

emUNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

Case No. 3:16-cr-93-J-32JRK

CORRINE BROWN

**UNITED STATES' MEMORANDUM OPPOSING DEFENDANT
CORRINE BROWN'S MOTION FOR JUDGMENT OF ACQUITTAL**

Corrine Brown's Motion for Judgment of Acquittal (doc. #188) is without merit and should be denied. The thrust of the motion is that there was no direct evidence presented at trial of the defendant's criminal intent. The defendant's motion overlooks (and outright ignores) the extensive proof that the defendant intentionally participated in a three-year scheme to syphon cash from the coffers of the bogus charity One Door for Education. The defendant fails to acknowledge that her subordinate and co-conspirator, Ronnie Simmons, testified that *she directed him* to give her cash that she raised for One Door for Education. The defendant also ignores compelling evidence that she knowingly and intentionally lied on her required financial disclosure forms and Form 1040 tax returns in an effort to conceal her systemic fraud.¹

¹ In the interest of a concise presentation and because of the Court's and parties' familiarity with the case, this filing does not include an extensive recitation of procedural history or a comprehensive summary of all evidence admitted at trial.

I. Legal Framework Under Rule 29(c)

Crucial to the evaluation of the defendant's post-verdict motion for acquittal is the legal framework that applies under Federal Rule of Criminal Procedure 29(c). "In seeking a post-verdict judgment of acquittal, [the defendant] faces an uphill climb." *United States v. Nelson*, 3:10-cr-23-J-32TEM, 2011 WL 3897959, at *1 (M.D. Fla. Sept. 6, 2011). The defendant only is entitled to relief if the evidence – examined in a light most favorable to the prosecution – was insufficient to support the jury's guilty verdict. *United States v. Williams*, 390 F.3d 1319, 1323 (11th Cir. 2004). In making this determination, "[a]ll credibility choices must be made in support of the jury's verdict." *Id.* (reversing grant of judgment of acquittal because the district court erroneously credited defendant's testimony). Thus, a motion for judgment of acquittal is not the vehicle for rehashing "jury arguments" that failed to convince at trial. *Nelson*, 2011 WL 3897959, at *2. Rather, if any reasonable jury could find that the evidence established guilt beyond a reasonable doubt, then the court must deny the motion for acquittal. *Williams*, 390 F.3d at 1324.²

² The defendant's motion purports to summarize at length her own trial testimony. In light of the verdict, it is fair to assume that the jury did not believe the defendant's protestations of innocence on the witness stand. The jury was permitted to view the defendant's false testimony as further evidence of her guilt. *Williams*, 390 F.3d at 1325-26. In any event, while resolving this motion, the court should deem the defendant's exculpatory testimony to be false. *Id.* at 1324-26; *but see id.* at 1326 (Corrigan, J. concurring) (agreeing a defendant's testimony can be disbelieved, but questioning whether an appellate court evaluating Rule 29(c) motion can rely on defendant's denial of guilt as substantive evidence of guilt).

II. There Was Ample Evidence of the Defendant's Intent to Defraud

The defendant first argues that there was insufficient evidence of her criminal intent to participate in any mail or wire fraud conspiracy or scheme. Mot. at 12-13. In making this assertion, Corrine Brown posits that Ronnie Simmons and Carla Wiley conspired and perpetrated such schemes – but she denies being a knowing participant. *Id.* at 16-17. This argument ignores the bulk of the evidence presented at trial.

A. The Defendant Was a Principal Financial Beneficiary of the Fraud

That the defendant was a principal financial beneficiary of the conspiracy to commit fraud is powerful evidence of her knowing and intentional participation in the conspiracy and fraudulent scheme. Bank records and the testimony of FBI Special Agent Vanessa Stelly and FBI Forensic Accountant Kimberly Henderson established that approximately \$37,000 in cash flowed from donors to One Door for Education to Corrine Brown's personal bank accounts. This evidence was corroborated by Ronnie Simmons, who explained that, acting at the defendant's direction, he repeatedly withdrew cash from the One Door account and deposited it in the defendant's accounts, and handed the cash to Corrine Brown in person (sometimes in her congressional office). Henderson also testified that, based on an analysis of the defendant's finances, the defendant needed the infusion of cash that One Door (and other sources) provided to support her lifestyle and spending habits.

