

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR-60173-KMW

UNITED STATES OF AMERICA, Miami, Florida
Plaintiff, October 17, 2024
vs.
10:52 AM - 4:11 PM
CAROLYN DENISE WADE and DAY 5
TRACY D. WADE,
Defendants. Pages 1 to 144

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

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MARKED

ADMITTED

1000.1

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1 (Call to the Order of the Court.)

2 (Jury entered at 10:52 AM.)

3 THE COURT: Good morning, ladies and gentlemen.

4 THE JURY: Good morning.

5 THE COURT: We are ready to continue with the trial,
6 Mr. Snider.

7 MR. SNIDER: Thank you, Your Honor.

8 CONTINUED DIRECT EXAMINATION

9 BY MR. SNIDER:

10 Q. Agent DiPietrantonio, good morning.

11 A. Good morning.

12 Q. When we ended yesterday, we were going through a number of
13 slides that you had put together in a demonstrative aid for
14 the jury; is that right?

15 A. That's correct.

16 Q. And I believe that we had left off on slide 37?

17 A. Yes.

18 Q. Okay. And just to remind everyone here what we're doing,
19 the information that's in this demonstrative aid, is this
20 generally in chronological order?

21 A. It is, yes.

22 Q. And there's a few different types of activity that you
23 have put into the demonstrative aid from records that you
24 obtained from Womply?

25 A. That's correct.

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1 Q. Just remind the jury. When you say "a login attempt,"
2 what are you referring to in the demonstrative aid?

3 A. So to be able to access Womply's portal, you had to, one,
4 log onto their website, two, enter either your phone number or
5 your email address. Womply would then send you a one-time
6 short-lived code, valid for ten to fifteen minutes. And then
7 you would have to enter that code onto your screen in order to
8 gain access to your PPP application. So when I refer to
9 logins, that's the action I'm speaking about.

10 Q. Okay. And if we look on slide 37, which is displayed
11 right now on all the screens, do you see where it says
12 "identifier"?

13 A. Yes.

14 Q. Is that either the phone number or email address to which
15 the one-time code would have been sent in order to perform the
16 login?

17 A. That's correct.

18 Q. And do you see the column where it says "success"?

19 A. Yes.

20 Q. If it's true there, what does that mean?

21 A. That means that the person successfully gained access to
22 their portal.

23 Q. In addition to logins, you've also put into this
24 demonstrative what you're describing as transactions?

25 A. Yes.

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1 Q. Remind the jury what you mean when you say, "Womply
2 transactions."

3 A. Transactions are anytime somebody logged on to their
4 portal and made an amendment or a modification to their
5 application. So anytime they entered their name, their
6 address, their email, their phone number, those are all listed
7 as different transactions within Womply's transaction
8 spreadsheet.

9 Q. So if the user logged in but didn't do anything, it would
10 be captured only in the login?

11 A. That's correct.

12 Q. And if a user logged in and actually made a change, the
13 application would be captured in the transactions?

14 A. In the login, correct.

15 Q. In the login.

16 And there's a third category that you've put on here,
17 which is event. Remind the jury what you mean by events.

18 A. Events can be one of three things. They can be whenever a
19 document was uploaded. So borrowers had to upload a bank
20 statement in order to receive funds from the PPP program.
21 That could be one of the reasons.

22 The second reason could be that they linked a bank
23 account via that Plaid service that Aman Thakral from Womply
24 spoke about. The third thing could be that they initiated
25 their Persona verification that Lindsey Bergh spoke about.

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1 Q. And the information that is displayed here in the aid all
2 come from government's exhibits, and that's indicated by the
3 source of the exhibit from which you took it from?

4 A. That's correct.

5 Q. And how did you get it from the source, the exhibit
6 itself, into this aid?

7 A. I just copy and pasted the chart or a portion of the chart
8 from Womply.

9 Q. Okay. And other than a couple of highlights and a
10 conversion of time from UTC to EDT with respect to the slides
11 that we're looking at here, did you make any other changes?

12 A. No, I did not.

13 Q. All right. So why don't we just go over again -- and
14 slide 37, this is a login attempt May 25, 2021, at 11:10 AM.
15 What happened here?

16 A. So somebody logged on to Tracy Wade's PPP application
17 after being sent that one-time short-lived code to his phone
18 number. They did so via an IP address ending in .194, which
19 is an IP address owned by Verizon, as we can tell from the
20 bottom right Verizon letter on the screen.

21 If you look to the top of Womply's screen under the
22 user agent, we can tell that that login was conducted via an
23 Android 11, Model Number SM-G998U, which we know from, again,
24 the Verizon records is a Galaxy S21 U 5G phone, which Tracy
25 Wade owned at this time, and it's the same device that took

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1 the pictures of Tracy Wade when he did his Persona
2 verification photos.

3 Q. Okay. Let's move on to slide 38. Is this another login
4 attempt using that same phone that Tracy Wade had at the time?

5 A. It is, yes.

6 Q. And was it a login performed on Verizon Wireless's
7 network?

8 A. It is, yes.

9 Q. And is that the same phone that Mr. Wade used to perform
10 his selfies for the Persona?

11 A. That's correct.

12 Q. We're now on slide 39. What is this login attempt?

13 A. This is a login attempt where the one-time short-lived
14 code was sent to the email ckidd1226@gmail.com, which we know
15 belongs to Carolyn Wade. That email address was used to log
16 into her Womply portal at 10:49 AM on May 27 via an IP address
17 ending in .130, which we know from Alex Rodriguez's testimony
18 is the IP address maintained by BS0, the same IP that you have
19 to be on a private network and have credentials to log into.

20 And then on a different day but still Carolyn Wade's
21 bank account, the USAA bank account, there were other logins
22 via that same IP address ending in 130 that belongs to BS0.

23 Q. And that's Carolyn Wade's account at USAA bank that
24 performed that login from that same IP on a different day?

25 A. That's correct.

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1 Q. Now we're on slide 40, and this is on May 28, 2021. The
2 time you've noted is 12:33 AM EDT. What happened here?

3 A. This is now the third DocuSign related to Tracy Wade's PPP
4 application that he signed via an IP address ending in .92.
5 If you look to the right of the screen, you'll see that same
6 Verizon letter we've been looking at, and we can tell that
7 that IP address ending in .92 belongs to Verizon and can only
8 be accessed by Verizon Wireless customers, of which Tracy Wade
9 was at that time.

10 Q. Turning to slide 41, is this the additional detail that
11 you received from DocuSign about the signing event that you
12 just described being performed on Verizon, signed by Tracy
13 Wade?

14 A. Yes, it is.

15 Q. Does it show that Mr. Tracy Wade opened, viewed, and
16 signed this PPP application?

17 A. It does.

18 Q. We're now on slide 42, May 28, 2021, at 5:15 PM. What
19 happened then?

20 A. If you look at the top left of the screen, that's another
21 DocuSign certificate of completion for Carolyn Wade's PPP loan
22 application that was signed on May 28 at 5:15 PM via an IP
23 address ending in .84, which as we know by AT&T is the IP
24 address that was providing service to the Wade household in
25 Davie, Florida. That same day there are -- I apologize. The

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1 day before, actually, there were additional logins to Carolyn
2 Wade's USAA bank account via that same IP address ending in
3 .84.

4 Q. And this is the first or the second PPP loan application
5 that Carolyn Wade signed?

6 A. This is the second.

7 Q. We're now on slide 43. Is this the additional information
8 you received from DocuSign about Carolyn Wade's signing event
9 of her second PPP loan application?

10 A. It is.

11 Q. And how many times does it show that Carolyn Wade viewed
12 it before she signed it?

13 A. She viewed it one time before signing it.

14 Q. How many times does it show she viewed her PPP loan
15 application, the second one, after she signed it?

16 A. She viewed it three times after signing it.

17 Q. Did Tracy Wade, according to this record, receive a
18 printable copy of his second PPP loan application?

19 A. He did, yes.

20 Q. We're now on slide 44. What is depicted here from June 3,
21 2021?

22 A. This is the screenshot of the proceeds of the PPP loan for
23 Tracy Wade going into his USAA bank account and the subsequent
24 transaction, the Zelle payment, to Haydee Granados being sent
25 to her for a thousand dollars on that same day.

1 Q. And this is from the account that we looked at yesterday
2 at the beginning of your testimony?

3 A. That's correct.

4 Q. Which is not the account for the business Wade Funeral
5 Home?

6 A. Correct.

7 Q. We're on slide 45. Is this one of the check images that
8 we looked at yesterday?

9 A. It is, yes.

10 Q. When was this check written?

11 A. June 4, 2021.

12 Q. Who wrote it?

13 A. Tracy Wade.

14 Q. Who did he write it to?

15 A. The Wade Funeral Home.

16 Q. And what did he write in the memo?

17 A. Payroll week.

18 Q. And in relation to the receipt of the PPP loan proceeds
19 that we just looked at, when did this occur?

20 A. This occurred the day after.

21 Q. Moving to slide 46, is this one of the checks we looked at
22 yesterday that's in Government Exhibit 307?

23 A. Yes.

24 Q. Who wrote it?

25 A. Tracy Wade.

1 Q. Who did he write it to?

2 A. The Wade Funeral Home.

3 Q. Does it appear to be his signature?

4 A. It does.

5 Q. And can you read the memo?

6 A. To me it looks like "the reimbursement."

7 Q. Okay. What's the date of this check?

8 A. June 5, 2021.

9 Q. So is that the next day after the previous check?

10 A. Yes. This is now two days after the loan proceeds went
11 into his account.

12 Q. Now we're on slide 47, looking at the login attempt on
13 June 5, 2021, at 6:54 AM Eastern Daylight Time. Can you
14 describe what's happening here?

15 A. Sure. This was a login attempt to Carolyn Wade's Womply
16 portal on June 5, 2021, via an IP address ending in .84. As
17 we know from AT&T, if you look at the bottom left of the
18 screen, was the IP address that provided service to the Wade
19 household. If you look to the right of the screen in the
20 center, you can see that there were multiple USAA bank logins
21 to Carolyn Wade's bank account from that same IP address
22 ending in .84 on the same day that this login occurred.

23 And then if you look at the user agent on top on that
24 Womply spreadsheet snippet, we can tell that that login
25 occurred via an Android 11, Model Number SM-N986U, which we

1 know from Verizon, towards the bottom right of the screen, was
2 the same model number phone that Carolyn Wade had at this
3 time. And if you look to the very bottom right of the screen,
4 we can tell that that's also the same model number that took
5 the Persona verification photos for Carolyn Wade.

6 Q. Now we're on slide 48, looking at activity from June 7,
7 2021. What happened then?

8 A. This is the day that the proceeds of the PPP loan went
9 into Carolyn Wade's bank account. And then I also have the
10 subsequent Zelle transaction to Haydee Granados for a thousand
11 dollars that was submitted that same day.

12 Q. And this is from the account that we looked at in
13 Government 303 yesterday?

14 A. That's correct.

15 Q. And that is not a bank account for 1 Step A-Head, is it?

16 A. It is not, no.

17 Q. Now we're on slide 49. Is this one of the checks that we
18 looked at yesterday?

19 A. It is.

20 Q. Who wrote it?

21 A. Carolyn Wade.

22 Q. Who is it payable to?

23 A. Carolyn Wade.

24 Q. What is the date?

25 A. June 8, 2021.

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1 Q. When is that in relation to receipt of the PPP loan
2 proceeds for Carolyn Wade?

3 A. It's the next day.

4 Q. And what is the memo?

5 A. Salary.

6 Q. Is this drawn from the same account that received the PPP
7 loan proceeds to Carolyn Wade?

8 A. It is, yes.

9 Q. We're now on slide 50. Is this one of the checks we
10 looked at yesterday?

11 A. Yes, it is.

12 Q. Who wrote it?

13 A. Carolyn Wade.

14 Q. Who is it to?

15 A. Tracy Wade.

16 Q. And what is the memo?

17 A. Salary.

18 Q. How much is it for?

19 A. \$1,000.

20 Q. The same account --

21 A. Yes.

22 Q. -- that we just looked at?

23 A. Yes.

24 Q. We're now on slide 51. Is this one of the checks we
25 looked at yesterday?

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1 A. Yes, it is.

2 Q. Who wrote this check?

3 A. Tracy Wade.

4 Q. Who is it to?

5 A. The Wade Funeral Home.

6 Q. And what's the date?

7 A. June 11, 2021.

8 Q. And the amount?

9 A. \$3,889.50.

10 Q. What's the memo for this one?

11 A. Payroll number 26/11.

12 Q. We're on slide 52. Is this one of the checks we saw
13 yesterday?

14 A. It is.

15 Q. Who wrote it?

16 A. Tracy Wade.

17 Q. Who did he make it payable to?

18 A. The Wade Funeral Home.

19 Q. The amount?

20 A. \$3,889.50.

21 Q. And what was the memo for this one?

22 A. Payroll week of 6/11.

23 Q. Let me go back to slide 51. Is it the same date as slide
24 51?

25 A. It is, yes.

1 Q. We're now on slide 53. Is this one of the checks we saw
2 yesterday?

3 A. It is.

4 Q. Who wrote it?

5 A. Carolyn Wade.

6 Q. Who is it payable to?

7 A. Carolyn Wade.

8 Q. The amount?

9 A. \$1,000.

10 Q. And what's in the memo?

11 A. Salary.

12 Q. Did I ask you the date?

13 A. June 11, 2021.

14 Q. We're now on slide 54. Is this one of the checks we saw
15 yesterday?

16 A. It is.

17 Q. Who wrote it?

18 A. Carolyn Wade.

19 Q. Who is it payable to?

20 A. Carolyn Wade.

21 Q. What's the amount?

22 A. \$2,000.

23 Q. What's the memo?

24 A. Salary.

25 Q. What's the date?

1 A. June 16, 2021.

2 Q. Slide 55, is this one of the checks we saw yesterday?

3 A. It is.

4 Q. Who wrote it?

5 A. Carolyn Wade.

6 Q. Who is it payable to?

7 A. Tracy Wade.

8 Q. The amount?

9 A. \$1,000.

10 Q. The date?

11 A. June 17, 2021.

12 Q. And what's in the memo?

13 A. Salary.

14 Q. We're now on slide 56, looking at an email. Who was this
15 sent to?

16 A. Tracy Wade.

17 Q. Date and time?

18 A. June 24, 2021, at 2:34 AM.

19 Q. Who is it from?

20 A. Womply.

21 Q. And what is the gist of this email?

22 A. It's letting potential borrowers know that they ran out of
23 funding for the PPP program.

24 Q. We're now on slide 57. Is this one of the checks we saw
25 yesterday?

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1 A. It is.

2 Q. Who wrote it?

3 A. Carolyn Wade.

4 Q. Who is it payable to?

5 A. Tracy Wade.

6 Q. The amount?

7 A. \$1,000.

8 Q. The memo?

9 A. Salary.

10 Q. And what's the date of this check?

11 A. June 24, 2021.

12 Q. We're now on slide 58. Is this one of the checks we saw
13 yesterday?

14 A. It is.

15 Q. Who wrote it?

16 A. Carolyn Wade.

17 Q. What's the amount?

18 A. \$2,000.

19 Q. Who is it payable to?

20 A. Carolyn Wade.

21 Q. What's in the memo?

22 A. Salary.

23 Q. What's the date of this check?

24 A. June 25, 2021.

25 Q. We're on slide -- did I skip one? Okay. We're on

1 slide 57. Is this one of the checks we saw yesterday?

2 A. It is.

3 Q. And who wrote it?

4 A. Carolyn Wade.

5 Q. Who is it to?

6 A. Tracy Wade.

7 Q. What's the date?

8 A. June 24, 2021.

9 Q. The amount?

10 A. \$1,000.

11 Q. And what's it for?

12 A. Salary.

13 Q. We're on slide 58. Who's this check to?

14 A. Carolyn Wade.

15 Q. Who wrote it?

16 A. Carolyn Wade.

17 Q. What's the date?

18 A. June 25, 2021.

19 Q. What's the amount?

20 A. \$2,000.

21 Q. And in the memo?

22 A. Salary.

23 Q. We're now on slide 59. Is this one of the checks we saw
24 yesterday?

25 A. It is.

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1 Q. Who wrote it?

