the public official's capacity?

22 A. No. Just while they maintain their capacity as a public
23 official.

24 Q. Okay. Are you part or were you part of the team that
25 participated in an investigation that resulted in an

1 indictment of Carolyn Wade and Tracy Wade?

2 A. Yes, I was.

3 Q. And during your participation in that investigation, did
4 you collect evidence?

5 A. I did.

6 Q. Did you collect evidence through the issuance of subpoenas
7 by a federal grand jury?

8 A. I did.

9 Q. And as a result of those grand jury subpoenas, did you, as
10 an agent with the FBI, receive records back?

11 A. I did, yes.

12 Q. Did you receive a lot of records?

13 A. Yes.

14 Q. And did you and other members of your team review those
15 records?

16 A. We did.

17 Q. Are you familiar with the records that you collected?

18 A. I am, yes.

19 Q. Did the records that you subpoenaed include records from
20 financial institutions or banks?

21 A. They did, yes.

22 Q. Did you subpoena particular accounts?

23 A. I did.

24 Q. With respect to Carolyn and Tracy Wade, what accounts were
25 you interested in?

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1 A. I was interested in the accounts where they received the
2 proceeds of their PPP loans.

3 Q. And did Carolyn and Tracy Wade receive the proceeds of
4 their PPP loans in the same account?

5 A. No. It was two different accounts.

6 Q. Did you subpoena both of those accounts?

7 A. I did.

8 Q. Did the records that you got back from the bank for those
9 accounts -- was that for just one year or more than one year?

10 A. More than one year.

11 Q. Approximately how many years of bank records did you
12 receive for the two accounts?

13 A. I believe it was approximately four years.

14 Q. So four years of records for two different accounts, each
15 of which received the proceeds of the PPP loans, one for
16 Carolyn Wade and one for Tracy Wade?

17 A. That's correct.

18 Q. Was that a lot of records?

19 A. It was a very large amount of records, yes.

20 Q. Did you and the FBI do something to ease or facilitate
21 your review of those voluminous records?

22 A. We did, yes.

23 Q. What did you do?

24 A. We converted the files to Microsoft Excel to be better
25 able to analyze what went in and out of the account.

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1 Q. So were you able to see using those Excels what went into
2 and out of the accounts?

3 A. We were, yes.

4 Q. When you put it into Excel, are you able to search more
5 easily?

6 A. Yes, we were.

7 Q. I'm publishing for you what is in evidence as Government
8 Exhibit 306. Do you see Government 306 on your screen?

9 A. I do.

10 Q. I'll make it a little bigger so it's easier to read.

11 What's Government Exhibit 306?

12 A. This is a USAA checking account belonging to Tracy and
13 Carolyn Wade.

14 Q. What's the account number? Just give us the last four
15 digits.

16 A. 7309.

17 Q. Okay. And is there a particular period of the statement
18 that we're looking at here?

19 A. Yes. This one begins on December 6, 2018, and runs
20 through January 7, 2019.

21 Q. Was that the first statement period that you received for
22 this account?

23 A. It was.

24 Q. I'll represent to you that this statement is over
25 200 pages. Does that sound right?

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1 A. Yes, it does.

2 Q. We're going to go now to the last page. Actually, what
3 we're going to do is go to 237. Do you see page 237 on your
4 screen?

5 A. I do.

6 Q. And what period is the statement for that we're looking at
7 on page 237?

8 A. October 7, 2022, through November 4, 2022.

9 Q. So does this capture all the entire period of the
10 statements that you received for this account?

11 A. It does, yes.

12 Q. And that's from approximately December of 2018 through
13 November of 2022?

14 A. That's correct.

15 Q. So about four years?

16 A. Yes.

17 MR. WILCOX: Can you repeat that? I'm sorry.

18 MR. SNIDER: She said it's about four years of bank
19 statements.

20 MR. WILCOX: December '18 until?

21 MR. SNIDER: November of 2022.

22 BY MR. SNIDER:

23 Q. In those four years of bank statements, did you see any
24 evidence of deposits or inflows in the amount of \$112,430 for
25 a business named Tracy Wade?

1 A. No, I did not.

2 Q. Did you see in these four years of bank statements any
3 inflows or deposits totaling \$113,560 for a business named
4 Carolyn Wade?

5 A. No, I did not.

6 THE COURT: And, Counsel, all of the exhibits
7 referenced are those that have been received in evidence;
8 correct?

9 MR. SNIDER: Yes, Your Honor.

10 THE COURT: All right. So let me just explain,
11 ladies and gentlemen. There is a rule of evidence that allows
12 summary witnesses to testify when there are voluminous
13 documents -- hundreds, thousands, in some cases millions. The
14 documents have been received by me in evidence, and we have an
15 exhibit list that you will have during your deliberations.
16 Summary witnesses are allowed to sort of summarize these
17 voluminous documents to make it easier for you to understand.
18 So as I mentioned, many documents have been received in
19 evidence.

20 Counsel, you can refer to those numbers generally, if
21 you like. But this process of having a summary witness is to
22 make it easier for you to understand all of these voluminous
23 documents. You can probably spend months if you wanted to
24 look at each one of the documents. So this process makes it
25 much simpler and, of course, it's up to the lawyers to explain

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1 what it is they are presenting.

2 Yes, sir.

3 MR. SNIDER: Thank you, Your Honor.

4 BY MR. SNIDER:

5 Q. I'm publishing for you, Agent DiPietrantonio, what is in
6 evidence as Government Exhibit 306.1.

7 Do you see Government Exhibit 306.1 on your screen?

8 A. I do.

9 Q. Is this an account statement for a particular period?

10 A. It is.

11 Q. And is this the statement that came from the collection of
12 records that we just looked at in Government Exhibit 306?

13 A. It is, yes.

14 Q. What is the statement period for the statement that is in
15 306.1?

16 A. May 7, 2021, through June 7, 2021.

17 Q. And can you tell from looking at this account statement
18 what the beginning balance was at the start of the period that
19 you just said?

20 A. Yes.

21 Q. What was the beginning balance?

22 A. \$50.20.

23 Q. I'm now going to move to page 3 of Government
24 Exhibit 306.1. Do you see page 3 on your screen?

25 A. I do.

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1 Q. And I'm going to enlarge certain transactions that are on
2 this page. Do you see the transactions that I've enlarged?

3 A. Yes.

4 Q. Do you see a transaction on June 3?

5 A. I do.

6 Q. What is the first transaction on June 3 that you see?

7 A. An ACH deposit from Harvest Small Business PPP L2.

8 Q. Okay. Do you know what that is?

9 A. That's the proceeds of the PPP loan for Tracy Wade.

10 Q. And how much was received into this account?

11 A. \$20,833.

12 Q. Can you tell from looking at this statement what the
13 balance was in the account prior to the receipt of the \$20,833
14 from the PPP loan?

15 A. Yes.

16 Q. What was the balance?

17 A. \$587.82.

18 Q. Now, I have enlarged for you some additional transactions
19 from June 3rd, 2021. Do you see that?

20 A. Yes.

21 Q. What is the next transaction that you see from June 3?

22 A. A USAA funds transfer debit to Carolyn Wade's savings
23 account of \$100.

24 Q. Okay. And what was the balance, then, after that debit of
25 \$100 to Carolyn Wade?

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1 A. \$21,320.82.

2 Q. What is the next transaction that you see on June 3, 2021,
3 in this statement?

4 A. A Zelle transfer to Haydee Granados for \$1,000.

5 Q. Without asking you to do math because I know you don't
6 have a calculator with you, are you able to say,
7 approximately, by looking at this statement how much of the
8 Zelle payment of the thousand dollars was from PPP proceeds?

9 A. More than half.

10 Q. To your knowledge, can PPP proceeds be used to pay for
11 third-party assistance with a PPP loan?

12 MR. WILCOX: Objection. Foundation.

13 THE COURT: Sustained.

14 BY MR. SNIDER:

15 Q. We're going to move on.

16 I'm publishing for you Government Exhibit 303 in
17 evidence. Do you see Government 303 in evidence?

18 A. I do.

19 Q. And what are we looking at here?

20 A. This is a USAA account statement for a checking account
21 belonging to Carolyn Wade and Tracy Wade for the account
22 number ending in 3926.

23 Q. Is that a different account than the one that we just
24 looked at in Government Exhibit 306?

25 A. It is.

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1 Q. What is the statement period that you see on page 1?

2 A. December 27 of 2018 through January 29 of 2019.

3 Q. This was a multi-hundred-page record?

4 A. Yes, it was.

5 Q. So all the statements you received for this account were
6 in one record?

7 A. That's correct.

8 Q. I'm going to go to page 467 of Government Exhibit 303.

9 Do you see page 467?

10 A. I do.

11 Q. Is this for the same account that we looked at on page 1?

12 A. It is.

13 Q. And what is the statement period that you see here?

14 A. October 25, 2022, through November 23, 2022.

15 Q. So from page 1 to page 467, does that represent the period
16 of account statements that you received for this account
17 ending in 3926?

18 A. It does, yes.

19 Q. And that is approximately how many years?

20 A. Approximately four years.

21 Q. With respect to this account ending in 3926 and the four
22 years of bank statements that you got for that account, did
23 you see any evidence in this account of deposits or inflows to
24 a business for Carolyn Wade in the amount of \$113,560?

25 A. No, I did not.

1 Q. Did you see in these four years of bank statements any
2 deposits or inflows for a business in the name of Tracy Wade
3 in the amount of \$112,430?

4 A. No, I did not.

5 Q. I'm publishing for you Government Exhibit 303.1. Do you
6 see 303.1 on the screen?

7 A. I do.

8 Q. Is this one of the statements for the account we just
9 looked at in Government 303?

10 A. It is.

11 Q. And what is the period of this statement?

12 A. May 27, 2021, through June 28, 2021.

13 Q. And can you tell from this first page where it says
14 activity summary what the beginning balance of this account
15 was for that period?

