

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-60173-CR-WILLIAMS

**UNITED STATES OF AMERICA
Plaintiff,**

v.

**CAROLYN DENISE WADE and
TRACY D. WADE,**

Defendant,

**DEFENDANT CAROLYN WADE'S OBJECTIONS TO THE
PRESENTENCE INVESTIGATION REPORT**

Defendant, Carolyn Wade, through undersigned counsel, respectfully files her Objections to the Presentence Investigation Report (PSIR) dated November 20, 2023. (DE 209). In support thereof, Ms. Wade states:

Offense Conduct

A jury found Ms. Wade guilty of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349; wire fraud, in violation of 18 U.S.C. § 1343; a general conspiracy in violation of 18 U.S.C. § 371; and three counts of false statements against to the Small Business Association (SBA), in violation of 15 U.S.C. 645(a). Ms. Wade accepts responsibility for failing to exercise greater care and due diligence in the reviewing the loan applications prior to signing the SBA loan application. *See* PSIR ¶ 56

However, Ms. Wade humbly submits that she never specially intended to defraud the United States or the Small Business Association. Accordingly, Ms. Wade objects to the paragraphs in the Offense Conduct Section of the PSIR that asserts she agreed with

Haydee Rivero to defraud the United States, and any paragraph that asserts that Haydee Rivero committed fraudulent acts at Ms. Wade's direction.

Paragraph 25: Ms. Wade denies that she agreed with Haydee Rivero or any other person to obtain Paycheck Protection Program (PPP) loans from the SBA based on materially false or fraudulent information,

Paragraph 26: Ms. Wade denies that she agreed with Haydee Rivero or any other person to knowingly and with intent to defraud devise a scheme to and artifice to defraud to obtain money and property by means of materially false pretenses, representations or promises. Furthermore, Ms. Wade submits that she received no property from the offenses of which she was found guilty.

Paragraph 27: Ms. Wade denies directing Haydee Rivero or any other person to create and prepare fictitious Internal Revenue Service (IRS) Schedule C forms for a PPP loan application.

Paragraph 38: Ms. Wade denies directing Haydee Rivero to create a false and fictitious IRS Schedule C for the tax year 2019.

Paragraph 43: The PSIR states that Haydee Rivero received \$1000 from Carolyn Wade as payment for creating a false IRS schedule C. Ms. Wade submits that she paid Haydee Rivero a total of \$5000 for preparing the PPP loan application.

Paragraph 46: The PSIR names six other individuals who received loans based on false IRS schedule C forms created by Haydee Rivero. The list is incomplete. At trial, two defense witnesses, Mr. Wright and Mr. Perez, testified to receiving PPP loans based upon false IRS Schedule C forms created by Haydee Rivero.

Paragraph 51: The PSIR states that Carolyn Wade and Tracy Wade conspired with Haydee Rivero to unlawfully apply for and obtain two PPP loans, each in the amount of \$20,833. Ms. Wade denies conspiring with Haydee Rivero to apply for and obtain a PPP loan for Tracy's loan. Ms. Wade further submits that she should only be held responsible for \$20,833.

Offense Level Computation

Paragraph 60: Ms. Wade objects to the 6-level increase to the base offense level for being accountable for a loss between \$40,000 and less than \$95,000 pursuant to USSG § 2B1.1(b)(1)(D). Ms. Wade submits she is only accountable for \$20,833. Accordingly, the base offense level should only have been increased by 2-levels pursuant to USSG § 2B1.1(b)(1)(C).

If the Court sustains the objection to the loss amount attributable to Ms. Wade, the total offense level would be reduced from level 11 to level 9. At level 9 and Criminal History Category I, the advisory guideline imprisonment range is 4 to 10 months.

Personal and Family Data

Paragraph 77: The PSIR states that at the age of 16, Ms. Wade lived with her grandmother and her boyfriend. This is incorrect. Ms. Wade did not live with her boyfriend at her grandmother's house. She did however, eventually moved from her grandmother's house to live with her boyfriend.

Conclusion

Based upon the foregoing, Ms. Wade respectfully requests that the Court sustain her objections to the Presentence Investigation Report, direct the United States to make the necessary corrections and to impose a sentence consistent with her objections.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was electronically filed with the Clerk of the Court via CM/ECF. I also certify that the foregoing pleading was served electronically on this date on all counsel of record via Notice of Electronic Filing generated by CM/ECF on January 10, 2025.

Respectfully submitted,

/s/ Daryl E. Wilcox.

Daryl E. Wilcox, Esquire

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