

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

CASE NO. 23-cr-60173-KMW

UNITED STATES OF AMERICA

Plaintiff,

vs.

TRACEY WADE and
CAROLYN WADE,

Defendants.

_____ /

AGREED MOTION FOR PRE-SENTENCE PAYMENTS

The United States of America in agreement with the Defendants and pursuant to 28 U.S.C. §§ 1651, 2041 and 2042, moves for an order directing the Clerk of the Court to accept pre-sentence payments toward the criminal restitution judgments to be imposed, and in support thereof states:

1. On October 23, 2024, defendant Tracey Wade was found guilty by a jury of conspiracy to commit wire fraud, wire fraud, conspiracy to make false statements to the SBA, and false statements to the in violation of Title 18, United States Code, Sections 1349, 371, and 645(a). ECF No. 183. On the same date Carolyn Wade was found guilty by a jury wire fraud, conspiracy to commit wire fraud, conspiracy to make false statements to the SBA and false statements to the SBA in violation of Title 18, United States Code, Sections 1349, 371, and 645(a). ECF No. 184. Sentencing is scheduled for January 23, 2025. *Id.*

2. As a result of these convictions and the testimony at trial, restitution judgments will be imposed by this Court.

3. The defendants are each prepared to make a payment toward the impending criminal financial obligation before sentencing on January 23, 2025.

4. The defendants may submit payments by cash, cashier's check, money order, or wire transfer, with instructions to be provided separately, make them payable to "U.S. Courts" and reference "*U.S. v. Tracey and Carolyn Wade*/Case No. 23-cr-60173-KMW/Restitution" and deliver the payments to, Clerk of the Court for the Southern District of Florida, 400 N. Miami Ave., Rm. 8N09, Miami, FL 33128.

5. Pursuant to 28 U.S.C. § 2041, the Clerk of Court is authorized to accept and hold such funds on behalf of the defendants until the time of sentencing. The United States requests that the funds be held in in the Court's Registry until a restitution judgment is imposed against Defendants. Further, pursuant to 28 U.S.C. § 2042, the United States requests an order, that upon the entry of a criminal judgment in this case, the Clerk of the Court is to withdraw and apply the deposited funds and any accrued interest to the restitution judgment imposed against the defendants.

6. The Court has the discretion to order the requested relief pursuant to the All Writs Act, 28 U.S.C. § 1651, which provides that "all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

7. The United States has conferred with counsel for the defendants, Larry Handfield, Esquire, who agrees to this Motion and has attempted to confer with counsel of record Johnny McCray, Jr. via e-mail on December 17, 2024, but has not received a response.

WHEREFORE, the United States moves for an Order directing the Clerk of the Court to accept pre-sentence payments to be held in the Court's Registry until sentencing, and thereafter

apply those funds and any accrued interest toward the restitution judgments imposed against the defendants as provided by law and in accordance with the Clerk's standard operating procedures.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 19, 2024, I electronically filed the foregoing document with the Clerk of Court using CM/ECF.

/s/Danielle Croke
Danielle Croke
Assistant United States Attorney