16 A. Yes.

17 Q. What is it?

18 A. \$49.54.

19 Q. We're going to go to page 3 of Government Exhibit 303.1
20 and I'm going to enlarge for you the first transaction from
21 June 7, 2021. Do you see that transaction on your screen?

22 A. I do.

23 Q. What is this transaction from June 7, 2021?

24 A. That is the proceeds of the PPP loan belonging to Carolyn
25 Wade being deposited into her account.

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1 Q. And how much was the deposit?

2 A. \$20,833.

3 Q. Can you tell from looking at the immediate preceding
4 transaction what the balance was in this account before
5 receipt of the \$20,833?

6 A. Yes.

7 Q. What was the balance?

8 A. 1,200 -- I'm sorry. \$127.79.

9 Q. Is it a little difficult to read, this PDF?

10 A. A little bit, yes.

11 Q. If I just enlarge that, are you able to see, then, where
12 the period is?

13 A. Yes.

14 Q. So you said it was \$127.79?

15 A. That's correct.

16 Q. After the receipt of the PPP loan on June 7 for \$20,833,
17 do you see some additional transactions on June 7?

18 A. I do.

19 Q. What type of transaction is that?

20 A. A debit.

21 Q. Do you see five debits?

22 A. Yes, I do.

23 Q. We're now going to move to page 4. Do you see the top two
24 transactions on page 4 from June 7th?

25 A. I do.

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1 Q. Can you look at the second one?

2 A. Yes.

3 Q. What is the second transaction on June 7th on page 4 of
4 Government 303.1?

5 A. It's a Zelle transfer to Haydee Granados for \$1,000.

6 Q. Can you tell from looking at this what the balance was in
7 this account before the transfer of a thousand dollars via
8 Zelle to Haydee Granados?

9 A. Yes.

10 Q. Okay. What was that balance?

11 A. \$20,878.81.

12 Q. And you testified a moment ago that the PPP loan was
13 \$20,833?

14 A. Yes.

15 Q. Can you give us an approximate amount of how much of the
16 \$1,000 Zelle included PPP loan money?

17 A. Approximately \$955.

18 Q. Do you know what a Zelle payment is?

19 A. Yes.

20 Q. What is it?

21 A. It's a transfer between two different bank accounts.

22 Q. Is it electronic?

23 A. Yes, it is.

24 Q. And, to your knowledge, do you have to be online to
25 initiate a Zelle?

1 A. You do, yes.

2 Q. Did USAA bank, the bank whose records we're looking at
3 now -- did they keep track of logins to its website or online
4 platforms?

5 A. They did.

6 Q. Did you receive in response to your subpoena any records
7 from USAA bank that reflected online logins to a particular
8 account?

9 A. We did, yes.

10 Q. And in that record with the logins, did USAA bank keep
11 track of IP addresses that were used to perform those logins?

12 A. They did, yes.

13 Q. Publishing for you Government Exhibit 300 in evidence. Do
14 you see 300 on your screen?

15 A. I do.

16 Q. What is this?

17 A. It's a member authentication history for the USAA bank
18 account ending in 6578.

19 Q. Okay. Do you see where it says member number?

20 A. Yes.

21 Q. What are the last four digits of that?

22 A. 6578.

23 Q. Do you know who that member is?

24 A. Carolyn Wade.

25 Q. And what is the date range of the member authentication

1 history in this record?

2 A. January 1, 2019, through October 26, 2022.

3 Q. Okay. And did you review this record?

4 A. I did, yes.

5 Q. Did you look at the IP addresses?

6 A. I did.

7 Q. And did you also look at IP addresses from logins to the
8 Womply portal that we talked about earlier in this case?

9 A. I did, yes.

10 Q. Did you do any kind of comparison between the logins with
11 respect to the IP addresses that were in this document and the
12 logins to Womply?

13 A. I did, yes.

14 Q. And what, if anything, did you see when you compared
15 logins to Womply with some of the logins here?

16 A. There were many similarities between the two of them.

17 Q. Similarities between what?

18 A. Between the IP addresses that were used to log on to the
19 Womply account and to log into Carolyn Wade's USAA bank
20 account.

21 Q. Have you summarized those similarities in another aid?

22 A. Yes, I have.

23 Q. Okay. We'll take a look at that in a moment.

24 When I say aid, I mean a demonstrative to aid the
25 jury's understanding of these records, as the Court previously

1 explained?

2 A. Yes.

3 Q. Okay. Now, if in its response to your subpoenas, did USAA
4 bank also provide images of checks that were written for the
5 two accounts that we have been looking at?

6 A. They did, yes.

7 Q. Are you familiar with those checks?

8 A. I am.

9 Q. Okay. We're going to start with Government Exhibit 304.
10 Do you see 304 on your screen?

11 A. I do.

12 Q. I'm going to enlarge -- is it a check image?

13 A. It is.

14 Q. I'm going to enlarge it. Tell the jury what this check
15 is.

16 A. This is a check written by Carolyn Wade to Carolyn Wade on
17 June 8, 2021, with a memo listed as salary.

18 Q. And I'm sorry, how much was the check for?

19 A. \$500.

20 Q. And can you see an endorsement on the check?

21 A. I do.

22 Q. Who endorsed it?

23 A. Carolyn Wade.

24 Q. I'm going to move to page 2. What is the check that's on
25 page 2?

1 A. This is a check written by Carolyn Wade to Carolyn Wade
2 for \$2,000 on June 16, 2021, with a memo of salary.

3 Q. Is it endorsed?

4 A. It is.

5 Q. Who endorsed it?

6 A. By Carolyn Wade.

7 Q. I'm now on page 3 of Government Exhibit 304. What is this
8 check?

9 A. This is a check written by Carolyn Wade to Carolyn Wade
10 for \$1,000 on June 11, 2021, with a memo of salary.

11 Q. Is it endorsed?

12 A. It is.

13 Q. Who endorsed it?

14 A. Carolyn Wade.

15 Q. We're now on page 4. What is the check image on page 4?

16 A. This is a check written by Carolyn Wade to Tracy Wade for
17 \$1,000 on June 10, 2021, with a memo of salary.

18 Q. Is it endorsed?

19 A. It is.

20 Q. Who's the endorsement?

21 A. The Wade Funeral Home.

22 Q. We're on page 5 of Government Exhibit 304. What is this?

23 A. This is a check written by Carolyn Wade to Tracy Wade for
24 \$1,000 on June 17, 2021, with a memo of salary.

25 Q. Is it endorsed?

1 A. It is.

2 Q. Who's the endorser?

3 A. The Wade Funeral Home.

4 Q. We're now on page 6 of Government 304. I'm enlarging the
5 check images. What do you see?

6 A. This is a check written by Carolyn Wade to Carolyn Wade
7 for \$2,000 on June 25, 2021, with a memo of salary.

8 Q. Is it endorsed?

9 A. It is.

10 Q. Who endorsed it?

11 A. Carolyn Wade.

12 Q. We're now on page 7 of Government Exhibit 304. What is
13 this check?

14 A. This is a check written by Carolyn Wade to Carolyn Wade
15 for \$2,000 on July 2, 2021, with the memo of salary.

16 Q. And is this check endorsed?

17 A. It is.

18 Q. By whom?

19 A. Carolyn Wade.

20 Q. We're now on page 8 of Government 304. What is this
21 check?

22 A. This is a check written by Carolyn Wade to Tracy Wade for
23 \$1,000 on June 24, 2021, with the memo of salary.

24 Q. We're now on page 9 of Government 304. What is this
25 check?

1 A. This is a check written by Carolyn Wade to Tracy Wade for
2 \$1,000 on July 1, 2021, with the memo of salary.

3 Q. And we're on page 4 of Government Exhibit 304. What check
4 image do you see here?

5 A. This is a check written by Carolyn Wade to Carolyn Wade
6 for \$2,400 written on July 15, 2021, with the memo of salary.

7 Q. Is it endorsed?

8 A. It is.

9 Q. Who endorsed it?

10 A. Carolyn Wade.

11 Q. This is a ten-page exhibit. Did we just go through 10
12 checks?

13 A. I believe we did, yes.

14 Q. When the bank, USAA bank, produced records pursuant to the
15 subpoena, were there other check images besides the ten that
16 we just looked at?

17 A. Yes, there were.

18 Q. Did you see any other checks like this with a memo of
19 salary written by Carolyn Wade either to herself or to her
20 husband other than the ten that we just looked at?

21 A. No, I did not.

22 Q. Did you see checks like this prior to the receipt of the
23 PPP loan proceeds for Carolyn Wade on June 7, 2021?

24 A. No, I did not.

25 Q. Did you see any checks like this after the last check that

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1 we looked at on page 10, which is dated June 15th, 2021?

2 A. I think the date is actually July 15, 2021.

3 Q. It is. Sorry.

4 A. No, I did not.

5 Q. So that was the last one you saw?

6 A. Yes.

7 THE COURT: All right. Counsel, I'm going to stop
8 you there. It is 12:30. We're going to break for our lunch
9 at this time. We're going to resume at 1:35 PM.

10 And just for your information, ladies and gentlemen,
11 today's session is going to end at 3:00 PM. I know you're not
12 happy about leaving early, but 3:00 PM. I have a 3:00 PM and
13 a 4:00 PM hearing. The hurricane schedule has caused havoc,
14 so we're going to break an hour early. And I'm pleased to
15 tell you that despite losing the two days, we're pretty much
16 on schedule as far as our prediction. Maybe one day over, I'm
17 not sure, but I'll keep you advised. Thank you. Enjoy lunch.

18 (Jury exited at 12:31 PM.)

19 THE COURT: Any additional issues?

20 MR. SNIDER: The Government is going to use at some
21 point during the continued direct a demonstrative aid very
22 similar --

23 THE COURT: Just make sure --

24 MR. SNIDER: They have no objection.

25 THE COURT: You've reviewed it with your opposing

1 counsel?

2 MR. WILCOX: No objection.

3 THE COURT: Thank you. Enjoy lunch.

4 (Lunch recess from 12:32 PM to 1:41 PM.)