2 A. Carolyn Wade.

3 Q. Who is it payable to?

4 A. Tracy Wade.

5 Q. The amount?

6 A. \$1,000.

7 Q. What's it for?

8 A. Salary.

9 Q. Did I ask you the date?

10 A. No. It's July 1, 2021.

11 Q. We're now on slide 60. Is this one of the checks we
12 looked at yesterday?

13 A. It is.

14 Q. Who wrote it?

15 A. Carolyn Wade.

16 Q. Who is it payable to?

17 A. Carolyn Wade.

18 Q. The amount?

19 A. \$2,000.

20 Q. What's it for in the memo?

21 A. Salary.

22 Q. And the date?

23 A. July 2, 2021.

24 Q. Slide 61, is this one of the checks we saw yesterday?

25 A. It is.

1 Q. What's the date?

2 A. July 15, 2021.

3 Q. Who wrote it?

4 A. Carolyn Wade.

5 Q. Who is it payable to?

6 A. Carolyn Wade.

7 Q. The amount?

8 A. \$2,400.

9 Q. And what is in the memo?

10 A. Salary.

11 Q. Was this the last of the checks that you saw like this
12 written by Carolyn Wade to herself or Tracy Wade for a memo
13 salary?

14 A. Yes, it was.

15 Q. Now we're on slide 62, which appears to be another login
16 attempt into Tracy Wade's PPP loan application on July 26,
17 2021, at 5:26 PM Eastern Daylight Time. What was used during
18 this login?

19 A. An Android 11, Model Number SM-G998U.

20 Q. Whose phone is that?

21 A. Tracy Wade's.

22 MR. WILCOX: Objection, Judge. That calls for
23 speculation.

24 BY MR. SNIDER:

25 Q. Is this the same phone --

1 THE COURT: Rephrase your question, please.

2 BY MR. SNIDER:

3 Q. Why don't you just tell us about what's going on in this
4 slide, July 26, 2021?

5 A. The same model phone that logged in via IP address ending
6 in .177, owned by Verizon, while Tracy Wade was a Verizon
7 customer, is the same phone device that Tracy Wade had at this
8 time. It's also the same device that took the selfie
9 verification photos of Tracy Wade for his PPP application.

10 Q. Okay. Now we're on slide 63, another login attempt at
11 July 26, 2021, at 5:51 PM to Carolyn Wade's PPP application.
12 What's the information you have shown here?

13 A. This login was conducted via an IP address ending in .200,
14 which is an IP address owned by Verizon Wireless, while
15 Carolyn Wade was a Verizon Wireless customer. That same day
16 that this login occurred, there was a login to her bank
17 account via IP address ending in .200.

18 The model number phone that logged in to her Womply
19 portal was Model Number SM-N986U, which we know from Verizon
20 is the Note20 Ultra 5G phone, the same phone that Carolyn Wade
21 had at this time.

22 Q. Slide 64, we're looking at an email. Who was it sent to?

23 A. Both Carolyn and Tracy Wade.

24 Q. And just the date on which it was sent?

25 A. August 7, 2021.

1 Q. And what is the gist of this email on slide 64?

2 A. It's letting both borrowers know that their lender has
3 prestaged their completed SBA PPP forgiveness application.

4 Q. And they received this in the middle of the night on
5 August 7?

6 A. That's correct.

7 Q. We're now on slide 65 looking at an event from August 7,
8 2021, 7:53 PM Eastern Daylight Time. What happened there?

9 A. So hours after that email was sent, Carolyn Wade DocuSigns
10 her PPP loan forgiveness application via an IP address ending
11 in .84. That same IP address is owned by AT&T and services
12 her residence.

13 And then a few days earlier, that same IP address is
14 used to log into her USAA bank account.

15 Q. We're now on slide 66. Is this the additional detail from
16 DocuSign about the signing event for Carolyn Wade's PPP
17 forgiveness application?

18 A. It is, yes.

19 Q. Does it show that she opened and viewed it before she
20 signed it?

21 A. That's correct.

22 Q. We're now on slide 67, looking at a DocuSign event from
23 August 7, 2021, at 7:56 PM Eastern Daylight Time. What
24 happened there?

25 A. A couple minutes later, Tracy Wade signs a forgiveness

1 application for his PPP loan via an IP address ending in .84,
2 the same as the last one, which we know is an IP address
3 servicing the Wade household.

4 Q. We're now on slide 68. Is this the additional DocuSign
5 information related to that signing event for Tracy Wade's PPP
6 forgiveness application?

7 A. Yes.

8 Q. Does it show that he opened and viewed it before he signed
9 it?

10 A. Yes.

11 Q. Now we're on slide 69. What information have you put onto
12 this slide?

13 A. These are phone calls between both Tracy Wade and Haydee
14 Granados.

15 Q. And what is the period of these calls?

16 A. May 4, 2021, through August 24, 2021.

17 Q. The phone numbers that were captured here as calls, do you
18 know what phone numbers -- without knowing the number
19 itself -- what type of phone was being used by Tracy Wade and
20 Haydee Granados?

21 A. Yes. The same phone that did the logins to the Womply
22 portal and conducted the selfie verification photos.

23 Q. So that's a cell phone?

24 A. Yes.

25 Q. And how many calls occurred between the cell phones of

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1 Tracy Wade and Haydee Granados, now known as Haydee Rivero,
2 from May 4, 2021, through August 24, 2021?

3 A. 28 calls.

4 Q. And the Verizon records from which this comes from in 806,
5 do those Verizon toll records include a period beyond August
6 and before May of 2021?

7 A. They do.

8 Q. In reviewing those call records, did you see calls, other
9 than what we're seeing here, between Tracy Wade and Haydee
10 Granados?

11 A. I did not.

12 Q. What's the longest call you see here?

13 A. It's eight minutes.

14 Q. And that happened on May 4?

15 A. Correct.

16 Q. Were there other calls on May 4?

17 A. Yes.

18 Q. Was there a call on May 5?

19 A. Yes.

20 Q. How long was that call?

21 A. Two minutes.

22 Q. Was there another call on May 5?

23 A. Yes.

24 Q. Was there a call on May 6?

25 A. Yes.

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1 Q. Another call on May 6?

2 A. Yes.

3 Q. A call on May 7?

4 A. Yes.

5 Q. Three calls on May 13?

6 A. Yes.

7 Q. A call on May 18?

8 A. Yes.

9 Q. A call on May 19?

10 A. Yes.

11 Q. A call on May 20?

12 A. Yes.

13 Q. A call on May 26?

14 A. Two. Yes.

15 Q. Two calls on May 27?

16 A. Yes.

17 Q. A call on June 1?

18 A. Yes.

19 Q. A call on June 3?

20 A. Yes.

21 Q. Another call on June 3?

22 A. Yes.

23 Q. Another call on June 3?

24 A. Yes.

25 Q. A call on June 7?

1 A. Yes.

2 Q. A call on July 2nd?

3 A. Yes.

4 Q. And another call on August 24?

5 A. Yes.

6 Q. We're now on slide 70. What is the information on
7 slide 70?

8 A. These are calls between Carolyn Wade and Haydee Granados.

9 Q. And how many are reflected here?

10 A. Three.

11 Q. And the dates of those calls?

12 A. June 7 and two on June 8.

13 Q. Do you remember the date on which Carolyn Wade received
14 the proceeds of her PPP loan?

15 A. It was June 7.

16 Q. Agent DiPietrantonio, did you put together a summary of
17 all the activity that we just went through in slides 1
18 through 70 of this demonstrative?

19 A. Yes.

20 Q. Did you do that for both Tracy and Carolyn Wade?

21 A. I did.

22 Q. Are we looking at the summary of activity performed by
23 Tracy Wade with respect to his PPP loan and the PPP loan for
24 Carolyn Wade that are identified in the top section of this
25 slide 71?

1 A. Yes.

2 Q. How many photos of Tracy Wade's driver's license were
3 uploaded to Persona during the identity verification for Tracy
4 Wade?

5 A. Two.

6 Q. And the model that was used to do that?

7 A. A Galaxy S21, Model SM-G998U.

8 Q. And the network that was used?

9 A. Verizon Wireless.

10 Q. How many selfie photos of Tracy Wade were taken during the
11 identity verification process?

12 A. Six.

13 Q. And what phone was used to do that?

14 A. A Galaxy S21, Model SM-G998U.

15 Q. And the network that was used?

16 A. Verizon Wireless.

17 Q. How many successful logins were there to Tracy Wade's PPP
18 loan application using either a cell phone model that Tracy
19 Wade had at the time or an IP address associated with Tracy
20 Wade?

21 A. 16.

22 Q. And what was the breakdown of those 16 logins?

23 A. Ten logins from the Verizon Wireless network all using the
24 Galaxy S21, Model Number SM-G998U; five logins from the Wade
25 Funeral Home; and one login from the Wade residence, again,

1 using the Galaxy S21, Model Number SM-G998U.

2 Q. How many logins to Carolyn Wade's PPP loan application
3 were done using an IP address associated with Tracy Wade?

4 A. Two.

5 Q. How many modifications, the transactions that you
6 testified about, were done to Tracy Wade's PPP loan
7 application using an IP address associated with Tracy Wade?

8 A. 13.

9 Q. And what was the breakdown of those 13?

10 A. 11 modifications done from the Verizon Wireless network,
11 of which he was a customer of, and two modifications from the
12 Wade Funeral Home.

13 Q. How many modifications to Carolyn Wade's PPP loan
14 application were performed using an IP address associated with
15 Tracy Wade?

16 A. 17.

17 Q. And where were all those done from?

18 A. The Wade Funeral Home.

19 Q. How many document events or uploads occurred to Tracy
20 Wade's PPP loan application using either a cell phone that
21 Tracy Wade had at the time or an IP address that was
22 associated with Tracy Wade?

23 A. Four.

24 Q. And what was the breakdown of those four?

25 A. Two bank statements were uploaded from the Wade Funeral

1 Home. One bank statement was uploaded from Verizon Wireless's
2 network using a Galaxy S21, Model Number SM-G998U, and one
3 bank account was linked via the Verizon Wireless network,
4 again using a Galaxy S21, Model Number SM-G998U.

5 Q. How many document uploads were done to Carolyn Wade's PPP
6 loan application using an IP address associated with Tracy
7 Wade?

8 A. One.

9 Q. How many signatures with the name Tracy Wade appeared on
10 PPP loan applications?

11 A. Five.

12 Q. And what was the breakdown of those five signatures?

13 A. Three signatures on the SBA Form 2483-C, which is the PPP
14 application; one signature on the PPP loan note, which was
15 signed on a Verizon Wireless network; and one signature on the
16 forgiveness form, the SBA Form 3508-S, signed on the AT&T IP
17 address servicing the Wade residence.

18 Q. How many initials of Tracy Wade appear on PPP loan
19 documents that were put on using DocuSign?

20 A. 38 initials.

21 Q. And what is the breakdown of those 38 initials of Tracy
22 Wade?

23 A. 36 were done on the initial PPP application and two were
24 done on the forgiveness application.

25 Q. You said 36 on the initial PPP application. Is that PPP

1 application, singular, or PPP applications, plural?

2 A. Plural.

3 Q. How many copies of a fully executed, signed and initialed,
4 SBA Form 2483-C PPP loan application were delivered to Tracy
5 Wade's email?

6 A. Two.

7 Q. How many Zelle payments did Tracy Wade make to Ms. Rivero,
8 then known as Haydee Granados?

9 A. One.

10 Q. The amount?

11 A. \$1,000.

12 Q. How many checks were written by Mr. Wade payable to either
13 the Wade Funeral Home for, quote, "payroll" or, quote,
14 "reimbursement" after receipt of the PPP loan proceeds?

15 A. Four.

16 Q. What was the total amount of those four checks?

17 A. \$13,408.

18 Q. How many emails did Tracy Wade receive from Womply?

19 A. 25.

20 Q. How many phone calls occurred between Tracy Wade and
21 Haydee Granados from May 2021 through August 2021?

22 A. 28.

23 Q. And how many one-time short-lived codes to log into
24 Womply's website were sent to Tracy Wade's cell phone number
25 during this period?

1 A. 30.

2 Q. We're now looking at slide 72. Does slide 72 summarize
3 the activity associated with Carolyn Wade with respect to
4 Carolyn Wade's PPP loan application that you have put into
5 this demonstrative summary?

6 A. Yes.

7 Q. How many photos of Carolyn Wade's driver's license were
8 uploaded to Persona during the identity verification component
9 of Carolyn Wade's PPP loan application?

10 A. 12.

11 Q. And what device was used to upload those 12 photos of
12 Carolyn Wade's driver's license?

13 A. The Samsung Note20 Ultra 5G, Model Number SM-N986U.

14 Q. And what network was used?

15 A. Verizon Wireless.

16 Q. How many selfie photographs of Carolyn Wade were taken
17 during the identity verification component of her PPP loan
18 application using Persona?

19 A. Six.

20 Q. What was the phone that was used to do all six?

21 A. A Samsung Note20 Ultra 5G, Model Number SM-N986U.

22 Q. What was the network that was used?

23 A. Verizon Wireless.

24 Q. How many successful logins to Carolyn Wade's PPP loan
25 application on Womply's website were performed using either a

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1 cell phone that Carolyn Wade had at the time -- the Samsung
2 Note20 Ultra 5G -- and/or an IP address associated with
3 Carolyn Wade?

4 A. 11.

5 Q. What was the breakdown of those 11 logins?

6 A. Seven were done from the Verizon Wireless network using
7 the Samsung Note20 Ultra 5G phone, Model Number SM-N986U. Two
8 were done from the Broward Sheriff's Office IP address ending
9 in .130, and two were done from the Wade residence, again
10 using the Samsung Note205G Ultra phone, Model Number SM-N986U.

11 Q. Now, the next summary here is the modifications to Carolyn
12 Wade's PPP application using either a cell phone that Carolyn
13 Wade had at the time and/or an IP address associated with
14 Carolyn Wade, and it says six here; right?

15 A. No, it's actually more than six.

16 Q. So I think we may have miscounted. Let's go back for a
17 second here to slide 18. Does this show the total number of
18 modifications which were described as transactions to Carolyn
19 Wade's PPP loan application using an IP address associated
20 with Carolyn Wade?

21 A. It does.

22 Q. And how many are here?

23 A. 15.

24 Q. So this number should be 15, not six?

25 A. Correct.

1 Q. How many documents were uploaded or other events occurred
2 to Carolyn Wade's PPP loan application using either Carolyn
3 Wade's cell phone model that she had at the time or an IP
4 address associated with Carolyn Wade?

5 A. Six.

6 Q. What was the breakdown of those six?

7 A. Three bank accounts were uploaded from the Verizon
8 Wireless network from the Samsung Note20 Ultra 5G phone, Model
9 Number SM-N986U, and three bank accounts were linked from a
10 Verizon Wireless network, again using the Samsung Note20 Ultra
11 5G, Model Number SM-N986U.

12 Q. How many DocuSign signatures of Carolyn Wade appear on PPP
13 loan documents for Carolyn Wade's PPP application?

14 A. Four.

15 Q. What was the breakdown of those four?

16 A. Two signatures on the PPP loan applications. That was SBA
17 Form 2483-C, one signature on the PPP loan note, and then one
18 signature on the Form 3508-S, which is the forgiveness
19 application.

20 Q. And the second signature was signed from where?

21 A. For the application?

22 Q. PPP loan note. Sorry.

23 A. From the Wade residence.

24 Q. And the forgiveness application?

25 A. Also from the Wade residence.

1 Q. How many initials appeared on PPP loan documents via
2 DocuSign that had Carolyn Wade's initials?

3 A. 26.

4 Q. What was the breakdown of those 26 initials of Carolyn
5 Wade on PPP loan documents?

6 A. 24 were done on the PPP applications and two were done on
7 the forgiveness application.

8 Q. According to the DocuSign records, how many times did
9 Carolyn Wade view her PPP loan application after she signed
10 it?

11 A. Six.

12 Q. How many Zelle payments did Carolyn Wade make to Haydee
13 Granados, now known as Haydee Rivero?

14 A. One.

15 Q. The amount?

16 A. \$1,000.

17 Q. How many checks were written by Carolyn Wade payable
18 either to herself or to her husband, Tracy Wade, with a memo
19 "salary" after receipt of the PPP loan proceeds in her bank
20 account?

21 A. Ten.

22 Q. What was the total of those ten checks?

23 A. \$13,900.

24 Q. And how many one-time codes were sent from Womply to
25 Carolyn Wade's cell phone number in order to log into

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1 Womply -- I should say cell phone number or email address?

