

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR-60173-KMW

UNITED STATES OF AMERICA, Miami, Florida
Plaintiff, October 22, 2024
vs.
9:32 AM - 2:33 PM
CAROLYN DENISE WADE and DAY 8
TRACY D. WADE,
Defendants. Pages 1 to 178

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

FOR THE GOVERNMENT:

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ADAM LOVE, AUSA
United States Attorney's Office

ON BEHALF OF THE DEFENDANTS:

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

ALSO PRESENT: Carolyn Wade
Tracy Wade
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1 (Call to the Order of the Court.)

2 THE COURT: All right. Have the jury come in.

3 (Jury entered at 9:32 AM.)

4 THE COURT: Good morning, everyone. We are in the
5 last inning or the last quarter. You know, in sports events,
6 the last inning always seems to go very slow, and so I guess
7 that's what's happening here, but we are moving along and we
8 should complete the case today for sure.

9 Mr. Snider.

10 MR. SNIDER: We're all here? Good. Excellent.

11 CROSS-EXAMINATION (CONTINUED)

12 BY MR. SNIDER:

13 Q. Good morning, Mr. Wade.

14 A. Good morning.

15 Q. Yesterday when we were here, I went through many different
16 actions that you took in your own PPP loan application;
17 correct?

18 A. You did.

19 Q. We went through logins and transactions and uploads and
20 DocuSigns and identity verification, all of which you
21 testified was you doing when I showed it to you; right?

22 A. It was associated to an IP address.

23 Q. Actually, I believe your testimony was "Yeah, that's to
24 me"; right?

25 A. Associated to the IP addresses.

TRACY WADE - CROSS

4

1 Q. You said, "It was me," yesterday.

2 A. Because you showed me IP addresses that were related to
3 Verizon.

4 Q. And, for example, you were the one at Wade Funeral Home?

5 A. Well, Wade Funeral Home was not a Verizon account. That
6 was our cell phone provider.

7 Q. That's a different one.

8 Are you going back on your testimony today? Do you
9 want me to go through the records again?

10 A. Yes, sir.

11 Q. Well, we ended with slide 67. This was you signing your
12 PPP forgiveness application using your IP address at home;
13 right?

14 A. Yes, sir.

15 Q. In addition to the activity that you performed in your own
16 application, you were also involved in performing activity
17 with respect to Carolyn Wade's PPP loan application; correct?

18 A. Yes, sir.

19 Q. You logged into her application; correct?

20 A. Yes, sir.

21 Q. You entered transactions in her account; correct?

22 A. Yes, sir.

23 Q. You uploaded, for example, a bank statement; correct?

24 A. I don't recall if I did that or not.

25 Q. All right. Well, we'll go through those slides.

TRACY WADE - CROSS

5

1 First, I'm going to put two documents on your screen.

2 You're familiar with her PPP loan application?

3 A. No, sir.

4 Q. You're not.

5 A. Not with the application itself.

6 Q. I'm publishing for you Government Exhibits 117 and 116.

7 Do you see that on the left and right side of the screen?

8 A. Yes, sir.

9 Q. And you've seen these before; right?

10 A. Yes, sir.

11 Q. I'm going to enlarge the top half of 116. Do you see
12 that?

13 A. Yes, sir.

14 Q. And your wife doesn't have a business named Carolyn Wade;
15 right?

16 A. Never.

17 Q. Never has.

18 Never did business as Carolyn Wade; correct?

19 A. No, sir.

20 Q. And certainly she did not have \$113,560 from a business
21 named Carolyn Wade in 2019; correct?

22 A. No, sir.

23 Q. And there was no establishment of a business Carolyn Wade
24 in 2011; right?

25 A. No, sir.

TRACY WADE - CROSS

6

1 Q. And she doesn't have a sole proprietorship named Carolyn
2 Wade; right?

3 A. No, sir.

4 Q. So all of this information is false. Do you agree with
5 that?

6 A. Yes, sir.

7 Q. And looking at Government Exhibit 117, you agree that this
8 is identically false; correct?

9 A. Yes, sir.

10 Q. And you would agree that these are two PPP loan
11 applications; correct?

12 A. Yes, sir.

13 Q. Now, Carolyn Wade did have a Schedule C in her individual
14 tax return for the year 2019 for a business called 1 Step
15 A-Head; correct?

16 A. From what I saw in the trial, yes.

17 Q. And that Schedule C represented -- I should say reported
18 to the IRS that the business 1 Step A-Head in 2019 made \$6,800
19 in gross income; right?

20 A. I don't know. You would have to show me.

21 Q. Sure.

22 Publishing Government Exhibit 201, page 13. This is
23 the Schedule C for the business 1 Step A-Head and in line 7 it
24 shows \$6,800 gross income for the year 2019; correct?

25 A. Yes, sir.

TRACY WADE - CROSS

7

1 Q. All right. No reason to dispute the accuracy of this. I
2 mean, this is your wife's tax return; correct?

3 A. Correct.

4 Q. And you never gave that tax return to -- that Schedule C
5 to Haydee Rivero; correct?

6 A. I never saw --

7 Q. It's a yes-or-no question.

8 Did you ever give it to Haydee Rivero?

9 A. No, sir. I never saw it.

10 Q. And I asked you yesterday, you never asked Perez
11 Accounting, your long-time trusted accountant, for assistance
12 with your PPP loan application and you said, "No"; correct?

13 A. Never a need.

14 Q. That's a "no," you never --

15 A. That's a "no."

16 Q. That's a "no."

17 And you never asked Perez Accounting for any
18 assistance with any PPP loan application for Carolyn Wade?

19 A. No, sir.

20 Q. Now, in 2021, this time frame we're talking about --
21 April, May, June, July, August -- Carolyn Wade also had
22 Verizon Wireless?

23 A. I have Verizon Wireless. Carolyn Wade had Verizon
24 Wireless, and from 2012 to 2023 Haydee Granados also had
25 Verizon Wireless.

TRACY WADE - CROSS

8

1 Q. I'm not sure how you know that. That also wasn't my
2 question --

3 A. I hired a private investigator last night, and he pulled
4 the records.

5 Q. So last night you hired a private investigator. That's
6 what you did?

7 A. Yes, sir.

8 Q. Okay. So your testimony to this jury is that when Haydee
9 Granados was here and she said that she had T-Mobile, she's
10 never had Verizon, that she's not telling the truth. Is that
11 what you're saying?

12 A. The phone number associated about her Verizon account ends
13 in 5338, which is Eduardo Rivero's phone number.

14 Q. I'm asking you, sir --

15 MR. MCCRAY: Judge --

16 BY MR. SNIDER:

17 Q. -- did your wife have Verizon at the same time that you
18 did in 2021?

19 A. Yes, sir.

20 Q. And she was on your account. Yes?

21 A. Yes.

22 Q. And her phone ended in 6800?

23 A. Yes, sir.

24 Q. And you've seen from the records that in this time frame
25 she had a Samsung Note 20 Ultra 5G; correct?

TRACY WADE - CROSS

9

1 A. If I can see the document, please.

2 Q. This is your bill for Verizon for your account; correct?

3 A. Yes, sir.

4 Q. And it shows that Carolyn Wade, with a phone number ending
5 in 6800, during this time frame, had a Note 20 Ultra 5G. Can
6 you accept that as true?

7 A. Yes, sir.

8 Q. And just like you, Carolyn Wade also used her cell phone
9 to access the Internet; correct?

10 A. Yes, sir.

11 Q. And she did that sometimes when she was not on a Wi-Fi
12 network but out on Verizon's wireless network; correct?

13 A. If I wasn't with her, I won't be able to answer that.

14 Q. I'm sorry?

15 A. I won't be able to answer.

16 Q. So you've never been with your wife when she was on her
17 phone like in a car or some other place?

18 A. Sometimes, yes.

19 Q. And you've seen her on the Internet or social media, doing
20 things when she was not on a Wi-Fi network; right?

21 A. Yes.

22 Q. And in 2021, this time frame, you and Carolyn Wade were
23 married and you were living together; correct?

24 A. Yes, sir.

25 Q. And so you shared that IP address, that's at your home,

1 ending in 84?

2 A. Yes, sir.

3 Q. Now, you started Carolyn Wade's PPP loan application;
4 correct?

5 A. Correct.

6 Q. You were the one that put in her phone number and email
7 address, and you were the one that put in the business Carolyn
8 Wade?

9 A. I'm not sure of that, sir.

10 Q. Well, that's what the data shows; right?

11 A. Not necessarily.

12 Q. Not necessarily?

13 A. No, sir.

14 Q. Publishing for you Government Exhibit 1000. We're going
15 to look at slide 15. Do you see logins here on May 13, 2021?

16 A. I'm looking at it, yes, sir.

17 Q. And it shows logins from the Wade Funeral Home -- two of
18 them?

19 A. I see the first login, the identifier saying
20 ckidd1226@gmail.com. And if you go all the way to the end, it
21 says the IP address ending in 34.

22 Q. Correct.

23 And right below that, there's a login from the Wade
24 Funeral Home?

25 A. And it says -- the one underneath is 166 and the one

1 underneath is 125.

2 Q. Yep.

3 There's multiple people logging into this; correct?

4 A. Yes, sir.

5 Q. And you're one of them?

6 A. Yes, sir.

7 Q. And your wife is one of them?

8 A. Undeniably.

9 Q. I'm sorry?

10 A. Undeniably.

11 Q. "Undeniably."

12 A. Yes.

13 Q. This is the same slide with a little more detail. You
14 said "undeniably," and that's because this is your wife's
15 phone; right? That's the phone that she had. I just showed
16 you from -- that's your wife's phone, that Note Ultra 5G?

17 A. Yes. Yes, sir.

18 Q. She logged in five times on May 13?

19 A. Yes, sir.

20 Q. Did you log into your wife's PPP loan account from the
21 Broward Sheriff's Office network?

22 A. Can you repeat that question, please?

23 Q. Did you ever log into your wife's PPP loan account while
24 using the Broward Sheriff's Office network?

25 A. No, sir.

1 Q. So this login on page 30 from the Broward Sheriff's Office
2 IP, that's your wife logging in from work. Yes?

3 A. Yes, sir.

4 Q. And on slide 34 now, that's your wife logging into her PPP
5 loan application from home. Yes?

6 A. Yes, sir.

7 Q. And on slide 35, that's your wife logging into her PPP
8 loan application from Verizon's network. Yes?

9 A. No, that just clearly shows someone with a Verizon account
10 logging into that.

11 Q. Do you see where it says -- this is no different than the
12 slide we looked at before. Do you see how it says "user agent
13 SM-N986U?

14 A. Yes, sir.

15 Q. And that's the phone your wife was holding in her hands
16 when she identified her identity. That's what's shown in
17 Government 114.1?

18 A. What this shows is a Verizon user signing into this
19 account.

20 Q. Yeah, with a certain phone. And that phone belongs to
21 Carolyn Wade; correct?

22 A. I don't -- I can't deny or agree with that.

23 Q. Well, a moment ago you said undeniably that was her.
24 What's different about this slide?

25 MR. MCCRAY: Judge, objection.

1 THE COURT: Yes, sir, please.

2 THE WITNESS: I said there was no question.

3 THE COURT: Excuse me. Let's have one person speak
4 at a time.

5 MR. SNIDER: Very well.

6 THE COURT: Please.

7 THE WITNESS: So I said to you that there was no
8 question if I or my wife had ever signed into the Womply
9 account. That's what you said.

10 BY MR. SNIDER:

11 Q. Okay. And now we're looking at a slide that shows it's
12 your wife's phone logging into the account; correct?

13 A. I said Verizon IP address. That means anybody from a
14 Verizon account could have logged in.

15 Q. So that's different now. You're changing your testimony?

16 THE COURT: Sir, please.

17 Mr. Snider, come sidebar. Come sidebar.

18 MR. SNIDER: Sure.

19 (The following proceedings were held sidebar:)

20 THE COURT: You've done this several times. Don't
21 speak. Don't say you're changing your testimony. Ask a
22 question. Don't comment on it.

23 MR. SNIDER: Fair enough.

24 THE COURT: You're not allowed to elaborate.

25 MR. SNIDER: Understood.

1 THE COURT: You're not the MC. You have to ask
2 questions and then you get an answer. And if you don't like
3 the answer, you ask another question. Please.

4 MR. SNIDER: I won't do that again.

5 THE COURT: All right. Thank you.

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

7 BY MR. SNIDER:

8 Q. Mr. Wade, on slide 35, do you agree this shows this is
9 your wife's phone logging into her own PPP loan application on
10 May 22?

11 A. Again, I testified to I see Carolyn Wade's name at the
12 bottom of -- on the screen with her phone number and a phone.
13 Up at the top it says an IP address that is associated to a
14 Verizon network. That's what I said to you the first time and
15 the second time.

16 Q. Take a look at the last column where it says user agent.
17 Do you the letters SM-N986U?

18 A. Yes, sir.

19 Q. Do you understand that that is a model cell phone?

20 A. If that's what you're telling me.

21 Q. Slide 39, May 27, 2021. This is another login that your
22 wife performed from the Broward Sheriff's Office network;
23 correct?

24 A. Can I see both forms side by side?

25 Q. I'm sorry?

TRACY WADE - CROSS

15

1 A. The first login and this login, can I see it side by side?

2 Q. Just answer the question, sir. Do you see this as a
3 login, or not, from the Broward network?

4 A. Okay. But I was trying to confirm if it was the same date
5 or not.

6 Q. Okay. This is May 27. I'll show you slide 30. That's
7 May 19.

8 A. Okay.

9 Q. So that's a second login from Broward sheriff's network?

10 A. Yes, sir.

11 Q. Slide 47, this is another login from your wife's phone at
12 her home Internet using her home Internet to her PPP
13 application; correct?

14 A. Yes, sir.

15 Q. Now we're looking at slide 63. This is another login.
16 This is July 26, 2021. Carolyn Wade logging in using her cell
17 phone from Verizon's network; correct?

18 A. What that shows me is another Verizon user logging into
19 the network in this account.

20 Q. You don't see that as your wife's phone?

21 A. I see a Verizon user.

22 Q. Okay. You don't see user agent -- that same cell phone
23 model we just went over?

24 A. I see it there.

25 Q. So that's 11 -- correct me if I'm wrong, that's 11 logins

1 that your wife performed on her own into her own PPP
2 application. Yes?

3 A. I didn't count them, but if you're saying 11...

4 Q. Now, do you see -- we're looking at slide 63. Do you see
5 where it says identifier on the left side? I'll make it
6 bigger for you.

7 A. Yes, sir.

8 Q. That's the cell phone number to which the code was sent
9 for this login; correct?

10 A. Yes, sir.

11 Q. And that's your wife's phone?

12 A. Yes, sir.

13 Q. So she received the code?

14 A. Which code?

15 Q. The code to log into Womply, the one-time code.

16 A. The first one, yes.

17 Q. And she receives multiple codes to log into Womply because
18 every time you log into Womply you need a separate code;
19 right?

20 A. As I testified yesterday.

21 Q. It's a yes-or-no question, sir.

22 MR. MCCRAY: Your Honor, I'm going to object.

23 THE COURT: The witness can respond yes or no, but
24 then the witness may explain the answer.

25 THE WITNESS: Thank you, Judge.

1 Do you want to ask the question again, sir?

2 BY MR. SNIDER:

3 Q. Your wife received multiple codes to her phone to log into
4 Womply?

5 A. She may have received -- yes. The answer to your question
6 is yes.

7 Q. Thank you.

8 A. She may have received a couple of codes. But as I
9 testified to yesterday, I believe the codes were also sent to
10 your email address. That's why Ms. Rivero or Ms. Granados
11 wanted access to our emails because they didn't want to wait
12 because I guess it was time-sensitive and the codes were going
13 to the emails.

14 Q. But Ms. Rivero -- so you're testifying -- we'll move on.

15 Your wife in some instances gave you the code;
16 correct?

17 A. Yes, sir.

18 Q. And in some instances you gave that code to Ms. Rivero?

19 A. In every instance.

20 Q. In every instance?

21 A. Yes, sir.

22 Q. Except for the ones where you were logging in yourself?

23 A. The initial one.

24 Q. We're looking at slide five. This is an event that
25 occurred on May 4, 2021, in Carolyn Wade's PPP loan

1 application, and that's you, sir, uploading and linking a bank
2 account; correct?

3 A. That's what the document refers to.

4 Q. Any reason to doubt it?

5 A. No, sir.

6 Can we go back to that document, please.

7 Q. We're now on slide 21.

8 These are events on May 13, 2021, and these show
9 Carolyn Wade's cell phone model conducting six events. Yes?

10 A. So at the top it says 125, the ending IP, and then it goes
11 underneath to 184.

12 Q. And with respect to 184, those are four instances of
13 Carolyn Wade's cell phone uploading documents to her own PPP
14 loan application. Yes?

15 A. It shows that someone from that IP address went into the
16 portal.

17 Q. And do you see her cell phone model there in the user
18 agent column? It's highlighted in yellow. It's the same one
19 we've been looking at. Do you see it?

20 A. No, I don't see it.

21 Q. Do you see it now?

22 A. Okay. Yes.

23 Q. Looking at slide 3, these are transactions from May 4,
24 2021, and there's 11 transactions performed from the Wade
25 Funeral Home network. Yes?

1 A. Yes. However, each time you upload something or you log
2 in -- for example, if I have seven bank statements, each time
3 it's considered as a login. It's not one upload for
4 everything.

5 Q. We're looking at transactions, sir. So yes --

6 A. That's a transaction for each bank statement, sir.

7 Q. Correct. Well, it's for something; right?

8 A. It would be for seven bank documents.

9 Q. Did you upload seven bank statements to Carolyn Wade's PPP
10 loan application?

11 A. Sir, if I look at my bank statement, it's never just one
12 page. It's three pages at a minimum.

13 Q. Now we're on slide 17. This is a different day. This is
14 May 13. That's six additional transactions that you performed
15 from the Wade Funeral Home in Carolyn Wade's PPP loan
16 application. Yes?

17 A. Yes.

18 Q. Looking at slide 18, these are, I believe, 15 transactions
19 performed in Carolyn Wade's PPP application on Verizon's
20 network. Yes?

21 A. It shows a Verizon user is going into the account.

22 Q. Now --

23 A. What it shows is someone that had a Verizon account has
24 access to this document.

25 Q. Who also has the exact same phone model as your wife?

1 A. It doesn't say a phone model on here.

2 Q. All right. Your wife verified her identity in connection
3 with her PPP loan; correct? You didn't do that for her?

4 A. Yeah, she did.

5 Q. And she did that multiple times; right?

6 A. Until it passed.

7 Q. Until it passed.

8 Which took more than one time?

9 A. Yes. And each time you do it, that's considered a login.

10 Q. It's considered a transaction. It's different --

11 A. Transaction, login, or however you document it. As
12 Persona testified to, each time it's a login.

13 Q. This is your wife taking a photo of herself using her Note
14 20 Ultra 5G. Yes?

15 A. Yes.

16 Q. And this is her taking three photos of herself again using
17 the same cell phone on Verizon's network. Yes?

18 A. Yes, she took a picture.

19 Q. Now, your wife also signed her PPP loan application via
20 DocuSign; correct?

21 A. I believe so, yes. She signed one of them.

22 Q. Are you saying that you signed another one?

23 A. I did sign one of them.

24 Q. When was that?

25 A. I'm not exactly sure on the date of which one I signed,

1 but I did sign one of them.

2 Q. Do you remember previously testifying in another
3 proceeding that it was at 2:15 PM?

4 A. I think that's what the DocuSign said on it, but I think
5 based on my knowledge -- I think because of the UTC time or
6 whatever, I may have misstated because I was unaware of that.

7 Q. Right.

8 So you testified that you signed it at 2:15 and now
9 you're saying that that wasn't your memory. That was you just
10 looking at the DocuSign certificate?

11 A. Sir, if you can accomplish the document, then I can
12 testify to it factually.

13 Q. Ms. Rivero never signed anything for your wife?

14 A. I can't say that.

15 Q. You can't say that?

16 A. No, sir.

17 Q. This is your wife signing her PPP loan application using
18 Verizon on May 19, 2021; correct?

19 A. I believe that's my name.

20 Q. That's yours. Sorry.

21 Here we go. Is that your wife signing that?

22 A. This shows me that someone had access that was a Verizon
23 customer, had access to the IP tower of 224, and signed that
24 document.

25 Q. We're looking at slide 25. This is the history for that

1 signing event. Yes?

2 A. Yes, sir.

3 Q. And the user for this who opened, viewed, signed, and then
4 viewed four additional times is Carolyn Wade. Yes?

5 A. Again, what this shows me at the end is someone that had
6 the user ID of IP tower 224 that had a Verizon account
7 accessed it. It's going to say source user because the
8 account was opened under Carolyn Wade's name. So any
9 transaction that was done in there is going to refer as
10 Carolyn Wade.

11 Q. Right.

12 And this was sent to Carolyn Wade's email address.
13 That's how DocuSign works; right?

14 A. The code was sent to Carolyn Wade's --

15 Q. No, I'm talking about the documents to execute the
16 DocuSign.

17 A. Okay. Yes.

18 Q. And this is the history for the second signing of Carolyn
19 Wade's PPP loan application. Yes?

20 A. I don't know if it's first or second. It doesn't refer to
21 the number.

22 Q. Well, here's the date, which is May 28, which is different
23 than the date we just looked at, May 18.

24 A. Yes.

25 Q. Here's the signing event -- correct? -- from her home?

1 That's their IP address ending in 84?

2 A. That's the home IP address.

3 Q. Yeah.

4 And this is the history for that; correct?

5 A. Yes, again.

6 Q. I'm sorry. The answer -- you said "yes, again"?

7 A. Yes.

8 Q. This is Carolyn Wade's PPP loan forgiveness application.
9 Yes?

10 A. Yes.

11 Q. And this information at the top, the business name label
12 is Carolyn Wade. That's false?

13 A. Yes.

14 Q. And the d/b/a trade name is false?

15 A. I don't know how her business is listed. I don't know if
16 she's 1 Step A-Head d/b/a Carolyn Wade. I don't know, so I
17 don't know that to be false or true.