5 THE COURT: Counsel, you will recall that we had one
6 juror who told us about a doctor's appointment on Thursday
7 morning in Kendall, and we've just been advised that she
8 thinks that she may be able to have her appointment earlier
9 and be here by 10:30, which means we would have to start at
10 10:30, but I think I'm going to have her come in and confirm
11 because I don't want to have people here at 10:30 and she's
12 here at 11:00. So let's have her come in the courtroom,
13 Number 9, Ms. Gomez.

14 (Juror Number 9 entered.)

15 THE COURT: Have a seat, Ms. Gomez. Thank you for
16 reminding us you have your doctor's appointment tomorrow
17 morning.

18 A JUROR: I do.

19 THE COURT: And so we just want to verify what time
20 you think you can be here because that's the time I'm going to
21 tell the jurors to be here.

22 A JUROR: 10:30 at the latest, but if it causes the
23 case to go longer, I'm okay with canceling it. It's okay.

24 THE COURT: In the scheme of things, I don't think an
25 hour is going to make a difference.

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1 A JUROR: Okay.

2 THE COURT: So I will simply tell the jurors we will
3 start tomorrow morning at 10:30 AM. And don't get a speeding
4 ticket if you get here at 10:35 or -40, what have you.

5 A JUROR: Thank you, Your Honor.

6 THE COURT: Okay. Thank you.

7 (Juror Number 9 exited.)

8 THE COURT: We can have the jurors come in.

9 MR. SNIDER: Your Honor, the Government's going to
10 move into evidence, I believe without objection,
11 Government 1000.1.

12 THE COURT: One moment. I think that's one I have to
13 add -- 1000- --

14 MR. SNIDER: .1.

15 THE COURT: All right.

16 MR. SNIDER: This is the demonstrative aid that we're
17 going to go through with the agent. There's just two
18 versions. I'm going go through right now 1000, and 1000.1 I'm
19 going to ask to be received into evidence. The only
20 difference is two slides that we have taken out of the one
21 that's going to go back to the jury.

22 THE COURT: All right. I'm not sure I followed you.

23 Are you offering the demonstrative exhibit as a
24 demonstrative exhibit or as an exhibit? If it's a
25 demonstrative exhibit, it doesn't go into the jury room. So

1 how is it being offered?

2 MR. SNIDER: As an exhibit, Number 1000.1.

3 THE COURT: All right. Any objection?

4 MR. WILCOX: One moment, Your Honor.

5 THE COURT: Yes, sir.

6 Now, just so we're clear, a demonstrative exhibit can
7 be shown to the jury during the jury process, and it can be
8 used during the closing arguments. The only issue is is it
9 being received as a demonstrative exhibit, which demonstrates,
10 or is it being received as an exhibit?

11 MR. WILCOX: Yes, Your Honor. And we'd like to --

12 THE COURT: Yes what?

13 MR. WILCOX: The yes will just say that I understood
14 what you were asking.

15 Now, Your Honor, what we would like to do is -- we
16 don't have any objection to it being used as a demonstrative
17 exhibit, but we want to reserve -- we haven't had a chance to
18 look at it all before we object to it being admitted as an
19 exhibit. But for right now, we're objecting to it being
20 admitted as an exhibit, and we may withdraw that objection
21 after we've had a chance to review the exhibit after hearing
22 testimony. Is that all right?

23 THE COURT: I mean, I hear you, but it seems if you
24 have an objection to it, why is it going to be used as a
25 demonstrative exhibit? In other words, why would you not know

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1 now if you -- you either have an objection or you don't;
2 right?

3 MR. WILCOX: Your Honor, we don't know until after
4 she testifies and after we've had a chance to look at this
5 exhibit whether or not we're going to --

6 THE COURT: You haven't seen it? This is the
7 demonstrative exhibit; right? Is it a chart or what is it? A
8 chart or paper or what?

9 MR. SNIDER: It is just copies of the exhibits that
10 are in a table -- or in PowerPoint. And I gave a copy to
11 defense, I believe, two days ago. But I mean, if they need
12 more time to review it --

13 THE COURT: I'll accept it as a demonstrative exhibit
14 now.

15 MR. SNIDER: That's fine. And then afterwards we'll
16 see if they have an objection.

17 THE COURT: Very well. Bring the jury in, please.

18 (Jury entered at 1:47 PM.)

19 THE COURT: You may continue.

20 MR. SNIDER: Your Honor.

21 BY MR. SNIDER:

22 Q. Good afternoon, Agent DiPietrantonio.

23 A. Good afternoon.

24 Q. Prior to the lunch break we were looking at some images of
25 checks that came from the USAA bank account that received the

1 proceeds of the PPP loan that went to Carolyn Wade; correct?

2 A. That's correct.

3 Q. I'm going to look at some additional checks, and I'm going
4 to publish for you what's in evidence as Government Exhibit
5 307. And we're going to start on page 2. Do you see a check
6 image on page 2 of Government Exhibit 307?

7 A. I do.

8 Q. I'm going to enlarge it. What is this check that we're
9 looking at?

10 A. This is a check from Tracy Wade to the Wade Funeral Home
11 in the amount of \$1,920 written on June 4th, 2021, with the
12 memo payroll week.

13 Q. And the account that this is being written from, if you
14 can tell from here, is this the same account or a different
15 account than the ones we were looking at with respect to the
16 Carolyn Wade checks?

17 A. I believe this is a different account -- still a USAA bank
18 but a different account.

19 Q. We're now on page 3 of Government 307, and I'm enlarging
20 the check image. What do you see here?

21 A. This is a check written by Tracy Wade to the Wade Funeral
22 Home in the amount of \$3,709 on June 5, 2021, with the memo
23 that looks like "the reimbursement."

24 Q. Okay. And does it appear to be endorsed?

25 A. Yes.

1 Q. Can you tell who appears to have endorsed it?

2 A. Tracy Wade.

3 Q. It was an endorsement going back to page 2. Do you see
4 the endorsement on the check that was on page 2 of
5 Government 307?

6 A. Yes, I do.

7 Q. Who is that endorser?

8 A. The Wade Funeral Home.

9 Q. Now, we're going to go to page 4 of Government 307 and I'm
10 going to enlarge the check image.

11 What is the check you see here?

12 A. This is a check written by Tracy Wade to the Wade Funeral
13 Home on June 11, 2021, in the amount of \$3,889.50 with the
14 memo payroll number 2/6/11.

15 Q. Was it endorsed?

16 A. Yes.

17 Q. Who endorsed this one?

18 A. Tracy Wade.

19 Q. Now we're on page 5 of Government 307 and I'm enlarging
20 the check image on this page. What do you see here?

21 A. This is a check written by Tracy Wade to the Wade Funeral
22 Home on June 11, 2021, in the amount of \$3,889.50 with the
23 memo of payroll week of 6/11.

24 Q. Page 5 is the last page of this exhibit, Government 307.
25 The checks that we just looked at on pages 2 through 5 of 307,

1 were those checks written before or after Mr. Wade received
2 the proceeds of his PPP loan?

3 A. Those checks were written after he received the proceeds
4 of his PPP loan.

5 Q. Did you review all of the check images that you received
6 for this account ending in 7309 from the USAA bank?

7 A. I did.

8 Q. And with the exception of the checks that we just looked
9 at, did you see any other checks coming from this account
10 before receipt of the PPP loans, like this, with a memo
11 payroll or something to that effect?

12 A. No, I did not.

13 Q. And the last check that we are looking at is dated
14 June 11, 2021?

15 A. That's correct.

16 Q. Did you see any other checks after this one dated 6/11/21,
17 signed by Mr. Wade, payable to the Wade Funeral Home with the
18 memo of payroll or something to that effect?

19 A. No, I did not.

20 Q. Now, this account -- you can tell from the check -- is
21 drawn from an account ending in 7309; is that right?

22 A. That's correct.

23 Q. And this is drawn from a USAA bank account?

24 A. That's correct.

25 Q. And putting back up the checks we looked at a moment ago

1 in Government Exhibit 304, this check is drawn from an account
2 ending in 3926?

3 A. Yes, it is.

4 Q. From USAA bank?

5 A. That's correct.

6 Q. I'm going to publish for you what is in evidence as
7 Defense 8. Do you see Defense 8 on your screen?

8 A. I do.

9 Q. I'm moving to the last page. Do you see a check on that
10 page?

11 A. I do.

12 Q. Can you tell from the check the institution that this
13 check was written from?

14 A. SunTrust.

15 Q. Is this check, the voided check, from the account that
16 received the proceeds of Tracy Wade's \$20,833 loan?

17 A. No, it is not.

18 Q. And the checks that we were just looking at that Mr. Wade
19 wrote to his funeral home, were those drawn from this SunTrust
20 account?

21 A. No, they were not.

22 Q. May I have the ELM0 for a moment, please.

23 I'm going to publish for you on the ELM0 what is in
24 evidence as Defense Exhibit 7. Do you see Defense Exhibit 7
25 on your screen?

1 A. I do.

2 Q. What is it?

3 A. This is a SunTrust check for the account named 1 Step

4 A-Head hair salon.

5 Q. Is this check from the account that received the proceeds
6 of the PPP loan that went to Carolyn Wade?

7 A. No, it is not.

8 Q. And the checks that we looked at in Government Exhibit 304
9 written by Carolyn Wade to herself or Tracy Wade with the memo
10 salary, were those checks drawn from this SunTrust account?

11 A. No, they were not.

12 Q. May I please have the HDMI back on the podium? Thank you.

13 Where was Carolyn Wade employed in 2019?

14 A. She was employed with the Broward Sheriff's Office or BS0.

15 Q. How about 2020?

16 A. Also BS0.

17 Q. How about 2021?

18 A. Still BS0.

19 Q. Where was Mr. Wade, Tracy Wade, employed in 2019?

20 A. Also BS0.

21 Q. And 2020?

22 A. Also BS0.

23 Q. And 2021?

24 A. Still BS0.

25 Q. Do you know what department within BS0 they were assigned

1 to?