2 A. 32.

3 MR. SNIDER: The Government tenders Agent

4 DiPietrantonio for cross-examination.

5 THE COURT: Very well.

6 CROSS-EXAMINATION

7 BY MR. WILCOX:

8 Q. Good morning, Agent DiPietrantonio.

9 A. Good morning.

10 Q. Did I get your name right?

11 A. Perfectly.

12 Q. I've been practicing.

13 A. I appreciate it.

14 Q. I want to start with your summary exhibit. I'm going to
15 utilize the ELM0 and focus it. And this is page 1. I guess
16 you guys were calling it slide one.

17 Now, if we go to column one, this identifier, that is
18 Mr. Wade's cell phone number, is it not?

19 A. That's correct.

20 Q. Now, then we have an IP address -- we have two IP
21 addresses connected with that identifier if we go to column
22 seven; is that right? -- column eight.

23 A. Yeah.

24 Q. Now, can you tell me whose IP address is at the top, the
25 one that ends in 229?

1 A. No, I cannot.

2 Q. Why not?

3 A. I don't know who that belongs to.

4 Q. Well, so you're saying it's not connected to Mr. Wade,
5 it's not connected to Mrs. Wade, it's not connected to Haydee
6 Granados?

7 A. No, that's not what I'm saying.

8 Q. You're saying you don't know who it is?

9 A. Correct.

10 Q. Why not?

11 A. Because I never subpoenaed that IP address.

12 Q. And why didn't you subpoena it?

13 A. Because I -- this case is very document heavy, and all
14 those documents and all the data tell the story of the loan,
15 and I didn't feel as though it was necessary to subpoena every
16 single IP address in this case.

17 Q. That IP address could belong -- could belong. I'm not
18 saying it does. It could belong to someone other than
19 Mr. Wade, Mrs. Wade, or Haydee Granados?

20 A. Absolutely it could.

21 Q. And that means somebody else could have accessed this
22 application other than Mr. Wade, Mrs. Wade, or Haydee
23 Granados?

24 A. Not without Mr. Wade first sending that short-lived code
25 to that person.

1 Q. Or to Haydee Granados and Haydee Granados sending it to
2 somebody really quick?

3 A. That's correct, yes.

4 Q. And just to kind of refresh my recollection, 166, how do
5 we connect that IP address ending in 166 to Mr. Wade?

6 A. That IP address, per the AT&T records, is where service is
7 provided to the Wade Funeral Home, the business owned by Tracy
8 Wade.

9 Q. Okay. 166 is Wade Funeral Home?

10 A. That's correct.

11 Q. Again, page 2 references Womply transactions; correct?

12 A. That's correct.

13 Q. Okay. And we have a remote address that ends in an IP
14 address under the second column, which is remote address.
15 What is that, the remote address?

16 A. That's the IP address in which that transaction was
17 conducted from.

18 Q. Okay. And whose IP address is that?

19 A. That's the same one, I believe, we looked at on the last
20 slide, and I do not know.

21 Q. That is the same one. And we don't know who it is.

22 Again, it could be someone other than Mr. Wade, Mrs. Wade, or
23 Haydee Granados?

24 A. It could be or it could be one of the three of them on a
25 public network.

1 Q. Yeah, but the point is we don't know.

2 A. That's correct; we do not know.

3 Q. Now, page 3, we have multiple logins from the IP address
4 associated with the Wade Funeral Home; is that right?

5 A. That's correct.

6 Q. Okay. Can you tell us the purpose of those logins?

7 A. They were transactions. They were not logins.

8 Q. Okay. What transactions?

9 A. I would have to see the Womply spreadsheet -- the very
10 large spreadsheet which says what was modified in the
11 application at the time.

12 Q. But this doesn't show what was modified in the
13 application?

14 A. No.

15 Q. This page?

16 A. No. I can just tell you that at that time and date there
17 was a modification --

18 Q. Excuse me, ma'am, I didn't ask that. I said this page.

19 The question was this page doesn't show you what modifications
20 were made --

21 A. That's correct.

22 Q. -- is that right?

23 A. Correct.

24 Q. And I know this -- just bear with me.

25 Is this the same thing that we saw in the previous

1 page?

2 A. No. This is now an event.

3 Q. Okay. These are events. But what event took place? I
4 understand this is from the Wade Funeral Home IP address --
5 this IP address is associated with the Wade Funeral Home.
6 What event took place?

7 A. These were two document uploads that were added to the
8 Womply portal for Carolyn -- I'm sorry -- for Tracy Wade.

9 Q. What documents were uploaded?

10 A. It doesn't say the document identifier.

11 Q. Oh.

12 A. The name is on that sheet, but I don't know the
13 specific --

14 Q. Does this document identify a red ribbon, that it ends in
15 redribbon.PDF? Do you know what that is?

16 A. Correct. That's the first one.

17 Q. And the second one is black PDF -- black.PDF; right?

18 A. Correct.

19 Q. What document is that?

20 A. I would have to see what documents were uploaded to the
21 Womply portal --

22 Q. Not shown on this summary, though?

23 A. Not on this page, no.

24 Q. This says Womply events. What exactly does that mean?

25 A. That's, again, anytime a user uploads a document to their

1 account or it links a bank account to their portal.

2 Q. And this is referencing Carolyn Wade's application?

3 A. That's correct.

4 Q. Okay. Can you tell from this page what document was
5 uploaded?

6 A. The first one was a bank document, and then the second
7 time there's a login on that page, a bank account was linked
8 to her Womply portal.

9 Q. Now, and that came from the Wade Funeral Home, not
10 Ms. Wade; right? I mean, not -- let me rephrase the question.

11 This was uploaded from the Wade Funeral Home, not an
12 IP address from the Wade home or an IP address connected with
13 Ms. Wade's cell phone number?

14 A. That's correct.

15 Q. Well, now one other question with respect to this. This
16 doesn't suggest anything -- this page by itself doesn't
17 suggest anything nefarious or criminal, does it?

18 A. No, not at all.

19 Q. I'm messing up my sequence. It's got to be ELM0, lectern.

20 Now, showing you page 6 of your summary, and it
21 shows -- well, what -- I mean, this is relating to the Tracy
22 Wade application Womply event that occurred on May 5, 2021.

23 Can you tell me how IP address 17228132.36 -- how do
24 you determine that's connected to Mr. Wade?

25 A. I cannot determine who that's connected to. All Verizon

1 said is that they owned that IP address at that time, and it
2 was only available to Verizon Wireless customers, which, at
3 the time, Tracy Wade was.

4 Q. Okay. I need to try to unpack that a little bit.

5 We know from Government Exhibit 805 -- right? -- that
6 Verizon owns this IP address?

7 A. That's correct.

8 Q. Is it associated with a particular device?

9 A. No. Not a particular device, no.

10 Q. What is it associated with? Just Verizon?

11 A. Just Verizon, correct.

12 Q. So you mean, several devices could have this IP address?

13 A. They could use that same IP address.

14 Q. Several devices could use this same IP address?

15 A. I believe so, yes, if they were on the same network within
16 Verizon.

17 Q. So if several people can use this IP address, how do we
18 know this is Mr. Wade conducting this transaction or this
19 event?

20 A. I don't believe I said that was Mr. Wade conducting that
21 transaction.

22 Q. But it's highlighted?

23 A. It is.

24 Q. Okay. Why is it highlighted?

25 A. I'm trying to signify that the IP address was owned by

1 Verizon at a time where Tracy Wade was a Verizon Wireless
2 customer. And the user agent shows us that the device that
3 conducted that transaction was the same device that Tracy Wade
4 owned on the Verizon Wireless network at that time.

5 Q. The last part. Could you repeat the last part again?

6 A. Sure.

7 If you look at the user agent, it says Android 11,
8 SM-G998U, and if you look just underneath the Womply chart,
9 there's a Verizon record that says Tracy Wade, his phone
10 number, and the make and model of that phone. That's a Galaxy
11 S21 U 5G. The Galaxy S21 U 5G is synonymous with a make and
12 Model Number SM-G998U.

13 Q. How do you know that they're synonymous?

14 A. Because it says so on the Verizon records.

15 Q. So that would be Exhibit 156?

16 A. I don't recall the exact number. I apologize.

17 Q. That source right there? I'm sorry.

18 A. 156 is referring to the Persona record right above it.

19 Q. Okay. Well, where is the source that shows that the phone
20 is owned -- what exhibit shows that the phone -- that model
21 phone is owned by Tracy Wade?

22 A. That's not -- well, one is 806, and the second is not on
23 this page. It was in the records that Dion Morrow, the
24 representative from Verizon, spoke about.

25 Q. So there's no source on this page that will link that

1 model phone to Tracy Wade?

2 A. 806 is one of them.

3 Q. Excuse me. Let's talk about what 806 is. 806 says that
4 Verizon owns this IP address?

5 A. No, 805 says that Verizon owns that IP address.

6 Q. Well, that's what this says, 805.

7 A. Correct.

8 Q. So 805 says that Verizon owns the IP address?

9 A. Correct.

10 Q. Okay. So what source or exhibit shows that Mr. Wade owns
11 this model phone?

12 A. 806 is one of them. And then there's another one that
13 Dion Morrow spoke about that is not on this slide that also
14 lists the model number for the Galaxy S21 U 5G phone.

15 Q. I'm going to ask the Government to publish 806. Maybe not
16 now -- if you can do it on the screen. Okay. I'll keep
17 moving.

18 Going back to page 6, were you able to determine this
19 IP address, 76.110.183.125?

20 A. I believe that's the IP address that was associated to
21 Haydee Granados.

22 Q. Haydee Granados.

23 So what was she doing on this day, on May 5?

24 A. It looks like there was a file that was uploaded or three
25 files that were uploaded, and then the Persona inquiry began

1 but was not completed.

2 Q. Okay. So Haydee was somehow -- I mean, Ms. Granados, now
3 known as Ms. Rivero, was involved with the Persona upload in
4 Mr. Wade's PPP application?

5 A. Not really. She initiated it. And if you look at the
6 first session that Lindsey Bergh spoke about on the Persona
7 records, you may remember that that session, nothing was
8 really completed. Only the sessions where the selfie pictures
9 were taken, which there were two, show any kind of activity
10 within the Persona record.

11 Q. But would it be fair to say that Ms. Rivero, formerly
12 known as Ms. Granados, initiated the Persona identity
13 verification?

14 A. She opened it but nothing actually happened. There was no
15 action that was taken.

16 Q. Again, we have IP address ending in 36 and IP address
17 ending in 125, which I believe you said is associated with
18 Haydee Rivero, formerly known as Haydee Granados; is that
19 right?

20 A. That's correct.

21 Q. Can you tell us what these transactions are?

22 A. They're modifications or creations within Tracy Wade's PPP
23 portal for Womply.

24 Q. What kind of modifications?

25 A. I would have to see the bigger sheet. I couldn't fit the

1 whole thing on this demonstrative.

2 Q. It's not shown on this sheet?

3 A. No, it would be in source 162E.

4 Q. 162E?

5 A. Yes.

6 Q. One moment, Your Honor.

7 With respect to the devices, isn't there like a more
8 precise way to identify a particular cell phone, like a VIN
9 number, similar to an automobile VIN number?

10 A. I think you're referring to an IMEI, an international
11 mobile equipment identifier.

12 Q. Yes.

13 A. That was not retained by Womply.

14 Q. So you can't precisely define the device or the owner of
15 the device that engaged in these transactions; is that right?

16 A. That's correct. Just the make and model of the device
17 that was used.

18 Q. Okay. So this -- when we say that 36 is related to Tracy
19 Wade, it is kind of circumstantial evidence that we're dealing
20 with; right?

21 A. Are you referring to .36, the IP address?

22 Q. Yes.

23 A. So I don't know who is behind the IP address, only who it
24 was owned and maintained by and who was also on that network.

25 Q. Okay. So circumstantially, you're connecting IP address

1 36 with Mr. Wade?

2 A. I don't think I'm making that connection. I'm saying that
3 he was a Verizon Wireless customer. That was a Verizon
4 Wireless IP.

5 Q. That's all I'm going to get out of you.

6 Page 9, what does this page show? What's going on
7 here -- I'm sorry -- on page 9?

8 A. These are different login attempts that occurred to Tracy
9 Wade's Womply portal.

10 Q. And this IP address, whose IP address is that?

11 A. I don't know.

12 Q. Okay. But that IP address logged in to Womply -- in Tracy
13 Wade's Womply application?

14 A. It did.

15 Q. Page 10 is just an email to Mr. Wade giving him
16 instructions; correct?

17 A. That's correct.

18 Q. And again, these are Womply -- this page represents Womply
19 transactions occurring on May 6, 2021; is that correct?

20 A. That's correct.

21 Q. And just in case, you're not saying that this is
22 Mr. Wade's IP address?

23 A. No. I don't know who owns that IP address. Verizon
24 doesn't retain that information.

25 Q. Okay. And can you tell us what type of transactions are

1 going on on May 26?

2 A. I would have to see the full Excel that didn't fit on this
3 page.

4 Q. And this is, again, 162E?

5 A. Yes.

6 Q. But this page doesn't show the type of transactions that
7 were occurring -- let me put it back up, page 11. You can't
8 tell from looking at this page what transactions were
9 occurring?

10 A. You mean exactly what was modified in the application?

11 Q. Right.

12 A. Correct.

13 Q. Tell me what this is, page 12.

14 A. This is the first attempt that Tracy Wade made at
15 conducting his selfie verification photos via Persona.

16 Q. And that one failed?

17 A. This one failed, correct.

18 Q. How would this be reflected on the chart that keeps the
19 login attempts?

20 A. There would be a login prior to doing this, but then
21 everything would be memorialized in the Persona records.

22 Q. This wouldn't show up on your Excel as several different
23 events?

24 A. I don't believe so because I think once you took the
25 selfie pictures you were within Persona's application, not

1 Womply's.

2 Q. This one didn't go through?

3 A. Correct.

4 Q. That one failed and page 13 succeeded?

5 A. Correct.

6 Q. Is there an IP address associated with this activity?

7 A. It's not listed on this page, no.

8 Q. Was it listed on the prior page?

9 A. No.

10 Q. And page 14, there's an email to Mrs. Wade, Carolyn Wade,
11 advising her that her PPP loan needs her attention?

12 A. That's correct.

13 Q. And this happened on May 13?

14 A. Correct.

15 Q. Now, you advised me that the -- okay. On page 15, if we
16 go to the identifier, we either have Carolyn Wade's email --
17 is that right?

18 A. Correct.

19 Q. And her phone number?

20 A. Correct.

21 Q. Okay. So all that means is that all this has to do with
22 Carolyn Wade's application?

23 A. It has to do with the Womply portal. These were different
24 logins, and the identifier signifies where that short-lived
25 code was sent to that was needed to log into the portal --

1 Q. Thank you for reminding me about that.

2 So the identifier tells us where a code was sent to
3 and this IP address shows you who was actually in the Womply
4 portal; is that right?

5 A. Correct.

6 Q. Okay. And here we have IP address 72.158.234.34. Do we
7 know whose IP address that is?

8 A. I do not, no.

9 Q. So it could have been someone other than Ms. Granados,
10 Mr. Wade, or Mrs. Wade that entered the portal; is that right?

11 A. As long as they received the code that was sent to Carolyn
12 Wade's email, then yes.

13 Q. Or like I said before, it could have been sent to Haydee
14 Granados, and she may have sent it to somebody really fast,
15 within the time frame?

16 A. You're asking if Carolyn Wade could have sent the code to
17 Haydee and then Haydee could have sent the code to somebody
18 else?

19 Q. Yes.

20 A. I guess it's possible.

21 Q. Well -- one moment, Your Honor.

22 Now, on the bottom -- well, not on the bottom but
23 here and here, you have Haydee Granados's IP address; is that
24 correct?

25 A. That's correct.

1 Q. Okay. Now, can you tell us what activity this page
2 represents?

3 A. Logins.

4 Q. Logins?

5 A. Yes.

6 Q. Does it show anything other than there were logins?

7 A. Not on this page. This is just logins.

8 Q. Okay. So this page in and of itself does not suggest
9 anything nefarious or criminal?

10 A. No, it does not.

11 Q. Ma'am, can you explain -- and I guess it happened twice.
12 I think you did. You said this phone number -- this
13 identifier just represents who Womply sends the code to?

14 A. That's correct.

15 Q. Okay. And if the code was sent here, this person would
16 have to send the code to this IP address, the person to whom
17 this IP address belonged for them to enter the portal?

