

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR-60173-KMW

UNITED STATES OF AMERICA, Miami, Florida
Plaintiff, October 21, 2024
vs.
9:35 AM - 4:32 PM
CAROLYN DENISE WADE and DAY 7
TRACY D. WADE,
Defendants. Pages 1 to 231

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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1 (Call to the Order of the Court.)

2 THE COURT: Good morning. I understand that the last
3 juror has just arrived. I'll have the security officer check.

4 Are we having Mr. Perez, I think it was?

5 MR. MCCRAY: Yes, Judge, we have a couple of matters
6 we can bring before the Court.

7 THE COURT: You're supposed to let me know.

8 MR. MCCRAY: I was just going to tell you that he
9 just advised me he's going to invoke the Fifth Amendment. I
10 just learned this five minutes ago. He's outside.

11 THE COURT: Have the witness come in, please.

12 (Mr. Perez entered.)

13 THE COURT: Please come forward and state your name.

14 MR. PEREZ: My name is Clemente Perez. Good morning,
15 Your Honor.

16 THE COURT: Good morning.

17 MR. PEREZ: This case, I plead the Fifth.

18 THE COURT: All right.

19 MR. PEREZ: I just wanted to --

20 THE COURT: You were subpoenaed as a witness --

21 MR. PEREZ: Yes.

22 THE COURT: -- and now you are advising us that you
23 want to exert your Fifth Amendment privilege because of --

24 MR. PEREZ: I --

25 THE COURT: One moment.

1 You want to exert your privilege --

2 MR. PEREZ: Yes.

3 THE COURT: -- against self-incrimination.

4 MR. PEREZ: Yes.

5 THE COURT: You were here last week.

6 MR. PEREZ: Yes, I came. Remember?

7 THE COURT: Of course I remember. That's why I'm
8 asking you. Why didn't you tell us that? Why didn't you tell
9 us you were --

10 MR. PEREZ: Because you said to me the jury wasn't
11 here.

12 THE COURT: The jurors are here now, sir. What does
13 that have to do with anything?

14 MR. PEREZ: Because I ask you. I was going to
15 Daytona.

16 THE COURT: Yes.

17 MR. PEREZ: Right. And then you told me to be here
18 at 9:35.

19 THE COURT: Yes, but why didn't you tell us you were
20 taking the Fifth then?

21 MR. PEREZ: You know --

22 THE COURT: Did you know you were going to take the
23 Fifth last week?

24 MR. PEREZ: I was going to say I take the Fifth, but,
25 you know, I couldn't -- I said that to you, but I didn't --

1 THE COURT: No, you did not. You didn't tell me you
2 were taking the Fifth.

3 MR. PEREZ: Your Honor --

4 THE COURT: Yes, sir.

5 MR. PEREZ: I don't know these individuals. I don't
6 know them. So the only thing -- they know -- they got the
7 text. They got the text. They can show you the text. Okay.

8 THE COURT: What text?

9 MR. PEREZ: Go ahead. Give the text, you know. I
10 talked you to.

11 MR. SMITH: I'm not a witness.

12 THE COURT: What? I'm sorry.

13 MR. MCCRAY: He only told us he was taking the Fifth
14 about seven minutes ago.

15 MR. PEREZ: No, come on.

16 MR. MCCRAY: There's no texts.

17 MR. PEREZ: I was talking to that nice man over
18 there, and I told him that I was taking the Fifth last
19 Thursday, you know. You were talking to me.

20 MR. SMITH: I can address the Court if I'm asked to
21 address the Court.

22 MR. PEREZ: And I even told him.

23 THE COURT: You told him what? When?

24 MR. PEREZ: Thursday, that I was taking the Fifth.
25 Outside I talked to him.

1 THE COURT: Are you referring to the gentleman seated
2 in the courtroom?

3 MR. PEREZ: Yeah.

4 THE COURT: Did he speak to you about taking the
5 Fifth Amendment?

6 MR. SMITH: Sir, last week, he appeared and he was in
7 a rage and he says he didn't want to be here, he doesn't know
8 these people. He says, "Maybe I'll take the Fifth," but he
9 didn't -- you know, he knows that I'm not the lawyer in the
10 case. He knows who the lawyers in the case are. He was
11 pretty upset, and I kind of calmed him down.

12 We had a conversation. He never texted me to say he
13 wanted to take the Fifth. My role was to try to arrange for
14 his presence here with our investigator, et cetera, once he
15 was served --

16 THE COURT: All right. Well, you just can't take the
17 Fifth. You have to have a reason to take the Fifth. So do
18 you have a reason? Do you understand what taking the Fifth --

19 MR. PEREZ: Right --

20 THE COURT: One moment.

21 Do you understand what taking the Fifth Amendment
22 privilege means? In other words, is there something that you
23 think you might say that could incriminate you, in other
24 words, might make you subject to being prosecuted for
25 something --

1 MR. PEREZ: Right, right.

2 THE COURT: -- that you did?

3 MR. PEREZ: They know I didn't do anything wrong.

4 They know everything.

5 THE COURT: Sir, sir --

6 MR. PEREZ: You want --

7 THE COURT: -- you're talking in circles. If you're
8 taking the Fifth -- --

9 MR. PEREZ: Yes.

10 THE COURT: -- Amendment privilege, a person who
11 asserts the Fifth thinks that they did something wrong, and if
12 they say something about it, it could incriminate them --

13 MR. PEREZ: Right.

14 THE COURT: -- it could make them subject to being
15 prosecuted.

16 MR. PEREZ: Right, right.

17 THE COURT: So if you say, "I didn't do anything
18 wrong" --

19 MR. PEREZ: Right.

20 THE COURT: -- there's no reason to take the Fifth
21 Amendment. Do you understand?

22 MR. PEREZ: Yes.

23 THE COURT: So those are inconsistent.

24 MR. PEREZ: Okay. All right. Okay.

25 THE COURT: Those are inconsistent comments. So

1 maybe the best thing for us to do -- let's call the mag
2 section and get a lawyer for him.

3 MR. PEREZ: Why?

4 THE COURT: So that you can talk to a lawyer who can
5 explain to you what the Fifth Amendment is all about because
6 you just can't --

7 MR. PEREZ: I -- I --

8 THE COURT: One moment.

9 MR. PEREZ: Okay.

10 THE COURT: You just can't say "I take the Fifth" if
11 you don't have a reason. If you have a reason, you can assert
12 the Fifth Amendment privilege. And so maybe you need to talk
13 to a lawyer to find out if you have a Fifth Amendment
14 privilege, because what you're saying to me is inconsistent.
15 You're saying, "I didn't do anything wrong, but I want to take
16 the Fifth." Those are inconsistent concepts. Do you
17 understand?

18 MR. PEREZ: Right. You know, I don't want to take
19 the Fifth. They could ask me any questions they want in front
20 of you because, you know -- I just -- I'm nice -- I'm a good
21 man. Okay?

22 THE COURT: All right.

23 MR. PEREZ: 57 years in this country. Okay? I'm a
24 great citizen. I never got subpoenaed in my life.

25 THE COURT: All right.

1 MR. PEREZ: Okay. That's all I'm saying. So he
2 could ask me all the questions and I answer to you.

3 THE COURT: So why are you saying you want to take
4 the Fifth?

5 MR. PEREZ: Because I know that the Fifth
6 Amendment -- right? --

7 THE COURT: Yes.

8 MR. PEREZ: -- of the US -- right? --

9 THE COURT: Yes.

10 MR. PEREZ: The Constitution guarantees --

11 THE COURT: Yes.

12 MR. PEREZ: -- an individual cannot be compelled by
13 the Government. That's all I'm saying to you.

14 THE COURT: That's right. If you were going to say
15 something that makes you guilty of a crime, you don't have to
16 tell on yourself is what the Fifth Amendment is all about.

17 MR. PEREZ: Right, right.

18 THE COURT: If I committed a crime --

19 MR. PEREZ: Right.

20 THE COURT: -- then the authorities can't make you
21 talk if it will make you guilty.

22 MR. PEREZ: Right, right, right.

23 THE COURT: Otherwise, there is no privilege. That's
24 why they have subpoenas.

25 MR. PEREZ: Right.

1 THE COURT: They issue a subpoena.

2 MR. PEREZ: Right.

3 THE COURT: People come in and tell the truth.

4 MR. PEREZ: Right. I didn't know. I tell you the
5 truth. I'll tell you everything they want to know.

6 THE COURT: All right. Have a seat in the spectator
7 area. Just to be cautious, I'm going to have a lawyer come
8 over and talk to you and explain to you what the Fifth
9 Amendment is all about --

10 MR. PEREZ: Okay.

11 THE COURT: -- because I think you don't understand.

12 MR. PEREZ: Okay.

13 THE COURT: You may have been here for 50 plus years,
14 but I don't think you understand the US Constitution. But I
15 could be wrong. But I'm going to let a lawyer explain to you
16 what taking the Fifth Amendment privilege means.

17 MR. PEREZ: Oh, okay.

18 THE COURT: And then you can tell me what you desire
19 to do.

20 MR. PEREZ: Okay.

21 THE COURT: All right?

22 MR. PEREZ: Okay.

23 THE COURT: So go have a seat outside.

24 MR. PEREZ: Okay.

25 THE COURT: And we will call the mag section and see

1 if they can assist us.

2 All right. We're going to see if we can get someone,
3 and I guess what we should do now is proceed with Mr. Wade,
4 and then once we get this resolved, we will find out what to
5 do with the witness.

6 MR. MCCRAY: Judge, one other quick matter.
7 Mr. Nelson Villanueva, I believe his name is, pretrial, called
8 and asked me to please bring up -- he wanted me to bring up to
9 the Court, Mr. Wade received a traffic ticket on Saturday, I
10 believe it was, for driving on a suspended license, and it
11 turned into a criminal traffic ticket because he immediately
12 drove to the police department when he tried to show the
13 officer that his license in the system was not showing as
14 suspended.

15 So the officer gave him a second ticket because he
16 drove to the Coral Springs Police Department. Mr. Villanueva
17 asked me to please tell the Court that he has no intention
18 of -- I think the words he used was calling him in, but he
19 wanted me to bring it to the Government's attention and the
20 Court's attention and that's just what I'm doing.

21 THE COURT: Okay. Government, any comment in this
22 regard?

23 MR. SNIDER: No. The Government was not aware of
24 this incident until Mr. McCray brought it to my attention this
25 morning. I have not spoken to the assigned pretrial services

1 officer. I don't have --

2 THE COURT: I guess what I'm asking you is are you
3 requesting any relief at this time?

4 MR. SNIDER: No.

5 THE COURT: All right. Let's move forward.

6 MR. WILCOX: One other matter. I filed a pleading
7 this morning. We have been trying to introduce a document
8 from the Womply files that were produced pursuant to a
9 subpoena issued by the Government. If I'm not mistaken, I
10 believe that the reason that the Court sustained the
11 Government's objection is because the documents did not meet
12 the requirements of the business --

13 THE COURT: No. The reason is you haven't laid a
14 foundation to offer the exhibit. That's the reason. In other
15 words, you just can't say the Government subpoenaed a document
16 and they gave it to us in discovery and now here it is in
17 evidence.

18 MR. WILCOX: Your Honor, so the reason is not
19 hearsay. It's authentication. Is that what the Court is
20 saying?

21 THE COURT: Has the Government agreed with you that
22 it's a business record and that it can come in with no
23 objection?

24 MR. WILCOX: Well, Judge, when you say it's a
25 business record, that's where I'm getting confused.

1 THE COURT: Business records aren't necessarily
2 self-authenticating. A witness has to come in and say, "It's
3 maintained in the regular course of business." You know the
4 drill. And I know that it's a record of our business and I'm
5 offering it. Many times lawyers stipulate to that and you
6 don't have to go through it. So you have to tell me what the
7 situation is.

8 MR. WILCOX: Your Honor, if I may.

9 THE COURT: You may.

10 MR. WILCOX: Okay.

11 If this was hearsay -- if these records were hearsay,
12 then I would understand that these records would have to
13 satisfy the business exception. They're not being offered for
14 the truth of the matter asserted. They're being offered
15 because the relevance of these records are that they were
16 filed, that they exist. Now --

17 THE COURT: That's the truth of the matter. I'm not
18 understanding you.

19 MR. WILCOX: You're not.

20 THE COURT: You have a document that was
21 subpoenaed -- have you discussed this with the Government?

22 MR. SNIDER: Judge, we have a substantive objection
23 to the admissibility of these documents. Let's put aside for
24 a second the -- they have not -- on the foundation -- let's
25 put aside the foundation. What I believe they're trying to do

1 is offer extrinsic evidence to impeach a witness that the
2 Government believed would be in violation of Rule 608.
3 Specifically, Ms. Rivero testified with respect to a couple of
4 these applications. I don't remember that person. I don't
5 remember doing that Schedule C. Correct?

6 When she was on cross-examination, they showed her
7 the document, said, "Does this refresh your recollection that
8 you did the Schedule C?" She said, "No, it does not." That's
9 it. You can't then call another witness to move in that
10 document.

11 THE COURT: Unless they call in someone who lays a
12 foundation, it's made in the regular course of business, and
13 it's relevant to the issues. Maybe they -- it sounds like
14 what they're trying to do is to show that she was involved in
15 an application that she claims she wasn't.

16 MR. SNIDER: She says, "I don't remember." So
17 putting it in, that doesn't go to her memory. They had two
18 opportunities, which they used on cross and in their own case,
19 to say, "This doesn't refresh your recollection that you did
20 the Schedule C?" She said, "No."

21 THE COURT: It doesn't refresh her recollection.
22 That ends the inquiry.

23 MR. SNIDER: Yes, exactly.

24 THE COURT: Now, do you have -- if the defense wants
25 to offer it, then you lay a foundation, and maybe Womply says,

1 "This document that we have was submitted by this witness."
2 That's impeachment. I don't know how the mechanics work. But
3 if Womply can show in its systems that this particular
4 document was actually submitted by the witness, who doesn't
5 remember it, it would come into evidence.

6 MR. WILCOX: Your Honor.

7 THE COURT: Yes, sir.

8 MR. WILCOX: I would respectfully argue to the Court
9 that under Federal Rules of Evidence 901(a) and (b)(4) that we
10 have laid a sufficient foundation.

11 THE COURT: Well, you're just throwing out numbers.
12 Tell me factually what it is.

13 MR. WILCOX: I'll read it.

14 THE COURT: Tell me factually what you're talking
15 about.

16 MR. WILCOX: Federal Rules of Evidence 901(a)
17 states -- I mean, the title of the rule is authenticating or
18 identifying evidence. (A), "In general, to satisfy the
19 requirements of authenticating or identifying an item of
20 evidence, the proponent must produce evidence sufficient to
21 support a finding that the item is what the proponent claims
22 it is."

23 Then under (b)(4), it says, "Distinctive
24 characteristics and the like, the appearance, contents,
25 substance, internal patterns, and other distinctive

1 characteristics of the item taken together with all the
2 circumstances."

3 I would submit to the Court that we have laid a
4 sufficient foundation, one that the evidence was produced --
5 that the records were produced by a subpoena from Womply
6 that's --

7 THE COURT: You haven't proven that. You haven't
8 proven that.

9 MR. WILCOX: Agent DiPietrantonio testified to that,
10 that these records were produced pursuant to that subpoena.

11 THE COURT: She doesn't work for Womply. The fact
12 that it was produced pursuant to a subpoena doesn't
13 necessarily make it admissible.

14 MR. WILCOX: It was produced by Womply pursuant to a
15 subpoena that -- that's one. That's one.

16 THE COURT: Wait a minute. Did she go to Womply and
17 get the document?

18 MR. WILCOX: No, I assume she did not.

19 THE COURT: Bring the jury in, please.

20 (Jury entered at 9:54 AM.)

21 THE COURT: We're now ready to proceed with the
22 testimony.

23 MR. MCCRAY: Thank you, Judge.

24 DIRECT EXAMINATION (CONTINUED)

25 BY MR. MCCRAY:

TRACY WADE - DIRECT

17

1 Q. Mr. Wade, how many corporations did you and your wife own
2 back around 2020, 2021?

3 A. During those years, we owned Wade Funeral Home, which is
4 located in Hallandale.

5 Q. That's one.

6 A. Wade Funeral Home South, which was located in Cutler Bay,
7 if I'm correct.

8 Q. That's two.

9 A. 1 Step A-Head, which my wife ran from home, and Just Us
10 Two Foundation, which is a nonprofit.

11 Q. What was the purpose of that nonprofit?

12 A. That nonprofit was for assisting the homeless and troubled
13 kids, troubled youth. We would donate book bags and school
14 supplies every year and feed the homeless.

15 Q. And do you still have that corporation?

16 A. Yes, sir, we do.

17 Q. Now, I'm going to move forward.

18 You indicated that you knew Mr. Rivero; is that
19 correct?

20 A. Yes, sir.

21 Q. Now, did you do business with Mr. Rivero with respect to
22 the funeral home?

23 A. Yes, sir.

24 Q. Can you please tell the members of the jury -- give them
25 some examples of things you did with Mr. Rivero's funeral

TRACY WADE - DIRECT

18

1 home.

2 A. Well, Mr. Rivero was not a funeral director, and he would
3 have constant issues with funeral directors. Where I came in,
4 I did embalming for him. I did ship-outs. I saw a couple of
5 families for him. From time to time I've utilized his
6 vehicles. He's utilized my vehicles. He's utilized my staff.
7 I've covered funerals. I've helped him with preneed -- set up
8 his preneed, things of that nature. Anything regarding the
9 funeral business.

10 Q. Okay. Did you have any interaction with his wife with
11 respect to the funeral home business?

12 A. Yes. She was the administrator of the funeral home.

13 Q. And do you remember what type specific business that you
14 did with her?

15 A. Well, I would have to be in communication with her because
16 she handled all the documents, meaning the burial transit
17 permits, monthly embalming reports, affidavits that we would
18 have to -- I think she was also a notary. So she would also
19 have to sign and I would have to sign.

20 Q. Okay. Did Mr. Rivero have any experience dealing with
21 computers?

22 A. No. He wouldn't be a part of those kind of conversations.

23 Q. Okay. Now, back in, say, 2020, when did you first meet
24 Mr. Rivero?

25 A. I can't exactly give you the year, but it was way before

TRACY WADE - DIRECT

19

1 the pandemic. I met him while -- I was covering a service for
2 another funeral home, and I believe he was there with a couple
3 of his vehicles. That's where I met him at.

4 Q. Okay. Now, did there come a time when you -- there was a
5 conversation between you and Mr. Rivero with respect to a PPP
6 loan?

7 A. Yes, it was.

8 Q. Can you tell us about that, please, and when?

9 A. If I recall correctly -- I can't recall why I was at his
10 funeral home, but I know it was for some funeral business. In
11 the parking lot, he asked me did I do a PPP. I was unaware of
12 what a PPP loan was, and he explained it to me as far as what
13 it was.

14 Q. Okay. And did he tell you why he was inquiring?

15 A. Well, he claimed him and his wife can help get the PPP
16 loan. That's what he claimed.

17 Q. Did he mention to you whether or not he and his wife had
18 applied for loans?

19 A. No. He told me he had no need for PPP loans. Him and his
20 wife was just assisting people getting PPP loans.

21 Q. Okay. Did they ever tell you that they had received a PPP
22 loan?

23 A. No, sir.

24 Q. And when he said that they were helping people get PPP
25 loans, did he indicate whether or not they had actually helped

1 the first person get a PPP loan or they were about to start
2 doing that?

3 A. No, he didn't mention any of that. He just mentioned
4 certain businesses as far as funeral homes that I knew that he
5 was assisting.

6 Q. Okay. And did you trust Mr. Eduardo Rivero back during
7 that time?

8 A. Yes, I did.

9 Q. And can you tell us why it is that you trusted him?

10 A. Well, based on all the business ventures we had done, I
11 felt he trusted me with his funeral home. I not only trusted
12 him to do the PPP loan but I thought he was -- if we were
13 doing business as far as me using my license as a funeral
14 director, if I'm trusting him with my license, which if you're
15 in violation of anything as far as your funeral home, that's
16 criminal.

17 So I figured if he was using my license to do certain
18 things that I had no reason not to trust him with anything
19 else.

20 Q. What was your understanding as to who the owner of that
21 business was?

22 A. I thought it was Eduardo Rivero.

23 Q. Did you subsequently learn otherwise?

24 A. Yes. In this court proceeding.

25 Q. Now, I believe one of the witnesses testified that he has

1 a criminal history. Did you hear that?

2 A. Yes, I did.

3 Q. Were you aware of that when you were dealing with him?

4 A. No, sir.

5 Q. When you were approached about a PPP loan, was there
6 anything discussed concerning cost or fees?

7 A. He said that you will have to pay a percentage because you
8 don't know -- no exact price was given because you don't know
9 what you're getting. You're just applying to see if you
10 qualify for this loan, and based on whatever you get, then you
11 have to pay that percentage.

12 Q. Okay. During that particular conversation, was it ever
13 mentioned as to what, if any, documents were needed?

14 A. If I'm correct -- well, it was bank statements, driver's
15 license, social security cards, a voided check.

16 Q. Was that during that initial conversation or was that
17 sometime later?

18 A. That was what he told me was needed initially.

19 Q. Okay. And what was your response once you all talked
20 about the PPP loan?

21 A. I really didn't have a response because he said it was a
22 simple process. He said you're just applying. If you get it,
23 you get it. If you don't, you don't. I didn't think anything
24 was suspicious about it or anything to question him about as
25 far as that went.

TRACY WADE - DIRECT

22

1 Q. Now, did Mr. Eduardo Rivero mention anything to you
2 regarding a Schedule C?

3 A. Never.

4 Q. Okay. I'm going to show you what has been marked -- okay.
5 The Schedule C that you actually filed, you filed one for what
6 years?

7 A. I've never filed a Schedule C.

8 Q. Okay. Now, you filed tax documents for 2019, 2020?

9 A. Yes, sir.

10 Q. Okay. Actually -- just one second. I'm going to show you
11 what has been marked as Government's Exhibit Number 209. Do
12 you see what's being published here, Government's Exhibit 209?

13 A. Yes, sir.

14 Q. Can you please tell us what this is?

15 A. That's my tax return for Wade Funeral Home.

16 Q. Okay. So instead of a Schedule C, is this what you filed?

17 A. Yes, sir.

18 Q. Okay. Now, have you been audited?

19 A. No, sir.

20 Q. Any communication regarding the legitimacy of 209?

21 A. No, sir.

22 Q. It also indicates, if you look on under income -- and I
23 will see if I can push that up a little bit -- income here --
24 and let's go over to 1(C). What does it say your gross
25 receipts and sales equal?

TRACY WADE - DIRECT

23

1 A. If you can move it back over, I believe 1(C) is \$332,681.

2 Q. Okay. And going to 1(A), what does that say?

3 A. It says 300,000 -- it says the same numbers.

4 Q. Okay. These were filed by you with the United States
5 Government?

6 A. Yes, sir.

7 Q. Okay. Did you have a CPA assist you with this?

8 A. Yes, sir.

9 Q. Okay. Did you ever represent to Ms. Granados that your
10 funeral home business made roughly just over a hundred
11 thousand dollars for that same year as reflected in the
12 exhibit that we just went over, which indicated that you had
13 made over 300-some thousand dollars?

14 A. No, sir.

15 Q. Did she ever tell you that she was going to put a number
16 that wasn't consistent with the 300-some odd thousand dollars
17 that we just saw?

18 A. No, sir.

19 Q. When, if anytime, did you learn that Ms. Granados had
20 included a number that was not accurate -- that was false?

21 A. Once this indictment came into place and I looked at the
22 documents.

23 Q. And what were your feelings at that time?

24 A. Deceived, hurt, betrayed.

25 Q. Now, had you ever asked Ms. Granados or Ms. Rivero to file

TRACY WADE - DIRECT

24

1 a PPP loan in the name of your funeral home, Wade Funeral
2 Home?

3 A. I didn't speak to Ms. Granados at all. I spoke to
4 Eduardo. And the understanding was the PPP loan was going to
5 be under Wade Funeral Home.

6 Q. And how was that the understanding?

7 A. Well, based on how he explained it to you, the PPP loan
8 was supposed to be for a business, not personal.

9 Q. And so you mentioned to Mr. Granados that you would be
10 applying for a business loan?

11 A. He asked. He asked did you do one for the funeral home.
12 He asked.

13 Q. And what did you say?

14 A. I said no, initially.

15 Q. Okay. And did there come a time when you said that you
16 would?

17 A. Yes. Yes, sir.

18 Q. Okay. Now, let me show you what has been marked as
19 Government's -- actually, I believe this will be defense 7 --
20 Defense Exhibit 7.

21 Can you tell us what is this?

22 A. That's me emailing Ms. Haydee Granados.

23 Q. I was trying to get it a little smaller. Okay.

24 And what did this email contain?

25 A. I would have to see it.

TRACY WADE - DIRECT

25

1 Q. This is the wrong one. I'm sorry. Excuse me.

2 I'm sorry. I should have been making reference to
3 Defense Exhibit 8.

4 Can you please tell us what this is?

5 A. This is an email coming from Wade Funeral Home going to
6 Ms. Haydee Granados.

7 Q. Okay. And did this email have any attachments to it?

8 A. Yes. Yes, sir.

9 Q. Can you please tell us what the attachments -- what this
10 reflects?

11 A. My Florida Driver's License, my social security card, and
12 an attachment of a voided check for Wade Funeral Home.

13 Q. And I'm going to move over to the next page. Can you
14 please tell us what this is?

15 A. That's the voided check for Wade Funeral Home.

16 Q. Okay. And this was sent at the request of whom?

17 A. Eduardo Rivero.

18 Q. Okay. And Wade Funeral Home's account, can you tell us
19 who that account was with?

20 A. At that time, it was SunTrust, which is now known as
21 Truist.

22 Q. And did you ever receive an email back saying, "Hey, I
23 didn't ask you for that. I asked you for your personal"?

24 A. No, sir, because he asked for it.

25 Q. Now, I'm going to show you -- go back to Defense

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1 Exhibit 7. And can you tell us again what is this?

2 A. That's an email coming from Carolyn Wade to myself, Tracy
3 Wade.

4 Q. And can you tell us what, if anything -- did you do
5 anything with it after you received it from Carolyn?

6 A. Yes, I emailed it to Ms. Haydee Granados.

7 Q. Let's go to the back page. Can you please tell us what is
8 this?

9 A. A voided check from my wife's business 1 Step A-Head, hair
10 salon.

11 Q. And 1 Step A-Head had a bank account?

12 A. Yes, it did.

13 Q. Now, let me ask you. Why didn't Carolyn Wade send this
14 directly to Eduardo or Ms. Granados?

15 A. Probably because she was unable to do it.

16 Q. I'm sorry?

17 A. She probably was unable to do it because she was at work,
18 and initially when the process started, it was a simple
19 process as far as the sending of the documents. I did it for
20 her.