2 A. Detentions.

3 Q. What does the detention department do, if you know?

4 A. They handle the jail facilities and the courthouses.

5 Q. The jails and the courthouses.

6 Do you know where Tracy Wade was assigned in 2021,
7 generally, within the department of detention?

8 A. I believe the jails.

9 Q. Okay. And with respect to Carolyn Wade, do you know where
10 she was assigned in 2021?

11 A. I believe the courthouse.

12 Q. I am going to publish two exhibits in evidence side by
13 side. The first is Government Exhibit 400, which you should
14 see on the left side of your screen and -- thank you --
15 Government Exhibit 401, which you should see on the right side
16 of your screen. Do you see those exhibits side by side?

17 A. I do.

18 Q. Do you recognize them?

19 A. I do.

20 Q. And what are these?

21 A. These are returns from the Florida Department of Revenue
22 that I received.

23 Q. Did you ask for information from the Florida Department of
24 Revenue?

25 A. I did.

1 Q. What were you asking for or what did you ask for?

2 A. Information related to businesses owned by Tracy Wade or
3 Carolyn Wade or businesses where Carolyn Wade or Tracy Wade
4 were a principal of.

5 Q. Was there something that you were looking for in that
6 request --

7 A. Yes.

8 Q. -- information you were trying to gather?

9 A. Yes, there was.

10 Q. What were you looking for?

11 A. I was looking to identify whether or not Carolyn Wade and
12 Tracy Wade pay into the Florida Reemployment Assistance Tax.

13 Q. What is the Florida Reemployment Assistant Tax?

14 A. It's the pot of money that employers pay into should an
15 employee have to go under unemployment.

16 Q. So it appears on the left side is a letter dated March 28,
17 2024; is that right?

18 A. That's correct.

19 Q. And it's addressed to you?

20 A. Yes, it is.

21 Q. And there's three companies there?

22 A. Yes.

23 Q. What's the first one?

24 A. Wade Funeral Home South LLC.

25 Q. Why did you ask for information from that company?

1 A. Because Carolyn Wade was a principal of that company.

2 Q. And what's the next company you asked about?

3 A. Just Us Two Foundation Incorporated.

4 Q. Why did you ask about information for that one?

5 A. Again, because Carolyn Wade was a principal to that
6 company.

7 Q. And the last request was for who?

8 A. Carolyn Wade.

9 Q. And what did you provide in that request for Carolyn Wade?

10 A. Her social security number.

11 Q. With respect to the first company you asked about, Wade
12 Funeral Home South LLC, did the Florida Department of Revenue
13 have any records?

14 A. No, they did not.

15 Q. With respect to the second company you asked about, Just
16 Us 2 Foundation Inc., what was the response from the Florida
17 Department of Revenue?

18 A. They were unable to locate Reemployment Assistance Tax
19 reports.

20 Q. And with respect to Carolyn Wade, did they provide
21 information?

22 A. They did.

23 Q. Was that information on the second page of this document?

24 A. It is.

25 Q. What did the Florida Department of Revenue report to you

1 when you requested information relating to Carolyn Wade?

2 A. Wages and earnings statements related to Carolyn Wade and
3 her employment with the Broward Sheriff's Office.

4 Q. Any other records?

5 A. No.

6 Q. Now, we're on the right side looking at Government Exhibit
7 401 and there's two companies listed there. What are those
8 two companies?

9 A. Tracy Wade, and Wade Funeral Home LLC.

10 Q. And to assist the Florida Department of Revenue in their
11 search, what did you provide for Tracy Wade?

12 A. His social security number.

13 Q. And what did you provide to the Florida Department of
14 Revenue to assist their search for Wade Funeral Home?

15 A. The EIN.

16 Q. Did the Florida Department of Revenue find any
17 Reemployment Assistance Tax reports for the Wade Funeral
18 Home LLC?

19 A. No, they did not.

20 Q. Did they find any information for Tracy Wade?

21 A. They did.

22 Q. Is that information on page 2 of this document?

23 A. It is.

24 Q. What was the extent of the information that the Florida
25 Department of Revenue had when it looked up Tracy Wade?

1 A. Wages and earnings for Tracy Wade as it relates to his
2 employment with the Broward Sheriff's Office.

3 Q. And no other filings came back?

4 A. That's correct.

5 Q. I want to look at two other exhibits right now side by
6 side. The first one is Government Exhibit 159, which you
7 should see on the left side of your screen. And the other is
8 Government Exhibit 160, which you should see on the right side
9 of your screen. Do you have that?

10 A. Yes.

11 Q. Okay. What is Government Exhibit 159?

12 A. It's the PPP loan application for Tracy Wade.

13 Q. Okay. And what is on the right side in 160?

14 A. The PPP loan forgiveness application for Tracy Wade.

15 Q. And is there a section in the PPP application in
16 Government 159 that asks for the number of employees?

17 A. There is, yes.

18 Q. What is listed there?

19 A. One.

20 Q. Is there a section in Government 160, which is the
21 forgiveness application, that asks for the employees at the
22 time of the loan application?

23 A. There is.

24 Q. And what is represented there?

25 A. Ten.

1 Q. Is there a section in Government 160, the PPP forgiveness
2 application, that asks for the employees at the time of
3 forgiveness?

4 A. Yes.

5 Q. And what is represented there?

6 A. Also ten.

7 Q. I'm publishing 117 on the left-hand side of your screen
8 and publishing 118, both in evidence, on the right side of
9 your screen. Do you see that?

10 A. I do.

11 Q. What is Government 117?

12 A. The PPP loan application for Carolyn Wade.

13 Q. Is there a section asking for the number of employees in
14 that application?

15 A. There is.

16 Q. What is represented?

17 A. One.

18 Q. And in Government 118, the forgiveness application, is
19 there a section that asks for the employees at the time of the
20 application?

21 A. Yes.

22 Q. What is listed?

23 A. Three.

24 Q. Is there a section that asks for the number of employees
25 at the time of forgiveness?

1 A. Yes.

2 Q. What is represented here?

3 A. Three.

4 Q. Publishing on the left side of your screen Government
5 Exhibit 700 in evidence and, on the right side, Government
6 Exhibit 701. Do you see those?

7 A. I do.

8 Q. What are these records?

9 A. This is Google subscriber information for two different
10 Gmail accounts.

11 Q. Okay. Let's start with the one on the left side,
12 Government 700. This is a Google account for who?

13 A. For Carolyn Wade.

14 Q. And for the record, what are the last four digits of the
15 Google account ID?

16 A. 6506.

17 Q. The name on the account?

18 A. Carolyn Wade.

19 Q. What is the email address for this Google account of
20 Carolyn Wade?

21 A. Ckidd1226@gmail.com.

22 Q. Do you see a section that says account recovery?

23 A. I do.

24 Q. Do you know what that is?

25 A. Yes.

1 Q. What is it?

2 A. That's any time a user loses or misplaces their password
3 where Google would send an alternate password or a temporary
4 password for them to create a new one.

5 Q. Is there a phone number listed for one of those places
6 where the temporary password could be sent?

7 A. Yes.

8 Q. And do you know whose phone number that is?

9 A. Yes.

10 Q. Whose?

11 A. Carolyn Wade's.

12 Q. What is the last four digits ending in?

13 A. 6800.

14 Q. On the right side of your screen is Government's 701. Who
15 is this a Google account for?

16 A. Tracy Wade.

17 Q. What are the last four digits of the Google ID?

18 A. 9890.

19 Q. And what is the email address associated with this Google
20 account?

21 A. Tracyw764@gmail.com.

22 Q. Is there an account recovery information provided on this
23 record?

24 A. There is, yes.

25 Q. Is there a phone number?

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1 A. Yes.

2 Q. Do you know whose phone number that is?

3 A. Yes.

4 Q. Whose?

5 A. Tracy Wade's.

6 Q. What are the last four numbers of that phone number?

7 A. 1512.

8 Q. Now, in this case, did you receive by subpoena records
9 from DocuSign?

10 A. I did.

11 Q. Did some of those DocuSign records come from Womply?

12 A. Some of them did, yes.

13 Q. Did you also obtain records directly from DocuSign?

14 A. I did.

15 Q. Did some of those overlap?

16 A. They did, yes.

17 Q. But did you also receive from DocuSign additional records
18 from DocuSign that you didn't have from Womply?

19 A. Yes, I did.

20 Q. And did those additional records -- well, let's just look
21 at them because they're in evidence.

22 Publishing, on the left side of your screen,
23 Government Exhibit 116, and I'm publishing, on the right side
24 of your screen, Government Exhibit 116.1.

25 Do you see that?

1 A. Yes.

2 Q. Okay. So, just quickly, what is Government Exhibit 116?

3 A. The PPP loan application for Carolyn Wade.

4 Q. You said, "the." Is it the or one of them?

5 A. One of them.

6 Q. We're going to go to page 9 of Government 116. Are you
7 with me there?

8 A. Yes.

9 Q. What is on page 9?

10 A. This is the DocuSign, the certificate of completion for
11 that application.

12 Q. Okay. And there's an envelope ID?

13 A. There is.

14 Q. The last four characters?

15 A. BF27.

16 Q. What is the document on the right side of your screen,
17 116.1?

18 A. The document on the right is the envelope history for that
19 same envelope on the left side of the screen ending in BF27.

20 Q. Does the envelope history report in 116.1 give you
21 additional information with respect to the certificate of
22 completion?

23 A. It does.

24 Q. So looking at 116.1, can you tell when this application --
25 when this signing event -- let me ask you this.

1 Can you tell from looking at this when the envelope
2 was opened?

3 A. Yes.

4 Q. When was that?

5 A. May 18, 2021, at 2:53 PM.

6 Q. Okay. And that time, is that universal time coordinated?

7 A. It is, yes.

8 Q. And what is the difference in terms of the time zone
9 between eastern, where we are here in Florida, and UTC, if you
10 know?