18 A. Correct.

19 MR. WILCOX: Your Honor, I'm going to need a minute.

20 BY MR. WILCOX:

21 Q. Okay. I believe page 16 shows logins from an IP address
22 that I believe you've associated with Carolyn Wade; is that
23 right?

24 A. No. I associated that IP address with Verizon Wireless.

25 Q. Okay. And again, when we have an IP address owned by

1 Verizon Wireless, it could be someone else actually using the
2 IP address; is that right?

3 A. As long as they were on the Verizon Wireless network and
4 had the same make and model phone that Carolyn Wade had.

5 Q. Right. That's what I mean.

6 I mean, circumstantially it could be Carolyn Wade but
7 it could be someone else; right?

8 A. I don't want to say circumstantially. The fact is an
9 Android 11, Model Number SM-N986U, conducted these logins, and
10 that's the same make and model phone that Carolyn Wade had
11 both done on a Verizon network.

12 Q. But other people had that make and model phone?

13 A. Correct.

14 Q. Okay. Well, what activity or transaction is occurring?
15 Can we tell from this document?

16 A. These are not transactions. These are logins to Carolyn
17 Wade's Womply portal.

18 Q. Okay. They're not transactions, but the activity is
19 logins?

20 A. Correct, logins.

21 Q. And you can't tell from this document what the purpose of
22 those logins --

23 A. Not from this document, no.

24 Q. 166, Wade Funeral Home?

25 A. Correct.

1 Q. This is page 17. But it's coming from Wade Funeral Home;
2 right? --

3 A. Mm-hmm.

4 Q. -- but it pertains to Carolyn's application?

5 A. That's correct.

6 Q. Number 18. Do we know whose IP address is 17422836184?

7 A. It belongs to Verizon Wireless.

8 Q. Okay. And someone that uses -- I mean, have you
9 associated that with a particular model of phone?

10 A. Not on this slide.

11 Q. Not on this --

12 A. Well, actually, yes, on this slide. If you can tell from
13 the USAA records, there was a login to Carolyn Wade's bank
14 account in which Carolyn Wade and Tracy Wade are the only
15 authorized signers with that same IP address ending in .18.

16 Q. Do we know which account? Was it a checking or a savings?

17 A. I believe this was for the checking account, but I would
18 have to see the full record to confirm that.

19 Q. You can't tell from this whole record, though?

20 A. The whole record is, I think, 400 pages.

21 Q. What does this page represent, page 19?

22 A. This is the first attempt that Carolyn Wade made at taking
23 selfie pictures for her Persona verification process in order
24 to make her application move forward.

25 Q. Persona verification process.

1 And this one failed?

2 A. This one failed, correct.

3 Q. And this one succeeded?

4 A. Correct.

5 Q. All right. It was just the -- we have the same IP
6 address.

7 Page 21. I believe page 21 we have IP address 125 --
8 ending in 125 that we've associated or identified as belonging
9 to Haydee Granados, now known as Haydee Rivero?

10 A. That's correct.

11 Q. And what activity is shown there?

12 A. This is, like she mentioned herself, when she uploaded the
13 tax document to Carolyn Wade's Womply portal.

14 Q. So she uploaded it?

15 A. Yes, that's what she said when she was up here.

16 Q. Okay. Does it show that anybody else uploaded anything?
17 What --

18 A. Yes.

19 Q. Go ahead. What else does it show?

20 A. It shows that three bank documents were uploaded and three
21 bank accounts were linked from an IP address ending in .18,
22 which was the same IP address that conducted the selfie
23 verifications, both failed and successful, for Carolyn Wade.
24 It also shows that the make and model of these events is the
25 same make and model phone that Carolyn Wade had at this time.

1 Q. Okay. But it doesn't show that Carolyn Wade's -- you
2 can't tell from this whether Carolyn Wade saw the Schedule C,
3 though?

4 A. She logged in after the tax document was uploaded, so she
5 would have seen that information.

6 Q. What now?

7 A. The tax document is the first line of the Womply record
8 that we're looking at, and everything after was subsequent to
9 that upload.

10 Q. I understand that but --

11 A. So if the bank documents and the bank linkings were done
12 by the IP address ending in 184 from a device owned and
13 maintained by Carolyn Wade were, in fact, the phone that she
14 held at that time, then, yes, she would have been able to see.

15 Q. She would have been able to see it, but she would have to
16 look for it; right?

17 A. No. It was on the first page, as Aman Thakral testified
18 to.

19 Q. So when she uploaded the bank records or whoever uploaded
20 the bank records would necessarily have to see that -- have to
21 see the Schedule C?

22 A. If their eyes were closed, then they wouldn't have seen it
23 but I believe Aman Thakral testified that when you log into
24 your portal you had the ability to see everything that was on
25 it.

1 Q. I understand the ability to see, but I mean, don't you
2 have to do something first? I mean, don't you have to scroll
3 or like direct yourself to it? Let me stop and ask you
4 something else.

5 We had an earlier proceeding concerning Ms. Wade's
6 application. Do you recall that?

7 A. I do.

8 Q. Do you recall being asked whether or not when you
9 DocuSigned that whether or not the application is visible and
10 the Schedule C is visible?

11 A. Yes.

12 Q. Do you recall that?

13 A. I do.

14 Q. And do you recall saying, like, "I believe so"?

15 A. With respect to what?

16 Q. Being able to see the application.

17 A. Yes.

18 Q. Okay. So you weren't sure at that time; is that right?

19 A. At that time I was not sure.

20 Q. But now you're sure?

21 A. Yes.

22 Q. Okay. Now, that was an issue in the first proceeding --
23 right? -- whether or not when somebody enters in the portal
24 what exactly do they see. Would you agree that that was an
25 issue?

1 A. I don't -- can you rephrase the question?

2 Q. That was a point of contention.

3 A. Yes.

4 Q. Okay. Now, did the Government team ever ask Womply to,
5 like, do a presentation or a simulation or anything like that?

6 A. A presentation or a simulation, no.

7 Q. Yeah, of an example of how, you know -- an example of how,
8 you know, when you go into a Womply file exactly what you see,
9 how you DocuSign, how that process worked? Did you ask them
10 to give you a presentation or a simulation with respect to
11 that?

12 A. We did not ask for that; however, Womply said that they
13 conduct their own -- I don't remember exactly what Aman
14 Thakral called it. I guess regulation checks. He said that
15 they went in themselves as if they were creating a fake
16 application, just to make sure their system worked seamlessly
17 and smoothly for their users.

18 Q. And they could have done that here if someone had asked
19 them to; right?

20 MR. SNIDER: Objection.

21 THE COURT: Sustained.

22 MR. WILCOX: I'll move on.

23 Your Honor, may I go sidebar?

24 THE COURT: Yes, sir.

25 (The following proceedings were held sidebar:)

1 MR. WILCOX: I just wanted to know what the basis for
2 the objection was.

3 MR. SNIDER: Foundation and it calls for speculation.

4 THE COURT: I must have missed something. You
5 objected to a question before he asked for sidebar.

6 MR. SNIDER: And you sustained it. And you sustained
7 it.

8 THE COURT: Yes.

9 MR. SNIDER: And he wanted to know what the basis
10 was.

11 THE COURT: Possibility. Speculative.

12 MR. WILCOX: Judge, she just said, I thought --

13 THE COURT: Do you want to try another way?

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

15 BY MR. WILCOX:

16 Q. Do you know whether Mr. Snider or Mr. Love ever invited a
17 representative from Womply to demonstrate how this whole
18 process works?

19 A. Not to my knowledge.

20 Q. Okay. This is the DocuSign envelope history for Tracy
21 Wade's PPP application?

22 A. The first one, yes.

23 Q. I'm going to guess and say that IP address belonged to
24 Womply.

25 A. I don't know who that IP address belongs to.

1 Q. No? Okay.

2 How about the IP address that ends in 190?

3 A. I think that's the same as the first one. It's possible
4 that's on the Verizon letter.

5 Q. I'm sorry.

6 And IP address 223?

7 A. Again, it's possible that that IP address is on the
8 Verizon letter, but I would have to see the letter to confirm
9 that.

10 Q. And I believe it is the one ending in 223?

11 A. Yes.

12 Q. That's from the Verizon letter.

13 And this exhibit here, 805, is just a letter from
14 Verizon that says they own all of these IP addresses?

15 A. Yes, it is. I'm also seeing that 190 IP on there as well.

16 Q. And have you been able to associate that .190 with an
17 individual?

18 A. No. Verizon cannot do that.

19 Q. Okay. And how about the .223?

20 A. For all of these IP addresses, Verizon does not know the
21 individual which was using that IP at that time.

22 Q. Here we have the DocuSign envelope history for the Carolyn
23 Wade application and we have several IP addresses. Can you
24 identify the owner of any of the IP addresses that are in the
25 last column?

1 A. Can I identify the owner of them?

2 Q. Yes.

3 A. I would have to see the Verizon letter next to those IP
4 addresses again.

5 Q. I mean, individual.

6 A. No, I cannot.

7 Q. This is the DocuSign event for Mr. Wade's PPP loan
8 application?

9 A. This is, yes, the second DocuSign. It's a little fuzzy on
10 my screen, though.

11 Q. Oh. Let me try to fix that for you, Agent DiPietrantonio.
12 This IP address ending in 223, we can't identify the
13 individual to whom that belongs?

14 A. Verizon cannot identify the individual using any of those
15 IP addresses listed.

16 Q. But that signature is drawn from that device; is that
17 correct?

18 A. That's correct.

19 Q. That would suggest that someone else could have signed
20 this application or DocuSigned it?

21 A. I'm sorry. I think I missed the question. Can you repeat
22 the question?

23 Q. Yes.

24 Wouldn't that suggest that someone else may have
25 DocuSigned this application other than Tracy Wade?

1 A. Would what specifically suggest that?

2 Q. The fact that you can't identify to whom IP address ending
3 in 223 belongs and that this highlighted area shows that a
4 signature was drawn on a device ending in that IP address.

5 A. Would that suggest that he did not sign it?

6 Q. Right.

7 A. No, it would not.

8 Q. Why not?

9 A. Because Tracy Wade was a Verizon Wireless customer. That
10 IP address is owned by Verizon and only accessible to Verizon
11 Wireless customers, and Verizon Wireless does not retain
12 information on who specifically was using that IP address at
13 this time. So I cannot infer that based on the records that I
14 have.

15 Q. What I'm suggesting is that maybe some other Verizon
16 customer may have -- that their signature could have been
17 drawn on a device by some other Verizon customer.

18 A. Another Verizon customer? That's possible, yes --

19 Q. Okay.

20 A. -- who had access to that IP address.

21 Q. Okay.

22 MR. WILCOX: Your Honor, I'm going through all
23 70 pages, just to give the Court an idea with respect to
24 lunch.

25 THE COURT: I'm not sure I understood. Are you

1 saying we should take our lunch break?

2 MR. WILCOX: I'm advising the Court I'm going to go
3 through all 70 of these pages. You may consider that as to
4 when.

5 THE COURT: Can you do one in two -- can you do one
6 of the 70 in two minutes?

7 MR. WILCOX: Yes, Your Honor.

8 BY MR. WILCOX:

9 Q. This is the DocuSign history for Tracy Wade's PPP
10 application. He had two PPP applications; right?

11 A. He had three.

12 Q. Three.

13 I mean, two of them didn't go through and then one
14 finally went through, for lack of a better way to put it?

15 A. It's not that they didn't go through.

16 Q. The banks --

17 A. The lender changed, correct.

18 Q. The banks wouldn't fund them and then...

19 So the same thing. We don't know who these IP
20 addresses belong to; correct?

21 A. I believe some of them belong to Verizon, but I don't know
22 the user.

23 Q. Right, the individual. That's what I mean when I say,
24 "they don't belong to."

25 And 28 is just an email to Tracy and Carolyn Wade,

1 advising them -- not sure but advising them maybe to do
2 something with their PPP applications?

3 A. I don't think this is advising them they have to do
4 something with their applications. Womply is just providing
5 an update to both Carolyn and Tracy Wade.

6 Q. All right. Just giving them information.

7 And 29 is the same thing?

8 A. No, this is different. This is now advising them that
9 they need to go in and take action on their applications.

10 Q. Okay. So this is telling them they need to -- well, let's
11 just see -- let me just see if I can't -- okay. That's
12 better -- oh, telling them that their application is
13 incomplete. It looks like you may have gotten stuck on one of
14 these sections. It's telling them to hurry up and --

15 A. Finish their application.

16 THE COURT: All right, sir. We are going to break
17 for lunch and return at 1:35. Thank you.

18 (Jury exited at 12:30 PM.)

19 THE COURT: We are in recess.

20 (Lunch recess from 12:31 PM to 1:38 PM.)

21 (Jury entered at 1:38 PM.)

22 BY MR. WILCOX:

23 Q. Good afternoon again, Agent DiPietrantonio.

24 A. Good afternoon.

25 Q. We're on page 30 of your summary exhibit. And as soon as

1 we get the ELM0 on again...

2 This is a login attempt on May 19 at 8:06 PM. Is
3 that eastern daylight savings time?

4 A. Eastern Daylight Time, yes.

5 Q. Okay. And it reflects that -- it's just a login attempt
6 from the identifier, Carolyn Wade? That's her email address?

7 A. That's the email where the one-time short-lived code was
8 sent to in order to complete this login.

9 Q. Okay. But the user was using a device with an IP address
10 70.151137.130?

11 A. Correct. That's owned by BS0.

12 Q. Okay. No event or nothing was viewed here?

13 A. This slide just shows the login attempts.

14 Q. Okay. There's a login attempt on May 19. This is page 31
15 of your summary exhibit. A code was sent to the identifier
16 here that is Mr. Wade; correct?

17 A. That's his phone number, correct.

18 Q. That's where a code was sent?

19 A. Correct.

20 Q. And a login attempt was made by a user from IP address
21 107131.161.84?

22 A. Yes. There are actually two different ones on this page,
23 but that is the first one.

24 Q. That IP address is associated with whom or what company?

25 A. With AT&T, providing service to the Wade residence.

1 Q. That's the Wade residence.

2 And the one ending in .82?

3 A. Is a Verizon Wireless IP.

4 Q. And this is just an attempt that doesn't show any activity
5 or any transaction or whether anybody viewed the applications?

6 A. This is a login.

7 Q. This is a login. Oh, I'm sorry. It says Womply login
8 attempts, okay.

9 This is the login. Does it reflect any activity
10 occurring?

11 A. No. I put the transactions and the events on different
12 slides.

13 Q. Okay. Here's another email. It's page 32 of your summary
14 exhibit. Here's another email sent from Womply to Carolyn
15 Kidd at 1 o'clock AM.

16 Now, just because these emails were sent by Womply,
17 it doesn't necessarily mean that the recipient read the email;
18 is that right?

19 A. That's correct.

20 Q. On page 33 of the Government's summary exhibit -- and when
21 I say, "summary exhibit," I'm referring to Government
22 Exhibit 1000. This page of your Government Exhibit 1000
23 represents a login attempt on May 20?

24 A. Two login attempts, yes.

25 Q. Okay. It reflects login attempts on May 20, 2021;

1 correct?

2 A. Correct.

3 Q. And we have an address here that I don't believe we've
4 ever identified; is that correct?

5 A. Correct.

6 Q. And that's not owned by Verizon?

7 A. Not to my knowledge.

8 Q. Okay. Do you don't know who it's owned by?

9 A. No, I do not.

10 Q. But somehow it got the code from -- whoever was using this
11 IP address received the code from Tracy Wade and logged in to
12 Tracy Wade's account at Womply?

13 A. Correct. Either received the code from Tracy Wade or
14 Tracy Wade himself used that code provided by Womply to log
15 in.

16 Q. But you haven't connected that IP address ending in 94 to
17 Mr. Wade, Mrs. Wade, or Haydee Granados; correct?

18 A. Well, it's connected to Tracy Wade's Womply portal and his
19 PPP application, and the device that was used for that login
20 on that IP was the same device that Tracy Wade owned at that
21 time.

22 Q. The one ending in 94?

23 A. Correct. If you go to the right, the column titled user
24 agent --

25 Q. Okay. I'm a little confused here because it seems like

1 that device is connected to two IP addresses.

2 A. Correct.

3 Q. I just want to come back here again. I just want to
4 reiterate. All we can say for sure with respect to this IP
5 address is that an individual -- a Verizon customer, I should
6 say, that had this model phone logged in to this -- Mr. Wade's
7 Womply account; is that right?