21 Q. Were you the point person between the Riveros and your
22 wife --

23 A. Yes, I was --

24 Q. -- with respect to her loan?

25 A. Yes, I was.

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1 Q. And did there ever come a time when you actually would use
2 your wife's computer to file things?

3 A. Yes, I did.

4 Q. Can you give us an example?

5 A. As far as with the loan?

6 Q. Yes.

7 A. I think I probably went in and uploaded probably a bank
8 statement. I think I signed a DocuSign one time for her also.
9 So, yes, I did go in it.

10 Q. Now, does your wife really know Ms. Rivero?

11 A. No, she doesn't.

12 Q. Did she know Mr. Eduardo Rivero very well?

13 A. No, she doesn't.

14 Q. Who knows Eduardo?

15 A. I do.

16 Q. And did you know Eduardo's wife?

17 A. I knew her through the funeral home itself and through
18 casual social gatherings.

19 Q. Now, has she ever been to your funeral home before?

20 A. Multiple times.

21 Q. Now, did you at some point approach your wife --

22 A. Yes --

23 Q. -- about the opportunity to procure a PPP loan?

24 A. Yes, I did.

25 Q. And can you tell us how that came about, please?

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1 A. So I can't exactly remember the time frame in which it
2 happened, but I know I had already processed my loan. When it
3 was pretty much done or if it was done -- because this has
4 been a while ago -- Eddie said to me, "Well, see. That was
5 simple. It's an easy process. And your wife has a business,
6 so let's see if she qualifies for the loan." And he says, "No
7 hurry. If she doesn't get anything, she doesn't get anything.
8 If she does, she does."

9 Q. So was it your understanding that -- let me strike that.

10 What was your understanding as the condition, if any,
11 that the Riveros would be paid?

12 A. Once she received the loan.

13 Q. So if there was no loan received, there would be no
14 payment?

15 A. Yes.

16 Q. Now, when you presented this idea to your wife, did you
17 explain to her the fee arrangement?

18 A. Yes, I explained to her it was a percentage.

19 Q. Okay. And do you remember what the percentage was?

20 A. It may have been between like 10, 15, or like 20 percent,
21 somewhere up there.

22 Q. You're not really sure?

23 A. I'm not sure of an exact. I just know it was a
24 percentage.

25 Q. And how much did you pay Eduardo?

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1 A. A thousand dollars Zelle and then an additional \$4,000.

2 Q. So you paid him a total of \$5,000 for this loan?

3 A. Yes.

4 Q. Okay. How much did your wife pay the Riveros?

5 A. The same.

6 Q. A thousand dollars?

7 A. A thousand dollars Zelle and then a check for \$4,000.

8 Q. Now, the check that was paid that was -- we'll start with
9 you. That was for \$4,000, you said?

10 A. Yes, sir.

11 Q. And to whom was the check paid?

12 A. I believe it was paid to Jersey City Group.

13 Q. Were you familiar with that corporation?

14 A. Not at all.

15 Q. Why did you pay to Jersey City?

16 A. Well, I knew it was Eduardo's company and I knew he was
17 from New Jersey, but I didn't think nothing more of it because
18 I just figured it was another corporation he owned.

19 Q. And did he indicate to you how -- he indicated to you how
20 to make it out?

21 A. Yes, he did.

22 Q. Did he indicate to you what, if anything, to put in the
23 memo section?

24 A. Yes, he did.

25 Q. And what was that?

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1 A. Well, based on what he said when he explained the PPP loan
2 criteria, he said it was business-related. Anything that you
3 did with the proceeds of the PPP loan had to be business
4 related. So in that memo column, he said you need to put, I
5 guess, equipment in the memo section. So everything had to be
6 related to your business.

7 Q. Okay. Now, did you -- we'll get to that as I progress.

8 Now, with respect to Mrs. Wade, you said she made two
9 payments?

10 A. Yes.

11 Q. Totaling how much?

12 A. \$5,000.

13 Q. How do you know that?

14 A. I was there when she did it.

15 Q. Okay. And to whom did she make her check to?

16 A. The same two people, Zelle -- I think to Haydee Granados's
17 account and then the \$4,000 check to Jersey City Group.

18 Q. Okay. And did they direct her how to make the --

19 A. The same.

20 Q. The memo section?

21 A. Yes.

22 Q. And do you remember what she put?

23 A. I think she may have put equipment restoration or
24 something to that effect.

25 Q. Now, did your wife have equipment in her business?

1 A. Yes, she did.

2 Q. Can you tell us about that?

3 A. Equipment such as she had, like, two salon chairs. She
4 had a -- she does cosmetology, so she had the equipment for
5 cosmetology. She has numerous curling irons, hair dryers. In
6 the area where we sit, it was also set up where a part of her
7 equipment was the furniture that was in there because
8 sometimes her clients will come over and they had other people
9 with them, so they entertained them -- a couch, a TV, things
10 of that nature.

11 Q. By the way, you said something about cosmetology. Does
12 your wife have any background in that?

13 A. Yeah. She was a licensed cosmetologist.

14 Q. Did she attend school for that?

15 A. Yes.

16 Q. Was she certified, if you will, or received some type of
17 license?

18 A. She was licensed in the state of Florida.

19 Q. And do you remember roughly what year that was?

20 A. That was before she met me.

21 Q. Okay. Now, who did you deal with primarily dealing with
22 these PPP loans?

23 A. Eduardo Rivero.

24 Q. Did you have any conversations with Ms. Granados Rivero?

25 A. I may have spoken to Ms. Haydee Rivero about maybe two or

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1 three times pertaining to the PPP application.

2 Q. You saw an exhibit that was introduced by the Government
3 which shows, I believe, there may have been 28 calls
4 commencing from May 4 up until a certain date.

5 A. Yes.

6 Q. Did you speak with her 28 times about PPP loans?

7 A. No, sir, absolutely not.

8 Q. Was it uncommon for you to talk to her on the phone?

9 A. Not at all.

10 Q. When you talked to her, what, if anything, would you talk
11 to her about aside from a PPP loan?

12 A. Again, especially during those times, I know for a fact I
13 was assisting them with pretty much everything that ran in
14 their funeral home. They cannot have any documents go out of
15 there without a funeral director signing off to anything
16 pertaining to remains.

17 So it could have been from ship-outs, embalming
18 affidavits, quarterly embalming reports, burial transit
19 permits. It could have been a numerous amount of things I
20 spoke to her about.

21 Q. Now, were there ever any times when you received either a
22 phone call or an email indicating that you needed some
23 documents from Mrs. Wade?

24 A. Yes, it was.

25 Q. Did they, either Mr. Rivero or Mrs. Rivero, ever deal

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1 directly with your wife?

2 A. No, sir.

3 Q. Who did they deal with?

4 A. Me.

5 Q. And if you were requested to provide documentation -- let
6 me rephrase that.

7 If Mrs. Wade was requested to provide documentation,
8 how did she learn this?

9 A. Through me.

10 Q. And how did you let her know?

11 A. I would try to text her -- not text her. I would call her
12 because she didn't have her phone. You can't have your phone
13 at work. So I will call her either through the master
14 control, or if she was in a unit, then I would call directly
15 to the unit. It all depends where she was working.

16 Q. Okay. Now, are you aware if either Ms. Rivero or
17 Mr. Rivero ever uploaded any information concerning your wife
18 with respect to this application process?

19 A. Yes.

20 Q. Tell us about that.

21 A. My understanding was when I sent the documentation for my
22 wife, it was the same as when I sent the documentation for me.
23 So if they uploaded -- whatever they uploaded for me, they
24 were supposed to do the same thing for my wife.

25 Q. Now, you all didn't apply for the loans at the exact time,

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1 did you?

2 A. No, sir.

3 Q. Do you remember the difference? Was it months? Weeks?
4 Years?

5 A. I don't recall the distance.

6 Q. Okay. But it wasn't the same time?

7 A. No, sir.

8 Q. Now, tell us what you had to do to actually initiate the
9 application process for you.

10 A. I don't exactly remember what I had to do. I just know I
11 had to go in there and put preliminary information in it, and
12 I think you have to authenticate it. That's when they send
13 you the code back to activate the process. So I don't know
14 exactly what I put in. I think it's your name, your email,
15 but nothing of -- nothing -- I can't remember exactly.

16 Q. Okay. Let me just ask you. Tell us what, if any,
17 information was asked of you by Mr. or Mrs. Granados when you
18 first talked to them about this.

19 A. Nothing. They just wanted the documents that they
20 requested. That was it.

21 Q. Okay. We saw your driver's license and the check -- a
22 voided check. Did they ask you for any other information?

23 A. Oh, they wanted the passcodes because --

24 Q. Did you give them that?

25 A. Well, virtually I ended up giving it to them so -- let me

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1 back it up. I was, at the time, working at the sheriff's
2 office on midnights. I was working at the funeral home and
3 covering his funeral home also. I didn't understand the
4 process of this loan, and I guess everything was -- had to be
5 done in a timely manner.

6 So he kept calling my phone, "Oh, you're not paying
7 attention to this," or "You're not doing this," or "You're not
8 doing that. Why don't you just give me your email access and
9 that way" -- because I guess part of the authentication or the
10 codes will come to your email, as they testified to. And he
11 said, "Don't worry about it. You can trust me. When it's all
12 said and done, you could just change your email access and
13 then that's that.

14 "But in order for us to process the application,
15 everything has to be done in a timely manner." He also tried
16 to ask me for my bank account --

17 Q. Before we go to that, did you give him access to your
18 email?

19 A. Yes, I did.

20 Q. Okay. Now, go ahead. Did he ask for access to anything
21 else?

22 A. So then he asked me for access to my business bank account
23 and -- and my personal and I was, like, "Yeah, I trust you but
24 don't trust you like that." I wasn't giving him that.

25 Q. So you never gave him --

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1 A. No.

2 Q. -- access to either of your bank accounts?

3 A. No.

4 Q. By the way, how many bank accounts did you have?

5 A. I have a business account. My wife had a personal
6 account, which I was on. I had a personal account, which she
7 was on. And we had a savings account that we both were on --

8 Q. Okay.

9 A. -- and she also had an account for her business.

10 Q. Okay. Now, did your wife file tax returns in 2019?

11 A. Yes.

12 Q. And she had been audited based upon what she filed?

13 A. No, sir.

14 Q. Any correspondence, to your knowledge, from the United
15 States Government regarding that?

16 A. No, sir.

17 Q. Did your wife apply for a PPP loan?

18 A. Yes, sir, she did.

19 Q. And was she required to DocuSign?

20 A. Yes, she was.

21 Q. Did she DocuSign for a PPP loan?

22 A. For one of them, sir.

23 Q. Okay. And what happened when she put that loan -- when
24 that loan went through?

25 A. Which one?

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1 Q. The first one.

2 A. I think the one she DocuSigned was -- it didn't go
3 through.

4 Q. Okay. And was she required to do another application?

5 A. I don't believe she was required to do another
6 application. I believe, as they testified, it just
7 automatically goes to another lender --

8 Q. Okay.

9 A. -- so she didn't have to.

10 Q. Okay. So on the second one, did she DocuSign the second
11 one?

12 A. I know I -- one of the DocuSigns for her I did.

13 Q. Okay. The first one that didn't go through, do you know
14 why it didn't go through?

15 A. Not at all.

16 Q. Okay. The second one, is that the one that you
17 DocuSigned?

18 A. If I'm -- if I'm correct, yes.

19 Q. And you DocuSigned on her behalf?

20 A. Yes, sir.

21 Q. Was she present?

22 A. No, sir.

23 Q. Did she know it?

24 A. After. I told her.

25 Q. I don't remember if I asked you regarding the voided check

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1 from 1 Step A-Head. Did you send that to someone?

2 A. Yes. I sent it to Ms. Haydee Granados.

3 Q. Okay. Now, you indicate that you have a bank account --
4 the joint account with you and your wife. Which bank is that?

5 A. It was a USAA bank account.

6 Q. Now, is that a local bank?

7 A. No. USAA is based out of Texas.

8 Q. Okay. Do they have a branch here?

9 A. No, sir.

10 Q. Okay. How did you bank with them if they didn't have a
11 branch?

12 A. Everything you do with them had to be through the app or
13 online.

14 Q. Okay. And is there a portal connected with that bank
15 account?

16 A. Yes, sir, it is.

17 Q. What is a portal, first of all, if you know?

18 A. It's an app. We use an app.

19 Q. Okay.

20 A. Okay. And that app, in order to get in it, you have to
21 authenticate a code. So I have a code. She has a code. We
22 don't use the same code to go in. So once you go in and open
23 it up, everything you have with USAA is at your disposal --
24 USAA.

25 Q. Now, when you go in that portal on that app, do you --

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1 what are the different reasons that you can go into that
2 account?

3 A. We had life insurance, we had car insurance, we have
4 personal accounts, we have credit cards, personal loans, all
5 accessible through that app.

6 Q. So if you look at documentation concerning that particular
7 account with USAA and it shows that you've gone and opened up
8 that portal, do you -- once you have looked into that
9 account -- to check for money?

10 A. No, sir.

11 Q. Now, I believe the Government introduced an exhibit which
12 showed that, back around the time when you applied for the
13 loan, that you had, like, \$50 in that account. Is that all
14 the money that you and your wife had, \$50?

15 A. No, sir.

16 Q. Can you tell the jury what, if any, other moneys you had
17 at that time?

18 A. I think at the time in the savings account we had over
19 \$30,000 in our savings account, and in my business account I
20 think I had almost 40,000. I'm not sure on an exact amount
21 but we had money accessible to us.

22 Q. Did you go into that bank account around the time when
23 you -- right after you had applied for the loan?

24 A. Probably did, yes.

25 Q. Okay. Were you going in anxiously waiting on this money?

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1 A. No, sir.

2 (Phone rang.)

3 THE COURT: I used to have a rule that if lawyers had
4 a phone in the courtroom and it went off that they would have
5 to pay a fine. So I guess I'm going to have to assess myself
6 with a small fine to my favorite charity.

7 BY MR. MCCRAY:

8 Q. Now, Mr. Wade, back around 2020 and 2019, did you and your
9 wife own any real estate?

10 A. Yes, sir.

11 Q. Let's start with 2019. Can you tell the members of the
12 jury what, if any, properties you owned?

13 A. If I'm correct, the home in Coral Springs we owned in
14 2019.

15 Q. Okay. Is that where you live now?

16 A. No. This is another home we live in now in Coral Springs.

17 Q. Okay. Can you tell us what, if anything, happened
18 regarding the 2019 Coral Springs property?

19 A. We ended up selling it.

20 Q. When did you sell that property in relation to the PPP
21 loan?

22 A. Probably around 2020, somewhere up in there.

23 Q. Okay. And when you sold that property, did you acquire
24 any other property?

25 A. At the same time we had the property in Coral Springs we

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1 also owned a property in Port St. Lucie where we lived prior.

2 Q. So you owned that property?

3 A. Yes, sir. Yes.

4 Q. Are you able to give the members of the jury an estimate
5 of your net worth back around 2019, 2020?

6 A. My net worth of everything?

7 Q. Yes, meaning your properties, equity --

8 A. Almost \$2 million.

9 Q. And that was around the time when you all were applying
10 for the loans?

11 A. Yes. Yes, sir.

12 Q. Now, were there other persons on that bank account -- the
13 USAA bank account with you?

14 A. My wife had -- was on the account. All of the children
15 were on the USAA bank account also. So, like, when you open
16 the portal, you can see everybody that's associated with you
17 and their accounts, everything that's there. For example, my
18 wife's son, she would monitor his account, you know, just to
19 ensure everything was okay with him and his account. That was
20 one of the reasons why we went in there -- she went in there.

21 Q. Does your wife go in that account frequently?

22 A. Absolutely, yes.

23 Q. Did you ever receive a loan with respect to the PPP
24 application?

25 A. Yes, sir.

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1 Q. When you applied for the loan, can you tell the jury
2 actually what it is you did to actually apply? Was there a
3 computer involved?

4 A. Yes, sir, it was.

5 Q. Can you tell us about that?

6 A. I used my computer from my office, I used the computer
7 from my home. I used my phone apps. I used my wife's tablet.
8 I used her laptop. I used the computer.

9 Q. Did there come a time when you -- let's talk about your
10 loan first, where you had to DocuSign.

11 A. Yes, sir.

12 Q. And when went -- when you DocuSigned, what device was that
13 on?

14 A. I believe my computer from my office.

15 Q. Okay. And when you did that, tell us what you could
16 actually see on the screen.

17 A. Well, you get an email for a DocuSign. You click on the
18 link and it takes you to the portal. When it pops up, it is
19 instructing you about if you have not used that computer
20 before, then it tells you to adopt a signature. If you have
21 used that computer before, then your signature is already
22 there, and all you're doing is just initialling the
23 statements. You're not seeing any application. You're not
24 seeing any numbers. All you're doing is just initialling,
25 initialling, initialling. That's it.

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1 Q. Did you see a PPP application when you went into the
2 computer to DocuSign?

3 A. No, sir.

4 Q. Did you see a Schedule C?

5 A. No, sir.

6 Q. Could you have seen it and just deliberately ignored it?

7 A. No, sir.

8 Q. What about -- I said "it." Let's talk first about the PPP
9 application.

10 Could you have seen it and just simply ignored it?

11 A. No, sir.

12 Q. What about with respect to the Schedule C?

13 A. No, sir.

14 Q. Were you ever told by Haydee Rivero or her husband that
15 they would have to put in false numbers in the PPP
16 application?

17 A. There was never a discussion of any fraudulent activity
18 being authorized or approved.

19 Q. Did they ever even mention a Schedule C to you?

20 A. No, sir.

21 Q. You spoke with them regarding your wife, you say, I
22 believe?

23 A. Yes, sir.

24 Q. With respect to your wife's application, did they ever
25 tell you that they would have to use fraudulent information in

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1 the application?

2 A. No, sir.

3 Q. Did they ever tell you that they would have to use
4 fraudulent information in the Schedule C?

5 A. No, sir.

6 Q. Now, your wife's business -- you know pretty much what
7 kind of business she's doing financially. Is that a fair
8 statement?

9 A. Yes, sir.

10 Q. If you had been told by her, meaning -- husband or wife,
11 Eduardo or his wife, that they were going to put a figure of
12 say \$113,000 for 1 Step, would you have known that that was
13 false?

14 A. Absolutely.

15 Q. Did you ever see a document that reflected that 1 Step,
16 the beauty salon, had receipts of 100-plus-thousand dollars
17 for the taxable year, I believe, 2021?

18 A. Did I --

19 Q. Years, yes.

20 A. Before this proceeding?

21 Q. Yes, before this case.

22 A. Oh, no. No, sir.

23 Q. When was the first time that you saw a fraudulent
24 Schedule C?

25 A. I don't know if it was a fraudulent Schedule C, but I saw

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1 the fraudulent documents the night before my wife was taken in
2 by the Broward County Sheriff's Office.

3 Q. When you learned about this, how did you feel?

4 A. I was puzzled initially, angry initially. Then I called
5 Eduardo immediately.

6 Q. Did you speak to him?

7 A. Yes, I did.

8 Q. And what was said?

9 A. I questioned that because initially when I was looking at
10 the documents online and I -- I was initially looking because
11 the document was unfamiliar to me. So I'm trying to
12 understand what it is because initially when my wife was under
13 investigation with the sheriff's office, we didn't know why,
14 and then certain other deputies started calling saying this is
15 what it has to be for.

16 So someone gave me the site, and I went and we pulled
17 it up, and I was looking for her EIN number, and I kept trying
18 to understand why her EIN number was not on the document.

19 Q. Why did you think it should have been on the document?

20 A. Because it was supposed to have been for her business
21 1 Step A-Head.

22 Q. Had you provided that to either Mr. Rivero or Mrs. Rivero?

23 A. I provided that to Eduardo Rivero with her EIN number.

24 Q. That was when you sent that email?

25 A. Yes.

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1 Q. Go ahead. When you were looking -- go ahead.

2 A. So as we were looking at it and we're trying to go, then I
3 see her Social Security Number on here and I say, "Wait a
4 minute. She put this loan in your personal name because you
5 your name is here." It says "Carolyn Wade" and it has her
6 Social Security Number.

7 And I used some profanity and then I immediately
8 called on the phone. So when I called on the phone,
9 Eduardo -- he tried to fast-talk me. And he was, like, "No,
10 no, no, no, no, nothing's wrong, nothing's illegal." Then
11 Haydee gets on the phone and says, "Hey, I didn't do anything
12 wrong. Your wife's only in trouble because BSO is trying to
13 make a statement against all the deputies. I did everyone
14 else's PPP loan correct and no one else is having a problem."

15 So I said -- I questioned her on certain things in
16 the application and she said, "Oh, just tell them it's a
17 typo." I said, "Typo my" -- and I hung up the phone.

18 Q. Now, were you arrested around the time when your wife was
19 arrested?

20 A. No, sir.

21 Q. At the time in which your wife was arrested, were you
22 aware that your application and Schedule C had been falsified?

23 A. Yes, sir.

24 Q. You were aware the night your wife got arrested?

25 A. No, not that night, but eventually down the road, after I

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1 started doing an investigation of the facts, then I looked at
2 it and I was, like, "Ah, wow. They did mine the same way."

3 Q. Okay. And eventually the Government --

4 A. Yes.

5 Q. -- caused your arrest?

6 A. Yes, sir.

7 Q. Now, with respect to Wade Funeral Home, did you have
8 employees back around the time that you applied for the PPP
9 loan?

10 A. Well, I called them based on how my CPA says they're
11 considered to be workers or laborers --

12 Q. Okay.

13 A. -- but yeah, the same thing.

14 Q. Did you pay taxes on them?

15 A. No, sir.

16 Q. Why didn't you?

17 A. Because I did 1099s.

18 Q. Okay. What's a 1099, if you remember?

19 A. The 1099s are for people -- businesses use the 1099s for
20 what -- consider them as vendors, if I'm correct, if you're
21 not withholding taxes from people that work for your business.

22 Q. Okay. So is that why you didn't list that you had -- that
23 you were -- excuse me.

24 Okay. So why did you file a 1099 as opposed to not
25 taking taxes out -- as opposed to taking taxes out? I'm

1 sorry.

2 A. It's just based on the way it was explained to me by my
3 CPA. That was the way we need to do it if we weren't going to
4 be withholding taxes.

5 Q. Okay. I beg the Court's indulgence.

6 Now, Mr. Wade, did you ever enter into some type of
7 agreement with the Riveros to defraud the Government?

8 A. No, sir.

9 Q. Did you ever authorize them to file these fraudulent
10 documents?

11 A. No, sir.

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

13 THE COURT: Ladies and gentlemen, there's a brief
14 matter that I had scheduled at 11:00, so I'm going to take
15 that matter up now so that you all can get these issues
16 resolved, and this will be in conjunction with your break. So
17 we should be back and ready to proceed in about 20 minutes.
18 Thank you.

19 (Jury exited at 10:49 AM.)

20 THE COURT: Be seated, please. You may step down,
21 sir.

22 Mr. Gilbert, will you come forward, please.

23 We have been advised that Mr. Perez has had the
24 opportunity to consult with an attorney. We contacted the
25 magistrate section. And so I'm going to get the information

1 as it is presented to us. And let's get Mr. Perez in the
2 courtroom. He should be out in the hall.

3 MR. SNIDER: I'm sorry, Judge. I didn't realize the
4 matter you were taking up was related to this case. That's
5 why --

6 THE COURT: No, it's this case. It's the matter with
7 Mr. Perez.

8 MR. SNIDER: Understood. I thought it was separate,
9 so I was going to the restroom. I'll use it later.

10 THE COURT: I don't know what to tell you.

11 Mr. Perez, will you come forward.

12 All right. Counsel, would you state your appearance,
13 please.

14 MR. GILBERT: Yes, Your Honor. JP Gilbert, assistant
15 federal public defender, along with Ms. Batoff.

16 We have spoken to Mr. Perez. We understand the Court
17 asked us to inform Mr. Perez of the Fifth Amendment and what
18 that entails and what that would entail in this particular
19 trial. We explained the Fifth Amendment in detail, had a
20 conversation about what we anticipated his testimony to be.
21 It sounds like he received some -- some poor legal advice from
22 a friend. Based on our conversation, I don't believe it
23 should be an issue going forward --

24 THE COURT: Meaning no Fifth Amendment privilege
25 issue.

1 MR. GILBERT: There should not be any invoking of any
2 Fifth Amendment privilege in the case, Your Honor. I think he
3 now understands that and understands the Fifth Amendment, Your
4 Honor.

5 THE COURT: Mr. Perez, have you had an opportunity to
6 consult with counsel?

7 MR. PEREZ: Yes.

8 THE COURT: Did you understand his explanation of the
9 Fifth Amendment?

10 MR. PEREZ: Yes.

11 THE COURT: You mentioned earlier that on one
12 occasion it was your desire to testify. Having consulted with
13 counsel, is it your desire to testify in this trial?

14 MR. PEREZ: Yes.

15 THE COURT: Do you have any questions to ask about
16 anything that we have discussed in this regard?

17 MR. PEREZ: No, no, no.

18 THE COURT: Counsel, anything further from either
19 side?

20 MR. MCCRAY: Not from the defense, Judge.

21 THE COURT: Government?

22 MR. SNIDER: Okay. We're not going to raise anything
23 at this time.

24 THE COURT: All right. Thank you very much for
25 getting involved on such short notice.

1 Mr. Perez, let me just check.

2 What is it that you desire to do? Do you desire to
3 call Mr. Perez now or later?

4 MR. MCCRAY: Judge, the Court did promise Mr. Perez
5 that when he comes we would take him first.

6 MR. PEREZ: Yes, yes, of course.

7 MR. MCCRAY: And he has to go to work, I believe.

8 THE COURT: So when we resume, I will advise the jury
9 that we are taking a witness out of turn, so to speak. We
10 will go with Mr. Perez's testimony and then back to Mr. Wade.

11 MR. MCCRAY: Thank you, Judge.

12 THE COURT: All right. So the jury's taking a short
13 break. We're going to take about a ten-minute break and then
14 we will have you come in, be sworn, and testify, Mr. Perez.

15 MR. PEREZ: Yes.

16 MR. GILBERT: I'm sorry, Your Honor, and I have
17 clients waiting for me at FDC, so I will not be present.

18 THE COURT: You're excused.

19 MR. GILBERT: Thank you, Your Honor.

20 MS. BATOFF: Your Honor, would you like me to stick
21 around?

22 THE COURT: Ms. Batoff, I didn't even know you were
23 involved. When you say may you stick around, if you want to
24 just stay here, you're welcome to, but I'm not sure. Were you
25 anticipating advising Mr. Perez?

1 MR. GILBERT: She was, Your Honor, yes.

2 THE COURT: All right. I excused your co-counsel in
3 this matter and you are excused as well, should you desire to
4 depart.