11 A. During the month of May, four hours.

12 Q. And UTC is ahead or behind where we are in Florida?

13 A. It's behind.

14 Q. I'm sorry?

15 A. Behind.

16 Q. Florida is behind?

17 A. UTC is behind.

18 Q. So can you tell from this when it was first viewed?

19 A. It was viewed May 18, 2021, at 2:54 PM.

20 Q. Okay. And when was it signed?

21 A. May 18, 2021, at 2:56 PM.

22 Q. Based on this record, does it appear that after this
23 application was signed it was viewed additional times?

24 A. Yes.

25 Q. How many times was it viewed --

1 A. In total?

2 Q. -- after the signing?

3 A. Four times after the signing.

4 Q. And who was the user, according to this record, who viewed
5 it?

6 A. Carolyn Wade.

7 Q. When was the first time it was viewed after the signing?

8 A. May 18, 2021, at 5:31 PM.

9 Q. When was the second time it was viewed after the signing?

10 A. May 18, 2021, at 5:31 PM.

11 Q. When was the third time it was viewed after the signing?

12 A. May 19, 2021, at 9:59 PM.

13 Q. When was the fourth time it was viewed after the signing?

14 A. May 20, 2021, at 9:58 PM -- I apologize -- AM.

15 Q. Publishing Government 117, on the left side of your
16 screen, and Government Exhibit 117.1, on the right side of
17 your screen. Do you see that?

18 A. Yes, I do.

19 Q. What is 117?

20 A. This is a second PPP loan application for Carolyn Wade.

21 Q. Okay. And this one has a DocuSign envelope ID ending in
22 the last four characters what?

23 A. 6F00.

24 Q. And on the right side of your screen, 117.1, what do you
25 see there?

1 A. The envelope history for that same DocuSign envelope
2 ending in 6F00.

3 Q. When we go to page 20 of 117, is that the certificate of
4 completion?

5 A. Yes, it is.

6 Q. And does 117.1 provide additional information about this
7 signing event?

8 A. It does.

9 Q. When, looking at 117.1, was the envelope opened?

10 A. May 28, 2021, at 9:14 PM.

11 Q. And the user that opened it?

12 A. Carolyn Wade.

13 Q. When was it first viewed?

14 A. May 28, 2021, at 9:15 PM.

15 Q. And the user that viewed it?

16 A. Carolyn Wade.

17 Q. When was it signed?

18 A. May 28, 2021, at 9:15 PM.

19 Q. And who was the user that signed it?

20 A. Carolyn Wade.

21 Q. Was this PPP loan application, Government 117, viewed
22 after the signing by user Carolyn Wade?

23 A. Yes, it was.

24 Q. How many times?

25 A. Three times.

1 Q. When was the first viewing after the signing?

2 A. May 28 at 10:05 PM.

3 Q. When was the second viewing after the signing?

4 A. May 28, 2021, at 10:05 PM.

5 Q. And when was the third viewing after the signing?

6 A. May 28, 2021, also at 10:05 PM.

7 Q. Looking at the signer events, do you see that on
8 Government 117?

9 A. I do.

10 Q. Do you see the email address to which this envelope was
11 sent?

12 A. Yes.

13 Q. Is that the same Google address that we just looked at in
14 Government Exhibit 700?

15 A. It is.

16 Q. What about the last entry on 117.1 -- what does that say?

17 A. It says that Tracy Wade was delivered a printable copy of
18 the envelope ID ending in 6F00 on October 16, 2023, at
19 5:06 PM.

20 Q. Go back to 116.1 for a second. This was the history for
21 116, which was a different PPP application; right?

22 A. Mm-hmm.

23 Q. What's the last entry that you see here?

24 A. Again, Tracy Wade was delivered a printable copy of the
25 envelope ID ending in BF27 on October 16, 2023, at 5:05 PM.

1 Q. Publishing for you on the left side of your screen
2 Government Exhibit 157.1 and on the right side of your screen
3 Government 157.2. Are you with me?

4 A. Yes.

5 Q. Now, what is in 157.1?

6 A. This is a certificate of completion for the first PPP loan
7 application for Tracy Wade.

8 Q. Okay. And where was this one sent to?

9 A. Tracyw764@gmail.com.

10 Q. Is that the same email address that we saw in the
11 subscriber record for Tracy Wade in Government Exhibit 701?

12 A. It is.

13 Q. And what are we looking at in 157.2, on the right side of
14 your screen?

15 A. This is the DocuSign history for the envelope ID ending in
16 D98B.

17 Q. And that's this envelope that's on the left side in 157.1?

18 A. That's correct.

19 Q. And 157.2, does that have more than one page to it?

20 A. It does.

21 Q. Okay. I'm scrolling to the second page of 157.2. Does
22 this page show when this envelope was opened?

23 A. It does.

24 Q. Who was the user that opened it?

25 A. Tracy Wade.

1 Q. When was that?

2 A. May 18, 2021, at 2:30 PM.

3 Q. When was it signed?

4 A. May 18 at 2:31 PM.

5 Q. Was it viewed before it was signed?

6 A. It was.

7 Q. What time was that?

8 A. May 18, 2021, at 2:30 PM.

9 Q. Now, after it was signed, what happened in the line I just
10 highlighted for you?

11 A. Tracy Wade received a copy of the full envelope ID ending
12 in D98B.

13 Q. When was that?

14 A. May 18, 2021, at 2:31 PM.

15 Q. What happened in the last row here that I've highlighted
16 on 157.2?

17 A. Tracy Wade received another copy of the full envelope ID
18 ending in D98B on May 19, 2021, at 4:49 PM.

19 Q. Now, did you also subpoena records from Verizon in this
20 case?

21 A. I did.

22 Q. And the records that you subpoenaed, did those include
23 call records?

24 A. They did.

25 Q. Did the call records indicate the cell phone that Tracy

1 Wade had in April, May, June, July of 2021?

2 A. They do.

3 Q. Do the Verizon records indicate the cell phone that
4 Carolyn Wade had and was using in April, May, June, July of
5 2021?

6 A. They do.

7 Q. Are you familiar with those devices?

8 A. Yes.

9 Q. Publishing for you Government Exhibit 800 and going to
10 page 250 of that exhibit, on the left side of your screen. On
11 the right side of your screen, we're putting up Government
12 Exhibit 806 and going to page 3.

13 Are you familiar with these records?

14 A. Yes, I am.

15 Q. What are they?

16 A. They're Verizon records for both Carolyn Wade and Tracy
17 Wade.

18 MR. WILCOX: I'm sorry. Can you tell me which
19 exhibit this is again?

20 MR. SNIDER: Sure. On the left side, we're looking
21 at 800, on page 250, and on the right side, we're looking at
22 Government 806 on page 3.

23 BY MR. SNIDER:

24 Q. What is the period we're looking at for these records on
25 the left side?

1 A. April 16, 2021, through May 15, 2021.

2 Q. Is that the same period that is in page 3 of
3 Government 806?

4 A. Yes, it is.

5 Q. What kind of cell phone did Carolyn Wade have during that
6 period?

7 A. A Note20 Ultra 5G.

8 Q. Do you see (954) 274-6800?

9 A. Yes.

10 Q. What is that?

11 A. That is Carolyn Wade's phone number.

12 Q. Is that the phone number that this device, Note20 Ultra
13 5G, was assigned to?

14 A. Yes.

15 Q. On the right side of your screen, what kind of phone did
16 Tracy Wade have during this period?

17 A. A Galaxy S21 U 5G.

18 Q. Do you see (786) 488-1512?

19 A. Yes.

20 Q. What's that?

21 A. That's Tracy Wade's phone number.

22 Q. Is that the phone number to which this Galaxy S21 U 5G was
23 assigned during this period?

24 A. Yes.

25 Q. Publishing for you, on the left side of your screen,

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1 Government Exhibit -- it's the same exhibit, 800. We're going
2 to go to page 266. Okay? And on the right side, 806, we're
3 going to go to page 72. Are you with me?

4 A. Yes.

5 Q. Okay. What period is this we're looking at?

6 A. May 16, 2021, through June 15, 2021.

7 Q. Is that for both pages that we're looking at?

8 A. Yes, it is.

9 Q. The cell phone that Carolyn Wade had in this period, May
10 through June of 2021, is it the same cell phone that we just
11 looked at?

12 A. Yes, it is.

13 Q. And with respect to Tracy Wade, the same cell phone?

14 A. Yes.

15 Q. In this period, May through June of 2021?

16 A. Yes.

17 Q. In Government 800, on the left side of your screen, we're
18 going to jump to page 283, and on the right side of your
19 screen, we're going to jump to page 131, and that's
20 Government 806. Are you with me?

21 A. Yes.

22 Q. What is the period we're looking at here?

23 A. June 16, 2021, through July 15, 2021.

24 Q. And is that for both pages that we're looking at in 800
25 and 806?

1 A. Yes.

2 Q. Did Carolyn Wade have the same cell phone that we just
3 looked at?

4 A. She did.

5 Q. And what about Tracy Wade?

6 A. Also the same cell phone.

7 Q. Not with each other but --

8 A. As the month prior.

9 Q. Last, we're going to go to page 301 of Government
10 Exhibit 800 and page 204, Government Exhibit 806. Do you see
11 those side by side?

12 A. I do.

13 Q. What is the period that we're looking at for both
14 exhibits?

15 A. June 16, 2021 --

16 Q. Make it a little bigger so you can read it.

17 A. -- through August 15, 2021.

18 Q. Sorry. The first date?

19 A. July 16th, 2021, through August 15th, 2021.

20 Q. In that period, Carolyn Wade had what cell phone?

21 A. A Note20 Ultra 5G.

22 Q. The same phone that we looked at for the previous months?

23 A. Yes, that's correct.

24 Q. And Tracy Wade had what cell phone?

25 A. A Galaxy S21 U 5G.

1 Q. The same phone that we looked at for the last couple of
2 months?

3 A. Yes.

4 Q. And the phone numbers respectively for Carolyn Wade and
5 Tracy Wade that were assigned those respective devices, did
6 that change?

7 A. No, they did not.

8 Q. Agent DiPietrantonio, all these records that you received
9 from these various subpoenas, were you able to extract that
10 information and put it into a form that would allow the jury
11 or aid the jury in its review of that evidence?