8 A. So for that particular login, I don't know that it was a
9 Verizon customer. All I know is it was the same make and
10 model phone that Tracy Wade had, but I don't know who owns
11 that IP.

12 Q. That's right because you don't know who owned the IP
13 address. Someone that had that phone could have logged in
14 there?

15 A. Correct.

16 Q. This is a login attempt on the same day?

17 A. I actually don't remember what the day for the last slide
18 was. Do you mind going back one? Yes.

19 Q. This is for Carolyn Wade; is that right?

20 A. Correct.

21 Q. And that phone number is Carolyn Wade's number --

22 A. That's correct.

23 Q. -- that you indicated before.

24 The code was sent to this number?

25 A. That's correct.

1 Q. And somebody at BS0 logged in?

2 A. I don't know if they were at BS0, but the -- they did not
3 use the BS0 network to conduct this login.

4 Q. I'm sorry. I thought that 84 was --

5 A. The BS0 IP address ends in .130.

6 Q. I'm sorry.

7 A. The IP address that ends in .84 belongs to Verizon --
8 sorry, belongs to AT&T.

9 Q. AT&T, Wade residence?

10 A. Correct.

11 Q. Okay. Do we know -- did any activity occur with respect
12 to this page number 34?

13 A. This is logins. This doesn't show modifications to the
14 application or events consistent with Carolyn Wade's --

15 Q. So just a login. There's no modification and no
16 transaction?

17 A. There may have been on this day, but it's not listed on
18 this slide.

19 Q. It's not reflected on this page?

20 A. Yeah, it would be a different slide.

21 Q. Again, we have an identifier, Carolyn Wade's phone number?

22 A. Yes.

23 Q. Okay. That's the login attempts on May 22, 2021, and the
24 code was sent to someone using IP address 174211171.127?

25 A. The code wasn't necessarily sent to somebody.

1 Q. Okay. Continue.

2 A. The code was sent initially to Carolyn Wade's phone --

3 Q. Right.

4 A. -- but that doesn't mean that she sent it to somebody
5 else.

6 Q. The code was sent to Carolyn's phone, but the user,
7 whoever logged in, logged in from this IP address?

8 A. Exactly.

9 Q. Okay. I got it.

10 And whose IP address is this?

11 A. That's Verizon Wireless's IP address.

12 Q. And again, it just means that a Verizon customer using
13 this phone is the person that logged in?

14 A. Yes, who also likely had access to Carolyn Wade's bank
15 account.

16 Q. Page 36 is another email to both Tracy Wade and Carolyn
17 Wade, received on May 24; is that correct?

18 A. That's correct.

19 Q. And the email reads, "You have applied through Fast Lane,
20 but you haven't signed your application yet."

21 Is that correct?

22 A. That's correct.

23 Q. Okay. And as I indicated before, just because the email
24 was sent doesn't necessarily mean that the email was read by
25 Mr. or Mrs. Wade?

1 A. That's correct.

2 Q. And here we have a login attempt on May 25, 2021, into
3 Tracy Wade's Womply account; correct?

4 A. Correct.

5 Q. Mr. Wade's phone number there; correct?

6 A. Correct.

7 Q. And here's another IP address that's owned by Verizon?

8 A. Yes.

9 Q. With -- I mean, the user or the device that logged in was
10 an Android 11 SM-G998U?

11 A. Yes.

12 Q. Okay. And that means that whoever the user was was a
13 Verizon customer that owned that model phone?

14 A. Yes, the Galaxy S21 U 5G phone.

15 Q. Does this reflect any activity or transactions? And when
16 I say, "this," I mean page 37 of Government Exhibit 1000.

17 A. No. As you can see in the title, this is, again, another
18 login.

19 Q. And so that's all that happened on that date?

20 A. Not necessarily. That's just what I show --

21 Q. That's all that's reflected on this page?

22 A. Yes.

23 Q. Okay. And not to beat a dead up, but this doesn't suggest
24 that there's anything nefarious or criminal going on; is that
25 right?

1 A. Can you ask that question in another way?

2 Q. This page in and of itself doesn't suggest that any
3 wrongdoing is occurring?

4 A. No. It just shows a login to Tracy Wade's application.

5 Q. And page 38, this is another login attempt on May 26 by
6 Tracy Wade; is that correct?

7 A. That's correct.

8 Q. Or by -- it just means that the code was sent to this
9 number, Tracy Wade's number; right?

10 A. The code was sent to Tracy Wade's number, yes.

11 Q. Okay. And then here's an IP address that's not
12 highlighted. It would suggest you don't know the owner of
13 that IP address?

14 A. That's correct.

15 Q. Okay. But you do have a phone here. This is not the CPU
16 iPhone. No one owned that phone -- when I say, "no one owned
17 that phone" -- that model, I mean Mr. Wade, Mrs. Wade, or
18 Haydee Granados don't own that model phone?

19 A. Haydee Granados owned an iPhone, but I don't know who was
20 holding this iPhone for this login occurrence.

21 Q. So that could have been Haydee Granados?

22 A. It's possible.

23 Q. Here's a login attempt on May 27. A code was sent to
24 Mrs. Wade; is that correct?

25 A. To her email, yes.

1 Q. To her email -- I'm sorry -- to her email and this IP
2 address -- I'm sorry. I'm not sure we've identified this one
3 yet.

4 A. We have. That's the IP address going to the private BSO
5 network.

6 Q. Okay. Again, this is just a login attempt. There's no
7 activity or transactions occurring?

8 A. That's correct. This is --

9 Q. Nothing is being uploaded?

10 A. This just shows the login.

11 Q. All right. Now, this page 40 of Government Exhibit 1000
12 indicates that the signer -- that the user or the signer of
13 the -- I'm sorry -- the signature was drawn on a device ending
14 in -- I'm sorry -- on -- from IP address 174211160.92?

15 A. That's correct.

16 Q. Okay. And does this reflect the signing of the SBA
17 Form 2483 on May 28, 2021?

18 A. Yes. This is the third one for Tracy Wade.

19 Q. Okay. This is the one that was actually funded?

20 A. Yes.

21 Q. Okay. And it's from this IP address; is that correct?

22 A. Correct.

23 Q. And the IP address tells us that the person who -- that
24 the DocuSign was from a device that was owned -- sorry -- that
25 was connected to an IP address that was owned by Verizon; is

1 that right?

2 A. Yes.

3 Q. Does this show the type of phone?

4 A. This does not show the type of phone.

5 Q. And this is a DocuSign envelope history for Tracy Wade's
6 PPP application?

7 A. Correct.

8 Q. And I see that it says that at 4:31:19 AM. Is this
9 Eastern Daylight Time or UTC?

10 A. I believe this is UTC time.

11 Q. And I believe you said they were four hours behind?

12 A. Yes.

13 Q. So that would be a little after --

14 A. UTC is ahead.

15 Q. Is ahead of us?

16 A. Yes.

17 Q. So that would be like 12 midnight?

18 A. No, that would be -- yes. 12 midnight, yes.

19 Q. A little after 12 midnight?

20 A. Yes.

21 Q. And this was opened?

22 A. Opened, viewed, and signed, yes.

23 Q. Where it's saying viewed, does it reflect exactly what was
24 being viewed?

25 A. Yes, the envelope.

1 Q. Okay. It shows that it was signed at 12:33 AM?

2 A. Yes.

3 Q. On May 28th?

4 A. Correct.

5 Q. This is a DocuSign event for Carolyn Wade's application on
6 May 28 at 5:15 PM EDT. And this signature was drawn on a
7 device using IP address 107131161.84?

8 A. Yes. My screen is just a little bit blurry.

9 Q. Yeah. I'll try to fix that for you, Agent. Is that
10 better?

11 A. Yeah, that's okay.

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

13 THE COURT: Of course.

14 BY MR. WILCOX:

15 Q. This may be better.

16 A. Thank you.

17 Q. I believe that we've identified the IP address ending in
18 84 as the Wade residence?

19 A. That's correct.

20 Q. Okay. So this was signed from an IP address at the Wades'
21 residence -- I mean -- from the Wades' residence?

22 A. Correct.

23 Q. I believe this is on the same date. Page 43 shows that
24 the application was signed -- I'm sorry -- was opened, signed,
25 and viewed on May 28 in the evening; is that right?

1 A. Yeah. The order is -- actually it was opened and then it
2 was viewed and then it was signed.

3 Q. Okay. And then viewed again and viewed again and viewed
4 again?

5 A. Yes.

6 Q. But you can't tell what exactly is being viewed by this
7 document; is that correct?

8 A. No. The envelope ID is being viewed, so that consists of
9 the application and the DocuSign certificate of completion.

10 Q. It says, from June 3, it shows a payment from Harvest to
11 Mr. Wade; is that correct?

12 A. Correct.

13 Q. And a payment from Mr. Wade to Haydee Granados of \$1,000?

14 A. Correct.

15 Q. I'm going to go to these checks. 45. Is that right?
16 That's written on the account of Tracy and Carolyn Wade; is
17 that right?

18 A. Yes.

19 Q. That's a checking account?

20 A. I'm not sure.

21 Q. Okay. But do you know what account it was deposited to?

22 A. The Wade Funeral Home SunTrust account -- the business
23 account for the Wade Funeral Home.

24 Q. So the check was deposited into the Wades' business
25 account?

1 A. Yes, not their personal account, where it went into.

2 Q. All right. I'm showing you page 46 as a check written on
3 the account of Tracy Wade and Carolyn D. McFarlane. That's
4 the same account, though. That's their joint account;
5 correct?

6 A. Correct.

7 Q. And it says "title reimbursement." I think when you
8 testified you only read reimbursement?

9 A. I think I said it looked like the reimbursement to me. I
10 can't really tell what that first word is.

11 Q. And we're looking at it, and I understand it could read
12 "the reimbursement." I mean, if you look at it, it could be
13 title reimbursement; right?

14 A. It could be.

15 Q. And do you know whether that was deposited into the
16 business account?

17 A. It does not look like that. It is not endorsed with the
18 same stamp that the previous check had. I don't know what
19 account it was deposited into.

20 Q. All right. Thank you very much.

21 And we have some login attempts in Carolyn Wade's
22 account on June 5. They had already been paid. This is a PPP
23 application from Ms. Wade's account -- I'm sorry -- it's a
24 login attempt or attempts on June 5 into Ms. Wade's PPP
25 account; is that right -- Womply PPP account?

1 A. That's correct. And just to clarify, only Tracy Wade
2 received the proceeds of his PPP loan by this date.

3 Q. Right. I figured that. I saw the next page.

4 This just shows that Ms. Wade logged in to the
5 account on June 5, 2021; is that right?

6 A. On June 5, 2021. If this is Ms. Wade logging in, yeah,
7 she logged in to her Womply portal.

8 Q. Right.

9 And then we have this contacting source. When it
10 says contacting source, exactly what does that mean again?

11 A. That's the IP address that was used to log into Carolyn
12 Wade's bank account.

13 Q. Okay.

14 A. And it starts approximately two minutes after the login
15 from the Womply portal from the same IP address.

16 Q. This is the Wade residence -- right? -- the IP account
17 associated with the Wade residence?

18 A. Yes.

19 Q. Even though it's the Carolyn Wade PPP application, it's
20 conceivable that this could have been logged in to by Tracy
21 Wade?

22 A. If Carolyn sent the code that she received from Womply to
23 the phone number ending in 6800 that she owned, she would have
24 to send that code to Tracy within the ten to fifteen-minute
25 time frame and then Tracy may have logged in, yes.

1 Q. All right. And page 48 of Government Exhibit 1000
2 reflects the loan payment that Tracy Wade received -- I mean,
3 that Carolyn Wade received, and this Zelle, highlighted,
4 reflects a thousand dollars that Haydee Granados received?

5 A. Correct.

6 Q. This is a check from Carolyn Wade to herself. It says
7 "salary"; is that right?

8 A. Yes. And just for the record, this is slide 49.

9 Q. Slide 49. I'm sorry. You are correct. That was my
10 mistake.

11 It indicates she's paying herself a salary and it's
12 deposited into which account?

13 A. It looks like a SunTrust deposit account.

14 Q. And that's a business account, is it not?

15 A. I don't know.

16 Q. One moment, Your Honor.

17 This page 50 is a check written from Carolyn D. Wade
18 to Tracy Wade for \$1,000, and the notation is salary. Do you
19 know which account this check was deposited into?

20 A. Into the Wade Funeral Home bank account.

21 Q. Page 51, we have a check for \$3,889.50, written on the
22 Tracy Wade and Carolyn D. McFarlane account, and it says
23 payroll number 2, June 11. That's in the note; is that right?

24 A. Yes.

25 Q. Do we know what account this check was deposited into?

1 A. The Wade Funeral Home.

2 Q. And would the same be for this check which is for
3 \$3,889.50?

4 A. Would it also be deposited into the Wade Funeral Home?

5 Q. Yes.

6 A. Yes.

7 Q. And page 53 is a check written from Carolyn Wade's account
8 for salary -- this is just her account -- for salary too,
9 Carolyn Wade. Do we know what account this was deposited
10 into?

11 A. I'm not sure what bank, but it looks like the account
12 number ends in 8824.

13 Q. Do you know what bank or what -- the name of the account?

14 A. No, I don't.

15 Q. Page number 54 of Government Exhibit 1000, a check written
16 to Carolyn Wade -- to Carolyn Wade in the amount of \$2,000,
17 notation salary. Let me ask you something.

18 There's nothing in and of itself illegal for someone
19 to write a check or pay themselves -- to pay themselves as an
20 employee. Is that --

21 A. If the business is legitimate, then that's okay. If it's
22 not an existing business, then that is not okay if you're
23 getting that money from a PPP loan.

24 Q. Okay. The salary \$2,000, do we know what account this
25 check was deposited into?

1 A. It looks like an account ending in 8689.

2 Q. And have we identified that account? Have you identified
3 that account?

4 A. No.

5 Q. Here's a check made out to -- from Carolyn Wade to Tracy
6 Wade -- do we know -- for \$1,000. The notation is salary. Do
7 we know what check this -- do we know what account this check
8 was deposited into?

9 A. The Wade Funeral Home.

10 Q. June 24, page 56, we just have an email from -- to Tracy
11 Wade just advising him with instructions.

12 A. There are no --

13 Q. That's a notice that says that they won't be able to give
14 him more money unless Congress provides more funding?

15 A. Correct.

16 Q. Page 57 of Government's 1000. It's another check to Tracy
17 Wade for \$1,000. The notation is salary. Do we know which
18 account that was deposited into?

19 A. It looks like an account ending in 5968.

20 Q. Have you identified that account, the name of that
21 account?

22 A. That's the Wade Funeral Home account.

23 Q. And here's page 58, Government Exhibit 1000. This is a
24 \$2,000 check to Carolyn Wade. It says salary. And can we
25 tell which account that was deposited into?

1 A. It looks like an account ending in 4071.

2 Q. Do we know the name of that account?

3 A. No, I do not.

4 Q. Page 59 of Government Exhibit 1000 is another check in the
5 amount of \$1,000 to Tracy Wade. The notation is salary. And
6 do we know what account that was deposited into?

7 A. The same account ending in 5968.

8 Q. Is that the Wade Funeral Home account? No? Is that the
9 Wade Funeral Home account?

10 A. Yes, it is.

11 Q. And we have a check for \$2,000 written from Carolyn Wade's
12 account to Carolyn Wade as salary in the amount of \$2,000.

13 Do we know what account that check was deposited
14 into?

15 A. An account ending in 4071.

16 Q. And we don't know the name of that account?

17 A. No, we do not.

18 Q. Now, my understanding, in order to get the PPP loan
19 forgiven, you had to show that the funds were used to pay
20 salary?

21 A. Yes.

22 Q. Another check on July 15, 2021, \$2,400 to Carolyn Wade
23 from Carolyn Wade. It says salary. And again, it's the same
24 account number that we have yet to identify --

25 A. Yes.

1 Q. -- that it was deposited into?

2 A. Correct.

3 Q. Here's a login attempt into Tracy Wade's PPP loan -- I'm
4 sorry -- Womply portal and his Womply account. That's the
5 identifier. And we have an IP address ending in 177. We can
6 tell that it's an IP address owned by Verizon; correct?

7 A. Correct.

8 Q. And that whoever logged in to the Womply account for this
9 PPP application was using an Android 11, SM-G99 -- sorry -- my
10 eyes are getting bad too.

11 A. G998U.

12 Q. Right.

13 And what that means is that someone who owned that
14 model phone, that is a Verizon customer logged in to this
15 account?