Without the illegal proceeds, the defendant would have been broke.

In addition to the cash that went directly to the defendant, records and testimony established that over \$300,000 raised for One Door was spent on events promoting or otherwise benefitting the defendant, including the TPC golf tournament, outings to an NFL game and a Beyoncé concert, and annual galas honoring the defendant during the week of the Congressional Black Caucus Foundation's Annual Legislative Conference (the CBCF-ALC). The evidence established that none of these events raised money for a single scholarship or educational opportunity for a disadvantaged child.³

In short, the jury could have reasonably found that the defendant was an intentional and culpable participant in the One Door for Education fraudulent scheme based solely on the extent of the benefits that she received. It defies logic to believe that Simmons would perpetrate the One Door for Education conspiracy with Wiley, and then provide the lion's share of the benefits to his boss, including

³ The defendant also highlights testimony from Simmons that both he and the defendant believed that certain events funded by One Door for Education had a charitable purpose, in as much as the events had the potential to raise money for scholarships. Mot. at 17. There was no showing, however, that these fundraisers – held year after year – actually raised any money for scholarships or educational opportunities. In fact, there was scant evidence that the defendant, Simmons, or Wiley, spent One Door money on many charitable pursuits. As such, the jury was not obligated to credit Simmons' rationalizations about his good intentions nor his speculation that the defendant shared his good intentions. Even if Simmons and the defendant hoped to raise money for charity at these events (which never occurred), the jury was free to find that Brown and Simmons also intended to keep (and did keep) a portion of the donor money for themselves – which is fraud. This portion of Simmons' testimony does nothing to counteract the substantial evidence of the defendant's criminal intent.

depositing cash directly into her personal Bank of America account, all without her knowledge and participation.

B. The Defendant Asked For Money, Then Stole It

The evidence further established that the defendant was not merely a passive beneficiary of the conspiracy. For approximately three years, the defendant participated firsthand in raising significant funds for One Door for Education. Simmons testified that in 2012, One Door for Education was introduced to the defendant – not as a charity worthy of support – but as Wiley’s non-profit that the defendant and Simmons could use to raise money for Corrine Brown’s annual celebration (of herself) during the CBCF-ALC. Donor testimony established that the defendant began fundraising for One Door, touting its charitable and educational focus. Corrine Brown did so in the absence of any information that One Door was issuing scholarships or otherwise doing good for disadvantaged children; in this regard, Wiley testified that the defendant never inquired with her about how One Door’s money was being spent. Instead, the defendant pursued fundraising, told the donors (some of whom donated over \$50,000) that their donations would be used to purchase laptops or iPads, or to keep kids out of trouble – none of which was

true.⁴ Certain donors testified that she told them that the “charity” was her own or that she founded it – also not true. Corrine Brown never disclosed to donors that almost immediately after she began her fundraising, Simmons began giving her a cut of the One Door proceeds. The defendant’s fundraising efforts and subsequent personal use of the money raised is clear evidence of her fraudulent intent.

C. Simmons Handed the Defendant Blank One Door Checks and Facilitated Large Deposits into her Bank Accounts

The defendant’s motion also fails to mention evidence introduced at trial regarding the defendant’s handling of One Door for Education checks. Simmons testified that, at times, the defendant directed him to provide her with checks from the One Door account, signed, but typically with the payee and amount lines left blank. Bank records and Voncier (Von) Alexander’s testimony established that the defendant provided checks to Alexander and instructed her how to fill out the checks and route the money through The Alexander Agency account. Alexander testified (and the bank records confirmed) that Alexander typically deposited checks (including One Door checks) into The Alexander Agency bank account, then

⁴ The defendant appears to argue that, in addition to having no criminal intent, her statements to donors were actually true (and therefore not fraudulent) because she asked for support for the fundraiser events and those events actually occurred. Mot. at 15-16. This argument mischaracterizes (or fails to credit) donor testimony that the defendant’s solicitations were not limited to asking for donations to pay for fundraisers. The argument overlooks the fact that the defendant fraudulently concealed from donors that One Door had only awarded two scholarships in its entire history, that its fundraisers never raised funds, and the defendant was receiving cash from the One Door account.

withdrew cash, which she then handed to, or deposited into the bank accounts of Corrine Brown and Shantrel Brown.

