

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR-60173-KMW

UNITED STATES OF AMERICA, Miami, Florida
Plaintiff, October 18, 2024
vs.
9:56 AM - 2:48 PM
CAROLYN DENISE WADE and DAY 6
TRACY D. WADE,
Defendants. Pages 1 to 137

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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T A B L E O F C O N T E N T S

	<u>PAGE</u>
<u>GOVERNMENT'S WITNESSES:</u>	
KELLY DIPIETRANTONIO	
Continued Cross-Examination by Mr. Wilcox.....	3
Redirect Examination by Mr. Snider.....	19
<u>DEFENSE WITNESSES:</u>	
WALTER WRIGHT	
Direct Examination by Mr. McCray.....	39
Cross-Examination by Mr. Snider.....	77
Redirect Examination by Mr. McCray.....	93
HAYDEE RIVERO	
Direct Examination by Mr. McCray.....	96
Cross-Examination by Mr. Snider.....	101
Redirect Examination by Mr. McCray.....	103
TRACY WADE	
Direct Examination by Mr. McCray.....	108
Certificate of Reporter.....	121

DEFENSE EXHIBITS

MARKED ADMITTED

26		23
30		71
31		75
32		76

1 (Call to the Order of the Court.)

2 THE COURT: One quick matter. I want to resolve it
3 now. Apparently, Juror Number 15 asked if we were going to be
4 in session on Monday because she has a planned vacation on
5 Monday. And I'm not exactly sure what that means.

6 MR. WILCOX: What number juror, Your Honor?

7 THE COURT: I'm sorry? I didn't hear you.

8 MR. WILCOX: An alternate.

9 THE COURT: Yes, Number 15, the last alternate. So
10 it's not really an issue at this time, but -- let's bring the
11 jury in. We'll get to that later. I'm not sure what we're
12 going to do. She may just have to be here on Monday and we'll
13 move right along.

14 (Jury entered at 9:57 AM.)

15 THE COURT: Good morning, ladies and gentlemen. We
16 are losing a little time at the beginning. We're 30 minutes
17 late. Please. We have a lot of traffic. I don't know if
18 there were any unusual issues this morning, but let's proceed.

19 MR. WILCOX: Your Honor, may I approach the witness?

20 THE COURT: Yes, sir.

21 CONTINUED CROSS-EXAMINATION

22 BY MR. WILCOX:

23 Q. Agent, I've just handed you I believe what's been marked
24 as -- what will be marked as defense exhibit for
25 identification 26, the superseding indictment in this case.

1 A. Yes.

2 Q. I believe when I stopped yesterday I was asking you about
3 Count 5. Count 5 of the superseding indictment alleges that
4 on May 18 of 2021, the defendant, Carolyn Denise Wade,
5 knowingly made a false statement to the Small Business
6 Administration for the purpose of obtaining and influencing in
7 any way the Small Business Administration, that is, an SBA
8 Form 3483-C Paycheck Protection Program Borrower Application
9 Form for Schedule C filers using gross income, which the false
10 statement included, among other things, that the business
11 legal name was Carolyn Wade and the total amount of gross
12 income from IRS 1040, Schedule C, line 7, was \$113,560, in
13 violation of Title 15, United States Code, Section 645(a),
14 Title 18, United States Code, Section 2.

15 And the indictment alleged that this offense occurred
16 on May 18. I'm placing on the ELM0 what's been admitted into
17 evidence as Government's Exhibit 16. Is that the document
18 that's reflected in Count 5 of the indictment?

19 A. It is.

20 Q. Okay. Now, the indictment also alleges in paragraph 22
21 that it was Haydee Rivero, formerly known as Haydee
22 Granados -- inputted and transmitted through the processor --
23 the Loan Processor 1's website -- and Loan Processer 1 is
24 Womply; is that correct?

25 A. Correct.

1 Q. Materially false information for a PPP loan application
2 for Carolyn and Denise Wade; is that right?

3 A. It says Carolyn Denise Wade and Tracy D. Wade.

4 Q. And Tracy D. Wade.

5 So even though Count 5 of the indictment says that
6 Tracy -- I mean that Ms. Wade made a false statement, it was
7 Ms. Rivero that inputted that information; correct?

8 A. Part of that information, yes.

9 Q. I'm going to put paragraph 6 -- I mean -- I'm sorry --
10 Exhibit 16 back on the ELM0.

11 Isn't it true that Carolyn Wade did not input any of
12 this information on this form?

13 A. Nobody inputted any information on this form. It was
14 imported into the Womply portal, and Womply translated it to
15 this form.

16 Q. What information did Carolyn Wade input into the Womply
17 portal?

18 A. I can't tell you who inputted what information, only what
19 IP address imported what information.

20 Q. Thank you.

21 Count 6 charges Mr. Wade -- excuse me. I have to get
22 my sequences correct. I want you to turn to Count 6 in the
23 indictment.

24 A. Okay.

25 Q. Okay. Count 6 of the indictment alleges that on or

1 about -- I'm in paragraph 50 -- on or about May 19 -- I'm
2 going to skip the other language -- Tracy Wade did the same
3 thing that's alleged in Count 5 -- just to speed things along
4 a little bit -- in relation to a Paycheck Protection Program
5 application form; is that right?

6 A. Correct.

7 Q. That's on May 19. I'm going to place on the ELMO what's
8 been introduced into evidence as Government Exhibit 158.

9 Is this the document that's reflected in Count 6 of
10 the indictment?

11 A. It is.

12 Q. Okay. And again, the superseding indictment,
13 paragraph 22, alleges that Haydee Granados inputted
14 information into the Womply portal that ended up in this --
15 forgive me -- that ended up in this application; correct?

16 A. Correct.

17 Q. Okay. Now, the superseding indictment never alleges that
18 Ms. -- if I'm not -- maybe I'm mistaken. But the superseding
19 indictment never alleges that Mr. and Mrs. Wade ever inputted
20 anything anywhere. You can start at -- maybe you can start at
21 paragraph 20. That's where the -- in the indictment.

22 A. Do you want me to read it --

23 Q. Or review it. I'm asking you, isn't it true that the
24 indictment never alleges that Carolyn Wade or Tracy Wade
25 inputted any information anywhere?

DIPIETRANTONIO - CROSS

7

1 A. I think it does. I think that they put in materially
2 false information. I think it says that.

3 Q. It says what now? It doesn't use the word "inputted,"
4 though, does it?

5 A. I don't know if it uses the word "inputted."

6 Q. Well, check.

7 A. Okay. I'm not seeing the word "inputted" so far.

8 Q. Take your time, Agent.

9 A. I'm not -- I'm not seeing that word.

10 Q. Thank you.

11 Count 7 of the superseding indictment accuses
12 Mr. Tracy Wade of making a false statement to the Small
13 Business Association [sic] on or about May 27, 2021; is that
14 correct?

15 A. That's correct.

16 Q. And the next page it references another Form 2483-C --

17 A. Correct.

18 Q. -- correct?

19 I'm going to place on the ELM0 what's been introduced
20 as Exhibit 169 -- 159 -- I apologize -- 159 that's --
21 Government Exhibit 159 that's already been introduced into
22 evidence.

23 Is this the exhibit reflected in Count 7 of the
24 indictment?

25 A. It is.

DIPIETRANTONIO - CROSS

8

1 Q. Okay. Well, it's a document referenced --

2 A. It is.

3 Q. -- in Count 7 of the indictment.

4 Count 8 of the superseding indictment charges

5 Mrs. Wade with making false statements to the SBA on May 28,
6 2024 --

7 A. 2021.

8 Q. -- 2021. I just need to slow down.

9 Correct?

10 A. Yes.

11 Q. And it references SBA Form 2483?

12 A. Correct.

13 Q. And it identifies, among the false statements made, was
14 that the business name was Carolyn Wade and that the total
15 amount of gross income was \$113,560; correct?

16 A. Correct.

17 Q. And I'm going to place on the ELMO Government Exhibit 117.
18 Is this the document that's reflected in Count 8 of the
19 superseding indictment?

20 A. Yes.

21 Q. Count 9 charges that on August 7, 2021, Carolyn Wade made
22 false statements to the Small Business Association for the
23 purpose of obtaining money or influencing -- and influencing
24 in any way the Small Business Association. That is a PPP loan
25 application Form 358-S, which false statements include, among

1 other things, the business legal name was Carolyn Wade, that
2 the employees at the time of the loan was three, and that at
3 the time of the -- and at the time of the forgiveness
4 application was three.

5 Is that correct?

6 A. Yes.

7 Q. I'm placing on the ELMO what's already been admitted as
8 Government Exhibit 118.

9 Is this the document that's reflected in Count 9 of
10 the indictment?

11 A. It is.

12 Q. And Count 10 of the indictment charges Mr. Wade with the
13 same thing on August 7, PPP forgiveness application; is that
14 correct?

15 A. Yes.

16 Q. And I'm placing on the ELMO what's been introduced as
17 Government Exhibit 160. Is this the document that's reflected
18 in Count 10 of the indictment?

19 A. Yes.

20 Q. Thank you.

21 MR. WILCOX: Your Honor, I'm not sure what defense
22 exhibit number we're on.

23 THE COURT: They're not necessarily in the same
24 order, but there was a 16 that was received. That was the
25 last one received. So --

1 MR. WILCOX: Or the last one identified. I'm sorry,
2 Your Honor.

3 THE COURT: That's the highest number I have either
4 identified or received, 16.

5 MR. WILCOX: Your Honor, I believe that the last item
6 that I marked for identification was 26 --

7 THE COURT: All right.

8 MR. WILCOX: -- and I think I'm up to 27.

9 THE COURT: Do you want to make this 27?

10 MR. WILCOX: Yes, sir.

11 THE COURT: For identification. Okay.

12 MR. WILCOX: I believe Exhibit 116 was marked as 27
13 for identification. I do remember that because it was already
14 in evidence. Anyway, Your Honor --

15 THE COURT: Just give me a number.

16 MR. WILCOX: 26, Your Honor.

17 THE COURT: You could make it 50, if you wanted to.

18 MR. WILCOX: 27, Your Honor.

19 THE COURT: All right.

20 MR. WILCOX: (Handing document).

21 BY MR. WILCOX:

22 Q. Agent DiPietrantonio, I've handed you what's going to be
23 marked as Defense Exhibit 27. Do you recognize that?

24 A. I do.

25 Q. Can you describe it, please?

DIPIETRANTONIO - CROSS

11

1 A. It's a check written, it looks like, by Tracy Wade to the
2 Jersey City Group for \$4,000 on June 4, 2021, for funeral home
3 repairs.

4 Q. Okay. And that check was written around the same time the
5 thousand-dollar checks were written for payment to Haydee
6 Granados; is that correct?

7 A. That's correct.

8 Q. Okay. One moment, Your Honor. Thank you.

9 MR. WILCOX: Your Honor, may I approach the witness?

10 THE COURT: Yes, sir.

11 MR. WILCOX: (Handing document).

12 THE WITNESS: 305.

13 BY MR. WILCOX:

14 Q. Agent DiPietrantonio, I just showed you already introduced
15 into evidence as Government Exhibit 305. Do you recognize
16 that?

17 A. I do.

18 Q. And could you tell the jury what that is?

19 A. This is a check signed by Carolyn Wade to the Jersey City
20 Group for \$4,000, written on June 9, 2021, for equipment
21 restoration.

22 Q. And was that check written around the same time as the
23 thousand-dollar check that was paid to Haydee Granados by
24 Carolyn Wade?

25 A. It was.

DIPIETRANTONIO - CROSS

12

1 Q. Okay. And do you know who or what Jersey City Group is?

2 A. It's a company owned by Eduardo Rivero.

3 Q. And is Eduardo Rivero connected to Haydee Granados at all?

4 A. It's her husband. Yes.

5 Q. I believe we touched on this a bit yesterday, but do you
6 recall a subpoena that the Government issued to Womply in
7 March of this year?

8 A. I do.

9 MR. WILCOX: May I approach the witness?

10 THE COURT: Yes, sir.

11 MR. WILCOX: (Handing document).

12 BY MR. WILCOX:

13 Q. Agent DiPietrantonio, I've handed you what's been marked
14 as defense exhibit for identification number 32.

15 A. Yes.

16 Q. Do you recognize that document?

17 A. I do.

18 Q. The document is a subpoena issued to Womply to produce
19 records related to the Paycheck Protection Program, loan
20 number 669729001, business legal name Carolyn Wade; correct?

21 A. I think you missed a number. The loan number is
22 6697269001.

23 Q. Okay. And that's Carolyn Wade's business loan; is that
24 right?

25 A. Correct.

1 Q. And among the records you requested Womply to produce were
2 other applications with the same IP addresses as loan number
3 6697269001?

4 A. Yes.

5 Q. And as a result of that subpoena, you received 21 files in
6 which an IP address belonging to Haydee Granados was utilized?

7 A. Yes.

8 Q. And one of those files contained the PPP loan application
9 of Walter Wright?

10 A. I believe so.

11 Q. And one of those files produced contained the PPP files
12 for Clemente Perez?

13 A. Yes.

14 Q. And one of those files contained PPP loan documents for a
15 Mohamed Faitrouni?

16 A. Yes.

17 Q. Did you review the documents in those files at any point?

18 A. A little bit, yes.

19 Q. Okay.

20 MR. WILCOX: Your Honor, just a minute to confer with
21 counsel.

22 BY MR. WILCOX:

23 Q. I'm almost done, Agent.

24 Do you remember Ms. Rivero, formerly known as
25 Ms. Granados, testified during my cross-examination that she

1 only -- with respect to the PPP application that she only
2 created Schedule Cs and she only inputted the information from
3 the Schedule C into the PPP loan application?

4 A. Yes.

5 Q. Okay. Isn't it true that during the June 14 interview
6 Ms. Granados told you that what she did varied on each
7 application?

8 A. Right.

9 MR. WILCOX: Your Honor, I want to introduce the
10 files she received. We're marking them for identification --
11 the files that she received, PPP loan documents --

12 THE COURT: "She" meaning?

13 MR. WILCOX: I'm sorry. Let's say the Government.

14 MR. SNIDER: You need to lay a foundation.

15 MR. WILCOX: I did.

16 MR. SNIDER: You haven't shown her a single document.
17 Judge, I want to make an objection under Rule 608
18 using -- to the extent --

19 THE COURT: Wait. First, I don't know what numbers
20 we're talking about. What is it that's being -- are you
21 offering something or --

22 MR. WILCOX: In just a moment -- after we've labeled
23 them and -- just a moment. I will attempt to introduce them,
24 three exhibits.

25 THE COURT: May I have you gentlemen come sidebar,

1 please.

2 (The following proceedings were held sidebar:)

3 THE COURT: I'm not exactly sure where we are. Let's
4 start with I have an exhibit list submitted by the defense
5 that starts with Number 40. So usually I can check off and
6 keep up with you. In this case, I haven't been able to do
7 that. And so I have all these little papers with different
8 numbers on them, and I have 2 through 7 with only 8 and 7
9 being received.

10 I have 24 through 27 with 24 being received. And
11 then I have 9 through 16 with 16 being received. So when we
12 submit the case to the jury, I need the exhibits of the
13 parties and a list of the exhibits that were received because
14 I like to give the jury a document that lists the exhibits.
15 So the Government has an exhibit list. Most all were
16 received, but let's assume something wasn't, then you would
17 remove that. So I'm going to get the same thing from you and
18 I'm all over the place.

19 MR. WILCOX: I understand.

20 THE COURT: Now, I'm not sure where we are. I know
21 you told me that you were getting some documents and you're
22 going to lay a foundation, I assume, and offer them into
23 evidence. Is that where we're going?

24 MR. WILCOX: Yes.

25 THE COURT: So what is it that we are --

1 MR. WILCOX: These are documents that were retrieved
2 from the files that were received -- that the Government
3 received pursuant to that subpoena that they provided to us.

4 THE COURT: Okay. All right. So what foundation are
5 you going to be laying with this witness? What is it that
6 you're going to be --

7 MR. WILCOX: Well, that those documents were produced
8 by Womply and that the documents are consistent with the
9 Womply PPP application process.

10 THE COURT: Is that a proper foundation for a
11 business record? I've heard you say over the course of the
12 trial about you subpoenaed this and you subpoenaed that. I
13 had to guess you were talking about the agent served a
14 subpoena and received certain documents. Because just because
15 there's a Government subpoena, that doesn't mean the witness
16 knows anything about it. Right?

17 MR. WILCOX: It's her subpoena.

18 THE COURT: I'm sorry?

19 MR. WILCOX: It's Mr. Snider's subpoena, but she's
20 listed on the subpoena as well.

21 THE COURT: I didn't understand you.

22 MR. WILCOX: The subpoena was issued by Mr. Snider.

23 THE COURT: Okay. Well, he's not on the stand.

24 MR. WILCOX: But her name is on the subpoena as well.

25 THE COURT: Okay. So you're going to show her a

1 subpoena, I assume, and say, "You served this subpoena." Is
2 that what happened?

3 MR. WILCOX: The subpoena was served, yes.

4 THE COURT: Well, now she served the subpoena?

5 MR. WILCOX: I don't know, but the documents were --
6 she's testified that those documents were produced pursuant to
7 the subpoena.

8 MR. SNIDER: Judge --

9 MR. WILCOX: Your Honor, we can introduce them
10 through -- through the witnesses. We have the witnesses here.

11 THE COURT: I think these are business records;
12 right? Isn't that what these are? They're business records.
13 There's an exception to the hearsay rule for business records.
14 So is that where we're going? Or --

15 MR. WILCOX: The -- yes, and/or that the witnesses
16 that are going to be -- the witnesses, these people --

17 THE COURT: So the Womply people are going to come
18 in.

19 MR. WILCOX: No. Mr. Wright is going to come in.
20 Mr. Wright is going to come in. I'm not sure who -- I can't
21 see that, Judge.

22 MR. SNIDER: Judge, may I ask a question?

23 THE COURT: Yes, sir.

24 MR. SNIDER: So putting aside the issues that we're
25 discussing now with respect to whether these are records and

1 his foundation for a hearsay exception, I asked Mr. Wilcox
2 what is the purpose for which he is even seeking to introduce
3 these records because to use them for -- if they're extrinsic
4 to impeach a witness that's already testified, that violates
5 Rule 608. I don't understand the purpose or the relevance for
6 which he is even seeking to admit these, putting aside the
7 issues that you're just discussing with respect to foundation.

8 THE COURT: That's a fair question. Why are they
9 relevant?

10 MR. WILCOX: The witness will testify that --

11 THE COURT: What witness?

12 MR. WILCOX: Walter Wright.

13 MR. SNIDER: Who's not testified yet.

14 MR. WILCOX: And I've indicated that we can introduce
15 the records through Walter Wright.

16 THE COURT: Well, we'll see. I mean, I don't know
17 what Walter Wright is going to say, but I know we have some
18 business records here. I don't know if he's the custodian of
19 records or he saw these documents or what. There has to be a
20 foundation for them, and --

21 MR. WILCOX: I understand.

22 THE COURT: -- you'll have to --

23 MR. WILCOX: I understand.

24 THE COURT: All right. So we're moving forward;
25 right?

DIPIETRANTONIO - REDIRECT

19

1 MR. WILCOX: Right.

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

3 MR. WILCOX: Agent, DiPietrantonio, I have no further
4 questions.

5 THE COURT: Redirect?

6 MR. SNIDER: Yes, Your Honor, redirect. Thank you.

7 We can switch the screens, please, to the HDMI from
8 the podium.

9 REDIRECT EXAMINATION

10 BY MR. SNIDER:

11 Q. Agent DiPietrantonio, good morning.

12 A. Good morning.

13 Q. Yesterday when you were being asked by Mr. Wilcox some
14 questions about the login process on Womply, I believe he
15 asked you whether there was anything nefarious about the
16 logins that are reflected in your demonstrative aid. Do you
17 remember that?

18 A. I do.

19 Q. Are you familiar with the login process through the Womply
20 website?

21 A. I am.

22 Q. And your answer, I believe, as to whether there was
23 anything nefarious, on its face, was no?

24 A. Correct.

25 Q. When a user logs into a PPP application on the Womply

1 website, what is that user able to see?

2 MR. WILCOX: Objection, Your Honor. Lack of personal
3 knowledge.

4 THE COURT: Based on the cross-examination,
5 overruled.

6 BY MR. SNIDER:

7 Q. You may answer.

8 THE COURT: If she knows.

9 BY MR. SNIDER:

10 Q. If you know.

11 A. They can see all of the information within their
12 application.

13 MR. WILCOX: Your Honor -- no objection.

14 BY MR. SNIDER:

15 Q. Is there another point in the PPP application process in
16 which information that had been inputted into Womply's portal
17 would have been visible to the applicant?

18 A. Yes.

19 Q. And during what process is that?

20 A. In this case, it actually happened five different
21 occasions. But when you go to DocuSign, your completed
22 application, you can see the entirety of the document.

23 MR. WILCOX: The same objection, Your Honor.

24 THE COURT: What is the objection?

25 MR. WILCOX: The objection is she has no personal

1 knowledge.

2 THE COURT: Overruled.

3 BY MR. SNIDER:

4 Q. Did Haydee Rivero sign any PPP application for Carolyn
5 Wade?

6 A. No, she did not.

7 Q. Did Haydee Rivero sign any PPP application for Tracy Wade?

8 A. No, she did not.

9 Q. Did Haydee Rivero put any initials on any certification in
10 any PPP loan application for Carolyn Wade?

11 A. No, she did not.

12 Q. Did Haydee Rivero put any initials on any certification
13 for any PPP loan application for Tracy Wade?

14 A. No, she did not.

15 Q. In your demonstrative summary, did you add up the number
16 of signatures that Carolyn Wade had on her PPP loan
17 applications?

18 A. I did.

19 Q. Did you add up the number of signatures that Tracy Wade
20 had on his application?

21 A. I did.

22 Q. Did you add up the number of initials that Carolyn Wade
23 had on her PPP loan applications?

24 A. I did.

25 Q. Did you add up the initials that Tracy Wade put on his PPP

1 loan applications?

2 A. I did.

3 Q. Are we looking at slide 71 of your demonstrative aid?

4 A. Yes.

5 Q. Did you include in this the number of times -- the
6 signatures that you added up?

7 A. I did.

8 Q. How many signatures appeared on PPP documents that were
9 signed by Tracy Wade?

10 A. Five signatures.

11 Q. And how many initials were in PPP loan documents
12 associated with Tracy Wade?

13 A. 38 initials.

14 Q. How many signatures were on PPP loan documents for Carolyn
15 Wade's PPP loan?

16 A. Signatures, four.

17 Q. Four.

18 And how many initials?

19 A. 26.

20 Q. You were asked some questions about the indictment; is
21 that correct?

22 A. Yes.

23 Q. I'm going to publish the indictment, which has already
24 been published to the jury, and it was marked for
25 identification as Defense 26.

1 Permission to publish the indictment, Your Honor,
2 which has already been published?

3 THE COURT: I'm sorry. Is 26 being offered as an
4 exhibit or was it offered as an exhibit? I have it marked for
5 identification.

6 MR. SNIDER: And he published it.

7 THE COURT: I understand but --

8 MR. SNIDER: Would you --

9 MR. WILCOX: I have no objection.

10 THE COURT: 26 for identification is received.

11 MR. SNIDER: That's Defense 26. Thank you.

12 (Defense Exhibit 26 was received in evidence.)

13 BY MR. SNIDER:

14 Q. I'm directing your attention to paragraph 41 of the
15 indictment. Do you see that?

16 A. I do.

17 Q. And these are overt acts that are in furtherance of one of
18 the conspiracies that is alleged in the superseding
19 indictment, and that conspiracy is charged in Count Number 4,
20 which is a conspiracy to make false statements to the SBA. Do
21 you see that?

22 A. Yes.

23 Q. Does paragraph 41 allege that on or about May 18, 2021,
24 Carolyn Denise Wade electronically initialed and signed an SBA
25 Form 2483-C Paycheck Protection Program Borrower Application

1 Form for Schedule C filers using gross income which falsely
2 stated, among other things, that the business legal name was,
3 quote, Carolyn Wade and that the total amount of gross income
4 from IRS Form 1040 Schedule C, line 7, was \$113,560?

5 A. Yes.

6 Q. Does paragraph 42 allege that on or about May 19, 2021,
7 Tracy D. Wade electronically initialled and signed an SBA
8 Form 2483-C Paycheck Protection Program Borrower Application
9 Form for Schedule C filers using gross income, which falsely
10 stated, among other things, that the business legal name was
11 Tracy Wade and that the total amount of gross income from IRS
12 Form 1040, Schedule C, line 7, was \$112,430; is that right?

13 A. Yes.

14 Q. Does paragraph 43 allege that on or about May 27, 2021,
15 Tracy D. Wade electronically initialed and signed another SBA
16 Form 2483 Paycheck Protection Program application which -- I'm
17 not going to read the whole thing -- falsely stated, among
18 other things, that the business legal name was Tracy Wade and
19 that the total amount of gross income was \$112,430?

20 A. It does.

21 Q. Does paragraph 44 allege that on May 28, 2021, Carolyn
22 Denise Wade electronically initialed and signed an SBA
23 Form 2483 Paycheck Protection Program Borrower Application
24 Form which falsely stated, among other things, that the
25 business legal name was Carolyn Wade and that the total amount

1 of gross income was \$113,560?

2 A. It does.

3 Q. At paragraph 45, does that allege that on or about
4 August 7, 2021, Carolyn Denise Wade electronically initialed
5 and signed an SBA PPP loan forgiveness application Form 3508-S
6 which falsely stated, among other things, that the business
7 name -- legal name was Carolyn Denise Wade and that the
8 employees at the time of the application was three and that
9 the employees at the time of forgiveness was three and that
10 the total amount of the loan spent on payroll cost was
11 \$20,833?

12 A. Yes.

13 Q. And now, on page 22 of the indictment, this paragraph 46
14 alleged that on or about August 7, 2021, Tracy D. Wade
15 electronically initialled and signed an SBA loan forgiveness
16 application Form 3508-S which falsely stated, among other
17 things, that the business legal name was Tracy Wade and that
18 the employees at the time of the loan application was ten and
19 that the employees at the time of the forgiveness application
20 was ten and that the amount spent on payroll costs \$20,833.

21 Did I read that right?

22 A. Yes.

23 Q. You were also asked some questions about -- you were asked
24 to read certain portions of this indictment by Mr. Wilcox;
25 correct?

1 A. Yes.

2 Q. And there was a particular word, I believe, that you were
3 looking for or he asked you to look for?

4 A. Yes.

5 Q. And that word was inputted?

6 A. Correct.

7 Q. In your summary demonstrative aid, did you include
8 transactions that were done in Carolyn Wade's PPP loan
9 application using either an IP address or a cell phone
10 attributable to Carolyn Wade?

11 MR. WILCOX: Objection, Your Honor. That misstates
12 the evidence.

13 THE COURT: I'm sorry, sir. You said it misstates
14 the evidence?

15 MR. WILCOX: Yes.

16 THE COURT: Well, the jury will make that
17 determination.

18 Overruled.

19 THE WITNESS: Yes.

20 BY MR. SNIDER:

21 Q. And did you include in your demonstrative aid instances of
22 transactions in Tracy Wade's PPP loan application that were
23 either from an IP address associated with Tracy Wade or a cell
24 phone model that Tracy Wade had at the time of those
25 transactions?

1 A. Yes.

2 Q. Do you see paragraph 24 of the indictment on your screen?

3 A. Yes.

4 Q. Please read it to the jury.

5 A. "Carolyn Denise Wade and Tracy D. Wade submitted and
6 caused the submission of PPP loan applications that contained
7 materially false information, including false and fictitious
8 tax documents."

9 Q. Please read paragraph 25 of the indictment.

10 A. "Carolyn Denise Wade and Tracy D. Wade caused the SBA and
11 Lender 1 to approve and disburse PPP loan proceeds to
12 themselves based upon materially false information, including
13 false and fictitious IRS Schedule C forms supplied by Haydee
14 Rivero, formerly known as Haydee Granados."

15 Q. Do you see paragraph 26?

16 A. Yes.

17 Q. Please read paragraph 26 to the jury.

18 A. "Carolyn Denise Wade and Tracy D. Wade paid Haydee Rivero,
19 formerly known as Haydee Granados, and caused her to receive
20 payment for supplying materially false information, including
21 false and fictitious IRS Schedule C forms in connection with
22 their PPP loan applications."

23 Q. Do you see paragraph 27?

24 A. Yes.

25 Q. Please read paragraph 27.

1 A. "Carolyn Denise Wade and Tracy D. Wade used fraudulently
2 obtained PPP proceeds for their personal use, including by
3 writing checks payable to themselves, directly and indirectly,
4 for purported salary and payroll."

5 Q. And lastly, please read paragraph 28 to the jury.

6 A. "Carolyn Denise Wade and Tracy D. Wade submitted and
7 caused the submission of materially false and fraudulent
8 information to the SBA to attempt to cause and cause the
9 forgiveness of fraudulently obtained PPP loans."

10 MR. SNIDER: Thank you. I have no further questions.

11 THE COURT: All right. You may step down.

12 MR. SNIDER: Your Honor, the United States rests.

13 THE COURT: Very well. So, ladies and gentlemen, you
14 will recall during our voir dire, I instructed you that the
15 process was the Government presents its case in chief and then
16 they rest their case, and then there are some legal issues I
17 have to entertain.

18 So I am going to have you take your break. I'm going
19 to entertain the legal issues, and then we will resume with
20 the continuation of the trial.

21 We are in recess.

22 (Jury exited at 10:59 AM.)

23 THE COURT: Are there any motions?

24 MR. WILCOX: Yes, Your Honor. At this time, pursuant
25 to Rule 29 of the Federal Rules of Criminal Procedure, we

1 would ask the Court to grant a judgment of acquittal to both
2 defendants, Tracy Wade and Carolyn Wade. Your Honor, we
3 submit that based upon the evidence elicited on
4 cross-examination that the signatures with respect to Mr. Wade
5 in order to show that it came from a phone that -- from a
6 certain model phone.

7 Also, as we showed through the cross-examination of
8 Haydee Granados, she's the person that actually inputted the
9 information. There's no evidence that even if Mr. Wade or
10 Mrs. Wade signed the application -- there's no evidence that
11 they saw the -- or very little evidence or no conclusive
12 evidence that they actually saw the false information
13 allegedly that appears in those loan applications or on the
14 fake Schedule C that was submitted with the loan application.
15 That's it.

16 THE COURT: All right. Government.

17 MR. SNIDER: Your Honor, the standard on a motion for
18 judgment for acquittal pursuant to Rule 29 of the Federal
19 Rules of Procedures is that viewing all the evidence in the
20 light most favorable to the Government and drawing all
21 reasonable inferences, credibility choices in favor of a
22 jury's verdict, a reasonable trier of fact could find that the
23 evidence establishes guilt beyond a reasonable doubt.

24 The evidence that the Government has put into its
25 case in chief that has been received by the Court establishes

1 or would allow any reasonable jury to find beyond a reasonable
2 doubt that the Government has satisfied the elements of each
3 and every count alleged in the superseding indictment.

4 What I'm going to start with, Judge, is really the
5 summary of that evidence, which is that Tracy Wade and Carolyn
6 Wade were directly involved in their own PPP loan
7 applications, that they logged in, that they modified those
8 transactions -- you know, modified the applications, that they
9 uploaded documents, and that they signed those documents
10 multiple times on different days, having initialed a total of
11 approximately 30 times --

12 THE COURT: All right. Are you referring to the
13 DocuSign initials?

14 MR. SNIDER: Yes.

15 THE COURT: Now, this is a question. For DocuSign,
16 it has, for example, CW.

17 MR. SNIDER: Right.

18 THE COURT: Is that Carolyn Wade signing it or is it
19 a DocuSign electronic transmission showing the initials CW?

20 MR. SNIDER: In this case, what you could see from
21 the record is that it says "drawn on device" and what that
22 means is --

23 THE COURT: Okay.

24 MR. SNIDER: -- that she drew it on the device. But
25 what the jury can --

1 THE COURT: Infer.

2 MR. SNIDER: -- the evidence for the jury to decide
3 whether that was her, and the IP address, what we've shown, is
4 that in all instances --

5 THE COURT: Yes.

6 MR. SNIDER: Well, let me break it up. With respect
7 to Carolyn Wade, we have one signing from an IP address on
8 Verizon. She was a Verizon customer at the time, and we know
9 from the testimony of Verizon that only a Verizon subscriber
10 could be on at that time.