5 MS. BATOFF: Thank you, Your Honor.

6 MR. MCCRAY: Judge, I do have one other witness that
7 we -- we were finally able to contact.

8 THE COURT: I'm sorry. I'm having a little
9 difficulty --

10 MR. MCCRAY: Excuse me. I do have one other witness
11 who just showed up who we were not sure if he was going to
12 show up because he's out of Tampa and was impacted by the
13 hurricane. And -- I mean, his testimony is very similar. He
14 was one of the 21 persons who Ms. Granados had dealt with with
15 the loan. I don't know if the Court wants to take that person
16 out of turn --

17 THE COURT: It's your case in chief.

18 MR. MCCRAY: I would like to go ahead --

19 THE COURT: So if you want to call another witness in
20 your case in chief --

21 MR. MCCRAY: All right.

22 THE COURT: -- I'll leave that up to you.

23 MR. MCCRAY: That's fine, Judge. Yes.

24 (Recess from 10:55 AM to 11:16 AM.)

25 MR. SNIDER: Judge, will you tell the jury what's

1 happening so they're not confused about why the Government
2 is --

3 THE COURT: Of course.

4 MR. SNIDER: Thanks.

5 MR. MCCRAY: And, Judge, with respect to Mr. Perez,
6 we want to proffer -- we would like to offer a proffer of his
7 testimony based upon the Court's ruling concerning the
8 document that we received from the Government which was
9 received from Womply.

10 THE COURT: I don't know what you're talking about.
11 Is that somehow related to Mr. Perez?

12 MR. MCCRAY: Yes. We have a fake Schedule C that we
13 received from the Government.

14 THE COURT: You received from the Government, but
15 what -- you mean in discovery.

16 MR. MCCRAY: Yes, in discovery.

17 THE COURT: Okay.

18 MR. MCCRAY: Yes, that's why I said "based on your
19 prior ruling." We received it from the Government. The
20 Government received it from Womply pursuant to subpoena.

21 THE COURT: From Womply.

22 MR. MCCRAY: Yes. And based upon the Court's prior
23 ruling, we anticipate difficulty introducing the fake
24 Schedule C. So for purposes of the record and appellate
25 purposes, Mr. Wilcox would like to proffer the witness's

1 testimony because we don't know if the Court's going to allow
2 it in with respect to the fake Schedule C, and that goes to --

3 THE COURT: Well, I mean, I don't know what -- you've
4 mentioned this issue. You talked about 900 of the Federal
5 Rules of Evidence. This is not a 900 issue. It's 803.6.
6 This is a business record; right? This is a business record.
7 And I don't know how this relates to this witness. Do you
8 want to --

9 MR. MCCRAY: Judge, the fake Schedule C is
10 purportedly Mr. Perez. It's a Schedule C with his name,
11 social security --

12 THE COURT: Was there a loan applied in his name --

13 MR. MCCRAY: Yes.

14 THE COURT: -- by Ms. Rivero --

15 MR. MCCRAY: Yes.

16 THE COURT: -- that he was involved in?

17 MR. MCCRAY: Yes.

18 THE COURT: Thank you for letting me know that. Keep
19 going forward.

20 MR. MCCRAY: And this is one of the gentlemen who
21 Mr. -- I'm sorry -- Ms. Granados indicates that she doesn't
22 recall -- she didn't recall him, but he recalls her. He
23 recalls being approached by her. He's a pesticide person. He
24 was spraying her house and she approached him about a loan,
25 and he said that he spoke with her, applied for a loan but it

1 didn't go through.

2 He said that she never ever at any point mentioned
3 anything about a Schedule C. She never mentioned anything
4 about taxes. She never asked him about any money he made. I
5 showed him the Schedule C a few minutes ago. He says, "Wow,
6 I've never, in my 57 years, made a hundred thousand dollars in
7 one year. I never told her that. I didn't authorize her to
8 put it there." He had never seen the document before.

9 THE COURT: And it has his name on it.

10 MR. MCCRAY: Yes, it does and the proper address,
11 because he will testify that he did give her, as the other
12 folks, his driver's license. He had his address on it, Social
13 Security Number. And there was one other document consistent
14 with what Mr. Wade and Mr. Wright has said. But he said that
15 his first time ever seeing or hearing about a Schedule C
16 was -- well, actually, I talked to him last week, but the
17 first time seeing the document was a few minutes ago. And we
18 would like --

19 THE COURT: Okay. I see.

20 MR. MCCRAY: -- like to introduce that Schedule C,
21 Judge, just to show that this was filed and he never
22 authorized it. He never knew anything about this.

23 THE COURT: All right. I understand all of that.
24 He's never seen it before; is that correct?

25 MR. MCCRAY: Not before today, Judge.

1 THE COURT: All right. So is this a document that
2 was in a Womply file?

3 MR. MCCRAY: Yes, sir.

4 THE COURT: And how do you know that?

5 MR. MCCRAY: Because the Government sent a subpoena
6 out and --

7 THE COURT: What does the subpoena say, if you can --

8 MR. MCCRAY: What's the exact language?

9 It's Defense 5.

10 MR. SNIDER: Judge, Mr. Clemente is in the courtroom.

11 THE COURT: All right.

12 MR. MCCRAY: We'll call you.

13 THE COURT: I think the rule is invoked, isn't it?

14 MR. MCCRAY: Yes, it is, and I told him to stay out.

15 Judge, this has been introduced -- right? -- because
16 you questioned him. Judge, we have here a subpoena to testify
17 at a hearing or a trial in a criminal case sent to Oto
18 Analytics Inc. d/b/a Womply, Attention: Legal compliance in
19 Wilmington, Delaware. And it specifically says, "Please
20 provide all records in the custody or control of Oto Analytics
21 Inc., d/b/a Womply, related to Paycheck Protection Program PPP
22 loan 6697269001, business legal name Carolyn Wade, including
23 the entire content of any electronic or physical file related
24 to PPP loan number" -- the same loan number --

25 THE COURT: One moment. Just so I'm clear, this is a

1 loan file related to Ms. Wade?

2 MR. MCCRAY: Yes, Judge.

3 THE COURT: Now, how is it that this document that
4 we're questioning now is in Ms. Wade's file?

5 MR. MCCRAY: Because the IP address of Ms. Rivero was
6 also in Ms. Wade's file and also in Mr. Perez's file, and
7 Womply, because of the way this language is, sent any files
8 that also had Ms. Granados Rivero's IP address, and that's why
9 we were able to get 18 files because she was the common
10 denominator in each of those -- actually, it was 21 files.

11 Judge, would you like to see the subpoena?

12 THE COURT: So the subpoena is directed to Womply,
13 saying, "Send us all information related to a number of
14 Mrs. Wade's; is that correct?

15 MR. MCCRAY: Yes.

16 THE COURT: And so because Haydee Rivero was somehow
17 related to the Wade file, they sent everything related to
18 Granados to --

19 MR. MCCRAY: That's correct, Judge.

20 THE COURT: -- the Government.

21 MR. MCCRAY: Right.

22 THE COURT: And so what makes it relevant to this
23 case? You had a witness here from Womply who could have said
24 what you just said. And I'm not sure what else they would
25 have said about a Schedule C. The Schedule C was in the file?

1 MR. MCCRAY: Yes.

2 THE COURT: But at the same time, it was rejected.
3 I'm not sure I understand that. Why was it in the -- Womply
4 received it but, what, they rejected the application?

5 MR. MCCRAY: Yes, Judge. I don't know the basis of
6 the rejection, but there are others also who we just could not
7 get service -- a subpoena on, who were also rejected, but a
8 Schedule C was still submitted, and we believe it's important
9 to our case --

10 THE COURT: Well, I mean, it's not that it's
11 important. It's how does it come in through the evidence
12 rules. That's what it is.

13 MR. MCCRAY: I understand that, but you also talked
14 about the relevancy, and I was getting ready to address that.

15 THE COURT: Yes, I'm seeing a little clearer now why
16 it might be relevant, all of the machinations here, and why it
17 was received, but you would need -- you would need a Womply
18 witness. Wouldn't you? Wouldn't you need a Womply witness to
19 explain how these numbers match, et cetera?

20 MR. WILCOX: Your Honor --

21 THE COURT: Let me just try to follow him because I'm
22 kind of understanding a little better. So when he finishes,
23 I'll give you a chance to --

24 MR. MCCRAY: I'm listening, Judge.

25 Judge, Number 9 in the attachment -- I didn't read

1 this -- it says, "Other applications" --

2 THE COURT: Number 9, what are you referring to?

3 MR. MCCRAY: I'm going back to the subpoena duces
4 tecum.

5 THE COURT: Okay.

6 MR. MCCRAY: There are ten requests, but the ninth
7 request says, "Other applications with same IP addresses as
8 PPP loan number" -- the one that I gave you.

9 THE COURT: Yes, but don't you need someone here from
10 Womply to talk about this business record? How does it just
11 come in? Because the Government subpoenaed something, that
12 doesn't provide the foundation for the document. It's similar
13 to earlier in this case there were lots of business records
14 that came from the Small Business Administration, and you all
15 were discussing, and the Government somehow was able to get
16 the records to you.

17 You all reached an agreement about those documents so
18 that they could come into evidence. Remember that discussion?
19 Now, you sent a subpoena to our office by email, which we
20 didn't get --

21 MR. MCCRAY: The first trial, yes. I do remember
22 that, Judge.

23 THE COURT: So what's the basis for the Womply
24 documents? Don't you need a records person from Womply? You
25 can't just say the Government issued a subpoena and we got the

1 documents, so therefore they're now relevant business records.
2 That's the piece that I'm missing.

3 There was a Womply witness here who -- he was really
4 the technician. I'm not sure you had a -- I'm not sure there
5 was a custodian of records for Womply.

6 MR. MCCRAY: I think I recall Mr. Wilcox asking about
7 the subpoena --

8 THE COURT: Asking who? Asking who?

9 MR. MCCRAY: The witness is, Mr. Thakral I believe
10 his name is, and I don't believe he --

11 THE COURT: He created the program and he can explain
12 the machinations of --

13 MR. MCCRAY: Right. I recall that, but I'm saying
14 Mr. Wilcox, I believe, asked him about the subpoena, but I
15 don't think he --

16 THE COURT: Asked him about this document?

17 MR. MCCRAY: The documents that were requested via
18 the subpoena, and I don't think he had any information on
19 that.

20 THE COURT: All right. So that's the point. Where
21 is the information, as you say, on that, the custodian of the
22 Womply documents?

23 MR. MCCRAY: Judge --

24 THE COURT: See? That's the missing link.

25 MR. MCCRAY: Judge, Mr. Wilcox has really worked on

1 this issue, if you --

2 THE COURT: Yes, sir.

3 MR. WILCOX: Your Honor --

4 THE COURT: Yes, sir.

5 MR. WILCOX: -- it seems to me that we would only
6 have to satisfy the business records exception to the hearsay
7 rule if the item that we were offering were hearsay. We're
8 offering these items as nonhearsay. Whether the contents of
9 the items are true or false is completely irrelevant to the
10 purpose of why we're offering them.

11 THE COURT: What are you offering them for?

12 MR. WILCOX: Excuse me?

13 THE COURT: What are you offering them for?

14 MR. WILCOX: We're offering them to show that, one,
15 Haydee Granados not only created false Schedule Cs for Mr. and
16 Mrs. Wade, but she did it for other people as well.

17 THE COURT: And that's the truth of the matter. What
18 is it other than that?

19 MR. WILCOX: I'm not -- that's where I'm --

20 THE COURT: Okay.

21 MR. WILCOX: That's where we're -- the fact that the
22 records are in the file produced by the subpoenas -- produced
23 by Womply pursuant to a subpoena --

24 THE COURT: Forget about that because the fact that
25 the Government issued a subpoena is of no consequence.

1 MR. WILCOX: Let's get to the truth, then. What is
2 the truth?

3 THE COURT: You want to show it for the truth of the
4 matter you just asserted.

5 MR. WILCOX: And what's being asserted is that she
6 filed Schedule Cs.

7 THE COURT: Yes.

8 MR. WILCOX: How is that hearsay? Her filing
9 Schedule Cs, how is that hearsay? The mere fact that she's
10 filing this Schedule C.

11 THE COURT: She who?

12 MR. WILCOX: Haydee Granados.

13 THE COURT: She didn't say she filed the Schedule C.
14 You're trying to prove that she did but she said she doesn't
15 have any recollection.

16 MR. WILCOX: Right.

17 And the fact that they're in the file --

18 THE COURT: What file?

19 MR. WILCOX: -- disproves what she's saying.

20 THE COURT: But you need someone to talk about the
21 file. That's the whole point. I can't say any more on this.

22 MR. WILCOX: And I can't either, Judge.

23 THE COURT: All right.

24 MR. MCCRAY: Judge, I'm speaking with the Government
25 to see if we can do a stipulation.

1 THE COURT: All right.

2 MR. MCCRAY: We're waiting on the Government, Judge.
3 (Pause in the proceedings.)

4 MR. WILCOX: One other thing, Your Honor. If the
5 Court was inclined, the Court could admit the documents over
6 hearsay objection pursuant to the residual exception.

7 THE COURT: But you've got to have notice of that in
8 advance.

9 MR. WILCOX: You're right.

10 THE COURT: All right. Are we ready to proceed?

11 MR. MCCRAY: Yes, Judge. Can we just do a proffer of
12 these two witnesses and release them and then start back at --

13 THE COURT: I'm at a loss. There's some testimony
14 you want to get from witnesses; right?

15 MR. MCCRAY: Yes.

16 THE COURT: All right. So let's have the witnesses
17 come in and testify.

18 Have the jury come in, please.

19 MR. MCCRAY: You're going to do it in front of the
20 jury.

21 THE COURT: I'm sorry? You're confusing me. You
22 told me you wanted this witness to testify, and we said we
23 would have him come in and testify next.

24 MR. MCCRAY: You indicated you were not going to
25 allow the Schedule C in.

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1 THE COURT: Yes. That's just one --

2 MR. MCCRAY: That's what the witness would be
3 testifying --

4 A COURT SECURITY OFFICER: All rise for the jury.
5 (Jury entered at 11:37 AM.)

6 (Defense witness, CLEMENTE PEREZ, duly sworn.)

7 THE COURTROOM DEPUTY: Please have a seat.

8 MR. MCCRAY: Judge, do you want to explain to the
9 jury that we're taking this witness out of turn or --

10 THE COURT: Yes.

11 We had some scheduling issues, so we're going to
12 alleviate that problem by having this witness testify now.
13 It's a defense witness, so we're going to stop the testimony
14 with regard to Mr. Wade, we're going to go to a different
15 witness, and then we'll come back at some point in time to
16 Mr. Wade's testimony.

17 You may continue.

18 MR. MCCRAY: Yes.

19 DIRECT EXAMINATION

20 BY MR. MCCRAY:

21 Q. Would you state your full name, please.

22 A. My name is Clemente Perez.

23 MR. MCCRAY: Was he sworn, Judge?

24 THE WITNESS: Yes.

25 MR. MCCRAY: Okay.

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1 BY MR. MCCRAY:

2 Q. Mr. Perez, where do you live currently?

3 A. I live at 4126 Northwest 88th Avenue, Apartment 202, Coral
4 Springs, Florida. The ZIP code is 33065.

5 Q. Okay, sir. How long have you lived there?

6 A. Since 1995.

7 Q. Okay. And what do you do --

8 A. For a living?

9 Q. Yes.

10 A. I do pest control, for 31 years.

11 Q. Okay, 31 years.

12 All in Broward County?

13 A. Always in Broward County -- well, I go Broward. Sometimes
14 if they call me -- if you need me, you live in Miami, I go and
15 I spray.

16 Q. Okay.

17 A. I go anywhere.

18 Q. And do you do pest control for businesses or homes or --

19 A. Homes, homes.

20 Q. Okay. And do you know the gentleman sitting here with the
21 black suit on?

22 A. No.

23 Q. Have you ever met him before?

24 A. Never met him. Only here.

25 Q. And what about the lady here with the white --

1 A. No. No.

2 Q. Okay. Are you familiar with an individual by the name of
3 Haydee Granados and Eduardo Rivero?

4 A. Yes, yes, yes.

5 Q. Can you tell the members of the jury how it is you know
6 them.

7 A. Oh, I know Eddie -- Eduardo Rivero since New Jersey
8 because I know his dad; he owned funeral homes. And, you
9 know, I guess, he pass -- his dad die and he pass it on to
10 him. So he kept doing the same thing -- you know, funerals.

11 Q. And do you know Haydee Granados Rivero?

12 A. Yes.

13 Q. Did you meet her after you met Mr. Eduardo --

14 A. When I knew Eduardo, that was in New Jersey. Then I saw
15 him here and then, you know, he got married with this woman,
16 Haydee, and that's when I met her.

17 Q. Okay. Now, did you do any work for Mr. Eduardo Rivero?

18 A. No.

19 Q. Did you ever do any pest control work for him?

20 A. Yes. I did -- 2019, I went to his house and I spray. And
21 at that time, the COVID, it was -- you know, everybody was
22 having problems -- right?

23 Q. Right.

24 A. So as she approached me and she told me, "You should try,
25 you know, and apply for PPP loan," and I said --

1 Q. Prior to her approaching you, had you had any conversation
2 with her or Mr. Rivero about a PPP loan?

3 A. No, no.

4 Q. Okay. So when she approached you, tell us what, if
5 anything, happened -- what was said.

6 A. Okay. I said to her, "You know what? I'm never going to
7 get anything anyway because I always never get nothing." So
8 she said, "Let's try anyway. Apply." So I went and I just
9 gave her my driver's license, I gave her the social
10 security -- right? -- and I kept spraying the house inside.

11 Then I went and I spray the house outside. And then,
12 you know, she did the application, and she told me, "The
13 application didn't go through," and then I said to her, "You
14 see? I never get anything." So I just left and kept working.
15 I just kept going -- working, you know, doing other houses.

16 Q. Okay. So when did you find out that the application
17 didn't go through? Was it the same day or --

18 A. The same day.

19 Q. Did she tell you why it didn't go through?

20 A. No.

21 Q. Okay. Now, when you gave her the driver's license and you
22 said the Social Security Number --

23 A. Yes.

24 Q. -- was that something she requested or you just
25 volunteered it?

1 A. No, no, no, no, she told me, you know, "You need this,
2 your social security." So I just told her, "I know my social
3 security," so I just gave it to her.

4 Q. Okay. At that time, did she ever ask you for any tax
5 documents?

6 A. No. Never.

7 Q. What was the name of your business?

8 A. Extreme Pest Solutions LLC.

9 Q. Okay. And that's still the name of it?

10 A. It's still the name.

11 Q. Okay. During that time, did you ever make over a hundred
12 thousand dollars?

13 A. Gross, the most I made was 60. Gross. And that's with --
14 you know, that's gross. I have to buy the chemicals and then
15 you have to deduct all that. The most I ever made was
16 \$26,000. That's why I live in an apartment. I can't buy a
17 house. I've been living there since 1995. And I have a wife.
18 She got a mess. So I can go no -- what do you want me to say?
19 I'm being honest. I'm going to stay there until I die.

20 Q. Mr. Perez, did there come a time when you saw a Schedule C
21 in this case?

22 A. No. I don't -- I don't even know what that is.

23 Q. You don't know what a Schedule C is?

24 A. You mean like the application?

25 Q. A tax form.

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1 A. Yeah, my tax. Yeah, you can show me.

2 MR. SNIDER: Hold on. He has documents on the -- I
3 don't want to publish his notes.

4 MR. MCCRAY: This is just exhibit numbers. Sorry.

5 BY MR. MCCRAY:

6 Q. By the way, you indicated she put the application through
7 but you didn't get the loan?

8 A. Yes. I didn't get anything. Nothing.

9 MR. SNIDER: Judge, I'm going to object to the form
10 of the question and ask him to rephrase it so it's not so
11 vague.

12 THE COURT: Overruled.

13 BY MR. MCCRAY:

14 Q. Who completed the application?

15 A. Oh, Haydee. Haydee Granados. She's the one who did
16 everything. I was just spraying. The only thing I did, I
17 gave her the driver's license and the social security.

18 MR. MCCRAY: Judge, may I approach the witness,
19 please?

20 THE COURT: Yes, sir.

21 BY MR. MCCRAY:

22 Q. Sir, I want to show you what's been marked as Defendants'
23 Exhibit Number 35 for ID purposes. Take a look at that.

24 A. I'm not saying nothing.

25 Q. Don't say anything.

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1 Do you recognize this document?

2 A. No.

3 Q. Does that have any identifying information on it?

4 A. It has my name and my address.

5 Q. What about Social Security Number?

6 A. Where is it? Yes, that's mine. Yes.

7 Q. Okay. And what does this --

8 MR. SNIDER: Judge, objection to reading from the
9 document that's not in evidence.

10 THE COURT: Sustained.

11 BY MR. MCCRAY:

12 Q. Did you have anything to do with the preparation of this
13 document?

14 A. No.

15 MR. SNIDER: Objection.

16 MR. MCCRAY: Judge, we've had discussions sidebar,
17 but we would like to tender it at this time.

18 THE COURT: Is there an objection?

19 MR. SNIDER: Yes.

20 THE COURT: Sustained.

21 BY MR. MCCRAY:

22 Q. Did you ever tell Haydee Granados that you made
23 \$115,920 --

24 A. No.

25 Q. -- for the taxable year 2019?

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1 A. No. I have never made that in my life.

2 Q. The address of 4126 Northwest 88th Avenue, Apartment 202,
3 did you give that to her?

4 A. Yes.

5 Q. And the city of Coral Springs --

6 A. Yes.

7 Q. -- that was included?

8 A. Yes.

9 Q. And this Social Security Number -- what's your Social
10 Security Number? You don't have to say it, but you gave it to
11 her?

12 A. No. By mouth.

13 Q. Okay. And it is your testimony that she tried to put an
14 application through, but it didn't --

15 A. It didn't went through.

16 Q. So you didn't receive any money?

17 A. I didn't receive no money, no nothing, no papers, no
18 nothing.

19 Q. But she attempted to put it through?

20 MR. SNIDER: Objection.

21 THE COURT: The basis?

22 MR. SNIDER: Leading. Asked and answered.

23 THE COURT: Well, it has been asked and answered.

24 MR. MCCRAY: That's fine, Judge.

25 THE COURT: Sustained.

1 MR. MCCRAY: Judge, I have no further questions of
2 this witness.

3 MR. SNIDER: May I cross, Your Honor?

4 THE COURT: Yes, sir.

5 MR. SNIDER: I'm going to take the podium. Can we
6 have the HDMI for the podium? Thank you.

7 CROSS-EXAMINATION

8 BY MR. SNIDER:

9 Q. I am not going to -- well, I don't believe I'm going to
10 publish anything that is in evidence with this witness, so if
11 we can turn off the jurors' screens. I may show the witness
12 something that is not in evidence. So let's just -- I want to
13 make sure their screens are off for the time being.

14 Good morning, Mr. Perez.

15 A. Good morning, good morning.

16 Q. Mr. Perez, have you and I ever formally met?

17 A. No.

18 Q. Have we ever spoken before?

19 A. No.

20 Q. My name is David Snider. I'm a prosecutor and I represent
21 the United States of America in this case.

22 A. Yes.

23 Q. It's nice to meet you.

24 A. Nice to meet you.

25 Q. So you testified that on some occasion you were at the

1 home of Haydee Rivero and Mr. Edward Rivero --

2 A. Yes.

3 Q. -- doing pest control?

4 And during that occasion, when you were doing the
5 pest control, you testified that Ms. Rivero asked you if you
6 were interested in a Paycheck Protection Program loan?

7 A. Right, PP or whatever.

8 Q. Did you know about the PPP before then?

9 A. No.

10 Q. That was the first time you had heard about it?

11 A. Yes.

12 Q. And you testified that while you were out spraying,
13 Ms. Rivero was inside doing your application? Is that your
14 testimony?

15 A. Yes.

16 Q. Okay. Do you remember a part either that day or perhaps
17 some other day, but do you ever remember being asked to try to
18 take a picture of yourself?

19 A. No.

20 Q. You don't remember that?

21 A. No.

22 Q. Do you ever remember trying to take a picture of yourself
23 in connection with this PPP loan application?

24 A. No.

25 Q. Do you ever remember being asked to verify your identity

1 in connection with this application?

2 A. No.

3 Q. So it's your testimony you don't remember anything about
4 identity verification?

5 A. Right.

6 Q. You don't remember anything about taking a picture of
7 yourself --

8 A. Yes.

9 Q. -- for this?

10 A. That's right.

11 Q. Do you ever remember uploading or attempting to upload a
12 picture of a driver's license?

13 A. No. I just -- I gave her the driver's license -- right?

14 Q. That's your testimony? That's what you remember?

15 A. That's what I did. And I was working and I kept spraying.

16 Q. Okay.

17 A. She did the application. That's all. That's what I did.

18 MR. SNIDER: Your Honor, I have marked electronically
19 an exhibit, Government Exhibit 3002, for identification, and I
20 would like to publish that only for the witness and defense
21 and, I guess, the Government's table but not to the jury
22 because it's not in evidence yet. I'm going to use this to
23 refresh -- see if it refreshes his recollection. That's the
24 purpose.

25 THE COURT: You can do it that way. You can do it

1 with an actual copy of the --

2 MR. SNIDER: The issue is I don't have an actual
3 copy, only in electronic form.

4 THE COURT: Proceed.

5 MR. SNIDER: I don't want it on for the jury, just
6 for the witness and defense counsel, and I guess the
7 Government table and the judge. That should have been in
8 order of priority. The judge should have been number one.

9 THE COURTROOM DEPUTY: The witness.

10 MR. SNIDER: Judge, witness, defense, Government.

11 THE COURT: Everything else is on except for the
12 jury. The jury's off.

13 MR. SNIDER: Perfect. Thank you.

14 BY MR. SNIDER:

15 Q. Mr. Clemente, do you see on the screen in front of you --

16 MR. MCCRAY: Our screen is not on.

17 MR. SNIDER: If this doesn't work, Judge, I'm going
18 to ask to approach the witness with my computer so he can see
19 it from my computer screen.

20 THE WITNESS: Nothing's coming on.

21 MR. SNIDER: Okay. May I approach the witness?

22 THE COURT: Yes, sir.

23 MR. SNIDER: This is a little unusual, but for the
24 record, I'm approaching the witness with my laptop, and
25 displayed on my laptop is a document that is marked for

1 identification as Government Exhibit 3002, which I've shown to
2 defense.

3 May I approach?

4 THE COURT: Yes, sir. And you will need to make a
5 copy for the record later.

6 MR. SNIDER: Yes. I'll print it at lunch.

7 BY MR. SNIDER:

8 Q. Now, this is a document. It has a sticker on it. It says
9 Government 3002. Do you see that?

10 A. Yes.

11 Q. And there's multiple pages of this document, so I'm going
12 to scroll down. Okay?

13 THE COURT: I think the witness may be pushing
14 against the microphone.

15 THE WITNESS: Oh, sorry.

16 BY MR. SNIDER:

17 Q. Showing you page 3. Do you see page 3?

18 A. Right. Okay.

19 Q. And now I'm showing you page 6. Do you see anything on
20 page 6 that refreshes your recollection as to whether you took
21 a photograph in connection with the PPP loan application that
22 Ms. Haydee Rivero was assisting you with?