12 A. Yes.

13 Q. Did you extract information from records from Womply?

14 A. I did.

15 Q. Did you extract information from records from Persona?

16 A. I did.

17 Q. Did you extract information and records from the Small
18 Business Administration?

19 A. I did.

20 Q. Did you extract information from DocuSign?

21 A. I did.

22 Q. Did you extract information from Verizon?

23 A. I did.

24 Q. Did you extract information from AT&T?

25 A. I did.

1 Q. Did you extract information from USAA bank?

2 A. I did.

3 Q. Okay. And you put all of that in a demonstrative aid?

4 A. That with the addition of information from BS0, yes.

5 Q. Okay. And BS0.

6 MR. SNIDER: Permission to publish the demonstrative
7 aid that's marked for identification as 1000.

8 THE COURT: You may publish.

9 BY MR. SNIDER:

10 Q. Okay. We're now looking at slide one of the demonstrative
11 identified as 1000. Do you see that on the screen?

12 A. I do.

13 Q. Let's walk through this.

14 What are we looking at here on slide one?

15 A. The first chart refers to the Womply records that maintain
16 the login attempts by Tracy Wade when he accessed his Womply
17 portal. If you look at the third column, I translated the
18 time from universal time coordinated to Eastern Daylight Time
19 just for ease of reading throughout the demonstrative. And if
20 you see in a couple columns over, the column heading IP
21 address, I've highlighted five different instances of logins
22 by Tracy Wade to his Womply portal via an IP address ending in
23 .166. If you look to the bottom of that page, we have the
24 record from AT&T that Philip Fanara spoke about -- showing
25 that that IP address ending in 166 was maintained by the Wade

1 Funeral Home at that time on May 4, 2021.

2 Q. And do you see where it says source?

3 A. Yes.

4 Q. Is that the government exhibit that you took this
5 information from?

6 A. It is.

7 Q. So the first source for this table is Government 163E?

8 A. Yes.

9 Q. And the source for the AT&T record is Government 601?

10 A. Yes.

11 Q. How many login attempts does the record show were made
12 from the IP address assigned to the Wade Funeral Home on
13 May 4, 2021?

14 A. Five.

15 Q. And were they successful?

16 A. They were.

17 Q. Moving to slide two of the demonstrative. What do you see
18 here on slide two?

19 A. These are Womply transactions that Aman Thakral spoke
20 about as they relate to Tracy Wade's PPP application on May 4,
21 2021. If you look at the first two instances of transactions
22 in the top chart, both of those were conducted using an IP
23 address ending in .166. And if we look on the bottom of that
24 page at the AT&T record, we can see that that IP address
25 ending in 166 was maintained by the Wade Funeral Home, at this

1 time, on May 4, 2021.

2 Q. And what is the time range in Eastern Daylight Time of
3 these two transactions?

4 A. 12:37 PM through 12:41 PM.

5 Q. Do you see where it says operation type?

6 A. Yes.

7 Q. Do you know what the zero indicates?

8 A. The zero means that something was created within the
9 portal, the ones that refer to any modification or update to
10 that application, again within the portal for Tracy Wade.

11 Q. So this shows one creation and one modification using the
12 IP address assigned to Wade Funeral Home on May 4, 2021?

13 A. It does.

14 Q. Moving to slide three, what do we see here on slide three?

15 A. These are different Womply transactions that occurred on
16 Carolyn Wade's Womply portal on May 4, 2021, all of which were
17 done from an IP address ending in 166, as we know from the
18 AT&T record on the bottom of the page, was maintained by the
19 Wade Funeral Home at this time on May 4, 2021.

20 Q. How many transactions were entered in Carolyn Wade's PPP
21 loan application from the Wade Funeral Home IP address on
22 May 4, 2021?

23 A. Approximately ten.

24 Q. You can count them.

25 A. 11.

1 Q. We're now moving to slide four. What is on slide four?

2 A. These are Womply events that occurred on May 4 for Tracy
3 Wade's application. Womply events are any time a user
4 uploaded a document to their portal or linked a bank account.
5 In this case, we're looking at two file uploads for Tracy
6 Wade's PPP application that occurred on May 4, 2021, from an
7 IP address ending in .166. As we know, again, from the AT&T
8 record, .166 -- the IP address ending in .166 was maintained
9 by the Wade Funeral Home.

10 Q. And you read the last three digits, but the entire IP
11 address is a match?

12 A. Yes, it does.

13 Q. Now we're on slide five. What happened on slide five on
14 May 4, 2021?

15 A. These are Womply events that occurred for Carolyn Wade's
16 PPP loan application on May 4, 2021. We're looking at a file
17 upload of a bank document and a bank account that was linked
18 to her Womply portal, both done from an IP address ending in
19 .166, which as we know from the AT&T record below was
20 maintained by the Wade Funeral Home.

21 Q. Moving to slide six, what is the information that you've
22 displayed from the Government Exhibits on slide six?

23 A. These are Womply events that occurred on Tracy Wade's PPP
24 loan application via the Womply portal on May 5, 2021, two of
25 which were done from an IP address ending in .36. If you look

1 at the user agent column, I've highlighted the device that was
2 used to make those -- or to conduct those events. We can see
3 here that it was an Android 11, Model Number SM-G998U. If you
4 Google that number, you can tell --

5 Q. Let me ask you this: Do you know what model number is
6 SM-G998U?

7 A. Yes.

8 Q. What is it?

9 A. It's a Galaxy S21 U 5G.

10 Q. Okay. Keep going.

11 A. So at this time, Tracy Wade was a Verizon customer, as we
12 can tell from the Verizon records that Dion Morrow spoke
13 about. And if you look to the right of the screen, I've
14 highlighted the same IP address that was used in the Womply
15 events ending in .36 where Verizon says this IP address was
16 maintained by Verizon and can only be used by Verizon
17 customers that are on their network at that time.

18 And if you look to the bottom left of the screen, we
19 have a record from Persona that Lindsey Bergh spoke about.
20 That's a snippet from the selfie verification check that Tracy
21 Wade conducted for his own application in which he used a
22 phone, Model Number SM-G998U, which is an Android 11 device,
23 on a Chrome mobile browser. Again, that device SM-G998U is a
24 Galaxy S21 U 5G phone, similar or the same as Tracy Wade
25 maintained at that time on May 5, 2021.

1 Q. Moving to slide seven, what do we see here?

2 A. These are Womply transactions that occurred on Tracy
3 Wade's Womply portal in relation to his PPP application. So,
4 again, transactions are any kind of modifications or creations
5 within his account.

6 Here, we can see I've highlighted five different
7 occurrences where he modified or created something in his
8 application via an IP address ending in .36. If you look to
9 the bottom of that screen, that Verizon letter says that that
10 IP address was owned by Verizon at that time, which is the
11 same time that Tracy Wade was a Verizon customer.

12 Q. And how many transactions occurred from that IP address on
13 May 5, 2021, ending in .36 that belonged to Verizon?

14 A. Five.

15 Q. Moving to slide eight, what information is on slide eight
16 of the demonstrative?

17 A. Here, we have Womply login attempts that occurred on
18 May 5, 2021. So if you look at that first column, the
19 identifier column, that notes which device or which identifier
20 that short-lived code that Womply sent out so their users
21 could access their application was sent. In this case, it's a
22 phone number ending in 1512, which is the same phone number
23 that Tracy Wade maintained at this time, as you can see from
24 that box there in the middle of the screen.

25 If you look at the third login on that Womply table

1 at the top of the screen, we can tell that that login was
2 conducted via an IP address ending in .36 from an Android 11
3 device, Model SM-G998U. That model number, SM-G998U,
4 signifies it was a Galaxy S21 U 5G phone, the same phone that
5 Tracy Wade had at this time. The IP address that was used to
6 conduct that last login on the chart is an IP address that was
7 maintained or owned by Verizon, again, at this time only
8 accessible via Verizon Wireless customers. If you look at the
9 chart on the bottom from Persona, again, we're just seeing
10 that the same device that made that login is the same device
11 that Tracy Wade used to conduct his selfie verification check.

12 Q. The same device that he used to actually take the photos
13 of himself?

14 A. That's correct.

15 Q. Moving to slide nine, now we're on May 6, 2021. What do
16 we have on this slide?

17 A. These are, again, different logins from Tracy Wade to his
18 Womply portal. There are four different logins, if you look
19 at the last four logins that occurred from that Womply chart.
20 And as we can see, those logins occurred via an IP address
21 ending in .36, also done from an Android 11 device, Model
22 Number SM-G998U, as we know from the Persona records. On the
23 bottom of the screen is the phone that Tracy Wade used to
24 conduct his selfie verification and take pictures of himself.

25 As we can see from the middle of the screen, that's

1 the phone that Tracy Wade maintained at this time on the
2 Verizon Wireless network, which he was a customer of. And if
3 you look to the right, we can see the letter from Verizon
4 stating that they owned and maintained that IP address ending
5 in .36 where the last four logins on this chart occurred from.

6 Q. And what was the time range of these four logins on May 6,
7 2021, using this IP address ending in 36 with the cell phone
8 model of Galaxy S21?

9 A. 3:29 PM through 3:48 PM.

10 Q. And you converted that to eastern?

11 A. I did.

12 Q. Moving to slide ten, what happened here on May 6, 2021?

13 A. Here, we can see that Tracy Wade received an email from
14 Womply saying that he applied for a loan recently and it's
15 time for him to conduct his identity verification check.

16 Q. Now we're on slide 11, still on May 6, 2021. What is
17 displayed here on slide 11?

18 A. These are Womply transactions that occurred on Tracy
19 Wade's PPP loan application portal. As we can see, all of the
20 transactions occurred from an IP address ending in .36. As we
21 know from looking at the Verizon letter, at the bottom of the
22 screen is an IP address that was maintained and owned by
23 Verizon at that time in which Tracy Wade was also a customer.