11 She also signed it from her home. Okay? Those are
12 her signings. There was two from her home. One was the
13 second PPP application and the forgiveness application. And
14 the first PPP application was signed under Verizon.

15 Then you have Mr. Wade. He signed three PPP loan
16 applications on Verizon using IP addresses that Verizon has
17 testified belonged to Verizon and only a Verizon subscriber
18 could use. Right? And the same thing with his forgiveness.
19 There is testimony in the record from Aman Thakral and from
20 Agent DiPietrantonio that when you sign the DocuSign,
21 everything is visible to you. You can't put your initials on
22 without seeing what you're putting your initials on. That
23 includes the certification.

24 So the whole thing is presented to the signer. In
25 this case, there is also testimony that that signing -- each

1 and every one of those signing events was sent to the email
2 address that Google has on record for Carolyn Wade and Tracy
3 Wade and that those were there -- they're not going to dispute
4 those are their email addresses.

5 And what the DocuSign records further show is that
6 after Carolyn Wade signed it, she viewed it multiple times,
7 both applications, that Tracy Wade got a copy of her
8 applications and that -- I'm sorry -- yes. And Tracy Wade got
9 a copy of his own PPP loan applications after they were
10 signed.

11 THE COURT: All right.

12 MR. SNIDER: Between the DocuSign evidence, the
13 evidence from Womply showing -- I haven't even gotten to
14 Ms. Granados yet, whose testimony, I would submit -- first of
15 all, it's a question for the jury as to whether or not her
16 testimony is credible, but certainly there is evidence for
17 them to consider about whether she conspired with Carolyn Wade
18 and Tracy Wade. I don't think there's any dispute that they
19 paid her.

20 And her testimony was that she was -- she admitted,
21 "I did two things. I uploaded the information and -- I
22 created the Schedule C, I uploaded it, and I put in a false
23 tax number, and I explained the process to Tracy Wade, who by
24 the way got 30 one-time codes sent to his phone and Carolyn
25 Wade got another 30 codes sent to either her phone or her

1 email address." I could go on, but I think that even that
2 summary, Judge, is sufficient to send this case to the jury.

3 THE COURT: All right. As the attorneys are aware,
4 under Rule 29 of the Federal Rules of Criminal Procedure, the
5 Court has to look at the evidence in the light most favorable
6 to the Government. So that's a pretty high burden to
7 overcome.

8 The Government has presented a great deal of
9 evidence. The defense has questioned and challenged it, but
10 the Court has to infer that all of the evidence presented is
11 in the light most favorable to the Government. That being the
12 burden at this stage of the proceeding, the Court has
13 determined that the Government has met its burden and that
14 these are questions of fact that a jury must decide beyond a
15 reasonable doubt, not a decision that the Court should make by
16 dismissing the case as requested. Accordingly, the motions
17 for Rule 29 are denied.

18 So we are now ready to go to the defense case in
19 chief. Is there anything I should be aware of before we take
20 a brief recess? I know we discussed yesterday the testimony
21 of one defense witness that I believe will be presented first
22 thing on Monday morning. Is that still the scenario or plan?

23 MR. MCCRAY: Yes, Judge.

24 THE COURT: All right. So we will start with the
25 defense case in chief and then we will go forward.

1 MR. SNIDER: May I ask who you're calling today?

2 MR. MCCRAY: Mr. Wright and --

3 MR. SNIDER: So the defense has advised me that they
4 intend to call Haydee Rivero, who was a Government witness
5 that testified and was subjected to cross-examination. I
6 would ask for a proffer or at least the scope of -- their
7 intended scope of her testimony to show that it's not
8 cumulative.

9 THE COURT: Well, I'm not sure that's my role. I
10 mean, they can call any witnesses they want to call. You
11 know, if there's a -- for example, if you thought there was
12 something cumulative, you could say "objection."

13 MR. SNIDER: Okay.

14 THE COURT: So I'm not sure -- and in presenting the
15 case in their light, it may be that they can call her and ask
16 her questions about what happened and then you can
17 cross-examine, and I'm not -- I haven't had that objection or
18 request before, so I'm just thinking it through. Everybody's
19 entitled to present a case in chief and, you know, that's what
20 we listen to. So that request is denied.

21 Just a matter of discussion, there were objections
22 about the case agent's knowledge of the Womply procedures, but
23 all of that was initiated by the defense in its
24 cross-examination about her understanding of the procedures.
25 I mean, there's really no foundation for how she knows all of

1 that, but that was the questioning. And it gave legitimacy to
2 the defense's questions that she, in fact, knew what the
3 procedure was.

4 So when the Government wanted to ask the same
5 questions about her knowledge without there being a foundation
6 other than the questioning, I didn't find that objectionable,
7 so that testimony was allowed. And I've not had a scenario
8 where the indictment was made evidentiary because typically
9 the jury is advised that the indictment contains accusations,
10 nothing more. But in this case, there was discussion about
11 the contents of the indictment and the reading of the
12 indictment, but it was never -- the indictment was never
13 introduced as an item of evidence. It was marked for
14 identification but never offered.

15 So when the Government offered it, I asked, "Are
16 there any objections?" And I received it. So in this case,
17 the indictment is not just simply the allegations in the
18 record. And there's still allegations. The Government still
19 has to prove the allegations. And the mere receipt of the
20 indictment doesn't make it necessarily true. But the way the
21 case has developed, it is an exhibit in the case.

22 Now, please, when we complete the case, have your
23 exhibit list of the exhibits that have been received in
24 evidence for the jury's use so that they will have a list of
25 the Government's exhibits, a list of the defense's exhibits,

1 not ones marked only but actually received in evidence.

2 And in particular, defense, I want to make sure you
3 maybe confer with the court reporter or if there's any
4 question about whether something was simply marked and not
5 received that we get that resolved so that we won't have to
6 take time to try to put these lists together. The exhibit
7 lists I have from the defense starts with Number 40. And so I
8 don't really have an exhibit list.

9 I have tried to keep track of the exhibits, but I
10 don't -- I mean, this is not an official list. And as was
11 pointed out, I did have another piece of paper that had the 24
12 through 27 that were marked for identification and then a
13 subpoena, Number 32, marked for identification. Of those, I
14 only have 24 and 26 being actually received. And then I have
15 2, 3, 4, 8, 5, and 5A and 7 defense for identification with 8
16 and 7 being received?

17 And then, defense, I have 9, 10, 11, 12, 13, 14, 15,
18 16, with 16 being received. So we need to make sure we have
19 the ones actually received identified correctly so that your
20 list can be accurate. And those will be obviously the ones
21 that we give to the jury and with an accompanying exhibit
22 list. And so I'll ask you all to confer about that to make
23 sure we have accurate lists of items actually received because
24 there's some gaps in the numbering and I want to make sure
25 that we have that resolved.

1 All right? Let's take a 15-minute break and we will
2 resume at about, what, 11:33 or -4. Thank you.

3 (Recess at 11:17 AM to 11:36 AM.)

4 MR. SNIDER: Before the jury comes in, I had a chance
5 to speak with Mr. Wilcox about the issue that you raised about
6 the indictment being in evidence, and I just think for
7 purposes -- to have the record clean, we've agreed to not have
8 that -- the indictment in evidence so that it just goes back
9 as it normally would and not be received into evidence. I
10 think --

11 THE COURT: All right. There are two ways of
12 handling this. One is to have an instruction that advises the
13 jury that the indictment was received but it is not evidence,
14 because they're going to have a copy of the indictment. But
15 what happens sometimes is that it changes. In other words,
16 sometimes there are allegations in the indictment that don't
17 come to fruition, and the copy that goes to the jury is
18 amended slightly or changed. That may not be the case.

19 So if they're going to have it in any event, what is
20 it that we're doing by not receiving it and we've already told
21 them it's received.

22 MR. SNIDER: Okay.

23 THE COURT: Do I tell them it's being withdrawn? Do
24 I say it's not in evidence and the parties have agreed to
25 withdraw it as an item of evidence? I mean, this is a little

1 quirky. So what is it that you want me to do? And I don't
2 know that we have to decide that at this moment, unless
3 someone starts talking about it as evidence in the defense
4 case in chief. That's going to put us right back where we
5 were at the beginning.

6 MR. SNIDER: Okay.

7 THE COURT: So I think you're saying implicitly the
8 parties aren't going to be referring to it from this point
9 forward, and we can decide when we go through the instructions
10 what to do about this issue.

11 MR. SNIDER: Okay.

12 THE COURT: Is that agreed to, Counsel?

13 MR. SNIDER: That's agreeable to the Government.

14 THE COURT: All right. Bring the jury in, please.
15 You may have your first witness come in.

16 MR. MCCRAY: Yes. Mr. Wright.

17 (Jury entered at 11:39 AM.)

18 (Defense witness, WALTER WRIGHT, duly sworn.)

19 THE COURTROOM DEPUTY: Please have a seat.

20 THE COURT: And, ladies and gentlemen, as is obvious,
21 we're now in the defense case in chief.

22 THE COURTROOM DEPUTY: State your name and spell it
23 for the record, please.

24 THE WITNESS: Walter Wright, W-R-I-G-H-T.

25 MR. MCCRAY: If it pleases the Court.

WRIGHT - DIRECT

39

1 THE COURT: Yes, sir.

2 DIRECT EXAMINATION

3 BY MR. MCCRAY:

4 Q. Mr. Wright, how are you this morning?

5 A. I'm doing fine.

6 Q. How old are you?

7 A. 73.

8 Q. And are you currently employed?

9 A. No, I'm not.

10 Q. Why are you not employed?

11 A. I'm retired.

12 Q. What did you do before you retired?

13 A. I worked as a teacher at Miami Shores Elementary School.

14 Q. And how long did you work as a teacher?

15 A. Did you say how long?

16 Q. Yes, sir.

17 A. 30 years.

18 Q. 30 years?

19 A. Yes.

20 Q. When did you retire?

21 A. November 30, 1989.

22 Q. Now, Miami Shores, what level of school is that?

23 A. Elementary.

24 Q. I'm sorry?

25 A. Elementary.

WRIGHT - DIRECT

40

1 Q. And can you tell us your educational background, sir,
2 where you went to school, how far you went?

3 A. The highest I went -- I have a bachelor degree at Howard
4 University.

5 Q. Washington, DC?

6 A. Yes, sir.

7 Q. Okay. And where do you live now?

8 A. I live in Palm Coast, Florida.

9 Q. Is that near Jacksonville -- just south of Jacksonville?

10 A. Yes.

11 Q. And you're here under subpoena?

12 A. Yes.

13 Q. And while you were working in the Dade County School
14 System, where did you reside? What city or county?

15 A. Miami and Miramar.

16 Q. Okay. And when did you leave Miami-Dade County, roughly?

17 A. I think it was 2007.

18 Q. Okay. And you moved straight to Palm Coast?

19 A. Yes, sir.

20 Q. And you've been there since?

21 A. Yes, sir.

22 Q. Okay. And are you currently married?

23 A. No.

24 Q. Do you have any children?

25 A. No.

WRIGHT - DIRECT

41

1 Q. Now, since you've retired, have you worked in any
2 capacity?

3 A. Yes, sir.

4 Q. Can you please tell us what you did?

5 A. Well, I own a business with my nephew, Grateful Records,
6 and I am -- I just help him out in his business.

7 Q. Okay. Can you please tell us what is Grateful Records?

8 A. Grateful Records is a label -- a music label.

9 Q. Okay. He makes songs?

10 A. What we do is we hire -- we promote artists --

11 Q. Okay.

12 A. -- those who want to become an artist as singers.

13 Q. And you started this after you retired?

14 A. Yes.

15 Q. Okay. Now, did you do any other type of work after you
16 left the public school system?

17 A. You mean physical work?

18 Q. Yeah.

19 Did you do any other type of work where you received
20 compensation or expected compensation?

21 A. Yes.

22 Q. Can you tell us about that, please?

23 A. I worked with Rivero Funeral Home.

24 Q. Okay. When you say Rivero Funeral Home, can you tell us
25 who the owner of that funeral home was when you started

1 working there?

2 A. Well, the owner was Edward Rivero.

3 Q. Okay. Edward, is that the same as Eduardo?

4 A. Eduardo, yes.

5 Q. Can you tell the jury how it is that you know Mr. Eduardo?

6 A. Well, I knew his family back in the '70s and I sort of --
7 you know, we was good friends with the family.

8 Q. What type business were you in when you say you retired
9 and you started working with Mr. Eduardo?

10 A. What?

11 Q. What type of business was this?

12 A. It's a funeral business.

13 Q. Okay. Prior to your having started work with Mr. Rivero,
14 had you ever worked in a funeral home business?

15 A. No, I hadn't.

16 Q. Okay. And can you tell us how it is that you became
17 involved in that type business?

18 A. Well, he approached me about, you know, going into the
19 business, and he wanted me to become a partner in the business
20 with him.

21 Q. Okay. And where was his business located?

22 A. Well, the first time, it was located in New York City,
23 Union City, when I got involved.

24 Q. Okay. So did you ever actually travel up to New York
25 City?

WRIGHT - DIRECT

43

1 A. A few times.

2 Q. Okay. And how long were you actually involved with the
3 business in New York City?

4 A. Probably about a year.

5 Q. Okay. And did there ever come a time that you became
6 involved with some other business with -- in someplace other
7 than New York with Mr. Rivero?

8 A. Yes.

9 Q. Can you tell us where?

10 A. Here in Miami. After he sold the business in New York, he
11 moved to Miami, and then he wanted to open up a business here
12 in Miami.

13 Q. Okay. Now, when you moved here to Miami, was he married
14 at the time?

15 A. No.

16 Q. Okay. Did you know an individual by the name of Haydee
17 Granados?

18 A. During the business?

19 Q. During the time when you came back from New York, had you
20 met her at that time?

21 A. Yes.

22 Q. Okay. Was she married to him at the time?

23 A. No.

24 Q. Okay. Did they have some type of relationship?

25 A. Yes.

WRIGHT - DIRECT

44

1 Q. Okay. But they weren't married?

2 A. Right.

3 Q. Okay. Now, after you moved back from New York, after you
4 stopped doing business up in New York, a funeral home was
5 opened up someplace here in South Florida --

6 A. Yes.

7 Q. -- is that correct?

8 A. Yes.

9 Q. Can you tell us where?

10 A. It was opened up in southwest section. I think it was
11 like south --

12 Q. What city?

13 A. In Miami.

14 Q. In Miami, okay.

15 A. Yeah. Mm-hmm.

16 Q. All right. Tell us what your duties were. What, if
17 anything, did you do at the funeral home?

18 A. Well, I really didn't do anything with the funeral home.
19 I was more or less an investor.

20 Q. When you say an investor, what did you invest?

21 A. I invest money into the funeral home.

22 Q. And can you tell us how that came about?

23 A. Well, first of all, he needed -- he needed a -- he needed
24 to get loans for the business, and he could not get the loans
25 in his name.

WRIGHT - DIRECT

45

1 Q. Why was that?

2 A. Because he had a -- he was a convicted felon.

3 Q. And so why -- I mean, how did that -- how did you -- why
4 did he need you?

5 A. He needed me in order to get the loans for the business --

6 Q. Okay.

7 A. -- because I had good credit, and he needed me to be
8 involved in the business.

9 Q. Did you hold a title in that business?

10 A. Yeah. I was named as the president of the company -- the
11 business.

12 Q. Okay. Did you have duties as a president of the business?

13 A. Per se, yes. I had to oversee -- I had to write checks
14 where there were funds because the account had to be under my
15 name, and I had to write checks for whatever purchases that
16 were made in order to complete the business.

17 Q. Okay. Now, let's fast-forward to the COVID times. I
18 believe that was 2020 -- 2020 or 2021. Do you remember when
19 COVID started?

20 A. Yes.

21 Q. Did there ever come a time when you became aware of PPP
22 loans?

23 A. Yes.

24 Q. Can you tell us about that? How did you become aware of
25 PPP loans being available?

WRIGHT - DIRECT

46

1 A. Well, through the media.

2 Q. Okay. And were you ever approached about making an
3 application for a PPP loan?

4 A. No.

5 Q. Okay. And did there ever come a time when you spoke with
6 Mr. Rivero about procuring a loan?

7 A. No.

8 Q. Okay. And do you remember roughly what year it was that
9 Mr. Rivero was married to Haydee Granados? If you don't
10 remember exactly -- was it before the pandemic or after the
11 pandemic?

12 A. It was before.

13 Q. Before?

14 A. Mm-hmm.

15 Q. Okay. Did you ever make an application for a PPP loan?

16 A. No.

17 Q. Did you ever receive any PPP funds?

18 A. Yes.

19 Q. Okay. Can you tell us how it is that you received PPP
20 funds?

21 A. Well, I was approached by Mr. Rivero, and he asked me did
22 I want some free money and I say, "Sure."

23 Q. Where were you when he approached you?

24 A. Where was I?

25 Q. Yes.

WRIGHT - DIRECT

47

1 A. I think we talked over the phone.

2 Q. Okay. Tell us what happened next, if anything.

3 A. Then I said, "Of course." Then he said, "Well, come over
4 to the house."

5 MR. SNIDER: Objection to the hearsay.

6 THE COURT: Overruled.

7 BY MR. MCCRAY:

8 Q. You may proceed, sir.

9 A. He said, "Come over to the house and Haydee would walk you
10 through the process and fill out the application." So I did
11 go over there.

12 Q. How long after the conversation over the phone was it
13 before you actually went over to their house?

14 A. It wasn't right away. It was like maybe -- I think it was
15 like the next day, if I can remember.

16 Q. Where did they live for you to go to their home? Where
17 was their home at the time?

18 A. They lived in Miramar.

19 Q. So you traveled to Miramar to their home?

20 A. Yes.

21 Q. So when you arrived to their home, you said probably the
22 next day, can you tell us if -- who, if anyone, was at home at
23 that time?

24 A. Yeah, they both were home.

25 Q. Okay. And what was your purpose for going to the house?

1 A. For her to -- to sign me up, to get the funds.

2 Q. Over the phone, were you requested to bring anything?
3 Documents?

4 A. Well, the only thing he said that I would need was my
5 license -- my license and -- that was it.

6 Q. Any other identifying information?

7 A. No. She just asked me questions when she was on the
8 computer, you know, doing the -- the initiation of the
9 applications. She asked me for my birth date and social
10 security number.

11 Q. Okay. Passport, driver's license, anything of that
12 nature?

13 A. Yes, driver's license.

14 Q. Did you have a driver's license?

15 A. Yes, I did.

16 Q. Did you produce that to her?

17 A. Yes.

18 Q. Now, you mentioned a few minutes ago that you had heard
19 about PPP in the media.

20 A. Mm-hmm.

21 Q. Had you ever read up on the requirement as to what was
22 required to obtain a PPP loan?

23 A. Yeah, a little bit.

24 Q. Can you tell us what you knew at that time?

25 A. At that time I know -- I knew that it was funded for

WRIGHT - DIRECT

49

1 employees. If you had -- was working with -- if you had
2 employees, and it was basically for paying back salaries and
3 so forth.

4 Q. Okay. And you were interested in applying for a loan with
5 those requirements?

6 A. Yes.

7 Q. Okay. And did you have a business?

8 A. Yes.

9 Q. Is that the business that you mentioned earlier?

10 A. Yes.

11 Q. What was the name again?

12 A. Grateful Records.

13 Q. Okay. So when you met with Ms. Granados -- was she
14 "Ms. Granados" at the time or was she "Ms. Rivero"?

15 A. "Granados."

16 Q. When you met with Ms. Granados and Mr. Rivero, did you
17 tell her that you were interested in her applying for this
18 loan for you?

19 A. Yes.

20 Q. Now, at any time in your conversation with her -- let's
21 talk about that day -- did she ever tell you that you needed
22 to produce a Schedule C?

23 A. No.

24 Q. Did Ms. Rivero or Ms. Granados or Mr. Rivero --
25 Mr. Rivero -- did either of those two individuals ever tell

1 you that they were going to have to show that you -- report
2 that you made at least a hundred thousand dollars?

3 A. No.

4 Q. Did they ever show you a Schedule C or what was purported
5 to be a Schedule C on that day?

6 A. No.

7 Q. What about at some later time?

8 A. The only thing that I can remember is that -- is that I --
9 after she did the -- you know, the initial process and then
10 she said that she would -- she'll do the rest of the
11 paperwork.

12 Q. Okay. Now, did there ever come a time where you had to go
13 on a computer to do something with respect to this loan?

14 A. Yeah, she gave me a website that I was supposed to go and
15 accept -- accept the application -- accept the application.

16 Q. Okay -- I'm sorry. Go ahead.

17 A. But then -- but before we got to that point -- when she
18 told me the amount that they were supposed to get for doing
19 the application, I told her to forget it.

20 Q. Now, let's be a little more precise. When you said they
21 were supposed to get, whom were you speaking of?

22 A. Well, not "they." I meant Eduardo.

23 Q. Okay.

24 A. He said he wanted -- I think it was about 10 percent and I
25 said, "No."

1 Q. Okay. And once you said "no" to them, did they say
2 anything to you at that time?

3 A. She said, "Okay. Well" -- said, "We'll forget about it,"
4 just like that.

5 Q. Now, did there come a time when you actually received the
6 loan?

7 A. Yes.

8 Q. Can you tell us how and when you received the loan?

9 A. Well, I -- I got emails -- I was getting emails, and it
10 was telling me that the application had been approved and that
11 I had to go online and sign -- DocuSign and sign in order for
12 the funds to be released into my account.

13 Q. And did you do that?

14 A. Not right then.

15 Q. Okay.

16 A. I waited maybe a couple of days to think about it. Then I
17 went back and checked the website to see if it was still
18 available, and it was, so I did go and sign.

19 Q. Okay. Let's backtrack for a second. I believe you
20 indicated that you had told Ms. Granados that you didn't want
21 to go through with it?

22 A. Yes.

23 Q. Okay. Now, from that time up until the time that you
24 received the emails and went into your computer, did you have
25 any further discussions with her about the loan?

WRIGHT - DIRECT

52

1 A. No.

2 Q. Okay. What had you done by way of the application -- in
3 the application process up until the point when you received
4 the money?

5 A. Nothing. I --

6 Q. Who prepared the application?

7 A. Well, she -- I assume she did.

8 Q. But you didn't do it?

9 A. No.

10 MR. SNIDER: Objection.

11 THE COURT: Sorry?

12 MR. SNIDER: Object to the speculation.

13 THE COURT: Ask the question again, please.

14 BY MR. MCCRAY:

15 Q. Okay.

16 Did you complete the application?

17 A. No, I didn't.

18 Q. Did you prepare the application?

19 A. I didn't.

20 Q. Tell us what you did with respect to the allegation and
21 the computer.

22 A. Are you saying when I received the funds?

23 Q. Yes.

24 A. I went -- I went online to DocuSign and signed my name.

25 Q. Now, sir, when you went online to DocuSign, did the

1 application appear?

2 A. No.

3 Q. Did you ever read the application --

4 A. No.

5 Q. -- or an application?

6 A. No, sir.

7 Q. When you said you went onto DocuSign, what appeared when
8 you went on?

9 A. It was some information concerning DocuSign and, you know,
10 to verify what signatures that I wanted to use, and it had at
11 the bottom, you know, small print --

12 Q. Okay.

13 A. -- which I, you know, did not read.

14 Q. Now, Mr. Wright, I want to backtrack just for a minute.

15 Were you aware of the financial criteria to qualify
16 for this loan when you applied for it?

17 A. No. No, sir.

18 Q. Now, did you ever see a Schedule C in connection with this
19 case?

20 A. No. No, sir.

21 Q. Did you see a Schedule C recently since this case started?

22 A. Yes, sir.

23 Q. And having seen that Schedule C, did you ever indicate
24 that you, Walter Wright, made \$113,820 during the year of
25 2019?

WRIGHT - DIRECT

54

1 A. No, sir.

2 Q. Would you have put that in a tax document if you didn't
3 make that amount of money?

4 A. No, sir.

5 Q. Did Walter Wright make \$113,820 in the year 2019?

6 A. 2019?

7 Q. Yes, sir.

8 A. Sir, I cannot answer that question because I don't know.

9 Q. Okay. But did you ever tell Haydee Granados that you made
10 \$113,820?

11 A. No, I didn't.

12 Q. Now, with respect to the Granados, you indicated that --
13 you had a business relationship with Mr. Granados in that
14 funeral home business?

15 A. Yes.

16 Q. Okay. Did you ever authorize either he or his wife to
17 apply for loans totaling almost \$600,000?

18 A. No, I didn't.

19 Q. Did you authorize Rivero Funeral Home Inc. to use your
20 name to procure a loan totaling about \$600,000?

21 A. No, I didn't.

22 Q. Okay. And at some point in time, were you made aware that
23 you were obligated to pay back a loan for Rivero Funeral Home?

24 A. Yes, sir.

25 Q. Again, did you ever sign any documents?

WRIGHT - DIRECT

55

1 A. No, sir.

2 Q. Did you know anything about that?

3 A. About what?

4 Q. I'm sorry.

5 Did you know anything about a loan, first of all,
6 totaling one for \$474,130?

7 A. Yes, I did.

8 Q. When did you find out about that? And tell us how.

9 A. When the SBA sent me a letter stating that payment is due
10 on the loan and they required me to go on the SBA portal and
11 make payments through the portal.

12 Q. Okay. What about a \$150,000 loan for Rivero Funeral
13 Home Inc.?

14 A. Did I know anything about that?

15 Q. Yes.

16 A. No, I didn't.

17 Q. Okay. But did you learn about it?

18 A. Yes.

19 Q. How did you learn that?

20 A. Through the portal.

21 Q. And what portal is that? The SBA portal?

22 A. Yes, sir.

23 Q. Now, how did you feel when you learned that this money was
24 owed and it was being attributable to you?

25 A. I was very upset about it because I thought -- when I saw

WRIGHT - DIRECT

56

1 that it was from Rivero Funeral Home, then, you know, I
2 thought -- I didn't apply for a loan. I don't own a funeral
3 home, so why is my name attached to a loan that I did not
4 apply for.

5 Q. And did Mr. Rivero ever advise you that he or anyone else
6 was applying for a loan in your name --

7 A. No.

8 Q. -- or with your name?

9 A. No.

10 Q. Did you ever sign as a guarantor --

11 A. No.

12 Q. -- for a loan?

13 Do you know if that loan is -- the current status of
14 that loan? Is it in default?

15 A. Yes, it is.

16 Q. Okay. And is the Government now coming -- are they still
17 coming after you for that loan?

18 A. No, because -- well, not that I'm aware of. When I
19 indicated on the -- the -- I had to apply to it, dispute it
20 online and stated the reason why I was disputing it, and I
21 explained that I did not know anything about this loan. I do
22 not own a funeral home, and I'm not responsible -- I don't
23 think I should be charged for a loan that I did not apply for.

24 And so I guess they went through their investigation
25 and maybe right now, as I looked -- when I looked on the

WRIGHT - DIRECT

57

1 portal, they had rolled a charge-off for both loans.

2 Q. Is that with respect to you?

3 A. Yes.

4 Q. Now, did you ever receive any proceeds of a \$474,100
5 loan -- Paycheck Protection Program? Do you understand my
6 question?

7 A. No.

8 Q. Okay. We established, I believe, that there were two
9 loans, one for 400-some-odd thousand dollars. Did you receive
10 any money from that?

11 A. He did pay -- he did pay me -- I believe it was \$37,000.

12 Q. Can you tell us why he paid you \$37,000?

13 A. Well, he owed me money from -- I loaned him quite a bit of
14 money, you know, in order to start the business.

15 Q. Does he still owe you money?

16 A. Yes, he does.

17 Q. How much does he owe you?

18 A. Over a hundred thousand dollars.

19 Q. And how long has he owed you this money, sir?

20 A. Hmm?

21 Q. How long has Mr. Rivero owed you this money?

22 A. Over 20 years.

23 Q. When was the last time you communicated with him, him
24 being Mr. Rivero?

25 A. I would say about a year or so.

WRIGHT - DIRECT

58

1 Q. Do you all call each other? Do you call him?

2 A. No. You know, before the year, I did call him a couple of
3 times to ask -- when he bought the new funeral home -- that I
4 needed some money in order to pay -- you know, pay off some
5 bills, and he said to me he didn't have it right then. And,
6 you know, I called him a couple of times later. Then he
7 didn't have any.

8 So at that point, I stopped calling him. For about a
9 year I hadn't called him. Then maybe about two months ago, he
10 did call, but I didn't return his call. I didn't answer.

11 Q. Now, his wife, Haydee Rivero, how often is it that she
12 calls you?

13 A. How often?

14 Q. Yes.

15 Does she call you often?

16 A. No.

17 Q. When did you come to Miami-Dade to testify in this case?
18 When did you arrive in Miami-Dade to testify in this case?

19 A. Well, I arrived last Sunday and I left here Tuesday
20 because --

21 Q. To go where?

22 A. Back to Palm Coast because I was waiting on you all to
23 call me whether I had to, you know, come to court or not. And
24 since I didn't hear anything, I went back, and about 63 miles
25 into Palm Coast you called me and told me I had to come to

1 court the next day.

2 Q. Okay. Now, you arrived here yesterday?

3 A. Yes.

4 Q. Did you receive any phone calls from Haydee Rivero or her
5 husband yesterday?

6 A. Yes.

7 Q. Can you tell the members of the jury roughly how many
8 times they called your phone yesterday?

9 A. About twelve.

10 Q. Twelve times?

11 A. Yeah.

12 Q. Did you ever answer the phone?

13 A. No. The phone was downstairs.

14 Q. Downstairs. You mean when you came into the courthouse,
15 you had to check it in?

16 A. Yes.

17 Q. Okay. Once you left yesterday, did you ever return those
18 calls?

19 A. No.

20 Q. You came here this morning. Can you tell us what time you
21 arrived?

22 A. About 9:15.

23 Q. And when you arrived, did you happen to see either/or both
24 Mr. Eduardo Rivero or Haydee Granados?

25 A. Yes.

1 Q. And did you approach them?

2 A. No. He approached me.

3 Q. Can you tell us what, if anything, he said to you this
4 morning?

5 MR. SNIDER: Objection.

6 THE COURT: Sidebar, please.

7 (The following proceedings were held sidebar:)

8 THE COURT: So what is the -- I guess, first, what is
9 the legal basis for the objection and --

10 MR. SNIDER: It sounds to me like he's calling for
11 Mr. Rivero's out-of-court statement. I also don't see what
12 the relevance could be. Relevance and hearsay.

13 THE COURT: What is it that you anticipate him
14 saying?

15 MR. MCCRAY: I'll tell you what he's going to say,
16 Judge, that -- I let counsel know earlier this morning. This
17 morning he was approached by Mr. Rivero. Mr. Rivero told him
18 not to say anything when he comes in the court this morning,
19 and he says, "Man, just take the Fifth. Don't" -- I'm
20 sorry -- anyway, Mr. Rivero told him, "When you come in, don't
21 say anything. You don't have to talk. Take the Fifth. Take
22 the Fifth." And he responded, Judge --

23 THE COURT: I'm sorry?

24 MR. MCCRAY: -- "I have no reason to take the Fifth.
25 I'm here to tell the truth."

WRIGHT - DIRECT

61

1 THE COURT: The response.

2 MR. MCCRAY: That was the response.

3 And Mr. Rivero became very angry at me when I
4 basically told him that he didn't have to talk to Mr. -- yeah,
5 that's irrelevant. But anyway -- I'm sorry.

