

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 24-11785

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UNITED STATES OF AMERICA,

*Plaintiff-Appellee,*

*versus*

CARLA JACKSON,  
TELDRIN FOSTER,

*Defendants-Appellants.*

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Appeals from the United States District Court  
for the Northern District of Georgia  
D.C. Docket No. 1:20-cr-00296-JPB-CMS-5

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Before JORDAN, ROSENBAUM, and LAGOA, Circuit Judges.

PER CURIAM:

A jury found Teldrin Foster guilty of 41 counts charging various crimes, including wire fraud, bank fraud, loan fraud, and concealment money laundering. *See* 18 U.S.C. §§ 1343, 1344, 1014,

1956(a)(1)(B)(i). The same jury found Carla Jackson guilty of concealment money laundering. *See* § 1956(a)(1)(B)(i). The charges arose out of a Paycheck Protection Program (PPP) fraud scheme during the COVID-19 pandemic.

Ms. Jackson and Mr. Foster appeal their convictions on various grounds. Following review of the record, and with the benefit of oral argument, we affirm.<sup>1</sup>

## I

Mr. Foster argues that the district court erred in sustaining a witness' invocation of the Fifth Amendment privilege against self-incrimination when he was asked whether certain statements he had made to the government were truthful. At the time of trial, the witness, Ricky Dixon, had already pled guilty and been sentenced for his role in the same PPP fraud scheme.

Reviewing for abuse of discretion, *see United States v. Perez*, 661 F.3d 568, 580 (11th Cir. 2011), we discern no error. A witness must have “reasonable cause” to invoke the Fifth Amendment privilege, but this is not a “high showing.” *Id.* We generally uphold a witness' invocation of the privilege unless it is “perfectly clear from a careful consideration of all the circumstances that their testimony could not possibly have had a tendency to incriminate.” *United States v. Fortin*, 685 F.2d 1297, 1298 (11th Cir. 1982) (internal quotation marks and citation omitted).

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<sup>1</sup> Because we write for the parties, we assume their familiarity with the record and set out only what is necessary to explain our decision.

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Although Mr. Dixon had pled guilty and been sentenced, the questions posed to him still could have incriminated him. If the government believed Mr. Dixon testified falsely at trial (e.g., in contradiction of what he had said to the government earlier), it could have prosecuted him for perjury. *See* 18 U.S.C. § 1623(a). Indeed, the government declined to offer Mr. Dixon transactional immunity. Moreover, at the time of trial, Mr. Dixon had a pending motion to vacate his conviction and sentence under 28 U.S.C. § 2255. If his motion were granted, then he might again be in jeopardy for his role in this scheme or any crimes committed during its investigation. The district court did not commit a clear error of judgment in concluding that, under the circumstances, he could be “expose[d] . . . to liability” and that this risk was “very real, reasonable, and appreciable.”

## II

Ms. Jackson asserts several grounds for reversal. We discuss each one below.

### A

According to Ms. Jackson, the evidence was insufficient for the jury to convict her of concealment money laundering. Exercising plenary review, and viewing the evidence in the light most favorable to the verdict, *see United States v. Scott*, 61 F.4th 855, 863 (11th Cir. 2023), we disagree.

To prove a violation of 18 U.S.C. § 1956(a)(1)(B)(i), the government must prove that the defendant “(1) knowingly conducted a financial transaction, (2) which he knew involved funds that were

the proceeds of some form of unlawful activity, (3) where the funds involved in the financial transaction in fact were the proceeds of a specified unlawful activity, and (4) that the defendant engaged in the financial transaction knowing that the transaction was designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds of such unlawful activity.” *United States v. Tarkoff*, 242 F.3d 991, 994 (11th Cir. 2001) (internal quotation marks omitted). Ms. Jackson challenges only the second and fourth elements.

The question is whether “*any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Jackson v. Virginia*, 443 U.S. 307, 319 (1979) (emphasis in original). As to both challenged elements, the direct and circumstantial evidence here—viewed in the light most favorable to the verdict and with all reasonable inferences drawn in its favor—was sufficient.