18 Q. Well, you saw this on the -- I showed it to you on the
19 original application. You said that the whole thing was
20 false; right?

21 A. Well, because what you're asking me. If you own a
22 business, there's different ways that you can incorporate a
23 business. So she can have her business as 1 Step -- Carolyn
24 Wade d/b/a 1 Step A-Head, and she can refer to her business
25 every time as 1 Step A-Head or she can say Carolyn Wade d/b/a

1 1 Step A-Head. So when you're saying d/b/a Carolyn Wade, I
2 can't say that's true or not.

3 Q. Okay. Well, you know that there is no business named
4 Carolyn Wade. We agree on that?

5 A. There's no independent business named Carolyn Wade.

6 Q. Okay. And this is your wife's signature at the bottom of
7 this application. Yes?

8 A. That's what's shown.

9 Q. I'm sorry?

10 A. That's what's shown. Yes.

11 Q. You recognize her signature?

12 A. No, I don't.

13 Q. You don't?

14 A. I know that's her name.

15 Q. You don't know your wife's signature?

16 A. You can't create an accurate signature on a DocuSign. No
17 one can.

18 Q. Do you see those two signatures that I've put up? One is
19 from Government Exhibit 118. That's the signature from the
20 PPP loan forgiveness application. And Government Exhibit 304,
21 the first page, which is a check that Carolyn Wade wrote.

22 A. Okay.

23 Q. Do you see those two signatures?

24 A. Yes.

25 Q. Are those your wife's signatures?

1 A. They're somewhat similar, but I can't say that that's her
2 exact signature.

3 Q. Let's talk about these checks.

4 You have never worked as an employee for your wife;
5 correct?

6 A. No, sir.

7 Q. You have never been involved in the hairstyling business;
8 correct?

9 A. Repeat the question.

10 Q. You have never been involved in the hairstyling business
11 for your wife?

12 A. No, sir.

13 Q. And she has never paid you a salary; correct?

14 A. No, sir.

15 Q. And yet, she wrote multiple checks to you with the word
16 "salary" in the memo; correct?

17 A. Yes, she did.

18 Q. And it's your testimony that that was to withdraw cash;
19 correct?

20 A. Yes, it was. So, again, as I testified earlier, one of
21 the things that was explained for me when you get the proceeds
22 from the PPP loan, you need to be accountable for the proceeds
23 that -- how you spent the proceeds. There has to be
24 accountability. So what she's putting in the memo section --
25 it's not illegal to pay yourself salary when you have PPP

1 proceeds.

2 Q. I'm talking about the checks to you, sir, where she
3 wrote --

4 A. She was not paying me.

5 Q. She wasn't paying you?

6 A. No, sir.

7 Q. But she wrote "salary" to you, and you just testified
8 she's never --

9 A. She wrote a check to me for cash.

10 Q. Well, is that what it says, "cash" in the memo?

11 A. Maybe it should have said "cash," but she wrote it and I
12 gave her cash.

13 Q. And she wrote "salary." That was false. Yes?

14 A. No, it was her salary.

15 Q. I'm talking about the checks to you. Let's put it up so
16 there's no confusion here.

17 This is a check to you, sir, signed by Carolyn Wade
18 with the memo "salary." That's false. Yes?

19 A. No, it is not.

20 Q. Was it for salary or -- yes or no?

21 A. What's factual on this check, it's written out to me, and
22 in the memo section it says "salary." Technically, that's all
23 it says. It doesn't say it's for me. It doesn't say it's for
24 her. It says "salary." You asked me for an explanation and I
25 just told you why it says "salary."

1 Q. Did you just tell me -- did you just tell me that you
2 never received salary from Carolyn Wade?

3 A. No, she never paid me -- I never worked for her.

4 Q. So this memo, "salary," is not accurate; correct?

5 A. It is accurate.

6 Q. It's accurate that it says "salary," but you never
7 received a salary from her. Is that what you're saying?

8 A. It's accurate that the check was written for salary.

9 Q. To you.

10 A. Not to me. It was --

11 Q. Who was it made --

12 MR. MCCRAY: Judge, this is asked and answered.

13 THE COURT: One moment.

14 MR. MCCRAY: Objection. Asked and answered.

15 Objection. Asked and answered.

16 THE COURT: All right. I hear you now. That's
17 correct.

18 BY MR. SNIDER:

19 Q. Who is this check made payable to?

20 A. The check is made payable to me in reference to the funds
21 she received cashwise.

22 Q. And it's your testimony that's true for every one of these
23 checks that's made to you with the word "salary" in the memo?

24 A. Absolutely.

25 Q. So it's your testimony, then, that the only time that

1 Carolyn Wade needed this cash from you was when she received
2 the proceeds of her PPP loan?

3 A. No, I can't testify to that.

4 Q. But she never wrote checks like this ever before receiving
5 the PPP loan proceeds; correct?

6 A. That said salary in it, no.

7 Q. And she never did that again once she had written you a
8 couple of these checks --

9 A. No, because she never had to be accountable for the funds
10 that were being taken out of her account.

11 Q. I'm sorry. Say that again.

12 A. When you receive the PPP proceeds, part of the
13 stipulations is you need to be accountable in case you're
14 audited so that therefore you can show that you spent the
15 proceeds appropriately.

16 Her writing a check out to herself was not
17 inappropriate. It was not illegal. However, she put
18 "salary," and maybe she should have been more descriptive and
19 put Carolyn's salary so then therefore we wouldn't have to ask
20 this question.

21 Q. So she never did it to herself before receiving the
22 proceeds and she never did it again -- correct? -- writing
23 "salary" to herself?

24 A. That, I can't answer to.

25 Q. And she never again wrote checks to you for salary to

1 withdraw cash?

2 A. That, I can't answer to either -- yes, I can. The answer
3 is no to that.

4 Q. The answer is "no"?

5 A. The answer is "no."

6 Q. By the way, this is a joint account that you have with
7 your wife; correct? This is your money together?

8 A. Which account are we referring to?

9 Q. The ones that the checks are drawn from.

10 A. No, sir.

11 Q. This is not a joint account?

12 A. No, sir. This is Carolyn Wade's account.

13 Q. I'm showing you Government Exhibit 305. Do you see that?

14 A. Yes, sir.

15 Q. This is a check to Jersey City Group?

16 A. Yes, sir.

17 Q. You were asked about this on direct examination?

18 A. Yes, sir.

19 Q. And you testified that this was additional money that you
20 were paying the Riveros for a PPP loan?

21 A. Yes, sir.

22 Q. So it wasn't for equipment restoration?

23 A. Well, she was advised to put that in the memo section. So
24 once again, you have to be accountable for the proceeds you
25 got from the PPP loan, and it has to be related to your

1 business.

2 Q. So is this for equipment restoration or not?

3 A. I wouldn't know.

4 Q. Well, you just testified that it was for paying the wage
5 to do your PPP loan. So that's not equipment restoration;
6 correct?

7 A. What you asked me, sir, was, "Was this check made to
8 Jersey City Group?" I said, "Yes." You said, "In the memo
9 she put equipment restoration." Then you turned around and
10 you asked me, "Was it for equipment restoration?" No, it
11 wasn't. It was paid to them.

12 Q. So it's false?

13 A. Correct.

14 Q. That's another false memo; correct?

15 A. Right.

16 Q. This is Government Exhibit 307, page 1. Do you see that?

17 A. Yes, sir.

18 Q. This is another check to Jersey City Group that -- this
19 one you wrote; correct?

20 A. Yes, sir.

21 Q. And this one is from an account ending in 7309. Yes?

22 A. Yes, sir.

23 Q. And that's Tracy Wade and Carolyn Wade. Yes?

24 A. Yes, sir.

25 Q. And this one is for funeral home repair?

1 A. Funeral home repair.

2 Q. So is that accurate?

3 A. Somewhat.

4 Q. Somewhat?

5 A. Yes.

6 Q. Well, you testified yesterday to Mr. McCray that this was
7 a payment that you were making to Mr. Rivero for his help with
8 the loan?

9 A. The money was paid for that -- for the PPP loan; however,
10 when I put in the memo section funeral home repair, I was
11 instructed to do that by Eduardo Rivero.

12 Q. And that's not true, is it?

13 A. No. Eduardo said, "Because I've done stuff around your
14 funeral home, me and my brother, just put 'funeral home
15 repair' in it, so therefore it would be associated with your
16 business."

17 Q. So you knew that wasn't true?

18 A. Some of it was.

19 Q. Some of it was.

20 If the money was going to Mr. Rivero, as you
21 testified, to pay for their role in this PPP application, then
22 it wasn't for funeral home repair; correct?

23 A. Some of it was. Again, I said I never knew the criteria
24 or what went with the PPP, so I never knew it was illegal to
25 pay him.

1 Q. And these checks that you wrote upon receipt of the PPP
2 money to Wade Funeral Home for payroll, you never wrote checks
3 like this from your own personal account before; correct?

4 A. Because the PPP money was in my personal account.

5 Q. Right.

6 It didn't go into your business account?

7 A. It should have.

8 Q. But you were the one that put in the personal account
9 number?

10 A. I can't really say I did that.

11 Q. You can't really say?

12 A. No, sir.

13 Q. Do you remember the data showing that that's what you did?

14 A. The data showed logins from a Verizon account. The only
15 data that you showed came from 166 was the initial point of
16 when I went in there.

17 Q. You don't remember me showing you yesterday the exhibit
18 that showed the transaction -- the funding instructions, and I
19 think your testimony was that it was auto-populated -- right?

20 A. You showed me initially when I logged in, and there was a
21 million other transactions underneath mine.

22 Q. Do you remember looking at the one that said "funding
23 instructions"?

24 A. That was one of them, I think. I can't recall.

25 Q. I think your testimony was that Womply had auto-populated

1 your account. Did Womply have your account information?

2 A. I didn't say that, sir.

3 Q. You didn't say auto-populate?

4 A. I didn't say Womply auto-populated my account.

5 Q. But you were putting it into the Womply website. Yes?

6 A. I think you might be referring to when I said my computer
7 may have auto-populated because if you do it -- when you have
8 your own desktop and -- your computer automatically sometimes
9 stores information.

10 Q. So that's your testimony that Womply automatically put
11 in --

12 A. I never said Womply automatically did anything.

13 Q. Mr. Wade, this PPP loan application for Tracy Wade, that
14 was not for Wade Funeral Home; correct?

15 A. No, but it should have been.

16 Q. And you actually did, though, apply for a separate PPP
17 loan for Wade Funeral Home; correct?

18 A. Can you tell me the loan you're referring to?

19 Q. Sure.

20 May 6, 2021, an application was submitted for a PPP
21 loan to Wade Funeral Home seeking a PPP loan of --

22 MR. MCCRAY: Objection, Judge. May we go sidebar,
23 please?

24 THE COURT: Is there an objection?

25 MR. MCCRAY: Yes.

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1 THE COURT: What is the objection?

2 MR. MCCRAY: Judge, this --

3 THE COURT: A legal objection.

4 MR. MCCRAY: The Court has ruled on this previously,
5 and I think counsel is seeking to go into something that the
6 Court is not supposed to -- I'm trying not to make a
7 speaking --

8 THE COURT: Sidebar.

9 (The following proceedings were held sidebar:)

10 THE COURT: What is the objection?

11 MR. WILCOX: It appears that he was --

12 THE COURT: Wait a minute. Who --

13 MR. MCCRAY: Judge, Mr. Wilcox brought to my
14 attention that apparently what he's seeking to go into -- what
15 the Government is seeking to go into now violates what the
16 Court has talked about, the 404(b) information regarding the
17 other loan.

18 THE COURT: I'm not sure what we're talking about,
19 frankly. So what is the --

20 MR. SNIDER: The witness is now testifying -- I'm
21 sorry. The defendant is now testifying -- the defendant is
22 subject to cross-examination, and I can ask him. But whether
23 he is aware of another PPP loan for his funeral home goes
24 directly to his credibility.

25 THE COURT: Is this the same issue that I -- is this

1 the loan that I ruled on --

2 MR. SNIDER: That was before he testified.

3 THE COURT: I'm asking you --

4 MR. SNIDER: Yes.

5 THE COURT: -- is that the --

6 MR. SNIDER: One of them. There's two loans. Yes.

7 THE COURT: I can't keep up with all the loans. I'm
8 sorry. Tell me what loan you're questioning him about.

9 MR. SNIDER: A PPP loan for Wade Funeral Home -- I'm
10 sorry. Let me be more specific. An application -- an
11 application for a PPP loan for Wade Funeral Home that was
12 approved for \$701,873. It was submitted on May 6, 2021.
13 Tracy Wade is listed as the point of contact. It has all the
14 information for Wade Funeral Home, including the EIN and his
15 personal information.

16 THE COURT: This document is what? This is a -- what
17 is the document?

18 MR. SNIDER: What do you mean?

19 THE COURT: What is this? What is the document?
20 Because there's a lot of the information --

21 MR. SNIDER: It's a printout -- it was produced to
22 us -- it's a business record from SmartBiz is what it is.

23 THE COURT: And the question is what? What is the
24 question?

25 MR. SNIDER: I asked him -- I said, "With respect to

1 this PPP loan that we've been talking about, this wasn't the
2 only loan that you applied for." And he said, "Well, can you
3 be more specific? Can you give me some information about it?"
4 So I'm giving him some information about it. This is a
5 perfectly legitimate inquiry.

6 THE COURT: Don't tell me what's perfectly
7 legitimate, Counsel.

8 MR. SNIDER: Sorry.

9 THE COURT: All right. Why is it that he can't ask
10 him about other loans as a witness? It's not -- I mean, he's
11 not asking it as 404(b) evidence, that he's offering it in his
12 case in chief against your client. He's asking, "Have you
13 ever had any other loans?"

14 MR. MCCRAY: If he's not going to go into anything
15 more specific than asking that question, then we don't object
16 but --

17 THE COURT: So if he says, "Have you had any other
18 loans," and Mr. Wade says, "Yes, there was another loan" --

19 MR. MCCRAY: Well, Judge, it actually doesn't seem
20 relevant to the issues of this case. It doesn't seem like it
21 tends to prove or disprove any material issue that's --

22 THE COURT: Why is it not relevant? The subject is
23 PPP loans, and he's asked, "Did you have any other loans?"
24 And the witness responds -- I guess you expect him to say,
25 "Yes, I have other PPP loans. They were legitimate loans.

1 They were" -- I don't know. I don't know where it leads to.
2 But the subject is PPP loans and knowledge of whether this is
3 fraudulent. Did you have another PPP loan?

4 MR. MCCRAY: Well, Judge, the Court previously ruled
5 on this --

6 THE COURT: I ruled on it in a different context.

7 MR. MCCRAY: Judge, I understand. But what I'm
8 getting ready to say, if you allow me to say it, if he could
9 ask the questions outside the presence of the jury so that my
10 client doesn't say anything that would be violative of the
11 previous ruling --

12 THE COURT: I don't understand. The previous ruling
13 doesn't have anything to do with this particular issue. He's
14 on the stand now subject to cross-examination. My ruling
15 dealt with his case in chief and presenting 404(b) evidence.
16 And then lawyers decide, you know, the defendant has a prior
17 conviction or not. You can't put that in the case in chief,
18 but if the defendant takes the stand, you can ask him about
19 the prior conviction.

20 So now he's asking him about his knowledge of other
21 PPP loans since the subject of the examination is PPP loans.

22 MR. MCCRAY: Just let me confer with counsel for a
23 second, please.

24 Judge, we've stated our position.

25 THE COURT: All right. Now, I do have one question.

1 There was a receipt that had \$700,000 on it.

2 MR. SNIDER: That's in evidence. That's in evidence,
3 Government Exhibit 2002.

4 THE COURT: Is that this loan?

5 MR. SNIDER: Yes.

6 THE COURT: Well, it's -- this is the same loan.

7 MR. SNIDER: Yeah. It's already in evidence, that
8 piece of information is.

9 THE COURT: Remember, there is a receipt or something
10 that --

11 MR. MCCRAY: There was a --

12 THE COURT: -- Ms. Granados gave to the husband. Is
13 that it?

14 MR. MCCRAY: No, it wasn't given to the husband.
15 That was sent from a Ms. Concepcion to Ms. Rivero.
16 Ms. Concepcion, I believe, was counsel or something for
17 Ms. Rivero.

18 THE COURT: Yes.

19 MR. MCCRAY: But there was no testimony that Mr. Wade
20 had requested that from that particular document.

21 THE COURT: So the loan you're asking about doesn't
22 relate to that --

23 MR. SNIDER: Of course it does. That's exactly what
24 I'm asking him about.

25 MR. MCCRAY: What I'm saying is the email that's in

1 evidence was not --

2 THE COURT: Was an attachment.

3 MR. MCCRAY: Yeah. That was not sent to Mr. Wade.

4 Mr. Wade did not request that. The testimony from

5 Ms. Granados is "I believe my husband asked him."

6 THE COURT: I understand, but I'm just asking if that
7 document represents the same inquiry.

8 MR. SNIDER: Yes.

9 THE COURT: That's all I'm asking.

10 MR. MCCRAY: I believe it does.

11 THE COURT: All right.

12 MR. SNIDER: Is the objection overruled?

13 THE COURT: It is.

14 MR. SNIDER: Thank you.

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

16 THE COURT: The objection is overruled.

17 BY MR. SNIDER:

18 Q. Mr. Wade, I was asking you about another application for
19 another PPP loan made on behalf of Wade Funeral Home.

20 A. I don't recall any loan being referred to as a PPP loan
21 for Wade Funeral Home.

22 Q. Are you saying that you are not aware of any other PPP
23 loan for Wade Funeral Home -- not yourself but for Wade
24 Funeral Home?

25 A. A PPP loan?

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1 Q. Yes.

2 A. No, sir. No loan that I know to be referred to as a PPP
3 loan for Wade Funeral Home.

4 Q. Are you aware of another loan for Wade Funeral Home?

5 MR. WILCOX: Asked and answered.

6 THE COURT: Another loan is the question? Overruled.

7 THE WITNESS: Can you be specific, please, sir?

8 BY MR. SNIDER:

9 Q. You are not aware of a PPP loan application for Wade
10 Funeral Home submitted on May 6, 2021, seeking a PPP loan of
11 \$701,873?

12 A. No, sir.

13 Q. So if a PPP loan application was submitted on behalf of
14 Wade Funeral Home, that's not something you had anything to do
15 with?

16 A. No, sir.

17 Q. Mr. Wade, was Wade Funeral Home founded in 2011?

18 A. Somewhere in there, yes.

19 Q. Was it founded in order to offer affordable funeral
20 service for those less fortunate in our community who do not
21 have the means for such expenses?

22 A. It wasn't -- I don't recall those words, but -- I don't
23 know where you're getting that from.

24 Q. That wasn't the purpose for which you started Wade Funeral
25 Home?

1 A. I am not sure where you're getting that from, so...

2 Q. Did Wade Funeral Home ever have \$3 million in annual
3 payroll?

4 MR. MCCRAY: Objection as to relevance.

5 THE COURT: May I see -- come sidebar.

6 (The following proceedings were held sidebar:)

7 THE COURT: What is the \$3 million about?

8 MR. SNIDER: A PPP loan application that was
9 submitted on behalf of Wade Funeral Home that represents --
10 that had \$3,368,990 in payroll.

11 THE COURT: Well, what's --

12 MR. SNIDER: I'm asking if he ever did.

13 THE COURT: Well, based on his answer, you probably
14 should ask him is he familiar with this document. You're
15 publishing the contents of this document. Show him the
16 document and ask him if he recognizes it. And if he says no,
17 you go to your next question.

18 MR. SNIDER: Well -- okay.

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

20 MR. SNIDER: May I approach the witness, Your Honor?

21 THE COURT: Yes, sir.

22 BY MR. SNIDER:

23 Q. Mr. Wade, I'm handing you what has been marked for
24 identification as Government Exhibit 167. Do you see that?

25 A. Yes, I see this.

1 Q. My question for you is did Wade Funeral Home ever have
2 \$3,368,909.56 in payroll?

3 MR. MCCRAY: Objection to the form. That's not the
4 question that was supposed to be asked from sidebar.

5 THE COURT: Ask the question -- show him the form.

6 MR. SNIDER: He has it.

7 THE COURT: Are you familiar with the exhibit?

8 THE WITNESS: No, sir. I've never seen this form.
9 Never seen this number ever in my life.

10 THE COURT: The next question, please.

11 BY MR. SNIDER:

12 Q. I'm showing you what is marked for identification as
13 Government Exhibit 168. Have you ever seen that before?

14 A. Never seen this form before. I'm not familiar with this.

15 Q. Okay. Showing you what is identified as Government
16 Exhibit 169. Have you ever seen that before?

17 A. I'm not familiar with this document. Who prepared this?

18 Q. Showing you what is marked for identification as
19 Government Exhibit 170. Have you ever seen that before?

20 A. I've never seen this document before. Is there other
21 documents attached to it?

22 Q. I'll take that back.

23 A. Okay.

24 Q. Mr. Wade, do you know what your payroll was for Wade
25 Funeral Home in 2020?

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1 A. Not offhand.