23 A. Yeah, now I see -- pest control, right. The other
24 picture, the one you showed me, that's from the State.

25 Remember, I take pictures all the time when I get my renewal

1 driver's license --

2 Q. Take a look. I want to be specific here. Take a look at
3 page 6. Does this refresh your recollection that you took a
4 picture of yourself, otherwise known as a selfie --

5 A. Yes.

6 Q. -- in connection with a Paycheck Protection Program
7 application Ms. Rivero was assisting you with?

8 A. Yes.

9 Q. Does that refresh your recollection?

10 A. Yes, yes.

11 Q. And, Mr. Clemente, in fact --

12 A. Five years ago.

13 Q. Right.

14 So we're in 2024; right?

15 A. Yeah.

16 Q. And the COVID pandemic was a couple of years ago; correct?

17 A. Yeah, 2019. Right? 2019, that's --

18 Q. That's what you remember?

19 A. Yeah.

20 Q. Well, do you remember it was going on in 2020?

21 A. Yes. Right, right.

22 Q. Do you remember 2021?

23 A. Well, I did -- yeah, they had it but -- what are you
24 trying to say? I don't know.

25 Q. Sure.

1 Do you remember that the COVID 19 pandemic was still
2 going on in 2021?

3 A. Yes.

4 Q. Okay. Now, you just testified that now you do remember
5 taking photographs in connection --

6 A. I see that, right. I saw the background.

7 Q. Right.

8 A. I looked at the background.

9 Q. Now that your memory has been refreshed, where do you
10 remember taking pictures of yourself for this PPP loan
11 application?

12 A. In Haydee's house.

13 Q. Okay. And do you remember that -- in fact, you took more
14 than just three pictures; correct?

15 A. Well, three. I don't remember, you know.

16 Q. You don't remember?

17 A. I took three there. That's what you showed me.

18 Q. Do you remember taking any other pictures?

19 A. No.

20 Q. No?

21 A. No.

22 Q. Are you sure?

23 A. Show me. Show me.

24 MR. SNIDER: Judge, may I approach?

25 BY MR. SNIDER:

1 Q. For the record, I am approaching the witness with my
2 computer, and pulled up is a PDF that is marked for
3 identification as Government Exhibit 3003.

4 Mr. Clemente, do you see on my computer screen a
5 document that has a yellow sticker on it --

6 A. Yes.

7 Q. -- marked 3003 --

8 A. Yes.

9 Q. -- marked Government Exhibit 3003?

10 A. Yes.

11 Q. I'm going to go down to page 6 of this document. Do you
12 see page 6?

13 A. Yes.

14 Q. Okay. Does this refresh your recollection that you took
15 additional photographs of yourself, otherwise known as
16 selfies, in connection with a Paycheck Protection Program
17 loan --

18 A. Well, I didn't took selfies, not me.

19 Q. Well, does this refresh your recollection that there were
20 additional photographs of you taken showing your face in
21 connection with the PPP application?

22 A. I guess, yes. I guess.

23 Q. Is that -- so yes?

24 A. Yes.

25 Q. The answer is yes?

1 A. Yes.

2 Q. Now you remember taking multiple photographs?

3 A. Yes -- well, I didn't took them, not me.

4 Q. Let me ask you a question. Your memory is now refreshed
5 that someone took multiple pictures of you --

6 A. Thank you.

7 Q. -- is that correct?

8 A. Yes, yes.

9 Q. Now my question is, do you remember that the difficulty
10 that you were having with this PPP loan application related to
11 your ability to get one of these pictures correct?

12 A. To get these pictures correct --

13 Q. Let me see if I can rephrase that a little more clearly.

14 Now that your memory has been refreshed --

15 A. Yes.

16 Q. -- do you remember that the issue you were having with
17 this PPP application that you testified failed had to do with
18 this process where you had to take -- someone was taking
19 pictures of you and they were running into problems with the
20 pictures and verifying your identity? Do you remember that?

21 A. Yes, they were having problems, I guess, because it didn't
22 went through the application.

23 Q. And, in fact, you took these -- or someone took pictures
24 of you multiple times; correct?

25 A. Yes.

1 Q. Because it kept failing?

2 A. Yes. Okay. Yes.

3 Q. Yes.

4 And do you remember that now?

5 A. I don't remember, but if I -- my --

6 Q. My question is do you remember you took multiple pictures?

7 Now you're saying yes. My question is do you remember that
8 was part of the trouble that you were having with this
9 application is that you couldn't verify your identity through
10 these pictures?

11 A. Yes.

12 Q. Do you remember how many pictures were taken of you for
13 this process?

14 A. That, I don't remember. You showed me, what, six?

15 Q. Do you remember it being more than six?

16 A. No.

17 Q. No?

18 MR. SNIDER: May I approach, Your Honor?

19 BY MR. SNIDER:

20 Q. And, for the record, I'm approaching the witness with my
21 computer screen, and pulled up is a PDF document that's marked
22 for identification as Government Exhibit 3004.

23 Mr. Clemente, do you see on your screen a document
24 that has a yellow sticker Government Exhibit 3004?

25 A. Yes.

1 Q. I'm going to go to page 6 of this document. Do you see
2 page 6?

3 A. Yes.

4 Q. Does this refresh your recollection that there were more
5 than six pictures of you taken in connection with this PPP
6 loan application?

7 A. Now I see, yes.

8 Q. Now you see?

9 A. Yes.

10 Q. Now you remember?

11 A. Yes. But I didn't took the pictures. That's what I'm
12 saying. You're saying those are selfies.

13 Q. All right. Let me --

14 A. Because if I'm -- listen, listen. If I'm going to take a
15 picture, okay, I take a picture, you know, not like this. You
16 could see -- you see those pictures. Somebody was taking
17 pictures; right? So if I'm going to take a picture, I'm going
18 to take a picture and I'm going to laugh too; right? Look at
19 those pictures. I'm just trying to say to you --

20 Q. Just listen to my question.

21 A. Go ahead.

22 Q. Do you now remember that pictures of you were taken?

23 A. Yes.

24 Q. More than six pictures of you were taken --

25 A. Yes.

1 Q. -- in connection with this PPP loan application?

2 A. Yes. Without my knowing, I guess. Look at those
3 pictures, how they are.

4 Q. It's your testimony that you didn't know that these
5 pictures of you were taken?

6 A. I say yes, but I don't take pictures like that. That's
7 what I'm trying to say to you.

8 Q. Is your memory refreshed --

9 A. Oh, God.

10 Q. -- that someone took pictures of you?

11 A. Yes.

12 Q. Mr. Clemente, have you ever heard of a company called
13 Womply?

14 A. No.

15 Q. Have you ever been to a Womply website?

16 A. No. I don't even know --

17 Q. Just listen to my questions.

18 Have you ever logged in to a PPP application on
19 Womply's website?

20 A. No.

21 Q. Have you ever gotten codes from Womply to log into a PPP
22 loan application?

23 A. No.

24 Q. Have you ever gone to a website --

25 A. Can I say --

1 Q. Sir, I'm going to ask the questions and then I'm going to
2 ask you to answer. That's how this works. Okay?

3 Did you ever enter information --

4 A. Right.

5 Q. -- into a PPP application being made in your name?

6 A. Well --

7 Q. Did you yourself do that?

8 A. No, not me. No.

9 Q. Did you ever upload a bank statement into Womply for a PPP
10 application?

11 A. No.

12 Q. Did you ever link a bank account for Womply's website?

13 A. No.

14 Q. Did you ever DocuSign a PPP loan application?

15 A. Can I say something?

16 Q. No. Just answer the question and let me be specific.

17 A. But I've got to tell you, because they use my phone --

18 Q. First of all, only one of us can talk at a time;
19 otherwise, the court reporter cannot accurately take down my
20 questions and your answers. So this has to be one at a time.

21 A. Okay.

22 Q. Listen to the question.

23 With respect to a PPP application that you've
24 testified Ms. Haydee Rivero assisted you with --

25 A. Yes.

1 Q. -- did you ever DocuSign any PPP application?

2 A. I think I did.

3 Q. You think you did?

4 A. Yeah.

5 Q. But you testified earlier that you never got an
6 application?

7 A. No, no, I never got the same paper -- paperwork. Do you
8 understand? Like --

9 Q. No, I don't.

10 A. -- something to tell me that -- you know, what I did.

11 Q. Well, you never received money?

12 A. I never received nothing.

13 Q. It's your testimony that the application didn't go
14 through?

15 A. Right, because she told me it didn't go through.

16 Q. So you wouldn't have --

17 A. She used my phone to do the application. Okay? That's
18 why you know everything. Okay? Because I gave her my phone.
19 Now you see why you got those --

20 Q. There's no question.

21 A. Now you see why you have those pictures? Do you want me
22 to get you the phone? I'll go downstairs and I'm going to
23 show you. Now you know why. She did the application through
24 my phone.

25 Q. Okay.

1 A. That's why they got --

2 Q. And you weren't involved; correct?

3 A. No. I gave it to her and I kept working.

4 Q. But you didn't go to Womply's website, did you?

5 A. No. I swear to God. I said no.

6 Q. And you didn't input any information into Womply's
7 website; right?

8 A. No.

9 Q. Right.

10 A. I gave her my driver's license, my social security, and I
11 kept spraying, and she have my phone --

12 Q. I'm sorry. You said you were praying?

13 A. No, spraying.

14 Q. Oh, spraying.

15 A. Yeah. I went to do pest control. Remember?

16 Q. I remember.

17 A. Okay. Remember that. Okay?

18 So I gave her my phone number and she did everything
19 with my phone -- my phone.

20 Q. So you were at her house?

21 A. Yes.

22 Q. And you didn't do anything for this when you were not at
23 her house?

24 A. No.

25 MR. SNIDER: No further questions. Thank you, sir.

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1 THE WITNESS: I need help every time I've got to do
2 something --

3 MR. SNIDER: Sir --

4 THE COURT: Sir, sir, there are no questions.

5 MR. SNIDER: -- I have finished asking questions.

6 MR. MCCRAY: I just have a few questions, Judge.

7 REDIRECT EXAMINATION

8 BY MR. MCCRAY:

9 Q. Mr. Perez, when you say, "They used my phone," can you
10 tell the members of the jury who "they" are?

11 A. Well, one. It was Haydee. She's the one that used my
12 phone to do the application.

13 Q. Okay. And while she was using your phone, were you always
14 there while she was using your phone?

15 A. No. I kept spraying because, you know, I -- I know Eddie
16 and I trust him. I gave her the phone. I gave her my
17 driver's license, my social security, and that's it.

18 Q. Okay. And you said you DocuSigned. Did you ever review a
19 PPP application that had been filed in this case -- read
20 through the PPP application?

21 A. No. No.

22 THE COURT: Does he know what DocuSign means?
23 Do you know what DocuSign is?

24 THE WITNESS: Like, with your finger you -- you sign.

25 THE COURT: On a computer?

1 THE WITNESS: On a computer -- well, it wasn't on a
2 computer. I think it was my phone because she did everything
3 on the phone -- on my phone. She used my phone to do
4 everything.

5 THE COURT: All right.

6 THE WITNESS: So --

7 THE COURT: The next question.

8 BY MR. MCCRAY:

9 Q. Were the photographs taken with your phone or something
10 else?

11 A. I've got a lot of pictures in my phone --

12 Q. Okay.

13 A. -- pest control.

14 Q. Do you know if those photographs that were shown to you by
15 Mr. Snider were taken on your phone or on some other device?
16 Do you know?

17 A. No, no. My phone has those pictures.

18 Q. Okay.

19 A. I've got a lot of pictures.

20 Q. Now, you indicated that you tried several times to take
21 the photographs. Was there anyone there trying to help you
22 take the photographs?

23 A. To tell you the truth, I don't take pictures like that.

24 Q. Okay. All right.

25 A. How can I take a picture like this, facing? If I'm going

1 to take a picture, I'm going to take a picture nice.

2 Q. Now, was Haydee there during this entire process while you
3 were there with the phone -- while you were there, not while
4 you were out spraying?

5 A. No, no. I was spraying -- I sprayed -- I gave her the
6 phone, okay, and she did everything through the phone. I kept
7 spraying. That's it. I kept spraying. Then I went and I did
8 the outside. And then she told me the application didn't go
9 through. And I said to her, "You see? I told you I'm not
10 going to get anything anyway. I don't even know why I tried
11 doing this."

12 Q. Mr. Perez, did the FBI ever reach out to you about this
13 PPP loan?

14 A. No.

15 Q. You never received a call, a letter, or anything from the
16 FBI?

17 A. No.

18 Q. Why did you try to take the photographs so many times?

19 A. I don't even know those photographs.

20 Q. Okay. Do you use computers?

21 A. Me?

22 Q. Yes.

23 A. No.

24 Q. Do you have --

25 A. I don't even have a computer in my house. I have a laptop

1 and I don't even use it.

2 Q. Why don't you use it?

3 A. Because I don't use it. I don't -- I'm not -- I'm an
4 old-fashioned guy. I don't -- I don't like computers. I
5 don't know. What do you want me to say? Jesus. He's showing
6 me all these pictures that I don't even remember.

7 MR. MCCRAY: Judge, at this time, I have no further
8 questions.

9 THE COURT: May the witness be permanently excused?

10 MR. SNIDER: Yes.

11 THE COURT: Mr. Perez, you are excused, sir. Thank
12 you.

13 THE WITNESS: Thank you.

14 Do you see how nice -- you laughing like that? If I
15 take a picture with you, I would be like this. Why am I going
16 to have pictures like this, like that --

17 THE COURT: Mr. Perez, Mr. Perez. Thank you very
18 much, sir. You are excused.

19 THE WITNESS: Thank you. Oh, my God. I'm sorry but,
20 you know --

21 MR. SNIDER: Sir, sir -- thank you. There's no
22 questions being asked right now.

23 MR. MCCRAY: Judge, the witness went to the restroom.

24 THE COURT: I didn't hear you, sir.

25 MR. MCCRAY: The witness went to the restroom. He'll

1 be right...

2 MR. WILCOX: Your Honor, I have a matter I want to
3 address at sidebar before the witness takes the stand.

4 (The following proceedings were held sidebar:)

5 MR. WILCOX: Your Honor, I'm making one last effort
6 to introduce the Schedule Cs that were -- and other documents
7 that appeared in the Womply file that were produced pursuant
8 to the Government's subpoena and that argument --

9 THE COURT: The Government's subpoena?

10 MR. WILCOX: Pursuant to the Government's subpoena.
11 The Womply files, pursuant to the Government's subpoena, I
12 have additional argument for the admission of the contents of
13 those files, and I'm making this argument pursuant to the
14 Chambers v. Mississippi --

15 THE COURT: I don't have the case, sir. You can't
16 just throw a case out. Do you want me to read something? You
17 just can't say Chambers versus Mississippi.

18 MR. WILCOX: Well, let me say it, Judge, and -- I
19 understand what you're saying, Judge. But Chambers v.
20 Mississippi stands for the proposition that defendants have
21 the right to present exculpatory evidence over hearsay rules
22 and rules of evidence that will otherwise -- and then it just
23 says reliable exculpatory evidence. We believe that these
24 fake Schedule Cs filed -- this witness that's coming up -- I
25 believe his name is Edison Rogers, and the fake Schedule C

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1 filed in Clemente Perez -- the witness that just testified,
2 Clemente Perez -- we believe that those are reliable
3 exculpatory documents and that they should be admitted over
4 any hearsay objection.

5 THE COURT: I haven't read the case, but your request
6 is denied. Frankly, you've already proved everything that you
7 wanted to prove through this last witness. That's a different
8 issue.

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

10 THE COURTROOM DEPUTY: Please raise your right hand
11 to be sworn.

12 (Defense witness, EDISON ROGERS, duly sworn.)

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

15 THE WITNESS: Edison Rogers, E-D-I-S-O-N,
16 R-O-G-E-R-S.

17 DIRECT EXAMINATION

18 BY MR. MCCRAY:

19 Q. Good afternoon, Mr. Rogers. How are you?

20 A. Good.

21 Q. Mr. Rogers, how old are you?

22 A. 47.

23 Q. I'm sorry?

24 A. 47.

25 Q. And where do you live, currently?

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1 A. Tamarac, Florida.

2 Q. And how long have you lived in Tamarac?

3 A. Since 2018.

4 Q. Okay. And are you married?

5 A. Engaged.

6 Q. Okay. Do you have children?

7 A. Yes.

8 Q. Mr. Rogers, are you currently employed?

9 A. Yes.

10 Q. And by whom?

11 A. Comcast.

12 Q. Comcast?

13 A. Yes.

14 Q. What do you do with Comcast?

15 A. I'm a service and installation technician.

16 Q. Specifically, what are your duties?

17 A. With business. I install and service business services --
18 Internet, phones, TV.

19 Q. Okay. And going back to 2019, '20, '21, how were you
20 employed back then?

21 A. The same way.

22 Q. Still with Comcast? The same position?

23 A. Correct.

24 Q. Did you do any side businesses?

25 A. Yes. I have a lawn service -- a small lawn service, and

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1 also I install security cameras and stuff like that, mount
2 TVs, low-voltage work.

3 Q. And installing TVs, did that include security also?
4 Security?

5 A. Yeah. Anything low voltage I can do.

6 Q. All right. And did you do it with businesses and
7 residences or both?

8 A. Both. Primarily businesses, though, at this point, yeah.

9 Q. Okay. Now, do you recognize the name Rivero Funeral
10 Homes?

11 A. Yes.

12 Q. Do you know of an individual by the name of Eduardo
13 Rivero?

14 A. Yes.

15 Q. What about a person by the name of Ms. Haydee Granados,
16 now known as Haydee Rivero?

17 A. It doesn't ring a bell, no.

18 Q. Do you know if Mr. Rivero was married back let's say 2019,
19 2020?

20 A. I don't know too much of his personal life, but I know he
21 has a family.

22 Q. Did there come a time when you were approached by anyone
23 to possibly apply for a PPP loan?

24 A. What do you mean approached by anyone to apply for a PPP
25 loan?

1 Q. Did anyone ask you about applying for a Paycheck
2 Protection Program loan back around 2019/2020?

3 A. I mean, I got a lot of phone calls and stuff because of
4 my LLC. There was a lot of different companies calling about
5 stuff like that, yes.

6 Q. What about Mr. Rivero? Were you ever asked about applying
7 for a loan with respect to someone from Rivero Funeral Home?

8 A. That's a long time ago. I don't recall.

9 Q. You don't recall?

10 A. As far as -- a lot of people approached me about PPP loans
11 and stuff like that -- you know, grants, different things for
12 my business. We may have had a conversation, but I don't
13 recall him directly trying to apply for a loan for me.

14 Q. What about Ms. Granados?

15 A. Who's that?

16 Q. A lady who's -- what about a young lady who's connected
17 with the funeral home?

18 A. The secretary may have mentioned some things about that,
19 yes.

20 Q. Well, let's talk about that.

21 What, if anything, did she mention to you about PPP
22 loans?

23 A. Well, they would say things like, you know, if you have a
24 business, you may qualify. That's it.

25 Q. And did you ever agree for them to at least apply for you?

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1 A. I can't recall.

2 Q. Did you ever supply Mr. Granados or a secretary or anyone
3 else connected to Rivero Funeral Home with your driver's
4 license?

5 A. I mean, I did work for them, so it's possible. I did, you
6 know, 1099s, you know, to receive -- to get paid.

7 Q. And the 1099s would have had your Social Security Number
8 on it?

9 A. Yeah.

10 Q. Would it have had your address on it?

11 A. Yeah.

12 Q. And what was your address back then, sir?

13 A. 7598 Northwest 73rd Terrace, Tamarac, Florida.

14 Q. Tamarac is the same as Fort Lauderdale; right?

15 A. Yeah.

16 Q. What was the ZIP?

17 A. 33321.

18 Q. Now, did you ever give anyone at the funeral home with
19 regard to a PPP loan your tax information --

20 A. No.

21 Q. -- for your businesses?

22 A. No.

23 Q. I'm sorry?

24 A. No, sir.

25 Q. Were you ever asked about tax information with respect to

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1 the PPP loan?

2 A. No, sir.

3 Q. Was it ever explained to you about how much money you
4 could possibly get from this PPP loan application?

5 A. No, sir.

6 Q. Did you ever take photographs at the Rivero Funeral Home
7 in connection with the PPP application?

8 A. With an application, no. No, sir.

9 Q. Did you ever take a photograph there at Rivero Funeral
10 Home?

11 A. I installed cameras. You know, I did stuff like that all
12 the time, so it's possible. I can't say for sure.

13 MR. MCCRAY: Judge, may I approach the witness?

14 THE COURT: Yes, sir.

15 BY MR. MCCRAY:

16 Q. Mr. Rogers, I'm going to show you what has been marked as
17 Defendants' Exhibit 36 for ID purposes. Take a look at this
18 to yourself. Read it to yourself.

19 Do you recognize that document?

20 A. No, sir. I know what a Schedule C is, but I don't
21 recognize that document.

22 Q. Now, let me ask you -- Judge, we would like to offer
23 this --

24 Is your name included in this document?

25 A. Yes.

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1 Q. Is your address included in this document?

2 MR. SNIDER: Objection.

3 THE COURT: Sustained.

4 MR. MCCRAY: Judge, I would like to tender this.

5 THE COURT: Is there an objection?

6 MR. SNIDER: Yes. Objection.

7 THE COURT: Sustained.

8 BY MR. MCCRAY:

9 Q. Now, at any time during this time when you were speaking
10 to the secretary regarding the PPP loan application --

11 MR. SNIDER: Objection to the leading.

12 THE COURT: "At any time," but what's the question?

13 BY MR. MCCRAY:

14 Q. Did you ever mention an amount of money that you made to
15 the young lady?

16 A. Not to my recollection, no.

17 Q. Did you ever mention to her the number of \$112,930?

18 A. Not to my recollection, no.

19 Q. Did you as an individual in 2019 make \$112,930?

20 A. Between my businesses and myself, yes -- I mean, not that
21 amount. I don't know that amount to be correct. That's a
22 specific number, but I mean --

23 Q. Let's exclude your business.

24 Did you individually make in 2019 \$112,930?

25 A. With Comcast?

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1 Q. No, a proprietor, Edison Rogers.

2 A. No. I would have to say no.

3 MR. MCCRAY: May I approach, Judge?

4 BY MR. MCCRAY:

5 Q. Okay --

6 THE COURT: Counsel, how much longer do you
7 anticipate your direct will be?

8 MR. MCCRAY: Maybe five, ten minutes max.

9 THE COURT: Should we continue with this witness?

10 All right. Let's see if we can finish with this witness
11 before lunch.

12 BY MR. MCCRAY:

13 Q. I'm going to show you what's been marked as Defendants' 38
14 for ID purposes. Do you recognize this?

15 A. You asked me if I recognize this?

16 Q. Do you recognize this document?

17 A. No, sir.

18 Q. On page 6 --

19 MR. SNIDER: Your Honor, objection --

20 THE COURT: He asked if he recognized the document
21 and you said, "No."

22 The next question, please.

23 BY MR. MCCRAY:

24 Q. Do you remember taking photographs at the Granados'
25 residence?

ROGERS - CROSS

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1 A. Not that I recall. That's -- that's a long time ago, sir.

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

3 THE COURT: All right.

4 MR. SNIDER: Very briefly, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. SNIDER:

7 Q. Mr. Rogers, good afternoon.

8 A. Good afternoon.

9 Q. Sir, have we ever met before?

10 A. No, sir.

11 Q. My name is David Snider. I'm an Assistant US Attorney. I
12 represent the United States in this case. It's nice to meet
13 you.

14 A. A pleasure.

15 Q. Mr. Rogers, based on the testimony that you just gave
16 during Mr. McCray's questions, it seems like you don't know
17 the Rivero family very well. Is that fair to say?

18 A. That's fair to say, yes.

19 Q. And I believe you testified that you don't know their
20 personal life well; is that correct?

21 A. Correct.

22 Q. And you testified that you weren't even sure whether
23 Mr. Rivero was married; is that correct?

24 A. I mean, it's -- it's a long time ago. I mean, I can't
25 say -- I know he has a family.

1 Q. Okay. But you said you don't know who his wife is, if he
2 is married; is that right?

3 A. I don't know if he's married, if they were legally
4 married. Like, people call that my wife out there, but --
5 we're engaged but we're not married. I know his girlfriend,
6 the lady at his office. I met her before at his office, yes,
7 and I did some work at the house --

8 Q. I'm sorry. What was the last part?

9 A. I did some work at their house, cameras.

10 Q. Cameras and work related to Comcast and security? You did
11 some kind of security work for them at their house?

12 A. Yeah, cameras and stuff like that.

13 Q. When I say them, I'm referring to the Riveros.

14 A. Yes.

15 Q. Mr. Rogers, are you familiar with the Paycheck Protection
16 Program? Do you know what the PPP is?

17 A. I've heard of it, yes.

18 Q. But you didn't get a PPP loan for yourself, did you?

19 A. No.

20 Q. You never got a PPP loan ever; correct?

21 A. I got a grant.

22 Q. You got a grant, but you never got a Paycheck Protection
23 Program loan that was offered to you by -- you know, by
24 anyone, did you?

25 A. No, sir.

1 MR. SNIDER: No further questions.

2 THE COURT: May the witness be permanently excused?

3 MR. MCCRAY: I have a couple questions.

4 THE COURT: All right.

5 REDIRECT EXAMINATION

6 BY MR. MCCRAY:

7 Q. You referenced a secretary. Did you ever see the
8 secretary at the home?

9 A. I can't recall. That was a long time ago.

10 Q. Did the FBI ever reach out to you in connection with the
11 PPP case?

12 A. No, sir.

13 THE COURT: Permanent excusal?

14 MR. MCCRAY: Yes.

15 MR. SNIDER: Yes.

16 THE COURT: All right. You may be excused, sir.

17 All right. We're going to break for lunch now and
18 let's return at 1:30. 1:30 PM. Thank you.

19 (Jury exited at 12:37 PM.)

20 THE COURT: So, defense, how much longer do you think
21 your case in chief is going to take?

22 MR. MCCRAY: Judge, I just have probably about
23 another 20 minutes -- I would say 30 minutes with Mr. Wade and
24 to introduce some documents.

25 THE COURT: Government, any idea how long your cross

1 will be?

