

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR-60173-KMW

UNITED STATES OF AMERICA,

Miami, Florida

Plaintiff,

July 30, 2024

vs.

1:48 PM - 2:00 PM

CAROLYN DENISE WADE and
TRACY D. WADE,

Defendants.

Pages 1 to 12

TRANSCRIPT OF STATUS CONFERENCE
HELD BEFORE THE HONORABLE DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

FOR THE GOVERNMENT:

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

ON BEHALF OF THE DEFENDANTS:

(No appearance.)

LANCE W. STEINBEISSER, FCRR, RPR, FPR-C
Official Court Reporter
United States District Court
400 North Miami Avenue
Miami, Florida 33128
305.523.5633

Proceedings recorded by mechanical stenography; transcript
produced by computer-aided transcription.

1 (Call to the Order of the Court.)

2 THE COURTROOM DEPUTY: Calling Case
3 Number 23-cr-60173, the United States versus Carolyn Denise
4 Wade; Case Number 23-cr-60173, the United States versus
5 Tracy D. Wade.

6 Counsel, please state your appearances, beginning
7 with the Government.

8 MR. SNIDER: Good afternoon, Your Honor. Assistant
9 US Attorney David Snider on behalf of the United States.

10 THE COURT: Good afternoon.

11 And I don't see Mr. McCray or Mr. Wilcox.

12 MR. SNIDER: I don't either, Judge, and I have not
13 seen them this afternoon.

14 THE COURT: This is not exactly my best day for
15 hearings.

16 Have you been in touch with them regarding today's
17 hearing?

18 MR. SNIDER: I have not. My last communication was
19 to send them discovery last week. I have not had a response
20 from them about discovery or anything else relating to this
21 case.

22 THE COURT: Well, there are a few issues pending.
23 This is a Judge Williams case. And the Garcia issue is -- I'm
24 not sure where it is. And you can help me because I believe
25 Judge Strauss had the Garcia hearing. But from the file, it

1 looks like the Government was not present or someone in your
2 stead was present.

3 MR. SNIDER: So let me educate the Court as best I
4 can on this.

5 As counsel of record, I was not present on July
6 the 15th, when the Garcia hearing was scheduled, and that's
7 because of unforeseen travel delays. An Assistant US Attorney
8 from my office, Alicia Shick, stood in for the Government.
9 But it's my understanding from speaking with her and from my
10 reading of the Court's order that as far as the Court's
11 colloquy and hearing under Garcia with the defendants, the
12 Government was excluded from the Court. So the Government did
13 not participate in any way in the substance of that Garcia
14 hearing.

15 THE COURT: And obviously, the defendants -- both
16 defendants were present for that hearing; correct?

17 MR. SNIDER: Yes. That's my understanding.

18 THE COURT: All right.

19 MR. SNIDER: And because the Government was excluded
20 from the Garcia hearing and because I, as counsel of record
21 for the United States in this matter, was not able to be there
22 at all, the Court -- Judge Strauss allowed the Government to
23 submit a memorandum to supplement the record with any
24 pertinent facts or law that the Government wanted the Court to
25 consider before accepting any waiver by the defendants as to

1 their joint representation. The Court allowed the Government
2 a week to do that. I submitted that memorandum last week.
3 And Judge Strauss, the next day, issued an order recognizing
4 in a footnote the Government's memorandum and saying that
5 notwithstanding the points raised, Judge Strauss believed that
6 the issues that I had brought up in my memo the Court had
7 covered and considered with the defendants in that ex parte
8 hearing.

9 And Judge Strauss ruled in that order that the Court
10 found that the waiver of conflict-free counsel was knowing,
11 voluntary, and intelligent under Garcia and has accepted the
12 waiver as such.

13 THE COURT: All right. As I understand from the
14 file, the Government then submitted a written memo, and I
15 think you submitted that memo regarding what potential issues
16 you foresaw as far as Garcia was concerned.

17 I do not know if the defendants have viewed your
18 pleading with the facts as you set forth and whether they have
19 considered that additional information in making a
20 determination as to whether they waive their rights.

21 Judge Strauss is not available until mid-August, so I
22 am going to go ahead and schedule that case today. I'm going
23 to have Judge Strauss in mid-August, based upon his
24 availability, to schedule a continuation of the Garcia matters
25 so that he can review with the defendants, who have a right

1 under Garcia to address the Court personally, directly,
2 regarding the waiver, to have him inquire as to whether they
3 read the Government's memo and whether they persist with their
4 waiver --

5 MR. SNIDER: Okay.

6 THE COURT: -- and just so that we have a clear
7 record on that issue.

8 So I'm going to advise you to direct -- well, I am
9 going to direct that the defendants order the transcript of
10 today's hearing and set that matter before Judge Strauss in
11 mid-August, and Judge Strauss can then issue an order -- I
12 assume will be reaffirming or reasserting that the defendants
13 have waived any conflicts and that the two attorneys may
14 proceed to represent them.

