

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**UNITED STATES OF AMERICA**

v.

**Case No. 8:19-cr-605-WFJ-CPT**

**MICHAEL J. DACORTA**  
\_\_\_\_\_ /

**DEFENDANT’S NOTICE OF FILING DECLARATIONS  
OF AUTHENTICATION OF BUSINESS RECORDS**

Defendant Michael DaCorta, through undersigned counsel, files the attached Declarations of Authentication of Business Records concerning records of the below listed entities. In filing this notice and attached declarations, and serving the same upon the Government, the Defense hereby provides notices that the Defense may offer one or more of the records identified in the Declarations into evidence at trial in this case pursuant to Federal Rules of Evidence 803(6) and 902(11). Said records are in the Government’s possession, and have been produced to Defense, and bear the Bates stamp numbers reflected in this Notice. Under the cited rules, live testimony of a records custodian is not necessary to authenticate these records.

Source	Bates Stamp Range	Declaration of Authentication
Capital One, N.A.	Capitalone-00002; CAPITALONE-7485- 00001-1708; CAPITALONE-7337- 00001-11	Exhibit A (Allison Luscombe)

Wells Fargo	WF-1807-00006-8; WF-1807-00009-18; WF-1807-00027-37; WF-2572-00006-26; WF-3975-00006-258; WF-4635-00006-25	Composite Exhibit B Neynsia Ngha Tonya Smith Lee Siong
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Respectfully submitted,  
A. FITZGERALD HALL, ESQ.  
FEDERAL DEFENDER  
MIDDLE DISTRICT OF FLORIDA

/s/ Adam B. Allen

Adam B. Allen, Esq.  
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/s/ Sylvia Irvin

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/s/ Russell K. Rosenthal

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Email: Russ\_Rosenthal@fd.org

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 15th day of April 2022, a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF, which will send a notice of the electronic filing to:

AUSA Rachelle DesVaux Bedke  
AUSA Frank Murray  
AUSA David Chee

/s/ Adam B. Allen  
Adam B. Allen, Esq.  
Assistant Federal Defender

/s/ Sylvia Irvin  
Sylvia Irvin, Esq.  
Assistant Federal Defender

/s/ Russell K. Rosenthal  
Russell K. Rosenthal, Esq.  
Assistant Federal Defender

**EXHIBIT A**



Attn: 12070-7000  
15000 Capital One Drive  
Richmond, VA 23238-1119  
subpoena@capitalone.com

May 14, 2019

**VIA FEDERAL EXPRESS**

Special Agent Shawn Batsch  
IRS Criminal Investigation  
5971 Cattleridge Blvd  
Suite 104  
Sarasota, FL 34232

**Re: Subpoenaed Entity: Capital One, N.A.**  
**Responding Entity: Capital One, N.A.**  
**Case No./Name: 2018R02352063**  
**Our File Number: 2019-017016**

Dear Special Agent Batsch:

I am writing in response to the subpoena or information request for the above-referenced matter ("Subpoena") directed to the above Subpoenaed Entity. Subject to and without waiving the below objections,<sup>1</sup> the Responding Entity /Entities ("Capital One") has exercised reasonable diligence in searching its systems of record for the documents and/or information reasonably requested by the Subpoena, and the enclosed documents and/or information represent all available documents and/or information yielded by this search. Please note that there are multiple Capital One entities and that the responsive documents produced herewith represent only those in the possession, custody, or control of the Responding Entity/Entities.

Please also note that it is not possible for Capital One or any of its employees to represent that any document production contains "all documents" for any specific customer and/or account. Based upon our interpretation of your request, however, we believe the enclosed documents fully satisfy your request. Capital One shall assume that this response constitutes a full and complete response requiring no further action by Capital One in response to the Subpoena unless you should advise it in writing otherwise within ten days of this letter. If you have any questions, please contact me at [allison.luscombe@capitalone.com](mailto:allison.luscombe@capitalone.com).

