NOT FOR PUBLICATION

In the

United States Court of Appeals

For the Eleventh Circuit

No. 23-12037
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TRAVIS DEMOND ROLLINS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:22-cr-20464-RNS-1

Before NEWSOM, ABUDU, and ANDERSON, Circuit Judges.

PER CURIAM:

Travis Rollins appeals his convictions and restitution order for wire fraud, in violation of 18 U.S.C. §§ 1343 and 2; money laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(B)(i) and 1957(a); and aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1). After careful review, we affirm Rollins's convictions and dismiss as moot his appeal of the restitution order.

The facts are known to the parties, and we will not recite them except as necessary to decide the issues presented.

I

We begin with Rollins's argument that the district court erred by allowing Jay Beskin, an attorney for All Items Moved, to testify.[1] We agree with the district court that Beskin was acting as an attorney for the company, not Rollins, and that Rollins therefore cannot assert attorney-client privilege.

The attorney-client privilege protects the disclosures made by a client to his attorney, in confidence, "for the purpose of securing legal advice or assistance." *In re Renco Grp. Inc.*, 164 F.4th 1336, 1344 (11th Cir. 2026). The attorney-client privilege "belongs solely to the client," who may waive it either expressly or by implication. *Id.* (citation modified). The party invoking attorney-client privilege has the burden of proving that the relationship existed and the particular protected communications were confidential. *United States v. Schaltenbrand*, 930 F.2d 1554, 1562 (11th Cir. 1991).

[1] We normally review a district court's evidentiary rulings for an abuse of discretion. *United States v. Holley*, 166 F.4th 139, 148 (11th Cir. 2026). The parties dispute whether Rollins properly objected to Beskin's testimony; if he didn't, our review would be limited to plain error. *See United States v. Calderon*, 127 F.3d 1314, 1334 (11th Cir. 1997). Because we conclude that there was no error, we needn't wade into the plain-error debate.

Here, we conclude that Rollins has failed to show that Beskin was his attorney. Although Rollins initially hired Beskin, the lawyer was retained to assist in incorporating All Items Moved, and nothing in the record indicates that Beskin was hired to assist Rollins personally. Moreover, both Beskin and Peter Rodriguez, who owned All Items Moved, testified that Beskin worked on behalf of the company. And Rollins hasn't offered evidence that the communications discussed in Beskin's testimony were for the purpose of securing legal advice for Rollins rather than for All Items Moved. Accordingly, Rollins has failed to show that he retained Beskin as his personal attorney.

When a corporation—in this case, All Items Moved—holds attorney-client privilege, the power to waive that protection "rests with the corporation's management and is normally exercised by its officers and directors." *Commodity Futures Trading Comm'n v. Weintraub*, 471 U.S. 343, 348 (1985). "Displaced managers"—here, Rollins—"may not assert the privilege over the wishes of current managers"—here, Rodriguez— "even as to statements that the former might have made to counsel concerning matters within the scope of their corporate duties." *Id.* at 349. So Rodriguez had the authority to waive—and did in fact waive—privilege over communications between corporate officers, including Rollins, and Beskin. Beskin's subsequent testimony about those communications therefore didn't violate attorney-client privilege.

II

Next, we address Rollins's claim that the district court's response to two jury questions was an abuse of discretion.[2] We conclude that it wasn't.

We will not reverse a conviction for a defective jury charge unless "the issues of law were presented inaccurately, or the charge improperly guided the jury in such a substantial way as to violate due process." *United States v. Isnadin*, 742 F.3d 1278, 1296 (11th Cir. 2014) (citation modified). "When a jury makes explicit its difficulties, the district court should clear them away with concrete accuracy." *United States v. Baston*, 818 F.3d 651, 661 (11th Cir. 2016) (citation modified). The district court may tailor jury instructions to "the context of a case's facts" to ensure that "the charge . . . accurately reflects the law." *Isnadin*, 818 F.3d at 1296.

Here, the district court did not abuse its discretion by informing the jury, in response to its questions, that the issuance of a loan based on false representations is a loss, regardless of whether the defendant had any personal gains. First, the supplemental instruction accurately presented the law. Personal gain is not an element of wire fraud. *See United States v. Estepa*, 998 F.3d 898, 908 (11th Cir. 2021) (laying out wire fraud's elements); *see also United States v. Filer*, 56 F.4th 421, 436 (7th Cir. 2022) ("[P]ersonal gain is

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[2] We review the phrasing of a court's response to a jury question for an abuse of discretion. *United States v. Isnadin*, 742 F.3d 1278, 1296 (11th Cir. 2014).

not an element of wire fraud."). And the issuance of a loan constitutes loss or injury for purposes of the wire-fraud statute. *See United States v. Watkins*, 42 F.4th 1278, 1284 (11th Cir. 2022) (upholding a wire-fraud conviction based on fraudulently obtaining a loan). Second, the charge didn't improperly guide the jury. The jury inquired about the relationship between personal gain and loss or injury, asking: "Can my personal gain be reciprocal to cause loss or injury, or must intent to cause loss or injury be the only criteria to determine intent to defraud?" Tr. of Trial at 12, Dkt. No. 129. The court's answer, which clarified what constitutes loss or injury in the context of loan-based wire fraud, was formulated to "clear . . . away" the jury's lingering confusion. *Baston*, 818 F.3d at 661. It was an appropriate explanation, not improper guidance.