6 MR. SNIDER: Judge, first of all, I renew the hearsay
7 objection. If he wants to call Mr. Rivero, call Mr. Rivero,
8 and Mr. Rivero can testify.

9 THE COURT: You think this is --

10 MR. SNIDER: We're going down a path that seems very
11 tangential to the issues in this case, and Mr. Rivero -- it's
12 hearsay as to what he told him outside of this courtroom. If
13 he wants to call Mr. Rivero and have him say, he can, but he
14 can't have --

15 THE COURT: Well, I mean, calling Mr. Rivero doesn't
16 really solve his issue. He wants to say what Mr. Rivero said.
17 And if you call Mr. Rivero --

18 MR. SNIDER: I'm not calling Mr. Rivero.

19 THE COURT: No, no, if he's called. And you're
20 telling him to call Mr. Rivero, so he wouldn't be kind of --
21 I'm not even sure what he would -- what would he ask him?
22 "Mr. Rivero, did you threaten the witness?"

23 MR. SNIDER: I don't know what he would say. But
24 it's hearsay. It's relevance. That's my objection.

25 THE COURT: If a witness gets threatened by someone

WRIGHT - DIRECT

62

1 that's not a --

2 MR. SNIDER: I don't think this establishes a threat.

3 THE COURT: One moment. Well, whatever you want to
4 call it. I think telling people not to testify -- if a
5 witness tells someone something, who is not a witness in the
6 case, then what would the basis be for him -- no, Mr. Rivero
7 is not a witness. He wants to say what Mr. Rivero said.
8 Mr. Rivero is not a witness, so --

9 MR. MCCRAY: Judge --

10 THE COURT: What is the basis for eliciting and
11 receiving testimony about what someone told the witness?

12 MR. MCCRAY: First of all, Judge, my response is when
13 you look at the indictment, we have unindicted coconspirators.
14 I think factually there's no question that there is evidence
15 to support the allegation that --

16 THE COURT: All right. In that regard, refresh my
17 recollection about what Mr. Rivero did with respect to the
18 loan -- loans in this case. Actually, there was the testimony
19 about the \$470,000 that was given by Ms. Rivero to Mr. Rivero,
20 and she testified that implicitly it was that Mr. Rivero was
21 involved in this case. It does sound like maybe he is an
22 unindicted coconspirator in this case.

23 MR. SNIDER: For the loan that the Court wouldn't let
24 me put into evidence.

25 THE COURT: No, you got into evidence --

1 MR. SNIDER: No, Judge.

2 THE COURT: -- the receipt with the \$400,000. I
3 didn't say the actual loan. Remember, we had a discussion
4 about you arguing what it was for. So the exhibit with the
5 \$470,000 is in evidence. Now, what it was for, I don't know,
6 but it sounds like that's a part of the evidence, which makes
7 him involved in the case.

8 MR. SNIDER: Judge, if that was part of the evidence,
9 why did the Court preclude me from putting in evidence of that
10 application?

11 THE COURT: You're missing it. There's a document in
12 evidence --

13 MR. SNIDER: I --

14 THE COURT: One moment.

15 There's a document in evidence with \$470,000 --

16 MR. SNIDER: It's 700 but --

17 THE COURT: \$700,000, all right. There's a document
18 in evidence. Now, I told you all it would be up to you to
19 decide how you were going to argue what all of that meant.
20 And he's arguing that Mr. Rivero is a part of this scheme.

21 MR. SNIDER: It seems.

22 THE COURT: And -- and there are Eleventh Circuit
23 cases that address the issue of a defendant being able to put
24 on their defense, which causes me a little pause on this
25 issue. I think I'm going to let it in.

WRIGHT - DIRECT

64

1 MR. SNIDER: Okay. Let me just say, for the
2 record --

3 THE COURT: You can make your record.

4 MR. SNIDER: So, first of all, I understand that the
5 Court allowed that attachment to an email that was received
6 by --

7 THE COURT: Do you have that exhibit? Can someone
8 get that exhibit for me quickly? The one --

9 MR. SNIDER: It's 2002.

10 THE COURT: I'm wondering if I should just let the
11 jury go to lunch.

12 MR. SNIDER: Are we having a lunch break today? I
13 thought we were ending at 2:30.

14 THE COURT: Yes, but I'm not going to keep them from
15 lunch. But actually, I'm giving some thought of just doing
16 9:00 and 1:00, but I can't do a 9:00 to 2:30 with no lunch.

17 MR. SNIDER: All right.

18 My record, Judge, is you're holding Government
19 Exhibit 2002. There were records directly related to this
20 document that the Court precluded me from moving into
21 evidence --

22 THE COURT: I'm not talking about this document.

23 MR. SNIDER: But that document relates --

24 THE COURT: This document that Ms. Rivero testified
25 that she gave to her husband --

WRIGHT - DIRECT

65

1 MR. SNIDER: Okay.

2 THE COURT: -- and that inference that you want to
3 draw from that is that there was some illegality regarding
4 this exhibit --

5 MR. SNIDER: It's not an inference, Judge. I wanted
6 to put in the evidence of it.

7 THE COURT: I didn't allow that --

8 MR. SNIDER: I know.

9 THE COURT: -- but I told you you could make the
10 argument of the inference that you wanted to draw from it and
11 he could make the argument that he wanted to draw from it.
12 And it's -- I'm going to allow it.

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

14 THE COURT: The objection is overruled.

15 BY MR. MCCRAY:

16 Q. Mr. Wright, I believe I was asking you about this morning
17 when you encountered Mr. Rivero. Can you tell the members of
18 the jury what, if anything, was said to you?

19 A. Well, he approached me and -- with smiles and whatever and
20 asked why didn't I return his calls, and I didn't respond, so
21 he said, "I need to talk to you." So he pulled me over to --
22 he wanted to go down to the 7th floor and I said, "No." So he
23 said, "Well, let's go over here in this corner."

24 And he started -- he said, "Don't say anything." I
25 said, "What do you mean? I already told them" -- you know,

WRIGHT - DIRECT

66

1 that they already questioned me and I already told them what I
2 know. And then he said, "Remember, you did not -- you
3 rejected the -- the PPP." I say -- I told him, I said, "Yes,
4 but" -- "No," he said, "You never received any money." I
5 said, "Yes, I did." And he was like puzzled.

6 Then he said, "Well, you know, the \$476,000 that --
7 that was applied to the -- applied for the business" -- and
8 I'm listening. Then he said, "Do you remember when we went to
9 the bank and we set up an account and you cashed" -- then I
10 said -- and that's when the -- I think it was Mr. Wade came in
11 and, you know, interrupted everything, and that was it.

12 Q. Was anything said about you not testifying, the Fifth or
13 anything like that?

14 MR. SNIDER: Objection to the leading.

15 THE WITNESS: No --

16 THE COURT: Sustained.

17 THE WITNESS: -- he didn't --

18 MR. MCCRAY: I'm sorry.

19 THE COURT: One moment. I sustained the objection.

20 Do you want to --

21 MR. MCCRAY: Correct, Judge.

22 THE COURT: So if you want to --

23 BY MR. MCCRAY:

24 Q. Was anything else said during this conversation pertaining
25 to you testifying?

WRIGHT - DIRECT

67

1 A. No. He just said, "Don't say anything."

2 Q. Okay. And by the way, when did you meet me for the first
3 time?

4 A. I met you Wednesday.

5 Q. Okay. Do you know the Wades?

6 A. No, I didn't.

7 Q. When was your first time ever seeing the Wades?

8 A. Wednesday.

9 Q. Regarding the \$474,000 loan and the \$150,000 Rivero
10 Funeral Home loan, was there ever a business meeting where you
11 were present to discuss applying for this loan?

12 A. No.

13 Q. Had you ever been to the Riveros' house before that day
14 when you met with them about the PPP loan? Had you ever been
15 to their house before?

16 A. Yes.

17 Q. Okay. Now, let me ask you, when you met with Ms. Rivero,
18 did you have to take a photograph in connection with this
19 loan?

20 A. Yes.

21 Q. And where did you take the --

22 MR. SNIDER: Objection. Vague. I don't know which
23 loan he's referring to.

24 MR. MCCRAY: Okay. The PPP loan. I'm sorry.

25 MR. SNIDER: Well, there's more than one PPP loan

WRIGHT - DIRECT

68

1 he's talking about. I would like to know which one --

2 THE COURT: Give me a legal objection, all right?

3 MR. SNIDER: Vague.

4 THE COURT: All right. Sustained.

5 MR. MCCRAY: I'll rephrase, Judge.

6 BY MR. MCCRAY:

7 Q. You told the jury that you received a loan in this case;
8 is that correct?

9 A. Yes.

10 Q. Do you remember how much that loan was for? I don't know
11 that we ever established that.

12 A. 20,000.

13 Q. Do you know if it was 20,833 -- but it was about 20,000?

14 A. It was even -- 20,000 even.

15 Q. Okay. The other loan that you talked about that you say
16 you knew nothing about -- I think I've covered that.

17 Judge, I've just had a senior moment. If I could
18 have the previous question read back -- oh, I know where I
19 was.

20 With respect to the \$20,000 loan, did you have to
21 take a photograph?

22 A. Yes.

23 Q. Did you take a photograph?

24 A. Yes.

25 Q. Where were you when you took the photograph?

WRIGHT - DIRECT

69

1 A. At their home.

2 Q. Who, if anyone, assisted you with taking that photograph?

3 A. Ms. Granados.

4 Q. Okay. And before you went there, did you know that it was
5 a requirement for you to take a picture before you actually
6 went to their home?

7 A. No.

8 Q. How did you know that you were required to take a
9 photograph?

10 A. She told me.

11 Q. And did she assist you?

12 A. Yes.

13 Q. Do you remember where you were in the house when you took
14 this photograph -- what part of the house you were in?

15 A. It was in the -- it was the countertop within the living
16 room -- the countertop separated the living room from the
17 kitchen, I believe.

18 MR. MCCRAY: I beg the Court's indulgence.

19 Judge, may I approach the witness?

20 THE COURT: Yes, sir.

21 BY MR. MCCRAY:

22 Q. Mr. Wright, I'm going to show you what has been marked as
23 Defense Exhibit 1 for identification purposes only. Would you
24 take a look at that and see if you recognize it.

25 A. Yes.

WRIGHT - DIRECT

70

1 Q. Look at the other pages, please, sir.

2 Do you recognize those?

3 A. Yes.

4 Q. Okay. Can you please tell us what's depicted on these
5 pages --

6 A. What? What?

7 Q. -- what's on the pages?

8 A. It has my photo and driver's license -- a photo of me and
9 my driver's license.

10 Q. Okay. And does Exhibit 30 for identification purposes --
11 does this fairly and accurately represent what you actually
12 saw on this day --

13 A. Yes.

14 Q. -- and the photographs of the license?

15 Does this fairly --

16 A. Yes.

17 Q. -- and accurately represent what you actually gave her?

18 A. Yes.

19 MR. MCCRAY: Judge, I would offer this into evidence.

20 THE COURT: Now, I see on my screen a reference to
21 Defense Exhibit 1 and Defense Exhibit 30. So what is it that
22 you're offering?

23 MR. MCCRAY: What exhibit will this be?

24 THE COURT: 30 for identification is being offered.

25 MR. MCCRAY: Yes.

WRIGHT - DIRECT

71

1 THE COURT: Any objection?

2 MR. SNIDER: No.

3 THE COURT: Received.

4 (Defense Exhibit 30 was received in evidence.)

5 MR. MCCRAY: I would like to publish this.

6 THE COURT: Let me interrupt you. I guess I hoped we
7 would move along a little faster but we aren't. So we're
8 going to break for lunch. Can we return at 1:30? Is that
9 sufficient time?

10 So let me tell you where we are timewise. We're not
11 going to finish today, but we expect to get the case to you on
12 Monday, which means completing all of the testimony, argument
13 of counsel, instructions to you, and retiring for
14 deliberation. So that's where we are.

15 Now, there's another little quirk and I'm not quite
16 sure how to figure out around it. There's an investiture at
17 3:00 PM today for another judge who has just started, and this
18 courtroom is supposed to be used for the overflow room, that
19 is those who won't be entering the investiture courtroom,
20 which is next door.

21 So you all don't want me to get in trouble with the
22 chief judge. I probably will be resting about 2:45 today. So
23 that's where we are. We lost two days, so we're still on
24 track but a little later than we originally anticipated. So I
25 appreciate your cooperation, and we're going to break and

1 return at 1:30 PM. Thank you.

2 (Jury exited at 12:38 PM.)

3 THE COURT: You may step down, sir. Please return
4 and be in your witness chair at 1:30 PM.

5 Now, you may be seated.

6 Just briefly, I haven't said anything to Juror
7 Number 15, Ms. McCray, who made some reference about a
8 vacation to our courtroom deputy.

9 What are the parties suggesting I do about that? I
10 haven't inquired, frankly, so I don't know the details,
11 et cetera.

12 MR. WILCOX: I would suggest that we inquire and get
13 the details.

14 THE COURT: Okay. She's number 15, so I will inquire
15 and see where we are. Unless there's something unusual, I
16 don't anticipate excusing her until Monday, but we'll see what
17 happens.

18 All right. Thank you.

19 (Lunch recess from 12:40 PM to 1:33 PM.)

20 (Jury entered at 1:33 PM.)

21 THE COURT: Please continue.

22 MR. MCCRAY: Yes, Judge, before we get started,
23 Defense Exhibit 30 for identification purposes, what did you
24 mark that as defense exhibit?

25 THE COURT: Do you want it to be marked 30 for

1 identification?

2 MR. MCCRAY: It was already marked, but it was
3 introduced before we broke, and I'm just trying to figure out
4 what number --

5 THE COURT: Well, we were discussing whether it was
6 Number 1 or Number 30, and so now you're saying Number 30.
7 You're offering Number 30. Is there any objection?

8 MR. SNIDER: No objection.

9 THE COURT: Received as marked.

10 MR. MCCRAY: May I publish to the jury, Judge?

11 THE COURT: Yes, sir.

12 BY MR. MCCRAY:

13 Q. Okay. Mr. Wright, I'm going to show you what's been
14 marked as Defense 30. Can you tell the jury what this is?
15 Are you able to see it up there?

16 A. Mm-hmm.

17 Q. Yes?

18 A. Yes, sir.

19 Q. Okay. Tell us what's depicted on this page 01.

20 A. The documents of my driver's license and a picture of
21 the -- the camera picture.

22 Q. Okay. Looking at your picture there, whose background is
23 that?

24 A. Whose background?

25 Q. Yeah. Where is that?

WRIGHT - DIRECT

74

1 A. That is in the home of -- of Haydee and Eduardo Rivero.

2 Q. Okay. I notice a hand on your left shoulder.

3 A. That's Haydee Granados's hand.

4 Q. What was she doing at that time?

5 A. She was trying to position my face so that the camera
6 could take the picture.

7 Q. All right. Thank you, sir.

8 And I'm going to go to page 4 of the same Exhibit 30.
9 What do these reflect?

10 A. The camera -- you know, she got positioned -- it did not
11 take, so they kept on positioning me so that the camera would
12 take a good picture of myself.

13 Q. Thank you, sir.

14 And then on page 5 of that exhibit, what does this
15 appear to be to you?

16 A. My driver's license.

17 Q. Okay. Front and back?

18 A. Yes, sir.

19 MR. MCCRAY: Excuse me, Judge.

20 Your Honor, may I please approach the witness?

21 THE COURT: Yes, sir.

22 BY MR. MCCRAY:

23 Q. Mr. Wright, I'm going to show you what's been marked
24 Exhibit 31 for identification purposes. Just look at that and
25 tell me what that appears to be, if you know.

WRIGHT - DIRECT

75

1 A. It says a Schedule C.

2 Q. Okay.

3 A. Profits and loss from business.

4 Q. Okay. For what business?

5 A. This is for Grateful Records.

6 Q. Okay. And again, can you tell us what is Grateful Records
7 Incorporated?

8 A. Grateful Records is a label company that hires artists and
9 promotes music and videos for the artists.

10 Q. Who essentially owns that company?

11 A. I am -- I am the owner and my nephew is the CFO.

12 Q. Okay. Now, looking at this document, does this fairly and
13 accurately depict this as being tax returns for 2019,
14 Schedule C?

15 A. Yes.

16 MR. MCCRAY: Okay. Your Honor, may I offer this,
17 please? May I publish?

18 THE COURT: Yes, sir. It's offered. Any objection
19 to 31 for identification?

20 MR. SNIDER: Did he say for the record whose it is?

21 MR. MCCRAY: Yes. Grateful Records --

22 MR. SNIDER: No objection. No objection.

23 THE COURT: Received as marked.

24 (Defense Exhibit 31 was received in evidence.)

25 BY MR. MCCRAY:

WRIGHT - DIRECT

76

1 Q. Okay. And looking at Defense 31, at the very top where it
2 says name of proprietor, what does it say?

3 A. Walter Wright.

4 Q. Okay. And underneath that where it says principal
5 business or profession, including product, what does that say?

6 A. Grateful Records Incorporated.

7 Q. Okay. Let's go farther down where it says part one
8 income. What does it say the gross receipts or sales were for
9 2019?

10 A. \$1,520.

11 Q. Okay. I'm going to show you what's been marked as
12 Defendants' Exhibit Number 32. Can you look at this one and
13 tell me if you recognize it?

14 A. Yes, sir.

15 Q. Okay. What is this, sir?

16 A. It's a profit and loss from the business, Schedule C.

17 Q. What year?

18 A. 2020.

19 Q. Does this fairly and accurately represent the tax returns
20 for the year?

21 A. Yes.

22 MR. MCCRAY: Judge, I offer it.

23 MR. SNIDER: No objection.

24 THE COURT: Received.

25 (Defense Exhibit 32 was received in evidence.)

WRIGHT - CROSS

77

1 MR. MCCRAY: May I publish, Judge?

2 THE COURT: Yes, sir.

3 BY MR. MCCRAY:

4 Q. Looking at the top, name of proprietor, whose name is
5 there?

6 A. Walter Wright.

7 Q. Right underneath that where it says principal business or
8 profession, including product or service, what does it say?

9 A. Grateful Records Incorporated.

10 Q. Let's go down again to part one under income. What were
11 the gross receipts or sales as reflected on this Exhibit 32
12 for that year 2020?

13 A. \$72,995.

14 Q. Now, Mr. Wright, prior to today, has the FBI ever reached
15 out to you about the Riveros?

16 A. No, they haven't.

17 Q. Have you received any letters, calls, emails to meet with
18 them about your PPP loan involving the Riveros?

19 A. No, I haven't.

20 MR. MCCRAY: I beg the Court's indulgence.

21 Judge, I tender the witness.

22 THE COURT: Cross-examination?

23 CROSS-EXAMINATION

24 BY MR. SNIDER:

25 Q. Good afternoon, Mr. Wright.

1 A. Good afternoon.

2 Q. Mr. Wright, do you know who I am?

3 A. No, I don't.

4 Q. Have we ever met before?

5 A. We haven't.

6 Q. Okay. My name is David Snider and I represent the United
7 States in this case. It's nice to meet you.

8 A. Nice to meet you.

9 Q. So when you were just asked a bunch of questions by
10 Mr. McCray, it seems like you were talking about several
11 different Paycheck Protection Program loans; is that right?

12 A. Yes, sir.

13 Q. So I want to sort of go through -- I want to separate
14 them, if you will, okay?

15 A. Mm-hmm.

16 Q. The pandemic -- remember the COVID pandemic?

17 A. Yes, sir.

18 Q. That was more than one year; right?

19 A. Yes, sir.

20 Q. It was over a couple of years?

21 A. Yes, sir.

22 Q. And I believe you testified that you are familiar with the
23 Paycheck Protection Program?

24 A. Yes, sir.

25 Q. And do you know that that Paycheck Protection Program went

1 on for more than just one year?

2 A. Yes.

3 Q. Okay. And the loans that you were asked about today, I
4 believe one of them was for Grateful Records Incorporated?

5 A. Yes, sir.

6 Q. And that is a company that you testified that you are
7 involved with with your nephew?

8 A. Yes, sir.

9 Q. You said he is the CEO?

10 A. Yes.

11 Q. And you are a principal?

12 A. Yes.

13 Q. And Grateful Records Incorporated was one of the companies
14 for which you obtained a Paycheck Protection Program loan?

15 A. Yes.

16 Q. And that loan that you -- didn't you receive that loan?

17 A. Yes.

18 Q. That loan was in the amount of \$442,000?

19 A. Yes, sir.

20 Q. Do you remember when in relation to the pandemic was the
21 year that you applied for that loan?

22 A. If I'm -- if I'm not mistaken -- can I ask you a question?

23 Q. Well --

24 A. To get the year -- you know, clarify.

25 Q. Let me see if I can help you out. Okay. There's no trick

1 questions here.

2 Do you remember that the loan for Grateful Records
3 Incorporated and the application for that loan occurred long
4 before you were sitting in that picture getting your face
5 photographed?

6 A. I guess. Yes. Mm-hmm.

7 Q. So this loan for Grateful Records Incorporated was
8 something that happened before?

9 A. Yes.

10 Q. Okay. How about June of 2020? Does that time frame seem
11 like the time frame in which you were involved or applied for
12 this Grateful Records Incorporated loan?

13 A. I'm thinking it was before then.

14 Q. It was before then?

15 A. Yeah. 2019.

16 Q. Okay. Well, let me see if I can help you out. Okay?

17 MR. SNIDER: Your Honor, may I approach?

18 THE COURT: Yes, sir.

19 BY MR. SNIDER:

20 Q. So I'm going to, Mr. Wright, hand you a document that is
21 marked for identification as Government 3000. Okay? Take a
22 look at it. I'll direct your attention to the middle of the
23 page, which says PPP loan information. And do you see a
24 section below that where it says "loan approved"?

25 MR. MCCRAY: Judge, I'm going to object. This is

1 hearsay -- a business record.

2 THE COURT: Wait. It's not in evidence --

3 MR. SNIDER: No, I'm refreshing.

4 THE COURT: All right. Overruled.

5 THE WITNESS: "Loan approved," yes.

6 BY MR. SNIDER:

7 Q. Do you see a date there? Does that refresh your
8 recollection about when this loan was approved?

9 A. Yes.

10 Q. And now that your recollection is refreshed, when was this
11 loan approved for Grateful Records Incorporated?

12 A. June 4 of 2020.

13 Q. Okay. Thank you.

14 Now, the other loan that you were asked about was a
15 loan for Rivero Funeral Home Inc.; is that right?

16 A. Yes, sir.

17 Q. And what is your involvement with Rivero Funeral
18 Home Inc.?

19 A. Well --

20 Q. Is that the one you were an investor in?

21 A. No.

22 Q. Okay.

23 A. The one in New York.

24 Q. So you invested in the one in New York?

25 A. Mm-hmm.

1 Q. Do you have any involvement in Rivero Funeral Home in
2 Sunrise, Florida?

3 A. No.

4 Q. Did you receive any proceeds from a loan from Rivero
5 Funeral Home Inc.?

6 A. No.

7 Q. What is the loan that related to a funeral home that you
8 received money from?

9 A. That was -- that was an SBA loan for Rivero Funeral Home.

10 Q. Was it a PPP loan?

11 A. There -- they're different kind of loans.

12 Q. Sure.

13 You were asked --

14 A. SBA loan, that's all I know.

15 Q. But you testified, when Mr. McCray was asking you
16 questions, that there was some PPP loan relating to a funeral
17 home that you somehow got money for that you didn't know about
18 the loan; is that right?

19 A. Yes, sir.

20 Q. What was that business?

21 A. What was that business?

22 Q. Yeah, for which the PPP loan was obtained.

23 A. Okay. That was for Rivero Funeral Home.

24 Q. Okay. Rivero Funeral Home Inc.?

25 A. I don't know about the Inc.

1 Q. We'll call it Rivero Funeral Home. Close enough.

2 Were you involved in the application for that?

3 A. No.

4 Q. Okay. But somehow you became aware of that loan?

5 A. Yes.

6 Q. When you were sitting in the Rivero's home getting your
7 picture taken, that had nothing to do with the Rivero Funeral
8 Home Inc. PPP loan, did it?

9 A. No.

10 Q. And do you have any idea when that loan was applied for?

11 A. No, I don't.

12 Q. So you don't know if that loan was also in June of 2020?

13 A. No, I don't know.

14 Q. Do you remember when you received some money related to
15 some PPP loan from Rivero Funeral Home Inc.?

16 A. Yes.

17 Q. When was that?

18 A. What year -- I can't recollect what year, but I can't tell
19 you that because I don't remember.

20 Q. All right. Now, with respect to -- let's go back to
21 Grateful Records Incorporated, which you testified was
22 approved on June 4, 2020.

23 A. Mm-hmm.

24 Q. Ms. Rivero, Haydee Rivero, who then was known as Haydee
25 Granados, she had nothing to do with this loan for Grateful

1 Records Incorporated; right?

2 A. Right.

3 Q. Okay. Were you dealing with Mr. Rivero with respect to
4 Grateful Records Incorporated or somebody else?

5 A. What do you mean dealing with someone else?

6 Q. Did someone help you get a PPP loan for Grateful Records
7 Incorporated?

8 A. Yes.

9 Q. Who was that person?

10 A. That person -- you have to ask my nephew. He was involved
11 in that, not me.

12 Q. So your nephew was involved in getting a \$442,000 --

13 A. Yes.

14 Q. -- loan for Grateful Records Incorporated?

15 A. Yes, sir.

16 Q. Does Grateful Records Incorporated have payroll of
17 \$331,500?

18 A. No.

19 Q. Has it ever had payroll of \$331,500?

20 A. Yes.

21 Q. Payroll. You've paid employees \$331,500?

22 A. I said, "I don't know."

23 Q. Okay, you don't know.

24 A. I don't know.

25 Q. I thought you said -- I thought the first answer was "no."

1 A. Yes, I don't know anything about the application of
2 Grateful Records. Okay? That was all done by my nephew.

3 Q. Which had nothing to do with Haydee Rivero?

4 A. Exactly.

5 Q. Did it have anything to do with Edward Rivero?

6 A. No.

7 Q. And the loan for Rivero -- let me ask one more question
8 about Grateful Records Incorporated.

9 Do you have any knowledge about whether Grateful
10 Records Incorporated was entitled to a Paycheck Protection
11 Program loan in the amount of \$442,000?

12 A. Am I aware?

13 Q. That you would be eligible for a loan of that size for
14 that company.

15 A. I don't know.

16 Q. Don't know?

17 A. No.

18 Q. Okay. Now, the other loan that you were talking about,
19 Rivero Funeral Home Inc., do you have any knowledge that
20 Haydee Rivero was involved in this one, a PPP loan for Rivero
21 Funeral Home Inc.?

22 A. I have no knowledge, no.

23 Q. Okay. It sounded like from your testimony at least with
24 respect to Rivero Funeral Home that you were dealing with
25 Mr. Rivero; is that right?

1 A. Yes, sir.

2 Q. Not Haydee Rivero?

3 A. Right.

4 Q. Now, the loan that Haydee Rivero assisted you with was
5 this \$20,000 PPP loan; correct?

6 A. Right.

7 Q. And that's the one for which she was helping you verify
8 your identity; correct?

9 A. Yes.

10 Q. And that took place in her house?

11 A. Yes.

12 Q. So you're sitting within -- if not next to her, very close
13 to her?

14 A. Yes.

15 Q. Okay. And you had difficulty verifying your identity;
16 correct?

17 A. Yes.

18 Q. It took multiple times?

19 A. Yes.

20 Q. And she was helping you to try to get your face lined up
21 correctly?

22 A. Yes.

23 Q. Do you remember how many times it took?

24 A. I know it took over five times.

25 Q. It took over five times.

1 And these five times, you were never trying to verify
2 your identity on your own; right?

3 A. Only once.

4 Q. Oh, you tried it on your own once?

5 A. Yes.

6 Q. Was it successful?

7 A. No.

8 Q. When you say tried it on your own, you mean outside of the
9 Riveros' home?

10 A. No, inside.

11 Q. Oh, so you tried once inside their home?

12 A. Yes.

13 Q. Did you ever try to verify your identity on your own when
14 you were not in Ms. Rivero's home?

15 A. No.

16 Q. And did all these failures, the five times that you were
17 trying, did all of those take place on the same day?

18 A. Yes.

19 Q. But you were ultimately successful? You were able to
20 verify your identity?

21 A. Yes.

22 Q. Now, the loan that you received for Walter Wright -- and
23 by the way, is there a company called "Walter Wright"?

24 A. No.

25 Q. So that's false?

1 A. Yes.

2 Q. And Walter Wright has never had a business in his name
3 that made over a hundred thousand dollars?

4 A. No, sir.

5 Q. So information to that effect is false?

6 A. Yes.

7 Q. And it's your testimony that you had no idea that there
8 was false information in an application for a business called
9 Walter Wright. Is that your testimony?

10 A. Yes, sir.

11 Q. Okay. But you had previously been involved with an
12 application for another company of yours, the Garcia Records;
13 correct?

14 A. No, Grateful Records.

15 Q. I'm sorry. I got it confused. You're right. Grateful
16 Records. Garcia, Jerry Garcia, Grateful. That's why I was
17 confused. So Grateful Records Incorporated.

18 But you were aware of that?

19 A. I was aware of it, yes.

20 Q. And you knew that when you were applying for this loan for
21 Walter Wright that that was not for the Grateful Records PPP
22 loan because that one had already gone through a year before;
23 right?

24 A. Yes, sir.

25 Q. Mr. Wright, ever heard of Womply?

1 A. No, sir.

2 Q. Never heard of a website named Womply?

3 A. No, sir.

4 Q. Ever logged in to a website named Womply?

5 A. What's --

6 Q. Have you ever logged in to a website named Womply?

7 A. No, sir.

8 Q. To your knowledge, ever received a code from a company
9 called Womply?

10 A. No, sir.

11 Q. In connection with your PPP loan application for Walter
12 Wright, you never logged in to a company called Womply?

13 A. Not to my knowledge.

14 Q. And in connection with your PPP loan for Walter Wright,
15 you never uploaded any documents yourself into that website?

16 A. No, sir.

17 Q. And in connection with your PPP loan for Walter Wright,
18 you never inputted any data into your application?

19 A. No, sir.

20 Q. And the identity verification for the Walter Wright PPP
21 loan was done in Ms. Rivero's home, and the identity failed
22 multiple times before it passed; correct?

23 A. Restate that question.

24 Q. Sure. And I was speaking a little fast. Let me slow
25 down.

1 With respect to the Walter Wright PPP loan
2 application, the identity verification component of that
3 occurred in Ms. Rivero's home and it failed five times before
4 it passed; is that correct?

5 A. Well, she wasn't doing the application. She was doing
6 the -- the entrance form. I never saw an application.

7 Q. I understand. Listen to the question -- wait. I'm sorry.

8 Did you say she wasn't doing that application for
9 Walter Wright?

10 A. Not in front of me, no.

11 Q. Not in front of you?

12 A. No.

13 Q. But you never inputted information yourself?

14 A. No.

15 Q. You never logged in?

16 A. No, sir.

17 Q. You never uploaded any documents?

18 A. No, sir.

19 Q. You never inputted any information about yourself?

20 A. No, sir.

21 Q. She was doing that?

22 A. I guess -- if she did it, I guess so.

23 Q. And does she know your date of birth?

24 A. She had my driver's license.

25 Q. You gave her your driver's license to do that?

1 A. Yes.

2 Q. So you gave her some information to put into this
3 application.

4 Did you ever receive any emails from Womply?

5 A. I don't know whether those emails were from Womply or not.
6 The name doesn't --

7 Q. It doesn't ring a bell?

8 A. Right.

9 Q. Now, I think you testified when you were on direct
10 examination that you did DocuSign a PPP loan application for
11 the Walter Wright business; right? Is that correct?