24 Q. How many transactions occurred on May 6 from this IP
25 address ending in 36?

1 A. Six.

2 Q. And do you see where it says "operation type"?

3 A. I do.

4 Q. Are those all number ones?

5 A. They are.

6 Q. Do those mean that they're modifications to his
7 application?

8 A. That's correct.

9 Q. We're now on slide 12 of the demonstrative. What happened
10 on May 6, 2021, at 3:35 PM?

11 A. If you remember two slides back, Tracy Wade received an
12 email about four hours prior on the same day saying it was
13 time to take his selfie photos for his identity verification.
14 This slide is showing that, again, approximately four hours
15 later he made his first attempt at taking those selfies via
16 phone Android 11 on a Chrome mobile browser with Model Number
17 SM-G998U, which we know is a Galaxy S21 U 5G device, which
18 Tracy Wade maintained at this time.

19 Q. And that's the same device that was being used to log in
20 and conduct the transactions that you just spoke about?

21 A. That's correct.

22 Q. I notice the time on the header is 3:35 PM EDT and then
23 the time from the Persona record is 7:35 PM. Can you just
24 explain the difference there?

25 A. Sure.

1 Persona maintained their records in UTC time. So all
2 the times that I have listed in my title slides are Eastern
3 Daylight Time, again, just for ease of following.

4 Q. And that's the four-hour difference?

5 A. That's correct.

6 Q. Moving to slide 13. What happened here?

7 A. This is the second attempt that Tracy Wade made at taking
8 selfie photos of himself in order to verify his identity via
9 Persona. This time was successful and the photos were
10 approved. These photographs, like the last ones, were also
11 taken on an Android 11 Chrome mobile browser via Model number
12 SM-G998U, which is a Galaxy S21 U 5G phone, which Tracy Wade
13 maintained at this time.

14 Q. Now on slide 14.

15 A. This is an email that Carolyn Wade received from Womply
16 letting her know that her Paycheck Protection Program
17 application was currently incomplete and she had to continue
18 it if she were to get the loan.

19 Q. And when was this email sent to the email address
20 ckidd1226@gmail.com?

21 A. May 13, 2021, at 6:23 AM.

22 Q. Now we're on slide 15. What information is displayed here
23 on slide 15?

24 A. These are Womply login attempts conducted by Carolyn Wade.
25 If you look in that first column, under identifier, you can

1 see that half of them were done through her email and half of
2 the codes were sent to her phone number.

3 The first two IP addresses that I have highlighted
4 here end in 166, which as we know from Verizon was an IP
5 address maintained at the Wade Funeral Home. And the last
6 five IP addresses that I've highlighted ending in .184 were
7 owned and maintained by Verizon at a time where Carolyn Wade
8 was a Verizon customer.

9 Q. So May 13, 2021, how many logins were done from the IP
10 address ending in 166 assigned to the Wade Funeral Home?

11 A. Two.

12 Q. And how many logins were done using an IP address ending
13 in 184 that was assigned to Verizon wireless?

14 A. Five.

15 Q. Moving now to slide 16 -- and we're still on May 13,
16 2021 -- what happened on this slide?

17 A. So this is highlighting the same Womply login attempts
18 that we looked at on the last page; however, we're only
19 looking at the IP addresses ending in .18 or the logins that
20 occurred from IP address ending in .184.

21 If we look to the right of the screen, we can tell
22 again that the IP address ending in .184 was maintained by
23 Verizon at a time where Carolyn Wade was a Verizon customer.
24 If you look at the user agent, all the way to the right on the
25 Womply table on top of the screen, you can tell that these

1 login attempts were conducted via an Android 11, Model Number
2 SM-N986U.

3 Q. Do you know what kind of phone this is, the SM-N986U?

4 A. Yes.

5 Q. What is that kind of phone?

6 A. It's a Note20 Ultra 5G.

7 Q. Okay. Which is different than Tracy Wade's phone?

8 A. That's correct.

9 Q. What else can you tell from this slide?

10 A. We can tell that there are logins via the 184 IP address
11 to Carolyn Wade's USAA account on the same day that there are
12 logins from that 184 IP address to her Womply portal. And if
13 you look at the very bottom right of that screen, we can see
14 that Carolyn Wade took her selfie verification photos through
15 Persona with a device that was an Android 11 on a Chrome
16 mobile browser, Model Number SM-N986U, which is that Note20
17 Ultra 5G phone that she maintained on the Verizon Wireless
18 network on May 13, 2021.

19 Q. So these are the same five logins that we looked at as 515
20 but with a little more detail about the device that was used
21 to perform those logins?

22 A. That's correct.

23 Q. Now we're moving to slide 17. What do we have here?

24 A. These are Womply transactions that occurred on Carolyn
25 Wade's Womply portal. So, again, these are going to be

1 modifications or creations within her portal to her
2 application, all of which on this page were done via the IP
3 address ending in .166, which as we know from the AT&T record,
4 on the bottom of the screen, was maintained by the Wade
5 Funeral Home on this day, May 13, 2021.

6 Q. Moving to slide 18, still on May 13, 2021, what is the
7 information we're looking at on slide 18?

8 A. We're looking at different transactions that occurred
9 within Carolyn Wade's Womply portal from an IP address ending
10 in .18. That IP address, as we can tell --

11 Q. Can you say the last three again?

12 A. 184. Sorry.

13 Q. That's okay. Keep going.

14 A. As we can tell from the bottom left of the screen on that
15 Verizon letter, that IP address ending in .184 was owned and
16 maintained by Verizon at this time of which Carolyn Wade was a
17 customer of. And then if we look to the right of the screen,
18 on the bottom, we see Carolyn Wade's USAA account had three
19 logins that same day via an IP address ending in .184 from an
20 Android app.

21 Q. And how many transactions occurred on May 13, 2021, in
22 Carolyn Wade's PPP loan application from this IP address
23 ending in 184?

24 A. I think it's 15 transactions.

25 Q. You can count them.

1 A. Yeah, 15 transactions.

2 Q. Okay. Moving to slide 19, what do we have here?

3 A. This is the first attempt that Carolyn Wade made, which
4 was unsuccessful, at taking her selfie verification photos for
5 Persona. As you can see, the pictures were taken on May 13,
6 2021, from an Android device, Model Number SM-N986U, which we
7 know is the Note Ultra 5G phone, which Carolyn Wade had on the
8 Verizon Wireless network at this time.

9 She took these pictures via an IP address ending in
10 .184. Again, that's an IP address that was owned by Verizon,
11 at this time only accessible to by Verizon Wireless customers.

12 Q. And is that the same IP address that we looked at in slide
13 18 that was doing those transactions ending in 184?

14 A. Yes.

15 Q. Now let's move to slide 20. What's the information
16 displayed here?

17 A. This is Carolyn Wade's second and successful attempt at
18 taking her selfie photos in order to verify her identity
19 through Persona. She did so via an IP address ending in 184.
20 You can see that on the right-hand side of the screen in the
21 Persona record.

22 Those pictures were taken on an SM-N986U model phone,
23 which we know is a Note20 Ultra 5G per the Verizon record on
24 the bottom of the screen. And again, these pictures were
25 taken via an IP address ending in .184. If you look to the

1 bottom left of the screen, that Verizon letter states that
2 that same IP address ending in .184 was owned and maintained
3 by Verizon at this time in which Carolyn Wade was a Verizon
4 Wireless customer.

5 Q. And that's the same IP address that she used and the same
6 phone that she used with respect to her first attempt to take
7 selfies and identify her identity?

8 A. That's correct.

9 Q. Now we're on slide 21. What happened here on May 13,
10 2021?

11 A. These are multiple events that occurred on Carolyn Wade's
12 Womply portal for her PPP loan application. Again, events are
13 anytime somebody uploads a document to their application or
14 links a bank account to their application.

15 Here, she did multiple of those, three of each. She
16 linked three bank accounts and uploaded three bank documents,
17 all from an IP address ending in .184, which as we know by the
18 Verizon letter on the bottom left of the screen was a Verizon
19 IP owned by Verizon at that time.

20 And then if you look in the user agent on the Womply
21 column, we can see that all of those events occurred via an
22 Android 11 SM-N986U, which we know is a Note20 Ultra 5G phone,
23 which is the same model number of the phone that was used to
24 take the selfie verification photos from Persona, as we can
25 see in the bottom right side of the screen.

1 Q. Moving down to slide 22, what happened here on slide 22?

2 A. This is a DocuSign certificate of completion for Tracy
3 Wade on the left-hand side of the screen. This is for an
4 envelope ID ending in D98B. So this is his first time signing
5 a DocuSign for his PPP loan application. He signed this
6 application via an IP address ending in 190, which as we can
7 tell from the right side of the screen, that Verizon letter
8 states that they owned and maintained that IP address, and it
9 was only accessible to Verizon Wireless customers during this
10 time.

11 Q. Okay. And in the header, have you converted the time in
12 which this was signed to Eastern Daylight from Pacific?

13 A. Yes, I did.

14 Q. We're now on slide 23. Is this a record that we looked at
15 a little bit earlier in your testimony?

16 A. Yes.

17 Q. Okay. Let's walk through it again.

18 A. This is the envelope history ID for envelope ID D98B.
19 Again, it shows when Tracy Wade opened the application, viewed
20 his application, signed his application, and on multiple
21 occasions received copies of that full envelope ID, which
22 included the application, the certificate of completion for
23 his PPP loan application.

24 Q. Slide 24, what occurred here on May 18, 2021, at 10:56 AM?

25 A. Carolyn Wade signed her first DocuSign for her PPP loan

1 application on May 18, 2021, via an IP address ending in .224,
2 which as we know from the right side of the screen, that
3 Verizon letter that we've been looking at, we can tell is a
4 Verizon IP, and the same day that she signs her PPP loan
5 application there's a login to her bank account -- to her USAA
6 bank account, also from an IP address ending in 224.

7 Q. And on slide 25, what information is there with respect to
8 that signing event?

9 A. This is the envelope history for the certificate of
10 completion that we just looked at on the previous slide ending
11 in BF27. We can see when Carolyn Wade opened -- opened the
12 application, viewed the application, signed the application,
13 and the four instances in which she viewed the application
14 after signing.