III

We next consider two challenges that Rollins brings to the sufficiency of the evidence supporting his convictions.[3] We "will not overturn a jury's verdict if there is any reasonable construction of the evidence that would have allowed the jury to find the defendant guilty beyond a reasonable doubt." *United States v. Beach*, 80 F.4th 1245, 1255 (11th Cir. 2023) (citation modified). "The evidence need not exclude every reasonable hypothesis of innocence . . . for a reasonable jury to find guilt beyond a reasonable

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[3] We review the sufficiency of the evidence to support a conviction de novo, viewing the evidence in the light most favorable to, and drawing all reasonable inferences and credibility choices in favor of, the jury's verdict. *United States v. Brown*, 934 F.3d 1278, 1294 (11th Cir. 2019).

doubt." *Id.* at 1255 (citation modified). Applying this deferential standard, we conclude that sufficient evidence supports each of Rollins's convictions.

A

Rollins first contends that there was insufficient evidence to convict him of aggravated identity theft. The aggravated-identity-theft statute, 18 U.S.C. § 1028A, prohibits "knowingly . . . us[ing], without lawful authority, a means of identification of another person" "during and in relation to" certain felonies, including wire fraud. 18 U.S.C. § 1028A(a)(1), (c)(5). A defendant uses another person's identification "without lawful authority" when he lacks the victim's permission or when he uses the identification for an unlawful purpose. *See United States v. Zitron*, 810 F.3d 1253, 1260 (11th Cir. 2016).

Here, ample evidence suggests that Rollins lacked Rodriguez's permission to use his identification to apply for the EIDL loan. Rodriguez testified that he didn't discuss with Rollins the possibility of securing a loan or authorize Rollins to use his social security number or date of birth on loan documents. And although Rodriguez empowered Rollins to oversee the business's day-to-day administration, the jury could reasonably conclude that taking out a disaster-relief loan worth tens of thousands of dollars exceeded Rollins's limited operational authority. *See Beach*, 80 F.4th at 1256 ("The jury is free to choose among alternative, reasonable interpretations of the evidence.").

B

Next, Rollins contends that no evidence supports his involvement in fraudulently obtaining the PPP loan. Rollins was charged with violating 18 U.S.C. § 1343—the wire-fraud statute—and 18 U.S.C. § 2, which stipulates that "[w]hoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal." 18 U.S.C. § 2(a). To establish aiding-and-abetting liability under § 2(a), the government was required to prove beyond a reasonable doubt that Rollins "(1) t[ook] an affirmative act in furtherance of [the wire fraud], (2) with the intent of facilitating the [fraud's] commission." *Rosemond v. United States*, 572 U.S. 65, 71 (2014).

Here, circumstantial evidence suggests that Rollins participated in the fraud with criminal intent. Rollins's initials and signature appeared on the PPP loan application, and the application was submitted with Rollins's driver's license, supporting a reasonable inference that he submitted the materials. The application stated that All Items Moved had a monthly payroll of $92,500 and 14 employees, which was false. The application also contained a bank statement from an account controlled by only Rollins and Rodriguez, and the proceeds from the PPP loan were deposited into that account. Additionally, a Zelle account linked to Rollins distributed loan proceeds to people who wired money to Rollins. Putting all this together, there was sufficient evidence for the jury to find that

Rollins either submitted the fraudulent PPP application himself or otherwise participated in the scheme.[4]

* * *

In sum, sufficient evidence supports Rollins's convictions for aggravated identity theft and PPP-related wire fraud.

IV

Lastly, we consider Rollins's appeal of the district court's restitution order. Rollins argues that the court erred by failing to offset his restitution by the roughly $94,000 that Rodriguez returned to the fisc.[5]

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[4] In passing, Rollins makes one more sufficiency argument: He contends that the government failed to prove that the funds received by All Items Moved were the product of illegal activity. Rollins, however, raises this argument "in a perfunctory manner without supporting arguments and authority," and it is therefore not properly before us. *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th Cir. 2014).

[5] In his reply brief, Rollins also argues that the government has charged him excessive interest by calculating it based on the pre-credit amount. Because Rollins raised this issue for the first time in a reply brief, we won't consider it. *See United States v. Chalker*, 966 F.3d 1177, 1195 n.8 (11th Cir. 2020). Rollins contends that we should excuse his failure to present the interest issue because when he filed his initial brief, nothing in the record showed that he had been charged interest on the full restitution amount. But as the district court's judgment stated, interest is statutorily mandated. 18 U.S.C. § 3612(f). And the restitution amount specified in the judgment included the amount that Rodriguez later returned. So Rollins could have anticipated that he would be charged interest on the full amount, and he could have argued against that result in his initial brief. We won't excuse his failure to do so.

This issue is moot. "A case on appeal becomes moot, and ceases to be a case or controversy, when it no longer presents a live controversy with respect to which the court can give meaningful relief." *United States v. Al-Arian*, 514 F.3d 1184, 1189 (11th Cir. 2008) (citation modified). Here, the record shows that the government has reduced Rollins's restitution obligation by the amount that Rodriguez returned minus a $1,000 assessment. Because Rollins has already received the credit that he seeks, this Court can provide no meaningful relief. We accordingly dismiss his appeal of the restitution order as moot.

AFFIRMED IN PART, DISMISSED IN PART.