12 A. Yes.

13 Q. Do you remember how many times you did that?

14 A. Once.

15 Q. Okay. So you didn't sign a PPP application twice, to your
16 knowledge? It's not a trick question. To your knowledge, you
17 signed it once and only once?

18 A. Yeah, once.

19 Q. So you didn't sign a PPP loan application multiple times?

20 A. No.

21 Q. You weren't prompted to go back in and sign again and
22 again and again?

23 A. No.

24 Q. And do you remember initialling a PPP loan application?

25 A. No.

1 Q. Okay. And you don't remember initialling 36 times?

2 A. No.

3 Q. Do you remember ever getting a copy of your signed PPP
4 loan application sent to you?

5 A. No, sir.

6 Q. And you didn't get it sent to you twice?

7 A. No, sir.

8 MR. SNIDER: No further questions.

9 THE COURT: Can I have you all come sidebar for a
10 moment?

11 (The following proceedings were held sidebar:)

12 THE COURT: I'm trying to stay ahead of the curve
13 with you all. So are there some documents related to the
14 question you just ask him about the Wright loan you asked him
15 about signing things 36 times? Are those in evidence or --

16 MR. SNIDER: I'm trying a comparison to what the
17 defendants did.

18 THE COURT: I'm not sure I follow you.

19 MR. SNIDER: The defendants -- there's evidence that
20 the defendants signed multiple times, the defendants
21 initialed, so I'm asking if he did that and he said, "No."

22 THE COURT: But, in other words, is the agent going
23 to come on and say something about some documents --

24 MR. SNIDER: The agent isn't --

25 THE COURT: I mean, I'm just trying to stay ahead --

WRIGHT - REDIRECT

93

1 MR. SNIDER: Judge, all I'm doing is showing that he
2 didn't do what the defendants did.

3 THE COURT: Okay. I got you now.

4 MR. SNIDER: Yeah.

5 THE COURT: All right.

6 MR. SNIDER: I'm trying to draw a distinction.

7 THE COURT: I'm trying to stay ahead of you guys.

8 MR. SNIDER: I'm just trying to draw a distinction.

9 THE COURT: Okay.

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

11 THE COURT: May the witness be permanently excused?

12 MR. MCCRAY: Judge, can I have a quick redirect?

13 THE COURT: Yes, sir.

14 REDIRECT EXAMINATION

15 BY MR. MCCRAY:

16 Q. Mr. Wright, after you met with Ms. Rivero regarding the
17 PPP loan, did you receive emails?

18 A. Yes.

19 Q. Do you remember who they came from?

20 A. No, I don't.

21 Q. Were they related to the loan?

22 A. Yes.

23 Q. When you went on that computer, as you talked about on
24 direct, tell us again what you did when you went on the
25 computer.

1 A. I read the -- I read the email, and then it stated that
2 the loan had been approved and I had to sign some documents in
3 order to receive the funds.

4 Q. Are you familiar with DocuSign or the term DocuSign?

5 A. Yes.

6 Q. Did you DocuSign?

7 A. Yes.

8 Q. Do you remember how many places you signed on whatever
9 document was presented to you?

10 A. No, I don't.

11 Q. But you do recall signing?

12 A. Yeah.

13 Q. And you did receive the loan after you signed?

14 A. Yes, sir.

15 Q. You had mentioned before that Mr. Granados owed you a
16 large sum of money. Do you remember that?

17 A. Yes.

18 Q. How much money did he owe you before he received the
19 400-some-thousand-dollar loan?

20 A. Over a hundred thousand dollars.

21 Q. When he received this 400,000-plus-dollar loan, why did he
22 give you \$37,000?

23 A. He just stated that, "Here, I'm just giving you this, you
24 know -- you know -- for, you know -- for what, you know,
25 you've done for me in the past," and that's it.

1 Q. Okay. And with him having given you the \$37,000, did you
2 reduce the amount of money that he owed because of the 37,000?

3 A. No, I didn't.

4 Q. Okay. Did you know that he was going to give you \$37,000?

5 A. No, I didn't.

6 Q. Now, after -- you had an email. Did you have an email?

7 A. Of what?

8 Q. Did you own an email back during that time?

9 A. Yes.

10 Q. Okay. Did you ever give your email -- do you remember if
11 you gave your email address to Ms. Granados Rivero?

12 A. Yes.

13 Q. So she had access to your email?

14 A. Yes.

15 Q. Do you know if after -- when the application process was
16 commenced -- was initiated, did you ever receive anything from
17 a loan company?

18 A. No.

19 MR. MCCRAY: I beg the Court's indulgence.

20 No further questions, Judge.

21 THE COURT: Permanent excusal?

22 MR. MCCRAY: Yes, Judge.

23 MR. SNIDER: Yes, Your Honor.

24 THE COURT: All right, sir. You may step down. You
25 are excused.

RIVERO - DIRECT

96

1 MR. MCCRAY: Judge, we would like to call Ms. Haydee
2 Rivero for questions.

3 THE COURT: Is the witness entering?

4 (Defense witness, HAYDEE RIVERO, duly sworn.)

5 THE COURTROOM DEPUTY: Please have a seat and state
6 your name and spell it for the record.

7 THE WITNESS: It's Haydee, H-A-Y-D-E-E, Rivero,
8 R-I-V-E-R-O.

9 DIRECT EXAMINATION

10 BY MR. MCCRAY:

11 Q. Good afternoon, Ms. Rivero. How are you doing?

12 A. Good afternoon. Good. And you?

13 Q. I'm good. I just have a few questions for you.

14 Back when you were doing those PPP loans, can you
15 tell us where you lived?

16 A. In Broward County.

17 Q. You had a house or was it an apartment?

18 A. A house.

19 Q. And when you were doing those PPP loans, there were times
20 when you would have some of your customers come to your house;
21 is that correct?

22 A. Two or three.

23 Q. Okay. And did you ever have them take photographs at your
24 house in preparation or to commence that application?

25 A. No.

RIVERO - DIRECT

97

1 Q. Have you ever seen anyone take photographs there in
2 preparation of the photographs?

3 A. Not that I remember, no.

4 Q. Is there anything that would refresh your recollection?
5 Let me show you -- may I approach, Judge?

6 THE COURT: Yes, sir.

7 BY MR. MCCRAY:

8 Q. -- what's been marked as Defense Exhibit 30.

9 A. Yes.

10 Q. Okay. Does this refresh your recollection?

11 A. Yes. That's the office of my home.

12 Q. And does this show someone taking a photograph at your
13 home?

14 A. Yes.

15 Q. In fact, is this your hand on --

16 A. I can't see the hand, but I know that's the office in my
17 home.

18 Q. And with those individuals -- let's take this one. When
19 this individual took a photograph there, was it a camera used?

20 A phone camera? Was it --

21 A. That's the camera on the computer.

22 Q. Okay. They used your computer?

23 A. Yes.

24 Q. You used your computer to take pictures of people; right?

25 A. No, I didn't take pictures of anyone. That's the camera

RIVERO - DIRECT

98

1 that goes with the HP computer. I didn't took [sic] pictures
2 of anyone.

3 Q. Well, someone had to activate the photograph. Would you
4 agree?

5 A. I don't know. I didn't take any pictures.

6 Q. Okay. So Defense Exhibit 3, what I just showed you, you
7 said that was someone taking a picture at your home; is that
8 correct?

9 A. No, I thought that's the camera on the computer.

10 Q. You thought?

11 A. That's what's taking the picture, the camera on the
12 computer, but I didn't take any pictures of anyone in my home.

13 Q. Well, do you have the type camera where if you just sit
14 down --

15 A. No.

16 Q. -- in front of the computer it takes a picture by itself?

17 A. No.

18 Q. So would you agree that someone had to activate the
19 camera?

20 A. There is no camera in that office, but the camera is
21 attached to the HP computer that I have at home.

22 Q. No, I understand that. But I'm saying that camera doesn't
23 take a picture without someone --

24 A. No.

25 Q. -- pressing a button; right?

1 A. No.

2 Q. Am I correct?

3 A. That camera doesn't take pictures at all.

4 Q. Okay. Well, I just showed you Exhibit 30. Do you know
5 how this picture was taken?

6 A. No.

7 Q. Okay. Excuse me.

8 You do agree that this photo was taken in your house,
9 don't you?

10 A. I just said that's the office in my home. Yes.

11 Q. Excuse me, Judge.

12 So let me make sure that I'm clear. You admit that
13 the photo was taken in your house; correct?

14 A. The picture you just showed me is the office in my home.

15 Q. Okay. But you don't know why it was taken?

16 A. No.

17 Q. You don't know how it was taken?

18 A. No.

19 Q. Now, with respect to -- I believe during the Government's
20 case in chief you indicated that all you did with respect to
21 these applications was falsify the Schedule Cs; is that
22 correct?

23 A. Yes.

24 Q. Do you remember telling the agent on that June date, when
25 you all met, that you do different things with respect to the

RIVERO - DIRECT

100

1 different applications?

2 A. What different things? I don't understand.

3 Q. Do you remember saying that you do different things? And
4 let me get the exact language.

5 Did you tell the agent that you vary what you did in
6 each application for all of the individuals you helped? Do
7 you remember telling her that?

8 A. No.

9 MR. MCCRAY: I believe that's it, Judge. Just one
10 second.

11 BY MR. MCCRAY:

12 Q. Oh, by the way, the Exhibit 30 that I showed you, can you
13 identify that person in that photograph?

14 A. Yes. It's Walter Wright.

15 MR. MCCRAY: Okay. Nothing further, Judge.

16 BY MR. MCCRAY:

17 Q. By the way, you did contact Walter Wright about making an
18 application for a PPP loan application, didn't you?

19 A. I don't remember if it was me or my husband.

20 Q. It was at least one of you; is that correct?

21 A. Yes.

22 Q. And when he came there that day, you were there; is that
23 correct?

24 A. Yes.

25 Q. Your husband was also there; is that correct?

RIVERO - CROSS

101

1 A. I don't remember. I assume he was there.

2 MR. MCCRAY: Okay. I don't have anything further,
3 Judge.

4 CROSS-EXAMINATION

5 BY MR. SNIDER:

6 Q. Good afternoon, Ms. Rivero.

7 A. Good afternoon.

8 Q. So Mr. McCray was just asking you some questions about
9 cameras and taking photographs in your office. Do you
10 remember that?

11 A. Yes.

12 Q. There seemed to be a little bit of confusion about --

13 THE COURT: No, sir. Questions. Just questions.

14 BY MR. SNIDER:

15 Q. Okay. Mr. McCray was asking you if a photograph had been
16 taken in your office. What was your understanding of what he
17 meant when he was just asking you about taking a photograph?

18 A. That someone took a picture.

19 Q. Like a physical picture?

20 A. Yes.

21 Q. Okay. And you testified that you have a camera that's
22 built into a computer; is that right?

23 A. Correct.

24 Q. And that camera is able to capture images if you're in
25 front of it?

1 A. Not that I know of.

2 Q. Okay. Do you remember there being an identity
3 verification component of the PPP applications that were done
4 on Womply's website?

5 A. Yes.

6 Q. Does the name Persona mean anything to you? Have you ever
7 heard of that, like a Persona identity?

8 A. I know the Womply page had an identity confirmation, but I
9 don't remember the name of it.

10 Q. And during the identity verification component through
11 Womply's website, was one of the things you had to do is take
12 a selfie?

13 A. Yes. Correct.

14 Q. Did you have to take three from different angles?

15 A. Yes. A front, left, and right.

16 Q. Okay. And when you were at that stage of the application,
17 was there something built into the website that allowed an
18 image to be taken if the computer or the device had a camera
19 built into it?

20 A. Yes.

21 Q. If at that point of a communication you were in front of a
22 camera or a phone with the camera and you pressed a button,
23 "take my selfie," it captured it?

24 A. I think the program that was used captured itself. I
25 don't think you pressed the button.

1 Q. Oh, you just stood there, like a countdown?

2 A. Yes. It just starts recognizing your face. It does it
3 automatically, the program. There's no button to press.

4 Q. That makes sense.

5 So it's not like taking a picture from a physical
6 camera?

7 A. No.

8 Q. You just sit there and it starts capturing?

9 A. Exactly, yes.

10 Q. Okay. And you testified when you were here -- I don't
11 know if it was yesterday or the day before -- that Walter
12 Wright had difficulty verifying his identity; is that right?

13 A. Yes.

14 Q. He had difficulty with the selfie component of that
15 identity verification?

16 A. Yes.

17 Q. And you were helping him with that?

18 A. Yes.

19 Q. And it failed multiple times?

20 A. Yes.

21 Q. And that's what you remember from his application?

22 A. Yes.

23 MR. SNIDER: No further questions.

24 REDIRECT EXAMINATION

25 BY MR. MCCRAY:

1 Q. Counsel mentioned Mr. Wright. You know him, don't you?

2 A. Yes.

3 Q. And were you phone calling him yesterday?

4 A. My husband called him from my phone.

5 Q. Multiple times; is that correct?

6 A. No. He called once from my phone.

7 Q. He called once?

8 A. From my phone.

9 Q. One time?

10 A. Yes.

11 Q. What about this morning? Did he call this morning?

12 A. He called me this morning.

13 Q. Who is "he"?

14 A. Walter Wright dialed me today -- this morning.

15 Q. He called. You talked to him?

16 A. No, I did not. He dialed me this morning when I was in
17 the parking lot, outside.

18 Q. Did your husband approach Mr. Wright this morning?

19 A. This morning, when he got off the elevator, my husband saw
20 him and said hi to him. They said hi to each other. He was
21 looking for a bathroom. We told him where the bathroom was.
22 When he got out of the bathroom, he came towards us and said
23 hi to me and my husband.

24 MR. SNIDER: Your Honor, this is far outside the
25 scope of my cross.

1 THE COURT: Overruled.

2 BY MR. MCCRAY:

3 Q. At the time in which your husband was speaking to
4 Mr. Wright, were you up where they were at all times?

5 A. No, I wasn't. I went to the garbage. I moved myself
6 away.

7 Q. So you don't know what, if anything, else your husband may
8 have said to Mr. Wright?

9 A. No.

10 Q. You don't know what, if anything, else Mr. Wright may have
11 said to your husband?

12 A. No.

13 MR. SNIDER: Objection. Leading.

14 MR. MCCRAY: Nothing further, Judge. Thank you --
15 one second, Judge.

16 BY MR. MCCRAY:

17 Q. Just about that, Judge.

18 Ms. Granados, has your mind been refreshed as to
19 assisting Mr. Wright in procuring a PPP loan?

20 MR. SNIDER: Objection.

21 THE COURT: Sustained.

22 BY MR. MCCRAY:

23 Q. Did you, at some point, help Mr. Wright apply for a loan?

24 A. The only thing I remember, like I said before, was that he
25 couldn't confirm his identity. I don't remember anything else

1 after that.

2 MR. MCCRAY: Okay. I have nothing further, Judge.

3 THE COURT: All right. May the witness be
4 permanently excused?

5 MR. MCCRAY: Yes, Judge.

6 MR. SNIDER: Yes.

7 THE COURT: You may step down. You are excused.

8 THE WITNESS: Thank you.

9 MR. MCCRAY: Go sidebar for a minute, Judge? I think
10 we need to.

11 THE COURT: Don't you want to call your next witness?

12 MR. MCCRAY: That's why I want to go sidebar, Judge.

13 THE COURT: Come sidebar quickly, please.

14 (The following proceedings were held sidebar:)

15 THE COURT: Yes, sir.

16 MR. MCCRAY: Judge, I'm going to call, at this time,
17 my client Mr. Wade at this time. I didn't know if the Court
18 wanted to colloquy.

19 THE COURT: No, let's call him. We've got 15 more
20 minutes. What do I need to colloquy him about? What do I
21 need to ask him?

22 MR. MCCRAY: If he understands that he doesn't have
23 to testify --

24 THE COURT: I've already asked him that, at the very
25 beginning.

1 MR. MCCRAY: Okay. Maybe I'm getting mixed up with
2 state court.

3 THE COURT: Do you want me to ask him if he knows he
4 has the right not to testify?

5 MR. MCCRAY: Maybe I'm getting it mixed up with state
6 court, but that's a requirement in state court, Judge. Before
7 a defendant testifies, there has to be colloquy done outside
8 the presence of the jury, making sure the defendant
9 understands that he doesn't have a right to testify or he has
10 a right to testify, and I just wanted to make sure. That's
11 fine.

12 MR. SNIDER: Has that happened yet?

13 MR. MCCRAY: What?

14 MR. SNIDER: Has the Court had that colloquy with
15 Mr. Wade yet?

16 MR. MCCRAY: No, I'm telling the Court I'm getting
17 ready to call him and I wanted to find out --

18 MR. SNIDER: I have no objection to that.

19 THE COURT: Have Mr. Wade come down.

20 MR. SNIDER: I thought it had already happened
21 because there was a sidebar earlier.

22 MR. MCCRAY: No, not about that.

23 MR. WILCOX: Your Honor, I was just going to add that
24 I've had several judges do what Mr. McCray has asked.

25 THE COURT: Mr. Wade, as a defendant in this case,

TRACY WADE - DIRECT

108

1 you have the right to take the stand and not testify or you
2 have the right to take the stand and testify. If you recall
3 during voir dire, I advised the members of the panel that if
4 you elected not to testify, they couldn't consider that in any
5 way and that is, in fact, the case.

6 Your lawyer has indicated that you will be taking the
7 stand and you recognize you have the right not to testify if
8 you elected not to do so; correct?

9 MR. WADE: Yes, sir.

10 THE COURT: All right. Let's move forward.
11 Call your next witness.

12 MR. MCCRAY: Judge, I call Mr. Tracy Wade.

13 THE COURT: Please come forward.

14 (Defense witness, TRACY WADE, duly sworn.)

15 THE COURTROOM DEPUTY: Please have a seat. Please
16 state your name and spell it for the record.

17 THE WITNESS: My name is Tracy Wade, T-R-A-C-Y, last
18 name Wade, W-A-D-E.

19 DIRECT EXAMINATION

20 BY MR. MCCRAY:

21 Q. Mr. Wade, what is your marital status?

22 A. I'm married.

23 Q. And to whom are you married?

24 A. Carolyn Wade.

25 Q. And how old are you, sir?

TRACY WADE - DIRECT

109

1 A. 51.

2 Q. And do you and Ms. Wade have children?

3 A. Yes, we do. One in common.

4 Q. Approximately how long have you and Ms. Wade been married?

5 A. About nine years.

6 Q. And so that would have been around 2015?

7 A. Yes, sir.

8 Q. And you say you all have one child. How old is he or she?

9 A. Taylor is 11 years old.

10 Q. And without giving us your address, in what city and
11 county do you live?

12 A. We live in Coral Springs, Florida. It's in the county of
13 Broward.

14 Q. How long have you lived there?

15 A. Now, recently, about now two years.

16 Q. Okay. Where were you born?

17 A. Miami, Florida.

18 Q. Okay. Mr. Wade, please tell the members of the jury your
19 educational background.

20 A. I graduated from Miami Carol City Senior High. I then
21 also attended Miami Dade College School of Mortuary Science,
22 Philbrick School of Mortuary Science, which is located in
23 Miami Dade College.

24 Q. Okay.

25 A. I have an associate's degree.

1 Q. Okay. In what? Mortuary science?

2 A. Yes.

3 Q. Okay. What year did you finish mortuary science school?

4 A. About --

5 Q. Roughly.

6 A. About 2005. About 2005.

7 Q. And after you finished mortuary science school, did you
8 pursue working in that area?

9 A. Yes, I did.

10 Q. Tell us where you worked and what you did.

11 A. I worked for numerous funeral homes before I became
12 licensed doing multiple things at the funeral home, starting
13 from the bottom, and, once I became licensed, served as
14 funeral director, slash, embalmer at a couple of funeral
15 homes.

16 Q. Which homes?

17 A. Bernard Poitier -- that funeral home is no longer in
18 existence. Grace Funeral Home in Miami, I was a funeral
19 director there. Grace Funeral Home in Broward County, Oakland
20 Park, was a funeral director there. James C. Boyd Funeral
21 Home, I was a funeral director there.

22 Q. That's in Florida; right?

23 A. That's in Fort Lauderdale, Florida. I also was an
24 embalmer at Levitt-Weinstein Funeral Home, which is currently
25 in North Miami.

TRACY WADE - DIRECT

111

1 Q. And at some point in time did you ever decide to start
2 your own business in the funeral home business?

3 A. Yes, sir.

4 Q. Tell us what year you started.

5 A. I believe I started Wade Funeral Home 2009, 2010.

6 Q. Wade Funeral Home, where is that located?

7 A. It's located in Hallandale, Florida.

8 Q. Have you ever owned more than one funeral home at the same
9 time?

10 A. Yes, I have.

11 Q. Can you tell us where the other one was?

12 A. We owned a second location that was in Cutler Bay,
13 Florida.

14 Q. Do you still own that?

15 A. No. I recently closed that one.

16 Q. Okay. Now, how long have you been -- I don't know if I
17 asked you this. How long have you been at the other Wade --
18 the one in Hallandale?

19 A. Since 2010.

20 Q. Now, I'm going to come back to the funeral business in a
21 few minutes, but careerwise have you worked in any other
22 capacity?

23 A. I worked for the Broward County Sheriff's Office for just
24 under 25 years.

25 Q. Can you please tell us in what capacity you worked?

TRACY WADE - DIRECT

112

1 A. I was assigned to detention -- to the department of
2 detention; however, I was a duly certified deputy. So I
3 was at times at -- I worked in the detention section as far as
4 working in the jails at times. However, when you're duly
5 certified, you're able to work in the capacity of law
6 enforcement.

7 Q. Okay. Does that mean you worked on the road sometimes?

8 A. Well, you didn't per se work on the road; however, we
9 worked in the capacity where we had to make arrests.

10 Q. Okay. And where did you attend -- did you attend an
11 academy?

12 A. I attended corrections academy at --

13 Q. Where is that?

14 A. At Miami-Dade -- well, at the time it was Miami-Dade
15 School of Criminal Justice.

16 Q. Okay. What year was that, sir?

17 A. 1993.

18 Q. Okay. And did you become duly certified while you were
19 there, starting in '93?

20 A. No. I started with the sheriff's office in 1997, and I
21 think in 1998 I went to lacrosse academy at Miami Dade
22 Community College School of Justice -- I'm sorry -- at Broward
23 College School of Justice.

24 Q. Okay. So where did you first work -- you started working
25 as a corrections person?

1 A. Yes, sir.

2 Q. Tell us where you first worked -- your first job in that
3 area.

4 A. My first place of employment as a corrections officer was
5 at South Florida Reception Center, which is the Florida
6 Department of Corrections.

7 Q. Where is South Florida Reception located?

8 A. It's in Miami, Florida.

9 Q. How long did you work there?

10 A. Approximately about three and a half years.

11 Q. Okay. And did there come a time when you left there after
12 three and a half years?

13 A. Yes. In 1997, I became employed by the Broward County
14 Sheriff's Office.

15 Q. In what capacity?

16 A. As a detention deputy.

17 Q. Okay. Now, how long did you actually work as a detention
18 deputy before you became cross-certified?

19 A. About a year and a half.

20 Q. Okay. All right.

21 Now, did there come a time when you left the
22 sheriff's office?

23 A. Yes. When I retired in, I think, about 2021. Somewhere
24 up in there I retired.

25 Q. And how long -- did you remain retired?

1 A. No, I did not remain retired.

2 Q. Did you start working in a law enforcement capacity -- a
3 type of capacity elsewhere?

4 A. Yes. I became employed by the Town of Pembroke Park
5 Police Department.

6 Q. Okay. And is there a neighboring city to Pembroke Park?

7 A. Yes. Pembroke Park -- the Town of Pembroke Park lays
8 between the City of Hallandale and the City of Miramar.

9 Q. Okay. And what were your duties there?

10 A. I was a police officer.

11 Q. Okay. Did you ever work on S.W.A.T.?

12 A. Not there, no.

13 Q. Anywhere else?

14 A. When I was employed by the sheriff's office, I was part of
15 the emergency response team where we did training with field
16 force and S.W.A.T., but I was never on the S.W.A.T. team, but
17 I did training with them.

18 Q. Okay. Now, did you ever work in the K-9 unit?

19 A. At South Florida Reception Center, I was one of the
20 officers that helped initiate that program.

21 Q. Okay. And while you were employed with the Broward
22 Sheriff's Office -- well, let me just rephrase that.

23 You said that you have a degree in mortuary science.

24 Can you tell us how you started in that background?

25 A. As I said earlier, I started in that background just

1 initially -- I had purchased some funeral vehicles, and I
2 would sublease them out to funeral homes. As the years passed
3 and I began to understand the business and began to have a
4 passion for the business, I decided to put myself through
5 school.

6 Q. Okay. And how did you put yourself through school?

7 A. As I was working with the sheriff's office on midnights, I
8 went to school in the daytime.

9 Q. Now, you started Wade Funeral Home. What year did you
10 start that?

11 A. 2010.

12 Q. And today, do you still have that business?

13 A. Yes, I do.

14 Q. And you only have one funeral home, you said, at this
15 time?

16 A. As of last year, yes.

17 Q. How long did you have the Cutler Bay?

18 A. Approximately about four years.

19 Q. Tell us the duties of a funeral director.

20 A. As a funeral director, you are tasked with the
21 responsibilities of dealing with individuals in their lowest
22 point in their lives. You are tasked with making
23 arrangements, coordinating services as far as funeral
24 services, church services, viewings, sometimes repasses.
25 Anything related to a funeral home, sometimes you're tasked

1 with that.

2 Q. And do you sometimes have to engage workers --

3 A. Yes --

4 Q. -- with your company?

5 A. Yes, sir.

6 Q. Okay. Now, does Wade Funeral Home sometimes work with
7 other funeral homes?

8 A. All the time.

9 Q. Can you explain that?

10 A. Well, I'm also -- I am also an embalmer. So I'm a funeral
11 director, slash, embalmer. As far as the funeral home itself
12 goes, sometimes other funeral homes may want to rent our venue
13 for funerals or viewings. They may want to use our vehicles.
14 Sometimes they even want to use the staff that are employed by
15 the funeral home.

16 As an embalmer, every funeral home doesn't have a
17 morgue. Every funeral home doesn't have a licensed embalmer,
18 so that is subcontracted out to funeral directors that do
19 embalming.

20 Q. So sometimes you're saying you provide services to other
21 funeral homes?

22 A. Yes, sir.

23 Q. Are there times when other funeral homes provide services
24 to you?

25 A. Yes, sir.

1 Q. Can you please tell us about that?

2 A. With the exception of embalming, probably renting vehicles
3 that I don't have at my disposal for multiple services that we
4 may have during the day or even if I need additional staff,
5 things of that nature.

6 Q. Okay. Now, are you familiar with the Rivero Funeral Home?

7 A. Yes, I am.

8 Q. Do you know who the owner of Rivero Funeral Home is?

9 A. Now I do.

10 Q. Okay. What do you mean now you do?

11 A. I initially thought Eduardo Rivero was the owner of the
12 funeral home.

13 Q. And who's the owner now?

14 A. Haydee Rivero.

15 Q. Who is she?

16 A. His wife.

17 Q. Okay. For the members of the jury, would you please
18 describe the relationship between you and Mr. Rivero.

19 A. That relationship started off from a professional
20 standpoint where he -- when he opened his first location --
21 because he never owned a place. He rented a place initially,
22 and that was in Hollywood, Florida.

23 We did numerous professional -- as far as when it
24 comes to shipping remains. I've even seen families -- I've
25 done multiple embalmings and caskets and dressings from him.

1 And because we did so many professional -- or partook in so
2 many professional ventures, I thought he was cool, and it
3 turned into a friendship, somewhat type brotherhood in a
4 sense.

5 Q. Okay. Now, what year did he start his business locally?

6 A. I can't tell you that exact year.

7 Q. Okay. But did he have a business in the same city where
8 you were located?

9 A. I don't know if that would be -- because as far as the
10 City of Hallandale goes, I'm the only funeral home in
11 Hallandale. I think that would be Hollywood. The first one
12 was off 441, adjacent to Miramar, and then he moved to
13 Hollywood for the second location.

14 Q. Did you ever provide embalming services for him?

15 A. Yes, sir.

16 Q. Has he ever provided embalming services for you?

17 A. No, sir.

18 Q. Have you ever gotten vehicles from him?

19 A. Yes, sir.

20 Q. What about vice versa?

21 A. Yes, sir.

22 THE COURT: Counsel, I'm going to stop you there and
23 excuse the jury until Monday morning at 9:30 AM. I'm going to
24 ask Ms. McCray in the box to remain while I excuse the other
25 jurors. Please remember not to discuss the case in any way.

1 Have a great and safe weekend.

2 (Jury exited at 2:44 PM.)

3 THE COURT: You may be seated.

4 Ms. McCray, I understand that you approached our
5 courtroom deputy today with an issue. Could you explain what
6 the issue is, please?

7 JUROR MCCRAY: I'm going on a cruise on Monday.

8 THE COURT: You can step down, Mr. Wade.

9 JUROR MCCRAY: I'll be going on a cruise on Monday,
10 so the latest I can leave here is about 12:00 PM.

11 THE COURT: The latest you can leave here is --

12 JUROR MCCRAY: 12:00 PM.

13 THE COURT: 12:00 PM?

14 JUROR MCCRAY: Yes.

15 MR. WILCOX: On what day, Judge.

16 THE COURT: 12:00 PM.

17 Did you tell us about this during voir dire? I
18 really don't recall.

19 JUROR MCCRAY: The day that we was all being picked?
20 No because I thought it was going to end this week.

21 THE COURT: Well, I did say we expected it to last
22 ten days, but a little on one side or the other.

23 What time does the ship depart?

24 JUROR MCCRAY: 2:00.

25 THE COURT: It departs at 2:00 or boarding is at

1 2:00? When is boarding?

2 JUROR MCCRAY: It departs by 2:30. My boarding time
3 is 1:30.

4 THE COURT: All right. And was your plan if you were
5 able to attend to go to your residence to the cruise ship or
6 from directly there from here?

7 JUROR MCCRAY: I can't leave my car here. If I was
8 able, I would go directly from here. If I could leave my car
9 here, I can go directly there and have someone pick me up, but
10 I was going to go to my residence.

11 THE COURT: And if you didn't leave your car here,
12 what was the plan? To go home and then go to the --

13 JUROR MCCRAY: No. I can get picked up to go to the
14 port.

15 THE COURT: You're being picked up at your home?

16 JUROR MCCRAY: No. I was going to drive my car to
17 about Northwest 50th Street, to my grandma's house, and then
18 she was going to drop me off.

19 THE COURT: All right. I understand.

20 Can I have counsel come sidebar for a moment,
21 quickly, please? I'm running behind.

22 (The following proceedings were held sidebar:)

23 MR. WILCOX: We're inclined to excuse her.

24 THE COURT: Do you agree to excuse her?

25 MR. SNIDER: Yeah, I'm not taking a position. I'm

1 not taking a position. I don't want to -- you make the
2 ruling. I don't want to -- I have no objection. I defer to
3 you.

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

5 THE COURT: All right. Ms. McCray, we plan to finish
6 on Monday, but you are the fifteenth juror, which is an
7 alternate juror, so we are going to go ahead and excuse you at
8 this time.

9 JUROR MCCRAY: Thank you.

10 THE COURT: Thank you very much for your service.
11 Have a good day.

12 JUROR MCCRAY: Thank you.

13 THE COURT: All right. We are in recess until Monday
14 morning, and you have the draft of the instructions. We'll
15 take some time on Monday to go over those items.

16 (Proceedings concluded at 2:48 PM.)