2 MR. SNIDER: At least two hours.

3 THE COURT: How much time are you requesting for
4 closing arguments?

5 MR. SNIDER: The Government is requesting one hour in
6 total for both, its opening and rebuttal.

7 THE COURT: And rebuttal.

8 MR. MCCRAY: An hour is sufficient, I believe.

9 THE COURT: All right. Well, based on your
10 predictions, we probably aren't going to finish today. I'm
11 not sure how far we will get.

12 All right. We're in recess until 1:30 PM.

13 (Lunch recess from 12:39 PM to 1:34 PM.)

14 (Jury entered at 1:34 PM.)

15 THE COURT: Be seated, ladies and gentlemen.

16 You may continue.

17 MR. MCCRAY: May I approach the witness, Judge?

18 THE COURT: Yes, sir.

19 CONTINUED DIRECT EXAMINATION

20 BY MR. MCCRAY:

21 Q. I'm going to show you what's been marked as Defense
22 Exhibit 100 for identification purposes. Take a look at that
23 and see if you recognize it.

24 A. Yes, sir, I recognize it.

25 Q. Okay. What is that?

1 A. One of our bank accounts from USAA savings. This is our
2 USAA savings account.

3 Q. Okay. Does that accurately represent moneys you had in
4 the bank at the time that's reflected on the document?

5 A. Yes, sir.

6 MR. MCCRAY: Judge, I would like to move 100, Defense
7 100.

8 MR. SNIDER: No objection.

9 THE COURT: Received as marked.

10 (Defense Exhibit 100 was received in evidence.)

11 BY MR. MCCRAY:

12 Q. I'm going to show you, sir, what's been marked as
13 Defense 101. Would you please tell me what this is?

14 A. USAA savings account that we have -- or that we had.

15 Q. What is that? Well, you answered that.

16 Does that fairly and accurately represent the moneys
17 you had in the bank at the time reflected on the document?

18 A. Yes, sir.

19 Q. I want to show you what's been marked as Defendants'
20 Exhibit Number 102. Take a look at that and see if you
21 recognize it.

22 A. Yes, sir, I recognize that.

23 Q. What is that?

24 A. USAA savings account.

25 Q. Okay. Does that fairly and accurately represent the

1 amount of money that you had in the bank on the date reflected
2 on the document?

3 A. Yes, sir.

4 Q. Last, I'm going to show you what's been marked as
5 Defendants' 103. Do you recognize that document?

6 A. Yes, sir.

7 Q. What is it?

8 A. The same account, a USAA account that we have with
9 savings.

10 Q. Does that fairly and accurately represent the money you
11 had in the bank on that particular date reflected on that
12 document?

13 A. Yes, sir.

14 MR. MCCRAY: Judge, I'd like to move 101, 102, and
15 103 also.

16 THE COURT: I just lost you -- you offered 101, 102,
17 and 103?

18 MR. MCCRAY: Yes, sir. We offered. And 100 was
19 accepted.

20 THE COURT: Yes.

21 MR. MCCRAY: The others were not offered.

22 MR. SNIDER: No objection.

23 THE COURT: Received as marked.

24 (Defense Exhibits 101, 102, 103 were received in
25 evidence.)

1 MR. MCCRAY: Judge, may I publish?

2 THE COURT: Yes, sir.

3 BY MR. MCCRAY:

4 Q. Let's start with 100 -- I'll start with 101, since it's
5 on. Looking at Exhibit 101, what's the beginning balance
6 there?

7 A. \$35,404.55.

8 Q. And what is the date -- what's the beginning balance date?

9 A. I can't see it.

10 Q. Right here? Oh, I'm sorry. Okay. Can you see that?

11 A. Yes, the beginning balance is 0501.

12 Q. Okay. What's the balance on -- what's the beginning
13 balance amount?

14 A. \$35,404.55.

15 Q. Okay. So this is May 1st?

16 A. Yes.

17 Q. What year was that?

18 A. You have to slide it down for me, please.

19 Q. Oh, I'm sorry.

20 A. 2021.

21 Q. Now let's go to 100. What's the statement period
22 reflected on Exhibit 100?

23 A. It would be April 1st, 2021, to April 30, 2021.

24 Q. Okay. What is the beginning balance on Exhibit 100?

25 A. \$36,403.67.

1 Q. I'm going to show you Defense Exhibit 102. What's the
2 statement period reflected on this document?

3 A. June 1st, 2021, to June 30, 2021.

4 Q. I beg the Court's indulgence.

5 I'm now going to show you what's been admitted as
6 Defense 103. Can you please tell us the statement period for
7 103?

8 A. July 1, 2021, and it goes to July 31, 2021.

9 Q. Now, in the year 2021, actually August 2021, did you and
10 your wife sell any property?

11 A. That may have been our second property, I think, in Port
12 St. Lucie -- the one in Port St. Lucie.

13 Q. How much did you receive from the sale of the property?

14 A. Wow. I think we -- we profited well over a hundred
15 thousand from the property.

16 MR. MCCRAY: Okay, Judge -- Judge, may I please
17 approach? I'm going to show you what's been marked Defense
18 Exhibit 106.

19 THE COURT: 106 for identification?

20 MR. MCCRAY: Yes.

21 THE WITNESS: Yes.

22 BY MR. MCCRAY:

23 Q. Okay. Do you recognize that?

24 A. I want to say this is part of the closing documents or the
25 sale documents.

1 Q. Okay. For which transaction?

2 A. For the property that was sold at 599 Southeast Crosspoint
3 Drive, Port St. Lucie, Florida. 34983 is the ZIP Code.

4 Q. Does this document fairly and accurately represent the
5 proceeds of that transaction?

6 A. Yes, sir, it does.

7 MR. MCCRAY: Judge, I move 106, please.

8 THE COURT: 106 for identification is offered.

9 MR. SNIDER: There's no objection. I would just like
10 a copy.

11 THE COURT: Received as marked.

12 (Defense Exhibit 106 was received in evidence.)

13 MR. MCCRAY: May I publish, sir? Thank you.

14 BY MR. MCCRAY:

15 Q. Okay. The settlement date of the transaction was what
16 date?

17 A. 8/20/2021.

18 Q. Okay. And what date were the proceeds disbursed?

19 A. 8/20/2021.

20 Q. And when was the PPP proceeds received?

21 A. That, I'm not sure. You would have to look at a statement
22 or a document to answer that.

23 Q. Do you remember what month it was?

24 A. Actually, no, I don't. I would have to see it.

25 Q. Was it before this date? If you don't know, you don't

1 know.

2 A. I don't know. I can't accurately answer that.

3 Q. All right. So down at the bottom -- let's go to page 2
4 because page 1 is 603 -- Section 603 is cut off. So let's go
5 to the bottom. Cash to seller, on the second -- well,
6 actually, it's the same.

7 What amount of money was received by the sellers
8 here?

9 A. How much did we receive?

10 Q. Yes.

11 A. It was like \$140,000 plus.

12 Q. Okay. And that was money to you and Mrs. Wade?

13 A. Yes, sir.

14 MR. MCCRAY: May I approach please, Judge?

15 THE COURT: Yes, sir.

16 BY MR. MCCRAY:

17 Q. I'm going to show you what's been marked as Defendants'
18 Exhibit 104 for identification purposes. Can you please tell
19 us what that is?

20 A. My business bank account that I had at SunTrust.

21 Q. Okay. Does this -- you say your business bank account.
22 Is that a statement?

23 A. Yes, it is.

24 Q. Okay. Does that statement fairly and accurately represent
25 the funds that you had in the account on the date reflected on

1 the document?

2 A. Yes, sir.

3 MR. MCCRAY: Okay, Judge, I would like to admit
4 Defendants' 104.

5 THE COURT: Any objection?

6 MR. SNIDER: No, no objection.

7 THE COURT: Received as marked.

8 (Defense Exhibit 104 was received in evidence.)

9 BY MR. MCCRAY:

10 Q. Mr. Wade, let me show you what's been marked as
11 Defendants' 105 for identification purposes. Can you please
12 identify what that is?

13 A. That is also another bank statement from SunTrust.

14 Q. And does that statement accurately reflect the proceeds
15 that you had in the bank on the date of the statement?

16 A. Yes, sir.

17 MR. MCCRAY: Okay. Judge, I would like to admit 105,
18 Defense 105.

19 MR. SNIDER: No objection.

20 THE COURT: Received.

21 (Defense Exhibit 105 was received in evidence.)

22 MR. MCCRAY: I would like to publish too, Judge.

23 THE COURT: Yes, sir.

24 BY MR. MCCRAY:

25 Q. Okay. We're looking at 104, Mr. Wade. Can you please

1 tell us the date of this SunTrust document?

2 A. It would be June 1st to the -- June 1st, 2021, to June 30,
3 2021.

4 Q. And does it reflect how much money you had in that
5 account -- a beginning balance?

6 A. Yes, sir, it does.

7 Q. Can you please tell us what it says?

8 A. \$39,755.82.

9 Q. Okay. And does it indicate the average balance?

10 A. Yes, sir, it does.

11 Q. And what does it say?

12 A. \$51,345.91.

13 Q. Does it indicate the average collected balance?

14 A. Yes, sir, it does.

15 Q. And how much is that?

16 A. \$49,940.81.

17 Q. I'm now going to publish Defendants' 105. Can you please
18 tell the members of the jury the statement period for this
19 document?

20 A. May 26 -- on the top, but it's saying until May 31, 2021,
21 I guess, is the ending date of the statement.

22 Q. Okay. Will you please look where it says "balance
23 activity history"? And I'm going to move it up right here.

24 A. Yes, sir.

25 Q. What date is that?

1 A. May -- May 1st.

2 Q. Okay. And what was the balance on May 1st?

3 A. \$49,569.74.

4 Q. Okay. Let's go to May 28th. What was the balance then?

5 A. \$39,755.82.

6 Q. And this Exhibit 105, this is the bank account for whom or
7 which entity?

8 A. For Wade Funeral Home.

9 Q. I'm going to show you Government's 1000, composite,
10 page 49. Do you recognize this?

11 A. Yes, sir.

12 Q. And what is this?

13 A. It's a check that Carolyn Wade wrote out to herself.

14 Q. For how much?

15 A. \$500.

16 Q. And what does it say here?

17 A. It says "salary."

18 Q. Okay. I'm going to come back to that.

19 What about -- let's go to Government's 1000,
20 composite, page 50. What does this document show?

21 A. That's the check that Carolyn Wade wrote out to myself for
22 \$1,000 and it says "salary."

23 Q. Now, you received this from her?

24 A. The check?

25 Q. Yes, the check.

1 A. Yes, sir, I did receive the check.

2 Q. Can you tell us what the check was actually for?

3 A. Okay. So because USAA is not a local bank. It's a bank
4 that's stationed in Texas. There's no local branches. You
5 can't walk in. You can't go in and make a withdrawal. You
6 can't take money out. If you go to an ATM, it's possibly fees
7 that you incur. However, it's not uncommon for me -- families
8 that come in and they pay for funeral arrangements with cash.
9 I do not deposit all the cash in.

10 So it's nothing for me to have at a time 25- to
11 \$3,000 of what we call petty cash to do miscellaneous things.
12 So -- and this particular check right here, she wrote me the
13 check, and maybe she should have been more clearer and put
14 "Carolyn's salary," but the check wasn't to me. I gave her
15 the thousand dollars of cash and she wrote the check out to
16 me.

17 After she wrote the check out to me, then I will take
18 it and put it in my business account because it's business
19 cash that I gave her.

20 Q. When you say business account, which account?

21 A. Wade Funeral Home.

22 Q. What bank account did Wade Funeral Home use?

23 A. SunTrust at the time.

24 Q. Okay. Let's look at 50 of Government's 1000. Look at the
25 second document on that page. What does this show?

1 A. You have to push it up for me.

2 Q. I'm sorry. What does this document show?

3 A. It shows the endorsement of it being deposited in Wade
4 Funeral Home's business account.

5 Q. And why did you deposit it there?

6 A. Because I had given her cash that belonged to Wade Funeral
7 Home.

8 Q. Now, \$500 -- let's go back to page 49 of Government's
9 1000. What is this?

10 A. A check that Carolyn Wade wrote to herself, Carolyn Wade.

11 Q. And did Carolyn Wade typically write a check to herself
12 for salary?

13 A. She could, yes.

14 Q. And the PPP loan had been received at this time?

15 A. I would have to look at the date of reception. Yes. I
16 would say looking at the endorsement of the check, I would say
17 yes.

18 Q. And this says, "SunTrust, for deposit only"?

19 A. Yes.

20 Q. Which SunTrust account?

21 A. That was deposited in Carolyn Wade's 1 Step A-Head
22 SunTrust account.

23 Q. Okay. Let's go to page 52 of Government's 1000,
24 composite. What is this, the top document?

25 A. That's a check that I wrote to Wade Funeral Home.

1 Q. And for how much?

2 A. I want to say \$3,889.

3 Q. And what was the purpose?

4 A. As it says in the memo section, payroll.

5 Q. Okay. And tell us who were you paying.

6 A. Vendors, laborers, whoever worked to do multiple things at
7 that given time. I don't know offhand exactly what was done,
8 but yes.

9 Q. What kind of workers did you have at Wade Funeral Home?
10 What kind of workers did you utilize?

11 A. I utilized laborers. I utilized for funeral services to
12 help me in the prep room, to help around the funeral home --
13 secretarial, administrative work, lawn services, car
14 maintenance, car cleaning. It's a variety of things.

15 Q. When you say prep work, what do you mean with that?

16 A. I can't -- for example, if I go into the back and I have
17 to prepare remains, I would need someone to assist me with it,
18 sometimes two people.

19 Q. Okay. All right. So this check reflected payroll?

20 A. Yes.

21 Q. Okay. The same thing for page 53 of Government's 1000,
22 Carolyn Wade to Carolyn Wade, for salary?

23 A. Yes.

24 Q. The same thing for page 54, Government's 1000?

25 A. Yes, sir.

1 Q. Okay. What about Tracy Wade here where it says -- this is
2 page 55 of Government's 1000.

3 A. Yes, sir, the same as before.

4 Q. Okay. This is for salary?

5 A. Yes, sir.

6 Q. And where was this deposited?

7 A. In my SunTrust business account.

8 Q. Okay. Was this for your salary or was this for her
9 salary?

10 A. No, it was for her salary. She was paying herself.

11 Q. Okay. And just so we can be clear, explain again as it
12 relates to this check dated 6/17/21. What was the purpose of
13 this check being given in your name?

14 A. Well, basically -- she couldn't write it in her name
15 because I can't put her checks into my business account. It
16 has to be written out to me or written out to the funeral
17 home.

18 Again, I have cash that is on hand. She wanted to
19 get money out, I guess, for whatever -- supplies or whatever
20 she needed to do -- or pay storage. And I said, "Hey, take
21 the money and I'll just go ahead and write me a check and put
22 it in the account."

23 Q. Okay. Now, you mentioned storage concerning Mrs. Wade.

24 Can you talk about a storage concerning her business?

25 A. She had, like, two mini storages with her supplies in it

1 from --

2 Q. You said "too many"?

3 A. Two, like, mini storages where she had a lot of her
4 supplies and overflow of chemicals and whatever else she had
5 in there --

6 Q. Okay.

7 A. -- for the business.

8 Q. So she would rent out storage space?

9 A. Well, she had to because at some point in time we didn't
10 have our house.

11 Q. Now, let me just go back.

12 When you made application for this PPP loan
13 application for yourself, had you any inkling of an idea that
14 Haydee Granados was going to input false information?

15 A. No, sir.

16 Q. Did you learn after the application was made but before
17 any arrest in this case that any false information had been
18 included in any of the PPP documentation?

19 A. Repeat that for me one more time.

20 Q. We know you said that you learned about this for the first
21 time shortly after your wife was arrested.

22 A. Right.

23 Q. But before then, did you become aware that Ms. Haydee
24 Granados and/or her husband had inputted false, fraudulent
25 information into your document?

1 A. I had no idea any fraudulent activity had taken place.

2 Q. Now, I believe you testified that you filed a proper
3 Schedule C in 2019; is that correct?

4 A. No, I've never filed a Schedule C.

5 Q. I'm sorry, the 1120, I believe it is.

6 A. Right, right.

7 Q. Okay. And were you aware if whether or not the IRS had
8 the capacity to pick up on individuals filing dual competing
9 applications?

10 A. Yes.

11 Q. How were you aware of that?

12 A. I've -- I've known other people that file -- file, for
13 example -- as I heard prior testimony, if someone that claims
14 a child and someone else tries to file taxes and claims that
15 same child, it is caught immediately. So the IRS picks up on
16 that right then.

17 Q. You've indicated that you knew nothing about this -- what
18 Haydee had done. Would you have agreed to this if you had
19 known that she was going to input some fraudulent information?

20 A. Mr. McCray, I have 31 years of law enforcement. Spotless.
21 I created a business that's professional. I served the
22 community. I'm a fair person. I have a family that depends
23 on me. Your answer to that would be absolutely not.

24 Q. Well, in this case there were two loans; right?

25 A. Yes, sir.

1 Q. \$20,833?

2 A. Yes, sir.

3 Q. Times two?

4 A. Yes, sir.

5 Q. We're talking just over \$40,000, am I correct?

6 A. Yes, sir.

7 Q. Would you have risked your career and reputation for that
8 amount of money or any substantially greater amount of money?

9 A. No, sir.

10 Q. Were you ever pushing Haydee or her husband to hurry up
11 and get this money for you?

12 A. No, sir.

13 Q. Did you know an individual by the name of Jamil Hunter?

14 A. Never. Never heard of him until this case.

15 Q. Now, did you seek a forgiveness in connection with either
16 one or both of those PPP loans that you actually received?

17 A. I wouldn't say I seeked (phonetic) the forgiveness. I
18 think that was, like, an automatic part of the process.

19 Q. So you didn't --

20 A. It automatically comes up as a part of the process at the
21 end.

22 Q. Okay. Any of the documentation that was submitted in
23 connection with getting a forgiveness loan, were you aware of
24 any fraudulent information that had been included in that
25 document?

1 A. No, because you never see an application and you never see
2 a Schedule C.

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

4 Judge, by stipulation we're admitting Defendants'
5 Exhibit 107 into evidence.

6 THE COURT: 107 for identification is received.

7 (Defense Exhibit 107 was received in evidence.)

8 THE COURT: Can you generally tell me what it is?

9 MR. MCCRAY: Yes, Judge. It's a 20191120-S tax
10 return for an S-corporation, Wade Funeral Home LLC.

11 THE COURT: All right.

12 MR. MCCRAY: Judge, can I just approach so we can
13 take a look at it first.

14 THE COURT: Sure.

15 BY MR. MCCRAY:

16 Q. I'm going to show you what has been admitted into evidence
17 as Defense 107. Do you recognize this?

18 A. Yes, sir.

19 Q. What is that?

20 A. My tax documents for Wade Funeral Home, 2019.

21 Q. Okay. I'm going to publish it and then question you.

22 Okay. I'm now publishing Defendants' Exhibit 107.

23 What's this front page of 107? Do you have it on your screen?

24 A. Yes, sir.

25 Q. What's that front page there?

1 A. That's just a cover sheet that my accountant puts on it --
2 I guess Perez accountant -- and it just tells me what's
3 enclosed after the cover sheet.

4 Q. Okay. Just for clarity purposes, Perez Accounting, is
5 that person related to this other person who was here, the
6 witness who testified a short while ago, Mr. Perez?

7 A. Not at all.

8 Q. Did you know him?

9 A. Never seen him a day in my life.

10 Q. Except for this case?

11 A. Except for this case.

12 Q. And the first time was when? Last week?

13 A. When he came the first time that he was subpoenaed.

14 Q. Okay. I'm going to turn over.

15 Now, what is this, sir?

16 A. I guess that would be a breakdown of information.
17 Initially, it says, type or print, Wade Funeral Home address,
18 the EIN number, date incorporated. It gives a breakdown of
19 the gross receipts and sales and et cetera.

20 Q. Does this indicate your gross receipts or sales?

21 A. Returns and allowances -- yes, it does.

22 Q. I'm still making reference to Defense 107.

23 How much does it say your funeral home made that
24 year?

25 A. 345,000.

1 Q. Did you ever ask, advise, agree that Haydee Granados
2 include an amount about -- between 100 and 115,000 on your
3 Schedule C filed in connection with this PPP loan?

4 A. No, sir, because I never knew what a Schedule C was.

5 Q. You don't file Schedule Cs?

6 A. I don't file Schedule Cs.

7 Q. So actually, you made more than what you later learned she
8 had included on the Schedule C?

9 A. Yes.

10 Q. And this 107 has not been questioned or challenged by the
11 Department of the Treasury or IRS; am I correct?

12 A. Not at all.

13 Q. Mr. Wade, when you applied for this loan, did you have any
14 questions about the integrity of the process?

15 A. No, sir.

16 Q. Why didn't you?

17 A. Because I trusted Eduardo Rivero based on our past
18 history, things that we've done. There was nothing that
19 alarmed me, nothing suspicious about it because everything
20 that he asked me to give him was legitimate documents.

21 MR. MCCRAY: Okay. Your Honor, I tender the witness.

22 MR. SNIDER: May we please have the HDMI connection
23 on the podium?

24 CROSS-EXAMINATION

25 BY MR. SNIDER:

1 Q. Good afternoon, Mr. Wade.

2 A. Good afternoon, Mr. Snider.

3 Q. You and I have never spoken outside of this courtroom;
4 correct?

5 A. Briefly.

6 Q. Do you remember speaking to me?

7 A. Yeah, I held the door for you. You said, "Thank you,"
8 things of that nature.

9 Q. That's true.

10 Have we ever discussed this case outside this
11 courtroom?

12 A. No, sir.

13 Q. Any discussion that I've had about this case as it
14 pertains to you has been through your attorneys; correct?

15 A. Yes, sir.

16 Q. And you and I have never formally met face-to-face --
17 correct? -- other than holding the door for me and other just
18 human interaction and pleasantries. We've never sat down
19 face-to-face; correct?

20 A. No, sir.

21 Q. So, Mr. Wade, let's go over sort of a few preliminary
22 things here.

23 You have never had a business named Tracy Wade;
24 correct?

25 A. No, sir.

1 Q. And as far as you know, there is no business doing
2 business as Tracy Wade; correct?

3 A. There should not be.

4 Q. Certainly not one that you're aware of; right?

5 A. Yes, sir.

6 Q. And there is no business named Tracy Wade that was
7 established, to your knowledge, in 2019?

8 A. No, sir.

9 Q. And you don't live at 315 West Pembroke Road in
10 Hallandale; correct?

11 A. That's not my residence, no.

12 Q. That's the residence of your funeral home?

13 A. Yes, it is.

14 Q. So that's not the residence of any business named Tracy
15 Wade; correct?

16 A. No, sir.

17 Q. Your funeral home is a Florida limited liability company;
18 is that correct?

19 A. Yes, sir.

20 Q. It is not a sole proprietorship; correct?

21 A. Okay.

22 Q. Is that right?

23 A. Yes, sir.

24 Q. And as you just went over with Mr. McCray, Wade Funeral
25 Home files business tax returns; correct?

1 A. Yes, sir.

2 Q. The income that is reported to the Internal Revenue
3 Service for Wade Funeral Home is not filed on your individual
4 tax return; correct?

5 A. No, sir.

6 Q. It is filed on an 1120-S form; right?

7 A. Yes, sir.

8 Q. Do you have a Social Security Number?

9 A. Yes, I do.

10 Q. And I'll just say the last four digits. It ends in 4088;
11 correct?

12 A. Yes, it does.

13 Q. And you also have an EIN for the Wade Funeral Home;
14 correct?

15 A. Yes, I do.

16 Q. But that's a different number?

17 A. Yes, it is.

18 Q. You testified that you received a \$20,833 loan from the
19 Paycheck Protection Program; correct?

20 A. Yes, sir.

21 Q. And that went into a USAA bank account that is in your
22 name and your wife's name; correct?

23 A. Yes, sir.

24 Q. So the PPP loan for the business Tracy Wade did not go to
25 the bank account for Wade Funeral Home; correct?

1 A. Correct.

2 Q. And because there is no business named Tracy Wade, no
3 business that you're aware of named Tracy Wade made \$112,430
4 in 2019 or any other year; correct?

5 A. Repeat that question again.

6 Q. Sure.

7 Because there is no business named Tracy Wade that
8 you're aware of, you're not aware of any business named Tracy
9 Wade making \$112,430 ever?

10 A. No, sir.

11 Q. I've just connected to the HDMI and you should see on your
12 screen three exhibits that are in evidence in this case.
13 Those are Government's Exhibit 157 on the left side of your
14 screen, 158 on the right side of your screen, and 159 in the
15 center of the screen. Do you see that on the screen in front
16 of you, Mr. Wade?

17 A. Yes, I do.

18 Q. And you know what these documents are; correct?

19 A. I've learned what these documents are.

20 Q. You've learned. So let's go over what you've learned.

21 Let's start with 157, and I'm going to enlarge for
22 you the top portion here. Now, you just testified that
23 there's no business named Tracy Wade, no business has that
24 business legal name; correct?

25 A. There's no legal business named Tracy Wade.

1 Q. So where it says here "business legal name Tracy Wade,"
2 that's false; right?

3 A. That's false.

4 Q. And the top section where it says "sole proprietor," you
5 don't have a sole proprietorship named Tracy Wade; correct?

6 A. No, sir.

7 Q. So that's false; correct?

8 A. Correct.

9 Q. And the business address that we just went over, 315 West
10 Pembroke Road, that's not for a business named Tracy Wade;
11 correct?

12 A. No, sir.

13 Q. So that's false? Yes?

14 A. Yes.

15 Q. And the total amount of gross income from an IRS
16 Schedule C -- from 1040 Schedule C, line 7, showing \$112,430
17 in this document that's in front of you, Government 157,
18 that's false; right?

19 A. Absolutely.

20 Q. No dispute about that.

21 You've testified that the d/b/a Tracy Wade, that's
22 false; correct?

23 A. Yes, sir.

24 Q. And the year of establishment, that's false?

25 A. Yes, sir.

1 Q. The business TIN, that's not a business TIN, to your
2 knowledge. That's a Social Security Number; correct?

3 A. Yes, yes.

4 Q. That's your social.

5 So that's your social. That's not a social for
6 business with the legal name Tracy Wade?

7 A. That's my personal Social Security number.

8 Q. Okay. And that's your phone number; correct?

9 A. Yes, it is.

10 Q. All right. And that's your email address?

11 A. My personal email.

12 Q. Your personal email address, your personal cell phone
13 ending in 1512; correct?

14 A. Yes, it is.

15 Q. So that's not for -- you said personal. That's not for
16 business; correct?

17 A. For business.

18 Q. So where it says business phone, that's false. Do you
19 agree with that?

20 A. Yes, sir.

21 Q. Now, I've just noted eight pieces of information on the
22 front page of Government's Exhibit 157 that's false. Would
23 you agree with that?

24 A. Yes, sir.

25 Q. Let's take a look at Government 158. Let me make it a

1 little bit larger. I'm going to enlarge the same section. Do
2 you see Government 158 enlarged?