Simmons also testified that he handed the defendant one particular One Door check, which bank records established was deposited into Shantrel Brown's bank account at a Bank of America location in Beverly Hills, California. This occurred while Shantrel Brown and the defendant (but not Simmons or Wiley) were shopping in the Los Angeles area. The \$3,000 check was made payable to Shantrel Brown's bank account number (rather than simply to Shantrel Brown), and the memo line read "children summer camps." The money was not used for children's summer camps. Bank records established that after the check was deposited, Shantrel Brown transferred \$1,000 to her mother's bank account, which the defendant then spent on herself.⁵

This practice of obtaining money by making false and fraudulent misrepresentations and promises, and then laundering the money through The Alexander Agency bank account, was not solely limited to One Door for Education checks. The jury found the defendant guilty of Counts 7 (mail fraud) and 15 (wire fraud), which alleged the defendant defrauded Dr. Richard Lipsky. The evidence at trial showed that while in Manhattan with Shantrel Brown (Simmons and Wiley

⁵ When asked about the circuitous ways that cash was funneled to the defendant from the One Door account, Simmons explained that writing checks from the One Door account directly to the defendant would have been too easy to detect, in his words, "too obvious."

were not present) on September 15, 2014, the defendant convinced Dr. Lipsky to give her a blank check for \$10,000 to cover certain printing costs associated with the October 2014 commemorative edition of the Onyx magazine featuring the defendant before the November 2014 election cycle. After obtaining the \$10,000 check (from the Roseland Ambulatory Surgery Center account) with the payee left blank, Corrine Brown provided the check to Simmons, told Simmons to write “The Alexander Agency” in the payee line (which Simmons did), and then instructed him to send the check to Von Alexander (which Simmons did via Federal Express). Corrine Brown then directed Von Alexander to deposit the check in The Alexander Agency bank account. Von Alexander testified (and the bank records illustrated) that the defendant directed Von Alexander to make a series of cash withdrawals and subsequent deposits into the Bank of America accounts of the defendant and her daughter over a period of three days. This resulted in \$8,000 of the \$10,000 being deposited into the personal Bank of America accounts of Corrine and Shantrel Brown. The money was not used for the publication or printing of the Onyx magazine.

D. The China Trip Does Not Exonerate Corrine Brown

The defendant’s motion makes much of the fact that One Door funds were used to pay for students’ travel to China. Mot. at 10. Testimony and records established that the China trip took place in the summer of 2015, almost three years

after the defendant began fraudulently raising and stealing One Door for Education money. Prior to working on the China Trip, the defendant pocketed tens of thousands of dollars in One Door cash. By then, the defendant was well aware of her ability to raise large sums of money for One Door, and that she would be able to continue to steal money when donor money poured in to fund the China Trip – which is precisely what happened. In July 2015, Ronnie Simmons (at the request of Corrine Brown) deposited approximately \$2,300 in One Door money into Corrine Brown’s personal Bank of America account. Thus, while the China Trip occurred and arguably had some educational value, the defendant nevertheless failed to inform donors that while she planned, organized, and raised funds for the China Trip, she continued to steal money from One Door for Education. This is fraud.

E. The Jury Had Ample Evidence to Determine Corrine Brown’s Criminal Intent to Commit Fraud

There was ample evidence for the jury to determine that Corrine Brown had the requisite criminal intent to conspire to commit, and to aid and abet the commission of, mail and wire fraud. Viewed in the light most favorable to the government, *see Williams*, 390 F.3d at 1323, the evidence established beyond a reasonable doubt that a sitting Member of the United States House of Representatives used her position of trust to raise money for a bogus charity that did little (if any) good, told donors who wrote large checks to One Door for Education that it was her charity of choice, had her chief of staff use the One Door ATM card

and check book to funnel money to her personal bank accounts, all of which coalesced to finance Corrine Brown's continued desire to live outside of her means and spend money she was not entitled to receive. This Honorable Court should deny Corrine Brown's motion for judgment of acquittal as to Counts 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, and 17.