17
18 CERTIFICATE OF REPORTER

19 I certify that the foregoing is a correct
20 transcription of the record of proceedings in the
above-entitled matter prepared from my stenotype notes.

21
22 DATE: 15th of May, 2025 /s/Lance W. Steinbeisser
23 Lance W. Steinbeisser,
24 FCRR, RPR, FPR-C
Official Court Reporter
United States District Court
Southern District of Florida
Miami, Florida

25

\$	101 [1] - 2:10 103 [1] - 2:10 1040 [3] - 4:12, 24:4, 24:12 108 [1] - 2:12 10:59 [1] - 28:22 11 [2] - 36:17, 109:9 116 [1] - 10:12 117 [1] - 8:17 118 [1] - 9:8 11:17 [1] - 37:3 11:33 [1] - 37:2 11:36 [1] - 37:3 11:39 [1] - 38:17 12 [1] - 36:17 121 [2] - 1:8, 2:13 12:00 [4] - 119:10, 119:12, 119:13, 119:16 12:38 [1] - 72:2 12:40 [1] - 72:19 13 [1] - 36:17 14 [2] - 14:5, 36:17 15 [7] - 3:3, 3:9, 4:13, 36:17, 72:7, 72:14, 106:19 15-minute [1] - 37:1 158 [1] - 6:8 159 [3] - 7:20, 7:21 16 [8] - 4:17, 5:10, 9:24, 10:4, 15:11, 36:18 160 [1] - 9:17 169 [1] - 7:20 16th [1] - 121:21 18 [5] - 1:4, 4:4, 4:14, 4:16, 23:23 19 [4] - 2:4, 6:1, 6:7, 24:6 1989 [1] - 39:21 1993 [1] - 112:17 1997 [2] - 112:20, 113:13 1998 [1] - 112:21 1:00 [1] - 64:16 1:30 [4] - 71:8, 72:1, 72:4, 120:3 1:33 [2] - 72:19, 72:20	2005 [2] - 110:6 2007 [1] - 40:17 2009 [1] - 111:5 2010 [3] - 111:5, 111:19, 115:11 2015 [1] - 109:6 2019 [6] - 53:25, 54:5, 54:6, 75:13, 76:9, 80:15 2020 [8] - 45:18, 76:18, 77:12, 80:10, 81:12, 83:12, 83:22 2021 [15] - 4:4, 7:13, 8:7, 8:8, 8:21, 11:2, 11:20, 23:23, 24:6, 24:14, 24:21, 25:4, 25:14, 45:18, 113:23 2024 [2] - 1:4, 8:6 2025 [1] - 121:21 21 [1] - 13:5 22 [3] - 4:20, 6:13, 25:13 23 [1] - 2:16 23-CR-60173-KMW [1] - 1:2 24 [5] - 15:10, 27:2, 36:11, 36:14 2483 [3] - 8:11, 24:16, 24:23 2483-C [3] - 7:16, 23:25, 24:8 25 [2] - 27:9, 111:24 26 [13] - 2:16, 3:25, 10:6, 10:16, 22:19, 22:25, 23:3, 23:10, 23:11, 23:12, 27:15, 27:17, 36:14 27 [11] - 7:13, 10:8, 10:9, 10:12, 10:18, 10:23, 15:10, 24:14, 27:23, 27:25, 36:12 28 [3] - 8:5, 24:21, 28:5 29 [4] - 28:25, 29:18, 33:4, 33:17 2:00 [3] - 119:24, 119:25, 120:1 2:30 [3] - 64:13, 64:16, 120:2 2:44 [1] - 119:2 2:45 [1] - 71:22 2:48 [2] - 1:6, 121:16	98:6 30 [22] - 2:16, 3:16, 30:11, 32:24, 32:25, 39:17, 39:18, 39:21, 70:10, 70:21, 70:24, 71:4, 72:23, 72:25, 73:6, 73:7, 73:14, 74:8, 97:8, 99:4, 100:12 3000 [1] - 80:21 305 [2] - 11:12, 11:15 305.523.5633 [1] - 1:23 31 [5] - 2:17, 74:24, 75:19, 75:24, 76:1 32 [6] - 2:17, 12:14, 36:13, 76:12, 76:25, 77:11 33128 [1] - 1:23 3483-C [1] - 4:8 3508-S [2] - 25:5, 25:16 358-S [1] - 8:25 36 [2] - 92:1, 92:15 37,000 [1] - 95:2 38 [1] - 22:13 39 [1] - 2:7 3:00 [1] - 71:17	51 [1] - 109:1 5A [1] - 36:15 6 6 [6] - 1:7, 5:9, 5:21, 5:22, 5:25, 6:9 608 [2] - 14:17, 18:5 63 [1] - 58:24 645(a) [1] - 4:13 6697269001 [2] - 12:22, 13:3 669729001 [1] - 12:20 7 7 [14] - 4:12, 7:11, 7:23, 8:3, 8:21, 9:13, 15:8, 24:4, 24:12, 25:4, 25:14, 36:15, 36:16 700 [1] - 63:16 71 [2] - 2:16, 22:3 73 [1] - 39:7 75 [1] - 2:17 76 [1] - 2:17 77 [1] - 2:7 7th [1] - 65:22 8 8 [5] - 8:4, 8:18, 15:8, 36:15 9 9 [5] - 8:21, 9:9, 11:20, 15:11, 36:17 93 [2] - 2:8, 112:19 96 [1] - 2:9 9:00 [2] - 64:16 9:15 [1] - 59:22 9:30 [1] - 118:23 9:56 [1] - 1:6 9:57 [1] - 3:14 A able [9] - 15:6, 20:1, 63:23, 73:15, 87:19, 101:24, 112:5, 120:5, 120:8 above-entitled [1] - 121:20 academy [3] - 112:11, 112:12,
\$1,520 [1] - 76:10 \$112,430 [2] - 24:12, 24:19 \$113,560 [4] - 4:12, 8:15, 24:4, 25:1 \$113,820 [3] - 53:24, 54:5, 54:10 \$150,000 [2] - 55:12, 67:9 \$20,000 [2] - 68:20, 86:5 \$20,833 [2] - 25:11, 25:20 \$331,500 [3] - 84:17, 84:19, 84:21 \$37,000 [5] - 57:11, 57:12, 94:22, 95:1, 95:4 \$4,000 [2] - 11:2, 11:20 \$400,000 [1] - 63:2 \$442,000 [3] - 79:18, 84:12, 85:11 \$470,000 [3] - 62:19, 63:5, 63:15 \$474,000 [1] - 67:9 \$474,100 [1] - 57:4 \$474,130 [1] - 55:6 \$476,000 [1] - 66:6 \$600,000 [2] - 54:17, 54:20 \$700,000 [1] - 63:17 \$72,995 [1] - 77:13	2 2 [3] - 4:14, 15:8, 36:15 20 [2] - 6:21, 57:22 20,000 [3] - 68:12, 68:13, 68:14 20,833 [1] - 68:13 2002 [2] - 64:9, 64:19	3 3 [3] - 2:4, 36:15,	4 4 [7] - 11:2, 23:19, 36:15, 37:2, 74:8, 81:12, 83:22 40 [2] - 15:5, 36:7 400 [1] - 1:22 400,000-plus-dollar [1] - 94:21 400-some-odd [1] - 57:9 400-some-thousand-dollar [1] - 94:19 41 [2] - 23:14, 23:23 42 [1] - 24:6 43 [1] - 24:14 44 [1] - 24:21 441 [1] - 118:12 45 [1] - 25:3 46 [1] - 25:13 5 5 [7] - 4:3, 4:18, 5:5, 6:3, 36:15, 74:14 50 [2] - 6:1, 10:17 50th [1] - 120:17	51 [1] - 109:1 5A [1] - 36:15 6 6 [6] - 1:7, 5:9, 5:21, 5:22, 5:25, 6:9 608 [2] - 14:17, 18:5 63 [1] - 58:24 645(a) [1] - 4:13 6697269001 [2] - 12:22, 13:3 669729001 [1] - 12:20 7 7 [14] - 4:12, 7:11, 7:23, 8:3, 8:21, 9:13, 15:8, 24:4, 24:12, 25:4, 25:14, 36:15, 36:16 700 [1] - 63:16 71 [2] - 2:16, 22:3 73 [1] - 39:7 75 [1] - 2:17 76 [1] - 2:17 77 [1] - 2:7 7th [1] - 65:22 8 8 [5] - 8:4, 8:18, 15:8, 36:15 9 9 [5] - 8:21, 9:9, 11:20, 15:11, 36:17 93 [2] - 2:8, 112:19 96 [1] - 2:9 9:00 [2] - 64:16 9:15 [1] - 59:22 9:30 [1] - 118:23 9:56 [1] - 1:6 9:57 [1] - 3:14 A able [9] - 15:6, 20:1, 63:23, 73:15, 87:19, 101:24, 112:5, 120:5, 120:8 above-entitled [1] - 121:20 academy [3] - 112:11, 112:12,

112:21 accept [3] - 50:15 access [1] - 95:13 accompanying [1] - 36:21 accordingly [1] - 33:16 account [3] - 45:14, 51:12, 66:9 accurate [2] - 36:20, 36:23 accurately [4] - 70:11, 70:17, 75:13, 76:19 accusations [1] - 35:9 accuses [1] - 7:11 acquittal [2] - 29:1, 29:18 activate [2] - 98:3, 98:18 acts [1] - 23:17 actual [1] - 63:3 ADAM [1] - 1:13 add [5] - 21:15, 21:19, 21:22, 21:25, 107:23 added [1] - 22:6 additional [1] - 117:4 address [11] - 5:19, 13:6, 26:9, 26:23, 31:3, 31:7, 32:2, 33:1, 63:23, 95:11, 109:10 addresses [3] - 13:2, 31:16, 32:4 adjacent [1] - 118:12 Administration [2] - 4:6, 4:7 admit [2] - 18:6, 99:12 ADMITTED [1] - 2:15 admitted [3] - 4:16, 9:7, 32:20 advise [1] - 56:5 advised [3] - 34:3, 35:9, 108:3 advises [1] - 37:12 afternoon [6] - 77:25, 78:1, 96:11, 96:12, 101:6, 101:7 agent [7] - 3:23, 16:13, 19:3, 92:22, 92:24, 99:24, 100:5 Agent [7] - 7:8, 10:22, 11:14, 12:13, 13:23, 19:11, 31:20 agent's [1] - 34:22 ago [2] - 48:18, 58:9	agree [4] - 98:4, 98:18, 99:8, 120:24 agreeable [1] - 38:13 agreed [3] - 37:7, 37:24, 38:12 ahead [5] - 50:16, 92:12, 92:25, 93:7, 121:7 aid [4] - 19:16, 22:3, 26:7, 26:21 aided [1] - 1:25 allegation [2] - 52:20, 62:15 allegations [4] - 35:17, 35:18, 35:19, 37:16 allege [5] - 23:23, 24:6, 24:14, 24:21, 25:3 alleged [5] - 4:15, 6:3, 23:18, 25:14, 30:3 allegedly [1] - 29:13 alleges [7] - 4:3, 4:20, 5:25, 6:13, 6:17, 6:19, 6:24 allow [3] - 30:1, 65:7, 65:12 allowed [3] - 35:7, 64:5, 102:17 almost [2] - 13:23, 54:17 ALSO [1] - 1:18 alternate [3] - 3:8, 3:9, 121:7 AM [7] - 1:6, 3:14, 28:22, 37:3, 38:17, 118:23 Aman [1] - 31:19 amended [1] - 37:18 AMERICA [1] - 1:3 amount [13] - 4:11, 8:15, 24:3, 24:11, 24:19, 24:25, 25:10, 25:20, 50:18, 54:3, 79:18, 85:11, 95:2 angles [1] - 102:14 angry [1] - 61:3 answer [6] - 19:22, 20:7, 54:8, 58:10, 59:12, 84:25 anticipate [2] - 60:13, 72:16 anticipated [1] - 71:24 anyway [3] - 10:14, 60:20, 61:5 apartment [1] - 96:17 apologize [1] - 7:20	appear [2] - 53:1, 74:15 appeared [2] - 22:8, 53:7 applicant [1] - 20:17 application [73] - 5:1, 6:5, 6:15, 8:25, 9:4, 9:13, 13:8, 14:1, 14:3, 14:7, 16:9, 19:25, 20:12, 20:15, 20:22, 21:4, 21:7, 21:10, 21:13, 21:20, 24:16, 25:5, 25:8, 25:16, 25:18, 25:19, 26:9, 26:22, 29:10, 29:14, 31:13, 31:14, 46:3, 46:15, 47:10, 50:15, 50:19, 51:10, 52:2, 52:3, 52:6, 52:16, 52:18, 53:1, 53:3, 53:5, 63:10, 80:3, 83:2, 85:1, 88:8, 88:12, 89:11, 89:18, 90:2, 90:5, 90:6, 90:8, 91:3, 91:10, 91:15, 91:19, 91:24, 92:4, 95:15, 96:24, 100:6, 100:18, 102:16, 103:21 Application [4] - 4:8, 23:25, 24:8, 24:23 applications [17] - 13:2, 21:17, 21:23, 22:1, 27:6, 27:22, 29:13, 30:7, 30:8, 31:16, 32:7, 32:8, 32:9, 48:9, 99:21, 100:1, 102:3 applied [6] - 53:16, 66:7, 79:21, 80:11, 83:10 apply [6] - 54:17, 56:2, 56:4, 56:19, 56:23, 105:23 applying [5] - 49:4, 49:17, 56:6, 67:11, 88:20 appreciate [1] - 71:25 approach [9] - 3:19, 11:9, 12:9, 60:1, 69:19, 74:20, 80:17, 97:5, 104:18 approached [8] - 42:18, 46:2, 46:21, 46:23, 60:2, 60:17, 65:19, 119:4 approve [1] - 27:11	approved [7] - 51:10, 80:24, 81:5, 81:8, 81:11, 83:22, 94:2 area [2] - 110:8, 113:3 argue [1] - 63:19 arguing [2] - 63:4, 63:20 argument [3] - 65:10, 65:11, 71:12 arrangements [1] - 115:23 arrests [1] - 112:9 arrive [1] - 58:18 arrived [5] - 47:21, 58:19, 59:2, 59:21, 59:23 artist [1] - 41:12 artists [3] - 41:10, 75:8, 75:9 aside [2] - 17:24, 18:6 assigned [1] - 112:1 assist [1] - 69:11 assisted [2] - 69:2, 86:4 assisting [1] - 105:19 associate's [1] - 109:25 associated [2] - 22:12, 26:23 Association [3] - 7:13, 8:22, 8:24 assume [5] - 15:16, 15:22, 17:1, 52:7, 101:1 attached [2] - 56:3, 98:21 attachment [1] - 64:5 attempt [2] - 14:23, 28:8 attend [3] - 112:10, 120:5 attended [2] - 109:21, 112:12 attention [2] - 23:14, 80:22 Attorney's [1] - 1:14 attorneys [1] - 33:3 attributable [2] - 26:10, 55:24 August [4] - 8:21, 9:13, 25:4, 25:14 AUSA [2] - 1:13, 1:13 authorize [2] - 54:16, 54:19 automatically [1] - 103:3 available [2] - 45:25, 51:18	Avenue [1] - 1:22 aware [11] - 33:3, 33:19, 45:21, 45:24, 53:15, 54:22, 56:18, 83:4, 85:12, 88:18, 88:19 B bachelor [1] - 40:3 background [6] - 40:1, 73:22, 73:24, 109:19, 114:24, 114:25 backtrack [2] - 51:19, 53:14 bank [1] - 66:9 based [3] - 20:4, 27:12, 29:3 basis [3] - 60:9, 62:6, 62:10 bathroom [3] - 104:21, 104:22 Bay [2] - 111:12, 115:17 became [10] - 42:16, 43:5, 45:21, 61:3, 83:4, 110:11, 110:13, 113:13, 113:18, 114:4 become [4] - 41:12, 42:19, 45:24, 112:18 BEFORE [1] - 1:10 beg [3] - 69:18, 77:20, 95:19 began [2] - 115:3 beginning [3] - 3:16, 38:5, 106:25 BEHALF [1] - 1:15 behind [1] - 120:21 bell [1] - 91:7 belonged [1] - 31:17 belonging [1] - 13:6 below [1] - 80:24 Bernard [1] - 110:17 between [3] - 32:12, 114:8, 117:18 beyond [3] - 29:23, 30:1, 33:14 bills [1] - 58:5 birth [2] - 48:9, 90:23 bit [6] - 6:4, 12:5, 13:18, 48:23, 57:13, 101:12 boarding [3] - 119:25, 120:1, 120:2 born [1] - 109:16
---	--	--	--	--

Borrower [4] - 4:8, 23:25, 24:8, 24:23 bottom [2] - 53:11, 110:13 bought [1] - 58:3 box [1] - 118:24 Boyd [1] - 110:20 break [6] - 28:18, 31:6, 37:1, 64:12, 71:8, 71:25 brief [1] - 33:20 briefly [1] - 72:6 bring [3] - 3:10, 38:14, 48:2 broke [1] - 73:3 brotherhood [1] - 118:3 Broward [7] - 96:16, 109:13, 110:19, 111:23, 112:22, 113:13, 114:21 built [3] - 101:22, 102:17, 102:19 bunch [1] - 78:9 burden [3] - 33:6, 33:12, 33:13 Business [5] - 4:5, 4:7, 7:13, 8:22, 8:24 business [65] - 4:10, 8:14, 9:1, 12:20, 12:23, 16:11, 17:11, 17:12, 17:13, 18:18, 24:2, 24:10, 24:18, 24:25, 25:6, 25:17, 41:5, 41:6, 42:8, 42:11, 42:12, 42:14, 42:17, 42:19, 42:21, 43:3, 43:6, 43:10, 43:11, 43:18, 44:4, 44:24, 45:5, 45:8, 45:9, 45:11, 45:12, 45:16, 49:7, 49:9, 54:13, 54:14, 57:14, 66:7, 67:10, 75:3, 75:4, 76:5, 76:16, 77:7, 81:1, 82:20, 82:21, 88:2, 88:8, 91:11, 111:2, 111:20, 115:3, 115:4, 115:12, 118:5, 118:7 button [4] - 98:25, 102:22, 102:25, 103:3 BY [38] - 3:22, 10:21, 11:13, 12:12, 13:22, 19:10, 20:6,	20:9, 20:14, 21:3, 23:13, 26:20, 39:3, 47:7, 52:14, 65:15, 66:23, 68:6, 69:21, 73:12, 74:22, 75:25, 77:3, 77:24, 80:19, 81:6, 93:15, 96:10, 97:7, 100:11, 100:16, 101:5, 101:14, 103:25, 105:2, 105:16, 105:22, 108:20 C camera [22] - 73:21, 74:5, 74:10, 74:11, 97:19, 97:20, 97:21, 97:25, 98:9, 98:11, 98:13, 98:19, 98:20, 98:22, 99:3, 101:21, 101:24, 102:18, 102:22, 103:6 cameras [1] - 101:9 cannot [1] - 54:8 capacity [8] - 41:2, 111:22, 111:25, 112:5, 112:9, 113:15, 114:2, 114:3 capture [1] - 101:24 captured [2] - 102:23, 102:24 capturing [1] - 103:8 car [4] - 120:7, 120:8, 120:11, 120:16 careerwise [1] - 111:21 Carol [1] - 109:20 Carolyn [42] - 1:18, 4:4, 4:11, 5:2, 5:3, 5:11, 5:16, 6:24, 8:14, 8:21, 9:1, 11:19, 11:24, 12:20, 12:23, 21:4, 21:10, 21:16, 21:22, 22:14, 23:24, 24:3, 24:21, 24:25, 25:4, 25:7, 26:8, 26:10, 27:5, 27:10, 27:18, 28:1, 28:6, 29:2, 30:5, 30:18, 31:7, 32:2, 32:6, 32:17, 32:24, 108:24 CAROLYN [1] - 1:7 case [41] - 3:25, 15:6,	15:12, 20:20, 28:15, 28:16, 29:25, 30:20, 31:25, 33:2, 33:16, 33:18, 33:25, 34:15, 34:19, 34:22, 35:10, 35:16, 35:21, 35:22, 37:18, 38:4, 38:21, 53:19, 53:21, 58:17, 58:18, 61:11, 62:6, 62:18, 62:21, 62:22, 63:7, 68:7, 71:11, 78:7, 99:20, 107:25, 108:5, 118:25 CASE [1] - 1:2 cases [1] - 63:23 cached [1] - 66:9 caskets [1] - 117:25 caused [4] - 27:6, 27:10, 27:19, 28:7 causes [1] - 63:24 cell [2] - 26:9, 26:23 Center [2] - 113:5, 114:19 CEO [1] - 79:9 certain [3] - 16:14, 25:24, 29:6 certainly [1] - 32:16 Certificate [1] - 2:13 CERTIFICATE [1] - 121:17 certification [3] - 21:9, 21:12, 31:23 certified [4] - 112:2, 112:5, 112:18, 113:18 certify [1] - 121:19 cetera [1] - 72:11 CFO [1] - 75:11 chair [1] - 72:4 challenged [1] - 33:9 chance [1] - 37:4 changed [1] - 37:18 changes [1] - 37:15 charge [1] - 57:1 charge-off [1] - 57:1 charged [2] - 23:19, 56:23 charges [4] - 5:21, 8:4, 8:21, 9:12 check [8] - 7:6, 11:1, 11:4, 11:19, 11:22, 11:23, 15:5, 59:15 checked [1] - 51:17 checks [4] - 11:5, 28:3, 45:13, 45:15 chief [9] - 28:15,	29:25, 33:19, 33:25, 34:19, 38:4, 38:21, 71:22, 99:20 child [1] - 109:8 children [2] - 40:24, 109:2 choices [1] - 29:21 church [1] - 115:24 Circuit [1] - 63:22 city [5] - 40:14, 44:12, 109:10, 114:6, 118:7 City [11] - 11:2, 11:19, 12:1, 42:22, 42:23, 42:25, 43:3, 109:20, 114:8, 118:10 clarify [1] - 79:24 clean [1] - 37:7 clear [1] - 99:12 Clemente [1] - 13:12 client [1] - 106:17 close [2] - 83:1, 86:12 closed [1] - 111:15 Coast [4] - 40:8, 40:18, 58:22, 58:25 coconspirator [1] - 62:22 coconspirators [1] - 62:13 code [1] - 89:8 Code [2] - 4:13, 4:14 codes [2] - 32:24, 32:25 College [4] - 109:21, 109:23, 112:22, 112:23 colloquy [4] - 106:18, 106:20, 107:7, 107:14 coming [2] - 56:16, 56:17 commence [1] - 96:24 commenced [1] - 95:16 common [1] - 109:3 communicated [1] - 57:23 communication [1] - 102:21 Community [1] - 112:22 companies [1] - 79:13 company [12] - 12:2, 45:10, 75:8, 75:10, 79:6, 85:14, 87:23, 88:12, 89:8, 89:12,	95:17, 116:4 comparison [1] - 92:16 compensation [2] - 41:20 complete [3] - 35:22, 45:16, 52:16 completed [1] - 20:21 completing [1] - 71:12 component [4] - 90:2, 102:3, 102:10, 103:14 computer [17] - 1:25, 48:8, 50:13, 51:24, 52:21, 93:23, 93:25, 97:21, 97:22, 97:24, 98:1, 98:9, 98:12, 98:16, 98:21, 101:22, 102:18 computer-aided [1] - 1:25 concerning [1] - 53:9 concluded [1] - 121:16 conclusive [1] - 29:11 confer [3] - 13:20, 36:3, 36:22 confirm [1] - 105:25 confirmation [1] - 102:8 confused [2] - 88:15, 88:17 confusion [1] - 101:12 connected [1] - 12:3 connection [6] - 27:21, 53:18, 67:18, 89:11, 89:14, 89:17 consider [2] - 32:17, 108:4 consistent [1] - 16:8 conspiracies [1] - 23:18 conspiracy [2] - 23:19, 23:20 conspired [1] - 32:17 contact [1] - 100:17 contained [4] - 13:8, 13:11, 13:14, 27:6 contains [1] - 35:9 contents [1] - 35:11 continuation [1] - 28:20 continue [1] - 72:21 Continued [1] - 2:4
--	---	--	---	---

CONTINUED [1] - 3:21 conversation [3] - 47:12, 49:20, 66:24 convicted [1] - 45:2 cool [1] - 118:2 cooperation [1] - 71:25 coordinating [1] - 115:23 copy [5] - 32:7, 32:9, 37:14, 37:17, 92:3 Coral [1] - 109:12 corner [1] - 65:23 correct [48] - 4:24, 4:25, 5:7, 5:22, 6:6, 6:15, 6:16, 7:14, 7:15, 7:17, 7:18, 8:9, 8:12, 8:15, 8:16, 9:5, 9:14, 11:6, 11:7, 12:20, 12:25, 19:24, 22:21, 25:25, 26:6, 44:7, 66:21, 68:8, 86:5, 86:8, 86:16, 88:13, 89:22, 90:4, 91:11, 96:21, 98:8, 99:2, 99:13, 99:22, 100:20, 100:23, 100:25, 101:23, 102:13, 104:5, 108:8, 121:19 corrections [3] - 112:12, 112:25, 113:4 Corrections [1] - 113:6 correctly [2] - 36:19, 86:21 cost [1] - 25:10 costs [1] - 25:20 Counsel [1] - 38:12 counsel [6] - 13:21, 60:16, 71:13, 104:1, 118:22, 120:20 count [1] - 30:3 Count [19] - 4:3, 4:18, 5:5, 5:21, 5:22, 5:25, 6:3, 6:9, 7:11, 7:23, 8:3, 8:4, 8:18, 8:21, 9:9, 9:12, 9:18, 23:19 countdown [1] - 103:1 countertop [2] - 69:15, 69:16 County [6] - 40:13, 40:16, 96:16, 110:19, 111:23,	113:13 county [3] - 40:14, 109:11, 109:12 couple [5] - 51:16, 58:2, 58:6, 78:20, 110:14 course [2] - 16:11, 47:3 court [12] - 19:2, 36:3, 58:23, 59:1, 60:11, 60:18, 65:13, 93:10, 107:2, 107:6, 121:4 COURT [173] - 1:1, 3:2, 3:7, 3:9, 3:15, 3:20, 9:23, 10:3, 10:7, 10:9, 10:11, 10:15, 10:17, 10:19, 11:10, 12:10, 14:12, 14:19, 14:25, 15:3, 15:20, 15:25, 16:4, 16:10, 16:18, 16:21, 16:23, 16:25, 17:4, 17:11, 17:17, 17:23, 18:8, 18:11, 18:16, 18:22, 18:24, 19:5, 20:4, 20:8, 20:24, 21:2, 23:3, 23:7, 23:10, 26:13, 26:16, 28:11, 28:13, 28:23, 29:16, 30:12, 30:15, 30:18, 30:23, 31:1, 31:5, 32:11, 33:3, 33:24, 34:9, 34:14, 37:11, 37:23, 38:7, 38:12, 38:14, 38:20, 39:1, 47:6, 52:11, 52:13, 60:6, 60:8, 60:13, 60:23, 61:1, 61:9, 61:15, 61:19, 61:25, 62:3, 62:10, 62:16, 62:25, 63:2, 63:11, 63:14, 63:17, 63:22, 64:3, 64:7, 64:10, 64:14, 64:22, 64:24, 65:2, 65:7, 65:9, 65:14, 66:16, 66:19, 66:22, 68:2, 68:4, 69:20, 70:20, 70:24, 71:1, 71:3, 71:6, 72:3, 72:14, 72:21, 72:25, 73:5, 73:9, 73:11, 74:21, 75:18, 75:23, 76:24, 77:2, 77:22,	80:18, 81:2, 81:4, 92:9, 92:12, 92:18, 92:22, 92:25, 93:3, 93:5, 93:7, 93:9, 93:11, 93:13, 95:21, 95:24, 96:3, 97:6, 101:13, 105:1, 105:21, 106:3, 106:7, 106:11, 106:13, 106:15, 106:19, 106:24, 107:3, 107:19, 107:25, 108:10, 108:13, 118:22, 119:3, 119:8, 119:11, 119:13, 119:16, 119:21, 119:25, 120:4, 120:11, 120:15, 120:19, 120:24, 121:5, 121:10, 121:13 Court [19] - 1:21, 1:22, 3:1, 29:1, 29:25, 33:5, 33:10, 33:12, 33:15, 38:25, 62:23, 63:9, 64:5, 64:20, 106:17, 107:14, 107:16, 121:23, 121:23 Court's [3] - 69:18, 77:20, 95:19 courthouse [1] - 59:14 courtroom [5] - 61:12, 71:18, 71:19, 72:8, 119:5 COURTROOM [4] - 38:19, 38:22, 96:5, 108:15 covered [1] - 68:16 COVID [3] - 45:17, 45:19, 78:16 created [2] - 14:2, 32:22 credibility [1] - 29:21 credible [1] - 32:16 credit [1] - 45:7 Criminal [3] - 28:25, 33:4, 112:15 criteria [1] - 53:15 Cross [3] - 2:4, 2:7, 2:10 CROSS [3] - 3:21, 77:23, 101:4 cross [10] - 13:25, 20:4, 29:4, 29:7, 34:5, 34:17, 34:24, 77:22, 104:25,	113:18 cross-certified [1] - 113:18 cross-examination [7] - 13:25, 20:4, 29:4, 29:7, 34:5, 34:24, 77:22 Cross-Examination [3] - 2:4, 2:7, 2:10 CROSS-EXAMINATION [3] - 3:21, 77:23, 101:4 cross-examine [1] - 34:17 cruise [3] - 119:7, 119:9, 120:5 Cs [2] - 14:2, 99:21 cumulative [2] - 34:8, 34:12 current [1] - 56:13 curve [1] - 92:12 custodian [1] - 18:18 customer [1] - 31:8 customers [1] - 96:20 Cutler [2] - 111:12, 115:17 CW [2] - 30:16, 30:19	63:23, 107:7, 107:8, 107:25 defendants [6] - 29:2, 92:17, 92:19, 92:20, 93:2 Defendants [1] - 1:8 DEFENDANTS [1] - 1:15 Defendants' [1] - 76:12 Defense [18] - 10:23, 22:25, 23:11, 23:12, 38:18, 69:23, 70:21, 71:4, 72:23, 73:14, 75:24, 76:1, 76:25, 96:4, 97:8, 98:6, 108:14 DEFENSE [2] - 2:5, 2:14 defense [18] - 3:24, 9:21, 12:14, 15:4, 33:9, 33:18, 33:21, 33:25, 34:3, 34:23, 36:2, 36:7, 36:15, 36:17, 38:3, 38:21, 63:24, 72:24 defense's [2] - 35:2, 35:25 defer [1] - 121:2 degree [3] - 40:3, 109:25, 114:23 deliberation [1] - 71:14 demonstrative [5] - 19:16, 21:15, 22:3, 26:7, 26:21 denied [2] - 33:17, 34:20 DENISE [1] - 1:7 Denise [12] - 4:4, 5:2, 5:3, 23:24, 24:22, 25:4, 25:7, 27:5, 27:10, 27:18, 28:1, 28:6 depart [1] - 119:23 department [1] - 112:1 Department [2] - 113:6, 114:5 departs [2] - 119:25, 120:2 depict [1] - 75:13 depicted [2] - 70:4, 73:19 deputy [5] - 72:8, 112:2, 113:16, 113:18, 119:5 DEPUTY [4] - 38:19, 38:22, 96:5, 108:15
D				
			Dade [9] - 40:13, 40:16, 58:17, 58:18, 109:21, 109:23, 112:14, 112:21 DARYL [1] - 1:17 data [1] - 89:18 DATE [1] - 121:21 date [4] - 48:9, 81:7, 90:23, 99:24 David [1] - 78:6 DAVID [1] - 1:13 DAY [1] - 1:7 days [4] - 30:10, 51:16, 71:23, 119:22 daytime [1] - 115:8 DC [1] - 40:5 deal [1] - 33:8 dealing [4] - 84:3, 84:5, 85:24, 115:21 decide [6] - 31:2, 33:14, 38:2, 38:9, 63:19, 111:1 decided [1] - 115:4 decision [1] - 33:15 default [1] - 56:14 defendant [5] - 4:4,	