Sincerely,  
Allison Luscombe  
Subpoena Fulfillment Team

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<sup>1</sup> To the extent that the above-listed Subpoenaed Entity does not match the above-listed Responding Entity ("Capital One"), Capital One objects to the Subpoena on the grounds that the Subpoena is directed to an incorrect legal entity, as the Subpoenaed Entity does not exist, is not a legal entity, or is not the correct entity to which the Subpoena should be directed. Information regarding the primary Capital One operating subsidiaries and subpoenas to such entities is available from Capital One's website ([www.capitalone.com/legal/subpoena-policy](http://www.capitalone.com/legal/subpoena-policy)). Capital One also objects to the Subpoena to the extent that (1) the method of service of the Subpoena is not specifically authorized by applicable law, (2) the Subpoena has not been issued in full compliance with all applicable law, (3) the Subpoena fails to allot a reasonable period of time for compliance, (4) the Subpoena requests privileged or confidential information, (5) the full scope of the information requested by the Subpoena is not relevant or reasonably calculated to lead to the discovery of admissible evidence, (6) the Subpoena fails to provide sufficient information to uniquely identify some or all of the individuals and/or entities about which information is sought, (7) the full scope of the information requested by the Subpoena is overbroad, (8) compliance with the Subpoena would pose an undue burden and expense upon Capital One, and (9) the Subpoena seeks information that is confidential and proprietary and that will not be produced unless subject to an appropriate protective order. Capital One further reserves its right to assert any additional objection to the Subpoena.

**DECLARATION OF QUALIFIED PERSON  
CERTIFYING THE AUTHENTICITY OF DOMESTIC BUSINESS  
RECORDS AND/OR INFORMATION REFLECTED IN SYSTEMS OF  
RECORD PURSUANT TO FEDERAL RULES OF EVIDENCE 803(6) & 902(11)**

I, the below-signed Declarant, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the information contained in this declaration is true and correct. I am employed by **Capital One Services, LLC**, and in this position I have personal knowledge of the business records and systems of record of and am a qualified person authorized to declare and certify on behalf of **Capital One, N.A. ("Capital One")** the following in accordance with Federal Rules of Evidence 803(6) and 902(11):

1. This Declaration is made in conjunction with Capital One's response to the Grand Jury subpoena issued by **AUSA Rachelle Bedke** in the matter of **2018R02353063** dated **April 11, 2019** ("Subpoena").
2. The documents and/or information attached hereto represent such documents and/or information responsive to any reasonable request of the Subpoena as returned from a reasonably diligent search of Capital One's systems of record and are true and accurate duplicates of the original business records maintained by Capital One and/or true and accurate representations of the information reflected in Capital One's systems of record.
3. In accordance with Federal Rule of Evidence 902(11), I certify that the documents and/or information reflected in Capital One's systems of record attached hereto:
  - (A) were made and/or entered in Capital One's systems of record at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
  - (B) were kept and/or entered in its systems of record in the course of the regularly conducted business activity of Capital One; and
  - (C) were made and/or entered in its systems of record by Capital One as a regular practice during its regularly conducted business activity.
4. Capital One is providing the records and/or information attached hereto to the requested agent of the United States Government, as directed by the Subpoena, to take custody of and present the documents and/or information to the Grand Jury in lieu of an actual appearance by Capital One before the Grand Jury. Capital One understands that this is voluntary on Capital One's part and that Capital One may appear before the Grand Jury with expenses paid, as provided by the applicable U.S. statutes.

I declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing information contained in this declaration is true and correct. Executed as of the below date.

  
\_\_\_\_\_  
Signature of Declarant

5/14/2019  
\_\_\_\_\_  
Date of Declaration

Allison L. Wilczak  
\_\_\_\_\_  
Printed Name of Declarant

**For Capital One Use Only**  
**File #: 2019-017016**

**COMPOSITE EXHIBIT B**



Summons and Subpoenas Department  
 PO Box 1415 MAC #D1111-016  
 Charlotte, NC 28201  
 Voice: (480) 724-2000

**BUSINESS RECORDS DECLARATION**

I, Neynsia Ngha, am over the age of eighteen and I declare that I am employed by Wells Fargo Bank, N.A. ("Wells Fargo") in the Summons and Subpoenas Department and am a duly authorized and qualified witness to certify the authenticity of the attached documents and/or information produced pursuant to the legal order. Wells Fargo reserves the right to designate another Custodian as it deems appropriate in the event an actual appearance is required concerning the records produced. I certify that the attached records:

- A) Were prepared by personnel of Wells Fargo in the ordinary course of business at or near the time of the acts, conditions or events described in the records; and
- B) It was the ordinary course of business for Wells Fargo employees or representatives with knowledge of the act, event, or condition recorded to make the record or transmit the information therein to be included in such record.
- C) The records attached are true and correct copies of the business records as maintained by Wells Fargo.