III. The Jury's Acquittal on Four of Twenty-Two Counts Provides No Grounds for a Wholesale Acquittal

The defendant next argues that "her innocence" is established by the fact that the jury only found her guilty of eighteen of the twenty-two counts in which she was charged. *See* Mot at 17. (The jury acquitted Corrine Brown on Counts 3, 5, 14, and 16.) According to the defendant, "[i]t makes no logical sense that the jury could believe that the defendant was part of a scheme to commit wire and mail fraud and yet acquit her on these counts." *Id.* at 17.

There is no legal support for the defendant's assertion that convictions on most counts and acquittals on certain counts warrants an outright acquittal. In this context, "[t]he Supreme Court has plainly determined that jury verdicts are 'insulate[d] from review' on the ground that they are inconsistent." *United States v. Mitchell*, 146 F.3d 1338, 1344 (11th Cir. 1998) (quoting *United States v. Powell*, 469 U.S. 57, 68-69 (1984); citing *Dunn v. United States*, 284 U.S. 390 (1932)). "[A]s long as the guilty verdict is supported by sufficient evidence, it must stand, even in the face of an inconsistent verdict on another count." *Id.* at 1345.

There is ample evidence to sustain the counts of conviction. As such, there is no reason to speculate (and the Court is not permitted to do so) as to why the jury elected to acquit the defendant on Counts 3, 5, 14, and 16. This legally unsupportable argument provides no grounds for relief.

IV. There Is Sufficient Evidence to Support the Jury's Verdict as to the Tax Counts and Scheme to Conceal Material Facts

The defendant argues that there is insufficient evidence to support her convictions as to Count 19 (Scheme to Conceal Material Facts), Count 21 (Corrupt Endeavor to Obstruct and Impede the Due Administration of the Internal Revenue Law), and Counts 22 through 24 (Filing False Tax Returns). Mot. at 18. Consistent with her trial testimony, the defendant's motion appears to concede that the annual financial disclosures and tax filings at issue in these counts were false, but that this was due to negligence, and not due to knowing or intentional criminal wrongdoing. *See id.*

This position is inconsistent with the trial testimony of prosecution witnesses whom, for the purpose of this motion, the court must credit. *See Williams*, 390 F.3d at 1323. According to Ronnie Simmons, Carolyn Chatman, and Portnoy CPA Dawn Wright, the defendant herself provided the materially false information that was included in the defendant's annual financial disclosures and tax returns. That information was sometimes communicated through intermediaries, like Chatman, but the defendant was the originating source. As such, when the defendant's

financial disclosure forms and tax returns failed to disclose as income cash syphoned from the One Door for Education account and other sources, the jury had ample evidence to find that the defendant knowingly perpetrated those false statements and material omissions. Likewise, when the defendant's tax returns claimed deductions for inflated or fictitious charitable contributions, the jury had sufficient evidence to find that the defendant (who received all of her legitimate pay from the taxpayers) lied on her tax returns for several years.

As to intentionally omitting income from her Form 1040 Return, there was ample evidence spanning tax years 2010 through 2014 that Corrine Brown knowingly and intentionally engaged in a scheme and otherwise filed tax returns that contained materially false information concerning taxable income. Bank records and the testimony of FBI Forensic Accountant Kimberly Henderson and IRS-CI Special Agent Shawn Batsch, together with the Form 1040 returns admitted into evidence and covered with Portnoy CPA Dawn Wright, established that those returns failed to disclose income that Brown received from numerous sources. Those sources include One Door for Education, Community Rehabilitation Center (CRC) entities, LaPool Training and Education, LLC, Brown's campaign account (The Friends of Corrine Brown), and various checks directed to The Alexander Agency (originating from One Door for Education and also non-One Door sources) that resulted in cash deposits into Corrine Brown's personal bank accounts. There

was ample evidence for the jury to reject Brown's various theories as to why she could legally receive this money that, she claimed, was not subject to taxation.⁶