2 Q. Can you give an approximation?

3 A. No, I don't want to approximate, sir.

4 Q. Did you ever have payroll of \$3 million?

5 A. I had laborers --

6 MR. WILCOX: Objection, Your Honor.

7 THE COURT: What's the objection? The basis?

8 MR. WILCOX: Relevancy.

9 THE COURT: Overruled.

10 BY MR. SNIDER:

11 Q. Did Wade Funeral Home ever have payroll of \$3 million?

12 A. Payroll of \$3 million?

13 Q. Yes.

14 A. I've never ever stated that, sir.

15 Q. Listen to the question --

16 A. The answer is no.

17 Q. Did Wade Funeral Home ever have 45 employees?

18 A. 45? No.

19 Q. Mr. Wade, who would know the EIN for Wade Funeral Home?

20 A. Anybody that logs on Sunbiz, sir.

21 Q. Oh, it's available on Sunbiz, the EIN?

22 A. Yes, it is, sir.

23 Q. Who would know your cell phone number?

24 A. Everybody that I've ever dealt with in my life as far as
25 business goes, personal. Everybody knows my number.

1 Q. Who would know the bank account for Wade Funeral Home, the
2 account number and routing number?

3 A. Myself, my secretaries, and Haydee Granados and Eduardo
4 Rivero, with the exception of Realtors I've dealt with and
5 mortgage brokers and loan/lease companies, et cetera,
6 et cetera.

7 Q. I'm publishing for you what is in evidence as Government
8 Exhibit 2002. Do you see 2002 on your screen, sir?

9 A. Yes, sir.

10 Q. This is an email; correct?

11 A. It's an email from an Odalys Concepcion, and it's to
12 Haydee Granados.

13 Q. And what's the subject?

14 A. The subject says Wade Funeral Home.

15 Q. What's the date?

16 A. May 6, 2021.

17 Q. I'm on page 2, which is an attachment to that email. Do
18 you see that?

19 A. I see it.

20 Q. When does it say this application was started?

21 A. This application says it was started on May 6, 2021.

22 Q. And what is the estimated loan amount?

23 A. The loan amount on this document says \$701,873.

24 May I see that document again, please, Mr. Snider?

25 Q. We're moving on, sir.

1 Mr. Wade, are you familiar with another loan program
2 that was offered during the pandemic from the SBA called the
3 Economic Injury Disaster Loan?

4 A. I never knew a loan was called that until you brought it
5 to my attention.

6 Q. So you never knew that?

7 MR. MCCRAY: May we object and go sidebar, please?

8 THE COURT: Come sidebar.

9 (The following proceedings were held sidebar:)

10 MR. WILCOX: The same objection, Your Honor. We
11 believe he's trying to lay a foundation to talk about the EIDL
12 loan, which you had previously excluded when they attempted to
13 introduce it under Rule 404(b).

14 THE COURT: What's that? I'm listening.

15 MR. WILCOX: Do you understand? You've already
16 excluded this when the Government tried to introduce --

17 THE COURT: All right. On which loan is this?

18 MR. WILCOX: It's an EIDL loan.

19 THE COURT: What's the amount? I'm trying to
20 identify from what you all had told me before. What was the
21 amount of this EIDL loan?

22 MR. WILCOX: He actually received an EID loan -- he
23 actually received an EIDL loan for -- I believe it was
24 \$80,000. But what the Government wanted to show was that
25 prior to receiving the EIDL loan for \$80,000, he put on the

1 application that -- there's an application that states that
2 the gross income was, like, \$400 million, and there's a second
3 application that states the gross income was \$300 million.
4 And we had a hearing on this where this was subject to the
5 Court allowing the 404(b). I believe the Court had since
6 ruled that that evidence is excluded -- that you denied the
7 Government's motion to admit this evidence pursuant to 404(b).
8 Now he seems to be laying a foundation to introduce this
9 evidence.

10 THE COURT: I'm still not sure of where we are now.

11 MR. WILCOX: What are you not sure about, Judge?

12 THE COURT: I'm not sure which loan this is that I
13 ruled on.

14 MR. SNIDER: Judge, we're in the same posture that we
15 were five minutes ago. I'm not seeking to -- I'm asking a
16 line of inquiry on cross-examination about another application
17 that he submitted and that --

18 THE COURT: You're saying he submitted. Is this a
19 document that's in evidence?

20 MR. SNIDER: No. No.

21 THE COURT: Have you asked him if he submitted this
22 loan?

23 MR. SNIDER: I was about to. That's what I'm doing.

24 THE COURT: And tell me about the loan, please.

25 MR. SNIDER: There is a loan application that was

1 submitted to the SBA, an EIDL loan, which is another form of
2 pandemic relief, representing that Wade Funeral Home had
3 \$465 million in gross revenue and 175 million in expenses, and
4 then there's -- and then subsequent to that submitted an
5 identical loan that represented 300-some-odd [sic] million in
6 expenses --

7 THE COURT: Is this a loan that Ms. Rivero was --

8 MR. SNIDER: No. Judge, this has nothing -- I'm not
9 going into this for 404(b). This is impeachment.

10 THE COURT: You are going to show him the document, I
11 assume.

12 MR. SNIDER: Of course. I was starting to begin my
13 inquiry about whether he knows about this other loan. He's
14 going to say he did.

15 THE COURT: He's going to say he did?

16 MR. SNIDER: Yes, unless he's lying, because counsel
17 just represented that he got the loan.

18 MR. WILCOX: Yes, he did get an EIDL loan, but I
19 don't understand how him receiving an EIDL loan is relevant to
20 any issue in this case.

21 THE COURT: What's EIDL?

22 MR. WILCOX: E-I-D-L, Economic Injury Disaster Loan.
23 We had some pleadings on it, Judge. We've addressed this in
24 pleadings.

25 THE COURT: I understand that, but I really don't

1 know what you're talking about.

2 MR. SNIDER: He's referring to a 404(b) argument
3 that's not relevant for this posture.

4 MR. WILCOX: I'm referring to a 404(b) argument
5 because the Government has filed a motion seeking to introduce
6 this evidence as 404(b).

7 MR. SNIDER: I'm not --

8 THE COURT: One moment, please.

9 You filed a motion seeking to introduce it as 404(b).

10 MR. WILCOX: Yes.

11 THE COURT: We're not in that posture now.

12 MR. WILCOX: I understand. Agreed. Why is it
13 relevant? Why is the EIDL relevant -- and the fact that he
14 applied for an EIDL and received an EIDL relevant in this
15 case?

16 MR. SNIDER: It's relevant, Judge. The heart of this
17 case is false statements to the SBA. This is an application
18 saying that Wade Funeral Home had \$465 million in gross
19 revenue.

20 THE COURT: Did he get the loan?

21 MR. SNIDER: Yes.

22 MR. WILCOX: He got the loan, but what happened was
23 is that -- there's a little gap here. SBA wrote back to him
24 and said, "Wait a minute. You've got to show us some proof
25 that you've got \$400 million in assets -- I mean gross

1 receipts." He sent his legitimate tax return showing that he
2 made about, I believe, \$200,000. That tax return is in
3 evidence. And based on that, they gave him a loan for
4 \$80,000. Do you follow me?

5 THE COURT: Yes.

6 MR. WILCOX: But I don't --

7 THE COURT: So what is the -- I guess your position
8 is that this loan is a mistake. He submitted the correct
9 information and everything's fine.

10 MR. SNIDER: That's a question for the jury.

11 THE COURT: That's not a question for the jury.

12 Has the loan been recouped? Has the Government
13 attempted to retrieve the loan --

14 MR. WILCOX: No. No.

15 THE COURT: -- or it's a legitimate loan?

16 MR. WILCOX: Yes.

17 THE COURT: And you want to ask about this loan?

18 MR. SNIDER: Judge, this goes -- I'm offering -- this
19 goes to credibility. There were two applications submitted,
20 each of which represented that Wade Funeral Home had hundreds
21 of millions of dollars. I can ask him about the veracity of
22 that. It goes to his credibility.

23 THE COURT: Now I'm getting into another trial.

24 That's what troubles me, because you're going to ask these
25 questions and now they're going to say, "Oh, gee. It was a

1 mistake. He got a legitimate loan and" -- am I ever going to
2 finish this case?

3 MR. SNIDER: Judge, this is just a few questions
4 about this and then I'm done.

5 THE COURT: A few questions about it.

6 MR. SNIDER: Yes.

7 THE COURT: So when he said -- he got the loan --

8 MR. SNIDER: This goes to his --

9 THE COURT: Wait a minute.

10 What did the SBA say about these numbers? They
11 questioned him?

12 MR. SNIDER: Yes.

13 THE COURT: And his response was what?

14 MR. SNIDER: He didn't -- he couldn't support them.

15 THE COURT: I'm sorry?

16 MR. SNIDER: He could not support them.

17 THE COURT: I said what was his response --

18 MR. SNIDER: He gave them his tax returns.

19 THE COURT: Okay. And they said, "Oh, we made a
20 mistake" --

21 MR. SNIDER: They reduced the loan in half. It shows
22 his intent, Judge, to get loans he's not entitled to. That is
23 a relevant issue in the case. It goes to his credibility.

24 THE COURT: Well, that's his position, and your
25 position is he got the loan and no one ever investigated it.

1 MR. WILCOX: And to go into this -- and we will say
2 stay away from it because it's prejudicial. It's a confusion
3 of the issues, Judge, under 403.

4 THE COURT: I don't think it's that confusing.
5 I'm going to allow a few questions.

6 Are we going to get through with this anytime today?

7 MR. SNIDER: Yes.

8 THE COURT: What time today?

9 MR. SNIDER: I don't know how long their redirect is.

10 THE COURT: No, don't worry about the redirect. I'm
11 asking you. What time are you finishing?

12 MR. SNIDER: I think I've got 15 minutes.

13 THE COURT: You're on the clock.

14 MR. SNIDER: Very well.

15 MR. MCCRAY: Judge, can we establish the two
16 questions?

17 THE COURT: I'm not going to go into that, Counsel.

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

19 BY MR. SNIDER:

20 Q. Mr. Wade, you applied for an EIDL loan, E-I-D-L, from the
21 SBA for Wade Funeral Home; correct?

22 A. I did not know it to be called that. I know it to be an
23 SBA loan until you told me that's what it was.

24 Q. So you applied for an SBA loan for Wade Funeral Home that
25 was not a PPP loan; correct?

1 A. I was unaware that was considered a PPP loan --

2 Q. No, that was not. I'm talking about a different --

3 Did you apply for a loan from the SBA that you
4 believed was an SBA loan?

5 A. Yes, sir.

6 Q. And you did that in approximately 2020; correct?

7 A. I'm not sure. If you have the document and you show me, I
8 can verify that's the year.

9 Q. And in that application, you were asked by the SBA to put
10 in the gross revenue for Wade Funeral Home for the year
11 preceding 2020; correct?

12 A. I assume, if that's a part of the application process.

13 Q. Okay. And in that response, you put \$465 million;
14 correct?

15 A. What?

16 Q. In your response to that question, what is the gross
17 revenue for the 12 months prior to January 31, 2020, you put
18 \$465 million?

19 A. Sir, my tax documents -- I've never even been shown to
20 make 500,000 to a million dollars.

21 Q. Listen to the question. I'm not talking about your tax
22 documents.

23 In the application to the SBA for this other loan
24 that you just said you applied for, when you were asked to put
25 in the gross revenues for the 12-month period before

1 January 31, 2020, you entered \$465 million?

2 A. I don't recall that. Can you show me the document? Or
3 was that phone recorded?

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

5 THE COURT: Yes, sir.

6 BY MR. SNIDER:

7 Q. Sir, I'm handing you what has been marked for
8 identification as Government's 900. Okay? And on the left
9 side, each side is numbered. Go to line 15, please.

10 A. Can you make this bigger? Because I'm having trouble
11 seeing it. Can you accomplish it and I will try to follow
12 along.

13 Q. Okay. Sure.

14 If you can't read it, I'll be happy to do that. I'm
15 just going to turn it on your screen.

16 A. Okay. Do that, then.

17 Q. Okay. No problem.

18 Can we please accomplish only for the witness and
19 defense counsel and the Government's table what's identified
20 as 900? Okay. It's not going to accomplish to the jury?

21 THE COURTROOM DEPUTY: No.

22 BY MR. SNIDER:

23 Q. So, sir, I'm going to -- do you see 900 on your screen --
24 what's identified as Government 900?

25 A. Okay.

1 Q. Do you see line 15?

2 A. Okay. And for what year is this?

3 Q. Do you see line 15?

4 A. I can see it.

5 Q. Does this refresh your recollection that in answer to the
6 question by the SBA for gross revenues for the 12-month period
7 prior to January 31, 2020, there was an entry of \$465 million?

8 A. Clearly that has to be a typo because I've never claimed
9 that.

10 Q. Okay. So you're saying that's a typo?

11 A. Sir, the accurate documents for this particular loan have
12 been submitted. This loan is current and there's no issues
13 with this loan.

14 Q. Just answer the question.

15 Is this a typo? Is that what you're saying?

16 A. Absolutely.

17 Q. And below that you were asked how much the Wade Funeral
18 Home had in cost of goods sold, which are expenses; correct?
19 Cost of goods sold are expenses --

20 A. Yes, sir.

21 Q. -- for the same period, the year before January 31,
22 2020 --

23 A. Okay.

24 Q. -- and you entered 175 million?

25 A. That's what it's saying here. But, sir, clearly, I have a

1 full-time job. I ran a full-time business. I am a full-time
2 dad and a husband. The difference between a hundred thousand
3 and millions is zeroes. Clearly that's a typo.

4 Q. So that's your testimony; this is a typo. 465 million in
5 revenue was a typo and 175 million was a typo?

6 A. Yes, sir.

7 Q. I'm going to accomplish for you Government Exhibit --

8 A. If I had that kind of money, why would I need any loan?

9 Q. 906. Do you see 906 on your screen?

10 A. Yes, sir.

11 Q. Okay. Do you see line 14?

12 A. Yes, sir.

13 Q. And this is a separate application for an SBA loan with
14 different information than the one we just looked at; correct?

15 A. The discrepancy is zeros.

16 Q. And what does it say that you put in for when asked the
17 question gross revenues for the 12 months prior to the date of
18 the disaster?

19 A. That's an inaccurate typing.

20 Q. Does it say 350 million?

21 A. Yes, it does.

22 Q. And line 15 for the cost of goods sold, did you put in 250
23 million?

24 A. The discrepancy is zeros, sir.

25 Q. So it's two different sets of typos in two different

1 applications. Is that what you're saying?

2 A. All my correct tax documents are supporting what we
3 initially put, and the phone conversations were recorded.

4 Q. And you asked the SBA for the status of this loan;
5 correct?

6 A. Absolutely.

7 Q. And you called them multiple times asking for the status?

8 A. It was phone-recorded conversations.

9 Q. Okay. And you never --

10 A. Nothing fraudulent was discussed or brought up. That loan
11 was funded. It was never put under investigation, and it is
12 current as of this day.

13 Q. So you asked the SBA for the status of the loan where you
14 had represented that Wade Funeral Home had 465 million in
15 revenues and 350 million in expenses?

16 A. Never. Never. Never. At some point in time -- you
17 clearly see that was corrected.

18 Q. So just to summarize, Mr. Wade. You sought from the
19 SBA --

20 THE COURT: Are these questions you've already asked?

21 MR. SNIDER: I'm just summarizing what we --

22 THE COURT: No, don't summarize. Are these questions
23 that you've asked --

24 MR. SNIDER: No.

25 THE COURT: -- and have been answered?

1 MR. SNIDER: No.

2 THE COURT: If they haven't been asked and haven't
3 been answered, proceed.

4 BY MR. SNIDER:

5 Q. In all the documents that we've looked at today and
6 yesterday for the PPP loan for yourself, you never saw any
7 false information; is that right?

8 A. Yes, I did.

9 Q. You saw false information?

10 A. Yes, I did.

11 Q. When you were applying?

12 A. I saw false information on the documents you showed me
13 yesterday.

14 Q. And it's your testimony you didn't see that when you
15 were -- in all the opportunities when you were logging in, you
16 never saw it?

17 A. Well, in light of some of the information I received last
18 night, I know it to be false. You said that myself and my
19 wife were the only Verizon carriers that had access to the
20 Verizon towers, which that is not true. Eduardo Rivero's
21 phone number is 5338, which is a Verizon account, which is
22 under the name of Haydee Granados.

23 Q. Mr. Wade, you applied or were involved with the
24 applications for five different types of loans during the
25 pandemic?

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1 A. No, I wasn't.

2 Q. Your loan for yourself; correct?

3 A. Yes, sir.

4 Q. The loan for your wife?

5 A. Yes, sir.

6 Q. Two applications for EIDL loans that we just looked at?

7 A. I don't know them to be EIDL loans. They're SBA loans.

8 Q. Two other SBA loans?

9 A. One SBA loan.

10 Q. And the one that we looked at before for Wade Funeral
11 Home, that one you know nothing about. Is that your
12 testimony?

13 A. So I don't know who that gentleman is. I don't know what
14 that reference is. I never seen that before.

15 MR. SNIDER: I have no further questions, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. MCCRAY:

18 Q. Mr. Wade, you testified that you logged into the Womply
19 portal multiple times. Can you explain why?

20 A. The times that I logged into the portal was because I was
21 prompted to either by a text that came from Womply or because
22 I got a phone call from Eduardo Rivero.

23 Q. And when you logged in, what were you doing?

24 A. I know I had to log in initially. I can't recall, as I
25 keep stating, what we initially had to put in as far as to

1 start it up, but I do know that I did the portal pictures for
2 a fact.

3 Q. Okay. And did you have to redo the portal pictures a
4 certain number of times?

5 A. Multiple times.

6 Q. And when you redid the pictures, did that require you to
7 log in each time?

8 A. Each time is considered a login or a -- as Mr. Snider
9 said, a transaction or something to that nature. I'm not sure
10 exactly what he used.

11 Q. Now, when you logged in those times, did the PPP
12 application appear?

13 A. It never appears. It just prompts you to go with your
14 next action.

15 Q. And when you logged in, did the Schedule C appear?

16 A. No, sir.

17 Q. Now, do you remember -- I believe Mr. Snider asked you
18 about you putting your personal banking information -- no, the
19 business account having been -- I'm sorry -- the business
20 check from PPP going into your personal account. Do you
21 remember that?

22 A. Yes. Yes, sir.

23 Q. At the time in which that occurred, had you prepared and
24 submitted to Eduardo or his wife your business check?

25 A. Yes, sir.

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1 Q. Did that check have your account number on it?

2 A. Yes, it did.

3 Q. Did it have the business name on it?

4 A. Yes, sir.

5 Q. And the name of your bank?

6 A. Yes, sir.

7 Q. And at that time, had either one of the two, the husband
8 or wife, made representations that they would take care of the
9 rest of the application?

10 A. Yes, sir.

11 Q. So when that information was placed into the Womply portal
12 by you, I believe, regarding the business check, Mr. Eduardo
13 Rivero and his wife, they had your banking information
14 already; is that correct?

15 A. Yes. Yes, they did.

16 Q. Okay. Now --

17 A. They had personal and business banking information.

18 Q. And how did they get that information?

19 A. We sent it to them.

20 Q. The forgiveness loan, you saw the spelling of your name on
21 it. How was that spelled?

22 A. It said "Trace."

23 Q. How is your name spelled?

24 A. T-R-A-C-Y.

25 Q. Do you use "Trace" as a nickname?

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1 A. Never.

2 Q. Do you ever write the name "Trace" when you're signing any
3 kind of documents?

4 A. No. I spell my name the same every time.

5 Q. Now, did you write "Trace" onto the document that was
6 presented that had Trace on it?

7 A. No, sir.

8 Q. Did you prepare that document, the forgiveness document?

9 A. No, sir.

10 Q. And I believe you testified that Ms. Granados Rivero --
11 did she have access to the Womply portal?

12 A. Yes, she did.

13 Q. Did you ever apply for a \$700,000 loan?

14 A. I never heard of it until this case took place.

15 Q. Were you ever approached by Granados about taking out a
16 loan?

17 A. Eduardo approached me about getting a loan for about
18 \$700,000.

19 Q. Did you apply for that loan?

20 A. No, sir.

21 Q. Now, with respect to the EIDL loan that you just ended up
22 testifying to, did you submit your proper tax returns to the
23 SBA to get that loan?

24 A. Yes, I did.

25 Q. And how much was the loan you received?

1 A. \$80,000.

2 Q. And that was based upon your proper tax returns?

3 A. Yes, sir.

4 Q. Okay. I'm going to publish 207. Okay. This is 207. I
5 believe you testified previously about this. This is for
6 2019?

7 A. Yes, it is.

8 Q. What does it show your income for the business to be?

9 A. \$345,359.

10 Q. And when you presented this to the bank, what happened as
11 a result?

12 A. Everything was approved.

13 Q. And with respect to the figure that counsel brought up,
14 \$400 million, have you ever dreamed of making that amount of
15 money?

16 A. Until I hit the Lotto, yes.

17 Q. Did you represent to the authorities that that's how much
18 money you made?

19 A. No, sir. That would be foolish.

20 Q. And was it brought to your attention that this was in the
21 paperwork?

22 A. During this trial proceeding, yes.

23 Q. Okay. And you submitted the 2019 1120-S to the SBA?

24 A. Yes, I did.

25 Q. Now, you looked at the spreadsheet that was prepared by

1 the Government in this case. When you logged in, do those
2 documents say exactly what you were doing when it was logged
3 in?

4 A. No, it doesn't. And I asked Mr. Snider repeatedly "Can
5 you please show me all of the actions that I did every time I
6 logged in" and he didn't show me.

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

8 Judge, I have no further questions.

9 THE COURT: You may step down, sir.

10 MR. MCCRAY: We rest, Judge. The defense rests.

11 THE COURT: Very well.

12 Any additional matters, Government?

13 MR. SNIDER: No, not from the Government.

14 THE COURT: Very well.

15 So the testimony has ended, ladies and gentlemen.

16 We're going to break now. I'm going to discuss the
17 instructions with the attorneys.

18 I have allotted one hour per side for closing
19 arguments. And so if we have a quick break, we could get
20 through closings around -- assuming all of the time is used --
21 1:05, break for lunch, have you come back, I'll give you your
22 instructions on the law, and then you can begin deliberating.