**The records produced are described as follows:**

Case number: 20973086

Document Type	Account #	Paper Count	Total Copies
Signature Cards	XXXXXX3887	4	4
Checks Only	XXXXXX2805	6	6
Statements	XXXXXX2805	6	6
XCC Applications	XXXXXXXXXXXX4152	5	5
Signature Cards	XXXXXX4429	7	7
Deposits with offsets	XXXXXX4429	31	31
XCC Statements	XXXXXXXXXXXX3678	72	72
Signature Cards	XXXXXX3967	5	5
Statements	XXXXXX3887	0	0
Statements are combined with account ending 3887,9302			
Statements	XXXXXX4437	131	131
Signature Cards	XXXXXX3975	5	5
Deposits with offsets	XXXXXX3975	0	0
All transactions requested are electronic and no images are available			
Checks Only	XXXXXX4429	11	11
Checks Only	XXXXXX3975	26	26
Statements	XXXXXX1424	239	239
Checks Only	XXXXXX1424	20	20
WFAuto Statements	XXXXXX4517	1	1
Deposits with offsets	XXXXXX4437	44	44
WFAuto Contract	XXXXXX2901	2	2
Signature Cards	XXXXXX1424	6	6
Deposits with offsets	XXXXXX2805	0	0

Case No: 20973086; Agency Case No: 2018R02352014



All transactions requested are electronic and no images are available

WFAuto Statements	XXXXXX2901	1	1
Checks Only	XXXXXX9302	1,024	1,024
Statements	XXXXXX1807	11	11
Signature Cards	XXXXXX2805	5	5
Statements	XXXXXX2850	126	126
Checks Only	XXXXXX1396	0	0
No records found with the information provided			
Signature Cards	XXXXXX1807	5	5
Signature Cards	XXXXXX9302	4	4
Checks Only	XXXXXX1807	0	0
No records found with the information provided			
Checks Only	XXXXXX4437	0	0
No records found with the information provided			
XCC Statements	XXXXXXXXXXXX5863	8	8
Checks Only	XXXXXX3967	52	52
Statements	XXXXXX3967	48	48
Statements	XXXXXX1396	51	51
Checks Only	XXXXXX2850	53	53
Deposits with offsets	XXXXXX9302	592	592
Statements	XXXXXX4429	138	138
Deposits with offsets	XXXXXX1807	0	0
No records found with the information provided			
Deposits with offsets	XXXXXX1424	188	188
WFAuto Contract	XXXXXX4517	2	2
XCC Statements	XXXXXXXXXXXX9642	46	46
Deposits with offsets	XXXXXX1396	12	12
Signature Cards	XXXXXX4437	7	7
Statements	XXXXXX9302	444	444
Signature Cards	XXXXXX1396	6	6
Deposits with offsets	XXXXXX2850	50	50
Checks Only	XXXXXX3887	0	0
No records found with the information provided			
Signature Cards	XXXXXX2850	4	4
Deposits with offsets	XXXXXX3887	3	3
XCC Statements	XXXXXXXXXXXX4152	8	8
Deposits with offsets	XXXXXX3967	2	2

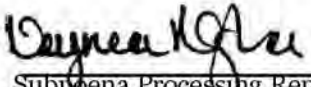
Total Copies Delivered: 3,581

Additional comments: Unable to locate safe deposit box, certificate of deposit, applications for accts ending in 3678, 5863, and 9642 as those applications were submitted electronically. Unable to locate accounts for Joseph Salvatore, Raymond Montie and Mary Anile.

**Additional comments:**

The bank's standard record retention period is seven years.

I declare under penalty of perjury under the law(s) of the state of Florida that the foregoing is true and correct according to my knowledge and belief. Executed on this 27th day of December, 2018, in the City of Charlotte, State of NORTH CAROLINA.



