

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

UNITED STATES OF AMERICA

-vs-

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

MICHAEL J. DACORTA

CLERK'S MINUTES

Proceeding: Evidentiary Hearing re: Motion to Suppress (Doc. 43)
Courtroom 12B

Judge: Christopher P. Tuite, U.S. Magistrate Judge
Deputy Clerk: Ashley Sanders
USPO: none
Court Reporter: Melissa Pierson
Interpreter: none

Date: June 15, 2021
Time: 9:18 AM
Recess: 4:35 PM
Total Time: 6 hours 13 min

Counsel for USA: David Chee, Frank Murray and Rachelle Bedke
Counsel for Defendant: Jessica Casciola and Adam Allen

Court calls case and counsel enters appearances.

9:21 AM Government calls IRS Agent Shawn Batsch.
Witness sworn.
Direct examination by Attorney Chee.
Government moves to admit government exhibits 1, 2, 3, 4, 5. No objections.
Exhibits admitted.
Cross-examination by Attorney Casciola.
Defense shows witness defense exhibit 8 to recollect his memory. Defense
moves to admit defendant exhibit 6. No objection. Exhibit admitted.

10:30 AM Recess.

10:40 AM Attorney Casciola continues cross-examination of Agent Batsch.
Re-Direct by Attorney Chee.

11:25 AM Government calls Burton Wiand.
Witness sworn.
Direct examination by Attorney Murray.
Cross-examination by Attorney Casciola.

Re-Direct by Attorney Murray.
Re-Cross by Attorney Casciola.

12:31 PM Recess.

1:35 PM Court back in session.

1:36 PM Government calls Richard Volp.
Witness sworn.
Direct examination by Attorney Chee.
Cross-examination by Attorney Casciola.
Re-direct by Attorney Chee.
Re-cross by Attorney Casciola.

Shawn Batsch and Richard Volp released.

2:34 PM Defense called Carolyn DaCorta.
Witness sworn.
Direct examination by Jessica Casciola.

3:03 PM Recess.

3:23 PM Court back in session.
Cross-examination by Attorney Murray.
Re-direct examination by Attorney Casciola.
Witness released.

3:46 PM Defense calls Crystal DaCorta.
Witness sworn.
Direct examination by Attorney Casciola.
Cross-examination by Attorney Chee.
Re-direct examination by Attorney Casciola.
Witness released.

Court inquires as to statements made to CFTC agents. Defense moves to suppress any identical overlap statements made to CFTC and Agents Volp and Batsch. Defense was unaware of an interview with CFTC until after the motion to suppress was filed. Government was unaware of the CFTC notes until after the motion was file. Government is not seeking to use statements made to the CFTC alone.

Parties to submit post hearing supplemental briefing, findings of fact and conclusions of law. Transcript to be completed in 7 days. Post-trial briefing to be filed on or before July 19, 2021.

Recess.