23 I think what I'm going to do, however, is when you go
24 into the jury room, you're going to get a menu. Make your
25 selection and I'll have the lunch here about 1:05, and that

1 way we can keep moving. All right?

2 We are in recess.

3 (Jury exited at 11:07 AM.)

4 THE COURT: Be seated.

5 Are there any motions? I can preliminarily tell you
6 that it would appear that my rulings should remain the same,
7 but if there's a new twist or a new issue, I'm happy to
8 entertain it.

9 MR. WILCOX: Your Honor, on behalf of both
10 defendants, Carolyn Wade and Tracy Wade, the defense would
11 move pursuant to the Federal Rules of Criminal Procedure,
12 Rule 29, that the Court grant a judgment of acquittal and do
13 not send this case back to the jury, that the Court should
14 decide the case and should acquit Mr. Wade and Mrs. Wade
15 because the Government has failed to establish all of the
16 elements of the case, specifically willfully intending to
17 defraud the Government with respect to the wire fraud counts
18 and with respect to the conspiracy to make false statements to
19 the SBA.

20 The Government has failed to establish that Mr. Wade
21 or Mrs. Wade entered into any agreement with Haydee Granados
22 to make false statements to the SBA and nor did they willfully
23 intend to make false -- conspire to make false statements to
24 the SBA.

25 And based on the testimony introduced with respect to

1 Counts 5 through 10, I don't believe the Government has
2 presented sufficient evidence to show that Mr. Wade or
3 Mrs. Wade knowingly made false statements to the SBA, and for
4 those reasons, Your Honor, we would ask the Court to grant a
5 judgment of acquittal.

6 THE COURT: All right. Thank you.
7 Government?

8 MR. SNIDER: Your Honor, respectfully, there's been
9 no evidence presented since the motions were made yesterday
10 that would change the Court's ruling. The Government has
11 presented substantial evidence showing Mr. Wade and
12 Mrs. Wade's direct involvement in their own applications. It
13 is set forth in the data and it is for the jury to determine
14 whether or not they accept that data that they were the ones
15 signing and taking all of the other activity with respect to
16 their own PPP applications that is now in evidence.

17 The agreement, as far as the conspiracies, is a
18 meeting of the minds. There is evidence from Haydee Granados
19 that she conspired with them. There was a meeting of the
20 minds. There's evidence in the payments that were made to
21 them, and it's a question of fact for the jury.

22 THE COURT: All right. We have already discussed the
23 standard of proof at this stage. Based upon your arguments
24 from yesterday and today, the Court finds that there are
25 questions of fact that should be addressed by the members of

1 the jury, so the motions are denied.

2 All right. Let -- did someone have a question? All
3 right. Let us return to the instructions. We have given you
4 a corrected copy along with the verdict form.

5 We made a few changes to the instructions from
6 yesterday. Are there any additional changes? And there were
7 a few instructions. I think that the parties wanted to
8 address one being good faith. I asked you to have some cases
9 here for me if you somehow think that is an appropriate
10 instruction, and I asked you to read the Eleventh Circuit
11 pattern with the cases that are alluded to.

12 So any new matters regarding the instructions?

13 MR. LOVE: Your Honor, just for clarification, did
14 Your Honor say that the good-faith defense instruction did not
15 apply?

16 THE COURT: I really left it up to you all. I don't
17 think it applies but, you know, I asked if you have some
18 cases.

19 MR. LOVE: I ask only because the copy that we
20 received still has that instruction.

21 THE COURT: Yes. This is why we are addressing it
22 now.

23 Defense, I asked if you had some cases. I told them
24 to read the instruction, the Eleventh Circuit pattern. So I'm
25 willing to listen if there's anything new.

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1 All right. Hearing no argument on that issue, we
2 will remove the good-faith defense instruction.

3 Additional objections, corrections?

4 MR. SNIDER: One moment, Judge.

5 THE COURT: All right. Have you taken a look at the
6 verdict form? Any issues related thereto?

7 All right. The verdict forms that we have will be
8 presented to the members of the jury.

9 Additional matters? I guess I should ask if the
10 parties are going to use your own phones to keep your time or
11 do you want a notice at any point in time?

12 MR. SNIDER: Judge, if the Court could let the
13 Government know when 40 minutes has lapsed and 20 minutes
14 remains, I would appreciate it.

15 THE COURT: All right.

16 MR. MCCRAY: Judge, I'm asking that I be given a
17 ten-minute warning.

18 THE COURT: Very well. I will give you a notice;
19 Government, when 40 minutes has lapsed; defense, ten minutes
20 remaining.

21 MR. WILCOX: Your Honor, there's one matter that I'd
22 like to address.

23 I'd like to try to determine whether or not we have
24 an accurate list of the exhibits that have been admitted on
25 the defense side.

1 THE COURT: All right. Do you have your list? Have
2 you all looked at each other's list? I asked you all to
3 confer.

4 MR. WILCOX: I don't think there's going to be that
5 much of an issue with exhibits that the Government...

6 THE COURT: Let me ask the question this way. Are
7 there any exhibits received that you all think are in
8 controversy that you will be alluding to in your closing
9 arguments?

10 MR. SNIDER: What do you mean by controversy?

11 THE COURT: Exhibits received in evidence. Both
12 parties know the exhibits that were received in evidence. I
13 assume you will be referring to some of your exhibits during
14 your closing arguments.

15 MR. SNIDER: Yes.

16 THE COURT: Are there any of those exhibits that you
17 think there might be an issue as to whether it was received or
18 not?

19 MR. SNIDER: No. We're going to -- there may be --
20 there may have been objections that were discussed, but if
21 it's in evidence, we're going to refer to it. I'm not going
22 to refer to the exhibits that were shown for identification.
23 I will, though, refer to the testimony that was elicited when
24 those were shown to various witnesses.

25 THE COURT: The testimony is the testimony.

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1 MR. SNIDER: Yes.

2 MR. WILCOX: I reviewed the defendants' exhibit list,
3 and I believe everything has been admitted except Exhibit 26,
4 which is the superseding indictment, which was withdrawn.

5 THE COURT: Yeah, we did not finalize our discussions
6 on that issue. It was withdrawn. So how do you propose that
7 I handle that? Just simply let the jury know that Exhibit 26,
8 which was offered and received, has been withdrawn by
9 agreement of both parties?

10 MR. WILCOX: Yes. And you can also, at the Court's
11 pleasure, say that the indictment is going to be sent back
12 with you anyways -- I don't know if --

13 THE COURT: Just let them know they will have a copy
14 and it's not evidence.

15 MR. WILCOX: Right.

16 THE COURT: All right.

17 MR. SNIDER: Yes.

18 THE COURT: All right.

19 All right. I just received -- this is defendants'
20 amended exhibit list. Am I to assume these are the exhibits
21 that were received in evidence?

22 MR. WILCOX: Yes, Your Honor. I've reviewed these --
23 I've reviewed the exhibits with the Government. They agree
24 that, except for 26, the items were admitted. Is that --

25 MR. LOVE: That's accurate, Your Honor.

1 THE COURT: What are you proposing that we do with 26
2 that's on this form? I'm going to tell them it has not been
3 received or withdrawn, I should say, and this is the -- there
4 should be a list that goes to the jury, so this is not in
5 quite the format that can go to the jury. So you're going to
6 have to give that some attention.

7 MR. WILCOX: Well, we can amend the list and remove
8 Item 26 prior to it being sent back to the jury.

9 THE COURT: If you're going to use this document,
10 then after Item 107 on page 3, you're going to have to, I
11 guess, put a sheet of paper over it and copy it so that it
12 doesn't reveal the information in the paragraphs below.

13 MR. WILCOX: You want all of that --

14 THE COURT: We can take care of all of that after the
15 closings.

16 All right. Why don't we take a ten-minute break and
17 we will start with our closing arguments. Thank you.

18 (Recess from 11:23 AM to 11:32 AM.)

19 (Jury entered at 11:32 AM.)

20 THE COURT: I believe someone asked about how late
21 you are allowed to deliberate, and that's a decision you all
22 have to make. I control the schedule during the trial. When
23 you're deliberating, you control the schedule.

24 Now, for your information, we don't like for you to
25 be here later than 6:45 because the building personnel depart,

CLOSING STATEMENT - SNIDER

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1 but it is up to you to decide how long you deliberate. And
2 I'll have more instructions on the deliberation process.

3 The parties have also asked me to advise you that one
4 document received in evidence has been withdrawn, and that's
5 Exhibit 26, which is the superseding indictment. Now, the
6 fact of the matter is you're going to have a copy of the
7 superseding indictment in any event. But the superseding
8 indictment is not evidence. It contains only allegations, so
9 it's not really an exhibit. It's the charges with the
10 allegations. And as I stated, you will have a copy of it.

11 All right. We're going to start our closing
12 arguments. Each side has a maximum of 60 minutes. The
13 parties have asked for notices at certain times, so
14 occasionally I would say 20 minutes remaining, ten minutes
15 remaining, et cetera. The Government can save some of its
16 time for rebuttal. So we have Government argument. Let's
17 say, hypothetically, 40 minutes; defense argument,
18 hypothetically, 60 minutes. The Government would have
19 20 minutes remaining for its rebuttal argument.

20 Mr. Snider.

21 MR. SNIDER: Thank you, Your Honor. May it please
22 the Court.

23 Members of the jury, in 2021, in the middle of the
24 COVID-19 pandemic, Tracy Wade and Carolyn Wade, the defendants
25 sitting at that table, participated in a conspiracy to get

CLOSING STATEMENT - SNIDER

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1 Paycheck Protection Program loans based on false information.
2 That was the purpose of the conspiracy. The defendants knew
3 the purpose of the conspiracy and they willfully joined in it,
4 and they were successful in that purpose.

5 They actually obtained PPP loans based on false
6 information, and they did so in a scheme to defraud. That's
7 wire fraud. They participated in a scheme that successfully
8 obtained PPP loans based on false information.

9 And they also participated in a conspiracy to make
10 false statements to the SBA. That was the purpose of that
11 conspiracy, to make false statements, to cause the SBA to
12 approve their loans or to approve their forgiveness. They
13 knew that was the purpose and they joined in that, and they
14 made false statements to the SBA over and over and over again.

15 That is what the evidence in this case has proven to
16 you. The evidence has proved beyond a reasonable doubt each
17 and every element of every count that Carolyn Wade and Tracy
18 Wade are charged with in the indictment.

19 And you know those offenses now. Conspiracy to
20 commit wire fraud, wire fraud, conspiracy to make false
21 statements to the SBA and making false statements to the SBA.
22 We are now going to walk through all of the evidence that
23 you've seen in summary fashion to show you how it is that that
24 evidence proves the defendants' guilt beyond a reasonable
25 doubt for each element of each offense.

CLOSING STATEMENT - SNIDER

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1 Before we do that, let's start with what is not
2 disputed in this case because there are several facts that
3 you've heard about that both sides essentially agree upon.

4 First, there's no dispute that Tracy Wade got a loan
5 for \$20,833. There's no dispute that Carolyn Wade got a PPP
6 loan for \$20,833. Tracy Wade received his on June 3rd, 2021,
7 and Carolyn Wade received hers a few days later on June 7th.
8 Both of those loans came from Lender 1 in the indictment,
9 which is Harvest.

10 And there's no dispute that each of them with respect
11 to those two \$20,833 loans was the maximum amount that you
12 could get if you were applying as a sole proprietor. There's
13 no dispute that the receipt of each one of those loans for
14 20,833 was a wire communication transmitted in interstate
15 commerce. We've stipulated to that. That was the stipulation
16 I read to you before Agent DiPietrantonio testified. If you
17 want to read it again, it's Government Exhibit 001.

18 Third, there's no dispute that the information in
19 these PPP loan applications, which you've seen throughout this
20 trial, contained blatantly false information. You've seen
21 three PPP loan applications for Tracy Wade's one \$20,833 loan.
22 That's Government Exhibits 157, 158, 159. You've seen the two
23 PPP loan applications, the actual -- talking about the SBA
24 Form 2483-C for Carolyn Wade's one \$20,833 loan. That's
25 Government Exhibits 116 and 117.

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1 There's no dispute that there was no business named
2 Tracy Wade. There's no dispute there was no business named
3 Carolyn Wade. There's no dispute that the income information
4 in those applications over \$100,000 was completely false. You
5 heard from Tracy Wade himself when he testified.

6 Fourth, there's no dispute that these false
7 statements in the PPP loan applications was material. What is
8 materiality? You're going to hear when the judge instructs
9 you, but it is essentially important information. Of course
10 it was important information. The loan was based on the false
11 income representation and that this was a sole proprietor
12 business which never existed, so it was material. There's no
13 dispute about that.

14 Fifth -- and I'll add to that. You heard testimony
15 from the SBA that they, of course, would not have approved or
16 backed these loans or forgiven them had they known the
17 information in there was false.

18 Fifth, there is no dispute in this case that Haydee
19 Rivero was the person that created the false Schedule C and
20 inputted that false number into the Womply portal for Tracy
21 Wade's PPP loan and Carolyn Wade's PPP loan. Haydee Rivero
22 admitted to that. There was no dispute that's what her role
23 was in this case -- create a Schedule C, upload it into their
24 applications.

25 So what this case boils down to is really did the

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1 defendants know. Did they know what they were doing. Of
2 course they knew. The evidence is overwhelming that you have
3 seen in this case that the defendants, Tracy Wade and Carolyn
4 Wade, with respect to their own PPP loan applications knew
5 exactly what they were doing. Look at their conduct. Look at
6 their actions. That is evidence of their knowledge, what they
7 were doing themselves, not what Haydee Rivero was doing, what
8 the defendants were doing in their own applications or what
9 Tracy Wade was doing for his wife's application.

10 They knew that evidence shows they knew the purpose
11 of the conspiracy. It shows that they were acting knowingly,
12 meaning not by accident or mistake. It shows that they
13 knowingly made false statements to the SBA when they signed
14 their PPP loan applications themselves, when they signed their
15 forgiveness applications themselves.

16 Now, knowledge is an important part of this case.
17 And when the judge reads the instructions to you on the
18 elements the Government has to prove beyond a reasonable
19 doubt, you're going to see the knowledge elements. But here's
20 the point. They're actually different for the different
21 counts. They're not for the different offenses. So let me
22 just show you what the knowledge is for each and every offense
23 before we go through all the evidence.

24 And I'm going to publish some slides here. This is
25 Count 1. You're going to see this when the judge gives you

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1 the instructions. These are the elements of Count 1.

2 "Number one, two or more persons, in some way or
3 manner, agreed to try to accomplish a common unlawful plan to
4 commit wire fraud as charged in the superseding indictment" --
5 you'll have a copy of these -- "and two, the defendant knew
6 the unlawful purpose of the plan and willfully joined in it."

7 You are going to see that these elements are
8 satisfied by the voluminous Womply data that we've gone
9 through over and over in this case, the logins by each
10 defendant, the transactions by each defendant, the uploads by
11 each defendant, them verifying their identity multiple times,
12 the DocuSign records, and, of course, the phony checks came in
13 at the end.

14 And we're going to talk about Haydee Rivero's
15 testimony, how that now establishes that the defendants knew
16 the purpose of this conspiracy and willfully joined in it.
17 This is wire fraud, Counts 2 through 3. "The defendants
18 knowingly devised or participated in a scheme." It means they
19 were acting not by accident or mistake when they participated
20 in a scheme to defraud someone by using false or fraudulent
21 pretenses, representations, and promises. Those false
22 representations, pretenses, and promises are the false
23 statements in the applications. They were about a material
24 fact. There's no dispute about that.

25 The defendants acted with intent to defraud. Again,

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1 we're going to look at all of the data and the testimony and
2 the records showing what these defendants did in their own
3 applications, showing their intent to get these fraudulent
4 loans.

5 And number four, that's been stipulated to. These
6 were wires in interstate commerce.

7 This is Count 4, the general conspiracy charge, which
8 is conspiracy to make false statements to the SBA. It's
9 essentially the same elements as the first conspiracy except
10 during the conspiracy, one of the coconspirators knowingly
11 engaged in at least one overt act. And those overt acts
12 you'll see in the indictment. For example, signing the PPP
13 loan application.

14 And the overt act was committed at or about the time
15 alleged and with the purpose of carrying out or accomplishing
16 some object of the conspiracy. Of course, they were signing
17 these loan documents to get their loans.

18 And Counts 5 through 10, these are the substantive
19 counts of making false statements to the SBA, and those only
20 require, one, the defendant knowingly made any false statement
21 and, two, the false statement was for the purpose of obtaining
22 for him or herself or for any applicant any loan or for the
23 purpose of influencing in any way the action of the Small
24 Business Administration.

25 Now, note on this one, there's no intent to defraud

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1 on this count. You just have to knowingly make a false
2 statement and do so to influence the SBA in any of its
3 decisions for a loan.

4 And I'm showing you now how each count corresponds
5 with each set of false statements. Count 5 is Carolyn Wade's
6 May 18, 2021, PPP application. That's Government Exhibit 116.
7 Count 6 is Tracy Wade's 5/19/2021 PPP application. That's
8 Government Exhibit 158. Count 7 is Tracy Wade's other PPP
9 loan application from 5/27/2021. That's Government 159.
10 Count 8 is Carolyn Wade's PPP loan application for May 28,
11 2021. That's Government 117. Count 9 is Carolyn Wade's
12 forgiveness application. That's Exhibit 118. And Count 10 is
13 Tracy Wade's forgiveness application to get their loans
14 forgiven. That's Government 160.

15 Now, we have gone over a lot of data in this case,
16 and you have seen multiple times now all of the slides that
17 explain that data to you. And you will have a copy of those
18 slides when you go back to deliberate so you can see for
19 yourself exactly what happened. You have all the pieces to
20 put this timeline together, to see what each defendant did in
21 their own application.

22 You won't have the summaries at the end which shows
23 how many times was totaled that Tracy Wade logged in, how many
24 modifications he made, and how many DocuSigns. You can count
25 yourself. You won't have the summaries with the total amounts

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1 but you will have every other slide in there.

2 This data shows you what phone Tracy Wade had. It
3 shows you what phone Carolyn Wade had. It shows you that they
4 were Verizon customers. It shows you their activity on
5 Verizon's network using Verizon Wireless's IP addresses to
6 perform activity in their own PPP loan applications. You know
7 they were both Verizon customers. That's not disputed.

8 You know Tracy Wade's phone number. You know Carolyn
9 Wade's phone number. Hers ends in 6800. His ends in 1512.
10 And you'll have the list of IP addresses. You can go back and
11 cross-reference, if you want, yourself. That's Government
12 Exhibit 805. You know the IP address from the Wade residence.
13 That's the one that ends in 84, Government Exhibit 600. You
14 know the IP address now from the Wade Funeral Home that ends
15 in 166. That's Government Exhibit 601. You know their email
16 addresses. So, like I said, you have all the pieces that you
17 need to put this together.

18 Now, you also know from the testimony Aman Thakral,
19 who worked at Womply, who designed the website, who came in
20 here and explained to you that these codes that were needed to
21 log in, they only lasted for ten minutes. And you know that
22 they were sent either to the phone number or the email address
23 that was associated with the application. And for Tracy Wade,
24 you know that was his phone number and his email address, and
25 you know for Carolyn Wade, that was her phone number and her

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1 email address, not Haydee Rivero's -- at all.

2 You can look at all the logins by Tracy Wade and you
3 will see that he received 30 codes to his cell phone number,
4 not to his email address. All 30 went to his cell phone. And
5 you will see Carolyn Wade received 32 codes to either her
6 phone or her email.

7 The witnesses that the defense called in their
8 case -- there were three -- we'll talk about them in a
9 moment -- they didn't receive any codes like the defendants
10 did. I asked each one of them, "Did you receive any codes
11 from Womply?" None of them did. The defendants did.

12 Tracy Wade performed a total of 19 logins, and you
13 know that because it is his phone and/or his IP address. He
14 was admitting to that yesterday, went through all of his
15 logins. Today, he was sort of walking it back saying, "Well,
16 it was my IP but not my phone." You know, the data doesn't
17 lie. The data doesn't forget.

18 Seventeen logins by Tracy Wade in his own account,
19 two in Carolyn's account. Carolyn Wade made 11 logins into
20 her own account using her cell phone and/or an IP address that
21 she was using elsewhere, either to log into her bank account
22 or to take the selfies of herself. All the attributions are
23 there.

24 Think about it. In order for it not to be her or not
25 to be Tracy Wade -- and he admitted that it was -- that means

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1 that within ten minutes of receiving that code to log in you
2 sent that code to someone who has the exact same cell phone as
3 you who is also a Verizon customer and that they logged in.
4 That's not -- that's not reasonable doubt. That's a fantasy.

5 Now, Haydee Rivero, there's no question. Yes, she
6 logged in and she did her part. She uploaded the fake
7 Schedule C and she put in the fake tax document. And after
8 that, Tracy Wade logged in. After -- I'm sorry -- Tracy Wade,
9 after Haydee Rivero did that, he logged in nine times. And
10 after Haydee Rivero had uploaded the Schedule C into Carolyn
11 Wade's application, she logged in 11 times.

12 The three witnesses that the defense called, they
13 didn't log into their own PPP applications. You know from the
14 data that they did more than just log in. You know that they
15 modified their applications. They put in information
16 themselves. You know that the data shows that Tracy Wade
17 created the applications for himself and his wife. The data
18 shows that the first piece of information that was put in was
19 the name of the business, which he put in as Tracy Wade for
20 himself and Carolyn Wade for his wife. That's what the data
21 shows. The data doesn't lie.

22 Tracy Wade said he didn't remember doing that. The
23 data remembers. Tracy Wade made 13 modifications in his own
24 PPP application on Womply's website, and he made 17 in his
25 wife's PPP application. Six of those for his were done after

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1 Ms. Rivero had uploaded the fake Schedule C in his
2 application, and six of those were done in Carolyn's after
3 Ms. Rivero had uploaded the Schedule C. And Carolyn herself
4 made 15 modifications to her loan application, all of which
5 were done after the Schedule C was uploaded.