3 A. Yes, sir.

4 Q. By the way, what does it say at the top there, the very
5 top?

6 A. It says, "DocuSign envelope ID."

7 Q. Correct.

8 There's a DocuSign envelope ID. And just for the
9 record, that ends in 596E; correct?

10 A. Okay.

11 Q. And what's below that?

12 A. There's a symbol.

13 Q. A symbol, okay.

14 Do you see any words to the right of the symbol in
15 the center of the application?

16 A. To the right of it it says, "Paycheck Protection Program."

17 Q. Yeah.

18 And what does it say in the line below that?

19 A. Borrower application form for Schedule C filers using
20 gross income.

21 Q. Now, would you agree that the information that is in
22 Government 158 that I've enlarged is identical to the
23 information that I just went through with you in step in 157.

24 Do you agree with that?

25 A. Yes, it is.

1 Q. So we don't need to go through it again. You would agree,
2 would you not, that the information that we just went over,
3 because it's identical, is also false in 158; correct?

4 A. Correct.

5 Q. All right. And now let's look at 159. Do you see the
6 section I've enlarged --

7 A. Yes.

8 Q. -- from Government 159?

9 And this has a DocuSign envelope ID at the top that
10 has the last four characters BBBC; is that right?

11 A. Yes, sir.

12 Q. So different envelope ID than the one we just looked at
13 from Government 158. But other than that, you would agree
14 that the information that I've enlarged here, the top portion
15 of this Paycheck Protection Program borrower application form
16 for Schedule C filers using gross income is identical to the
17 information we've just looked at in 157 and 158; right?

18 A. Yes.

19 Q. So with respect to that, it's equally false; correct?

20 A. Equally false.

21 Q. Now, you had no Schedule C that was filed with your
22 individual tax return; correct?

23 A. Correct.

24 Q. In fact, I believe you just testified when Mr. McCray was
25 asking you that question that you didn't know what a

1 Schedule C was until before this case. Is that your
2 testimony?

3 A. No. I learned about it in the prior proceeding. That's
4 what I stated.

5 Q. Okay. Fair enough.

6 That's when you first -- some other prior proceeding,
7 that's when you first learned about what a Schedule C was?

8 A. Yes, sir.

9 Q. Okay. And just so we're clear, 2018, you never filed a
10 Schedule C; correct?

11 A. For Wade Funeral Home?

12 Q. No. Just -- well --

13 A. I personally have never filed a Schedule C with my CPA
14 ever.

15 Q. Okay. So that means that for 2018, 2019, 2020, 2021,
16 Tracy Wade, the individual sitting here today, he never filed
17 a Schedule C; correct?

18 A. Correct.

19 Q. Haydee Rivero, do you know that name?

20 A. Yes, sir.

21 Q. She used to be known as Haydee Granados; correct?

22 A. Correct.

23 Q. She created a Schedule C for your PPP loan application;
24 correct?

25 A. Correct.

1 Q. And the Schedule C that Ms. Rivero created for you
2 contained information that she testified she completely made
3 up; right?

4 A. Some of it she made up.

5 Q. Some of it she made up. I guess that's fair.

6 She did put your name correct, so that part wasn't
7 false. She put your -- well, let's just look at it. Let's
8 just look at it. Publishing Government 154 in evidence. Do
9 you see that on your screen?

10 A. Yes, sir.

11 Q. This is the Schedule C that Haydee Rivero created for you;
12 right?

13 A. Yes, sir.

14 Q. And your name is correct although there is no business
15 named Tracy Wade; right?

16 A. My name is Tracy Wade, but I don't have a business named
17 Tracy Wade.

18 Q. Right.

19 So the fact that it says name of proprietor or
20 principal business or profession Tracy Wade, that's false. Do
21 you agree with that?

22 A. That's false.

23 Q. That is your Social Security Number; correct?

24 A. Yes, it is.

25 Q. And the only way she had that was because you gave it to

1 her; right?

2 A. I provided it to her.

3 Q. Okay. And there's a business address there, but that's
4 not the business address for Tracy Wade. We've gone over
5 that; right?

6 A. Yes, sir.

7 Q. That's the business address for Wade Funeral Home.

8 You were shown -- I think it was maybe the last
9 exhibit by Mr. McCray -- a cover letter from Perez Accounting
10 attached to which was one of the tax returns for Wade Funeral
11 Home that Perez Accounting prepared; right?

12 A. Yes, sir.

13 Q. Perez Accounting -- am I saying it right? Is it Perez
14 Accounting?

15 A. Yes, sir.

16 Q. And your accountant there is who?

17 A. Ms. Daniela Perez.

18 Q. And she's been your longtime accountant; correct?

19 A. Yes, she has.

20 Q. Sometimes you refer to her as your CPA?

21 A. Yes.

22 Q. Do you know what CPA stands for?

23 A. Not really.

24 Q. She's a tax professional; correct?

25 A. Yeah, something of that nature. Yeah.

1 Q. She's a licensed tax professional. She has done your tax
2 returns for you individually for several years; correct?

3 A. Yes, sir.

4 Q. And she's done the tax return for Wade Funeral Home, in
5 that separate filing, since the business was formed; right?

6 A. Yes, sir.

7 Q. Which was when? Like, 2011, thereabouts?

8 A. Actually, 2010, because it was under another name, and we
9 had -- that corporation expired, and then we ended up with
10 Wade Funeral Home LLC.

11 Q. So that's like almost 14 years you've been using this
12 accountant?

13 A. Yes, sir.

14 Q. So that's someone you trust; right?

15 A. Yes, sir.

16 Q. You trust her to file your taxes and to do it correctly;
17 right?

18 A. Yes, sir.

19 Q. You didn't go to her for any questions about the PPP
20 program, the person you trust, did you?

21 A. Because clearly nothing was mentioned to me that it
22 involved taxes pertaining to my business.

23 Q. Listen to the question.

24 Did you go to Ms. Perez and ask her anything about
25 the PPP loan?

1 A. There was no need to.

2 Q. Did you go to her and say, "I need a Schedule C" -- your
3 accountant for 14 years -- and say, "Can you help me with
4 this?"

5 A. Schedule --

6 Q. The person you trust, did you go to her? Yes or no.

7 A. The Schedule C was never mentioned to me.

8 Q. It's a yes-or-no question.

9 Did you go to Ms. Perez to ask for a Schedule C?

10 A. No. There was no need to.

11 Q. And Perez Accounting is a legitimate firm; correct?

12 A. Absolutely.

13 Q. Ms. Daniela Perez, she would not lie for you; right?

14 A. No.

15 Q. She would not create a fake Schedule C; correct?

16 A. No, she would not.

17 Q. And you knew that; right?

18 A. We don't do fraudulent business.

19 Q. Right.

20 Daniela Perez would not create a fake Schedule C for
21 you?

22 A. We do not operate fraudulently.

23 Q. Would Daniela Perez do a fake Schedule C for you?

24 MR. MCCRAY: Objection, Judge.

25 THE WITNESS: I wouldn't ask her --

1 THE COURT: One moment. Sustained. Ask direct
2 questions.

3 BY MR. SNIDER:

4 Q. Let's go to another topic.

5 Mr. Wade, in 2021, your cell phone service was
6 provided by Verizon Wireless; correct?

7 A. Yes, sir.

8 Q. 2021, 2022, you've been a Verizon customer for a long
9 time?

10 A. I'm not a Verizon customer right now.

11 Q. But you were in 2021?

12 A. Yes, I was.

13 Q. And your cell phone in 2021 that was provided -- service
14 for which was provided by Verizon was 786-488-1512; correct?

15 A. Correct.

16 Q. And in April, May, June, July, August of 2021, that was
17 your phone number? That never changed?

18 A. Yes, it was.

19 Q. And in April, May, June, July, August of 2021, the cell
20 phone that was assigned to that line ending in 1512 was a
21 Samsung Galaxy S21 Ultra 5G; correct?

22 A. I know it was a Samsung. I don't know all of the other
23 numbers it goes by. It was a Samsung.

24 Q. A Samsung Galaxy S21.

25 A. Okay.

1 Q. Well, you don't have to take my word for it. Let's
2 publish Government Exhibit 806.1. Do you see
3 Government 806.1?

4 A. Yes, sir, I do.

5 Q. And this is the Verizon bill that you received for the
6 billing period of April 16, 2021, and May 15, 2021; correct?

7 A. Yes, sir.

8 Q. And do you see your name on it?

9 A. Yes, sir.

10 Q. Do you see your phone number?

11 A. Yes, sir.

12 Q. And do you below that Galaxy S21 U 5G?

13 A. Okay.

14 Q. Any reason to doubt that you had a Galaxy S21 U 5G
15 assigned to phone number ending in 1512?

16 A. No, sir.

17 Q. So you accept this as true?

18 A. I accept that as true.

19 Q. Okay. Now, your cell phone service provided by Verizon
20 Wireless in 2021 in the months that I just mentioned had a
21 data plan; correct? It allowed you to use -- access the
22 Internet from your cell phone, which was then a Samsung Galaxy
23 S21; right?

24 A. Yes, sir.

25 Q. And just like most people, you use the Internet from your

1 cell phone when you're out and about; right?

2 A. Yes, sir.

3 Q. You don't need to be connected to a Wi-Fi network in order
4 to access the Internet from your cell phone because you have a
5 data plan that allows you to access the Internet on Verizon's
6 network; right?

7 A. That's not necessarily so. Sometimes, depending on where
8 you are and if you're in a place where your phone is not
9 getting good connection, you do need to use Wi-Fi.

10 Q. That's right, but listen to the question.

11 Sometimes -- I think my question was you had the
12 ability; right? You could use Verizon's network without Wi-Fi
13 to access the Internet?

14 A. Yes.

15 Q. And you did do that; right?

16 A. Yes, sir.

17 Q. Of course.

18 Now, in this case -- and you've been sitting with us,
19 of course, throughout the entire trial. Yes?

20 A. Yes, sir.

21 Q. So you've seen that in this case Verizon Wireless sent the
22 United States Government a list of certain IP addresses that
23 started with 174 that Verizon testified, through its witness,
24 it owned in 2021; correct?

25 A. Yes, sir.

1 Q. And for the record, that was Government Exhibit 805, which
2 I have just published. Do you see that?

3 A. Yes, sir.

4 Q. And so do you have any reason to doubt that those were not
5 Verizon Wireless IP addresses in 2021?

6 A. No, sir.

7 Q. You accept that as true?

8 A. Yes, sir.

9 Q. Every single one that's --

10 A. Every single one, absolutely.

11 Q. You've also seen in this case what the IP address that
12 AT&T had assigned to the Wade Funeral Home in the time period
13 that we're talking about, April and May of 2021; correct?

14 A. Yes, sir.

15 Q. And that is in evidence as Government Exhibit 601, which I
16 will publish.

17 And you don't dispute that the Wade Funeral Home IP
18 address during this period was 104.9.107.166; right? You
19 don't dispute that?

20 A. No, I do not.

21 Q. Do you accept that as true?

22 A. Yes.

23 Q. And we've also seen that AT&T provided Internet service to
24 your home; correct?

25 A. Yes, sir.

1 Q. And I'm publishing Government Exhibit 600. You have no
2 reason to doubt that the IP address that AT&T assigned to your
3 residence where you lived with Carolyn Wade during this
4 period, that IP was 107.131.161.84. Do you accept that?

5 A. Yes.

6 Q. There has been in this case a lot of records from a
7 company called Womply; right?

8 A. Yes, sir.

9 Q. And those records are now in evidence; correct?

10 A. Yes, sir.

11 Q. And those records show, Mr. Wade, that you had a lot of
12 online activity in your own PPP application on Womply's
13 portal; correct?

14 MR. MCCRAY: Judge, I'm going to object to the form
15 "a lot."

16 THE COURT: Sustained.

17 BY MR. SNIDER:

18 Q. Is it fair to say that you yourself, Mr. Wade, conducted
19 activity on Womply's portal?

20 A. I logged in to do certain transactions or certain things
21 that were required.

22 Q. Okay. And you did the same thing for your wife, Carolyn
23 Wade; correct?

24 A. Yes, sir.

25 Q. And you know that to log into Womply's portal -- let's

1 take your application, for example. You know that to log into
2 Womply's portal, you need to either supply your email address,
3 which we just looked at, or your cell phone number; correct?

4 A. Yes, sir. I did both.

5 Q. You did both?

6 A. Yes, sir.

7 Q. We'll look at the data to see what you did.

8 A. Okay.

9 Q. But a one-time code, depending on whether you use the
10 identifier of a cell phone number or an identifier as an email
11 address to log in, a one-time code gets sent to either of
12 those places, a cell phone through a text message or an email
13 address through an email; right?

14 A. Every time you do a --

15 Q. A login.

16 A. Every time, there's a code that's sent.

17 Q. Okay. And that code, you know, doesn't last forever;
18 right?

19 A. Well, I didn't know then but now I know.

20 Q. You didn't know it expired?

21 A. No.

22 Q. You never had an instance where, for example, Carolyn Wade
23 had a code that expired?

24 A. When it was explained to me because they kept rushing me
25 and kept saying, "You're not answering your phone. You're not

1 paying attention -- certain things that you need." So then I
2 found out --

3 Q. Sir, just listen to my question.

4 Is it your testimony that you didn't know that that
5 code had a limited lifespan to it?

6 A. I found out in another proceeding. Yes.

7 Q. And you've logged onto bank accounts too and other
8 websites that have a one-time code; right?

9 A. No.

10 Q. You've never done that. You've never had to put in a
11 one-time code?

12 A. Let me back up. Yeah, sometimes. I agree, yeah.

13 Q. And you know that the purpose of a one-time code is that
14 it's one time. And if it lasted forever, it wouldn't make
15 sense for it to be one time; right?

16 A. Okay.

17 Q. Okay?

18 A. Yes.

19 Q. So you know that they expire?

20 A. Well, I didn't know it was a one-time code.

21 Q. But you got those codes in connection with logging into
22 Womply's website -- you, on your cell phone, got codes; right?

23 A. Correct.

24 Q. And you shared those codes sometimes?

25 A. From the beginning. I shared the codes.

1 Q. Who did you share the codes with?

2 A. Verbally over the phone, they were given to Eduardo
3 Rivero, and he gave them to his wife, Haydee Granados, at the
4 time.

5 Q. And did you ever share one of those codes with anyone
6 else?

7 A. No.

8 Q. No.

9 A. There's no reason to.

10 Q. No reason to, right.

11 You gave that code sometimes to Haydee Granados
12 directly; right?

13 A. No. Everything pretty much was given to Eduardo. I may
14 have spoken to Ms. Granados maybe two to three times when it
15 came to this PPP application.

16 Q. Two to three times. That's your testimony. You spoke to
17 her two to three times in connection with this PPP process?

18 A. That is a fact.

19 Q. No, I'm asking you --

20 A. Yes --

21 Q. -- if that's your testimony.

22 A. -- that's my testimony.

23 Q. Okay.

24 So your PPP loan application, you started that one
25 yourself; right?

1 A. Yes, sir.

2 Q. Okay. You went to Womply's website. You put in your
3 phone number, which you had to verify, and you put in your
4 email address, which you had to verify, and that began the
5 process. You started that; right?

6 A. Yes, sir.

7 Q. In fact, we're looking now at what is slide two of the
8 Government's demonstrative that's marked as 1000. Do you see
9 that?

10 A. Yes, sir.

11 Q. And this is on May 4, 2021. These two transactions, which
12 are the first two transactions with respect to this account,
13 this application, that's you conducting that activity from the
14 Wade Funeral Home using the Internet connection that has an IP
15 address ending in 166; right?

16 A. Yes, sir.

17 Q. So that's Tracy Wade.

18 And if we go up to slide one, these are the login
19 attempts for May 4, 2021; correct?

20 A. Yes, sir.

21 Q. And those show five logins by you, Tracy Wade; right?

22 A. You said attempts initially. So is it a login or is it an
23 attempt?

24 Q. Well, do you see where it says "success"? What does it
25 say under success?

1 A. Okay.

2 Q. I'm sorry. What does it say?

3 A. It says true.

4 Q. It says true.

5 And you heard the testimony that when it says true,
6 that means the login was successful; right?

7 A. Yes, sir.

8 Q. Do you accept that as true, that fact?

9 A. Yes, sir.

10 Q. So these were successful logins by Tracy Wade on May 4,
11 2021, one, two, three, four, five. Do you accept that?

12 A. Yes, sir.

13 Q. We're now on page 8 or slide eight. These are login
14 attempts on May 5, 2021, and the last one there, which is from
15 a Verizon Wireless IP address, with the cell phone model that
16 you had at the time, a Galaxy S21 U 5G; correct?

17 A. Correct.

18 Q. So that is you, Mr. Wade, logging in on May 5th, 2021, to
19 your PPP loan application; correct?

20 A. Yes, sir.

21 Q. On slide nine, this is now May 6, 2021. This is you,
22 Mr. Wade, logging in, one, two, three, four times using your
23 cell phone, the Galaxy S 21 U 5G while on Verizon's network.
24 Yes?

25 A. Yes, sir.

1 Q. We're now on slide 31. These show login attempts on
2 May 19, 2021; correct?

3 A. Correct.

4 Q. And there's two logins on this page. Yes?

5 A. Yes.

6 Q. Okay. And that's you, Mr. Wade, logging into Womply's
7 portal for your application twice on May 19, 2021; correct?

8 A. Correct.

9 Q. And that's you using -- it's a cell phone you were using.

10 We're now looking at slide 33, which shows two login
11 attempts on May 20, 2021; correct?

12 A. Correct.

13 Q. And that's you, Mr. Wade, logging in both those times on
14 May 20, 2021, to your PPP loan application on Womply's
15 website; correct?

16 A. Absolutely.

17 Q. Now we're on slide 37. This shows one login on May 25,
18 2021. Yes?

19 A. Yes.

20 Q. And that is you, Mr. Wade, logging in to your PPP loan
21 application on May 25, 2021, using your Samsung Galaxy phone;
22 correct?

23 A. Correct.

24 Q. Now we're looking at slide 38. This is a login attempt on
25 May 26, 2021. And that's you, Mr. Wade, in the second row of

1 this data, logging in to your PPP loan application on Womply's
2 website; correct?

3 A. Correct.

4 Q. And I didn't go over this on all the slides, but do you
5 see where it says "identifier" on the far left?

6 A. Okay.

7 Q. That's your phone number; right?

8 A. Correct.

9 Q. So these codes to log in are being sent to your phone?

10 A. Correct.

11 Q. Correct.

12 A. Although I think sometimes they sent simultaneous codes to
13 the email and the cell phone, so I'm not exactly sure on that.

14 Q. Well, there's no email there; right? It's just a phone
15 number?

16 A. But you have my Verizon up right now.

17 Q. I'm sorry?

18 A. You only have the Verizon up, so I don't know.

19 Q. Well, actually, I'll represent to you -- do you see where
20 it says source, Government Exhibit 163E?

21 A. Right.

22 Q. So that's taken from that big spreadsheet that Womply
23 produced to us. If you want to see it, I'll be happy to show
24 it to you.

25 A. No. What I'm saying is you're saying the one-time code

1 was sent to my cell phone. I said to you -- because that's
2 what this represents. I said to you, "I think they were
3 simultaneously sending the codes to your cell phone and your
4 email." I think they did do that. What you're showing me is
5 a cell phone, and nothing that you're showing shows where they
6 sent the code out -- the passcode.

7 Q. Well, let's just take a look at the data because you
8 accept the data; right, Mr. Wade?

9 I'm showing you Government 163E, which is an Excel
10 file. Do you see that?

11 A. Okay.

12 Q. So this is Excel. This isn't a Verizon record; correct?

13 A. Okay.

14 Q. Do you see Column A where it says "identifier"?

15 A. Yes, sir.

16 Q. Do you see your cell phone number in every single one of
17 those rows?

18 A. That's not what I -- that's not the statement --

19 Q. Well, I'm asking that question. Do you see your cell
20 phone there?

21 A. No, sir.

22 Q. You don't see your cell phone number?

23 A. Well, I see my cell phone --

24 Q. That's my question. Do you see your cell phone number?

25 A. Yes, sir.

1 Q. The line?

2 A. Yes, sir.

3 Q. Right.

4 You don't see your email address there, do you?

5 A. No, sir.

6 Q. Do you remember the testimony that the identifier captures
7 either the place where the code was sent -- either a cell
8 phone number or an email address. Do you remember that?

9 A. I don't remember that, but if you say that -- go ahead.

10 Q. All right. Let's go back to Government 1000. We were on
11 slide 38, which you said was you logging in; correct?

12 A. Yes, sir.

13 Q. Now we'll go to slide 62, which is a login attempt on
14 July 26, 2021, and you, Mr. Wade, logged in then at 5:56 PM
15 Eastern; correct?

16 A. Yes, sir.

17 Q. So I can go back, if you want to count them, but -- or you
18 can -- if you want to count them, you're free to, but I
19 counted 17 successful logins by you, Tracy Wade, into your PPP
20 loan application on Womply's website between May 4, 2021, and
21 July 26, 2021.

22 MR. MCCRAY: Objection, Judge. There's no question.

23 BY MR. SNIDER:

24 Q. Is that right?

25 THE COURT: What is the question?

1 BY MR. SNIDER:

2 Q. Does that seem right to you, 17 logins?

3 A. Was I logging in? What was I doing in these logins?

4 Q. That's not my question.

5 Did you log in 17 times between May 4, 2021, and
6 July 26, 2021?

7 A. Where do you show me logging in at?

8 Q. I'm sorry?

9 A. Yeah, it shows me logging in.

10 Q. 17 times?

11 A. Yes.

12 Q. And Haydee Rivero was the person who uploaded your
13 Schedule C; correct?

14 A. That's what she testified to.

15 Q. Well, do you not know that?

16 A. The answer is yes.

17 Q. Yes, she did do that. She uploaded your Schedule C.

18 And many of these logins that we just looked at were
19 after Ms. Rivero uploaded the Schedule C into your
20 application; correct?

21 A. Correct. I'm not sure to testify to that, unless you want
22 to go through every line and tell me what she did she did and
23 what I did I did.

24 Q. I show her uploading it -- and we can take a look at it --
25 she did it actually a few times -- but May 6, 2021 -- there

1 was more than one -- between 2:32 and -- well, it's tough
2 because of the conversions, but I've converted it.

3 So between May 5 at 10:32 PM to May 6 at 10:30 AM is
4 when she, according to the data, uploaded a Schedule C for
5 you.

6 MR. MCCRAY: Objection, Judge. That's not a
7 question.

8 THE COURT: Well --

9 MR. MCCRAY: Form.

10 THE COURT: -- is this a summary witness -- I mean, a
11 summary exhibit that you're referencing?

12 MR. SNIDER: It's in the summary exhibit. I'm
13 asking --

14 THE COURT: All right. So you're going to have to
15 ask the question as if it's directed to the actual exhibit.

16 BY MR. SNIDER:

17 Q. We're looking at the events tab from Government
18 Exhibit 163E. Do you see that? Do you see that, sir?

19 A. Yes, sir.

20 Q. And we can see here that if you look at the time stamp,
21 which is in UTC -- right? -- and then the event type where it
22 says "event file upload," these are file uploads that are
23 going up at that date and time; correct?

24 A. Okay.

25 Q. Is that what the data shows?

1 A. That's what it says on the screen.

2 Q. Okay. And these uploads are files that are named Tracy
3 Wade.pdf; correct?

4 A. Yes, it is.

5 Q. And you don't have an iPhone; right?

6 A. Now I do.

7 Q. Let's just stick with the time period here.

8 A. Okay.

9 Q. We are in May of 2021. Did you have an iPhone then?

10 A. No, sir.

11 Q. And this is an iPhone that's uploading these. So you
12 accept that that is Ms. Granados, now Ms. Rivero, uploading
13 your Schedule C into your application on or about May 6, 2021?

14 A. I can't confirm that because it just says "file upload."
15 So I don't know if she's uploading that Schedule C or some
16 other application documents with this. I don't know what
17 she's uploading.

18 Q. But let's get back to my earlier question.

19 You logged in, based on what we just looked at,
20 multiple times after this date. Yes?

21 A. Okay. Yes.

22 Q. So 17 logins, many of which were after the Schedule C was
23 uploaded; correct?

24 A. Correct.

25 Q. And it's your testimony --

1 A. Well, I don't know -- I don't know if that's correct.

2 You're telling me. I don't know.

3 Q. Well, that's what the data shows. Do you have any reason
4 to doubt the data?

5 A. I see two -- when looking on here, it says two -- after
6 her, it's only two logins.

7 Q. Well, we're not looking at the logins. These are just the
8 events. You have to go to look at this screen.

9 A. Oh, okay.

10 Q. So between the events, the uploads here and the logins,
11 you agree that you logged in after Ms. Rivero had uploaded
12 your Schedule C. Yes?

13 A. Yes, sir.

14 Q. And it's your testimony to this jury that in those 17
15 times that you logged in, some of which were after she
16 uploaded the Schedule C, you had no idea there was false
17 information in your PPP loan application?

18 A. That is absolutely what I'm testifying to.

19 Q. You didn't see a business name named Tracy Wade?

20 A. No, sir.

21 Q. You didn't see a date of establishment of 2011? You
22 didn't see a d/b/a? You didn't see any of the false
23 information? 17 logins.

24 A. No, sir. No, sir.

25 Q. Now, you said, I think a couple minutes ago, that you

1 weren't sure what you were doing when you logged in. You may
2 have just logged in. You may have done something else;
3 correct?

4 A. Yes, sir.

5 Q. And, in fact, you did do more on some occasions than just
6 log in; right?

7 A. Yes, sir.

8 Q. You uploaded documents like a bank statement; right?

9 A. Yes, sir.

10 Q. You linked your bank account, meaning putting in the
11 routing number and account number for your personal joint
12 account with Ms. Wade; right?

13 A. That was given to the Riveros initially and then they got
14 the business bank account. So they had all the documents from
15 the beginning.

16 Q. Just listen to the question, sir.

17 A. No, I hear you.

18 Q. Did you link your bank account on Womply's website?

19 A. Yes.

20 Q. Yeah.

21 And what you put in -- when you linked it it was the
22 account to which the money was sent?

23 A. For --

24 Q. For your PPP loan.

25 A. I'm not sure if I did that or not.

1 Q. You're not sure. Okay.

2 A. If I did I did. I'm not sure.

3 Q. These are two uploaded events on May 4, 2021, and that's
4 you conducting this activity from the Wade Funeral Home;
5 correct?

6 A. Yes, it is.

7 Q. And this event type is file upload. Yes?

8 A. Yes, it is.

9 Q. And those file names, red ribbon.pdf and black.pdf, those
10 are the files you uploaded; right?

11 A. Okay.

12 Q. Well, do you have any reason to doubt this data?

13 A. No, sir.

14 Q. And slide six, these are additional events to your PPP
15 application on May 5, 2021, and the ones that are highlighted
16 are you conducting those events; correct?