describe [2] - 10:25, 117:18 details [2] - 72:10, 72:13 detention [5] - 112:1, 112:2, 112:3, 113:16, 113:17 determination [1] - 26:17 determined [1] - 33:13 developed [1] - 35:21 device [3] - 30:21, 30:24, 102:18 dialed [2] - 104:14, 104:16 different [10] - 15:7, 20:20, 30:10, 78:11, 82:11, 99:25, 100:1, 100:2, 100:3, 102:14 difficulty [3] - 86:15, 103:12, 103:14 DIPIETRANTONIO [1] - 2:3 DiPietrantonio [6] - 10:22, 11:14, 12:13, 19:3, 19:11, 31:20 dire [3] - 28:14, 108:3, 119:17 direct [3] - 80:22, 91:9, 93:24 Direct [3] - 2:7, 2:9, 2:12 DIRECT [3] - 39:2, 96:9, 108:19 directing [1] - 23:14 directly [6] - 28:3, 30:6, 64:19, 120:6, 120:8, 120:9 director [7] - 110:14, 110:19, 110:20, 110:21, 115:19, 115:20, 116:11 directors [1] - 116:18 disburse [1] - 27:11 discuss [2] - 67:11, 118:25 discussed [1] - 33:20 discussing [3] - 17:25, 18:7, 73:5 discussion [3] - 34:21, 35:10, 63:3 discussions [1] - 51:25 dismissing [1] - 33:16 disposal [1] - 117:3	dispute [3] - 32:3, 32:18, 56:19 disputing [1] - 56:20 distinction [2] - 93:6, 93:8 DISTRICT [3] - 1:1, 1:1, 1:11 District [3] - 1:22, 121:23, 121:24 document [22] - 4:17, 6:9, 8:1, 8:18, 9:9, 9:17, 12:16, 12:18, 14:16, 15:14, 20:22, 54:2, 63:11, 63:15, 63:17, 64:20, 64:22, 64:23, 64:24, 75:12, 80:20, 94:9 document [3] - 10:20, 11:11, 12:11 documents [25] - 13:14, 13:17, 14:11, 15:21, 16:1, 16:7, 16:8, 16:14, 17:5, 17:6, 18:19, 22:8, 22:11, 22:14, 27:8, 30:9, 48:3, 54:25, 73:20, 89:15, 90:17, 92:13, 92:23, 94:2 DocuSign [16] - 20:21, 30:13, 30:15, 30:19, 31:20, 32:5, 32:12, 51:11, 52:24, 52:25, 53:7, 53:9, 91:10, 94:4, 94:6 dollar [2] - 11:5, 11:23 dollars [5] - 50:2, 57:9, 57:18, 88:3, 94:20 DONALD [1] - 1:10 done [9] - 13:23, 26:8, 52:2, 85:2, 89:21, 94:25, 102:3, 107:7, 117:25 door [1] - 71:20 doubt [3] - 29:23, 30:2, 33:15 down [13] - 8:8, 28:11, 61:10, 65:22, 72:3, 76:7, 77:10, 89:25, 95:24, 98:14, 106:7, 107:19, 119:8 downstairs [2] - 59:13, 59:14	draft [1] - 121:14 draw [5] - 65:3, 65:10, 65:11, 93:6, 93:8 drawing [1] - 29:20 drawn [1] - 30:21 dressings [1] - 117:25 drew [1] - 30:24 drive [1] - 120:16 driver's [9] - 48:11, 48:13, 48:14, 70:8, 70:9, 73:20, 74:16, 90:24, 90:25 drop [1] - 120:18 due [1] - 55:9 duly [6] - 38:18, 96:4, 108:14, 112:2, 112:4, 112:18 during [14] - 13:25, 14:5, 20:19, 28:14, 43:18, 43:19, 53:24, 66:24, 95:8, 99:19, 102:10, 108:3, 117:4, 119:17 duties [4] - 44:16, 45:12, 114:9, 115:19	eliciting [1] - 62:10 eligible [1] - 85:13 ELMO [7] - 4:16, 5:10, 6:7, 7:19, 8:17, 9:7, 9:16 elsewhere [1] - 114:3 email [11] - 32:1, 32:4, 33:1, 64:5, 94:1, 95:6, 95:8, 95:10, 95:11, 95:13 emails [7] - 51:9, 51:24, 77:17, 91:4, 91:5, 93:17 embalmer [6] - 110:14, 110:24, 116:10, 116:11, 116:16, 116:17 embalming [4] - 116:19, 117:2, 118:14, 118:16 embalmings [1] - 117:25 emergency [1] - 114:15 employed [7] - 39:8, 39:10, 113:13, 114:4, 114:14, 114:21, 116:14 employees [8] - 9:2, 25:8, 25:9, 25:18, 25:19, 49:1, 49:2, 84:21 employment [1] - 113:4 encountered [1] - 65:17 end [1] - 119:20 ended [2] - 6:14, 6:15 ending [1] - 64:13 enforcement [2] - 112:6, 114:2 engage [1] - 116:2 entered [3] - 3:14, 38:17, 72:20 entering [2] - 71:19, 96:3 entertain [2] - 28:17, 28:19 entirety [1] - 20:22 entitled [3] - 34:19, 85:10, 121:20 entrance [1] - 90:6 equipment [1] - 11:20 ESQ [2] - 1:16, 1:17 essentially [1] - 75:10 established [2] - 57:8, 68:11 establishes [3] -	29:23, 29:25, 62:2 et [1] - 72:11 event [1] - 37:19 events [1] - 32:1 evidence [54] - 4:17, 6:8, 7:22, 10:14, 11:15, 15:23, 23:12, 26:12, 26:14, 29:3, 29:9, 29:10, 29:11, 29:12, 29:19, 29:23, 29:24, 30:5, 31:2, 32:12, 32:13, 32:16, 33:5, 33:9, 33:10, 35:13, 35:24, 36:1, 37:6, 37:8, 37:9, 37:13, 37:24, 37:25, 38:3, 62:14, 62:24, 62:25, 63:5, 63:6, 63:8, 63:9, 63:12, 63:15, 63:18, 64:21, 65:6, 70:19, 71:4, 75:24, 76:25, 81:2, 92:15, 92:19 evidentiary [1] - 35:8 exact [2] - 100:4, 118:6 exactly [5] - 3:5, 15:3, 46:10, 85:4, 103:9 examination [8] - 13:25, 20:4, 29:4, 29:7, 34:5, 34:24, 77:22, 91:10 Examination [9] - 2:4, 2:4, 2:7, 2:7, 2:8, 2:9, 2:10, 2:10, 2:12 EXAMINATION [9] - 3:21, 19:9, 39:2, 77:23, 93:14, 96:9, 101:4, 103:24, 108:19 examine [1] - 34:17 example [2] - 30:16, 34:11 exception [3] - 17:13, 18:1, 117:2 excusal [1] - 95:21 excuse [9] - 5:21, 74:19, 99:7, 99:11, 118:23, 118:24, 120:23, 120:24, 121:7 excused [4] - 93:11, 95:25, 106:4, 106:7 excusing [1] - 72:16 exhibit [20] - 3:24, 7:23, 9:22, 12:14,
--	---	--	---	--

15:4, 15:15, 23:4, 35:21, 35:23, 36:6, 36:8, 36:21, 63:4, 64:7, 64:8, 65:4, 70:23, 72:24, 74:14 Exhibit [29] - 4:17, 5:10, 6:8, 7:20, 7:21, 8:17, 9:8, 9:17, 10:12, 10:23, 11:15, 23:12, 64:19, 69:23, 70:10, 70:21, 71:4, 72:23, 74:8, 74:24, 75:24, 76:12, 76:25, 77:11, 97:8, 98:6, 99:4, 100:12 exhibits [8] - 14:24, 15:12, 15:13, 15:14, 35:23, 35:25, 36:9 EXHIBITS [1] - 2:14 existence [1] - 110:18 exited [3] - 28:22, 72:2, 119:2 expect [1] - 71:11 expected [2] - 41:20, 119:21 explain [2] - 116:9, 119:5 explained [2] - 32:23, 56:21 extent [1] - 14:18 extrinsic [1] - 18:3	falsely [6] - 24:1, 24:9, 24:17, 24:24, 25:6, 25:16 falsify [1] - 99:21 familiar [4] - 19:19, 78:22, 94:4, 117:6 families [1] - 117:24 family [2] - 42:6, 42:7 far [8] - 7:7, 40:2, 104:24, 112:3, 115:23, 116:11, 117:23, 118:9 fast [2] - 45:17, 89:24 fast-forward [1] - 45:17 faster [1] - 71:7 favor [1] - 29:21 favorable [3] - 29:20, 33:5, 33:11 FBI [1] - 77:14 FCRR [2] - 1:21, 121:22 Federal [3] - 28:25, 29:18, 33:4 felon [1] - 45:2 few [4] - 43:1, 48:18, 96:13, 111:21 fictitious [3] - 27:7, 27:13, 27:21 field [1] - 114:15 fifteenth [1] - 121:6 Fifth [5] - 60:19, 60:21, 60:22, 60:24, 66:12 figure [2] - 71:16, 73:3 filers [3] - 4:9, 24:1, 24:9 files [9] - 13:5, 13:8, 13:11, 13:14, 13:17, 14:10, 14:11, 16:2 fill [1] - 47:10 financial [1] - 53:15 fine [2] - 39:5, 107:11 finish [3] - 71:11, 110:3, 121:5 finished [1] - 110:7 first [21] - 14:19, 31:14, 32:14, 33:21, 38:15, 42:22, 44:23, 55:5, 60:8, 61:6, 62:12, 64:4, 67:2, 67:7, 84:25, 112:24, 113:2, 113:4, 117:20, 118:11 five [7] - 20:20, 22:10, 86:24, 86:25, 87:1, 87:16,	90:3 floor [1] - 65:22 FLORIDA [1] - 1:1 Florida [19] - 1:3, 1:23, 40:8, 44:5, 82:2, 109:12, 109:17, 110:22, 110:23, 111:7, 111:13, 113:5, 113:7, 113:8, 114:19, 117:22, 121:24, 121:24 follow [1] - 92:18 following [9] - 15:2, 19:2, 60:7, 65:13, 92:11, 93:10, 106:14, 120:22, 121:4 FOR [1] - 1:12 force [1] - 114:16 foregoing [1] - 121:19 forget [2] - 50:19, 51:3 forgive [1] - 6:15 forgiveness [9] - 9:3, 9:13, 25:5, 25:9, 25:15, 25:19, 28:9, 31:13, 31:18 Form [16] - 4:8, 4:9, 7:16, 8:11, 8:25, 23:25, 24:1, 24:4, 24:8, 24:9, 24:12, 24:16, 24:23, 24:24, 25:5, 25:16 form [5] - 5:12, 5:13, 5:15, 6:5, 90:6 formerly [4] - 4:21, 13:24, 27:14, 27:19 forms [2] - 27:13, 27:21 Fort [1] - 110:23 forth [1] - 49:3 forward [6] - 18:24, 33:25, 38:9, 45:17, 108:10, 108:13 foundation [9] - 14:14, 15:22, 16:4, 16:10, 18:1, 18:7, 18:20, 34:25, 35:5 four [3] - 22:16, 22:17, 115:18 FPR [2] - 1:21, 121:22 FPR-C [2] - 1:21, 121:22 frame [2] - 80:10, 80:11 frankly [1] - 72:10 fraudulent [1] - 28:7	fraudulently [2] - 28:1, 28:9 free [1] - 46:22 friends [1] - 42:7 friendship [1] - 118:3 front [7] - 74:17, 90:10, 90:11, 98:16, 101:25, 102:15, 102:21 fruition [1] - 37:17 funded [1] - 48:25 funds [7] - 45:14, 46:17, 46:20, 48:1, 51:12, 52:22, 94:3 funeral [44] - 11:2, 41:25, 42:12, 42:14, 44:4, 44:17, 44:18, 44:21, 54:14, 56:2, 56:22, 58:3, 82:7, 82:16, 110:11, 110:12, 110:14, 110:17, 110:18, 110:20, 110:21, 111:2, 111:8, 111:20, 115:1, 115:2, 115:14, 115:19, 115:20, 115:23, 115:25, 116:7, 116:10, 116:11, 116:12, 116:15, 116:16, 116:17, 116:18, 116:21, 116:23, 117:12, 118:10 Funeral [30] - 41:23, 41:24, 54:19, 54:23, 55:12, 56:1, 67:10, 81:15, 81:17, 82:1, 82:5, 82:9, 82:23, 82:24, 83:1, 83:7, 83:15, 85:19, 85:21, 85:24, 110:18, 110:19, 110:20, 110:24, 111:5, 111:6, 115:9, 116:6, 117:6, 117:8 funerals [1] - 116:13 furtherance [1] - 23:17	given [2] - 62:19, 95:1 Google [1] - 32:2 Government [28] - 6:8, 7:21, 8:17, 9:8, 9:17, 11:15, 12:6, 14:13, 15:15, 16:2, 16:15, 28:15, 29:16, 29:20, 29:24, 30:2, 33:6, 33:8, 33:11, 33:13, 34:4, 35:4, 35:15, 35:18, 38:13, 56:16, 64:18, 80:21 GOVERNMENT [1] - 1:12 Government's [3] - 4:17, 35:25, 99:19 GOVERNMENT'S [1] - 2:2 Grace [2] - 110:18, 110:19 graduated [1] - 109:20 GRAHAM [1] - 1:10 Granados [29] - 4:22, 6:13, 11:6, 11:23, 12:3, 13:6, 13:25, 14:6, 27:14, 27:19, 29:8, 32:14, 43:17, 46:9, 49:13, 49:14, 49:15, 49:16, 49:24, 51:20, 54:9, 54:12, 54:13, 59:24, 69:3, 83:25, 94:15, 95:11, 105:18 Granados's [1] - 74:3 grandma's [1] - 120:17 grant [1] - 29:1 Grateful [30] - 41:5, 41:7, 41:8, 49:12, 75:5, 75:6, 75:8, 75:21, 76:6, 77:9, 79:4, 79:13, 80:2, 80:7, 80:12, 81:11, 83:21, 83:25, 84:4, 84:6, 84:14, 84:16, 85:2, 85:8, 85:9, 88:14, 88:15, 88:16, 88:17, 88:21 great [2] - 33:8, 119:1 gross [11] - 4:9, 4:11, 8:15, 24:1, 24:3, 24:9, 24:11, 24:19, 25:1, 76:8, 77:11 Group [3] - 11:2, 11:20, 12:1 guarantor [1] - 56:10
F			G	
face [5] - 19:23, 74:5, 80:4, 86:20, 103:2 fact [5] - 29:22, 33:14, 35:2, 97:15, 108:5 factually [1] - 62:14 failed [3] - 89:21, 90:3, 103:19 failures [1] - 87:16 fair [1] - 18:8 fairly [4] - 70:11, 70:15, 75:12, 76:19 Faitrouni [1] - 13:15 fake [1] - 29:14 false [23] - 4:5, 4:9, 5:1, 5:6, 7:2, 7:12, 8:5, 8:13, 8:22, 8:25, 23:20, 27:7, 27:12, 27:13, 27:20, 27:21, 28:7, 29:12, 32:22, 87:25, 88:5, 88:8			gaps [1] - 36:24 garbage [1] - 105:5 Garcia [3] - 88:12, 88:16 gentlemen [4] - 3:15, 14:25, 28:13, 38:20	

guess [7] - 16:13, 56:24, 60:8, 71:6, 80:6, 90:22 guilt [1] - 29:23 guys [1] - 93:7	High [1] - 109:20 highest [2] - 10:3, 40:3 hire [1] - 41:10 hires [1] - 75:8 hmm [9] - 44:15, 46:14, 48:20, 57:20, 73:16, 78:15, 80:6, 81:25, 83:23 hold [1] - 45:9 holding [1] - 64:18 Hollywood [3] - 117:22, 118:11, 118:13 home [52] - 11:2, 31:11, 31:12, 41:25, 42:14, 44:4, 44:17, 44:18, 44:21, 47:16, 47:17, 47:19, 47:21, 47:22, 47:24, 54:14, 56:3, 56:22, 58:3, 69:1, 69:6, 74:1, 82:7, 82:17, 83:6, 87:9, 87:11, 87:14, 89:21, 90:3, 97:11, 97:13, 97:17, 98:7, 98:12, 98:21, 99:10, 99:14, 110:12, 110:17, 111:2, 111:8, 115:14, 115:25, 116:11, 116:15, 116:16, 116:17, 117:12, 118:10, 120:12, 120:15 Home [30] - 41:23, 41:24, 54:19, 54:23, 55:13, 56:1, 67:10, 81:15, 81:18, 82:1, 82:5, 82:9, 82:23, 82:24, 83:1, 83:8, 83:15, 85:19, 85:21, 85:24, 110:18, 110:19, 110:21, 110:24, 111:5, 111:6, 115:9, 116:6, 117:6, 117:8 homes [8] - 110:11, 110:15, 110:16, 115:2, 116:7, 116:12, 116:21, 116:23 Honor [29] - 3:6, 3:19, 9:21, 10:2, 10:5, 10:14, 10:16, 10:18, 11:8, 11:9,	13:20, 14:9, 17:9, 19:6, 20:2, 20:13, 20:23, 23:1, 26:11, 28:12, 28:24, 29:2, 29:17, 74:20, 75:16, 80:17, 95:23, 104:24, 107:23 HONORABLE [1] - 1:10 hoped [1] - 71:6 house [16] - 47:4, 47:9, 47:13, 47:25, 67:13, 67:15, 69:13, 69:14, 86:10, 96:17, 96:18, 96:20, 96:24, 99:8, 99:13, 120:17 Howard [1] - 40:3 HP [2] - 98:1, 98:21 hundred [4] - 50:2, 57:18, 88:3, 94:20 husband [12] - 12:4, 59:5, 64:25, 100:19, 100:25, 104:4, 104:18, 104:19, 104:23, 105:3, 105:7, 105:11	impeach [1] - 18:4 implicitly [2] - 38:7, 62:20 imported [2] - 5:14, 5:19 in' [1] - 112:19 Inc [11] - 54:19, 55:13, 81:15, 81:18, 82:5, 82:24, 82:25, 83:8, 83:15, 85:19, 85:21 inclined [1] - 120:23 include [4] - 8:25, 22:5, 26:7, 26:21 included [1] - 4:10 includes [1] - 31:23 including [6] - 27:7, 27:12, 27:20, 28:2, 76:5, 77:8 income [11] - 4:9, 4:12, 8:15, 24:1, 24:3, 24:9, 24:11, 24:19, 25:1, 76:8, 77:10 Incorporated [18] - 75:7, 76:6, 77:9, 79:4, 79:13, 80:3, 80:7, 80:12, 81:11, 83:21, 84:1, 84:4, 84:7, 84:14, 84:16, 85:8, 85:10, 88:17 indicate [1] - 53:23 indicated [6] - 18:14, 51:20, 54:12, 56:19, 99:20, 108:6 indictment [45] - 3:25, 4:3, 4:15, 4:18, 4:20, 5:5, 5:23, 5:25, 6:10, 6:12, 6:17, 6:19, 6:21, 6:24, 7:11, 7:24, 8:3, 8:4, 8:19, 9:10, 9:12, 9:18, 22:20, 22:23, 23:1, 23:15, 23:19, 25:13, 25:24, 27:2, 27:9, 30:3, 35:8, 35:9, 35:11, 35:12, 35:17, 35:20, 37:6, 37:8, 37:13, 37:14, 37:16, 62:13 indirectly [1] - 28:3 individual [2] - 43:16, 97:19 individuals [4] - 49:25, 97:18, 100:6, 115:21 indulgence [3] - 69:18, 77:20, 95:19 infer [2] - 31:1, 33:10	inference [3] - 65:2, 65:5, 65:10 inferences [1] - 29:21 influencing [3] - 4:6, 8:23 information [29] - 5:1, 5:7, 5:8, 5:12, 5:13, 5:16, 5:18, 5:19, 6:14, 6:25, 7:2, 14:2, 20:11, 20:16, 27:7, 27:12, 27:20, 28:8, 29:9, 29:12, 32:21, 48:6, 53:9, 80:23, 88:5, 88:8, 90:13, 90:19, 91:2 initial [1] - 50:9 initialed [6] - 23:24, 24:15, 24:22, 25:4, 30:10, 92:21 initialled [2] - 24:7, 25:15 initialling [2] - 91:24, 92:1 initials [11] - 21:9, 21:12, 21:22, 21:25, 22:11, 22:13, 22:18, 30:13, 30:19, 31:21, 31:22 initiate [1] - 114:20 initiated [2] - 34:23, 95:16 initiation [1] - 48:8 input [2] - 5:11, 5:16 inputted [17] - 4:22, 5:7, 5:13, 5:18, 6:13, 6:19, 6:25, 7:3, 7:5, 7:7, 14:2, 20:16, 26:5, 29:8, 89:18, 90:13, 90:19 inquire [2] - 72:12, 72:14 inquired [1] - 72:10 inside [2] - 87:10, 87:11 instances [2] - 26:21, 31:4 instructed [1] - 28:14 instruction [1] - 37:12 instructions [3] - 38:9, 71:13, 121:14 intend [1] - 34:4 intended [1] - 34:7 interested [2] - 49:4, 49:17 interrupt [1] - 71:6 interrupted [1] -
H		I		
half [3] - 113:10, 113:12, 113:19 Hallandale [5] - 111:7, 111:18, 114:8, 118:10, 118:11 hand [5] - 74:2, 74:3, 80:20, 97:15, 97:16 handed [3] - 3:23, 10:22, 12:13 handing [3] - 10:20, 11:11, 12:11 handling [1] - 37:12 HAYDEE [3] - 2:9, 96:4, 96:7 Haydee [35] - 4:21, 6:13, 11:5, 11:23, 12:3, 13:6, 21:4, 21:7, 21:9, 21:12, 27:13, 27:14, 27:18, 27:19, 29:8, 34:4, 43:16, 46:9, 47:9, 54:9, 58:11, 59:4, 59:24, 74:1, 74:3, 83:24, 85:3, 85:20, 86:2, 86:4, 96:1, 96:7, 117:14 HDMI [1] - 19:7 hear [2] - 3:7, 58:24 heard [5] - 16:11, 48:18, 88:25, 89:2, 102:7 hearsay [8] - 17:13, 18:1, 47:5, 60:12, 61:6, 61:12, 61:24, 81:1 HELD [1] - 1:10 held [9] - 15:2, 19:2, 60:7, 65:13, 92:11, 93:10, 106:14, 120:22, 121:4 help [5] - 41:6, 79:25, 80:16, 84:6, 105:23 helped [2] - 100:6, 114:20 helping [3] - 86:7, 86:20, 103:17 Hendrith [1] - 1:19 hi [3] - 104:20, 104:23 high [1] - 33:6	High [1] - 109:20 highest [2] - 10:3, 40:3 hire [1] - 41:10 hires [1] - 75:8 hmm [9] - 44:15, 46:14, 48:20, 57:20, 73:16, 78:15, 80:6, 81:25, 83:23 hold [1] - 45:9 holding [1] - 64:18 Hollywood [3] - 117:22, 118:11, 118:13 home [52] - 11:2, 31:11, 31:12, 41:25, 42:14, 44:4, 44:17, 44:18, 44:21, 47:16, 47:17, 47:19, 47:21, 47:22, 47:24, 54:14, 56:3, 56:22, 58:3, 69:1, 69:6, 74:1, 82:7, 82:17, 83:6, 87:9, 87:11, 87:14, 89:21, 90:3, 97:11, 97:13, 97:17, 98:7, 98:12, 98:21, 99:10, 99:14, 110:12, 110:17, 111:2, 111:8, 115:14, 115:25, 116:11, 116:15, 116:16, 116:17, 117:12, 118:10, 120:12, 120:15 Home [30] - 41:23, 41:24, 54:19, 54:23, 55:13, 56:1, 67:10, 81:15, 81:18, 82:1, 82:5, 82:9, 82:23, 82:24, 83:1, 83:8, 83:15, 85:19, 85:21, 85:24, 110:18, 110:19, 110:21, 110:24, 111:5, 111:6, 115:9, 116:6, 117:6, 117:8 homes [8] - 110:11, 110:15, 110:16, 115:2, 116:7, 116:12, 116:21, 116:23 Honor [29] - 3:6, 3:19, 9:21, 10:2, 10:5, 10:14, 10:16, 10:18, 11:8, 11:9,	13:20, 14:9, 17:9, 19:6, 20:2, 20:13, 20:23, 23:1, 26:11, 28:12, 28:24, 29:2, 29:17, 74:20, 75:16, 80:17, 95:23, 104:24, 107:23 HONORABLE [1] - 1:10 hoped [1] - 71:6 house [16] - 47:4, 47:9, 47:13, 47:25, 67:13, 67:15, 69:13, 69:14, 86:10, 96:17, 96:18, 96:20, 96:24, 99:8, 99:13, 120:17 Howard [1] - 40:3 HP [2] - 98:1, 98:21 hundred [4] - 50:2, 57:18, 88:3, 94:20 husband [12] - 12:4, 59:5, 64:25, 100:19, 100:25, 104:4, 104:18, 104:19, 104:23, 105:3, 105:7, 105:11	impeach [1] - 18:4 implicitly [2] - 38:7, 62:20 imported [2] - 5:14, 5:19 in' [1] - 112:19 Inc [11] - 54:19, 55:13, 81:15, 81:18, 82:5, 82:24, 82:25, 83:8, 83:15, 85:19, 85:21 inclined [1] - 120:23 include [4] - 8:25, 22:5, 26:7, 26:21 included [1] - 4:10 includes [1] - 31:23 including [6] - 27:7, 27:12, 27:20, 28:2, 76:5, 77:8 income [11] - 4:9, 4:12, 8:15, 24:1, 24:3, 24:9, 24:11, 24:19, 25:1, 76:8, 77:10 Incorporated [18] - 75:7, 76:6, 77:9, 79:4, 79:13, 80:3, 80:7, 80:12, 81:11, 83:21, 84:1, 84:4, 84:7, 84:14, 84:16, 85:8, 85:10, 88:17 indicate [1] - 53:23 indicated [6] - 18:14, 51:20, 54:12, 56:19, 99:20, 108:6 indictment [45] - 3:25, 4:3, 4:15, 4:18, 4:20, 5:5, 5:23, 5:25, 6:10, 6:12, 6:17, 6:19, 6:21, 6:24, 7:11, 7:24, 8:3, 8:4, 8:19, 9:10, 9:12, 9:18, 22:20, 22:23, 23:1, 23:15, 23:19, 25:13, 25:24, 27:2, 27:9, 30:3, 35:8, 35:9, 35:11, 35:12, 35:17, 35:20, 37:6, 37:8, 37:13, 37:14, 37:16, 62:13 indirectly [1] - 28:3 individual [2] - 43:16, 97:19 individuals [4] - 49:25, 97:18, 100:6, 115:21 indulgence [3] - 69:18, 77:20, 95:19 infer [2] - 31:1, 33:10	inference [3] - 65:2, 65:5, 65:10 inferences [1] - 29:21 influencing [3] - 4:6, 8:23 information [29] - 5:1, 5:7, 5:8, 5:12, 5:13, 5:16, 5:18, 5:19, 6:14, 6:25, 7:2, 14:2, 20:11, 20:16, 27:7, 27:12, 27:20, 28:8, 29:9, 29:12, 32:21, 48:6, 53:9, 80:23, 88:5, 88:8, 90:13, 90:19, 91:2 initial [1] - 50:9 initialed [6] - 23:24, 24:15, 24:22, 25:4, 30:10, 92:21 initialled [2] - 24:7, 25:15 initialling [2] - 91:24, 92:1 initials [11] - 21:9, 21:12, 21:22, 21:25, 22:11, 22:13, 22:18, 30:13, 30:19, 31:21, 31:22 initiate [1] - 114:20 initiated [2] - 34:23, 95:16 initiation [1] - 48:8 input [2] - 5:11, 5:16 inputted [17] - 4:22, 5:7, 5:13, 5:18, 6:13, 6:19, 6:25, 7:3, 7:5, 7:7, 14:2, 20:16, 26:5, 29:8, 89:18, 90:13, 90:19 inquire [2] - 72:12, 72:14 inquired [1] - 72:10 inside [2] - 87:10, 87:11 instances [2] - 26:21, 31:4 instructed [1] - 28:14 instruction [1] - 37:12 instructions [3] - 38:9, 71:13, 121:14 intend [1] - 34:4 intended [1] - 34:7 interested [2] - 49:4, 49:17 interrupt [1] - 71:6 interrupted [1] -