6 The three witnesses that the defense called, they
7 didn't touch their own applications to the extent that they
8 even had one. They didn't log in. They weren't making
9 modifications. And then there's the events, which you can see
10 either a bank statement is uploaded or a bank account is
11 linked. The witnesses the defense called, they never did
12 that. These defendants did that.

13 And with respect to the bank information, it shows
14 very clearly that that came from Mr. Wade putting in the
15 personal bank account for him and his wife, not his business
16 bank account. We'll talk more about that in a little bit.

17 The identity verification component of this, Tracy
18 Wade verified his own identity. Carolyn Wade verified her own
19 identity. This was in furtherance of the conspiracy. They
20 were doing this to get these loans. And when they're logged
21 in, as you know from Mr. Thakral, everything that has been
22 previously entered is available for them to see.

23 Ms. Rivero didn't help them verify their identity.
24 She did that for others and she testified about having trouble
25 with some of them. We'll talk about that in a second. But

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1 these defendants did that on their own, not with her help.
2 She didn't take pictures of them. They took pictures of
3 themselves using the same cell phones that they were then
4 using to make other entries into their PPP loan applications.
5 The same model.

6 You can look at the Persona records. Remember
7 Lindsey Bergh from Persona? It was two weeks ago, but she
8 testified, explained the whole Persona process and how Persona
9 captures the type of the device that is being used to verify
10 the identity. It is the same device you see over and over and
11 over that Tracy Wade used with respect to his activity, that
12 Carolyn Wade used with respect to her activity. It's all in
13 the slides.

14 This, so far, what we're up to, was before anything
15 was even signed. Once all of that was done by the defendants,
16 the DocuSign process occurs. Tracy Wade, he admitted when he
17 testified to you yesterday that the three SBA Form 2483-Cs
18 were signed by him using DocuSign. And the initials, all 36,
19 if you add up 12 and 12 and 12 for each application, Mr. Wade
20 put those on there. And he even testified that with respect
21 to the certification certifying all the information was true
22 in all material respects, including all supporting documents,
23 put his initials on that. He saw that certification. That's
24 what he told you.

25 Ms. Rivero didn't sign anything for Tracy Wade. And

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1 you know from the testimony, again, of Aman Thakral from
2 Womply, who tested the DocuSigning process before they rolled
3 it out, that when you get a DocuSign to sign, you get the
4 whole thing. DocuSign didn't leave out the first page that
5 had the false information on it.

6 Haydee Rivero testified -- remember she got her own
7 fraudulent PPP loans? When she testified, I asked her, "Did
8 you see the false information when you were DocuSigning?"

9 And she said, "Yes."

10 I said, "Did you know it was wrong?"

11 She said, "Yes."

12 "Did you know it was illegal?"

13 She said, "Yes."

14 She's taking responsibility for her role in this.
15 We'll talk more about that in a second.

16 Now, Tracy Wade says he didn't see the first page of
17 the application despite it being sent to him three different
18 times to sign. That may be convenient but that's not
19 believable. Do you want more proof? Look at the DocuSign
20 history records. That shows that Mr. Wade not only signed
21 them and viewed it before he signed it. 157, that one was
22 emailed to him twice. I asked him about it yesterday. He
23 said, "Well, I didn't check my email. I didn't see that in my
24 email." Again, convenient, not believable.

25 Tracy Wade's forgiveness application, that is -- with

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1 respect to the signatures/initials, that is on the first page.
2 How can you not see that? It's on the same page that has the
3 false information, including the business name and that he
4 spent \$20,833 on payroll. That's not what the evidence shows.
5 In fact, he testified yesterday that a chunk of that was the
6 payment that he made to the Riveros through that Jersey City
7 Group check. That's not payroll.

8 With respect to the forgiveness, Mr. Wade tried to
9 blame that one on Haydee Rivero too, until I showed him the IP
10 address was signed from his home, and then he backtracked from
11 that. Ms. Rivero didn't sign anything for Tracy Wade. And
12 she didn't sign anything for Carolyn Wade. The DocuSign
13 records for Carolyn Wade show the same thing, Carolyn Wade
14 signing her own documents, viewing them multiple times after
15 she had signed them. That's the history records that come
16 right after the exhibit that has the DocuSign certificate
17 itself.

18 For example, 158 is the DocuSign. 158.1 has the
19 history. That's also in the slides. 159 has the DocuSign --
20 right? -- and then 159.1 has the history. Hers are 117 and
21 118. And the .1 after that has the history. She signed one
22 of them using Verizon. She signed the second PPP application
23 at her home, and she also signed the forgiveness application
24 at her home. And look at the signature on the forgiveness
25 application and then look at the checks side by side. It's

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1 almost an exact match. The data is evidence of Carolyn and
2 Tracy Wade knowingly participating in this conspiracy for
3 themselves.

4 Now, let's talk about Haydee Rivero. Haydee Rivero
5 came in here and she told you everything that she did in this
6 process. She told you what her role was in the conspiracy.
7 She told you how she created the fake Schedule Cs. She told
8 you who taught her to do it -- Jamil Hunter. She admitted
9 that she had gotten -- before doing it for anyone else, she
10 had gotten her own fraudulent PPP loans. She admitted she got
11 two, the first draw and the second draw. She admitted that
12 she knew it was wrong. She knew that it was based on false
13 information, and she accepted responsibility for that.

14 And she then told you about what she did for the
15 Wades, how she created those fake Schedule Cs for them, how
16 she uploaded them. And she told you about the conversations
17 that she had over the phone with Tracy Wade. And we'll talk
18 more about those in a moment.

19 We also asked her about every other person that she
20 was involved with in this conspiracy, and she told you about
21 every other person. There was 18 other names that I went
22 through with her.

23 Now, for those that she could remember, she told you
24 exactly what she did, and she remembered how much she got
25 paid. There were some that she couldn't remember, and that

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1 was her -- that was her truthful answer to those questions.
2 She wasn't going to make it up if she didn't remember
3 something. It happened three years ago and she did 18 of
4 these.

5 The bottom line is that Haydee Rivero has accepted
6 responsibility for her conduct in this case. She pled guilty
7 to a conspiracy to commit wire fraud and a conspiracy to make
8 false statements to the SBA, and she admitted that she
9 conspired with these two defendants, Carolyn Wade and Tracy
10 Wade, and that she conspired with several others.

11 That isn't just -- that is an encapsulation. A
12 conspiracy can include everything that you've done. It
13 doesn't have to be broken out in counts. And yes, she signed
14 a plea agreement with the United States. She admitted to
15 that. There's been no promises made to her. She came in here
16 to tell the truth and that is what she did.

17 And do you want to read what she admitted to? It's
18 in evidence. Government Exhibit 2001, that's the factual
19 proffer that she read and signed. It has details about
20 everything that she did. It's in writing. And it's filed
21 with the court, Government Exhibit 2001.

22 The defendants in this case, they have not taken
23 responsibility for anything. Instead, they're trying to pin
24 this whole thing on Haydee Rivero and apparently her husband
25 too who you've heard testimony doesn't even know how to turn

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1 on a computer. They're trying to shift the blame, just point
2 it all on Haydee Rivero. Let's be clear. Haydee Rivero's
3 involvement in this conspiracy does not exonerate Tracy Wade.
4 It does not exonerate Carolyn Wade. Haydee's role was to
5 upload a fake Schedule C. That's what she did. That's what
6 she has taken responsibility for.

7 She didn't start this application process for either
8 of these two defendants, and she didn't complete it for either
9 of these two defendants. She came in in the middle. And she
10 did her part because these two defendants, Carolyn and Tracy
11 Wade, agreed with her to do that. That's why they paid her a
12 thousand dollars each on the day they received their loans.
13 That's why they gave her the codes. She didn't get the codes
14 herself.

15 The codes went to Tracy. Tracy passed it on to
16 upload the Schedule C. The codes went to Carolyn. Carolyn
17 passed it on so Ms. Rivero could upload the Schedule C. And
18 she didn't sign anything for them and she didn't certify
19 anything for them. That's on them. That's on them, not
20 Haydee Rivero.

21 Once her part was done, it was up to the defendants
22 to complete this process, and that's what they did. They
23 completed it when they DocuSigned, and then they went one step
24 further to apply for forgiveness to get loans forgiven that
25 they were never entitled to in the first place.

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1 Now, Ms. Rivero testified that she spoke to Tracy
2 Wade multiple times. There is evidence in the record
3 corroborating that. Go look at slide 69. It has 28 phone
4 calls between Ms. Rivero's phone and Tracy Wade's cell phone.
5 Now, Tracy Wade testified they were talking about other things
6 besides PPP. Again, how convenient. Look at the records.

7 Before this period, when they were applying for the
8 PPP loans, there's no phone calls between Mr. Wade and
9 Ms. Rivero's phone. And once it stops, once the completion of
10 her role was done, there's no calls after.

11 Ms. Rivero testified that during one of these calls
12 she told Tracy Wade that in order to apply for the sole
13 proprietorship loan I've got to create a Schedule C for you.
14 And if you want the maximum amount of twenty grand, you've got
15 to put down a hundred thousand.

16 How do you know she's telling the truth? Not only is
17 her testimony corroborated by the data with respect to what
18 she did, she was honest with you about 18 other individuals
19 that she was involved with. She inculcated -- that means to
20 incriminate -- members of her own family -- her husband, her
21 sister, cousins, friends. Those are the people that were
22 involved. Those are the people I asked about. And she was
23 very clear about who, according to her memory, she helped get
24 loans for, who was successful, who wasn't.

25 And the three witnesses that the defense brought in

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1 here during their case essentially said exactly what she had
2 told you. Walter Wright. Ms. Rivero testified he had trouble
3 verifying his identity. What did Mr. Wright say when I asked
4 him during my questions? He said it took, like, five times.
5 He had trouble verifying his identity. He said it failed
6 about five times. That's what Ms. Rivero told you.

7 Now, he testified -- Mr. Wright -- that he ended up
8 actually getting -- we talked about a few loans -- but one of
9 them was with respect to Ms. Rivero, this \$20,833 loan. And
10 Ms. Rivero's testimony said she didn't remember him getting a
11 loan. She just remembered him failing his identity check five
12 times, which is what he said.

13 Does that make her a liar? No. She's going to tell
14 you that she did this for her sister and her husband, friends,
15 and relatives, but lie about Mr. Wright? That makes no sense.
16 This was based on her memory. The guy failed his identity
17 check five times. That's what she remembers.

18 Clemente Perez. You're not going to forget him. He
19 was the pest sprayer who came in yesterday. He did not get a
20 PPP loan from Ms. Rivero. He had a lot to say about his
21 picture being taken. And when I asked him if he remembered
22 and he first said "no" and then I refreshed his recollection,
23 it turns out he too had great difficulty verifying his
24 identity. And he was in Ms. Rivero's home taking picture
25 after picture after picture. That's what she remembered too.

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1 That's what she told you. Their testimony is consistent.

2 Ms. Rivero said, "I didn't create a Schedule C for
3 Clemente Perez." Okay. Because she probably doesn't remember
4 it because the guy failed his identity check so many times.
5 That's what stood out, taking so many pictures over and over
6 again. That's what she remembers. It doesn't make her a
7 liar.

8 Edison Rogers was the last of these three witnesses
9 that the defense called. Do you remember Haydee Rivero's
10 testimony? She said, "I don't remember that name." Do you
11 remember Mr. Rogers' testimony? I don't remember Haydee
12 Rivero. The same thing. She didn't remember him and he
13 didn't remember her.

14 Now, Haydee Rivero made something else very, very
15 clear to you, and that was she did loans only on Womply and
16 only for these what she called personal PPP loans, a loan in
17 the name of someone's own name, which is a sole
18 proprietorship, which is why you needed a Schedule C. That is
19 what Haydee Rivero did. And what she told you is that she was
20 not involved in any of these what she called business loans
21 because she didn't know how to do those.

22 When the defense showed you Defense Exhibits 7 and 8,
23 7 was an email that was sent in March, way before Haydee got
24 involved in the Wades' PPP loan applications, an email that
25 was sent that had an image of Tracy Wade's -- the Wade Funeral

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1 Home's check that -- the check from his business account. And
2 they showed it to Ms. Rivero, and she said that was for
3 another loan that she didn't know how to do. And then they
4 showed her the check around the same time for One Step A-Head,
5 Carolyn Wade's company -- the business account for One Step
6 A-Head, and she said the same thing. That was for another
7 loan. That wasn't for the ones that she did.

8 Haydee Rivero did not put in the name "Wade Funeral
9 Home" into any application. It was Tracy Wade who put in the
10 name "Tracy Wade" into his application and put in the name
11 "Carolyn Wade" into Carolyn Wade's. And let me be clear. I'm
12 not talking about the name of the person; I'm talking about
13 the business legal name. That is what is on the PPP loan
14 application, the business legal name.

15 What the testimony from Mr. Thakral shows is that you
16 put that information into the portal and then it gets overlaid
17 onto that form to be signed, in this case to be signed by the
18 defendants.

19 The Wades never provided Haydee Rivero with any real
20 tax information. If they thought this was legitimate, how is
21 she supposed to know how much money they make? They never
22 provided it to her. Why didn't they provide it to her?
23 Because they knew the whole thing was made up. They knew she
24 was making up fake Schedule Cs. That's why they didn't
25 provide her with the real one.

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1 If Mr. Wade thought this was a business loan, why
2 didn't he provide that tax return you've seen a hundred times
3 from the Wade Funeral Home showing how much his business made?
4 He never did that because this wasn't a business loan. This
5 was a fraudulent individual PPP loan. That's what the
6 evidence shows.

7 And that's why Tracy Wade put the name "Tracy Wade"
8 as the business legal name, not "Wade Funeral Home." And the
9 same is true with Carolyn Wade's application. It doesn't say
10 "One Step A-Head" because this was not for One Step A-Head.

11 Now, when Mr. Wade was being cross-examined by me
12 just now, I asked him if there was any other loan for Wade
13 Funeral Home -- PPP loan -- and he told me he's not aware of
14 any. He's not aware of any. But there's something I want to
15 bring to your attention. Look at Government Exhibit 2002 in
16 evidence. Right?

17 I showed this document to Haydee Rivero when she was
18 testifying, and she said that Odalys Concepcion was her
19 husband's accountant. And I asked, "Why would you get this?"

20 And she said, To print it out for her husband.

21 Look at the subject of this, Wade Funeral Home. And
22 the attachment to this is a printout from a company called
23 SmartBiz with an estimated loan amount of \$701,873, started on
24 May 6, 2021. Haydee Rivero -- I asked her, "Did you ever go
25 on SmartBiz's website?" She had no idea what I was talking

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1 about.

2 THE COURT: 40 minutes has elapsed.

3 MR. SNIDER: Thank you, Your Honor.

4 So Mr. Wade told me, when I was asking the questions,
5 he said, "I don't know nothing about that."

6 Now, Mr. McCray got up here just a few moments ago
7 and said, "Do you remember anything about this?"

8 He said, "Oh, yeah, that was the one that Mr. Rivero
9 had mentioned to me."

10 It's inconsistent. When I asked him about it, he
11 didn't say -- he said he knew nothing about it. Then I asked
12 Mr. Wade about some other SBA loans, which he admitted -- one
13 of which he admitted he got. And according to him and the
14 applications, which he read, showing that the first one to the
15 SBA, Wade Funeral Home had \$450 million in revenue and
16 \$350 million in expenses on one. And then on another one it
17 showed another what he called a typo of hundreds of millions
18 of dollars. So that's four typos, two on one application and
19 two on another. Do you believe that, or is that someone who's
20 trying to get as much as he possibly can from the SBA during
21 the COVID pandemic? It's evidence of intent. It's evidence
22 of lack of a stake. This is someone who knew what he was
23 doing.

24 And finally, I want you to look at the money --
25 follow the money in this case. Look at those checks that

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1 Carolyn Wade wrote to herself and to her husband for salary.
2 Mr. Wade was not her employee. He never was. He said that
3 was so that she could withdraw cash. That doesn't make any
4 sense. She's writing the same things to herself. He said
5 that that was a false memo, salary. It wasn't true. And --
6 okay. So she needs cash, but the only time she needs that, if
7 you can accept that, was exactly when she received the
8 proceeds of her PPP loan? It's not true.

9 That's evidence that they knew that these loans were
10 supposed to protect paychecks. They didn't have paychecks, so
11 they made fake ones. They're writing "salary" so that they
12 can get these loans forgiven. That's what it shows. That is
13 evidence of intent. That is evidence of knowledge. That is
14 evidence of you knowing what you are doing in this conspiracy,
15 in this scheme to defraud.

16 It's evidence of your knowledge of these false
17 statements. Every single one of those phony checks -- the
18 same thing for the ones that Mr. Wade wrote for payroll to the
19 Wade Funeral Home, taking it from his personal account and
20 writing it to his business account to pay his 1099 employees.
21 What? That's pretextual. That's coming in here, taking an
22 oath, and just coming up with some explanation, hoping that
23 you believe it. It's up to you to decide who to believe in
24 this case.

25 And those Jersey City checks, he testifies that

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1 they're payments to Mr. Rivero for getting the loans, but then
2 he admits that the service -- what he wrote on there was
3 false. He's writing false memos on those too.

4 Tracy Wade is responsible for his fraudulent PPP
5 loan. And Carolyn Wade and Tracy Wade are responsible for
6 Carolyn Wade's fraudulent PPP loan. Haydee Rivero has
7 accepted responsibility. These defendants bear responsibility
8 too. Ask yourself this. Would this have happened without
9 Carolyn Wade and Tracy Wade knowingly participating in this?
10 Would they have gotten those loans? Would they have gotten
11 those loans forgiven? No. This doesn't happen without them.
12 This was not Haydee Rivero doing this all behind their backs.
13 That's not what the evidence shows.

14 We are asking you to return a verdict which is the
15 only verdict consistent with the evidence in this case. We're
16 asking you to hold Tracy Wade responsible and accountable for
17 his conduct and Carolyn Wade responsible and accountable for
18 her conduct, and that is a verdict of guilty as to Tracy Wade
19 on each and every count that he is charged with and a verdict
20 of guilty as to Carolyn Wade for each and every count that she
21 is charged with. Thank you.

22 MR. MCCRAY: If it pleases the Court. Members of the
23 jury, Government, the defense team, the time has come where we
24 have the opportunity to speak to you about the evidence in
25 this case. You know, one of the most fundamental rights known

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1 to this free society is the right to a trial by jury -- the
2 right -- the constitutional right to a trial by jury.

3 You know, in this climate that we live, we hear,
4 quite often, people -- some people are pro union, some folk
5 are pro management, some folk are left wing, some folk are
6 right wing, some folk are pro government, some folk are pro
7 defense.

8 When you come into this jury room, you're supposed to
9 leave all of that behind you, all of that outside the door.
10 In order to be a fair and impartial juror, which is part of
11 the criteria, you must be able to assess the evidence, to hold
12 the Government to its burden. You took an oath. And that's
13 what this case is about, carrying out your oath. I always say
14 jury selection -- jury duty is not hard. It's not hard. It's
15 serious.

16 Why isn't it hard? Because all you have to do is to
17 assess, to weigh the evidence in this case. And you must make
18 a determination as to whether or not the Government has proved
19 its case beyond and to the exclusion of each and every
20 reasonable doubt.

21 If there's one reasonable doubt, one reasonable
22 doubt, one doubt that you can attach a reason to, your verdict
23 must be not guilty.

24 You know, when we come to court sometimes, we want to
25 just think about the things that we do on a daily basis, but

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1 we talked in jury selection about the word instruction or
2 instructions, and we talked that there are points of law that
3 will be given to you by the Court. And the Court's going to
4 read to you some very, very important instructions in this
5 case. And you should not -- you cannot -- you're not supposed
6 to ignore them. And I want to talk about some of the
7 instructions in this case. I'm also going to talk to you
8 about the evidence in this case, and I'm going to demonstrate
9 to you why there is a reasonable doubt in this case. In fact,
10 there's more than one reasonable doubt, but all we need is one
11 reasonable doubt.

12 Now, ladies and gentlemen, we talked about your role
13 as the jury. The judge is going to tell you in the
14 instructions things that you may consider, things that you
15 should consider. Were there inconsistent statements made by a
16 witness?

17 Haydee Rivero is the Government's star witness.
18 Haydee Rivero is the Government's star witness. And we're
19 going to talk about her testimony in a few minutes. We also
20 talked about the burden of proof. The judge is going to tell
21 you -- the judge has already told you, but when the judge
22 reads the instructions again, the judge is going to tell you
23 that we don't have to prove anything. We don't have to put on
24 any evidence. Our clients don't have to take the stand.

25 And if a client doesn't take the stand, you're not

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1 permitted to draw any adverse or negative inferences toward
2 that. We're talking about the burden of proof. We don't have
3 to prove anything in this case. And the question that you
4 should ask is what's more important? Seeking justice or
5 seeking a conviction? Seeking justice or seeking a
6 conviction, we're going to talk about that. We're going to
7 talk about the Government having the burden of proof and not
8 calling material witnesses in this case to help you decide
9 whether or not there exists a reasonable doubt.

10 One that comes to mind is Haydee Rivero's husband,
11 who is unequivocally a coconspirator in this case. He hasn't
12 been charged. He wasn't called. But we're going to talk
13 about some of the evidence from this case which clearly shows
14 that he has an interest in this case. We're going to talk
15 about the Government's failure or maybe refusal to go out and
16 interview those other 18 or 19 people. Are we talking about
17 justice here or are we talking about achieving a conviction?
18 It's our position that the Government is more concerned with
19 achieving a conviction than justice.

20 I remember just a few minutes ago Mr. Wade asked my
21 esteemed colleague, "Would you put this document back up?" He
22 wanted to go further. "I'm moving on." We're talking about
23 fairness. And that's one of the pivotal reasons why we have
24 juries. We don't have judges making decisions. If an accused
25 requests a jury trial, we're supposed to have a jury trial,

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1 members from a cross-section of the community.