16 A. Correct.

17 Q. And then we have PPP, the same date, another login attempt
18 on July 26, 2021, 5:51 PM. The identifier is Carolyn Wade,
19 but the person that logged in logged in from an IP address
20 174211162.200.

21 That's a Verizon address -- that's an IP address
22 owned by Verizon?

23 A. Yes.

24 Q. And this phone type -- so whoever logged in to this IP
25 address was a Verizon customer that used this Android 11

1 SM-N986U?

2 A. Yes, which is a Note20 Ultra 5G device.

3 Q. Okay. This is an email to Tracy Wade and Carolyn Wade,
4 and it appears that Womply is advising them that the SBA had
5 launched a new way to apply for forgiveness; correct?

6 A. Correct.

7 Q. The forgiveness application that was signed on August 7;
8 correct?

9 A. Correct.

10 Q. From the IP address associated with the Wade residence?

11 A. Correct.

12 Q. And this is the envelope for the forgiveness -- DocuSigned
13 envelope history for the forgiveness application; is that
14 correct?

15 A. That's correct.

16 Q. Okay. And it shows that the IP -- the envelope was opened
17 and viewed and signed on August 7; is that right?

18 A. In that order, yes.

19 Q. And the IP address is the Wade residence; is that right?

20 A. Correct.

21 Q. And we have the forgiveness application for Tracy Wade.
22 It was DocuSigned from the Wade residence?

23 A. Correct.

24 Q. The same thing that we had for Carolyn, it was opened,
25 viewed and signed on August 7. This is page 68 of

1 Government 1000, the Tracy Wade PPP forgiveness application,
2 and this is the DocuSigned envelope history?

3 A. Tracy Wade, yes.

4 Q. Tracy Wade, right.

5 And it shows that it was signed from a device
6 associated with the Tracy Wade residence; is that correct?

7 A. Correct.

8 MR. WILCOX: Government, I'm going to ask you for
9 some assistance here. I saw this Exhibit 806. I think it has
10 about 300 pages -- I'm sorry, Your Honor. Is that right?

11 MR. SNIDER: I think it's voluminous. I don't know
12 the page count.

13 MR. WILCOX: It has the dates -- excuse me.

14 BY MR. WILCOX:

15 Q. Agent DiPietrantonio, Government Exhibit 806 -- do you
16 remember Government Exhibit 806?

17 A. I do.

18 Q. And basically, could you tell the jury what it was again?

19 A. It's the billed calls from Verizon Wireless.

20 Q. And they're from a time period, and all the calls are in
21 chronological order?

22 A. Yes.

23 MR. WILCOX: Can I get the Government to publish this
24 section of the Exhibit 806?

25 Your Honor, just bear with me, please.

1 Oh, I don't know if I can get these side by side.

2

3 BY MR. WILCOX:

4 Q. I'm going to show you what's been introduced in evidence
5 as Government 806, page 49 of Government 806, and right now I
6 have on the screen page 69 of Government's Exhibit 1000, and
7 then there's an entry on May 4 at 11:56. Whose phone number
8 is this? Do you know?

9 A. Haydee Granados.

10 Q. Haydee Granados's.

11 And that's (954) 394-3563?

12 A. Correct.

13 Q. Okay. And I'm going to try to find this same entry on
14 Government's 806, page 49, May 4 at 11:56. If we can zoom in
15 a little bit. One minute. 11:56; is that right?

16 A. Yes.

17 MR. WILCOX: Okay. They appear to match. All right.
18 And this is Government's Exhibit 1000, page 69. All right.

19 May I have a moment to confer with my client, Your
20 Honor?

21 (Pause in the proceedings.)

22 BY MR. WILCOX:

23 Q. Now, I hate to ask the obvious question, but I have to. I
24 mean, even though there are 28 calls between Mr. Wade and
25 Ms. Haydee Granados between May 4 and August 24 of 2021,

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1 there's no way to tell what they were discussing in these
2 calls; correct?

3 A. Not from these records. That's correct.

4 Q. Not from these records, okay.

5 A. Just from Haydee Granados's testimony.

6 Q. And by contrast, between June 7, 2021, and 6/8/2021, there
7 are only three calls between Haydee Granados and Carolyn Wade;
8 correct?

9 A. Correct.

10 Q. Okay. Are there any other records that show additional
11 contact between Carolyn Wade and Haydee Granados?

12 A. Not that I received from Verizon.

13 Q. Okay. Is there another phone company that you received
14 records from?

15 A. Just the Internet records from AT&T. But if they were
16 using some kind of encrypted app to communicate, I don't have
17 those records.

18 Q. But with respect to phone calls -- right now we're going
19 to put email communications aside. That's all right.

20 A. Okay.

21 Q. -- this is the only record of phone communications you
22 have between Haydee Granados and Carolyn Wade?

23 A. This is all that Verizon provided me, yes.

24 Q. Agent DiPietrantonio, I believe you testified on direct
25 examination you've been an FBI agent since 2014?

1 A. No. I've been with the FBI since 2014 --

2 Q. Okay.

3 A. -- and an agent since 2018.

4 Q. 2018. So you've been an agent since 2018. So you've been
5 an agent for about six years?

6 A. Correct.

7 Q. And what did you do with the FBI before you became an
8 agent?

9 A. I was a staff operations specialist.

10 Q. What's that?

11 A. I help agents run their cases. So I was doing different
12 kinds of analysis -- phone analysis, travel analysis, social
13 media exploitation, building out webs for different cases.

14 Q. But you've been an agent for six years. Do you have
15 experience investigating wire fraud and criminal conspiracies?

16 A. I do.

17 Q. Do you have experience investigating other Paycheck
18 Protection Program fraud?

19 A. Yes.

20 Q. Excuse me?

21 A. Yes.

22 Q. How many PPP frauds have you investigated?

23 A. That's not a number that I keep track of.

24 Q. More than ten?

25 A. Yes.

1 Q. Wow.

2 More than 20?

3 A. Yes.

4 Q. The PPP program started, like, in 2021; correct?

5 A. 2020, yes.

6 Q. 2020.

7 And since 2020, you've been involved in more than 20
8 PPP investigations?

9 A. More than 20 individuals who received PPP loans, yes.

10 Q. Okay. And I guess what you mean is that sometimes
11 multiple individuals are involved with one case?

12 A. Correct.

13 Q. Okay. Well, how many cases?

14 A. Again, that's not a number that I keep track of.

15 Q. More than 50?

16 A. Individuals that receive loans or --

17 Q. No, cases.

18 A. I don't know.

19 Q. You don't know?

20 A. I don't know. Probably not more than 50.

21 Q. Probably not more than 50. Okay. Okay.

22 Is that all of the PPP fraud cases that you
23 investigated or you were involved in the investigation
24 involving applications for sole proprietors?

25 A. No, not all of them.

1 Q. Now, the evidence that you collected in this case
2 showed -- and I believe there's already been testimony -- that
3 Tracy Wade and Carolyn Wade were deputies with the Broward
4 Sheriff's Office?

5 A. When they received their loans, yes.

6 Q. Yes.

7 And Carolyn Wade was one of 17 Broward sheriff's
8 officers that were charged with fraudulently receiving PPP
9 loans?

10 MR. SNIDER: Objection. Relevance.

11 THE COURT: I didn't hear the second thing.

12 MR. SNIDER: Relevance.

13 THE COURT: Sustained.

14 MR. WILCOX: One moment. I need to confer with
15 counsel.

16 Your Honor, may I have a sidebar?

17 THE COURT: No, sir.

18 BY MR. WILCOX:

19 Q. Do you know whether or not Haydee Granados of -- the 18
20 people that Haydee Granados helped to obtain PPP loans or
21 attempted to help obtain PPP loans, were any of them Broward
22 sheriff deputies?

23 A. Not to my knowledge, with the exception of Carolyn and
24 Tracy Wade.

25 Q. Okay. So they were the only Broward sheriff deputies

1 involved with Haydee Granados's enterprise?

2 A. To my knowledge.

3 MR. WILCOX: May I ask the Government to publish

4 Exhibit 158? Never mind, Government.

5 BY MR. WILCOX:

6 Q. I want to show you what's been introduced as Government's
7 158. Do you recognize this exhibit?

8 A. I do.

9 Q. And what is it?

10 A. This is the PPP loan application for Tracy Wade.

11 Q. Now, there's been testimony that there is not a business
12 called Tracy Wade; correct?

13 A. Correct.

14 Q. But there is a business called Wade Funeral Home?

15 A. Correct.

16 Q. Is that the address for Wade Funeral Home?

17 A. It is.

18 Q. Okay. Now, the records you obtained from Womply indicated
19 that Tracy Wade and Ms. Rivero, formerly known as
20 Ms. Granados, completed different parts of the application?

21 A. Correct.

22 Q. Okay. And this part here was completed by Ms. Granados;
23 correct?

24 A. Correct.

25 Q. Okay. She put that amount of money here under this that

1 says, "Total amount of gross income from IRS Form 1040,
2 Schedule C"; is that right?

3 A. Actually, no. Womply corrected that because she put the
4 incorrect amount on the website first, and Womply's program
5 recognized the numbers didn't match and Womply's program
6 corrected that number.

7 Q. Okay. So in any event, Mr. Wade didn't put this number in
8 this application?

9 A. No.

10 Q. Okay. Womply generates the number from information that
11 has already been inputted into their portal or their process;
12 right?

13 A. It takes the number from the Schedule C that was uploaded.

14 Q. But that's done automatically by the Womply system, for
15 lack of a better word; is that correct?

16 A. The character recognition is an automated process by
17 Womply, yes.

18 Q. Character recognition system isn't --

19 A. Yes, I believe Aman Thakral referred to it as OCR, optical
20 character recognition.

21 Q. Wow. Okay. I'm sorry.

22 Anyway, this doesn't necessarily have to be entered
23 in manually or entered in by the user; right?

24 A. It is entered manually on Womply's portal.

25 Q. On Womply's portal but not the application?

1 A. Correct.

2 Q. Okay. Womply generates this application, basically?

3 A. Correct.

4 Q. Okay. Now, would Haydee Rivero, formerly known as Haydee
5 Granados, have been able to log into Mr. Wade's account if
6 Mr. Wade provided Ms. Rivero with his login credentials?

7 A. If he provided her with the code that was sent to his
8 phone, then she would be able to log into his portal.

9 Q. Okay. Now, the Schedule C that was submitted with this
10 application, Exhibit 158, it was completely made up; is that
11 right?

12 A. Yes.

13 Q. Now, I believe you've testified or there's been testimony
14 introduced today that Mr. Wade uploaded his bank information;
15 correct?

16 A. I never said that Mr. Wade uploaded his bank information.
17 I just said that it was done via an IP on the Verizon network
18 of which he was a customer.

19 Q. Okay. Mr. Wade's bank information was uploaded into the
20 Womply portal?

21 A. Correct.

22 Q. Am I using the right word when I say, "portal"?

23 A. In this instance, I believe so, if I'm understanding you
24 correctly. Yes.

25 Q. There's nothing fraudulent about uploading bank records in

1 and of itself, is there?

2 A. The action of uploading a bank statement --

3 Q. Right.

4 A. -- to a website. Not if it's not in furtherance of trying
5 to deceive the SBA.

6 Q. All right. If it's not in furtherance of trying to
7 defraud, there's nothing wrong with uploading your bank
8 statement into that portal. There's nothing illegal about
9 that?

10 A. It's not illegal, no.

11 MR. WILCOX: I need to confer with counsel again.

12 BY MR. WILCOX:

13 Q. As a result of your investigation in the PPP fraud, did
14 you become familiar with the eligibility requirements for
15 obtaining a PPP loan?

16 A. Yes. Yes.

17 Q. Yes, okay.

18 And I'm going to show you what's been marked as an
19 exhibit in evidence 207.

20 Can you identify 207? Do you recognize it?

21 A. I do.

22 Q. What is it?

23 A. This is the 1120-S for the Wade Funeral Home for the year
24 2029 [sic].

25 Q. And does it reflect an amount of gross receipts and sales

1 on line 1(a)?

2 A. It does.

3 Q. Okay. And how much is that?

4 A. 1(a) is \$345,359.

5 Q. Okay. Had Mr. Wade put that number in his PPP loan
6 application, Exhibit 58 that was shown, would he have been
7 denied a PPP loan, to the best of your knowledge?

8 MR. SNIDER: Objection.

9 THE COURT: What's the basis?

10 MR. SNIDER: There's lack of foundation and it calls
11 for speculation.

12 THE COURT: Sustained.

13 BY MR. WILCOX:

14 Q. Is there any indication that this number, the amount of
15 money that he put -- Your Honor, may we have a sidebar?

16 THE COURT: This is a summary witness for documents.
17 All right? If you want to publish something on the form, you
18 may, but that's about as far as you can go.

19 MR. WILCOX: Your Honor, I'd like to have a sidebar,
20 please.

21 THE COURT: Come sidebar, sir.

22 (The following proceedings were held sidebar:)

23 MR. WILCOX: Your Honor, I believe the witness
24 testified that she was familiar with --

25 THE COURT: I'm sorry. I'm not hearing you. I heard

1 you say, "I believe the witness testified."

2 MR. WILCOX: That she was familiar with the
3 requirements for obtaining a PPP loan.

4 THE COURT: She is a summary witness regarding
5 documents. There is no case exception to the hearsay rule for
6 agents. There's no case agent exception. If you want to
7 publish -- you know, there's a number 345, 359. If you want
8 to publish that number, you can.

9 MR. WILCOX: My question was based on her
10 knowledge about the requirements --

11 THE COURT: She's no expert on tax forms. You can't
12 have her testify about your conclusions and what she may have
13 garnered personally from the evidence in the case. In other
14 words, she can't summarize the evidence in the case. She can
15 summarize documents. That's what a summary witness does.

16 MR. WILCOX: I understand she's a summary witness,
17 Your Honor.

18 THE COURT: All right.

19 MR. WILCOX: She also indicated that she's familiar
20 with the requirements for obtaining a PPP loan. What I was
21 asking her -- and I'm just trying to make sure the record is
22 clear now, Your Honor. I accept your ruling. I accept your
23 ruling.

24 What I want to do is just ask her whether or not that
25 amount of money, if placed in the PPP loan application, would

1 have disqualified him from getting a PPP loan based on her
2 knowledge of --

3 THE COURT: Well, you're going to have to lay a
4 foundation, first of all. If that's where you're going -- I
5 don't know that she knows that.

6 MR. SNIDER: It's also speculative. How can she say
7 what the SBA would or would not have approved based on some
8 number on a tax form?

9 THE COURT: I don't know. That's the foundation. It
10 doesn't sound like she could, but, you know -- you want her to
11 testify about her conclusions about certain things in the
12 case, which she can't do.

13 MR. WILCOX: Your Honor, so I just want the record to
14 be clear. The point that I'm making or why I think this is
15 relevant is he has a valid tax record. He has a legitimate
16 tax return that he has --

17 THE COURT: Well, I don't know that. And she doesn't
18 know that it's legitimate. She can't testify to the
19 legitimacy of the tax return. That's your conclusion. Maybe
20 you'll present evidence that he submitted something truthful
21 and careful, et cetera.

22 MR. WILCOX: Your Honor, we asked the IRS agent is
23 there any evidence that he was under audit at this
24 particular --

25 THE COURT: Okay. That's fine if you want to ask her

1 that.

2 MR. WILCOX: The point -- and just so -- I just
3 want -- the point that I'm trying to make here, the 112
4 amount, or thereabouts, that's on the form, is false.
5 Everybody has testified to that. That is false -- the actual
6 PPP application -- the PPP application, the amount of --

7 THE COURT: All right. Now, listen to me. We're
8 talking about an 1120-S and now you're telling me about a PPP
9 loan application.

10 MR. WILCOX: Yes --

11 MR. MCCRAY: Can I just confer with Mr. Wilcox for a
12 second?

13 THE COURT: Yes.

14 MR. WILCOX: Your Honor, there's been testimony that,
15 you know, she had to put at least a hundred thousand dollars
16 into the PPP loan application. We have evidence that he made
17 more than \$200,000.