Subpoena Processing Representative

Image copies of requested transactions may be missing for the following reasons: Items not imaged, corrupted, blank, damaged, destroyed or not available, item(s) piggy-backed, electronic transaction(s). If the legal order requests certain types of loan information and other non-depository information, it was forwarded to other departments and they will respond to you directly.



Summons and Subpoenas Department  
 PO Box 1415 MAC #D1111-016  
 Charlotte, NC 28201  
 Voice: (480) 724-2000

**BUSINESS RECORDS DECLARATION**

I, Tonya Smith, am over the age of eighteen and I declare that I am employed by Wells Fargo Bank, N.A. ("Wells Fargo") in the Summons and Subpoenas Department and am a duly authorized and qualified witness to certify the authenticity of the attached documents and/or information produced pursuant to the legal order. Wells Fargo reserves the right to designate another Custodian as it deems appropriate in the event an actual appearance is required concerning the records produced. I certify that the attached records:

- A) Were prepared by personnel of Wells Fargo in the ordinary course of business at or near the time of the acts, conditions or events described in the records; and
- B) It was the ordinary course of business for Wells Fargo employees or representatives with knowledge of the act, event, or condition recorded to make the record or transmit the information therein to be included in such record.
- C) The records attached are true and correct copies of the business records as maintained by Wells Fargo.

**The records produced are described as follows:**

Case number: 21380756

Document Type	Account #	Paper Count	Total Copies
Deposits with offsets All transactions requested are electronic and no images are available	XXXXXX3975	0	0
1099 - Wells Fargo Note to Client: Unable to locate 1099 for requested individual/entity (MARY ANN ANILE)	XXXXXX3975	0	0
Deposits with offsets All transactions requested are electronic and no images are available	XXXXXX2850	0	0
XCC Statements	XXXXXXXXXXXX5863	24	24
Checks/Debits	XXXXXX2572	1	1
Checks/Debits	XXXXXX3967	34	34
Letter of Credit Unable to locate Letter of Credit associated with tax id ending in 8813.		0	0
Letter of Credit Note to Client: Unable to locate Letters of Credit for provided individual/entity (JOSEPH S ANILE II).		0	0
Checks/Debits	XXXXXX2850	9	9
1099 - Wells Fargo	XXXXXX3967	0	0

Case No: 21380756; Agency Case No: 2018r02352044

Note to Client: Unable to locate 1099 for requested individual/entity (JOSEPH S ANILE II).			
1099 - Wells Fargo	XXXXXX1424	0	0
Note to Client: Unable to locate 1099 for requested individual/entity (CAROLYN DACORTA).			
WFAuto Statements	XXXXXX4517	1	1
Signature Cards	XXXXXX3887	4	4
Statements	XXXXXX9302	28	28
XCC Statements	XXXXXXXXXXXX9642	18	18
WFAuto Contract	XXXXXX4517	2	2
Statements	XXXXXX1424	17	17
XCC Statements	XXXXXXXXXXXX4635	12	12
Signature Cards	XXXXXX1396	6	6
Deposits with offsets	XXXXXX1424	12	12
Statements	XXXXXX2805	13	13
Letter of Credit		0	0
unable to locate letter of credit for: CAROLYN M DACORTA			
Deposits with offsets	XXXXXX1396	4	4
Signature Cards	XXXXXX3967	5	5
Checks/Debits	XXXXXX2805	27	27
Statements	XXXXXX3887	0	0
statements are combined with acct ending 9302			
Deposits with offsets	XXXXXX2805	0	0
All transactions requested are electronic and no images are available			
1099 - Wells Fargo	XXXXXX1424	0	0
Note to Client: Unable to locate 1099 for requested individual/entity (MICHAEL DACORTA).			
Letter of Credit		0	0
Note to Client: Unable to locate Letters of Credit for provided individual/entity (MICHAEL DACORTA).			
Checks/Debits	XXXXXX3887	0	0
All transactions requested are electronic and no images are available			
Signature Cards	XXXXXX9302	4	4
Signature Cards	XXXXXX2805	5	5
Signature Cards	XXXXXX1424	6	6
WFAuto Contract	XXXXXX2901	2	2
WFAuto Statements	XXXXXX2901	1	1
Checks/Debits	XXXXXX1424	3	3
Statements	XXXXXX1396	16	16