2 That's why we don't have FBI agents making decisions
3 because clearly the FBI has an interest in this case. We're
4 going to talk about that in a few minutes. But, ladies and
5 gentlemen, the Government and I agree on a limited number of
6 things. One thing we do agree is that the issue in this case
7 is whether or not the Government has proved beyond and to the
8 exclusion of each and every reasonable doubt whether Mr. Wade
9 knew or whether his wife knew that Haydee Rivero and her
10 husband included fraudulent, false information on the two
11 documents. We're talking about two documents here.

12 We're talking about the PPP applications and we're
13 talking about the Schedule C. That's what this case is about.
14 That's the issue in this case.

15 And when I think about this case, I'm reminded of a
16 quote from JM Falkner, who published a book back in 2008, a
17 novel, called *Broken Promises*. And in that book, there's a
18 quote. And I quote, "Trust is not simply about believing
19 someone's words. It's about relying on their convictions."

20 Trust is not simply about believing someone's words.
21 It's about relying on their convictions.

22 Now, my esteemed colleague talked to you about some
23 of the undisputed material facts in this case. I'm going to
24 do it. But my undisputed material facts will probably be a
25 little more inclusive, a little more comprehensive. Let's

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1 talk about a few of them.

2 One of the things that is clearly undisputed in this
3 case is that Mr. and Mrs. Wade filed legitimate tax returns
4 with the IRS for the taxable years of 2019 and 2020, and those
5 tax returns have not been challenged or questioned. They
6 filed them for their respective businesses, Wade Funeral Home
7 and One-Step beauty salon.

8 What else is undisputed in this case? That Haydee
9 Rivero uploaded and filed an IRS tax form Schedule C on behalf
10 of both of the Wades' respective businesses and that those
11 Schedule Cs showed a false profit and loss statement.

12 It's undisputed that Haydee Rivero never mentioned a
13 Schedule C to Mrs. Wade, never showed them a Schedule C, never
14 mentioned a requirement of a Schedule C.

15 Also, it's undisputed that Haydee Rivero was trained
16 by a young man by the name of Jamil Hunter, whom there's no
17 evidence that the Government, the FBI, ever attempted to
18 question Mr. Jamil Hunter. That she was trained by Mr. Jamil
19 Hunter and taught to complete PPP applications as well as to
20 upload and to prepare false Schedule Cs.

21 One thing we know she learned is that a Schedule C
22 had to demonstrate that the profits and loss was at least a
23 hundred thousand dollars. So what does she do for each
24 Schedule C that she prepared? She always put it between 100-
25 and 115,000.

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1 What else is undisputed is that she received two
2 fraudulent PPP loans prepared by Jamil Hunter, and she knew
3 that they were fraudulent, \$20,833 apiece. She knew it was
4 wrong but did not think she would get caught. That's what
5 Haydee Rivero said, the Government's witness. Haydee did not
6 read the application or Schedule C that Jamil Hunter applied
7 for. She didn't even read it herself. She saw a Schedule C.
8 She's testified for the first time when she met with the agent
9 in June of 2024, but she tells you, "Well, I didn't read it
10 because I knew it was false."

11 Haydee prepared or attempted to do fraudulent loans
12 for at least 18 other persons for a fee. Her husband was the
13 go-to guy trying to procure a fee for her. Haydee worked on a
14 contingency fee basis. If she didn't produce results, she
15 didn't get paid. That's undisputed. Just like the many
16 television commercials we see with the lawyers on TV about car
17 accidents. If they don't get paid, you don't owe them
18 anything.

19 She had a motive in getting paid. That's why she
20 never told Mr. and Mrs. -- that's why she never told the Wades
21 that, "Hey, I'm going to put this false information in there,"
22 because she knew that they would not have gone along with
23 that. These persons, both of them have almost 50 years in law
24 enforcement and corrections. And for \$20,000?

25 But let me just finish going down. What is

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1 undisputed? Haydee told you that she engaged in this illicit
2 behavior preparing these fraudulent loans because she needed
3 money. She was greedy. She also admitted that she was a
4 thief and that she was a liar. Haydee's husband, Eduardo,
5 played a pivotal role in Haydee's enterprise. He was the
6 recruiter and the money collector. Why wasn't he called? Why
7 hasn't he been charged?

8 Haydee, her husband, and their attorney met at my
9 office. You heard her testify -- at my request. Came
10 voluntarily. There was no subpoena for her to come to my
11 office. There was a subpoena for her to show up in court a
12 few days later. You heard her say that we simply asked her
13 questions. Nobody badgered her. You didn't hear her say that
14 anybody was disrespectful. We asked questions of her, tried
15 to get to the bottom of the facts in this case.

16 And what does she do? She told you that she lied in
17 the interview. She didn't have to come. She wouldn't have
18 gotten in trouble had she not come to my office. She came to
19 lie -- the Government's star witness.

20 What else did Haydee tell you? Haydee Rivero told
21 you -- and my esteemed colleague has eloquently argued that
22 Haydee had no experience doing SBA large loans for businesses.
23 Do you remember that? Talk about this -- think about this.
24 Remember the undisputed, unrefuted evidence was that Haydee
25 Rivero's funeral home received a business loan in excess of

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1 \$400,000.

2 Who was the person that prepared that? Haydee Rivero
3 prepared it. And that's the same loan that they included
4 Walter Wright's name who knew nothing about it. He indicated
5 that he was associated with their business in basically name
6 only because he had given loans to the Riveros.

7 And I asked when you're a corporation -- I asked him,
8 "Did you ever appear for a corporate business meeting to vote
9 on this or to discuss this?"

10 The answer was "no."

11 I also asked Mr. Wright, "Was there a resolution
12 enabling" -- that he was aware of enabling Wade Funeral
13 Home -- I'm sorry -- Rivero Funeral Home to procure a \$400,000
14 loan.

15 He said "No. My first time hearing about it was when
16 I received correspondence from the SBA saying that, 'Hey,
17 you're in default of this \$400,000 plus loan.'"

18 He was surprised. That's undisputed. The Government
19 never called Haydee back to refute that. The Government never
20 called Mr. -- Haydee's husband to refute that. These
21 people -- the Riveros will go to any length to get money. And
22 do you think that they're going to come in here and tell you
23 the truth just because the Government subpoenaed them? Are
24 they going to change just because the Government discovered --
25 called them in -- or actually required her to come in? And

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1 why?

2 You heard Mr. Wilcox ask her how many charges did she
3 have against her. This lady has one charge of conspiracy
4 against her. Mr. and Mrs. Wade are facing ten counts. Haydee
5 Rivero, ladies and gentlemen, engaged in 18 -- at least 18
6 attempts to procure false loans, some of which didn't go
7 through. But the bottom line, that was a conspiracy
8 because -- and really, the evidence in this case undisputedly
9 shows that there was a conspiracy in this case, but the
10 conspiracy is against -- is between Haydee Rivero and her
11 husband.

12 We're talking about reasonable doubt. It is beyond
13 and to the exclusion of a reasonable doubt that Ms. Rivero and
14 her husband are coconspirators with each other. We're talking
15 about a system of fairness here. Eighteen people the Riveros
16 attempted to engage in fraudulent activity with. Not a one of
17 them was investigated.

18 We had to find Mr. Wright. You heard him testify he
19 lives somewhere near Jacksonville, the Palm Coast. You heard
20 him testify he's never seen Mr. and Mrs. Wade. He doesn't
21 know us. We had to find him and bring him in here. We had to
22 find Mr. Perez and bring him in here. Why is that important?

23 Because were they afraid that those 18 people were
24 going to say something to further erode the credibility of the
25 two coconspirators in this case, Mr. and Mrs. Rivero.

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1 You have the opportunity to correct this injustice,
2 ladies and gentlemen. You have the opportunity to correct it
3 because there exists a reasonable doubt in this case, ladies
4 and gentlemen.

5 What else do we have in this case? We have -- excuse
6 me for a second. Ladies and gentlemen, one of the exhibits
7 that we introduced in this case -- one of the other documents
8 that was introduced early on in this case, we had Defense
9 Exhibit 7 -- Defense Exhibit 7. Defense Exhibit 7 is an email
10 from Carolyn Wade to Tracy Wade which consisted of a voided
11 business check for One Step A-Head hair salon. It also
12 consisted of -- you can see it's kind of fuzzy, but we did
13 show it on the screen -- it consists of her driver's license,
14 also her EIN.

15 If you look on page 1 of this exhibit, you will see
16 here FEI number. You will see this is a driver's license.
17 It's fuzzy here. But on the back page, you will also see a
18 voided check. This was introduced into evidence, and this
19 shows One Step A-Head hair salon.

20 Now, Government has indicated that Haydee told you
21 all that -- "Well, I didn't ask for that. Maybe my husband
22 asked for it." Well, the husband wasn't called, and you
23 didn't hear any testimony whatsoever except that Mr. Wade sent
24 this to Haydee Rivero -- this check which shows the business
25 name. It shows the name of the business account -- the bank

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1 SunTrust -- and it has the account number.

2 Now, this had been given to Ms. Rivero when counsel
3 asked the question "Did you insert information into the Womply
4 account, your personal checking account, to put the business
5 check into the account?" First of all, that's not a crime.

6 Second of all, what's important, he had given
7 Exhibit 7 already to Haydee who said, from the beginning, that
8 "I'll do the rest." He had already given this information to
9 her.

10 And Mr. Snider mentions the fact, whoa, this email
11 was in March. Okay. When you start applying for a loan, you
12 don't start the day before. The testimony was this was sent
13 on March 26, just about a month, a month and a half, before
14 the loan was actually applied for.

15 The bottom line is Haydee Rivero had this
16 information. She's the one that uploaded and commenced this
17 application process. We also have a like document -- I'm
18 looking for it -- you will remember this same type of email
19 was also sent with respect to Mr. Wade, which had the Wade
20 Funeral Home, a copy of his check. The check reflected the
21 account number, the name of the bank, and the address.

22 This was given to her before the application process
23 actually kicked off because, as Haydee Rivero came out with
24 these other witnesses that we called, Haydee Rivero asked for
25 a driver's license, Social Security Number, and one other

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1 document -- a social security, a driver's license, and they
2 gave a business check, as per her request.

3 Now, ladies and gentlemen, what was essential about
4 Clemente Perez? I asked Clemente Perez, "Have you ever made a
5 hundred thousand dollars?" and I think he said, something
6 like, Never in his life. The most he's ever made was \$60,000.
7 "Did anybody ever mention \$115,000?" You know, he basically
8 said, "Whoa."

9 Mr. Wright. Mr. Wright told you that a loan had been
10 prepared for him, but he backed off because they wanted too
11 much money. But he said he eventually went through and
12 finished out the process himself and he received the money.

13 Clemente Perez and Mr. Wright both testified that
14 there was absolutely no mention of a Schedule C. There was no
15 mention of any tax documents that were needed. That's
16 consistent -- that's her MO. That is Haydee Granados' home.
17 She doesn't want any tax information. She simply says, "Give
18 me those three or four things that we talked about -- driver's
19 license, Social Security Number, and I'll do the rest."

20 Haydee Granados, the Government's star witness. The
21 Government wants you to entrust her with credibility. The
22 Government wants you to believe that she is trustworthy.
23 Well, ladies and gentlemen, one of the things that we talked
24 about when -- in jury selection, we talked about -- I beg your
25 indulgence just for a second.

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1 One of the things that the Court is going to instruct
2 you on, the Court is going to instruct you as follows -- and
3 again, we talked about the instructions as being the laws
4 given by the Court. The Court is going to tell you you must
5 consider some witness' testimony with more caution than
6 others -- I'm sorry. Let me -- I put the wrong emphasis.

7 You must consider some witness' testimony with more
8 caution than others. This is not coming from me. You will
9 hear this from the Court.

10 In this case, the Government has made a plea
11 agreement with Haydee Rivero, formerly known as Haydee
12 Granados, an alleged coconspirator, in exchange for her
13 testimony. She's not really an alleged coconspirator. She's
14 a conspirator with her husband. And she's also been
15 determined to be a conspirator in another courtroom -- in
16 another case, while dealing with these same facts.

17 Formerly known as Haydee Granados, as alleged
18 coconspirator, in exchange for her testimony, they made an
19 agreement with her. Such plea bargaining, as it is called,
20 provides for the possibility of a lesser sentence than Haydee
21 Rivero, formerly known as Haydee Granados, an alleged
22 coconspirator, would normally face.

23 Plea bargaining is lawful and it's proper and the
24 rules of this court expressly provide for it. But a witness
25 who hopes to gain more favorable treatment may have a reason

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1 to make a false statement. It doesn't take much for Haydee
2 Rivero to make a false statement in order to strike a good
3 bargain with the Government.

4 So while a witness of that kind may be entirely
5 truthful when testifying, you should consider the testimony
6 with more caution than the testimony of other witnesses. And
7 the fact that a witness has pleaded guilty to an offense isn't
8 evidence of guilt of another person or persons.

9 Now let's talk about the plea agreement. Ladies and
10 gentlemen, a plea agreement is nothing but a contract for
11 somebody to lie. In this case, Haydee Rivero, who is trying
12 to escape jail, she already has been given the deal of the
13 century. I think Mr. Wilcox was adding up how much money she
14 had made with these fraudulent PPP applications, and I believe
15 he stopped at 160,000. That does not include the nearly 400-
16 or \$500,000 that she and her husband received as per a PPP
17 loan, which you never heard anything from the FBI or the
18 Government's case that that loan was scrutinized.

19 How do we know that she didn't get that fraudulently?
20 We asked the FBI, "Did you interview any of these people?"

21 "Some of them."

22 And, ladies and gentlemen, you heard the agent
23 testify. I'm certainly not being disrespectful -- I'm not
24 trying to be -- but I've got to call it like I see it and like
25 it is.

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1 Do you think the agent has an interest in how this
2 case is decided? Ask yourself that. An agent, as any other
3 law enforcement officer, is basically a professional witness.
4 Just like they're paid to go out and do undercover stings,
5 they're also paid to come in here and testify.

6 What's so interesting -- Mr. Wilcox asked the
7 question, "Well, did you tape record or audio record or video
8 record the interview or the interviews with Haydee Granados?"

9 "No. Well, our policy doesn't allow it."

10 That should be subject to scrutiny because when you
11 have a situation where you can but you don't and you have a
12 conflict in testimony -- for example, Haydee Rivero told you
13 that she had never been to the Wade Funeral Home. That's what
14 she said on the stand. But when I questioned the agent, the
15 agent says, "No, she told me that she had been there twice."

16 What else did Haydee Rivero, the Government's star
17 witness, testify to? Haydee Rivero talked about, "Oh, I was
18 only hired to prepare a Schedule C." That was news to me
19 based upon the documents that were introduced in this case and
20 based upon my reading of this case long before this trial.
21 Why was it news to me? Because the agent testified that in
22 her report -- and I asked this question of the agent --
23 verbatim language -- where she said, "Well" -- and I'm
24 paraphrasing -- "My involvement of what I did varied from
25 person to person with their respective applications."

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1 She's telling you that all I was hired to do was a
2 fake C, C, C, nothing else, but we also saw where she was
3 taking pictures of people in a house. She didn't want to
4 admit that. That's important. She did not want to admit
5 that. But this plea agreement, this contract to lie, what did
6 she testify to? She has testified that she has agreed to
7 testify to you truthfully because she's now accepting
8 responsibility.

9 But who determines whether or not she testifies
10 truthfully in order for her to get a reduced sentence? She's
11 looking at 20 years in prison on one count that was brought
12 out. Mr. and Mrs. Wade have ten counts against them. So
13 she's coming in here to tell you the truth because she has a
14 plea agreement.

15 The Government has to determine whether or not she's
16 telling the truth. What else did the Government say? They
17 met with her -- and I don't want to misquote -- I believe they
18 said at least twice, maybe three times, to prep her for trial.
19 Prep means to prepare. The Government met with her at least
20 twice to get her ready for trial.

21 Why was it necessary for them to prep her when
22 they've already met with her extensively -- I believe it was
23 on June 24th -- to prep her for trial? This is a case where
24 the Government wants to win at all costs. It's their burden.
25 Why didn't they present certain evidence to you?

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1 Mr. Thakral -- I may be mispronouncing his name, the
2 gentleman who testified who used to work with Womply and I
3 believe he may be a consultant or something now. Mr. Wilcox
4 asked the gentleman, "Were you ever able to demonstrate the
5 application on the computer?" It was never asked. And, you
6 know, the Government is thorough, when it wants to be, in its
7 investigations.

8 Ladies and gentlemen, a pivotal issue in this case
9 for you to decide -- and you shouldn't be put in a position of
10 speculating, but the Government has put you in a position of
11 having to speculate because the Government's burden should
12 have at least warranted Mr. Thakral demonstrating to you the
13 application process.

14 Mr. Wade testified, ladies and gentlemen, that he
15 never saw an application or a Schedule C until after his wife
16 was arrested. Well, he didn't see it then. He learned about
17 it. He saw it from his lawyers. Is that inconsistent with
18 Mr. Walter Wright? Walter Wright told you that he never
19 ever -- and he DocuSigned, by the way. He never ever saw an
20 application. He never ever saw a Schedule C.

21 Why, ladies and gentlemen, try this case in an unfair
22 vacuum where you, as the trier of fact, could easily have been
23 able to resolve this dispute and the evidence? Why didn't the
24 Government show you how that process works? But what it does,
25 the agent testifies -- and I want you to notice what the agent

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1 said at first. The agent said, at first, he had the ability
2 to see the application. And then I guess when she thought
3 about it, she came and says, "He saw the application."

4 Now, we both know that the agent was not there. We
5 both know that the agent has no firsthand knowledge. But what
6 transpired that day? So instead of her not taking a position,
7 she took a position that he had the ability to see -- that he
8 saw it.

9 Even Mr. Thakral, who testified here, he doesn't
10 know. He says, "Oh, well, you can see it all pops up at one
11 time." Mr. Wright did not agree with that and neither did
12 Mr. Perez. And, ladies and gentlemen, Mr. Perez and
13 Mr. Wright took pictures in Haydee's presence because they
14 went to her house because Mr. Perez says that he was a
15 pesticide person and he was doing his work when he was
16 approached by the husband.

17 Mr. Wright was over at their house and they
18 approached him about a loan. You heard Mr. Wade testify that
19 he was approached by Rivero about doing a loan. So, ladies
20 and gentlemen, it's certainly -- certainly behooves you to
21 carefully scrutinize the testimony of Haydee Rivero. Now, my
22 esteemed colleague, Mr. Snider, has placed a lot of emphasis
23 on the data in this case. And I submit to you, ladies and
24 gentlemen, the question is whether or not Mr. and Mrs. Wade
25 knew that there was false information in the documents. I

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1 submit to you, ladies and gentlemen, that the documents do not
2 establish beyond and to the exclusion of each and every
3 reasonable doubt that they knew that the two conspirators had
4 included in those two critical documents fraudulent
5 information.

6 Ladies and gentlemen, when you look at the documents,
7 you're going to see where they're DocuSigned -- I certify
8 that -- and I'm paraphrasing -- I certify that the information
9 herein is true and correct. Let me tell you this.

10 Mr. Wade and his wife are not on trial for signing
11 this document saying that "I certify." They're not on trial.
12 You can evaluate, look at the charging document. You're not
13 going to see that they're on trial for that. They're on trial
14 for two things: knowingly submitting a Schedule C -- a fake
15 Schedule C and knowingly submitting a PPP application.

16 You know, ladies and gentlemen, Mr. Wade testified
17 that he's aware of the federal government's department of
18 treasury, IRS's ability to detect if someone files something
19 twice. This establishes a reasonable doubt, ladies and
20 gentlemen. Mr. Wade filed legitimate tax returns, an 1120-S
21 in 2019. You saw this and you will have this. This will be
22 Government's Exhibit 207. Legitimate tax returns in 2019.

23 And so he's foolishly going to submit a document that
24 contradicts later -- submit a document to the Government that
25 blatantly contradicts that? Well, what else is important?

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1 Mr. Wade's -- and this is Government's 207. Mr. Wade
2 indicated here -- indicates here that 340-some-odd-thousand
3 dollars was made. So he clearly made at least \$100,000. So
4 what's the point in him putting in 113- or -14,000 dollars in
5 a fake Schedule C when he made -- when he met the criteria?
6 And with the amount of money that was made, he may have
7 qualified for an even larger loan.

8 But let's talk about this \$701,000 loan. First of
9 all, you heard Mr. Wade indicate that he never applied for or
10 received a \$700,000 loan. You want you to look at -- I want
11 you to look at that exhibit -- and I'm trying to find it. But
12 in the event I can't find it, you'll see it when you go in the
13 back.

14 That was an email that was sent from Ms. Concepcion
15 to Ms. Granados. There is nothing to show beyond a reasonable
16 doubt that Mr. Wade even knew about that. Mr. Wade said that
17 he never applied for a \$700,000 loan. But we could have
18 easily resolved this issue. Why wasn't the accountant called?
19 It's not our burden of proof. It's the Government's burden of
20 proof. Why wasn't Ms. Concepcion called? Better yet, Haydee
21 says her husband had something to do with it. Why wasn't her
22 husband called?

23 We're more concerned here about a conviction than we
24 are about justice. Fair and just verdict, those words mean
25 something. A fair and just verdict. Their failure to call

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1 those material witnesses -- the burden is on them -- creates a
2 reasonable doubt. It creates a reasonable doubt because it
3 erodes away their efforts to erode their credibilities, but
4 they don't want you to hear from them because Haydee Rivero,
5 ladies and gentlemen, her testimony is so suspect. Her
6 testimony alone creates a reasonable doubt in this case.