66:11 interview ^[1] - 14:5 introduce ^[5] - 14:9, 14:23, 17:9, 18:2, 18:14 introduced ^[7] - 6:8, 7:19, 7:21, 9:16, 11:14, 35:13, 73:3 invest ^[2] - 44:20, 44:21 invested ^[1] - 81:24 investigation ^[1] - 56:24 investiture ^[2] - 71:16, 71:19 investor ^[3] - 44:19, 44:20, 81:20 involved ^[15] - 30:6, 42:17, 42:23, 43:2, 43:6, 45:8, 62:21, 63:7, 79:7, 80:11, 83:2, 84:10, 84:12, 85:20, 88:11 involvement ^[2] - 81:17, 82:1 involving ^[1] - 77:18 IP ^[8] - 5:19, 13:2, 13:6, 26:9, 26:23, 31:3, 31:7, 31:16 irrelevant ^[1] - 61:5 IRS ^[5] - 4:12, 24:4, 24:11, 27:13, 27:21 issue ^[8] - 3:10, 37:5, 38:10, 61:16, 63:23, 63:25, 119:5, 119:6 issued ^[3] - 12:6, 12:18, 16:22 issues ^[6] - 3:18, 17:24, 18:7, 28:16, 28:19, 61:11 item ^[3] - 10:5, 35:13, 37:25 items ^[2] - 36:23, 121:15 itself ^[3] - 98:16, 102:24, 116:11	JOHNNY ^[1] - 1:16 Johnny ^[1] - 1:16 JR ^[1] - 1:16 Jr ^[1] - 1:16 judge ^[14] - 14:17, 17:8, 17:22, 62:9, 68:17, 69:19, 70:19, 71:17, 71:22, 76:22, 80:25, 93:1, 93:12, 108:12 JUDGE ^[1] - 1:11 Judge ^[37] - 17:21, 30:4, 33:2, 33:23, 60:16, 60:22, 61:6, 62:12, 63:1, 63:8, 64:18, 65:5, 66:21, 68:5, 72:22, 73:10, 74:19, 77:1, 77:21, 95:20, 95:22, 96:1, 97:5, 99:11, 100:9, 100:15, 101:3, 105:14, 105:15, 105:17, 106:2, 106:5, 106:9, 106:12, 106:16, 107:6, 119:15 judges ^[1] - 107:24 judgment ^[2] - 29:1, 29:18 June ^[8] - 11:2, 11:20, 14:5, 80:10, 81:12, 83:12, 83:22, 99:24 JUROR ^[12] - 119:7, 119:9, 119:12, 119:14, 119:19, 119:24, 120:2, 120:7, 120:13, 120:16, 121:9, 121:12 Juror ^[2] - 3:3, 72:6 juror ^[3] - 3:6, 121:6, 121:7 jurors ^[1] - 118:25 JURY ^[1] - 1:10 jury ^[32] - 3:11, 11:18, 15:12, 15:14, 22:24, 26:16, 27:4, 27:17, 28:5, 30:1, 30:25, 31:2, 32:15, 33:2, 33:14, 35:9, 36:21, 37:4, 37:13, 37:17, 38:14, 42:5, 59:7, 64:11, 65:18, 68:7, 73:10, 73:14, 107:8, 109:18, 117:17, 118:23 Jury ^[6] - 3:14, 28:22,	38:17, 72:2, 72:20, 119:2 jury's ^[2] - 29:22, 35:24 Justice ^[3] - 112:15, 112:22, 112:23	K	K-9 ^[1] - 114:18 keep ^[3] - 15:6, 36:9, 64:14 KELLY ^[1] - 2:3 kept ^[1] - 74:11 kind ^[2] - 61:20, 82:11 kitchen ^[1] - 69:17 knowingly ^[1] - 4:5 knowledge ^[11] - 20:3, 21:1, 34:22, 35:5, 85:9, 85:19, 85:22, 89:8, 89:13, 91:16 known ^[5] - 4:21, 13:24, 27:14, 27:19, 83:24 knows ^[4] - 16:16, 20:8, 34:25, 107:3	leading ^[2] - 66:14, 105:13 learn ^[2] - 55:17, 55:19 learned ^[1] - 55:23 least ^[4] - 34:6, 50:2, 85:23, 100:20 leave ^[6] - 40:16, 119:10, 119:11, 120:7, 120:8, 120:11 left ^[7] - 41:16, 58:19, 59:17, 74:2, 102:15, 113:11, 113:21 legal ^[13] - 4:11, 9:1, 12:20, 24:2, 24:10, 24:18, 24:25, 25:7, 25:17, 28:16, 28:19, 60:9, 68:2 legitimacy ^[1] - 35:1 Lender ^[1] - 27:11 less ^[1] - 44:19 letter ^[1] - 55:9 letters ^[1] - 77:17 level ^[1] - 39:22 Levitt ^[1] - 110:24 Levitt-Weinstein ^[1] - 110:24 license ^[12] - 48:5, 48:11, 48:13, 48:14, 70:8, 70:9, 70:14, 73:20, 74:16, 90:24, 90:25 licensed ^[3] - 110:12, 110:13, 116:17 light ^[4] - 29:20, 33:5, 33:11, 34:15 line ^[3] - 4:12, 24:4, 24:12 lined ^[1] - 86:20 list ^[10] - 15:4, 15:13, 15:15, 35:23, 35:24, 35:25, 36:8, 36:10, 36:20, 36:22 listed ^[1] - 16:20 listen ^[2] - 34:20, 90:7 listening ^[1] - 66:8 lists ^[4] - 15:14, 36:6, 36:7, 36:23 live ^[5] - 40:7, 40:8, 47:16, 109:11, 109:12 lived ^[3] - 47:18, 96:15, 109:14 lives ^[1] - 115:22 living ^[2] - 69:15, 69:16 Loan ^[2] - 4:23	loan ^[137] - 5:1, 8:24, 9:2, 12:19, 12:21, 12:23, 13:2, 13:8, 13:14, 14:3, 14:11, 21:10, 21:13, 21:16, 21:23, 22:1, 22:11, 22:14, 22:15, 25:5, 25:10, 25:15, 25:18, 26:8, 26:22, 27:6, 27:11, 27:22, 29:13, 29:14, 30:6, 31:15, 32:9, 46:3, 46:6, 46:15, 48:22, 49:4, 49:18, 50:13, 51:6, 51:8, 51:25, 53:16, 54:20, 54:23, 55:5, 55:10, 55:12, 56:2, 56:3, 56:6, 56:12, 56:13, 56:14, 56:17, 56:21, 56:23, 57:5, 62:18, 62:23, 63:3, 67:9, 67:10, 67:11, 67:14, 67:19, 67:23, 67:24, 67:25, 68:7, 68:10, 68:15, 68:20, 77:18, 79:14, 79:16, 79:18, 79:21, 80:2, 80:3, 80:7, 80:12, 80:23, 80:24, 81:5, 81:8, 81:11, 81:14, 81:15, 82:4, 82:7, 82:9, 82:10, 82:14, 82:16, 82:18, 82:22, 83:4, 83:8, 83:10, 83:12, 83:15, 83:25, 84:6, 84:14, 85:7, 85:11, 85:13, 85:18, 85:20, 86:4, 86:5, 87:22, 88:20, 88:22, 89:11, 89:14, 89:17, 89:21, 90:1, 91:10, 91:19, 91:24, 92:4, 92:14, 93:17, 93:21, 94:2, 94:13, 94:19, 94:21, 95:17, 100:18, 105:19, 105:23 loaned ^[1] - 57:13 loans ^[15] - 28:9, 44:24, 45:5, 45:22, 45:25, 54:17, 57:1, 57:9, 62:18, 78:11, 79:3, 82:11, 96:14, 96:19 locally ^[1] - 118:5	
J	Jacksonville ^[2] - 40:9 jails ^[1] - 112:4 James ^[1] - 110:20 January ^[1] - 121:21 Jerry ^[1] - 88:16 Jersey ^[3] - 11:2, 11:19, 12:1 job ^[1] - 113:2		L	label ^[3] - 41:8, 75:8 labeled ^[1] - 14:22 lack ^[1] - 20:2 lacrosse ^[1] - 112:21 ladies ^[3] - 3:15, 28:13, 38:20 Lance ^[1] - 121:22 LANCE ^[1] - 1:21 language ^[2] - 6:2, 100:4 large ^[1] - 94:16 last ^[9] - 3:9, 9:25, 10:1, 10:5, 57:23, 58:19, 108:17, 115:16, 119:21 lastly ^[1] - 28:5 late ^[1] - 3:17 latest ^[2] - 119:10, 119:11 Lauderdale ^[1] - 110:23 Law ^[1] - 1:16 law ^[2] - 112:5, 114:2 lawyer ^[1] - 108:6 lay ^[2] - 14:14, 15:22 laying ^[1] - 16:5 lays ^[1] - 114:7			

located [7] - 42:21, 42:22, 109:22, 111:6, 111:7, 113:7, 118:8 location [3] - 111:12, 117:20, 118:13 logged [5] - 30:7, 89:4, 89:6, 89:12, 90:15 login [2] - 19:14, 19:19 logins [1] - 19:16 logs [1] - 19:25 look [8] - 26:3, 33:5, 62:13, 69:24, 70:1, 74:24, 76:12, 80:22 looked [2] - 56:25 looking [7] - 22:3, 26:3, 73:22, 75:12, 76:1, 77:4, 104:21 looks [1] - 11:1 losing [1] - 3:16 loss [2] - 75:3, 76:16 lost [1] - 71:23 LOVE [1] - 1:13 lowest [1] - 115:21 lunch [5] - 64:11, 64:12, 64:15, 64:16, 71:8 Lunch [1] - 72:19	33:23, 34:2, 38:16, 38:25, 39:3, 47:7, 52:14, 60:15, 60:24, 61:2, 62:9, 62:12, 65:15, 66:18, 66:21, 66:23, 67:24, 68:5, 68:6, 69:18, 69:21, 70:19, 70:23, 70:25, 71:5, 72:22, 73:2, 73:10, 73:12, 74:19, 74:22, 75:16, 75:21, 75:25, 76:22, 77:1, 77:3, 77:20, 80:25, 93:12, 93:15, 95:19, 95:22, 96:1, 96:10, 97:7, 100:9, 100:11, 100:15, 100:16, 101:2, 103:25, 105:2, 105:14, 105:16, 105:22, 106:2, 106:5, 106:9, 106:12, 106:16, 106:22, 107:1, 107:5, 107:13, 107:16, 107:22, 108:12, 108:20, 119:7, 119:9, 119:12, 119:14, 119:19, 119:24, 120:2, 120:7, 120:13, 120:16, 121:9, 121:12 McCray [10] - 1:16, 72:7, 78:10, 82:15, 101:8, 101:15, 107:24, 118:24, 119:4, 121:5 McCray..... [2] - 2:8, 2:10 McCray..... [3] - 2:7, 2:9, 2:12 mean [19] - 5:6, 5:9, 16:15, 18:16, 34:10, 34:25, 36:10, 37:25, 41:17, 45:3, 59:14, 61:15, 65:25, 84:5, 87:8, 92:25, 102:6, 112:7, 117:10 meaning [1] - 14:12 means [3] - 3:5, 30:22, 71:12 meant [3] - 50:22, 63:19, 101:17 mechanical [1] - 1:24 media [2] - 46:1, 48:19	meet [4] - 67:2, 77:17, 78:7, 78:8 meeting [1] - 67:10 members [5] - 59:7, 65:17, 108:3, 109:18, 117:17 mentioned [4] - 48:18, 49:9, 94:15, 104:1 mere [1] - 35:19 met [10] - 33:13, 43:20, 49:13, 49:16, 67:4, 67:14, 67:17, 78:4, 93:16, 99:25 Miami [26] - 1:3, 1:22, 1:23, 39:13, 39:22, 40:15, 40:16, 43:10, 43:11, 43:12, 43:13, 44:13, 44:14, 58:17, 58:18, 109:17, 109:20, 109:21, 109:23, 110:18, 110:25, 112:14, 112:21, 113:8, 121:24 Miami-Dade [5] - 40:16, 58:17, 58:18, 112:14 middle [1] - 80:22 midnights [1] - 115:7 miles [1] - 58:24 mind [1] - 105:18 minute [3] - 13:20, 53:14, 106:9 minutes [4] - 3:16, 48:18, 106:20, 111:21 Miramar [5] - 40:15, 47:18, 47:19, 114:8, 118:12 missed [1] - 12:21 missing [1] - 63:11 misstates [2] - 26:11, 26:13 mistaken [2] - 6:18, 79:22 mixed [2] - 107:1, 107:5 model [2] - 26:24, 29:6 modified [2] - 30:7, 30:8 Mohamed [1] - 13:15 moment [10] - 11:8, 14:22, 14:23, 38:2, 62:3, 63:14, 66:19, 68:17, 92:10, 120:20	Monday [12] - 3:4, 3:5, 3:12, 33:22, 71:12, 72:16, 118:23, 119:7, 119:9, 121:6, 121:13, 121:15 money [20] - 8:23, 44:21, 46:22, 52:4, 54:3, 55:23, 57:10, 57:13, 57:14, 57:15, 57:19, 57:21, 58:4, 66:4, 82:8, 82:17, 83:14, 94:16, 94:18, 95:2 months [1] - 58:9 morgue [1] - 116:17 morning [21] - 3:15, 3:18, 19:11, 19:12, 33:22, 39:4, 59:20, 60:4, 60:16, 60:17, 60:18, 65:16, 104:11, 104:12, 104:14, 104:16, 104:18, 104:19, 118:23, 121:14 Mortuary [2] - 109:21, 109:22 mortuary [4] - 110:1, 110:3, 110:7, 114:23 most [4] - 15:15, 29:20, 33:5, 33:11 motion [1] - 29:17 motions [2] - 28:23, 33:16 move [3] - 3:13, 71:7, 108:10 moved [6] - 40:18, 43:11, 43:13, 44:3, 105:5, 118:12 moving [2] - 18:24, 64:20 MR [223] - 3:6, 3:8, 3:19, 3:22, 9:21, 10:1, 10:5, 10:8, 10:10, 10:12, 10:16, 10:18, 10:20, 10:21, 11:9, 11:11, 11:13, 12:9, 12:11, 12:12, 13:20, 13:22, 14:9, 14:13, 14:14, 14:15, 14:16, 14:22, 15:19, 15:24, 16:1, 16:7, 16:17, 16:19, 16:22, 16:24, 17:3, 17:5, 17:8, 17:9, 17:15, 17:19, 17:22, 17:24,	18:10, 18:12, 18:13, 18:14, 18:21, 18:23, 19:1, 19:3, 19:6, 19:10, 20:2, 20:6, 20:9, 20:13, 20:14, 20:23, 20:25, 21:3, 23:6, 23:8, 23:9, 23:11, 23:13, 26:11, 26:15, 26:20, 28:10, 28:12, 28:24, 29:17, 30:14, 30:17, 30:20, 30:24, 31:2, 31:6, 32:12, 33:23, 34:1, 34:2, 34:3, 34:13, 37:4, 37:22, 38:6, 38:11, 38:13, 38:16, 38:25, 39:3, 47:5, 47:7, 52:10, 52:12, 52:14, 60:5, 60:10, 60:15, 60:24, 61:2, 61:6, 61:10, 61:18, 61:23, 62:2, 62:9, 62:12, 62:23, 63:1, 63:8, 63:13, 63:16, 63:21, 64:1, 64:4, 64:9, 64:12, 64:17, 64:23, 65:1, 65:5, 65:8, 65:15, 66:14, 66:18, 66:21, 66:23, 67:22, 67:24, 67:25, 68:3, 68:5, 68:6, 69:18, 69:21, 70:19, 70:23, 70:25, 71:2, 71:5, 72:12, 72:22, 73:2, 73:8, 73:10, 73:12, 74:19, 74:22, 75:16, 75:20, 75:21, 75:22, 75:25, 76:22, 76:23, 77:1, 77:3, 77:20, 77:24, 80:17, 80:19, 80:25, 81:3, 81:6, 92:8, 92:16, 92:19, 92:24, 93:1, 93:4, 93:6, 93:8, 93:12, 93:15, 95:19, 95:22, 95:23, 96:1, 96:10, 97:7, 100:9, 100:11, 100:15, 100:16, 101:2, 101:5, 101:14, 103:23, 103:25, 104:24, 105:2, 105:13, 105:14, 105:16, 105:20,
M				
Man [1] - 60:19 March [1] - 12:7 marital [1] - 108:21 mark [1] - 72:24 MARKED [1] - 2:15 marked [23] - 3:23, 3:24, 10:6, 10:12, 10:23, 12:13, 22:24, 23:4, 35:13, 36:1, 36:4, 36:12, 36:13, 69:22, 72:25, 73:2, 73:9, 73:14, 74:23, 75:23, 76:11, 80:21, 97:8 marking [1] - 14:10 married [8] - 40:22, 43:13, 43:22, 44:1, 46:9, 108:22, 108:23, 109:4 materially [6] - 5:1, 7:1, 27:7, 27:12, 27:20, 28:7 matter [3] - 3:2, 34:21, 121:20 MCCRAY [82] - 1:16,				

105:22, 106:2, 106:5, 106:6, 106:9, 106:12, 106:16, 106:22, 107:1, 107:5, 107:12, 107:13, 107:14, 107:16, 107:18, 107:20, 107:22, 107:23, 108:9, 108:12, 108:20, 119:15, 120:23, 120:25 multiple [11] - 30:10, 32:6, 86:18, 89:22, 91:19, 92:20, 103:19, 104:5, 110:12, 117:3, 117:25 music [2] - 41:8, 75:9 must [1] - 33:14	35:14, 66:4, 87:1, 88:2, 89:2, 89:12, 89:15, 89:18, 90:6, 90:13, 90:15, 90:17, 90:19, 114:16, 117:21 New [10] - 42:22, 42:24, 43:3, 43:7, 43:10, 43:19, 44:3, 44:4, 81:23, 81:24 new [1] - 58:3 next [9] - 7:16, 47:2, 47:15, 47:22, 59:1, 71:20, 86:12, 106:11, 108:11 nice [2] - 78:7, 78:8 nine [1] - 109:5 NO [1] - 1:2 nobody [1] - 5:13 normally [1] - 37:9 North [2] - 1:22, 110:25 Northwest [1] - 120:17 notes [1] - 121:20 nothing [9] - 35:10, 52:5, 68:16, 83:7, 83:25, 85:3, 100:15, 105:14, 106:2 notice [1] - 74:2 November [1] - 39:21 Number [12] - 3:3, 3:9, 15:5, 23:19, 36:7, 36:13, 72:7, 73:6, 73:7, 76:12 number [17] - 3:6, 9:22, 10:3, 10:15, 12:14, 12:20, 12:21, 13:2, 21:15, 21:19, 21:22, 22:5, 32:23, 48:10, 72:14, 73:4 numbering [1] - 36:24 numbers [2] - 14:19, 15:8 numerous [2] - 110:11, 117:23	34:12, 34:17, 47:5, 52:10, 60:5, 60:9, 61:7, 61:24, 65:14, 66:14, 66:19, 67:22, 68:2, 71:1, 73:7, 73:8, 75:18, 75:22, 76:23, 105:13, 105:20, 107:18, 121:2 objectionable [1] - 35:6 objections [2] - 34:21, 35:16 obligated [1] - 54:23 obtain [1] - 48:22 obtained [4] - 28:2, 28:9, 79:14, 82:22 obtaining [2] - 4:6, 8:23 obvious [1] - 38:20 obviously [1] - 36:20 occasions [1] - 20:21 occurred [3] - 4:15, 80:3, 90:3 October [1] - 1:4 OF [5] - 1:1, 1:3, 1:10, 1:15, 121:17 offense [1] - 4:15 offer [4] - 15:22, 70:19, 75:16, 76:22 offered [6] - 23:3, 23:4, 35:14, 35:15, 70:24, 75:18 offering [3] - 14:21, 70:22, 73:7 office [11] - 97:11, 97:16, 98:20, 99:10, 99:14, 101:9, 101:16, 112:20, 113:22, 114:14, 115:7 Office [5] - 1:14, 1:16, 111:23, 113:14, 114:22 officer [2] - 113:4, 114:10 officers [1] - 114:20 official [1] - 36:10 Official [2] - 1:21, 121:23 often [3] - 58:11, 58:13, 58:15 old [4] - 39:6, 108:25, 109:8, 109:9 ON [1] - 1:15 once [12] - 51:1, 59:17, 87:3, 87:4, 87:11, 91:14, 91:17, 91:18, 104:6, 104:7,	110:13 one [52] - 3:2, 9:25, 10:1, 11:8, 13:8, 13:11, 13:14, 23:17, 31:7, 31:12, 32:1, 32:24, 33:21, 37:12, 55:6, 57:9, 62:3, 63:14, 64:8, 66:19, 67:25, 68:1, 76:7, 76:12, 77:10, 78:18, 79:1, 79:4, 79:13, 81:20, 81:23, 81:24, 85:7, 85:20, 86:7, 88:22, 97:18, 100:9, 100:20, 102:11, 104:9, 105:15, 109:3, 109:8, 111:8, 111:11, 111:15, 111:18, 114:19, 115:14, 118:11, 119:22 one-time [1] - 32:24 ones [3] - 36:1, 36:19, 36:20 online [4] - 51:11, 52:24, 52:25, 56:20 open [5] - 19:2, 43:11, 65:13, 93:10, 121:4 opened [3] - 44:5, 44:10, 117:20 order [8] - 9:24, 29:5, 45:5, 45:16, 51:11, 57:14, 58:4, 94:3 Order [1] - 3:1 originally [1] - 71:24 out-of-court [1] - 60:11 outside [5] - 61:12, 87:8, 104:17, 104:24, 107:7 overcome [1] - 33:7 overflow [1] - 71:18 overruled [7] - 20:5, 21:2, 26:18, 47:6, 65:14, 81:4, 105:1 oversee [1] - 45:13 overt [1] - 23:17 owe [3] - 57:15, 57:17, 94:18 owed [6] - 55:24, 57:13, 57:19, 57:21, 94:15, 95:2 own [12] - 30:6, 32:9, 41:5, 56:2, 56:22, 87:2, 87:4, 87:8, 87:13, 95:8, 111:2, 111:14 owned [4] - 12:2,	111:8, 111:12, 117:21 owner [6] - 41:25, 42:2, 75:11, 117:8, 117:11, 117:13 owns [1] - 75:10
N			P	
name [34] - 4:11, 8:14, 9:1, 12:20, 16:24, 24:2, 24:10, 24:18, 24:25, 25:7, 25:17, 38:22, 43:16, 44:25, 45:15, 49:11, 52:24, 54:20, 56:3, 56:6, 56:8, 76:2, 77:4, 78:6, 88:2, 91:6, 96:6, 102:6, 102:9, 108:16, 108:17, 108:18 named [4] - 45:10, 89:2, 89:4, 89:6 nature [2] - 48:12, 117:5 near [1] - 40:9 necessarily [2] - 9:23, 35:20 need [11] - 8:8, 14:14, 15:12, 36:18, 45:4, 48:4, 65:21, 106:10, 106:20, 106:21, 117:4 needed [7] - 44:23, 45:5, 45:7, 49:21, 58:4 nefarious [2] - 19:15, 19:23 neighboring [1] - 114:6 nephew [6] - 41:5, 75:11, 79:7, 84:10, 84:12, 85:2 never [20] - 6:17, 6:19, 6:24, 35:12,			P.A [1] - 1:16 page [7] - 7:16, 25:13, 73:19, 74:8, 74:14, 80:23, 102:8 PAGE [1] - 2:2 Pages [1] - 1:8 pages [3] - 70:1, 70:5, 70:7 paid [5] - 11:23, 27:18, 32:19, 57:12, 84:21 Palm [4] - 40:8, 40:18, 58:22, 58:25 pandemic [5] - 46:10, 46:11, 78:16, 79:20 panel [1] - 108:3 paper [1] - 36:11 papers [1] - 15:7 paperwork [1] - 50:11 paragraph [19] - 4:20, 5:9, 6:1, 6:13, 6:21, 23:14, 23:23, 24:6, 24:14, 24:21, 25:3, 25:13, 27:2, 27:9, 27:15, 27:17, 27:23, 27:25, 28:5 paralegal [1] - 1:19 Park [5] - 110:20, 114:4, 114:6, 114:7 parking [1] - 104:17 part [8] - 5:8, 63:6, 63:8, 63:20, 69:14, 76:7, 77:10, 114:14 particular [2] - 26:2, 36:2 parties [4] - 15:13, 37:24, 38:8, 72:9 partner [1] - 42:19 partook [1] - 118:1 passed [3] - 89:22, 90:4, 115:2 passion [1] - 115:4 passport [1] - 48:11 past [1] - 94:25 path [1] - 61:10 pause [1] - 63:24 pay [5] - 54:23, 57:11, 58:4 payable [1] - 28:3	

Paycheck ^[13] - 4:8, 6:4, 12:19, 23:25, 24:8, 24:16, 24:23, 57:5, 78:11, 78:23, 78:25, 79:14, 85:10 paying ^[1] - 49:2 payment ^[3] - 11:5, 27:20, 55:9 payments ^[1] - 55:11 payroll ^[6] - 25:10, 25:20, 28:4, 84:16, 84:19, 84:21 Pembroke ^[4] - 114:4, 114:6, 114:7 people ^[4] - 17:16, 17:17, 62:4, 97:24 per ^[2] - 45:13, 112:8 percent ^[1] - 50:24 Perez ^[1] - 13:12 permanent ^[1] - 95:21 permanently ^[2] - 93:11, 106:4 permission ^[1] - 23:1 person ^[5] - 29:8, 84:9, 84:10, 100:13, 112:25 Persona ^[2] - 102:6, 102:7 personal ^[3] - 20:2, 20:25, 28:2 pertaining ^[1] - 66:24 Philbrick ^[1] - 109:22 phone ^[19] - 26:9, 26:24, 29:5, 29:6, 32:24, 32:25, 47:1, 47:12, 48:2, 59:4, 59:8, 59:12, 59:13, 97:20, 102:22, 104:3, 104:4, 104:6, 104:8 photo ^[4] - 70:8, 99:8, 99:13 photograph ^[13] - 67:18, 68:21, 68:23, 68:25, 69:2, 69:9, 69:14, 97:12, 97:19, 98:3, 100:13, 101:15, 101:17 photographed ^[1] - 80:5 photographs ^[5] - 70:14, 96:23, 97:1, 97:2, 101:9 physical ^[3] - 41:17, 101:19, 103:5 pick ^[1] - 120:9 picked ^[3] - 119:19, 120:13, 120:15	picture ^[17] - 69:5, 73:20, 73:21, 73:22, 74:6, 74:12, 80:4, 83:7, 98:7, 98:11, 98:16, 98:23, 99:5, 99:14, 101:18, 101:19, 103:5 pictures ^[6] - 97:24, 97:25, 98:1, 98:5, 98:12, 99:3 piece ^[1] - 36:11 place ^[9] - 6:7, 7:19, 8:17, 15:18, 86:10, 87:17, 113:4, 117:21 places ^[1] - 94:8 placing ^[3] - 4:16, 9:7, 9:16 Plaintiff ^[1] - 1:4 plan ^[4] - 33:22, 120:4, 120:12, 121:5 planned ^[1] - 3:4 pleases ^[1] - 38:25 PM ^[14] - 1:6, 71:17, 72:1, 72:2, 72:4, 72:19, 72:20, 119:2, 119:10, 119:12, 119:13, 119:16, 121:16 podium ^[1] - 19:8 point ^[11] - 13:17, 20:15, 38:8, 50:17, 52:3, 54:22, 58:8, 102:21, 105:23, 111:1, 115:22 pointed ^[1] - 36:11 Poitier ^[1] - 110:17 Police ^[1] - 114:5 police ^[1] - 114:10 port ^[1] - 120:14 portal ^[10] - 5:14, 5:17, 6:14, 20:16, 55:10, 55:11, 55:20, 55:21, 57:1 portions ^[1] - 25:24 position ^[3] - 74:5, 120:25, 121:1 positioned ^[1] - 74:10 positioning ^[1] - 74:11 PPP ^[75] - 5:1, 8:24, 9:13, 13:8, 13:11, 13:14, 14:1, 14:3, 14:11, 16:9, 19:25, 20:15, 21:4, 21:7, 21:10, 21:13, 21:16, 21:23,	21:25, 22:8, 22:11, 22:14, 22:15, 25:5, 26:8, 26:22, 27:6, 27:11, 27:22, 28:2, 28:9, 30:6, 31:13, 31:14, 31:15, 32:9, 45:21, 45:25, 46:3, 46:15, 46:17, 46:19, 48:19, 48:22, 66:3, 67:14, 67:24, 67:25, 77:18, 80:23, 82:10, 82:16, 82:22, 83:8, 83:15, 84:6, 85:20, 86:5, 88:21, 89:11, 89:14, 89:17, 89:20, 90:1, 91:10, 91:15, 91:19, 91:24, 92:3, 93:17, 96:14, 96:19, 100:18, 102:3, 105:19 precise ^[1] - 50:20 preclude ^[1] - 63:9 precluded ^[1] - 64:20 preparation ^[2] - 96:24, 97:2 prepare ^[1] - 52:18 prepared ^[2] - 52:6, 121:20 presence ^[1] - 107:8 present ^[2] - 34:19, 67:11 PRESENT ^[1] - 1:18 presented ^[5] - 31:24, 33:8, 33:10, 33:21, 94:9 presenting ^[1] - 34:14 presents ^[1] - 28:15 president ^[2] - 45:10, 45:12 press ^[1] - 103:3 pressed ^[2] - 102:22, 102:25 pressing ^[1] - 98:25 pretty ^[1] - 33:6 previous ^[1] - 68:18 previously ^[1] - 88:11 principal ^[3] - 76:4, 77:7, 79:11 print ^[1] - 53:11 procedure ^[1] - 35:3 Procedure ^[2] - 28:25, 33:4 procedures ^[2] - 34:22, 34:24 Procedures ^[1] - 29:19	proceed ^[2] - 3:18, 47:8 proceeding ^[1] - 33:12 proceedings ^[10] - 15:2, 19:2, 60:7, 65:13, 92:11, 93:10, 106:14, 120:22, 121:4, 121:19 Proceedings ^[2] - 1:24, 121:16 proceeds ^[4] - 27:11, 28:2, 57:4, 82:4 process ^[11] - 16:9, 19:14, 19:19, 20:15, 20:19, 28:15, 32:23, 47:10, 50:9, 52:3, 95:15 Processor ^[1] - 4:23 processor ^[1] - 4:22 Processor ^[1] - 4:23 procure ^[1] - 54:20 procuring ^[2] - 46:6, 105:19 produce ^[4] - 12:18, 13:1, 48:16, 49:22 produced ^[4] - 1:25, 13:11, 16:7, 17:6 product ^[2] - 76:5, 77:8 profession ^[2] - 76:5, 77:8 professional ^[4] - 117:19, 117:23, 118:1, 118:2 proffer ^[1] - 34:6 profit ^[1] - 76:16 profits ^[1] - 75:3 program ^[3] - 102:24, 103:3, 114:20 Program ^[13] - 4:8, 6:4, 12:19, 23:25, 24:8, 24:16, 24:23, 57:5, 78:11, 78:23, 78:25, 79:14, 85:11 promote ^[1] - 41:10 promotes ^[1] - 75:9 prompted ^[1] - 91:21 proper ^[1] - 16:10 proprietor ^[2] - 76:2, 77:4 Protection ^[13] - 4:8, 6:4, 12:19, 23:25, 24:8, 24:16, 24:23, 57:5, 78:11, 78:23, 78:25, 79:14, 85:10 prove ^[1] - 35:19 provide ^[3] - 116:20,	116:23, 118:14 provided ^[2] - 16:3, 118:16 public ^[1] - 41:16 publish ^[6] - 22:23, 23:1, 71:5, 73:10, 75:17, 77:1 published ^[3] - 22:24, 23:2, 23:6 pulled ^[1] - 65:21 purchased ^[1] - 115:1 purchases ^[1] - 45:15 purported ^[2] - 28:4, 50:4 purpose ^[5] - 4:6, 8:23, 18:2, 18:5, 47:25 purposes ^[5] - 37:7, 69:23, 70:10, 72:23, 74:24 pursuant ^[4] - 16:3, 17:6, 28:24, 29:18 pursue ^[1] - 110:8 put ^[17] - 5:9, 7:1, 21:9, 21:12, 21:25, 29:24, 31:21, 32:22, 36:6, 38:4, 54:2, 62:24, 63:23, 65:6, 91:2, 115:4, 115:6 putting ^[4] - 17:24, 18:6, 31:22, 63:9 puzzled ^[1] - 66:5
Q				
qualify ^[1] - 53:15 questioned ^[2] - 33:9, 66:1 questioning ^[2] - 35:1, 35:6 questions ^[21] - 19:4, 19:14, 22:20, 25:23, 28:10, 33:14, 34:16, 35:2, 35:5, 48:7, 78:9, 80:1, 82:16, 92:8, 95:20, 96:2, 96:13, 101:8, 101:13, 103:23 quick ^[2] - 3:2, 93:12 quickly ^[3] - 64:8, 106:13, 120:21 quirk ^[1] - 71:15 quirky ^[1] - 38:1 quite ^[2] - 57:13, 71:15				