17 A. Correct.

18 Q. That is file upload, and the first line that is
19 highlighted. Yes?

20 A. Okay.

21 Q. And the file that you uploaded is a Four Star checking
22 7309.pdf. Do you see that?

23 A. Okay.

24 Q. Well, do you see it?

25 A. Yes, sir.

1 Q. And that's what the data shows?

2 A. That's what the data shows.

3 Q. And you've testified now that you have no reason to doubt
4 this data; correct?

5 A. That's what it says.

6 Q. Okay. And below that, a bank account was linked. Yes?

7 A. Yes.

8 Q. Okay. And that's you conducting that transaction. Yes?

9 A. Yes.

10 Q. So those are the events that occurred -- when I say an
11 event, it is either an upload or a link; correct?

12 A. Yes.

13 Q. And we've just looked at four that you did. Yes?

14 A. Yes, sir.

15 Q. And it's your testimony that during those four events, you
16 had no idea about any of the false information in this PPP
17 loan application; correct? That's your testimony?

18 A. Do you want to ask that question again?

19 Q. Sure.

20 We talked about the logins first. Now we're talking
21 about the events -- these four events that you did. It's your
22 testimony that during these four events you didn't see any
23 information that you knew to be false?

24 A. No, sir. I uploaded accurate -- accurate bank documents.

25 Nothing was altered.

1 Q. I'm not saying that. I'm just saying about what you
2 saw --

3 A. No, I didn't see anything.

4 Q. Let's take a look now, then, at the changes that you made
5 to your application because you did type in some information
6 yourself; correct?

7 A. I typed in some, yes.

8 Q. Okay. These are two transactions that you conducted. The
9 zero indicates, as you know from the testimony of Mr. Thakral,
10 that you started this; right? Mr. Wade, these are two
11 transactions that you conducted. Yes?

12 A. Okay.

13 Q. Well, you're saying okay. That's what the data shows.
14 Yes?

15 A. Yes.

16 Q. Okay. And one of those transactions where there's a zero
17 is you starting this application; correct?

18 A. Yes.

19 Q. And what is highlighted here on slide seven are five
20 transactions that you, Mr. Wade, conducted in your PPP loan
21 application. Yes?

22 A. Yes.

23 Q. You're using Verizon Wireless to do that. Yes? I'm
24 sorry. I didn't hear the answer.

25 A. Yes.

1 Q. And one of those transactions is a change to -- it's hard
2 to see. I'm going to make it a little bit easier. I'm
3 looking at the transaction where it says "funding source.ACH
4 version." Do you see that?

5 A. Okay.

6 Q. Do you see that on your screen?

7 A. Yes, I see it.

8 Q. Okay. And that was the part of the application where the
9 change was made, the funding source; correct?

10 A. Okay.

11 Q. That's what the data shows?

12 A. Yes.

13 Q. Okay. And we're looking now at a Womply document that's
14 in evidence, Government Exhibit 155. Do you see that?

15 A. Yes, sir.

16 Q. What does it say at the top?

17 A. Funding instructions.

18 Q. Okay. And these are the instructions, the account number
19 and the routing number that you put in so Womply would know
20 where to send the money. Yes?

21 A. Okay. If those are my account numbers, yes.

22 Q. You don't know if those are your account numbers?

23 A. I don't know them by memory, but if you say that's the
24 account number, yes.

25 Q. What does this account number end in?

1 A. 7309.

2 Q. Okay. And what does this account number end in?

3 A. 7309.

4 Q. The same number, yes?

5 A. Yes, it is.

6 Q. So that's the checking account to which -- that you put in
7 so you could -- so Womply would know where to send the money.
8 Yes?

9 A. Yes.

10 Q. That wasn't something that Ms. Rivero did. You put in
11 where to send the money and you didn't put in Wade Funeral
12 Home, did you -- the account for Wade Funeral Home?

13 A. Well, evidently that was inaccurately put in if I put it
14 in.

15 Q. I'm sorry?

16 A. Evidently that was inaccurately put in if it was put in.

17 Q. What do you mean? You just said you put it in. Put in
18 this --

19 A. Because I would not have been putting in my business
20 account information -- my personal information into a business
21 loan.

22 Q. So what are you saying? You put in the wrong number?

23 A. Well, my computer probably -- maybe it self-populated it.

24 Q. Oh, it self-populated. Oh, that's what happened.

25 A. I don't know.

1 Q. Explain that. What's that process like?

2 A. Sir, I can't give you the explanation. It's there. I
3 agree with you --

4 Q. Are you just guessing now?

5 A. No, I'm not guessing.

6 THE COURT: One moment. One at a time, please.

7 THE WITNESS: I'm not guessing.

8 BY MR. SNIDER:

9 Q. You put in for a receipt of the money, where it should go,
10 your checking account at USAA Savings Bank ending in 7309,
11 which is a joint account that you held with Carolyn Wade.
12 Yes?

13 A. That's what the record shows.

14 Q. We're back now looking at the demonstrative slide. We're
15 on page 11, and we're looking at transactions which were done
16 on May 6, 2021. Do you see that?

17 A. Yes, sir.

18 Q. There's six transactions that are highlighted. Yes?

19 A. Yes, sir.

20 Q. And those are transactions that you, Mr. Wade, conducted
21 in your own PPP loan application on Womply's website. Yes?

22 A. What transactions?

23 Q. Are those transactions that occurred by you on Womply's
24 website? I'll show you what they are in a moment but --

25 A. Yes, sir.

1 Q. But is that what you're seeing?

2 A. Yes, sir.

3 THE COURT: Let me stop you there, Counsel. We're
4 going to have our afternoon break at this time. We are in
5 recess.

6 (Jury exited at 2:59 PM.)

7 THE COURT: We are in recess.

8 (Recess from 3:00 PM to 3:21 PM.)

9 THE COURT: Please continue.

10 BY MR. SNIDER:

11 Q. Mr. Wade, before the break, we were looking at the
12 modifications to the Tracy Wade PPP loan application that you
13 yourself had conducted on the Womply website; correct?

14 A. Yes, sir.

15 Q. All right. And we looked at slides 2, 7, and 11; correct?

16 A. Yes, sir.

17 Q. And on those slides, there show 13 different transactions
18 that you yourself had conducted on the Womply website in your
19 own PPP loan application; correct?

20 A. Yes, sir.

21 Q. One of those transactions, Mr. Wade, was you putting in as
22 the business name Tracy Wade; correct?

23 A. I'm not aware of that, sir.

24 Q. You're not aware of you starting the application and being
25 asked what the business legal name was and putting in Tracy

1 Wade?

2 A. No, I'm not aware, sir.

3 Q. But you never put in Wade Funeral Home, did you?

4 A. I don't recall what I put in, but I would never put a
5 business named Tracy Wade.

6 Q. You would never do that?

7 A. There's no business named Tracy Wade.

8 Q. Of course there's not, but the data shows that you did
9 that; right?

10 A. Yes, sir.

11 Q. The data shows, and the data isn't wrong; right?

12 A. Well, I don't know what action was being taken when I was
13 in the portal.

14 Q. I'm sorry?

15 A. I don't know which action was being taken that you're
16 referring to.

17 Q. I'm referring to the entry "Tracy Wade" into Womply's
18 portal where it said, "What is the business name?"

19 A. I don't recall. I know I put my initial information in,
20 the email address, and my phone number, whatever it took to
21 get the code.

22 Q. Okay. But there was a step that said, "What is the
23 business name?" And the answer that was put in was "Tracy
24 Wade." Yes?

25 A. I don't remember that.

1 Q. You don't remember that?

2 A. No.

3 Q. But if the IP address shows that that information, Tracy
4 Wade, went into the application from the 166 IP address, it
5 was coming from Wade Funeral Home; correct?

6 A. Yes, that's the Wade Funeral Home IP.

7 Q. And you're the only one at Wade Funeral Home who was
8 accessing this PPP loan application for yourself; correct?

9 A. Yes.

10 Q. So you would agree, then, if the IP address shows 166 for
11 that piece of information, Tracy Wade as a business name, that
12 was you putting that in?

13 A. I probably put my name in in reference to being associated
14 with the business.

15 Q. Associated with the business Tracy Wade?

16 A. I put the preliminary information in to get the passcode.
17 So I don't recall what the preliminary information is.

18 Q. During the break, Mr. Wade, I went ahead and opened up
19 Government 164, which is one of the exhibits that is in
20 evidence, and I just highlighted some of the IP addresses that
21 were used to put in information. And the first IP address for
22 the first line of information put into this is the 166. Yes?

23 A. Yes, sir.

24 Q. And the second one is the 166?

25 A. Yes, sir.

1 Q. And the information is being transmitted to Womply from
2 that address -- that is you, sir -- was you putting it in
3 Womply's portal. Yes?

4 A. The entry information, yes.

5 Q. I'm sorry?

6 A. The entry information, yes, sir.

7 Q. The entry information?

8 A. Whatever it took to start the application.

9 Q. Right.

10 Including the business name Tracy Wade?

11 A. I would never have referred to it as Tracy Wade because
12 there's no business --

13 Q. But that's what the data shows. Yes?

14 A. Yes. It's highlighted.

15 Q. I highlighted it, just so you're clear, because the IP
16 address we're scrolling over in column W is the IP address for
17 the Wade Funeral Home. And I've highlighted the other
18 transactions, which are also from IP addresses that you said
19 were Verizon and you were a Verizon customer -- we've gone
20 over those because those are in slides 2, 7, and 11. You've
21 already testified that that was you, so we don't need to go
22 over that again.

23 There was another component of the application
24 process that you did yourself, and that was to take pictures
25 of yourself to verify your identity; right?

1 A. Yes, sir.

2 Q. I'm publishing for you Government Exhibit 156, page 8.

3 And the other component of that verification was to
4 upload a picture of your driver's license. Yes?

5 A. Yes, sir.

6 Q. And that's you, sir, holding your driver's license, the
7 front and back -- your Florida Driver's License?

8 A. Yes, sir.

9 Q. And you uploaded those pictures?

10 A. Yes, sir.

11 Q. Not Haydee Rivero; correct?

12 A. Correct.

13 Q. And not Mr. Rivero -- correct? --

14 A. Correct.

15 Q. -- who you testified doesn't even know how to use a
16 computer; right?

17 A. I didn't testify to that.

18 Q. You didn't testify to that?

19 A. No, sir.

20 Q. You didn't testify that he, to your knowledge, is not good
21 with computers? You didn't say that about, I don't know, an
22 hour ago?

23 A. I said that Ms. Rivero handled all the administrative
24 duties, and he didn't pretty much --

25 THE COURT: I'm sorry. Can you speak a little --

1 BY MR. SNIDER:

2 Q. Speak into the microphone.

3 A. He said that his wife, Haydee, handled all of their
4 administrative duties at the funeral home. The documentations
5 that went through the computer -- I don't recall exactly how I
6 said it -- but he didn't pretty much handle anything with the
7 computer.

8 Q. To your knowledge, is Mr. Rivero computer savvy? Can he
9 use computers well? You know or you don't know?

10 A. I really don't know if he's computer --

11 Q. You don't know, okay. Let's go back to 156, which is on
12 your screen.

13 So that was you uploading pictures of your driver's
14 license. And if we go to page 6, that's you taking three
15 photographs of yourself; correct?

16 A. Yes, sir.

17 Q. And you used your cell phone that you had at the time, the
18 Samsung Galaxy S21, to do so; correct?

19 A. Yes, sir.

20 Q. And you had to take these pictures more than once because
21 it didn't work the first time; correct?

22 A. Yes, sir.

23 Q. So now we're on page 7 of Government 156. That's you
24 taking the second set of photographs of yourself to verify
25 your identity for your PPP loan application; correct?

1 A. Yes, sir.

2 Q. That's not something that Ms. Rivero did for you; correct?

3 A. No, sir.

4 Q. You didn't go to her house to have pictures of yourself
5 taken?

6 A. No, sir.

7 Q. Here you are in your funeral home taking pictures of
8 yourself for your own PPP loan application; correct? I'll
9 make it bigger if you need to see.

10 Are you at work there, sir?

11 A. I don't think that's the funeral home.

12 Q. You don't?

13 A. No.

14 Q. Where do you think that is?

15 A. I'm not sure.

16 Q. What are you wearing?

17 A. I'm wearing scrubs.

18 Q. Where do you wear scrubs?

19 A. At the funeral home, but I don't have a camera in the
20 ceiling like that.

21 Q. Okay. You're wearing your work scrubs but you're not
22 quite sure where you are?

23 A. Correct.

24 Q. Is that what you're saying?

25 A. Yes.

1 Q. You took these pictures of yourself using your cell phone?

2 A. Yes, sir.

3 Q. So we've looked at, just now, 17 instances of Tracy Wade
4 logging into his own PPP loan application; correct?

5 A. Yes, sir.

6 Q. We've looked at Tracy Wade uploading four documents into
7 his PPP loan application; correct?

8 A. Yes, sir.

9 Q. We've looked at 13 instances of Tracy Wade making changes
10 to his own PPP loan application; correct?

11 A. Yes, sir.

12 Q. We've looked at Tracy Wade taking six selfies of himself
13 for his own PPP loan application; correct?

14 A. Yes, sir.

15 Q. And we've looked at Tracy Wade uploading two copies -- or
16 two pictures, front and back of his driver's license, to
17 verify his identity; correct?

18 A. Yes, sir.

19 Q. And it is your sworn testimony to this jury that in those
20 17 logins, four uploads, 13 modifications, six selfies, and
21 two uploads of a driver's license, you had no idea -- in your
22 words, not an inkling there was any false information in your
23 PPP loan application?

24 A. Absolutely not.

25 Q. Even though the data shows that you were the one that

1 wrote Tracy Wade as the business legal name?

2 A. Okay. It says -- I didn't see that.

3 Q. You didn't see it. So you typed it without seeing it, is
4 that what you're saying?

5 A. What you showed me was that I started the application.
6 You didn't show me what I actually typed in when I started.

7 Q. Well, the name "Tracy Wade" didn't just appear out of
8 nowhere -- right? -- as far as the business legal name?

9 A. No, it didn't appear out of nowhere.

10 Q. In fact, that record I just showed you showed that it was
11 entered from an IP address ending in 166, which we're all now
12 clear was the IP address for the Wade Funeral Home?

13 A. I'm unclear of showing it -- saying Tracy Wade being
14 entered. That's what I'm telling you. I'm not sure if Tracy
15 Wade was entered.

16 Q. But we looked at the first line of data. Yes?

17 A. Yes, we did.

18 Q. And in that first line, which was associated with the 166
19 IP address, the name "Tracy Wade" as the business legal name
20 appeared. Yes?

21 A. Yes, if that's what it says.

22 Q. Well, that's what it showed. Did you not see it?

23 A. Actually, no.

24 Q. Now, this Persona component of this and the uploads that
25 occurred and the starting of the application, all of which you

1 just testified you did, that was even before anything was
2 signed; right?

3 A. Yes.

4 Q. Okay. Because once that part was done, there was a
5 signing component in order get a PPP loan; right?

6 A. Yes, sir.

7 Q. And that was done by DocuSign?

8 A. Yes, sir.

9 Q. And you, sir, DocuSigned not one, not two, but three SBA
10 Form 2483 Paycheck Protection Program applications. Yes?

11 A. I don't know if that was considered an application, but
12 yes, I signed the DocuSign.

13 Q. Well, do you remember the document, when we looked at it
14 and I asked you a few minutes ago to read from the top and it
15 said PPP application? Do you remember that, the borrower
16 application?

17 A. Yes.

18 Q. We're going to look at it, but that's the one you signed
19 three times?

20 A. That's not what's shown on DocuSign.

21 Q. That's not what's shown on DocuSign?

22 A. No, sir.

23 Q. Right. We'll go through it. We'll go through it.

24 There was three of them. Yes?

25 A. Whatever the number for DocuSign, yes.

1 Q. I'm sorry. I don't want to keep going back and forth. I
2 actually can't hear you. If you don't mind -- I'm not trying
3 to be difficult -- just pull it a little closer. I'm having
4 trouble hearing you.

5 A. So whatever the number of pages that were associated with
6 the DocuSign, yes.

7 Q. You signed three different PPP applications. Yes?

8 A. Yes.

9 Q. And they all had the same information in them. That's the
10 first thing we went over when I began my examination. Yes?

11 A. Yes.

12 Q. Okay. And here's the first one, Government Exhibit 157,
13 has a DocuSign envelope ID ending in D98B, which means it was
14 DocuSigned; correct? Is that a "yes," sir? If you're saying
15 it, I can't hear you.

16 A. You're asking me is this --

17 Q. Which means it was DocuSigned.

18 A. The application itself, yes.

19 Q. Okay. Thank you.

20 And moving to page 2 of Government 157, we begin to
21 see some initials that are on here through the DocuSign
22 signing process. Yes?

23 A. Yes.

24 Q. And those initials are TW; correct?

25 A. Yes, sir.

1 Q. Those are your initials and you put these here. Yes?

2 A. That's TW. Yes.

3 Q. And you put them here?

4 A. Yes.

5 Q. So that's two initials.

6 And now we're going to move to page 3, and there's
7 nine initials on this page. Yes?

8 A. Yes.

9 Q. And they're "TW" in each instance?

10 A. Yes.

11 Q. And you put them there?

12 A. Yes, sir.

13 Q. Okay. And certainly when you put them there, you could
14 see what you were initialling; correct?

15 A. The writing that's on the side of what I'm initialling,
16 yes.

17 Q. Yes.

18 DocuSign doesn't have you initial something in the
19 dark or --

20 THE COURT: Sir, just ask your question and let's
21 move along, please.

22 BY MR. SNIDER:

23 Q. So DocuSign doesn't have you initial something that you
24 can't see; correct?

25 A. What I -- what the initials are by is what I was

1 initialling.

2 Q. Okay. So this one, the last one, where it says, "I
3 further certify that the information provided in this
4 application and the information provided in all supporting
5 documents and forms is true and accurate in all material
6 respects."

7 You saw that when you put your initials on it. Yes?

8 A. Yes.

9 Q. And on this last page 4 of Government 157, there's one
10 more initial; correct?

11 A. Yes, it is.

12 Q. And there's a signature there; correct?

13 A. Yes, sir.

14 Q. And that is you putting that signature on there either
15 initialling or selecting your signature; correct?

16 A. Yes, sir.

17 Q. I am pulling up 157.1 because the certificate for this one
18 is on a separate exhibit. This is the certificate of
19 completion memorializing the signing event that you just
20 testified you completed; correct?

21 A. Yes, it does.

22 Q. And there it is with respect to the signing events. This
23 was sent to your email address in order for you to begin the
24 signing process; correct?

25 A. Yes, it does.

1 Q. And it shows that you signed it using what we know from
2 Government Exhibit 805 is a Verizon Wireless IP address;
3 correct?

4 A. Yes, sir.

5 Q. And it shows the times that it was sent, resent, viewed,
6 and ultimately signed by you; correct?

7 A. Yes, sir.

8 Q. Let's pull up Government 158. This is the second Paycheck
9 Protection Program borrower application form for Schedule C
10 filers, which has another DocuSign envelope ID. Yes?

11 A. Yes.

12 Q. This one ends in 596E. Yes?

13 A. Yes.

14 Q. And moving on to page 2. There's two initials there, TW,
15 and you put those there; correct?

16 A. Yes.

17 Q. And now on page 3, nine initials there. You put those
18 there; correct?

19 A. Yes, sir.

20 Q. Including the last one, where it says that you certify
21 that all the information is true, including all supporting
22 documents; correct?

23 A. Yes, sir.

24 Q. And on page 4, another initial and, again, your same
25 DocuSign signature; correct?

1 A. Yes, sir.

2 Q. You signed this one. And if we go to page 9, we see the
3 certificate of completion for that signing event that you just
4 testified was yours; correct?

5 A. Correct.

6 Q. This went to your email address, signed by you. You used
7 a Verizon Wireless IP address to conduct this online activity,
8 and it has the time when it was sent, viewed, and signed by
9 you. Yes?

10 A. Yes, sir.

11 Q. And one last one. Government Exhibit 159 is yet another
12 Paycheck Protection Program borrower application form that
13 you, sir, Tracy Wade, signed and initialled via DocuSign;
14 correct?

15 A. Correct.

16 Q. And this one, for the record, has a DocuSign envelope ID
17 ending in BBBC.

18 And if we go to page 2, two sets of initials on
19 page 2?

20 A. Yes, sir.

21 Q. Those are yours and you put them there?

22 A. Yes, sir.

23 Q. And on page 3, nine sets of initials that are all yours
24 and that you put there; correct?

25 A. Yes, sir.

1 Q. Including the last one where you certified that all the
2 information was true and correct in all material respects,
3 including in the supporting documents?

4 A. Yes, sir.

5 Q. And on page 4, another initial and signature by you, Tracy
6 Wade; correct?

7 A. Yes, sir.

8 Q. And the certificate of completion for this one is on
9 page 20, which shows that you were the signer, that you signed
10 on Verizon Wireless's network, the documents were sent to your
11 email address, and it has the times it was sent, viewed, and
12 signed; correct?

13 A. Yes, sir.

14 Q. Okay. This one has two signatures. Do you see that?

15 A. Yes, sir.

16 Q. Because this Government 159 exhibit actually had the note
17 for your PPP application; correct?

18 A. I don't know.

19 Q. You don't know? Sure. Let me help you out.

20 We're on page 9 of Government 159. Do you see that?

21 A. Yes.

22 Q. Do you see where it says "note" at the top?

23 A. Yes.

24 Q. So this is the note for the loan, the Paycheck Protection
25 Program loan that you received, the promissory note. Yes?

1 A. Yes, sir.

2 Q. Which required an additional signature as opposed to the
3 other -- first two applications, which did not have a note
4 attached to them because they needed to go to another lender;
5 right?

6 A. Yes, sir.

7 Q. Okay. So three PPP applications, each signed three times,
8 one of which had a note also signed, and it is your testimony
9 that you had no idea, not an inkling that there was any false
10 information in any of those three PPP loan applications?

11 A. No, sir. As I look at the note -- I just paid attention
12 to it. It says "SBA loan." For me to see my name, "Tracy
13 Wade," associated with anything with reference to Wade Funeral
14 Home would not alarm me because I am Wade Funeral Home. So
15 just because I seen the 20,833 -- that was the loan and my
16 name associated with the loan because as a guarantee, I have
17 to --

18 Q. So you read the note --

19 A. No, I just --

20 Q. -- is that what you're saying?

21 A. I just read it just now.

22 Q. Oh, you read it just now.

23 So when you signed it, you didn't read it?

24 A. No, sir.

25 Q. Okay.

1 A. It was --

2 Q. Is that what you do? You sign promissory notes obligating
3 yourself to pay money without reading them?

4 MR. MCCRAY: Objection. Form and argument.

5 THE COURT: One at a time, Mr. Snider. So when he's
6 answering, you have to wait and ask the next question.

7 MR. SNIDER: Sorry. I apologize. I'll slow down.
8 There's no need to rush this.

9 BY MR. SNIDER:

10 Q. Is that what you do, sir? When you're obligating yourself
11 to pay money for a loan, you don't read documents?

12 A. When it came to this loan, based on how it was done and
13 the circumstances surrounding this loan, I saw nothing
14 alarming, nothing fraudulent. The documentation that I saw
15 when it said it was 20,833, I was under the assumption that's
16 what I was going to get for the PPP application and that was
17 it.

18 Q. Right.

19 A. Seeing my name on this application did not alarm me. I
20 just glanced at it, signed it, and that was that.

21 Q. Right.

22 So it didn't alarm you that the front page of this
23 application -- and three of them -- said that the business
24 legal name was Tracy Wade and that the total amount of income
25 for that business was \$112,430 coming from a Schedule C, which

1 you testified you didn't even know what it was? That didn't
2 alarm you?

3 MR. MCCRAY: Objection. Asked and answered.
4 Objection. Asked and answered.

5 THE COURT: The last time, sir, Mr. Snider.

6 BY MR. SNIDER:

7 Q. You didn't -- this is the first page.

8 A. Again, when you DocuSign, this document never shows up.

9 Q. Okay. So you just ignored the first page. Is that what
10 you're saying?

11 A. It never showed up.

12 Q. Three times?

13 A. Each DocuSign, it never showed up. It never shows.

14 Q. Is it your testimony that DocuSign, when they sent you
15 this application to sign, didn't include the first page? Is
16 that what you're telling this jury?

17 A. What I'm saying to you, Mr. Snider, when you click on the
18 link for DocuSign, it sends you straight to where you need to
19 adapt your signature and begin to sign.

20 Q. So you just ignored the first page is what you're saying?

21 A. There was no first page.

22 MR. MCCRAY: Objection. Asked and answered, Judge.

23 THE COURT: Sustained.

24 BY MR. SNIDER:

25 Q. And how about the 36 initials that you put on, total?

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1 A. I initialled it.

2 Q. 36 times?

3 A. I initialled it.

4 Q. 36 times; correct?

5 A. Yes, I initialled it.

6 Q. And in the 36 initials that you put on, you didn't happen
7 to see that the business legal name was not Wade Funeral Home?

8 A. There was nothing for me to see that said that the
9 business was not listed under Wade Funeral Home -- nothing
10 that I saw.

11 Q. And in the 36 times that you put your initials --

12 A. If you want.

13 Q. -- you never saw --

14 A. If you want to pull it back up and show me, then.

15 Q. When you finished signing the PPP loan application in
16 Government 157, that was emailed to you, wasn't it?

17 A. I'm not sure of what loan we're talking about. All of
18 them were emailed.

19 Q. Well, how many loans did you get?

20 A. Two.

21 Q. Two loans?

22 A. Yes, sir.

23 Q. How much was each one?

24 A. 20,833.

25 Q. So you actually got two different PPP loans?

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1 A. Yes, sir.

2 Q. But with respect to the one that we're talking about here,
3 these three PPP applications in Government 157, 158, 159,
4 which we've looked at now several times, that was all for this
5 first one you got?

6 A. If you say so.

7 Q. Well, 157, do you see that one?

8 A. Yes, sir.

9 Q. Okay. And you've already testified that you signed this
10 one and initialed it. If you look at Government
11 Exhibit 157.2, this is the history of all of the events that
12 occurred with DocuSign with respect to this PPP loan
13 application; correct?

14 A. Yes, sir.

15 Q. And it says here, on May 18, 2021, a printable copy was
16 delivered. I'm looking -- sorry. "Tracy Wade, May 18, 2021.
17 The user Tracy Wade received a copy of the envelope archive."

18 So you got the entire package you had signed emailed
19 to you on May 18?

20 A. Okay. I may have. I may have not --

21 Q. Well, that's what the data shows.

22 A. It shows it was sent to me.

23 Q. Correct.

24 A. Okay.

25 Q. You never opened it?

1 A. I never opened it, never printed it.

2 Q. Okay. And when it was sent again on May 19, didn't open
3 that one either?

4 A. No, sir.

5 Q. So in addition to signing all those times and initialling
6 and going through the whole process three times, two copies
7 actually get sent to you and it's your testimony you never
8 opened them?