7 So the Government says, Well, I know we're going to
8 have problems with Haydee because the judge is going to tell
9 the jury that they have to cautiously evaluate her testimony,
10 so let's deal with the data. Ladies and gentlemen, it's our
11 position that the data does not establish beyond and to the
12 exclusion of a reasonable doubt. If this were a case before
13 the grand jury, it may be enough, and apparently it was enough
14 to charge.

15 Well, one of the things that we learned is that all
16 you need to indict someone is probable cause, the same
17 standard that's necessary to arrest our citizens. But let's
18 go beyond that. That's one level of proof that's required,
19 not in this forum, but that's just to charge someone or to
20 arrest someone.

21 The next is preponderance of the evidence, the
22 greater weight of the evidence. Usually when individuals are
23 suing for money or suing with respect to property, whoever
24 tilts the scale. 51 versus 49, they win. In this case, the
25 stakes are high. My clients aren't given the opportunity to

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1 engage in a contract to lie.

2 Back in July, when these charges were brought against
3 them, they resoundingly entered a plea of not guilty. And
4 that's why we're here today because they asked to be adjudged
5 by a cross-section of this community, which is what our
6 constitution requires. The Granados, they've gotten off.
7 Even if the Granados -- even if Ms. Granados is given five
8 years or ten years in this case, she's gotten a break when you
9 look at the gravity of the acts that she committed or
10 endeavored to commit in this case.

11 Ladies and gentlemen, the Court is going to tell you
12 certain things that you may consider in evaluating the
13 testimony of witnesses who testify. And the Court is going to
14 talk about did the witness impress you as the one who was
15 telling the truth? Did the witness have any particular reason
16 not to tell the truth? Did the witness have a personal
17 interest in the outcome of the case?

18 Well, you know, ladies and gentlemen, it is
19 unequivocal that Mr. Wade and Mrs. Wade clearly have an
20 interest in this case. But in America, irrespective of what
21 level of court you're in, when you take that witness stand and
22 you raise your right hand, your credibility is on trial. Yes,
23 Mr. and Mrs. Wade are on trial for their liberty, but Haydee
24 Rivero's credibility is on trial in this case, ladies and
25 gentlemen. And I submit to you that she clearly has a

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1 personal interest in the outcome of this case.

2 Did the witness have any particular reason not to
3 tell the truth? Haydee Rivero, based upon the evidence in
4 this case, is not a liar. She's not a liar. She is a
5 habitual liar. Haydee Rivero -- oh, I just -- I just want to
6 accept responsibility. You want to accept responsibility
7 because you don't want 20 years in jail and you don't want to
8 tick off these people sitting at the Government's table over
9 here. That's what this case is about. And I've already
10 talked about the agent, ladies and gentlemen.

11 And we clearly know that the agent has an interest in
12 this case. The rules allow for her to sit here and listen to
13 everybody's testimony when they testify, but she has a
14 responsibility. She basically does the mop-up work. She
15 hears everybody's testimony, and if there is a gap in the
16 testimony, she plugs the gap. And that's what happened here
17 when we started talking about whether or not there was a PPP
18 form or a Schedule C that could be seen. She doesn't know,
19 but yet she tells you, "Oh, he had the ability." No, no, no,
20 he saw it.

21 Clearly, the Government's witness has an interest in
22 this case. The Court is also going to tell you that you can
23 look at the impeachment of witnesses because of inconsistent
24 statements.

25 Well, ladies and gentlemen, Haydee Rivero clearly

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1 made inconsistent statements in this case, and we talked about
2 it. Going back real quick to Haydee Rivero, she said the only
3 thing she was responsible for doing was filling out the
4 Schedule Cs. Well, we saw that she was much more involved
5 than that. Here is -- Mr. Clemente is -- she's doing his
6 application while he's spraying her house.

7 The same thing with Mr. Wright. She filled out his
8 application but she wanted too much money. That's what he
9 said.

10 Ladies and gentlemen, your duty in this case --
11 excuse me -- as I was talking about the different levels and
12 standards of proof, there's a standard that's called the clear
13 and convincing standard, and that's used a lot in forfeiture
14 cases and also in child/family-type cases where the Government
15 is seeking to remove a child from a home. In order for the
16 Government to be able to do that, they have to prove by clear
17 and convincing evidence --

18 THE COURT: Ten minutes remain.

19 MR. MCCRAY: How much time?

20 THE COURT: Ten.

21 MR. MCCRAY: Thank you.

22 They must prove by clear and convincing evidence.
23 Ladies and gentlemen, even if we were to use that standard,
24 which is just beneath reasonable doubt -- reasonable doubt is
25 the highest requirement. It's a heavy burden. The Court's

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1 going to tell you the Government has a heavy burden. Even if
2 we were to use clear and convincing, the Government wouldn't
3 pass that test, ladies and gentlemen.

4 The Court's going to read to you the instruction.
5 But, ladies and gentlemen, if based upon the evidence in this
6 case you're wavering and vacillating, if you see that there's
7 a lack of evidence, ask yourself why didn't the Government put
8 that on. It's not our burden.

9 Ladies and gentlemen, the Government has failed in
10 its case to prove its guilt beyond and to the exclusion of a
11 reasonable doubt. This is a case, ladies and gentlemen, where
12 Haydee also said that she only provided -- well, we said that
13 service of a Schedule C preparation. And we know she even
14 told the agent that she didn't. Ask yourselves again, why did
15 the Government not have the Womply witness demonstrate the
16 DocuSign? They could easily have done that.

17 Mr. Wade, if you take a look at his forgiveness
18 application -- and I just had that. If you take a look at his
19 forgiveness application, you will see the name "Trace" on
20 that. Look at the other documents that he DocuSigned and
21 compare his signature and the TW in that forgiveness
22 application and compare it to the others. You'll see that
23 there's a material difference between that.

24 You heard him testify that he does not sign his name
25 as Trace. The Riveros had access to his account. And it's

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1 kind of interesting. Mr. Wade, you heard, testified that
2 Mr. Rivero had a Verizon account in his wife's name. There
3 are several -- and I believe it was at least five -- IP
4 addresses that are unidentified. At least five. The
5 Government didn't get any information on those.

6 Who else was in there making changes to the PPP
7 application? You'll notice when Mr. Wade was asked about
8 modifications, Mr. Wade very courteously asked my esteemed
9 colleague, "Can you show me what modifications?" And as he
10 did at least a half dozen times, he ignored him. Mr. Wade
11 asked, "Please show me the modifications." But in playing
12 with the data, the Government is talking about modifications
13 but they haven't shown you what modifications. Mr. Wade was
14 simply asking, "Show me the modifications so that I can see."

15 We had at least five unidentified IP addresses.
16 Ladies and gentlemen, in your role -- oh. There was testimony
17 also that Mrs. Wade had applied for two loans. One of the
18 loans didn't go through. One loan was applied for on the
19 18th, I believe, and the second one was the 28th -- I know the
20 second one was the 28th.

21 So my esteemed colleague, Mr. Snider, lumps in the
22 login attempts. Did he differentiate those? But let's assume
23 that there were login attempts. Mr. Wade said, "Yes, I did
24 log in sometimes." He said he received emails from Womply.
25 Sometimes he would send it right over to Mr. Rivero, and he

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1 said Mr. Rivero even complained that he was kind of slow to
2 get this stuff done. They wanted to get paid.

3 Ladies and gentlemen, the data does not establish
4 beyond a reasonable doubt, and that's why the Government wants
5 you to ignore Haydee Rivero. The data does not establish
6 guilt beyond a reasonable doubt. In your role as a jury, you
7 have a responsibility to go back and listen to this evidence,
8 but you have a responsibility to vote your conscience, based
9 upon the evidence, simply because you may be in the minority.
10 As long as you hold the view that the Government has failed in
11 its burden to prove guilt beyond a reasonable doubt, you have
12 a moral and a legal obligation to vote your conscience. So
13 understand the importance of what we're dealing with here.
14 You are a juror, but you didn't come here to go along just to
15 get along. You have a responsibility which is a part of your
16 oath.

17 And, ladies and gentlemen, as I told you before, the
18 Court is going to tell you that Ms. Wade, who did not testify
19 in this case, you cannot draw any adverse or unfavorable
20 inference from that. I remember I asked Ms. Haydee Rivero
21 about this. "Well, I really didn't deal with her. I dealt
22 basically with Mr. Rivero." Mr. Rivero says, "I know what
23 those IP things say, but I didn't talk to her" -- I think the
24 Government said 28 times. He says, "I did talk to Rivero" --
25 I mean the husband. "I talked to her maybe about three times

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1 about this loan," he said, "because I was accustomed to
2 talking to her because she was the business mind behind Wade
3 Funeral Home," and that's what he had done.

4 Ladies and gentlemen, we're asking you to honor your
5 oath in this case, to look at the evidence in this case and
6 ask yourselves whether or not there exists a reasonable doubt.
7 If you say, "I think he's probably guilty," then your verdict
8 must be not guilty. If you say that "I think that they're
9 likely guilty," then your verdict must be not guilty.

10 We talked about the different standards in this case.
11 This is a high standard, and the Government has failed
12 miserably in this case. We're asking you to correct this
13 injustice, ladies and gentlemen.

14 Two people out of 20 people they've been alleged to
15 have been in a conspiracy with, the husband and the wife and
16 those other people. Correct this injustice, ladies and
17 gentlemen. We're not asking for any favors. We're asking you
18 to follow your oath.

19 For many years, in excess of 200 years, ladies and
20 gentlemen, we've agreed to abide by a constitution. For many
21 years, the Constitution didn't apply to everybody, but today,
22 irrespective of your height, your weight, your color, your
23 creed, your nationality, the Constitution applies.

24 Is that it, Judge?

25 THE COURT: 30 seconds.

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1 MR. MCCRAY: Okay. So Mr. and Mrs. Wade, ladies and
2 gentlemen, they entered this case with the presumption of
3 innocence, and that presumption remains unless the Government
4 proves guilt beyond a reasonable doubt. And as I've said
5 already, the Government has failed to rebut every reasonable
6 doubt in this case.

7 Thank you very much, ladies and gentlemen. We really
8 appreciate your time and your attention in this case. Thank
9 you.

10 THE COURT: Government, 14 minutes.

11 MR. SNIDER: Members of the jury, the defense wants
12 to make this case about everyone else except the two people
13 that are sitting right there. They want you to look at what
14 the Government did or didn't do. They want you to do
15 everything except focus on what's actually in evidence in this
16 case.

17 For the last hour, Mr. McCray has been in front of
18 you throwing out why didn't they do this and why didn't they
19 do that? Those are distractions. Do not take your eye off
20 the ball in this case because everything that you need to
21 return a true and just verdict, based on the evidence, you
22 have and you will have when you go back to that room.

23 Of course, the defense and the two defendants, they
24 want to make this case all about Haydee Rivero. I think he
25 referred to Haydee Rivero as the Government's star witness

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1 maybe five times, at least.

2 Haydee Rivero is a witness in this case just like
3 every other witness the Government called, although she has
4 done something that none of the other witnesses did, which was
5 accept responsibility for her role in this, and to plead
6 guilty to that and to admit to facts and to come into this
7 court and testify truthfully about those facts.

8 And yes, she has a plea agreement. Read it for
9 yourself. It's Government Exhibit 2000. We're not shying
10 away from this. This is not a contract to lie. This is the
11 opposite. Look at paragraph 6. Her cooperation includes
12 providing truthful and complete information and testimony in
13 this court. This is not a contract to lie at all. This is
14 about her accepting responsibility, saying, "I was involved
15 with Tracy Wade. I was involved with Carolyn Wade. I was
16 involved with 18 others, and now I accept responsibility."

17 Oh, and by the way, you're going to get an
18 instruction about punishment. You are not to consider
19 punishment in deciding your verdict. But just so you're
20 clear, you can read in this plea agreement her maximum penalty
21 is five years, not 20. I don't know where Mr. McCray got that
22 from. Perhaps he's confused. But it's irrelevant.

23 You're not to consider punishment, but it says in
24 here she's facing a maximum of five years. And does she want
25 a benefit? Of course she does. She said that to you. Does

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1 that mean she's lying? No, it does not.

2 Look at the inconsistencies that Mr. McCray is trying
3 to have you focus on, these distractions, that she didn't say
4 that she took photographs of this person. She said that she
5 had trouble verifying their identity. We're mincing words
6 here. We're mincing words. She came in here and nothing
7 about what she said was inconsistent with what the three
8 witnesses they brought in here told you.

9 Mr. McCray also brought up some \$400,000 loan. That
10 is not part of this -- it apparently was from one of the
11 funeral homes -- the Rivero Funeral Home? I can't keep it
12 straight. That is not a part of this case. That is a
13 distraction for you to try to take your eye off the evidence
14 and look at something that's not part of this case. Don't do
15 that. Stay within the evidence that was presented to you that
16 you have and the testimony that you heard.

17 You've heard, I think multiple times, the defense try
18 to argue that Haydee Rivero had ownership of this whole
19 process and that she told the defendants, "Don't worry. I'll
20 do the rest." That is irrefutably disputed by the data. The
21 data shows exactly what she did. She comes in the middle.
22 She didn't start it. She didn't end it. She came in the
23 middle. That is what she got paid to do. And with these
24 transactions, the data says what it says. Right? Of course,
25 Tracy Wade is up there asking me, "Oh, can you go back to that

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1 one? Can you go back to that one? -- so that he can, on the
2 fly, try to think of some other excuse.

3 How many excuses did you hear from Tracy Wade about
4 the checks, about, oh, that must have been someone else on
5 Verizon. Come on, give me a break. He was just throwing
6 things out there just hoping you would believe some shred.
7 Guess what? That doesn't create reasonable doubt. The
8 Government does have a high burden in this case, but it is not
9 impossible. You will hear what reasonable doubt is. It is a
10 real doubt based on your common sense after you have carefully
11 and impartially considered all of the evidence in this case.
12 Common sense. Not only do you have the evidence when you go
13 back there. Each and every one of you has your common sense.
14 And I would implore you to use your common sense when you look
15 at the evidence in this case because common sense tells you
16 how many times can you possibly look at a document over and
17 over and over again and just not see its contents. That's
18 what they want you to believe. That's not common sense.

19 Again, Mr. McCray trying to say it was the
20 Government -- you know, should have demonstrated exactly how
21 to DocuSign for you. That doesn't create reasonable doubt.
22 Use your common sense. You heard the testimony. When you're
23 signing something, you get the whole package. You don't
24 deliberately exclude the page that has the false information.
25 Use your common sense.

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1 The other thing that the defense wants you to think
2 about is all the people that aren't here. Right? The 18
3 people that he said that she conspired with. Why didn't the
4 Government bring them in, and why isn't Mr. Rivero here?
5 Again, it's distractions. That's not part of this case.
6 You're going to get an instruction. I'm going to read it to
7 you right now. This is important. I want to you listen to
8 this.

9 It says, "Persons not on trial."

10 In addition, some of the people who may have been
11 involved in these events are not on trial. This does not
12 matter. There is no requirement that all participants of a
13 scheme to defraud be charged and prosecuted in one proceeding.

14 You may not draw any inference, favorable or
15 unfavorable, towards the Government or the defendant on trial
16 from the fact that any other person, in addition to the
17 defendant or defendants in this case, is not on trial here.
18 You may also not speculate as to the reasons why other persons
19 are not on trial, which is exactly what Mr. McCray asked you
20 to do, to speculate. Why didn't the Government do this and
21 why didn't the Government do that? The Government has put in
22 front of you a case that is focused on Tracy Wade and Carolyn
23 Wade and what Tracy Wade did to obtain his fraudulent PPP loan
24 and what Carolyn Wade did to obtain hers.

25 And the evidence shows beyond any reasonable doubt

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1 that they knew what they were doing. You can take that data
2 and apply your common sense to it. Common sense.

3 Tracy Wade took the stand and testified in this case,
4 and he, more than anyone, has the greatest -- equal to his
5 wife -- the greatest interest in this case. He has the
6 motivation to say whatever it is he could possibly say in the
7 hopes that you will find some kind of doubt. That's why he
8 said this morning that he hired a private investigator last
9 night. This case has been going on for weeks and months
10 before that, and suddenly, in between his testimony, he tells
11 you he hires a private investigator to look up some other
12 person's cell phone carrier? That smacks of desperation.
13 That's someone who's coming in here and just flinging things
14 at you, hoping you'll just take a shot at it and say, Well,
15 maybe -- I thought that she said that she had T-Mobile. She
16 did say she had T-Mobile. That is the carrier. You heard
17 that from the agent too. There's no dispute about that.

18 They're trying to create doubt that is just not
19 reasonable, not reasonable at all.

20 The data tells the story here. Haydee Rivero tells
21 the story here. And their own actions, writing phony checks,
22 that tells the story here. Take your common sense. Why would
23 they be doing that? Why would they write checks for salary to
24 each other? Because they want to get the loans forgiven.
25 They don't want to pay that back.

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1 This case is not about the Government's
2 investigation. It's not about the people who are not on
3 trial. It is about Carolyn and Tracy Wade. And Mr. McCray,
4 at the beginning of his argument to you, he said that you, as
5 jurors, are carrying out an oath. And that's true. You are.

6 There was another oath in this case that was taken.
7 It's on those certifications. That was a certification under
8 penalty of perjury that all of the information in the PPP loan
9 applications and supporting documents was true. And that was
10 an oath under penalty of perjury that Tracy Wade took, and it
11 was an oath that Carolyn Wade took. And the reason that that
12 oath was in there was because the SBA was relying on the
13 applicants, not people that were helping them but the
14 applicants themselves, to tell the truth.

15 And the reason they were relying on them is that
16 because the only way that this program could have gotten money
17 out to businesses that were being shuttered by the pandemic
18 was to rely on the truth of the borrowers. And Carolyn Wade
19 and Tracy Wade violated that trust that the SBA had put in
20 them. They violated it knowingly and they violated it with
21 the intention of getting these loans, to make false statements
22 to get loans they weren't entitled to. That is what the
23 evidence has proven to you beyond a reasonable doubt, and that
24 is why we are asking you to return the only verdict that is
25 consistent with that evidence and that is that Tracy Wade is

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1 guilty of each and every count he's charged with and Carolyn
2 Denise Wade is guilty of each and every charge in the
3 indictment that she's charged with. I thank you for your
4 attention in this case.

5 THE COURT: Thank you for your closing arguments,
6 counsel.

7 Ladies and gentlemen, I think you will have three
8 options. I can continue reading the instructions at this
9 time; we can break for 15 minutes, have you come in, read the
10 instructions and then have lunch; or we can break now for 30
11 or 40 minutes -- I think lunch has arrived -- and you can
12 return and hear the instructions and then begin your
13 deliberations. Why don't you sort of huddle and informally...

14 Continue?

15 A JUROR: Can we take a quick five minutes?

16 THE COURT: Let's take a ten-minute break because it
17 may take ten minutes for everyone to use the facilities. When
18 you're ready, when everyone has used the facilities, let us
19 know. We'll come in, give you the instructions. Don't get
20 enticed by the lunch that's on the table now.

21 All right. We're in recess.

22 (Jury exited at 1:39 PM.)

23 (Recess from 1:39 PM to 1:51 PM.)

24 (Jury entered at 1:51 PM.)

25 THE COURT: We have enough copies for you to share

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1 with the person next to you. There are a few extra copies. I
2 will request that you read along with me as the instructions
3 are presented. Our experience is that the jurors seem to
4 understand more clearly the instructions if you read along as
5 you listen to them being read.

6 Members of the jury, it is my duty to instruct you on
7 the rules of law that you must use in deciding this case.
8 After I have completed these instructions, you will go to the
9 jury room and begin your discussions, what we call your
10 deliberations. You must decide whether the Government has
11 proved the specific facts necessary to find the defendants
12 guilty beyond a reasonable doubt.

13 Your decision must be based only on the evidence
14 presented during the trial. You must not be influenced in any
15 way by either sympathy for or prejudice against the defendant
16 or the Government. You must follow the law as I explain it,
17 even if you do not agree with the law, and you must follow all
18 of my instructions as a whole. You must not single out or
19 disregard any of the Court's instructions on the law.

20 The indictment or formal charge against a defendant
21 isn't evidence of guilt. The law presumes every defendant is
22 innocent. The defendant does not have to prove his or her
23 innocence or produce any evidence at all. A defendant does
24 not have to testify, and you cannot consider in any way the
25 fact that the defendant did not testify. The Government must

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1 prove guilt beyond a reasonable doubt. If it fails to do so,
2 you must find the defendant not guilty.

3 The Government's burden of proof is heavy, but it
4 does not have to prove a defendants' guilt beyond all possible
5 doubt. The Government's proof only has to exclude any
6 reasonable doubt concerning the defendants' guilt. A
7 reasonable doubt is a real doubt based on your reason and
8 common sense after you have carefully and impartially
9 considered all the evidence in the case. Proof beyond a
10 reasonable doubt is proof so convincing that you would be
11 willing to rely and act on it without hesitation in the most
12 important of your own affairs.

13 If you are convinced that the defendant has been
14 proved guilty beyond a reasonable doubt, say so. If you are
15 not convinced, say so. As I said before, you must consider
16 only the evidence I have admitted in the case.

17 Evidence includes the testimony of witnesses and the
18 exhibits admitted, but anything the lawyers say is not
19 evidence and is not binding on you. You should not assume
20 from anything I have said that I have any opinion about any
21 factual issue in this case. Except for my instructions to you
22 on the law, you should disregard anything I may have said
23 during the trial in arriving at your own decision about the
24 facts.

25 Your own recollection and interpretation of the

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1 evidence is what matters. In considering the evidence, you
2 may use reasoning and common sense to make deductions and
3 reach conclusions. You should not be concerned about whether
4 the evidence is direct or circumstantial. Direct evidence is
5 the testimony of a person who asserts that he or she has
6 actual knowledge of a fact, such as an eyewitness.