18 THE COURT: What's that based on? She can't testify
19 to the veracity of that. She can tell you what's on the form.

20 MR. WILCOX: She can tell you that it was filed.

21 THE COURT: Well, maybe. I don't know if she can
22 tell you that.

23 MR. WILCOX: It's certified here.

24 THE COURT: You can say, "Is there a certification on
25 here?" Or is there something --

1 MR. WILCOX: I just feel like you're missing my
2 point, Your Honor.

3 THE COURT: I probably am, but so far --

4 MR. WILCOX: That's why I want it.

5 THE COURT: We're going to move on.

6 MR. WILCOX: That's what I wanted to check.

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

8 BY MR. WILCOX:

9 Q. Agent DiPietrantonio, I want the record -- do you recall
10 the IRS agent -- I'm sorry -- IRS representative -- I think
11 her name was Ms. McClain -- right? -- testifying as to this
12 document?

13 A. Yes.

14 Q. Okay. And do you recall me asking her whether or not
15 Mr. Wade was the subject of an IRS tax audit?

16 A. Yes.

17 Q. Okay. And her answer was "no"; correct?

18 A. I think she said she did not know that.

19 Q. Okay. She did not know that.

20 And this is a certification at the bottom of this
21 document; correct?

22 A. I can't see it. Yes.

23 Q. And the Government introduced this document -- correct? --
24 in evidence?

25 A. Correct.

1 Q. And this number, \$345,359, is greater than \$100,000; is
2 that right?

3 A. Yes, it is.

4 Q. Thank you.

5 Showing you Government's Exhibit 209, do you
6 recognize this?

7 A. Yes.

8 Q. This is Mr. Wade's tax return for the tax year 2020; is
9 that correct?

10 A. No, this is a tax return for the Wade Funeral Home.

11 Q. Okay. Sorry. You're correct. This is a tax return for
12 the Wade Funeral Home for the year 2020; correct?

13 A. Yes.

14 Q. Do you remember Ms. McClain, the representative from the
15 IRS, testifying as to this document?

16 A. Yes.

17 Q. And do you remember me asking Ms. McClain whether or not
18 Mr. Wade was under audit because of this tax return?

19 A. Yes.

20 Q. Okay. And her answer was she did not know?

21 A. Correct.

22 Q. Okay. There's a certification here; is that right?

23 A. Again, I can't see it, but -- yes.

24 Q. What does that mean?

25 A. That these are true copies.

1 Q. That you obtained from the IRS?

2 A. Correct.

3 Q. That Mr. Wade filed?

4 A. That the Wade Funeral Home filed with the IRS, yes.

5 Q. Okay. And \$332,661 appears on the gross receipts and
6 sales; is that right?

7 A. Yes.

8 Q. Is that number larger than \$100,000?

9 A. It is.

10 Q. Thank you.

11 THE COURT: Let's take our afternoon break, ladies
12 and gentlemen. We are in recess.

13 (Jury exited at 2:58 PM.)

14 (Recess from 2:58 PM to 3:17 PM.)

15 (Jury entered at 3:17 PM.)

16 THE COURT: Be seated, ladies and gentlemen.

17 BY MR. WILCOX:

18 Q. I want to turn your attention to Government Exhibit 117 in
19 evidence. Do you recognize this document?

20 A. I do.

21 Q. What is it?

22 A. This is the PPP loan application for Carolyn Wade.

23 Q. And would you agree that there's no evidence that Carolyn
24 Wade inputted any of the information in this application?

25 MR. SNIDER: Objection.

1 THE COURT: Sustained.

2 BY MR. WILCOX:

3 Q. Isn't it true that Haydee Granados inputted this
4 one-one-three-five-six number into the application?

5 A. Like, Tracy Wade's, Haydee Granados inputted the wrong
6 number, and then through Womply's OCR, they translated it to
7 be the correct number.

8 Q. Okay. Did Carolyn Wade input the business name into it?

9 A. I would have to see the Womply record.

10 Q. Okay. I'm showing you what's marked as defense exhibit
11 for identification 24.

12 May I approach the witness, Your Honor?

13 THE COURT: Yes, sir.

14 THE WITNESS: Thank you.

15 BY MR. WILCOX:

16 Q. Do you recognize that document, Ms. DiPietrantonio?

17 A. I do.

18 Q. Agent DiPietrantonio?

19 A. I do.

20 Q. And what is it?

21 A. This is the Schedule C from 2019 for Carolyn Wade.

22 Q. Okay. It's not the one that Ms. Granados uploaded into
23 the application, is it?

24 A. It is not.

25 Q. Okay. This is one that was actually filed with the IRS?

1 A. Correct.

2 MR. WILCOX: Move to admit, Your Honor, Exhibit 24.

3 THE COURT: Any objection?

4 MR. SNIDER: It's already in evidence.

5 MR. WILCOX: As Government's what? That's all right.

6 Don't worry.

7 MR. SNIDER: I can give it -- another copy of this is
8 in evidence.

9 THE COURT: Defense 24 for identification is offered.
10 Is there an objection? If it's the same as your exhibit, is
11 there an objection is the question.

12 MR. SNIDER: That's what I want to verify.

13 THE COURT: All right.

14 MR. SNIDER: No objection.

15 THE COURT: Received.

16 (Defense Exhibit 24 was received in evidence.)

17 BY MR. WILCOX:

18 Q. The Schedule C that was actually filed with the IRS, does
19 it list the name of the proprietor?

20 A. Yes.

21 Q. And who's the proprietor?

22 A. Carolyn Wade.

23 Q. And what's the principal business or profession?

24 A. A hairstylist.

25 Q. And what is the name of the business?

1 A. 1 Step A-Head.

2 Q. And this is a 2019 tax year return?

3 A. 2019 Schedule C, yes.

4 Q. Right.

5 And the PPP loan application asks you to put your
6 gross income from either 2019 or 2020; is that correct?

7 A. Correct.

8 Q. Okay. And this Schedule C does show a gross income but
9 it's much less than \$100,000; correct?

10 A. The Schedule C shows an income much less than \$100,000,
11 correct.

12 Q. Thank you.

13 Agent DiPietrantonio, how did you first learn of
14 Haydee Granados, now known as Haydee Rivero?

15 A. It was sometime middle of this year, I believe.

16 Q. Isn't it true that you became aware of Haydee Granados
17 when Mr. McCray inquired of the Government whether or not you
18 were investigating her?

19 A. I'm sorry? Can you rephrase that question?

20 Q. Isn't it true that you became aware of Haydee Granados
21 back in April of this year when Mr. McCray inquired whether
22 the Government was investigating her?

23 A. I don't think that's when I became aware of her, no.

24 Q. Well, how did you become aware of her?

25 A. At some point throughout the investigation.

1 Q. In investigation of Carolyn Wade; is that correct?

2 A. Correct.

3 Q. Prior to another proceeding we had concerning Carolyn

4 Wade --

5 A. Correct.

6 Q. -- you became aware of Haydee Granados?

7 A. Correct.

8 Q. And what prompted you to become aware of Haydee Granados?

9 I mean, what was the catalyst or the --

10 A. I believe it was in reviewing the USAA bank account.

11 Q. Okay. Continue, please, if you can.

12 A. In reviewing the USAA bank account that belongs to Carolyn
13 Wade, I saw the Zelle transfer of a thousand dollars the same
14 day after her loan, which is consistent with other
15 investigations or similar to other investigations where
16 subjects have paid preparers to conduct the PPP application on
17 their behalf.

18 Q. Okay. And subsequent to that, you discovered that
19 Ms. Granados's IP address was 76.110.183.125?

20 A. I don't know the whole number exactly, but I know that it
21 does end in 125.

22 Q. That suffices.

23 And back in March of this year, the Government
24 actually issued a subpoena to Womply; is that correct?

25 A. I would have to see the subpoena, but that sounds

1 accurate.

2 Q. Let me see if I can refresh your recollection.

3 A. Thank you. Yes, on March 7, 2024.

4 Q. Does that refresh your recollection?

5 A. It does. Thank you.

6 Q. Now, you subpoenaed Womply back in March of this year and
7 you requested that Womply provide all the records in their
8 custody and control related to Carolyn Wade's PPP loan
9 application; is that right?

10 A. Correct.

11 Q. And one of the things you specifically requested was all
12 PPP loan applications with the same IP addresses as Carolyn
13 Wade's PPP loan application? If you look at the second --

14 A. I don't think it's worded that way, but we did receive IP
15 addresses that were used on Carolyn Wade's application on
16 other PPP applications.

17 Q. Now, you specifically requested all other applications,
18 and you meant PPP applications; right?

19 A. Where are you reading from on the subpoena?

20 Q. The second page, Number 9.

21 A. Okay.

22 Q. Right.

23 You requested all PPP applications with the same IP
24 addresses as the IP addresses for Ms. Wade's loan application;
25 is that right?

1 A. Correct.

2 Q. And pursuant to that subpoena, you got 21 files?

3 A. Correct.

4 Q. Okay. Of those 21 files, one was for Carolyn Wade; right?

5 A. Yes.

6 Q. One was for Tracy Wade; right?

7 A. Yes.

8 Q. One was for Haydee Granados; right?

9 A. Yes.

10 Q. And 18 other people that we discussed with Ms. Granados
11 earlier?

12 A. Correct.

13 Q. Okay. Now, this indictment or the testimony relating to
14 this indictment were presented to the grand jury on June 27 of
15 2024; is that correct?

16 A. I believe so.

17 Q. Okay. And during the grand jury proceeding, you presented
18 evidence to the grand jury in hopes that they would return an
19 indictment against Carolyn Wade and Tracy Wade; correct?

20 A. Correct.

21 Q. And when you testified before the grand jury, you told the
22 grand jury that you collected evidence that showed that
23 Carolyn Wade and Tracy Wade conspired with Haydee Granados and
24 others to submit PPP applications that contained false
25 information?

1 A. Correct.

2 Q. You testified to the grand jury that Tracy Wade and
3 Carolyn Wade agreed to have Haydee Granados upload fake tax
4 documents into their PPP loan application?

5 A. Correct.

6 Q. And when you testified before the grand jury, Mr. Snider
7 was asking you the questions and you were providing the
8 answers?

9 A. Correct.

10 Q. Did you and Mr. Snider tell the grand jury that Haydee
11 Granados was involved with attempting to obtain PPP loans or
12 obtaining PPP loans for 18 other people?

13 A. Not in that proceeding.

14 Q. You did not tell the grand jury that, did you?

15 MR. SNIDER: Your Honor, can we come sidebar?

16 THE COURT: Come sidebar.

17 (The following proceedings were held sidebar:)

18 MR. SNIDER: This seems to be going --

19 THE COURT: One moment.

20 MR. SNIDER: Sorry.

21 This seems to be going pretty far afield from the
22 scope of --

23 THE COURT: Well, I don't know where we're going.

24 MR. SNIDER: I don't know where we're going either.

25 THE COURT: Are you using her grand jury testimony to

1 impeach her, which is an out-of-court statement for the truth
2 of the matter? Is that where we're going?

3 MR. WILCOX: No.

4 THE COURT: What is it that you're doing? You can't
5 talk to her about what she said before the grand jury. You
6 just can't. You just can't do that. If it's impeachment
7 because you have Jencks information -- did you give him --

8 MR. SNIDER: Of course, of course.

9 THE COURT: Okay. You have the Jencks statement.
10 Okay. It's an out-of-court statement for the truth of the
11 matter. If you want to use it to impeach her about something
12 she said, you can.

13 MR. WILCOX: I think what I asked her is that there
14 was no mention to the grand jury --

15 MR. SNIDER: That's not impeachment.

16 THE COURT: That's not inconsistent with what she
17 said.

18 MR. WILCOX: Can I say why I think it's relevant?

19 MR. SNIDER: It's improper under the rules of
20 evidence.

21 THE COURT: This case is not about the grand jury and
22 what was told to the grand jury, Mr. Wilcox.

23 MR. WILCOX: The Government has an obligation to
24 present all the evidence --

25 THE COURT: No, sir. No, sir, they don't. They

1 don't. Now, you may think they should, but they don't have an
2 obligation to do so. And what happened before the grand jury
3 is not the subject of this case unless there's something
4 improper, inconsistent.

5 MR. WILCOX: Understood.

6 MR. SNIDER: Based on that ruling, I would move to
7 strike her last response, which the answer to that question --

8 THE COURT: She didn't answer that.

9 MR. SNIDER: She did.

10 THE COURT: What is it that you're asking me -- what
11 was the question and what was the answer?

12 MR. SNIDER: He said, "During the grand jury -- did
13 Mr. Snider ask you about" -- you know, her involvement with
14 these 18 other people, and she said, "No, not at that time,"
15 or something to that effect. She's talking about her grand
16 jury testimony. It was an improper question.

17 THE COURT: I will sustain the objection. So how do
18 you want to handle it?

19 MR. SNIDER: Disregard the last answer.

20 THE COURT: The last question and answer?

21 MR. SNIDER: Yeah.

22 THE COURT: All right.

23 MR. SNIDER: Thank you.

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

25 THE COURT: There was an objection to the last

1 question and answer, and I am going to sustain the objection.
2 And I won't repeat the question and answer because you're not
3 supposed to consider it. So if you don't remember what it
4 was, that's fine.

5 BY MR. WILCOX:

6 Q. During your investigation and preparation for this trial,
7 the Government interviewed Haydee Granados at least two times;
8 is that correct?

9 A. Correct.

10 Q. Was it more than two times?

11 A. She was interviewed twice, but we had multiple trial
12 preparation meetings with her.

13 Q. Multiple meaning approximately how many?

14 A. Maybe two or three.

15 Q. Two or three meetings just to kind of get her ready -- I
16 mean to prepare her for trial?

17 A. Correct, outside of those interviews.

18 Q. Okay. Outside of the two interviews that you had to find
19 out how she was involved with the case?

20 A. Correct.

21 Q. Okay. Now, the first interview occurred on June 14, 2024;
22 is that correct?

23 A. Yes.

24 Q. Okay. And the second interview occurred on September 30,
25 2024?

1 A. Yes.

2 Q. Is there a reason why none of these interviews were
3 videotaped or audio recorded?

4 A. It's not our policy to record those kinds of interviews.

5 Q. Okay. When you say "our policy," who is "our"?

6 A. The FBI.

7 Q. Okay. The FBI has a policy of not recording or video
8 recording interviews of coconspirators or cooperating
9 witnesses?

10 A. Not if they're not in custody.

11 Q. Not if they're not in custody, okay.

12 Before we say a policy, there's no law that prevents
13 you from doing it; is that right?

14 A. No, there's not.

15 Q. There's no statute that says the FBI is prohibited from
16 recording witnesses or coconspirators that are cooperating; is
17 that right?

18 A. Not to my knowledge.

19 Q. Okay. And your reports -- you made reports -- is that
20 right?

21 A. Correct.

22 Q. -- of those two interviews that you had with Haydee
23 Rivero, formerly known as Haydee Granados?

24 A. I did.

25 Q. Okay. You were here when Haydee Rivero, formerly known as

1 Haydee Granados, testified; correct?

2 A. I was.

3 Q. Would you agree that some of her testimony was
4 inconsistent with what you wrote in your report?

5 MR. SNIDER: Objection.

6 THE COURT: Sustained as vague.

7 BY MR. WILCOX:

8 Q. Would you agree that a videotape recording of Haydee
9 Granados's testimony would be more accurate than a report of
10 that interview?

11 MR. SNIDER: Objection.

12 THE COURT: Overruled.

13 THE WITNESS: It would. That would be a
14 word-for-word --

15 BY MR. WILCOX:

16 Q. Your report is not word -- I'm sorry.

17 Your report does not capture word for word what she
18 said; right?

19 A. That's correct.

20 Q. But a video recording would; correct?

21 A. Correct.

22 Q. Do you remember that Ms. Rivero had testified she had
23 never been to Wade Funeral Home?

24 A. I do.

25 Q. Is that consistent with your report of that interview?

1 A. It is not.

2 Q. Okay. In your report you say that she visited -- she says
3 to you that she visited Wade Funeral Home on at least two
4 occasions?

5 A. That's correct.

6 Q. Okay. But she testified in court that she had never been
7 to the Wade Funeral Home; is that right?

8 A. That's correct.

9 Q. And she also testified that --

10 MR. SNIDER: Your Honor, I object. This is improper
11 impeachment of Ms. Granados through this witness's
12 recollection -- through her statements -- through her written
13 report.

14 THE COURT: Come sidebar, please.

15 MR. SNIDER: Sure.

16 (The following proceedings were held sidebar:)

17 MR. SNIDER: Go ahead.

18 THE COURT: It is a little inartful, but the point is
19 he's impeaching her --

20 MR. SNIDER: Who?

21 THE COURT: -- Granados -- with a statement that she
22 made to this agent and that's okay. You can do that. That's
23 fine. She testified to A. Agent, she told you B. Classic
24 impeachment.