This evidence of streams of cash that went unreported on tax returns also serves to support the jury's finding of guilt as to Count 19, which concerned Corrine Brown's scheme to conceal these sources of income from the House of Representatives and the public. Brown was required by law to prepare and file with the House annual financial disclosure forms, thereby publically disclosing all "earned income" – a comprehensive reporting category that included "all income from whatever source derived." Simmons testified that the Member of Congress was responsible to see that those forms were prepared and reviewed prior to filing. Nevertheless, Brown's forms for calendar years 2012 through 2015 disclosed none of the cash streams described above. Such evidence is sufficient to prove that these omissions were intentional, and part of the defendant's scheme to hide her illicit income from public disclosure.

As to false charitable contributions, the government admitted sufficient evidence for the jury to find that Brown knowingly and intentionally lied about her

⁶ These theories included that Brown routinely received proper reimbursements, Von Alexander was paying back money she owed to Corrine Brown, Ronnie Simmons decided to give Corrine Brown his travel reimbursement money, Reginald Gaffney determined to give money to Corrine Brown, and the large sums of cash "gifts" over the years originated from Christmas, birthdays, and boyfriends. The jury appears to have discredited Corrine Brown's testimony, and instead credited the government's evidence, which this Court must also credit for purposes of this motion.

tax deductions dating all the way back to tax year 2008 – seven tax years of intentionally deceiving the IRS. Illustrative of the defendant’s criminal intent regarding her claimed charitable deductions for tax years 2008 through 2014 are: (1) the testimony of Edward Waters College employees Charles McCormick and Linda Foster that furniture Brown claimed she donated to the college in 2008 and 2009 had been at the college since the late 1990s and early 2000s; (2) the near annual letters from Reginald Gaffney at CRC, claiming that Brown gave tens of thousands of dollars by cash or check and in-kind contributions (none of which could be substantiated) to the CRC; (3) Brown’s claims that she donated by cash or check to One Door for Education in 2012 (in the amount of \$12,500), 2013 (\$5,000), and 2014 (\$7,000) - none of which occurred;⁷ (4) Brown’s inflation of her claimed donations to Bethel Baptist Church in 2013 (\$6,100) and 2014 (\$7,200), which did not match the donation statements admitted into evidence through April Green, which showed Brown’s actual giving to Bethel in 2013 (\$3,445) and 2014 (\$4,378); (5) Brown’s claimed donations to New Destiny Christian Center in 2012 (\$1,000), 2013 (\$2,500), and 2014 (\$2,500), which far surpassed her actual giving to New Destiny during

⁷ Dawn Wright testified (consistent with notations in her work papers) that Corrine Brown herself told Wright that she gave \$12,500 by cash or check to One Door for Education in tax year 2012. The evidence showed just the opposite – Corrine Brown never gave money to One Door, and 2012 was the year that Brown began helping herself (via Simmons) to One Door cash.

those three tax years (a total of \$50);⁸ and (6) Brown's claimed donation in tax year 2014 to Clara White Mission of \$3,500, which CEO Ju'Coby Pittman testified never occurred.

In sum, there was ample evidence for the jury to convict Corrine Brown on Counts 19, 21, and 22 through 24. Those verdicts should go undisturbed.

CONCLUSION

In view of the foregoing, the United States respectfully requests that this Honorable Court deny the defendant's motion for judgment of acquittal.

Respectfully submitted,

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⁸ Corrine Brown testified that the differences between her claimed donations and the Churches' documentation were attributable to separate "love offerings" given in cash at the altar of each Church during those years. Brown even retreated from this position during cross-examination and admitted that her purported love offerings could not make up the difference between her claimed giving and the actual giving.

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CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

James Wesley Smith, III (Counsel for Corrine Brown)

/s/ Michael J. Coolican

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