7 Circumstantial evidence is proof of a chain of facts
8 and circumstances that tend to prove or disprove a fact.
9 There is no legal difference in the weight you may give to
10 either direct or circumstantial evidence. When I say you must
11 consider all the evidence, I do not mean that you must accept
12 all of the evidence as true or accurate.

13 You should decide whether you believe what each
14 witness had to say and how important that testimony was. In
15 making that decision, you may believe or disbelieve any
16 witness in whole or in part. The number of witnesses
17 testifying concerning a particular point does not necessarily
18 matter.

19 To decide whether you believe any witness, I suggest
20 you ask yourself a few questions. Did the witness impress you
21 as one who was telling the truth? Did the witness have any
22 particular reason not to tell the truth? Did the witness have
23 a personal interest in the outcome of the case? Did the
24 witness seem to have a good memory? Did the witness have the
25 opportunity and ability to accurately observe the things he or

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1 she testified about? Did the witness appear to understand the
2 questions clearly and answer them directly? Did the witness'
3 testimony differ from other testimony or other evidence?

4 You should also ask yourself whether there was
5 evidence that a witness testified falsely about an important
6 fact and ask whether there was evidence that at some other
7 time a witness said or did something or did not say or do
8 something that was different from the testimony the witness
9 gave during the trial. But keep in mind that a simple mistake
10 does not mean a witness was not telling the truth as he or she
11 remembers it. People naturally tend to forget some things or
12 remember them inaccurately.

13 So if a witness misstated something, you must decide
14 whether it was because of an innocent lapse in memory or an
15 intentional deception. The significance of your decision may
16 depend on whether the misstatement is about an important fact
17 or about an unimportant detail.

18 In addition, some of the people who may have been
19 involved in these events are not on trial. This does not
20 matter. There's no requirement that all participants of a
21 scheme to defraud be charged and prosecuted in one proceeding.
22 You may not draw any inference, favorable or unfavorable,
23 towards the Government or the defendants on trial from the
24 fact that any person in addition to the defendants are not on
25 trial. You may also not speculate as to the reasons why other

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1 persons are not on trial.

2 You have been permitted to take notes during the
3 trial. Most of you, perhaps all of you, have taken advantage
4 of that opportunity. You must use your notes only as a memory
5 aid during deliberations. You must not give your notes
6 priority over your independent recollection of the evidence,
7 and you must not allow yourself to be unduly influenced by the
8 notes of other jurors. I emphasize that notes are not
9 entitled to any greater weight than your memories or
10 impressions about the testimony.

11 The superseding indictment charges ten separate
12 crimes, called counts, against the defendants. Each count has
13 a number. You will be given a copy of the superseding
14 indictment to refer to during your deliberations.

15 Count 1 charges that the defendants knowingly and
16 willfully conspired to commit wire fraud in violation of
17 Title 18, United States Code, Section 1349. Defendants are
18 not charged in Count 1 with committing a substantive offense.
19 They are charged with conspiring to commit that offense. I
20 will also give you specific instructions on that conspiracy
21 offense.

22 Counts 2 through 3 charge that the defendants
23 committed what are called substantive offenses. Specifically,
24 the defendants committed wire fraud in violation of Title 18,
25 United States Code, Section 1343.

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1 Count 2 only charges Defendant Wade with this
2 offense. Count 3 charges both defendants with this offense.
3 I'll explain the law governing this offense in a moment.

4 Count 4 charges that the defendants knowingly and
5 willfully conspired to make false statements to the Small
6 Business Administration in violation of Title 18, United
7 States Code, Section 371.

8 Defendants are not charged in Count 4 with committing
9 a substantive offense. They are charged with conspiring to
10 commit that offense. And I will give you specific
11 instructions on this conspiracy offense.

12 Counts 5 through 10 charge that the defendants made
13 false statements to the Small Business Administration in
14 violation of Title 18, United States Code, 645(a). Defendant
15 Carolyn Wade is charged with this offense in Counts 5, 8, and
16 9. Defendant Tracy Wade is charged with this offense in
17 Counts 6, 7, and 10. I will also explain the law governing
18 this offense.

19 Count 1, conspiracy to commit wire fraud. It's a
20 federal crime to knowingly and willfully conspire or agree
21 with someone to do something that if actually carried out
22 would result in the crime of wire fraud. A conspiracy is an
23 agreement by two or more persons to commit an unlawful act.
24 In other words, it is a kind of partnership for criminal
25 purposes.

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1 Every member of the conspiracy becomes an agent or a
2 partner of every other member. The Government does not have
3 to prove that all the people named in the indictment were
4 members of the plan or that those who were members made any
5 kind of formal agreement. The heart of a conspiracy is the
6 making of the unlawful plan itself. So the Government does
7 not have to prove that the conspirators succeeded in carrying
8 out the plan.

9 The defendant can be found guilty of this conspiracy
10 offense only if all of the following facts are proved beyond a
11 reasonable doubt:

12 One, two or more persons in some way or manner agreed
13 to try to accomplish a common and an unlawful plan to commit
14 wire fraud as charged in the superseding indictment.

15 And two, the defendants knew the unlawful purpose of
16 the plan and willfully joined in it.

17 A person may be a conspirator even without knowing
18 all of the details of the unlawful plan or the names and
19 identities of all the other alleged conspirators. If the
20 defendant played only a minor part in the plan but had a
21 general understanding of the unlawful purpose of the plan and
22 willfully joined in the plan on at least one occasion, that's
23 sufficient for you to find the defendant guilty. But simply
24 being present at the scene of an event or merely associating
25 certain people and discussing common goals and interests

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1 doesn't establish proof of a conspiracy.

2 Also, a person who doesn't know about a conspiracy
3 but happens to act in a way that advances some purpose of one
4 doesn't automatically become a conspirator.

5 Counts 2 through 3, wire fraud. It's a federal crime
6 to use interstate wire, radio, or television communications to
7 carry out a scheme to defraud someone else. The defendant can
8 be found guilty of this crime only if all of the following
9 facts are proved beyond a reasonable doubt:

10 One, the defendant knowingly devised or participated
11 in a scheme to defraud someone by using false or fraudulent
12 pretenses, representations, or promises.

13 Two, the false pretenses, representations, or
14 promises were about a material fact.

15 Three, the defendant acted with the intent to
16 defraud.

17 And four, the defendant transmitted or caused to be
18 transmitted by wire some communication in interstate commerce
19 to help carry out the scheme to defraud.

20 A scheme to defraud means any plan or course of
21 action intended to deceive or cheat someone out of money or
22 property by using false or fraudulent pretenses,
23 representations, or promises.

24 A statement or a representation is false or
25 fraudulent if it is about a material fact that the speaker

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1 knows is untrue or makes with reckless indifference to the
2 truth and makes with the intent to defraud. A statement or
3 representation may be false or fraudulent when it is a
4 half-truth or effectively conceals a material fact and is made
5 with the intent to defraud.

6 A material fact is an important fact that a
7 reasonable person would use to decide whether to do or not do
8 something. A fact is material if it has the capacity or
9 natural tendency to influence a person's decision. It doesn't
10 matter whether the decision-maker actually relied on the
11 statement or knew or should have known that the statement was
12 false.

13 To act with intent to defraud means to act knowingly
14 and with the specific intent to use false or fraudulent
15 pretenses, representations, or promises to cause loss or
16 injury.

17 Proving intent to deceive alone, without the intent
18 to cause loss or injury, is not sufficient to prove intent to
19 defraud. The Government does not have to prove all the
20 details alleged in the indictment about the precise nature and
21 purpose of the scheme. It also doesn't have to prove that the
22 material transmitted by interstate wire was itself false or
23 fraudulent or that using the wire was intended as the specific
24 or exclusive means of carrying out the alleged fraud or that
25 the defendant personally made the transmission over the wire.

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1 And it doesn't have to prove that the alleged scheme
2 actually succeeded in defrauding anyone. To use interstate
3 wire communications is to act so that something would normally
4 be sent through wire, radio, or television communications in
5 the normal course of business.

6 Count 4. It is a separate federal crime for anyone
7 to conspire or agree with someone else to do something that
8 would be another federal crime if it was actually carried out.

9 Excuse me. I had a sip of water go down the wrong
10 pipe, as they say. This is a first for me.

11 A conspiracy is an agreement by two or more people to
12 commit an unlawful act. In other words, it is a kind of
13 partnership for criminal purposes. Every member of a
14 conspiracy becomes the agent or partner of every other member.
15 The Government does not have to prove that all the people
16 named in the indictment were members of the plan or that those
17 who were members made any kind of formal agreement.

18 The Government does not have to prove that the
19 members planned together all the details of the plan or the
20 overt acts that the indictment charges would be carried out in
21 an effort to commit the intended crime.

22 The heart of the conspiracy is the making of the
23 unlawful plan itself followed by the commission of any overt
24 act. The Government does not have to prove that the
25 conspirators succeeded in carrying out the plan.

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1 The defendant can be found guilty of this crime only
2 if all the following facts are proved beyond a reasonable
3 doubt:

4 One, two or more persons in some way agreed to try to
5 accomplish a shared and unlawful plan.

6 Two, the defendant knew the unlawful purpose of the
7 plan and willfully joined in it.

8 Three, during the conspiracy, one of the conspirators
9 knowingly engaged in at least one overt act as described in
10 the indictment.

11 And, four, the overt act was committed at or about
12 the time alleged and with the purpose of the carrying out or
13 accomplishing some object of the conspiracy.

14 An overt act is any transaction or event, even one
15 that may be entirely innocent when viewed alone, that a
16 conspirator commits to accomplish some object of the
17 conspiracy.

18 A person may be a conspirator without knowing all of
19 the details of the unlawful plan or the names and identities
20 of all the other alleged conspirators. If the defendant
21 played only a minor part in the plan but has a general
22 understanding of the unlawful purpose of the plan and
23 willfully joined in the plan on at least one occasion, that's
24 sufficient for you to find the defendant guilty.

25 But simply being present at the scene of an event or

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1 merely associating with certain people and discussing common
2 goals and interests doesn't establish proof of a conspiracy.

3 A person who knows about a conspiracy but happens to
4 act in a way that it advances some purpose of one doesn't
5 automatically become a conspirator.

6 Counts 5 through 10, false statements to the SBA. It
7 is a federal crime to knowingly make any false statement for
8 the purpose of obtaining a loan from the US Small Business
9 Administration or for the purpose of influencing the action of
10 the SBA in any way. A defendant can be found guilty of this
11 crime only if all of the following facts are proved beyond a
12 reasonable doubt:

13 One, the defendant knowingly made any false
14 statement.

15 And two, the false statement was for the purpose of
16 obtaining for him or herself or for any applicant any loan or
17 for the purpose of influencing in any way the action of the
18 SBA.

19 It's possible to prove a defendant guilty of a crime
20 even without evidence that the defendant personally performed
21 every act charged. Ordinarily, any act a person can do may be
22 done by directing another person or agent, or it may be done
23 by acting with or under the direction of others. A defendant
24 aids and abets a person if a defendant intentionally joins
25 with a person to commit a crime.

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1 A defendant is criminally responsible for the acts of
2 another person if the defendant aids and abets the other
3 person. A defendant is also responsible if a defendant
4 willfully directs or authorizes the acts of an agent,
5 employee, or other associate. Finding that a defendant is
6 criminally responsible for the acts of another person requires
7 proof that the defendant intentionally associated with or
8 participated in the crime, not just proof that the defendant
9 was simply present at the scene of a crime or knew about it.

10 In other words, you must find beyond a reasonable
11 doubt that the defendant was a willful participant and not
12 merely a knowing spectator.

13 The testimony of an accomplice or an alleged
14 coconspirator with a plea agreement. You must consider some
15 witnesses' testimony with more caution than others. In this
16 case, the Government has made a plea agreement with Haydee
17 Rivero, formerly known as Haydee Granados, an alleged
18 coconspirator, in exchange for her testimony. Such plea
19 bargaining, as it's called, provides for the possibility of a
20 lesser sentence than Haydee Rivero, formerly Haydee Granados,
21 an alleged coconspirator, would normally face.

22 Plea bargaining is lawful and proper, and the rules
23 of this court expressly provide for it, but a witness who
24 hopes to gain more favorable treatment may have a reason to
25 make a false statement in order to strike a good bargain with

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1 the Government.

2 So while a witness of that kind may be entirely
3 truthful when testifying, you should consider that testimony
4 with more caution than the testimony of other witnesses. And
5 the fact that a witness has pleaded guilty to an offense isn't
6 evidence of the guilt of any other person.

7 There has been summary of testimony from a witness at
8 this trial, and the Court permitted this testimony in order to
9 aid you in considering the evidence. Therefore, you are to
10 give no greater consideration to summary testimony than you
11 would give to the evidence upon which that testimony is based.
12 It is for you to decide whether the summary testimony or chart
13 offered by a witness correctly presented the information
14 contained in the documents on which they were based and what
15 weight to give such evidence.

16 The word knowingly, as that term has been used in
17 these instructions, means that an act was done voluntarily and
18 intentionally and not because of a mistake or accident. The
19 word willfully means that the act was committed voluntarily
20 and purposely with the specific intent to do something the law
21 forbids, that is, with the bad purpose to disobey or disregard
22 the law.

23 While a person must have acted with the intent to do
24 something the law forbids before you can find that the person
25 acted willfully, the person need not be aware of the specific

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1 law or rule that his or her conduct may be violating.

2 You'll see that the indictment charges that the crime
3 was committed on or about a certain date. The Government does
4 not have to prove that the crime occurred on an exact date.
5 The Government only has to prove beyond a reasonable doubt
6 that the crime was committed on a date reasonably close to the
7 date alleged.

8 Each count of the indictment charges a separate crime
9 against one or more of the defendants. You must consider each
10 crime and the evidence relating to it separately, and you must
11 consider the case of each defendant separately and
12 individually. If you find a defendant guilty or not guilty of
13 one crime, that must not affect your verdict for any other
14 crime or any other defendant.

15 I caution you that each defendant is on trial only
16 for the specific fact crimes charged in the indictment.
17 You're here to determine from the evidence in this case
18 whether each defendant is guilty or not guilty of those
19 specific crimes. You must never consider punishment in any
20 way to decide whether a defendant is guilty or not guilty. If
21 you find a defendant guilty, the punishment is for the judge
22 alone to decide in accordance with the sentencing guidelines.

23 Your verdict, whether guilty or not guilty, must be
24 unanimous. In other words, you must all agree. Your
25 deliberations are secret, and you will never have to explain

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1 your verdict to anyone. Each of you must decide the case for
2 yourself but only after fully considering the evidence with
3 the other jurors. So you must discuss the case with one
4 another and try to reach an agreement.

5 While you are discussing the case, do not hesitate to
6 re-examine your own opinion and change your mind if you become
7 convinced that you were wrong, but do not give up your honest
8 beliefs just because others think differently or because you
9 simply want to get the case over with.

10 Remember that in a very real way you are judges,
11 judges of the facts. Your only interest is to seek the truth
12 from the evidence in the case.

13 When you go to the jury room, choose one of your
14 members to act as foreperson. The foreperson will direct your
15 deliberations and will speak for you in court.

16 A form of verdict has been prepared. The verdict
17 forms are for each defendant. I'm holding them up at this
18 time. You will follow the instructions. It will read:

19 "We, the jury in the above-captioned case,
20 unanimously find as follows" -- and then each count will be
21 referenced as against and in one verdict form Carolyn Denise
22 Wade and then in a second verdict form Tracy D. Wade.

23 It reads as to the counts in the superseding
24 indictment:

25 "We find the defendant," named defendant. There's a

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1 line for not guilty or guilty. The foreperson will date and
2 sign the verdict form and announce to us when it is available.
3 You're going to take the verdict form with you to the jury
4 room.

5 When you have all agreed on a verdict, as stated, the
6 foreperson will date and sign it and bring it back into the
7 courtroom with all of the jurors. If you wish to communicate
8 with me at any time, please write down your message or
9 question and give it to the court security officer. The court
10 security officer will bring it to me and I will respond as
11 promptly as possible after consulting with the attorneys
12 either in writing or by talking to you here in the courtroom,
13 but I caution you not to tell me how many jurors have voted
14 one way or the other at any time.

15 So, for example, there's a question. The foreperson
16 or person you designate will write the question down, and then
17 do not include any extraneous information. For example, we
18 have a question. We voted and the vote is 6 to 6 or 9 to 3.
19 Do not reveal any numerical division.

20 Now, I use the hypothetical 6 and 6 because those two
21 numbers equal 12, and those are the individuals who deliberate
22 in a federal criminal trial. One of you acted as our
23 alternate and let me verify.

24 The alternate juror was Emmanuela Raphael. So when I
25 excuse the jurors, you may permanently excuse yourself;

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1 however, do not discuss the case with anyone until we advise
2 you that the jury has reached a verdict. What can happen is
3 that if one of the jurors becomes incapacitated, you may have
4 to return, join your fellow jurors, and then the deliberations
5 would have to start all over again so that Ms. Raphael would
6 be caught up with what happened. So that's why we don't have
7 you discuss with others even after you leave and, of course,
8 before a verdict is reached.

9 We thank you for your service. We are grateful and
10 appreciate having had you here.

11 Now, ladies and gentlemen, we are going to gather the
12 exhibits and make sure that the exhibits received are the
13 exhibits that will be given to you in the jury deliberation
14 room. There also will be exhibit lists that include the
15 exhibits received, so you can look at the exhibit list and
16 decide what exhibit you may desire to take a look at.

17 Now, during deliberations, if one person has to use
18 the restroom facilities or you take a break, do not discuss
19 the case at that time. Only when all 12 are present should
20 you discuss the case so that everyone can hear what everyone
21 else has to say.

22 Now, for lunch, you decide how to handle that. You
23 can deliberate during lunch, that is, eating lunch when all 12
24 are present, or you can break and have lunch and then return.
25 That's strictly up to you.

1 And, as previously stated, you decide the length of
2 time you would like to deliberate, keeping in mind that we
3 don't have security people after 6:45. I'm not suggesting you
4 stay any length of time, but just keep that in mind. That's
5 up to you.

6 All right. Thank you very, very much, ladies and
7 gentlemen.

8 Are there any requests for additional instructions?

9 MR. MCCRAY: No, Judge.

10 MR. SNIDER: Not from the Government.

11 THE COURT: Thank you.

12 Ladies and gentlemen, we are in recess.

13 (Jury exited at 2:27 PM.)

14 THE COURT: Be seated. I'm going to ask the
15 attorneys to make sure that the exhibits received are
16 assembled. We usually have you place them on the table or in
17 front of the jury box so that the courtroom deputy can take
18 them all into the deliberation room.

19 I know that the Government has a verdict form as well
20 as the defense. But, defense, we're going to have to put this
21 in some format that removes a lot of the language, at least on
22 the item that I have.

23 If you need some assistance on cutting and pasting
24 and getting everything on one sheet, my staff can assist you,
25 if necessary. We do have a form for counsel to sign

1 indicating that you have reviewed the exhibits and they have
2 actually been received in evidence.

3 So with regard to this exhibit, we need to excise the
4 language at the top and only use your exhibits. And as I
5 stated, it may be that you need our staff to assist you.
6 Page 2 is fine. It doesn't have any extraneous language.
7 Actually, page 3 is fine. It's only the first paragraph on
8 page 1. So starting with exhibits in the middle, down, on
9 page 1 would be the portion that we're going to submit to the
10 jury.

11 And, Government, of course, only those items received
12 should be amongst the items on the exhibit list that goes to
13 the jury room. Be very careful with the exhibits, making sure
14 that which is going back has been received. If there's any
15 question about an item, you can confer with the court reporter
16 first. And if that doesn't resolve the issue, let me know and
17 I will come out and try to get it resolved.

18 I had a case that I had to try over -- a ten-day
19 fraud case because exhibits that were excised and not admitted
20 somehow ended up in the jury deliberation room. So I had to
21 grant a mistrial. And so I'm asking -- this is why I'm asking
22 you to be very careful. Take the care and time necessary to
23 make sure this does not happen.

24 And now I have lawyers sign a form saying that they
25 have exercised the proper care. So if you need our assistance

1 in that regard, please advise.

2 MR. SNIDER: Judge, the list of the Government's
3 exhibits that we propose to include has the date on which the
4 exhibit was received. Is that okay?

5 THE COURT: Any objection?

6 MR. MCCRAY: No, Judge.

7 THE COURT: There's no objection.

8 MR. SNIDER: And we'll make sure that there is no
9 exhibit that was not received go back -- make sure that they
10 only have exhibits in evidence.

11 THE COURT: All right. It is 2:30 now. So you're
12 going to take a few minutes to confer with regard to the
13 exhibits.

14 Make sure that we have your cell phone numbers. I
15 would like for you to be available after one hour on
16 15-minutes notice. So there's an attorney conference room
17 upstairs on the 14th floor. There are witness rooms at the
18 rear of the courtroom. Or if your offices are within
19 15 minutes, that's fine as well.

20 If we have a question, we will call you and let you
21 know. And we want you to be here within 15 minutes, beginning
22 at 3:30, so you can have lunch, for example, and not have to
23 worry about getting back quickly. But if we get a question,
24 we'll call you as soon as we receive that information.

25 MR. SNIDER: Yes, Your Honor. Thanks.

1 THE COURT: Are there any questions or comments?

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

3 MR. SNIDER: I'm sorry. I didn't hear the question,
4 Judge.

5 THE COURT: Any questions or comments?

6 MR. SNIDER: Not from the Government.

7 THE COURT: Very well. We are in recess.

8 (Recess at 2:33 PM.)

9

CERTIFICATE OF REPORTER

10

11 I certify that the foregoing is a correct
12 transcription of the record of proceedings in the
above-entitled matter prepared from my stenotype notes.

13

14 DATE: 14th of May, 2025

/s/Lance W. Steinbeisser

15

Lance W. Steinbeisser,

16

FCRR, RPR, FPR-C

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Official Court Reporter

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United States District Court

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Southern District of Florida

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Miami, Florida

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