Case No: 21380756; Agency Case No: 2018r02352044

Deposits with offsets	XXXXXXXX3967	9	9
Statements	XXXXXXXX3975	30	30
Statements	XXXXXXXX3967	20	20
Statements	XXXXXXXX2572	8	8
Checks/Debits	XXXXXXXX1396	0	0
All transactions requested are electronic and no images are available			
Signature Cards	XXXXXXXX2572	5	5
Checks/Debits	XXXXXXXX9302	62	62
XCC Statements	XXXXXXXXXXXXX4152	16	16
XCC Applications	XXXXXXXXXXXXX4152	5	5
XCC Applications	XXXXXXXXXXXXX4635	5	5
Deposits with offsets	XXXXXXXX2572	2	2
Signature Cards	XXXXXXXX3975	3	3
Deposits with offsets	XXXXXXXX9302	31	31
Signature Cards	XXXXXXXX2850	4	4
XCC Statements	XXXXXXXXXXXXX3678	0	0
Note to Client: Unable to locate Statements for account ending (3678) within time frame requested.			
Deposits with offsets	XXXXXXXX3887	0	0
All transactions requested are electronic and no images are available			
Statements	XXXXXXXX2850	16	16
Checks/Debits	XXXXXXXX3975	64	64
<b>Total Copies Delivered:</b>			<b>534</b>

Additional comments: Unable to locate any safe deposit or certificate of deposit accounts. Credit cards ending in 3678, 5863, 9642 application was processed electronically.

**Additional comments:**

The bank's standard record retention period is seven years.

I declare under penalty of perjury under the law(s) of the state of Florida that the foregoing is true and correct according to my knowledge and belief. Executed on this 11th day of April, 2019, in the City of Charlotte, State of NORTH CAROLINA.


  
 \_\_\_\_\_  
 Subpoena Processing Representative

Image copies of requested transactions may be missing for the following reasons: Items not imaged, corrupted, blank, damaged, destroyed or not available, item(s) piggy-backed, electronic transaction(s). If the legal order requests certain types of loan information and other non-depository information, it was forwarded to other departments and they will respond to you directly.



Summons and Subpoenas Department  
 PO Box 1415 MAC #D1111-016  
 Charlotte, NC 28201  
 Voice: (480) 724-2000

**BUSINESS RECORDS DECLARATION**

I, Lee Siong, am over the age of eighteen and I declare that I am employed by Wells Fargo Bank, N.A. ("Wells Fargo") in the Summons and Subpoenas Department and am a duly authorized and qualified witness to certify the authenticity of the attached documents and/or information produced pursuant to the legal order. Wells Fargo reserves the right to designate another Custodian as it deems appropriate in the event an actual appearance is required concerning the records produced. I certify that the attached records:

- A) Were prepared by personnel of Wells Fargo in the ordinary course of business at or near the time of the acts, conditions or events described in the records; and
- B) It was the ordinary course of business for Wells Fargo employees or representatives with knowledge of the act, event, or condition recorded to make the record or transmit the information therein to be included in such record.
- C) The records attached are true and correct copies of the business records as maintained by Wells Fargo.

**The records produced are described as follows:**

Case number: 21122816

Document Type	Account #	Paper Count	Total Copies
TCP/IP Address	XXXXXX3975	30	30
TCP/IP Address	XXXXXX4429	189	189
TCP/IP Address	XXXXXX3887	189	189
TCP/IP Address	XXXXXX2850	189	189
TCP/IP Address	XXXXXX3967	217	217
<b>Total Copies Delivered:</b>			<b>814</b>

**Additional comments:**

The bank's standard record retention period is seven years.

I declare under penalty of perjury under the law(s) of the state of Florida that the foregoing is true and correct according to my knowledge and belief. Executed on this 14th day of February, 2019, in the City of Charlotte, State of NORTH CAROLINA.


  
 \_\_\_\_\_  
 Subpoena Processing Representative

Image copies of requested transactions may be missing for the following reasons: Items not imaged, corrupted, blank, damaged, destroyed or not available, item(s) piggy-backed, electronic transaction(s). If the legal order requests certain types of loan information and other non-depository information, it was forwarded to other departments and they will respond to you directly.