25 MR. SNIDER: Even though -- okay. Her out-of-court

1 statement --

2 THE COURT: It's impeachment. It's not a correct
3 statement, but it's impeaching what she said in court. It's a
4 prior inconsistent statement.

5 MR. SNIDER: I guess by the way it was being asked I
6 didn't pick up on it.

7 THE COURT: Well, it was a little herky-jerky but
8 it's in the ballpark.

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

10 BY MR. WILCOX:

11 Q. Do you recall when Ms. Rivero, formerly known as
12 Ms. Granados, was testifying that she said that she didn't
13 think she would get in trouble because the loan was
14 forgivable?

15 A. Yes.

16 Q. Do you remember her saying that?

17 A. I do.

18 Q. She told you that she didn't think she would get in
19 trouble because the loan amount was very low?

20 A. That's correct.

21 Q. And she also testified that she was only paid to prepare
22 Schedule Cs; is that correct?

23 A. Yes.

24 Q. That's not what she told you in her report -- that's not
25 what she told you during the interview?

1 A. What in my report are you referring to?

2 Q. Your first report, she never told you that, "Well, I was
3 only paid to prepare Schedule Cs"?

4 A. She never told me that or that's inconsistent with my
5 report.

6 Q. That's inconsistent with your report.

7 A. I have to see what specifically you're speaking about.

8 MR. WILCOX: Well, may I approach the witness, Your
9 Honor?

10 THE COURT: Yes, sir.

11 THE WITNESS: Thank you.

12 BY MR. WILCOX:

13 Q. Agent DiPietrantonio, do you recognize the document I
14 handed you?

15 A. I do.

16 Q. Right.

17 And this is your report of the interview with
18 Ms. Granados?

19 A. It is.

20 Q. Okay. I'd like you to, you know, take your time and we'll
21 just review it.

22 THE COURT: A number? A number?

23 MR. WILCOX: I don't think I'm going to be able to
24 introduce it.

25 THE COURT: You're going to mark it for

1 identification.

2 MR. WILCOX: I would mark it for defense
3 identification 25.

4 THE WITNESS: Can you point me to a paragraph?

5 BY MR. WILCOX:

6 Q. What I'm asking you is do you recall her ever telling you
7 during that interview that she was paid only to create
8 Schedule Cs?

9 A. I believe she said in her interview that that's what she
10 was paid for. If you're referring to a specific paragraph,
11 I'm happy to --

12 Q. No, no specific paragraph. I'm saying she never said it.
13 Is that true?

14 A. She said that she made the 302s up for both Carolyn and
15 Tracy Wade.

16 Q. But did she say she was just paid only to do that?

17 A. In that sentence exactly, I don't remember. But if you
18 point me to a specific section, I'm happy to take a look at
19 it.

20 Q. I'll look at it to see if I can help you.

21 I'm going to move on.

22 Do you recall Ms. Granados testifying that she
23 prepared the Schedule Cs or helped people obtain fraudulent
24 PPP loans because she was greedy?

25 A. I do, yes.

1 Q. Okay. And do you recall her telling you in the report
2 that she did it because it was a cultural thing and she wanted
3 to help her friends and family?

4 A. That's not what it says in the report. The report says
5 that she didn't expect anything in return monetarily from some
6 individuals because she believed there was a cultural aspect
7 that if you do for somebody, somebody else will do for you at
8 a later time.

9 Q. She didn't tell you she did it because she was greedy,
10 though, did she?

11 A. I don't think she used that word that day.

12 MR. WILCOX: Your Honor, may I approach the witness?

13 THE COURT: Yes, sir.

14 BY MR. WILCOX:

15 Q. Agent DiPietrantonio, do you recognize the document I just
16 handed you?

17 A. I do.

18 Q. Okay. And that document is?

19 A. The superseding indictment for both Carolyn and Tracy
20 Wade.

21 MR. WILCOX: Do you want me to mark it for
22 identification, Your Honor?

23 THE COURT: You can. Everything that is mentioned,
24 so we have a good record, has a number. Whether it's
25 introduced or not, that's a different issue.

1 MR. WILCOX: It's marked for identification 26, the
2 superseding indictment filed in this case.

3 BY MR. WILCOX:

4 Q. Now, Count 1 of the indictment charges Mrs. Wade and
5 Mr. Wade with conspiracy to commit wire fraud under Count 18,
6 USC, 1349; is that right?

7 A. That's correct.

8 Q. And I believe we've established that --

9 Now, are you familiar with the information filed
10 against Ms. Granados?

11 A. I am.

12 Q. She's charged with only one count; is that correct?

13 A. That's correct.

14 Q. And she's charged with a general conspiracy under 371; is
15 that right?

16 A. That's correct.

17 Q. You're familiar with a general conspiracy. You're an FBI
18 agent; right?

19 A. Correct.

20 Q. All right. And general conspiracy is punishable by a
21 maximum of five years; right?

22 A. I believe so.

23 Q. And conspiracy to commit wire fraud is punishable by
24 20 years; is that correct?

25 A. Correct.

1 Q. Doesn't this indictment allege that Haydee Granados
2 conspired with Mr. Wade and Mrs. Wade? Is that right?

3 A. It does, yes.

4 Q. She's charged with a five-year maximum crime and Mr. and
5 Mrs. Wade are charged with a 20-year maximum crime; is that
6 correct?

7 A. That's correct.

8 Q. Okay. And that's the only crime that Ms. Granados is
9 charged with; correct?

10 A. That's correct.

11 Q. While Mr. and Mrs. Wade -- and correct me if I'm wrong --
12 even though Haydee Rivero, formerly known as Haydee Granados,
13 helped Mr. and Mrs. Wade with all the counts in this
14 indictment, they're charged with ten counts, and Ms. Granados
15 is only charged with one count?

16 A. Are you asking me if that's correct?

17 Q. Right.

18 A. It is.

19 Q. That's correct.

20 And Count 2 references the PPP loan obtained by
21 Mr. Wade; is that right?

22 A. Yes.

23 Q. And it specifically references on June 3rd the fact that
24 he received \$20,833?

25 A. Correct.

1 Q. That was sent through the mail, so that's wire fraud?

2 A. It wasn't sent through the mail. It was online, but yes.

3 Q. Online mail fraud, wire fraud, I got them confused for a
4 minute. I'm sorry.

5 If it was sent over the wire, it was wire fraud?

6 A. Correct.

7 Q. Now, Count 3 charges Mr. Wade and Mrs. Wade for the loan
8 that she received; is that right?

9 A. That's correct.

10 Q. And Count 3, you're charging Mr. Wade and Mrs. Wade for
11 the PPP loan that Mrs. Wade received; is that right?

12 A. That's correct.

13 Q. And the reason why Mr. Wade is listed in that count is
14 because he helped her?

15 A. Correct.

16 Q. But Haydee Granados helped them too; right?

17 A. She did.

18 Q. But they're not charged with those crimes, are they?

19 A. Not in this specific indictment she's not charged.

20 Q. Well, the only thing she's charged with is a general
21 conspiracy; is that correct?

22 A. That's correct.

23 Q. Count 4, Mr. Wade and Mrs. Wade are charged with
24 conspiracy to make false statements to the SBA?

25 A. Yes.

1 Q. The indictment specifically names Haydee Granados; is that
2 right?

3 A. It does.

4 Q. Haydee Granados is charged with a separate crime of making
5 false statements to the SBA?

6 A. That's correct.

7 Q. Count 5 charges Ms. Wade with a specific instance of
8 making a false statement to the SBA on May 15, 2024; is that
9 correct?

10 A. May 18.

11 Q. May 18, 2024. I'm sorry.

12 A. Yes, that's correct.

13 MR. WILCOX: I apologize, Your Honor.

14 BY MR. WILCOX:

15 Q. In Count 5 -- I'm sorry, Your Honor. I lost my train of
16 thought.

17 Count 5 charges Ms. Wade with making a specific
18 instance -- with a specific instance of making a false
19 statement on SBA form -- I'm sorry -- making a false statement
20 to the SBA on May 18, 2024, and they specifically say the
21 false statements contained in Schedule C -- that the business
22 name was Carolyn Wade and the total amount of gross income was
23 \$113,560; is that right?

24 A. Yes.

25 Q. And may I have Exhibit 116 -- Government's Exhibit 116?

1 I'm showing you what's been marked as Government's
2 Exhibit 116. I'm turning to the signature page that shows
3 that -- well, let's identify what it is first. Do you
4 recognize Government's Exhibit 116?

5 A. I do.

6 Q. And what is it?

7 A. This is the PPP loan application for Carolyn Wade.

8 THE COURT: I'm going to stop you right there with
9 this particular exhibit, and we'll pick up here tomorrow,
10 ladies and gentlemen, at 9:30 AM. Remember not to discuss the
11 case in any way, as you've heard me say many times. Have a
12 good afternoon.

13 (Jury exited at 3:59 PM.)

14 THE COURT: All right. You may step down.

15 Are there any issues I need to address, Counsel?

16 Just for planning for tomorrow, is this the
17 Government's last witness?

18 MR. SNIDER: Yes.

19 THE COURT: So, approximately, how much longer do you
20 think your cross will take?

21 MR. WILCOX: 15, 20 minutes.

22 THE COURT: And how long do you think your redirect
23 will take?

24 MR. SNIDER: Five minutes, as of right now.

25 THE COURT: Okay. So it should take us about 15,

1 20 minutes for motions. And the Government's plan is to rest
2 its case after your redirect; correct?

3 MR. SNIDER: Yes. We're going to offer the slides
4 into evidence.

5 THE COURT: The --

6 MR. SNIDER: The demonstrative.

7 THE COURT: The demonstrative exhibits.

8 MR. SNIDER: Minus the last two pages is going to be
9 offered as a substantive -- yes, into evidence.

10 THE COURT: I was with you until the last thing you
11 said about substantive. You seek to introduce your summary
12 exhibits as substantive evidence --

13 MR. SNIDER: Correct.

14 THE COURT: -- correct?

15 MR. SNIDER: Correct.

16 THE COURT: And what is the defense's position
17 regarding his introduction of the demonstrative exhibit?

18 MR. WILCOX: No objection.

19 THE COURT: All right. So --

20 MR. SNIDER: Or we can move it in right now, then.

21 THE COURT: The exhibit number is 2000 -- no, 1000.1.

22 MR. SNIDER: .1, yes.

23 And the only difference between 1000, which we've
24 been using, and 1000.1, which we're offering, is that 1000.1
25 does not have the last two summary slides, but everything else

1 is the same.

2 THE COURT: All right. So I should receive -- which
3 one is it? 1000 --

4 MR. SNIDER: .1.

5 THE COURT: -- .1 is received as marked.

6 MR. SNIDER: Thank you, Your Honor.

7 (Government Exhibit 1000.1 was received in evidence.)

8 THE COURT: All right. And so now the defense
9 anticipates -- are you still thinking of three hours?

10 MR. MCCRAY: I would say three, Judge.

11 THE COURT: There's one thing I never like to do is
12 to give the jury and submit a case --

13 MR. MCCRAY: I think Monday is the day, Judge --

14 THE COURT: -- on a Friday afternoon because I'm
15 always worried they're going to rush, and that's a little
16 troublesome.

17 Now, we would have to be out of here by -- and we
18 have to be out of the courtroom by 2:30 because this courtroom
19 is being used as an overflow courtroom for the investiture
20 tomorrow, which is next door.

21 MR. SNIDER: Judge, as far as my anticipated
22 cross-examinations, because I would build that into the
23 schedule as well, I don't -- the defense has advised me that
24 they plan to call -- I had it written down -- so they're going
25 to call, I believe, three witnesses.

1 But as far as any lengthy cross-examination that I
2 can anticipate now, the cross-examination -- we've been
3 advised that Mr. Wade is electing to testify. And if he
4 elects to do so, our cross-examination is going to be
5 certainly in excess of an hour and probably closer to two
6 hours. And that's just my estimate, having not heard his
7 testimony, just sort of anticipating what our
8 cross-examination areas may go into.

9 So I would -- as far as my planning purposes, with
10 respect to -- any cross-examination, to the extent he
11 testifies, would probably be -- I would factor in at least two
12 hours.

13 THE COURT: I'm just thinking ahead and trying to
14 figure out what the demarcation line is going to be tomorrow.
15 It may be, based on what I've heard, that the testimony is
16 going to take us close to 2:30 --

17 MR. SNIDER: I think that's fair.

18 THE COURT: -- in any event, which means that we're
19 probably talking about closing arguments and instructions on
20 Monday. So that's where we probably are headed, which means
21 my case on Monday doesn't start on Monday.

22 All right. That's where we are. Yes, sir.

23 MR. MCCRAY: Judge, Mr. Clemente Perez, the gentleman
24 that was here the first day we started, he's back. I asked my
25 witnesses to be here today, thinking we were going to start

1 today. So would the Court be willing to advise him that he
2 needs to be here tomorrow?

3 THE COURT: Of course.

4 MR. MCCRAY: I've already told him.

5 THE COURT: Of course. He's not going to be happy
6 with me.

7 (Mr. Perez entered.)

8 THE COURT: Good afternoon Mr. Perez.

9 MR. PEREZ: Good afternoon, Your Honor.

10 THE COURT: Mr. Perez, our case has been slightly
11 delayed because of the hurricane last week, so we had to take
12 off more days than we expected. But we recess at 4 o'clock
13 every day, and so it looks like your testimony is tomorrow.

14 Where did you tell me you lived? In West Palm Beach?

15 MR. PEREZ: Yes, right there on the border. Do you
16 know where Parkland is? Right there. And I was going today
17 to Daytona because I've got to leave, and I came because he
18 told me I've got to be here.

19 THE COURT: Well, we thought we were moving along
20 faster, but this is never as accurate as we want it to be.

21 MR. PEREZ: I've been here since 12 o'clock.

22 THE COURT: I've been here all day.

23 MR. PEREZ: Oh, no.

24 THE COURT: I'm just kidding you. Well, so we --

25 MR. PEREZ: Because from here I was leaving to

1 Daytona.

2 THE COURT: Well, that -- let me talk to the lawyers
3 for a minute. You're going to Daytona for the weekend?

4 MR. PEREZ: Yes. I'm coming back Monday.

5 THE COURT: Well, that's not going to work.

6 MR. PEREZ: Oh, to go and come Sunday?

7 THE COURT: If you were coming back Sunday and you
8 could be here Monday. I don't know if the lawyers are willing
9 to adjust the schedule. So it's either that or --

10 MR. PEREZ: So I can't plead nothing now.

11 THE COURT: Because --

12 MR. PEREZ: No, I saw all the jurors. I was sitting
13 over there.

14 THE COURT: When you testify, you have to testify
15 before the jurors.

16 MR. PEREZ: Okay.

17 THE COURT: So what is your preference?

18 MR. PEREZ: Okay. I guess I come Monday.

19 MR. MCCRAY: That's fine.

20 MR. PEREZ: What time do you want me to be here?

21 THE COURT: Let's think through this, Counsel, so we
22 can figure out what's likely the best time. This is not an
23 exact science, unfortunately. And actually, I have a case
24 that's supposed to start on Monday, and I've already summonsed
25 jurors, 45, to come in. Now we have to notify them they can't

1 come Monday because I'm involved in this matter. So it's not
2 exact. We try as best we can.

3 One possibility is regardless of where we are on
4 Monday morning, you take his testimony first.

5 MR. MCCRAY: That's fine. That's good.

6 THE COURT: Okay. So we're going to start at 9:30
7 Monday morning. You be here about 9:35 AM, and they'll call
8 you first, and then you'll be able -- I anticipate them
9 excusing you permanently after your testimony. And I don't
10 think his testimony is going to be that long --

11 MR. MCCRAY: We'll probably be 15 minutes, if that
12 long.

13 THE COURT: So Monday morning, 9:30, and we'll have
14 you on and off.

15 MR. PEREZ: I'll be here. I'll be here, Your Honor.

16 THE COURT: I appreciate it, sir.

17 MR. PEREZ: Have a nice weekend.

18 THE COURT: You too.

19 MR. PEREZ: Goodbye.

20 THE COURT: Goodbye.

21 (Mr. Perez exited.)

22 MR. MCCRAY: He actually told me he was in Daytona.
23 I talked to him last night.

24 THE COURT: All right. Anything else, Counsel? If
25 not, have a good evening. We'll see you tomorrow morning.

(Proceedings adjourned at 4:11 PM.)

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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