15 And I'm assuming, based upon the file, that both
16 counsel will be representing each defendant rather than one
17 counsel representing one defendant and another counsel the
18 second.

19 MR. SNIDER: Yes.

20 THE COURT: And I assume that's the case just looking
21 at the file.

22 MR. SNIDER: Correct. I have viewed the notices of
23 permanent appearance filed both by Mr. McCray and Mr. Wilcox.
24 And each of their notices of permanent appearance for trial
25 only states that each attorney represents both Carolyn Wade

1 and Tracy Wade.

2 THE COURT: So I'm going to set this case for a trial
3 period beginning October 7th. All right? There will be no
4 extensions. I think the deadline for filing the initial
5 motions is about this time, but the motions of the defense
6 have to be filed in compliance with the standing discovery
7 order and a response in accordance with the standing discovery
8 order so that we can get all of those issues resolved before
9 the October 7th trial date.

10 MR. SNIDER: Okay. The Government filed its response
11 to the standing discovery order last week.

12 THE COURT: And deadline for motions more
13 particularly.

14 MR. SNIDER: Right.

15 THE COURT: In other words, I think that's about
16 today or -- it may have been yesterday --

17 MR. SNIDER: Judge --

18 THE COURT: But --

19 MR. SNIDER: -- I looked at the calendar ahead of
20 this conference, and -- the 7th is fine for the Government. I
21 just wanted to make the Court aware of a few things.

22 One, the previous trial was -- it was six days, but
23 we had a day off, so it was really five days. I anticipate
24 that the Government will call all of the witnesses that were
25 called in the first trial as well as additional witnesses,

1 possibly up to five, maybe less than five if we can reach some
2 stipulations.

3 But I would anticipate, from the Government's
4 perspective, its case in chief to be a little bit longer than
5 the case in chief presented in the first trial given that
6 there's now two defendants and there are several additional
7 charges.

8 THE COURT: I have contemplated that.

9 MR. SNIDER: Right.

10 THE COURT: So just for your information, we are
11 going to start on the 7th --

12 MR. SNIDER: Okay.

13 THE COURT: -- and we will not be in session on the
14 11th, which is a Friday --

15 MR. SNIDER: Yeah, that was the date I was concerned
16 about.

17 THE COURT: -- nor the 14th, which is a federal
18 holiday, Columbus Day. So we will be in session 7 through 10,
19 and 15 and 16 and possibly 17. So I'm hopeful that we will
20 have the case resolved at least by the 17. We'll be in
21 session from about 9:30 until 4:00.

22 MR. SNIDER: Okay.

23 THE COURT: That will be the scheduled time.

24 MR. SNIDER: Okay.

25 THE COURT: All right?

1 So I'm also going to issue an order to show cause
2 with respect to the defense counsel not appearing for today's
3 hearing. I'm not sure what happened, but I'm going to issue
4 an order to show cause, and they need to respond within
5 72 hours as to why there shouldn't be some contempt issues
6 considered. All right?

7 Anything further in this case? I'll ask you to
8 contact defense counsel and communicate the Court's
9 pronouncements today, and I will issue an order with the trial
10 dates that we have just discussed.

11 MR. SNIDER: Judge, very well.

12 With respect to the anticipated reopening of the
13 Garcia hearing in mid-August, does the Government need to be
14 present for that?

15 THE COURT: I think so.

16 MR. SNIDER: When I say present, should it be -- I
17 mean actually participate in the hearing or --

18 THE COURT: Well, that's up to Judge Strauss.
19 Apparently, he had an ex parte hearing initially. I'm not
20 sure what happened. Oftentimes Garcia hearings are not
21 ex parte. For some reason there was an ex parte hearing.
22 Judge Strauss is going to set it and conduct the hearing.

23 MR. SNIDER: Okay. I'll, then, communicate both with
24 defense counsel and Judge Strauss's chambers about
25 availability because I do have some conflicts in mid-August,

1 but I'll take that up with Judge Strauss's chambers.

2 THE COURT: I don't know when he's going to set it.
3 He just indicated he will not be available until mid-August, I
4 think about the 15th.

5 MR. SNIDER: Okay. That's fine.

6 THE COURT: So he will set that accordingly.

7 MR. SNIDER: Very well. Thank you, Your Honor.

8 THE COURT: Thank you very much, sir. Have a good
9 afternoon.

10 MR. SNIDER: You too.

11 (Proceedings concluded at 2:00 PM.)

12
13 CERTIFICATE OF REPORTER

14 I certify that the foregoing is a correct
15 transcription of the record of proceedings in the
above-entitled matter prepared from my stenotype notes.

16
17 DATE: 14th of May, 2025 /s/Lance W. Steinbeisser
18 Lance W. Steinbeisser,
19 FCRR, RPR, FPR-C
20 Official Court Reporter
United States District Court
Southern District of Florida
Miami, Florida

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