quote [1] - 24:3	113:5, 113:7, 114:19	105:18	70:17, 76:19, 78:6	13:24, 21:4, 21:7, 21:9, 21:12, 27:14, 27:18, 34:4, 41:23, 41:24, 42:2, 42:13, 43:7, 46:6, 46:9, 46:21, 49:14, 49:16, 49:24, 49:25, 54:19, 54:23, 55:12, 56:1, 56:5, 57:21, 57:24, 58:11, 59:4, 59:24, 60:17, 60:20, 61:3, 61:7, 61:8, 61:11, 61:13, 61:15, 61:16, 61:17, 61:18, 61:20, 61:22, 62:6, 62:7, 62:8, 62:17, 62:19, 62:20, 63:20, 64:24, 65:17, 67:9, 67:17, 74:1, 81:15, 81:17, 82:1, 82:4, 82:9, 82:23, 82:24, 83:1, 83:7, 83:15, 83:24, 84:3, 85:3, 85:5, 85:7, 85:19, 85:20, 85:24, 85:25, 86:2, 86:4, 93:16, 95:11, 96:2, 96:7, 96:11, 101:6, 117:6, 117:8, 117:11, 117:14, 117:18
R	recess [4] - 28:21, 33:20, 72:19, 121:13	refreshing [1] - 81:3	request [2] - 34:18, 34:20	RIVERO [2] - 2:9, 96:4
R-I-V-E-R-O [1] - 96:8	Recess [1] - 37:3	regard [1] - 62:16	requested [3] - 13:1, 33:16, 48:2	Rivero's [5] - 60:11, 83:6, 87:14, 89:21, 90:3
raised [1] - 37:5	recognize [7] - 10:23, 11:15, 12:16, 69:24, 70:2, 76:13, 108:7	regarding [3] - 65:3, 67:9, 93:16	required [3] - 48:22, 55:10, 69:8	Riveros [2] - 77:15, 77:18
reached [1] - 77:14	recognizing [1] - 103:2	rejected [1] - 66:3	requirement [3] - 48:21, 69:5, 107:6	Riveros' [2] - 67:13, 87:9
read [15] - 6:22, 24:17, 25:21, 25:24, 27:4, 27:9, 27:17, 27:25, 28:5, 48:21, 53:3, 53:13, 68:18, 94:1	recollect [1] - 83:18	related [7] - 12:19, 64:19, 82:7, 83:14, 92:13, 93:21, 115:25	requirements [1] - 49:5	road [2] - 112:7, 112:8
reading [1] - 35:11	recollection [5] - 62:17, 81:8, 81:10, 97:4, 97:10	relates [1] - 64:23	reside [1] - 40:14	role [1] - 34:9
ready [2] - 33:18, 107:17	record [15] - 16:11, 30:21, 31:19, 32:2, 35:18, 37:7, 38:23, 64:2, 64:3, 64:18, 75:20, 81:1, 96:6, 108:16, 121:19	relating [1] - 82:16	residence [2] - 120:5, 120:10	rolled [1] - 57:1
really [7] - 3:10, 30:4, 34:25, 36:8, 44:18, 61:16, 119:18	recorded [1] - 1:24	relationship [4] - 43:24, 54:13, 117:18, 117:19	resolve [1] - 3:2	room [3] - 69:16, 71:18
reason [2] - 56:20, 60:24	Records [30] - 41:5, 41:7, 41:8, 49:12, 75:5, 75:6, 75:8, 75:21, 76:6, 77:9, 79:4, 79:13, 80:2, 80:7, 80:12, 81:11, 83:21, 84:1, 84:4, 84:6, 84:14, 84:16, 85:2, 85:8, 85:10, 88:12, 88:14, 88:16, 88:17, 88:21	released [1] - 51:12	resolved [2] - 36:5, 36:25	roughly [4] - 40:16, 46:8, 59:7, 110:5
reasonable [6] - 29:21, 29:22, 29:23, 30:1, 33:15	records [12] - 12:19, 13:1, 17:11, 17:12, 17:13, 17:25, 18:3, 18:15, 18:18, 18:19, 32:5, 64:19	relevance [4] - 18:5, 60:12, 61:24	respect [18] - 14:1, 17:25, 18:7, 29:4, 31:6, 50:13, 52:20, 54:12, 57:2, 62:17, 68:20, 83:20, 84:3, 85:24, 90:1, 99:19, 99:20, 99:25	RPR [2] - 1:21, 121:22
receipt [2] - 35:19, 63:2	redirect [3] - 19:5, 19:6, 93:12	relevant [1] - 18:9	respond [1] - 65:20	Rule [6] - 14:17, 18:5, 28:25, 29:18, 33:4, 33:17
receipts [2] - 76:8, 77:11	Redirect [3] - 2:4, 2:8, 2:10	remain [3] - 113:25, 114:1, 118:24	responded [1] - 60:22	rule [1] - 17:13
receive [12] - 27:19, 46:17, 57:4, 57:9, 59:4, 79:16, 82:4, 91:4, 93:17, 94:3, 94:13, 95:16	REDIRECT [3] - 19:9, 93:14, 103:24	remains [1] - 117:24	response [4] - 61:1, 61:2, 62:12, 114:15	Rules [3] - 28:25, 29:19, 33:4
received [53] - 9:24, 9:25, 10:4, 13:5, 14:10, 14:11, 15:9, 15:10, 15:11, 15:13, 15:16, 16:2, 16:3, 16:14, 23:10, 23:12, 29:25, 35:16, 35:23, 36:1, 36:5, 36:14, 36:16, 36:18, 36:19, 36:23, 37:9, 37:13, 37:21, 41:19, 46:19, 51:5, 51:8, 51:24, 52:3, 52:22, 64:5, 66:4, 68:7, 71:3, 71:4, 73:9, 75:23, 75:24, 76:24, 76:25, 77:17, 82:8, 83:14, 87:22, 89:8, 94:18, 94:21	reduce [1] - 95:2	remember [39] - 10:13, 13:24, 19:17, 45:18, 46:8, 46:10, 47:15, 50:8, 63:3, 66:8, 68:10, 69:13, 78:16, 79:20, 80:2, 83:14, 83:19, 86:23, 91:13, 91:24, 92:1, 92:3, 93:19, 94:8, 94:16, 95:10, 97:3, 99:24, 100:3, 100:7, 100:19, 101:1, 101:10, 102:2, 102:9, 103:21, 105:24, 105:25, 118:25	responsibilities [1] - 115:21	ruling [1] - 121:2
receiving [2] - 37:20, 62:11	reference [2] - 70:20, 72:7	remove [1] - 15:17	responsible [1] - 56:22	running [1] - 120:21
recently [3] - 53:21, 109:15, 111:15	referenced [1] - 8:1	renew [1] - 61:6	rest [2] - 28:16, 50:10	
Reception [3] -	references [2] - 7:16, 8:11	rent [1] - 116:12	restate [1] - 89:23	
	referring [3] - 30:12, 38:8, 67:23	rented [1] - 117:21	resting [1] - 71:22	
	reflect [1] - 74:9	renting [1] - 117:2	restoration [1] - 11:21	
	reflected [8] - 4:18, 6:9, 7:23, 8:18, 9:9, 9:17, 19:16, 77:11	repairs [1] - 11:3	rests [1] - 28:12	
	refresh [4] - 62:16, 81:7, 97:4, 97:10	repasses [1] - 115:24	result [1] - 13:5	
	refreshed [2] - 81:10,	rephrase [2] - 68:5, 114:22	resume [2] - 28:19, 37:2	
		report [1] - 50:1	retire [1] - 39:20	
		reporter [1] - 36:3	retired [9] - 39:11, 39:12, 41:1, 41:13, 42:8, 113:23, 113:24, 113:25, 114:1	
		REPORTER [1] - 121:17	retiring [1] - 71:13	
		Reporter [2] - 1:21, 121:23	retrieved [1] - 16:1	
		Reporter.....	return [6] - 58:10, 59:17, 65:20, 71:8, 72:1, 72:3	
		 [1] - 2:13	returns [2] - 75:13, 76:19	
		represent [4] - 70:11,	review [2] - 6:23, 13:17	
			ring [1] - 91:7	
			Rivero [97] - 4:21, 5:7, 12:2, 12:3,	

S	Section [2] - 4:13, 4:14	29:5, 32:5, 34:7, 50:1, 50:4, 69:22, 73:13, 74:23, 76:11, 97:5, 97:12	SNIDER [96] - 1:13, 14:14, 14:16, 17:8, 17:22, 17:24, 18:13, 19:6, 19:10, 20:6, 20:9, 20:14, 21:3, 23:6, 23:8, 23:11, 23:13, 26:20, 28:10, 28:12, 29:17, 30:14, 30:17, 30:20, 30:24, 31:2, 31:6, 32:12, 34:1, 34:3, 34:13, 37:4, 37:22, 38:6, 38:11, 38:13, 47:5, 52:10, 52:12, 60:5, 60:10, 61:6, 61:10, 61:18, 61:23, 62:2, 62:23, 63:1, 63:8, 63:13, 63:16, 63:21, 64:1, 64:4, 64:9, 64:12, 64:17, 64:23, 65:1, 65:5, 65:8, 66:14, 67:22, 67:25, 68:3, 71:2, 73:8, 75:20, 75:22, 76:23, 77:24, 80:17, 80:19, 81:3, 81:6, 92:8, 92:16, 92:19, 92:24, 93:1, 93:4, 93:6, 93:8, 95:23, 101:5, 101:14, 103:23, 104:24, 105:13, 105:20, 106:6, 107:12, 107:14, 107:18, 107:20, 120:25	116:14, 116:20
S.W.A.T [3] - 114:11, 114:16	section [3] - 44:10, 80:24, 112:3	showed [6] - 11:14, 29:7, 98:6, 99:4, 99:14, 100:12	Snider [2] - 16:22, 78:6	somewhat [1] - 118:3
safe [1] - 119:1	security [1] - 48:10	showing [3] - 30:19, 32:13, 93:1	Snider's [1] - 16:19	somewhere [1] - 113:23
salaries [1] - 49:2	see [26] - 17:21, 18:16, 20:1, 20:11, 20:22, 23:15, 23:21, 27:2, 27:15, 27:23, 30:20, 51:17, 53:18, 53:21, 59:23, 60:11, 69:24, 70:20, 72:15, 72:16, 73:15, 79:25, 80:16, 80:23, 81:7, 97:16	shown [2] - 14:16, 31:3	Snider..... [1] - 2:4	songs [1] - 41:9
salary [1] - 28:4	seeing [4] - 7:7, 7:9, 31:22, 67:7	sic [2] - 7:13, 98:1	Snider..... [2] - 2:7, 2:10	sorry [20] - 3:7, 5:9, 10:1, 14:13, 16:18, 23:3, 26:13, 32:8, 39:24, 50:16, 52:11, 55:4, 60:20, 60:23, 61:5, 66:18, 67:24, 88:15, 90:7, 112:22
sales [2] - 76:8, 77:11	seeking [2] - 18:2, 18:6	side [1] - 119:22	social [1] - 48:9	sort [2] - 42:6, 78:13
satisfied [1] - 30:2	seem [1] - 80:10	sidebar [13] - 14:25, 15:2, 60:6, 60:7, 92:9, 92:11, 106:9, 106:12, 106:13, 106:14, 107:21, 120:20, 120:22	sold [1] - 43:10	sound [1] - 62:21
saw [7] - 18:19, 29:11, 29:12, 55:25, 70:12, 90:6, 104:19	selfie [3] - 102:12, 102:23, 103:14	sign [13] - 21:4, 21:7, 31:20, 48:1, 51:11, 51:18, 54:25, 56:10, 91:15, 91:19, 91:21, 94:2	solve [1] - 61:16	sounded [1] - 85:23
SBA [17] - 4:7, 8:5, 8:11, 23:20, 23:24, 24:7, 24:15, 24:22, 25:5, 25:15, 27:10, 28:8, 55:9, 55:10, 55:21, 82:9, 82:14	send [1] - 33:2	signatures [9] - 21:16, 21:19, 22:6, 22:8, 22:10, 22:14, 22:16, 29:4, 53:10	someone [14] - 38:3, 61:25, 62:5, 62:11, 64:7, 84:5, 84:6, 97:12, 98:3, 98:7, 98:18, 98:23, 101:18, 120:9	sounds [2] - 60:10, 63:6
scenario [2] - 33:22, 35:7	senior [1] - 68:17	signed [21] - 11:19, 22:9, 23:24, 24:7, 24:15, 24:22, 25:5, 25:15, 29:10, 30:9, 31:11, 31:14, 31:15, 32:6, 32:10, 52:24, 91:17, 92:3, 92:20, 94:8, 94:13	someplace [2] - 43:6, 44:5	South [4] - 44:5, 113:5, 113:7, 114:19
Schedule [22] - 4:9, 4:12, 14:2, 14:3, 24:1, 24:4, 24:9, 24:12, 27:13, 27:21, 29:14, 32:22, 49:22, 50:4, 50:5, 53:18, 53:21, 53:23, 75:1, 75:14, 76:16, 99:21	Senior [1] - 109:20	signer [1] - 31:24	sometimes [10] - 37:15, 37:16, 112:7, 115:24, 115:25, 116:2, 116:6, 116:12,	south [2] - 40:9, 44:11
scheme [1] - 63:20	sense [2] - 103:4, 118:4	signing [6] - 30:18, 31:7, 31:25, 32:1, 92:15, 94:11		Southern [1] - 121:24
School [7] - 39:13, 40:13, 109:21, 109:22, 112:15, 112:22, 112:23	sent [6] - 32:1, 32:24, 32:25, 55:9, 92:4, 92:6	signings [1] - 31:12		SOUTHERN [1] - 1:1
school [8] - 39:22, 40:2, 41:16, 110:3, 110:7, 115:5, 115:6, 115:8	separate [1] - 78:13	simply [2] - 35:17, 36:4		southwest [1] - 44:10
Science [2] - 109:21, 109:22	separated [1] - 69:16	singers [1] - 41:12		speaking [3] - 50:21, 89:24, 105:3
science [4] - 110:1, 110:3, 110:7, 114:23	sequences [1] - 5:22	single [1] - 14:16		speculation [1] - 52:12
scope [3] - 34:6, 34:7, 104:25	served [5] - 16:13, 17:1, 17:3, 17:4, 110:13	sit [2] - 98:13, 103:8		speed [1] - 6:3
screen [2] - 27:2, 70:20	service [2] - 77:8, 121:10	sitting [3] - 80:4, 83:6, 86:12		spell [3] - 38:22, 96:6, 108:16
screens [1] - 19:7	services [8] - 115:23, 115:24, 116:20, 116:23, 117:3, 118:14, 118:16	size [1] - 85:13		spent [2] - 25:10, 25:20
se [2] - 45:13, 112:8	session [1] - 3:4	skip [1] - 6:2		Springs [1] - 109:12
seat [3] - 38:19, 96:5, 108:15	set [1] - 66:9	slash [2] - 110:14, 116:11		staff [2] - 116:14, 117:4
seated [2] - 72:5, 119:3	several [2] - 78:10, 107:24	slide [1] - 22:3		stage [2] - 33:12, 102:16
second [6] - 31:13, 51:19, 100:10, 105:15, 111:12, 118:13	Sheriff's [3] - 111:23, 113:14, 114:22	slightly [1] - 37:18		stand [4] - 16:23, 108:1, 108:2, 108:7
	sheriff's [4] - 112:20, 113:22, 114:14, 115:7	slow [2] - 8:8, 89:24		standard [1] - 29:17
	ship [2] - 119:23, 120:5	small [1] - 53:11		standpoint [1] - 117:20
	shipping [1] - 117:24	Small [5] - 4:5, 4:7, 7:12, 8:22, 8:24		start [10] - 6:20, 15:4, 30:4, 33:24, 57:14, 111:1, 114:2, 115:10, 118:5
	Shores [2] - 39:13, 39:22	smiles [1] - 65:19		started [17] - 41:13, 41:25, 42:9, 42:13, 45:19, 53:21, 65:24, 71:17, 72:22, 111:4, 111:5, 112:20, 112:24, 114:24, 114:25, 115:9, 117:19
	shoulder [1] - 74:2	Smith [1] - 1:19		starting [2] - 110:12, 112:19
	show [12] - 16:25,			

starts ^[5] - 15:5, 36:7, 38:3, 103:2, 103:8 state ^[6] - 38:22, 96:5, 107:2, 107:5, 107:6, 108:16 statement ^[5] - 4:5, 4:10, 5:6, 7:12, 60:11 statements ^[5] - 8:5, 8:13, 8:22, 8:25, 23:20 STATES ^[3] - 1:1, 1:3, 1:11 States ^[7] - 1:14, 1:22, 4:13, 4:14, 28:12, 78:7, 121:23 stating ^[1] - 55:9 status ^[2] - 56:13, 108:21 stay ^[3] - 92:12, 92:25, 93:7 STEINBEISSER ^[1] - 1:21 Steinbeisser ^[2] - 121:21, 121:22 stenography ^[1] - 1:24 stereotype ^[1] - 121:20 step ^[5] - 28:11, 72:3, 95:24, 106:7, 119:8 still ^[9] - 33:22, 35:18, 51:17, 56:16, 57:15, 71:23, 111:14, 115:12 stood ^[1] - 103:1 stop ^[1] - 118:22 stopped ^[3] - 4:2, 44:4, 58:8 straight ^[1] - 40:18 Street ^[1] - 120:17 subcontracted ^[1] - 116:18 subjected ^[1] - 34:5 sublease ^[1] - 115:2 submission ^[2] - 27:6, 28:7 submit ^[3] - 15:12, 29:3, 32:14 submitted ^[4] - 15:4, 27:5, 28:6, 29:14 subpoena ^[18] - 12:6, 12:18, 13:5, 16:3, 16:14, 16:15, 16:17, 16:19, 16:20, 16:22, 16:24, 17:1, 17:3, 17:4, 17:7, 36:13, 40:11	subpoenaed ^[2] - 16:12 subscriber ^[2] - 31:9, 31:17 successful ^[2] - 87:6, 87:19 sufficient ^[2] - 33:2, 71:9 suggest ^[1] - 72:12 suggesting ^[1] - 72:9 sum ^[1] - 94:16 summary ^[4] - 21:15, 26:7, 30:5, 33:2 Sunday ^[1] - 58:19 Sunrise ^[1] - 82:2 superseding ^[10] - 3:25, 4:3, 6:12, 6:17, 6:18, 7:11, 8:4, 8:19, 23:18, 30:3 supplied ^[1] - 27:13 supplying ^[1] - 27:20 support ^[1] - 62:15 supposed ^[4] - 50:14, 50:18, 50:21, 71:18 sustained ^[4] - 66:16, 66:19, 68:4, 105:21 switch ^[1] - 19:7 sworn ^[3] - 38:18, 96:4, 108:14 System ^[1] - 40:14 system ^[1] - 41:16	62:4, 106:23, 107:4, 107:9, 107:10, 108:1, 108:2, 108:4, 108:7 testifying ^[2] - 66:12, 66:25 testimony ^[15] - 31:9, 31:19, 31:25, 32:14, 32:16, 32:20, 33:20, 34:7, 35:7, 62:11, 62:18, 71:12, 85:23, 88:7, 88:9 Thakral ^[1] - 31:19 THE ^[188] - 1:10, 1:12, 1:15, 3:2, 3:7, 3:9, 3:15, 3:20, 9:23, 10:3, 10:7, 10:9, 10:11, 10:15, 10:17, 10:19, 11:10, 11:12, 12:10, 14:12, 14:19, 14:25, 15:3, 15:20, 15:25, 16:4, 16:10, 16:18, 16:21, 16:23, 16:25, 17:4, 17:11, 17:17, 17:23, 18:8, 18:11, 18:16, 18:22, 18:24, 19:5, 20:4, 20:8, 20:24, 21:2, 23:3, 23:7, 23:10, 26:13, 26:16, 26:19, 28:11, 28:13, 28:23, 29:16, 30:12, 30:15, 30:18, 30:23, 31:1, 31:5, 32:11, 33:3, 33:24, 34:9, 34:14, 37:11, 37:23, 38:7, 38:12, 38:14, 38:19, 38:20, 38:22, 38:24, 39:1, 47:6, 52:11, 52:13, 60:6, 60:8, 60:13, 60:23, 61:1, 61:9, 61:15, 61:19, 61:25, 62:3, 62:10, 62:16, 62:25, 63:2, 63:11, 63:14, 63:17, 63:22, 64:3, 64:7, 64:10, 64:14, 64:22, 64:24, 65:2, 65:7, 65:9, 65:14, 66:15, 66:16, 66:17, 66:19, 66:22, 68:2, 68:4, 69:20, 70:20, 70:24, 71:1, 71:3, 71:6, 72:3, 72:14,	72:21, 72:25, 73:5, 73:9, 73:11, 74:21, 75:18, 75:23, 76:24, 77:2, 77:22, 80:18, 81:2, 81:4, 81:5, 92:9, 92:12, 92:18, 92:22, 92:25, 93:3, 93:5, 93:7, 93:9, 93:11, 93:13, 95:21, 95:24, 96:3, 96:5, 96:7, 97:6, 101:13, 105:1, 105:21, 106:3, 106:7, 106:8, 106:11, 106:13, 106:15, 106:19, 106:24, 107:3, 107:19, 107:25, 108:10, 108:13, 108:15, 108:17, 118:22, 119:3, 119:8, 119:11, 119:13, 119:16, 119:21, 119:25, 120:4, 120:11, 120:15, 120:19, 120:24, 121:5, 121:10, 121:13 themselves ^[2] - 27:12, 28:3 thinking ^[2] - 34:18, 80:13 thousand ^[7] - 11:5, 11:23, 50:2, 57:9, 57:18, 88:3, 94:20 thousand-dollar ^[2] - 11:5, 11:23 threat ^[1] - 62:2 threaten ^[1] - 61:22 threatened ^[1] - 61:25 three ^[10] - 9:2, 9:4, 14:24, 25:8, 25:9, 31:15, 96:22, 102:14, 113:10, 113:12 timewise ^[1] - 71:10 Title ^[2] - 4:13, 4:14 title ^[1] - 45:9 today ^[10] - 34:1, 64:12, 71:11, 71:17, 71:22, 77:14, 79:3, 104:14, 115:12, 119:5 together ^[1] - 36:6 took ^[10] - 68:25, 69:13, 86:10, 86:18, 86:23,	86:24, 86:25, 97:19, 98:1, 101:18 top ^[2] - 76:1, 77:4 total ^[8] - 4:11, 8:14, 24:3, 24:11, 24:19, 24:25, 25:10, 30:10 totaling ^[3] - 54:17, 54:20, 55:6 touched ^[1] - 12:5 towards ^[1] - 104:22 Town ^[2] - 114:4, 114:7 track ^[2] - 36:9, 71:24 TRACY ^[4] - 1:7, 2:11, 108:14, 108:17 Tracy ^[37] - 1:19, 5:3, 5:4, 5:6, 6:2, 6:24, 7:12, 11:1, 21:7, 21:13, 21:19, 21:25, 22:9, 22:12, 24:7, 24:11, 24:15, 24:18, 25:14, 25:17, 26:22, 26:23, 26:24, 27:5, 27:10, 27:18, 28:1, 28:6, 29:2, 30:5, 32:2, 32:7, 32:8, 32:18, 32:23, 108:12, 108:17 traffic ^[1] - 3:17 training ^[2] - 114:15, 114:17 transactions ^[4] - 26:8, 26:22, 26:25, 30:8 transcript ^[1] - 1:24 TRANSCRIPT ^[1] - 1:10 transcription ^[2] - 1:25, 121:19 translated ^[1] - 5:14 transmission ^[1] - 30:19 transmitted ^[1] - 4:22 travel ^[1] - 42:24 traveled ^[1] - 47:19 trial ^[2] - 16:12, 28:20 TRIAL ^[1] - 1:10 trick ^[2] - 79:25, 91:16 tried ^[4] - 36:9, 87:4, 87:8, 87:11 trier ^[1] - 29:22 trouble ^[1] - 71:21 true ^[4] - 5:11, 6:23, 14:5, 35:20 truth ^[1] - 60:25 try ^[3] - 36:6, 86:20, 87:13
--	--	---	---	--

trying ^[10] - 73:3, 74:5, 87:1, 87:17, 92:12, 92:16, 92:25, 93:6, 93:7, 93:8 Tuesday ^[1] - 58:19 turn ^[1] - 5:22 turned ^[1] - 118:3 twelve ^[2] - 59:9, 59:10 twice ^[2] - 91:15, 92:6 two ^[9] - 31:12, 32:21, 37:11, 49:25, 57:8, 58:9, 71:23, 96:22, 109:15 type ^[9] - 41:15, 41:19, 42:8, 42:11, 42:17, 43:24, 98:13, 114:3, 118:3 typically ^[1] - 35:8	32:21, 32:22, 89:15, 90:17 upset ^[1] - 55:25 user ^[2] - 19:25, 20:1 uses ^[1] - 7:5 utilized ^[1] - 13:6	5:16, 5:21, 6:2, 6:19, 6:24, 7:12, 8:5, 8:14, 8:21, 9:1, 9:12, 11:1, 11:19, 11:24, 12:20, 21:5, 21:7, 21:10, 21:13, 21:16, 21:19, 21:22, 21:25, 22:9, 22:12, 23:24, 24:3, 24:7, 24:11, 24:15, 24:18, 24:22, 24:25, 25:4, 25:7, 25:14, 25:17, 26:10, 26:23, 26:24, 27:5, 27:10, 27:18, 28:1, 28:6, 29:2, 29:4, 29:9, 29:10, 30:5, 30:6, 30:18, 31:7, 31:15, 32:2, 32:3, 32:6, 32:7, 32:8, 32:17, 32:18, 32:23, 32:25, 66:10, 106:17, 107:15, 107:19, 107:25, 108:12, 108:17, 108:18, 108:21, 108:24, 109:2, 109:4, 109:18, 111:5, 111:6, 111:17, 115:9, 116:6, 119:8 Wade's ^[4] - 12:23, 22:15, 26:8, 26:22 Wades ^[2] - 67:5, 67:7 wait ^[3] - 14:19, 81:2, 90:7 waited ^[1] - 51:16 waiting ^[1] - 58:22 walk ^[1] - 47:9 WALTER ^[2] - 2:6, 38:18 Walter ^[25] - 13:9, 18:12, 18:15, 18:17, 38:24, 53:24, 54:5, 76:3, 77:6, 87:22, 87:23, 88:2, 88:9, 88:21, 89:11, 89:14, 89:17, 89:20, 90:1, 90:9, 91:11, 100:14, 100:17, 103:11, 104:14 wants ^[4] - 61:7, 61:13, 61:16, 62:7 Washington ^[1] - 40:5 ways ^[1] - 37:11 website ^[12] - 4:23,	19:20, 20:1, 50:14, 51:17, 89:2, 89:4, 89:6, 89:15, 102:4, 102:11, 102:17 Wednesday ^[2] - 67:4, 67:8 week ^[1] - 119:20 weekend ^[1] - 119:1 Weinstein ^[1] - 110:24 whole ^[2] - 24:17, 31:24 wife ^[3] - 54:16, 58:11, 117:16 WILCOX ^[59] - 1:17, 3:6, 3:8, 3:19, 3:22, 9:21, 10:1, 10:5, 10:8, 10:10, 10:12, 10:16, 10:18, 10:20, 10:21, 11:9, 11:11, 11:13, 12:9, 12:11, 12:12, 13:20, 13:22, 14:9, 14:13, 14:15, 14:22, 15:19, 15:24, 16:1, 16:7, 16:17, 16:19, 16:22, 16:24, 17:3, 17:5, 17:9, 17:15, 17:19, 18:10, 18:12, 18:14, 18:21, 18:23, 19:1, 19:3, 20:2, 20:13, 20:23, 20:25, 23:9, 26:11, 26:15, 28:24, 72:12, 107:23, 119:15, 120:23 Wilcox ^[4] - 18:1, 19:13, 25:24, 37:5 Wilcox..... ^[1] - 2:4 withdraw ^[1] - 37:25 withdrawn ^[1] - 37:23 witness ^[30] - 3:19, 11:9, 12:9, 16:5, 16:15, 18:4, 18:10, 18:11, 33:21, 34:4, 38:15, 38:18, 61:22, 61:25, 62:5, 62:7, 62:8, 62:11, 69:19, 72:4, 74:20, 77:21, 93:11, 96:3, 96:4, 106:3, 106:11, 108:11, 108:14 WITNESS ^[9] - 11:12, 26:19, 38:24, 66:15, 66:17, 81:5, 96:7, 106:8, 108:17 witnesses ^[5] -	17:10, 17:15, 17:16, 34:10 WITNESSES ^[2] - 2:2, 2:5 Womply ^[25] - 4:24, 5:14, 5:16, 6:14, 12:6, 12:18, 13:1, 16:8, 16:9, 17:17, 19:14, 19:19, 19:25, 32:13, 34:22, 88:25, 89:2, 89:4, 89:6, 89:9, 89:12, 91:4, 91:5, 102:8 Womply's ^[3] - 20:16, 102:4, 102:11 wondering ^[1] - 64:10 word ^[6] - 7:3, 7:5, 7:7, 7:9, 26:2, 26:5 words ^[2] - 37:15, 92:22 workers ^[1] - 116:2 WRIGHT ^[2] - 2:6, 38:18 Wright ^[49] - 13:9, 17:19, 17:20, 18:12, 18:15, 18:17, 34:2, 38:16, 38:24, 39:4, 53:14, 53:24, 54:5, 65:16, 69:22, 73:13, 74:23, 76:3, 77:6, 77:14, 77:25, 78:2, 80:20, 87:22, 87:23, 88:2, 88:9, 88:21, 88:25, 89:12, 89:14, 89:17, 89:20, 90:1, 90:9, 91:11, 92:14, 93:16, 100:14, 100:17, 103:12, 104:1, 104:14, 104:18, 105:4, 105:8, 105:10, 105:19, 105:23 write ^[2] - 45:13, 45:15 writing ^[1] - 28:3 written ^[5] - 11:1, 11:4, 11:5, 11:20, 11:22
U	V	W	Y	
ultimately ^[1] - 87:19 under ^[7] - 14:17, 31:14, 33:4, 40:11, 45:14, 77:10, 111:24 underneath ^[2] - 76:4, 77:7 unindicted ^[2] - 62:13, 62:22 Union ^[1] - 42:23 unit ^[1] - 114:18 UNITED ^[3] - 1:1, 1:3, 1:11 United ^[7] - 1:14, 1:22, 4:13, 4:14, 28:12, 78:6, 121:23 University ^[1] - 40:4 unless ^[2] - 38:2, 72:15 unusual ^[2] - 3:18, 72:15 up ^[30] - 6:14, 6:15, 10:8, 15:6, 21:15, 21:19, 21:22, 21:25, 22:6, 31:6, 42:24, 43:11, 44:4, 44:5, 44:10, 48:1, 48:21, 51:23, 52:3, 63:18, 66:9, 73:15, 86:20, 105:4, 107:1, 107:5, 113:24, 120:9, 120:13, 120:15 uploaded ^[5] - 30:9,	V.A ^[1] - 1:19 vacation ^[2] - 3:4, 72:8 vague ^[2] - 67:22, 68:3 varied ^[1] - 14:6 vary ^[1] - 100:5 vehicles ^[4] - 115:1, 116:13, 117:2, 118:18 ventures ^[1] - 118:2 venue ^[1] - 116:12 verdict ^[1] - 29:22 verification ^[5] - 89:20, 90:2, 102:3, 102:10, 103:15 verify ^[5] - 53:10, 86:7, 87:1, 87:13, 87:20 verifying ^[2] - 86:15, 103:12 Verizon ^[9] - 31:8, 31:9, 31:14, 31:16, 31:17 versa ^[1] - 118:20 vice ^[1] - 118:20 videos ^[1] - 75:9 viewed ^[1] - 32:6 viewing ^[1] - 29:19 viewings ^[2] - 115:24, 116:13 violates ^[1] - 18:4 violation ^[1] - 4:13 visible ^[2] - 20:17, 31:21 voir ^[3] - 28:14, 108:3, 119:17 vs ^[1] - 1:5	W-A-D-E ^[1] - 108:18 W-R-I-G-H-T ^[1] - 38:24 WADE ^[5] - 1:7, 1:7, 2:11, 108:9, 108:14 Wade ^[99] - 1:18, 1:19, 4:4, 4:11, 5:2, 5:3, 5:4, 5:6, 5:11,		year ^[26] - 12:7, 43:4, 46:8, 53:24, 54:5, 57:25, 58:2, 58:9, 76:17, 76:20, 77:12, 78:18, 79:1,

79:21, 79:24,
83:18, 88:22,
110:3, 111:4,
112:16, 113:19,
115:9, 115:16,
118:5, 118:6
years^[12] - 39:17,
39:18, 57:22,
78:20, 109:5,
109:9, 109:15,
111:24, 113:10,
113:12, 115:2,
115:18
yesterday^[10] - 4:2,
12:5, 19:13, 33:20,
59:2, 59:5, 59:8,
59:17, 103:11,
104:3
York^[10] - 42:22,
42:24, 43:3, 43:7,
43:10, 43:19, 44:3,
44:4, 81:23, 81:24
yourself^[4] - 89:15,
90:13, 90:19, 115:6