15 Q. And the last event on that sheet shows?

16 A. Shows that her husband, Tracy Wade, received a copy of
17 that full envelope ID, again, which includes the full
18 application and the certificate of completion.

19 Q. Moving to slide 26, we're now on May 19, 2021, at 1:06 PM.
20 What are we looking at here?

21 A. The left-hand side of the screen is the certificate of
22 completion for Tracy Wade's PPP loan application. This is now
23 the second certificate of completion.

24 Q. And did he sign this using a Verizon Wireless IP address?

25 A. He did. That IP address ended in 223, which, as we can

1 tell from the right side of the screen, that Verizon letter
2 says that was an IP address owned and maintained by Verizon
3 Wireless at the time when Tracy Wade was a customer.

4 Q. Moving to slide 27, is this the envelope history ID for
5 that signing event?

6 A. It is.

7 Q. Does that show that Tracy Wade opened and viewed and
8 signed his PPP loan application?

9 A. It does.

10 Q. Moving to slide 28, what do we have here?

11 A. This is a Womply email that was sent to both Carolyn and
12 Tracy Wade on May 19, 2021, at different times to their
13 respective email. To summarize, the email says that there are
14 multiple updates that Womply has regarding their PPP
15 applications, the first being that they're still processing
16 all of these applications to the SBA; the second, that they
17 may notice some changes within their application status; and
18 the third is asking them to contact Congress to request
19 additional funding for PPP loans, as they ran out.

20 Q. And what does it tell them or advise them in the last
21 sentence of paragraph 2?

22 A. "We anticipate that all application statuses will be
23 updated at the next 48 hours. If we email you asking you to
24 take action on your application, please do so."

25 Q. And both Carolyn and Tracy Wade separately received a copy

1 of that email?

2 A. They did.

3 Q. We're now on slide 29. What is this email here?

4 A. This is an email that was sent to both Carolyn and Tracy
5 Wade reminding them that their PPP loan applications were
6 incomplete.

7 Q. What is it asking them, if anything, to do?

8 A. To go in and continue their application if they want to
9 receive those funds.

10 Q. We're now on slide 30, which is another Womply login
11 attempt. Tell us about this one.

12 A. The top chart shows a login attempt by Carolyn Wade to her
13 Womply portal via an IP address ending in .130. If you look
14 at the bottom left-hand side of the screen and remember Alex
15 Rodriguez's testimony, he said that that IP address ending in
16 130 was maintained and owned by the Broward Sheriff's Office
17 and can only be accessed by those who have a Broward Sheriff's
18 account. And if you look to the right of the screen, the USAA
19 account belonging to Carolyn Wade, we see different logins
20 that occurred the same day in which her Womply portal was
21 logged on to, again, via the IP address ending in 130.

22 Q. The date of the login of her Womply was May 19, 2021?

23 A. Yeah.

24 Q. At what time?

25 A. 8:06 AM.

1 Q. And in the USAA, are you showing that that same address
2 was used at different times?

3 A. Yes, on different days.

4 Q. Okay. Slide 31 now, we're up to May 19, 2021. What
5 happened here?

6 A. Here, we can see that there were two logins to Tracy
7 Wade's Womply portal via an IP address ending in .84 and an IP
8 address ending in .82.

9 Q. And the one ending in 84, what is that IP address? Where
10 is that assigned to?

11 A. That's assigned to the Wade residence.

12 Q. And the IP address ending in 82, who owns that one?

13 A. Verizon Wireless.

14 Q. And what phone did Tracy Wade use to do these logins?

15 A. The Galaxy S21 U 5G.

16 Q. And what can you tell about that with respect to the
17 Persona record you have on the bottom left?

18 A. That was the same model number phone that was used to take
19 his selfie verification photos.

20 Q. We're now on slide 32. This is an email. Who received
21 this, when, and what is this about?

22 A. This is an email that was sent to Carolyn Wade from Womply
23 on May 19, 2021, letting her know the same things that we
24 looked at earlier; one, that they're still processing
25 applications; two, that they may see changes to the status in

1 their application; and three, that they should request from
2 Congress additional funds be added to the PPP money.

3 Q. Now, on slide 33, we're up to May 20, 2021. What happened
4 here?

5 A. Here, we see two login attempts into Tracy Wade's Womply
6 portal, one from an IP address ending in .4, which is an IP
7 address owned by Verizon at a time where Tracy Wade was a
8 Verizon Wireless customer. We can see that both of those
9 Womply logins occurred via a device, Model Number SM-G998U,
10 which we know from Verizon is the Galaxy S21 U 5G phone, the
11 same phone that Tracy Wade had at this time and the same phone
12 that if you look to the left of the screen we can see was used
13 to take his Persona verification photos.

14 Q. Moving to slide 34, still May 20, 2021, this is 4:57 PM.
15 What happened here?

16 A. This was an attempt to log into Carolyn Wade's Womply
17 portal. The one-time code was sent to her cellular phone
18 ending in 6800. The login occurred from an IP address ending
19 in .84 via an Android 11, SM-N986U model phone, which we know
20 is the Note20 Ultra 5G, on the bottom left of the screen.

21 The IP address that was used to conduct that login,
22 ending in .84, is an IP address that was owned by AT&T, which
23 Carolyn Wade was a customer of. The service provided for that
24 IP address was at her residence. If we look at the Persona
25 record in the middle of the screen to the right, we can tell

1 that that same device that was used to conduct that login was
2 the same device that Carolyn Wade took his selfie verification
3 photos for through Persona.

4 And if you look to the middle left of the screen, you
5 can see that on Carolyn Wade's USAA checking account there was
6 an Android app that logged into her account via an IP address
7 ending in .184, which, again, if you look at the bottom of the
8 right of the screen is an IP address that was assigned to her
9 house from AT&T.

10 Q. Now we're on slide 35, May 22, 2021. Is this another
11 login attempt?

12 A. Yes.

13 Q. And what was the IP address that was used for this login
14 attempt?

15 A. 174.211.171.127.

16 Q. And that's a Verizon Wireless IP address?

17 A. It is.

18 Q. And the model phone that was used for this login, is that
19 Carolyn Wade's cell phone model?

20 A. It is.

21 Q. Is it the same phone that she used to conduct her selfie
22 photographs for identity verification?

23 A. It is.

24 Q. And on May 22, 2021, were there additional logins to her
25 USAA account using that same IP address owned by Verizon?

1 A. There was.

2 Q. Now we're on slide 36, which is another email. Who are
3 the two people that received this email?

4 A. Both Carolyn and Tracy Wade.

5 Q. What is the nature of this email?

6 A. This is an email from Womply, again, to Carolyn and Tracy
7 Wade letting them know they need to go in and DocuSign their
8 applications.

9 Q. We're now on slide 37. We're up to May 25, 2021,
10 11:10 AM. What happened here?

11 A. This was a login attempt to Tracy Wade's Womply portal
12 that occurred from an IP address ending in 194. As we can
13 tell from the Verizon letter, on the bottom right of the
14 screen, that IP address ending in 194 was owned and maintained
15 by Verizon at a time where Tracy Wade was a Verizon Wireless
16 customer. And the login was conducted via a mobile device
17 Model Number SM-G998U, which we know is the same device that
18 took the Persona verification photos for Tracy Wade.

19 THE COURT: All right, sir. I'm going to stop you
20 there. We are recessing for today.

21 And tomorrow, many of you will recall that one of the
22 jurors had a doctor's appointment in Kendall during voir dire.
23 So we're going to start tomorrow morning at 10:30 AM.
24 10:30 AM.

25 Remember not to discuss the case in any way. Have a

1 good evening.

2 (Jury exited at 3:00 PM.)

3 THE COURT: You may step down.

4 Any additional matters?

5 MR. SNIDER: Not from the Government.

6 THE COURT: Do you know now how long you anticipate
7 your case is going to take from this point forward,
8 approximately?

9 MR. SNIDER: No more than an hour.

10 THE COURT: All right. So that means tomorrow, late
11 morning, hopefully, we will conclude the Government's case in
12 chief; correct?

13 MR. SNIDER: Yes, that's correct.

14 THE COURT: And then there are motions that I will
15 have to entertain, and then we should be ready for the defense
16 case in chief.

17 Earlier, Defense, you predicted about three hours for
18 your case, which means we should conclude all of the evidence
19 tomorrow.

20 If you give us your email addresses, we can send you
21 a draft of the instructions, so you will have those a little
22 later. Now, there's one instruction -- so, Government, you
23 proposed a deliberate ignorance instruction. Are you
24 persisting with that or do you want to wait to see what
25 happens with the defense case in chief?

1 MR. SNIDER: We'll wait to see what happens with the
2 defense --

3 THE COURT: All right.

4 MR. SNIDER: -- case in chief.

5 Judge, with respect to the schedule and the
6 allocation of time -- maybe I missed this -- I'm not sure we
7 took into account the defense's cross-examination of the
8 agent. I have about no more than an hour left of my direct --

9 THE COURT: Good point.

10 Any idea?

11 MR. WILCOX: No more than an hour and a half.

12 THE COURT: All right. So we'll have to see where we
13 are tomorrow afternoon, and then that will tell us what
14 happens on Friday, knowing that we have to end at least any
15 portion of the trial by 2:30. If for some reason we've gotten
16 beyond that point and the jury is deliberating, they can stay
17 as late as they like. I'm not sure we're going to get there.

18 And I'm going to ask the defense counsel to come
19 sidebar for one quick moment regarding scheduling. All right?
20 Have a good evening.

21 You're going to get a draft of the instructions, but
22 we'll get a chance to go through them in detail. So it's just
23 simply a draft this afternoon.

24 (Proceedings adjourned at 3:04 PM.)

25

CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcription of the record of proceedings in the above-entitled matter prepared from my stenotype notes.

DATE: 14th of May, 2025

/s/Lance W. Steinbeisser

Lance W. Steinbeisser,
FCRR, RPR, FPR-C
Official Court Reporter
United States District Court
Southern District of Florida
Miami, Florida

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