9 A. I do that quite often.

10 Q. Oh. For loans?

11 A. Yes, I have.

12 Q. So you just don't -- you don't read your papers, is that
13 what you're saying, as a businessman who owns Wade Funeral
14 Home and has for 14 years?

15 A. Well, for example, if I sit down -- I just did a lease --
16 if I sit down and we do a lease contract for a vehicle and
17 I've done it with someone that I've done business with over
18 the years and then I sit down with the loan officer, I don't
19 have to go back and read every line and check everything
20 that -- we made an agreement. I've done business with you.
21 I've trusted you with my business. No, I do not.

22 Q. But that's not what happened here. You hadn't gotten a
23 PPP loan before. You hadn't done business with the SBA that's
24 related to the PPP program; correct?

25 A. But I had done --

1 Q. So we're talking about two different things.

2 THE COURT: One moment. One moment. One at a time,
3 please, gentlemen.

4 BY MR. SNIDER:

5 Q. What you just described with respect to your business and
6 Wade Funeral Home and doing business with others, that's not
7 at all what we're talking about as it pertains to the PPP
8 loan, is it?

9 A. Somewhat.

10 Q. Somewhat.

11 A. Yes.

12 Q. Now, the forgiveness application, that was a separate
13 process; correct?

14 A. Yes, sir.

15 Q. You testified on direct examination that it was automatic,
16 I believe; right?

17 A. Yes, sir.

18 Q. But it required you, nonetheless, to review and sign and
19 initial a separate application; correct?

20 A. Yes, sir.

21 Q. And you did that?

22 A. Yes, sir.

23 Q. And that application, unlike the ones we just looked at in
24 157, 158, 159, that was only one page?

25 A. I don't know that.

1 Q. You don't know that? Well, let's take a look at it. It's
2 Government Exhibit 160.

3 When I say one page, I should be -- let me be a
4 little clearer. The page that had your two initials and
5 signature was the first page of the document; correct?

6 A. Correct.

7 Q. We're looking now at Government Exhibit 160 and this is,
8 sir, your forgiveness application for your Paycheck Protection
9 Program loan; correct?

10 A. Correct.

11 Q. Okay. And you initialed this one twice. Yes?

12 A. I don't believe I did the PPP forgiveness aspect of it.

13 Q. You don't believe you did it?

14 A. No, because I forwarded it to Haydee Granados. I
15 forwarded the DocuSign to her.

16 Q. You know that Haydee Granados doesn't have Verizon
17 Wireless; right?

18 A. It came to me and I forwarded it to her through my email.

19 Q. You heard her testify here; correct?

20 A. Yes.

21 Q. She said she's never had Verizon; correct?

22 A. No.

23 Q. No, you didn't hear her say that?

24 A. No, she doesn't have Verizon. We did.

25 Q. Right.

1 And AT&T. You actually -- is that your memory, sir?

2 Your memory is that Haydee Granados signed this for you?

3 A. If you look at the signature at the bottom, it says Trace.

4 I know for a fact I forwarded the forgiveness over to her

5 because I was advised when you get notification for the

6 forgiveness to please send it over to me so that therefore I

7 can look it over and make sure that everything was accurately

8 done.

9 Q. Well, let's take a look at -- before we get into the

10 signing, let's take a look at the top here. Business legal

11 name Tracy Wade. You've testified before that that's false;

12 correct? There's no business named Tracy Wade; right?

13 A. Okay.

14 Q. Tracy Wade is not a doing business as name; correct?

15 A. No, sir.

16 Q. Right.

17 And the address here is the same one that was on the

18 three PPP loan applications, and that's for your funeral home,

19 not for the business name Tracy Wade?

20 A. That's correct.

21 Q. So you agree with me that this is at least three pieces of

22 false information right at the top of this form?

23 A. Yes, sir.

24 Q. And this section here, this just has the loan amount that

25 was disbursed and the date of the disbursement; correct?

1 A. Yes, sir.

2 Q. You got the loan. There's no dispute about that; right?

3 Right?

4 A. Yes, sir.

5 Q. There's a section here about employees at the time of the
6 loan application. It says ten. That's not what the original
7 application said, though; right?

8 A. I didn't do the original application. I didn't input the
9 employees. I didn't do the original application. And I
10 didn't input the employees here.

11 Q. You didn't do that either?

12 A. No, sir.

13 Q. And you don't have ten employees, do you?

14 A. At times I have more than ten. It all depends.

15 Q. It all depends --

16 A. It fluctuates.

17 Q. What?

18 A. It fluctuates.

19 Q. And when I say employees, sir, I'm not referring to
20 independent contractors that were vendors that do business and
21 then you pay as 1099s because that's not an employee; right?

22 A. Well, then if you want to say that, then no, there were no
23 employees but myself.

24 Q. So everyone else that works for Wade Funeral Home does so
25 on an independent contractor basis, not as W-2 employees at

1 Wade Funeral Home; right?

2 A. Yes, sir.

3 Q. So just so we're clear, this information is not correct,
4 the ten here?

5 A. It's not correct.

6 Q. And the amount spent on payroll costs, 20,833, that's also
7 false; correct?

8 A. The amount spent on payroll?

9 Q. Correct.

10 A. I wouldn't say that's false.

11 Q. It is false?

12 A. I wouldn't say that's false. When you say payroll, are we
13 referring to my 1099 workers or laborers, or what are we
14 referring to? Because that's what I referred it to.

15 Q. Well, we looked at those checks. You didn't spend \$20,000
16 in those checks to your employees?

17 A. I put those checks in Wade Funeral Home's bank account.

18 Q. Yeah. It wasn't \$20,000, though.

19 A. Because it was the total amount minus what we paid Haydee
20 Granados and her husband, Eduardo.

21 Q. We'll get to that in a second. We'll get to that later.

22 So the initials here, "borrower has complied with all
23 requirements in the Paycheck Protection Program rules" -- do
24 you see that initialled? Do you see that initialled?

25 A. Yes, sir.

1 Q. With TW?

2 A. Yes, sir.

3 Q. And then the information provided in this application is
4 true and correct in all material respects. That's also
5 initialed by TW?

6 A. Yes, sir.

7 Q. Through DocuSign?

8 A. I'm not sure if I DocuSigned that.

9 Q. You're not sure?

10 A. Yeah.

11 Q. Do you see the IP address there that was used to DocuSign
12 it?

13 A. Yes, sir.

14 Q. Why don't you just go ahead and read that number.

15 A. It ends in 84.

16 Q. Okay. And 107.131.161.84; correct?

17 A. Yes, sir.

18 Q. All right. Well, do you see the IP address
19 107.131.161.84? For the record, we're looking at slide 67 of
20 the Government's demonstrative marked as 1000.

21 Do you see the IP address 107.131.161.84?

22 A. Yes, sir.

23 Q. That's the IP address that's assigned -- was assigned to
24 your home.

25 A. Okay.

1 Q. You signed this at home, sir.

2 THE COURT: Is there a question?

3 BY MR. SNIDER:

4 Q. Did you sign this at home?

5 A. As I remember clearly, when the DocuSign came to me, I was
6 instructed to forward it to Ms. Granados. We're talking about
7 something that's four years old from now. I don't exactly
8 remember the chain of events. Initially, it was forwarded to
9 Ms. Granados.

10 Q. Well, before we go down the chain of events, let's start
11 at the last event, which is signing this by DocuSign with an
12 IP address that ends in 84. That IP address, sir, was
13 assigned to your home when this was executed; correct?

14 A. That's what it says.

15 Q. And do you have any reason to dispute the accuracy of
16 AT&T's record of the IP address that they provided to your
17 home?

18 A. No, sir.

19 Q. So this is you, sir, signing by DocuSign at home; correct?

20 A. Just showing that it was done at the IP address at home --
21 at my house.

22 Q. So someone else -- what are you saying, sir? Did someone
23 else at your home sign this for you?

24 A. It says the IP address here is associated with AT&T, and
25 we had AT&T at that given time.

1 Q. Yes.

2 And that's the IP address that was used to sign this;
3 correct?

4 A. That's what it states.

5 Q. And are you saying to this jury that you didn't sign it?

6 A. I just told you from my recollection of how this IP -- how
7 the DocuSign went from when it came in. I don't recall
8 signing it because --

9 Q. But you agree that was it signed using your home Internet
10 connection. Do you agree with that?

11 A. That's what it says.

12 THE COURT: All right, sir. I am going to stop you
13 there.

14 Can I have counsel come sidebar just so we can
15 discuss scheduling?

16 (The following proceedings were held sidebar:)

17 THE COURT: How much longer do you anticipate your
18 cross?

19 MR. SNIDER: Definitely an hour. If not, perhaps a
20 little longer.

21 THE COURT: Wait. You told me two hours two hours
22 ago.

23 MR. SNIDER: But we had a break too.

24 THE COURT: I'm not talking about the 15-minute
25 break.

1 MR. SNIDER: What time did we start.

2 MR. LOVE: I don't know.

3 MR. SNIDER: I said that I needed at least two hours.

4 THE COURT: No.

5 MR. SNIDER: Yes, I did. Judge, you asked me --

6 THE COURT: I said how much longer do you think it's
7 going to take. I don't recall you saying I need at least two
8 hours. The response was two hours. What I'm trying to
9 suggest is you need to move along. You're asking several
10 questions two and three times.

11 MR. SNIDER: I will speed it up.

12 THE COURT: You just have to ask it once and then go
13 to your next point.

14 MR. SNIDER: I think if he's not answering the
15 question, I need to ask it again, but I will try my best --

16 THE COURT: He does answer and you phrase it a
17 different way as to give it more emphasis. You can do that
18 during your closing argument.

19 MR. SNIDER: All right.

20 THE COURT: All right?

21 MR. SNIDER: We're done with his -- we're going to go
22 to a new topic now. Are we done for the day.

23 THE COURT: Yes. It's 4 o'clock. It's after 4:00.

24 MR. SNIDER: Your Honor, when the Court asked me how
25 much two days ago --

1 THE COURT: How much longer do you think your cross
2 is going to take?

3 MR. SNIDER: I need an hour.

4 THE COURT: And how long do you think your redirect
5 will be?

6 MR. MCCRAY: Probably 20 minutes, at best.

7 THE COURT: All right. We're going to have our
8 charge conference this evening.

9 MR. SNIDER: Okay.

10 THE COURT: And -- all right.

11 Defense, is this your last witness?

12 MR. MCCRAY: Yes, Judge.

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

14 THE COURT: Ladies and gentlemen, we are going to
15 start tomorrow morning at 9:30. I expect that we will have
16 the evidence completed by 10:40.

17 We're going to have our charge conference this
18 evening after you depart. So we'll have that resolved. And
19 I'll try to get as much of our argument as I can today so that
20 we should only spend about five minutes tomorrow for motions.
21 I will entertain your motions in advance, so to speak, as best
22 we can. We want to get the case to you by lunchtime.

23 Now, what time is lunchtime going to be? I'm not
24 sure. We're going to do the best we can to get this matter to
25 you as early as we can tomorrow. Thank you for your patience

1 and cooperation. Have a great afternoon and evening.

2 (Jury exited at 4:04 PM.)

3 THE COURT: All right. Mr. Snider, I'm just trying
4 to get this case moved along as best I can. And if you said
5 you needed at least two hours, I always hear that as two
6 hours, so I'd just appreciate you trying to move as best you
7 can as fast as you can.

8 MR. SNIDER: I think we will pick up the pace
9 tomorrow.

10 THE COURT: All right.

11 MR. SNIDER: I think with respect to the remaining
12 topics, I should be able to move a little bit quicker. It's
13 also going to be the morning, so I'll be a little fresher.

14 THE COURT: All right. Thank you very much.

15 So you may be seated. So, Counsel, let's take a look
16 at the draft of the instructions. These are Eleventh Circuit
17 pattern instructions. I am going to go through them seriatim.

18 MR. WILCOX: Judge, we don't have them. They were
19 emailed to me -- she emailed them to me.

20 THE COURT: Yes, you may step down. Thank you.

21 All right. So let's go through them again, Eleventh
22 Circuit pattern:

23 So page 1 is the general addressing the jurors;
24 page 2, duty to follow instructions and the presumption of
25 innocence; page 3, definition of reasonable doubt; page 4,

1 consideration of direct and circumstantial evidence; page 5,
2 credibility of witnesses; page 6, impeachment of witnesses
3 because of inconsistent statements; page 7, persons not on
4 trial; page 8, note-taking; page 10, introduction to the
5 offense instruction -- page 9, introduction to offense
6 instruction; 10, Count 1; 11, Counts 2 and 3; 13, the general
7 conspiracy charge; 15, should include after item -- or in
8 Item 2 "him or herself."

9 I think you see only one reference for herself but
10 Counts 5 through 10 relate to both. So for -- attaining him
11 or herself or any applicants. So you can make that pen, in
12 ink. 16, aiding and abetting.

13 Let's look at 17. I'm not sure that issue has been
14 raised, and I don't intend to give that instruction, but if
15 there's some argument --

16 MR. SNIDER: Judge, we are not fully completed with
17 the testimony of Mr. Wade --

18 THE COURT: Yes.

19 MR. SNIDER: -- but I think what's in the record
20 right now is that Mr. Wade logged in himself 17 times, he --
21 to Womply's website. He made, I think, 11 or 13 separate
22 transactions. He uploaded documents multiple times. He
23 verified his identity. He signed the PPP loan application --
24 three PPP loan applications three separate times, signed a
25 forgiveness application, and the amount of -- and what's also

1 in the record is that -- from Womply itself -- is that every
2 time you log in you can see what had been previously entered.
3 And what's in the record is that when you sign a DocuSign, the
4 whole thing is available to see, and two copies were sent to
5 his email.

6 On that record alone, Judge, for Mr. Wade to say I
7 didn't -- I didn't see any -- the inkling of false
8 information, I think there is a genuine and a legitimate basis
9 for the jury to find that he either knew it or deliberately
10 was avoiding seeing the false information as it pertains to
11 certainly the false statement accounts.

12 THE COURT: And your argument makes a point that
13 because of all of that, he knowingly did it. He didn't do it
14 indifferently. He committed the offense. That's your
15 position. If you look carefully at the Eleventh Circuit law
16 on this subject, it warns judges to be especially careful
17 about giving deliberate indifference instructions.

18 And I don't see that deliberate indifference is an
19 issue in this case. It was either done knowingly and
20 intentionally, not indifferently, and that's why I'm not going
21 to give this instruction.

22 MR. SNIDER: One more point, if I may. I agree with
23 the Court as it pertains to the wire fraud counts. But with
24 respect to the false statements the defendant knowingly
25 made -- I believe the element is -- the defendant knowingly

1 made any false statement. I think this instruction was given
2 in United States versus -- am I right? -- United States versus
3 Alexandra Acosta, another BSO deputy that went to trial. This
4 charge was in her indictment, and Judge Scola gave the
5 deliberate ignorance instruction --

6 THE COURT: I don't know what the testimony was in
7 that case. I don't know what was said. But what I'm telling
8 you is that based on the testimony that this Court has heard,
9 that instruction would be improper --

10 MR. SNIDER: Okay. All right.

11 THE COURT: -- so that's where we are.

12 Page 18, testimony of accomplice or coconspirator
13 with plea agreement. The pattern has another issue of
14 codefendant, but I don't think that's appropriate. I think
15 this instruction covers the coconspirator and the accomplice,
16 Ms. Granados.

17 Page 19, so far, I haven't heard any character
18 evidence, and I believe this is the last defense witness, so I
19 do not intend to give the character evidence instruction.

20 MR. MCCRAY: Judge, we're not asking for character
21 witness instruction.

22 THE COURT: All right. Page 20, good-faith defense.
23 So far, I haven't heard any testimony that would raise
24 good-faith defense. Does anyone anticipate that coming up?

25 MR. MCCRAY: Judge, it would be our position that

1 based upon the trust that Mr. and Mrs. Wade had with the
2 Riveros that we believe that there's at least --

3 THE COURT: That they could rely on the Riveros for a
4 good-faith defense? Is that the argument?

5 MR. MCCRAY: Well, they trusted them. They were
6 long-time friends, business -- not partners but they did a lot
7 of business together, and they made representations to them
8 that they believed, that they relied on in good faith.

9 THE COURT: All right. So far, I do not believe this
10 defense has been raised. But at the completion of the
11 testimony, you can raise the issue again. And you need to
12 take a look at the Eleventh Circuit pattern instructions on
13 this issue and what is required. And I have one case in
14 particular that you need to read. And we'll get that to you.

15 MR. LOVE: And, Your Honor, just flagging for the
16 Court's attention that should evidence come out going towards
17 the good-faith defense, it's the Government's position that it
18 would only apply to Counts 2 and 3, which is the wire fraud,
19 because those counts or that charge has an intent to defraud.
20 There's no intent to defraud in the false statements and
21 therefore the good-faith defense would not apply.

22 THE COURT: All right. I'll entertain that at the
23 same time. Let's see if it's raised. And if you all have any
24 cases on this issue, I'm happy to review them.

25 Page 23, on or about; 24, caution, punishment; 25,

1 duty to deliberate; 26, an explanation of the verdict form.

2 Have they received the verdict form?

3 We're going to give you the verdict form at this
4 time, and it's pretty self-explanatory. If you have any
5 issues with the verdict form, you can advise us tomorrow after
6 you have an opportunity to look at the draft, which is being
7 given to you now.

8 Other than what you have already discussed, are there
9 requests for additional instructions?

10 MR. MCCRAY: Judge, I'd like to, if we could, just
11 for a minute go back to page 18, testimony of accomplice or
12 coconspirator with plea agreement.

13 THE COURT: All right.

14 MR. MCCRAY: In the second paragraph, beginning of it
15 where it says, "In this case, the Government has made a plea
16 agreement with a coconspirator in exchange for..." -- and it
17 goes on.

18 THE COURT: One moment. Let me get with you.

19 "In this case, the Government has made a plea
20 agreement with a coconspirator in exchange for her testimony."

21 MR. MCCRAY: Right, Judge. My concern about that, by
22 using the language "a coconspirator," that presupposes that
23 Ms. Wade and Mr. Wade are coconspirators or in a conspiracy
24 with Haydee Granados, and that is the issue in this case.
25 That has not been established beyond a reasonable doubt.

1 So I think that if we put "alleged coconspirator"
2 that that would remedy that.

3 THE COURT: Well, the Government has made a plea
4 agreement. Are you suggesting somehow that the Government had
5 a plea agreement with the defendants?

6 MR. MCCRAY: No, Judge. It takes at least two people
7 to enter into a conspiracy. And the way this reads, I believe
8 that the jury could be confused and conclude, just based on
9 this, that Mr. and Mrs. Wade are the coconspirators with
10 Haydee Granados.

11 THE COURT: I don't understand that, quite frankly.
12 The Government has made a plea agreement with a coconspirator.
13 We could say they made a plea agreement with Haydee Granados,
14 if that's your point --

15 MR. MCCRAY: That would suffice, Judge.

16 THE COURT: Isn't that who we are referencing?

17 MR. SNIDER: The other way -- the indictment alleges
18 that she is a coconspirator. So if they want to put the word
19 "alleged," that's fine too.

20 MR. MCCRAY: Judge, I'm sorry.

21 MR. SNIDER: Is that what you're suggesting, the word
22 "alleged."

23 MR. MCCRAY: I would suggest and ask the Court to
24 just put Haydee Granados' name in there.

25 THE COURT: I'm sorry. I can't hear you.

1 MR. MCCRAY: I would just suggest that we put
2 Ms. Granados' name in there instead of coconspirator. See how
3 the rest of it reads...

4 THE COURT: So the pattern makes reference to a
5 codefendant --

6 MR. SNIDER: Yes.

7 THE COURT: -- reading the Eleventh Circuit pattern
8 instruction.

9 Don't the facts of this case suggest that the
10 Government entered into a plea agreement with Haydee Granados?

11 MR. MCCRAY: It does -- they do, Judge.

12 THE COURT: Isn't that really who we're talking
13 about? So rather than getting into codefendant or
14 coconspirator, maybe we should just name her.

15 MR. MCCRAY: The next sentence we would have to
16 revise.

17 MR. SNIDER: I don't know if this other reference is
18 to a coconspirator in the instructions.

19 THE COURT: I'm not -- it would be in the caption and
20 in the first paragraph. It would be referencing Haydee
21 Granados.

22 MR. SNIDER: I would say -- you know what --
23 perhaps -- how about this? You could put her name -- a plea
24 agreement with Haydee Rivero, formerly known as Haydee
25 Granados, and alleged coconspirator. It's both. You can say

1 who she is and that she is an alleged coconspirator because I
2 think that that's --

3 THE COURT: With an alleged coconspirator Haydee
4 Granados --

5 MR. SNIDER: Yes.

6 THE COURT: -- is that what you're saying?

7 MR. SNIDER: Either that way or put her name -- yes,
8 I'm saying to have both. I think it could read, "In this
9 case, the Government has made a plea agreement with Haydee
10 Rivero, formerly known as Haydee Granados, an alleged
11 coconspirator," because otherwise it's not clear -- it's --
12 it's a fact that she's an alleged coconspirator, not that
13 she's Haydee Granados, that makes this instruction pertinent.
14 It's not her name so much as her status as an alleged
15 coconspirator.

16 And I agree with the defense that it should say
17 "alleged" because the indictment alleges that she's a
18 coconspirator.

19 MR. MCCRAY: Judge, I don't have an issue with that
20 as long as "alleged" is placed in there.

21 THE COURT: That's what he's saying. Excellent. You
22 both agree.

23 Any other requested instructions?

24 All right, hearing none.

25 Now, let's discuss the issue of the motions that the

1 Court would consider at the conclusion of the evidence. The
2 same standard is in effect. And I'm interested in any
3 argument that would somehow suggest that looking at the
4 evidence in the light most favorable, taking all inferences in
5 favor of the Government, that the case for some reason should
6 not go to the fact finder, that is, the jury, and be dismissed
7 by the Court.

8 MR. WILCOX: Yes, Your Honor. Once we take under
9 consideration the testimony of Mr. Perez that I believe that
10 the Court is in a different position with respect to even
11 viewing the evidence in the light most favorable to the
12 Government. I believe no reasonable jury could find beyond a
13 reasonable doubt, even taking those facts -- the facts that
14 have been presented in the light most favorable to the
15 Government that Mr. and Mrs. Wade had an intent to defraud the
16 Government nor did they have an attempt to knowingly make
17 false statements or conspire to make false statements to the
18 SBA.

19 MR. MCCRAY: Judge, I would also just echo -- I want
20 to point out Ms. Granados -- Ms. Rivero's testimony when she
21 was asked by -- I believe it was Mr. Wilcox -- concerning
22 Haydee Granados, and she basically said that she really had no
23 connection or communication with her -- Carolyn Wade -- I'm
24 sorry.

25 She also said that any information that was given

1 from her was given to Mr. Wade, and he basically was the point
2 person. There's been no evidence here of Ms. Wade actually
3 doing anything other than taking a photograph. I do see where
4 she has DocuSigned, but that doesn't, you know, even at this
5 point in the case, it doesn't show beyond a reasonable doubt
6 that she knew that Ms. Granados Rivero was putting fraudulent
7 information in the applications.

8 Also, Mr. Wade testified that basically anything that
9 needed to be done he basically would do it. I think she took
10 a photograph. And that's basically what we have on Ms. Wade
11 in this case. I don't think there's enough to send this to
12 the jury at this stage of the trial.

13 THE COURT: Well, we know that the burden of proof is
14 not beyond a reasonable doubt. That's not the standard at
15 this stage of the proceeding.

16 Government, as to the statements made by Mr. McCray.

17 MR. SNIDER: Mr. McCray.

18 THE COURT: As they relate to Ms. Wade.

19 MR. SNIDER: So during the Rule 29 motion that was
20 made by the defense at the close of the Government's case, the
21 Government set forth a substantial amount of activity
22 performed by Carolyn Wade in her own PPP loan application to
23 include logging in 11 times, using either her own cell phone
24 model or an IP address that was attributable to her, making 15
25 modifications to her own application, uploading six documents

1 and/or linking the bank accounts a total of six times, signing
2 the DocuSign four different times, two signatures on the
3 actual PPP loan application, one signature on the note, one
4 signature on the forgiveness application which was signed at
5 her home, 26 total initials.

6 Carolyn Wade initiated the payment for her loan to
7 Haydee Granados for a thousand dollars. Carolyn Wade wrote
8 ten checks to either herself or her husband totaling \$13,900
9 with the word salary in the memo, something that the agent
10 testified in four years of bank records had never been done
11 before and was never done again after the last check in July
12 of 2021.

13 Nothing in the defense case has changed any of that.
14 So, respectfully, as it pertains to this Rule 29, these are
15 questions of fact for the jury to decide.

16 THE COURT: All right. The Court does believe with
17 regard to the standard that this is a question or questions
18 for the jury to decide. The motions will be denied. However,
19 at the conclusion of the defense case in chief, if someone has
20 a new argument that you want to raise, I'll consider it at
21 that time, along with the arguments that you have just made.

22 Are there any other issues we need to address at this
23 time? All right. Thank you all. Have a good evening.

24 There is one issue, defense. I did get your exhibit
25 list, but what I would hopefully receive tomorrow is an

1 exhibit list that is typed rather than handwritten and it only
2 includes the exhibits received in evidence. And there really
3 aren't that many. So that would be helpful. The Government
4 has a few additional exhibits received today other than those
5 that were previously received --

6 MR. SNIDER: Judge, those were just marked for
7 identification. They weren't offered.

8 THE COURT: The 3003, 3004, and the 3000, not
9 received?

10 MR. SNIDER: Not received --

11 THE COURT: All right.

12 MR. SNIDER: -- nor offered.

13 THE COURT: They were marked for ID only. So just
14 make sure you look at your exhibit list as it presently states
15 and is consistent with those documents we're going to give the
16 jury tomorrow. And I want you both to look at each other's
17 exhibit list to make sure that you concur.

18 There were some additional defense witnesses received
19 today, 100, 101, -2, -3, -4, -5, -6, -7 -- that were received
20 in evidence today. So your list should include those items,
21 and I don't know if you anticipate any exhibits tomorrow, but
22 we'll have to address that at the time.

23 All right. Thank you all. Have a good evening.

24 MR. SNIDER: Thank you, Your Honor.

25 (Proceedings concluded at 4:32 PM.)

CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcription of the record of proceedings in the above-entitled matter prepared from my stenotype notes.

DATE: 14th of May, 2025

/s/Lance W. Steinbeisser
Lance W. Steinbeisser,
FCRR, RPR, FPR-C
Official Court Reporter
United States District Court
Southern District of Florida
Miami, Florida

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