This evidence includes the following:

- In June of 2020, Management Resource Services (Ms. Jackson’s company) received a \$155,252.50 check and a \$179,985.72 wire transfer from Gaines Reservation (a company owned by Andre Gaines, the cousin of John Gaines, Ms. Jackson’s ex-husband). Gaines Reservation had ob-

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tained a PPP loan in the amount of \$806,710 through fraudulent claims that it had 69 employees and an average monthly payroll of over \$300,000;<sup>2</sup>

- John and another conspirator, Darrell Thomas—and not Andre—had worked together to prepare the fraudulent PPP loan application for Gaines Reservation and submitted fabricated bank documents;
- Ms. Jackson knew that John was involved in applying for PPP loans;
- In June of 2020, following the receipt of the funds from Gaines Reservation, Ms. Jackson—using the Management Resource Services account on which she was the only authorized signer—withdrew \$9,700 in cash and purchased \$30,000 in cashier’s checks;
- The cashier’s checks were for \$10,000 each and were written out to USAA and Capital One for payment on the auto loans of John, Ms. Jackson’s ex-husband, and to 365 Enterprise, a business associated with John;
- Management Resources did not engage in any business or payroll transactions after receiving the funds from Gaines Reservation;

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<sup>2</sup> We refer to Andre and John Gaines by their first names to avoid confusion.

- When interviewed by the FBI, Ms. Jackson falsely stated that the funds from Gaines Reservation were for payroll for a potential construction project and that she had received the money for presenting a proposal to Gaines Reservation; and
- In response to a grand jury subpoena, Management Resource Services failed to produce a copy of any proposal presented to Gaines Reservation, and instead Ms. Jackson explained that she had made the proposal solely through in-person communications.

### B

Ms. Jackson contends that the district court erred in admitting wire transfers to a company named Roadrunner Automotive. We conclude that the district court did not abuse its discretion. *See United States v. Tsarnaev*, 595 U.S. 302, 317 (2022) (explaining that evidentiary rulings are reviewed for abuse of discretion).

After it received the proceeds of the fraudulently-obtained PPP loan, Gaines Reservation wrote checks in the amounts of \$93,785 to Bellator Phront Group (purportedly for rent) and \$169,998.72 to Elite Executive Services (purportedly for payroll services). Both Bellator Phront Group and Elite Executive Services were companies that Mr. Thomas (a co-conspirator) controlled. The checks made it look like Gaines Reservation was spending money on approved PPP expenses.

Shortly after it received the check for \$93,785, Bellator Phront Group transferred \$71,144.35 to Roadrunner Automotive.

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At the time, Ms. Jackson was the only authorized signer on the bank account of Roadrunner Automotive; John was later added as an authorized signer. Then, Roadrunner Automotive made large cash withdrawals and credit card and other payments that referenced both John and Ms. Jackson. John testified that the money sent from Bellator Phront Group to Roadrunner Automotive was money he thinks he asked Mr. Thomas to borrow.

Ms. Jackson argues that the evidence of the money sent from Bellator Phront Group to Roadrunner Automotive was not relevant, but she is mistaken. Evidence is relevant if “it has any tendency to make a fact more or less probable than it would be without the evidence” and the “fact is of consequence in determining the action.” Fed. R. Evid. 401. As we have remarked, the “standard for what constitutes relevant evidence is a low one,” *United States v. Graham*, 123 F.4th 1197, 1266 (11th Cir. 2024) (internal quotation marks and citation omitted), and here the evidence of the transfers to Roadrunner Automotive were relevant to whether Ms. Jackson was aware (a) that the money came from the PPP fraud scheme and (b) that the funds she received through Management Resource Services were the proceeds of specified unlawful activity.<sup>3</sup>

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<sup>3</sup> We summarily reject Ms. Jackson’s conclusory argument that the evidence of the transfers to Roadrunner Automotive should have been excluded under Rule 403. See *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th Cir. 2014) (“[A]n appellant abandons a claim when [s]he . . . raises it in a perfunctory manner without supporting arguments and authority.”) Ms. Jackson’s brief does not attempt to explain how the evidence’s probative value was “substantially outweighed” by unfair prejudice. See Fed. R. Evid. 403.

## C

The last argument made by Ms. Jackson is that the district court erred in instructing the jury on deliberate ignorance. We reject this contention.

A deliberate ignorance instruction is appropriate if the facts support the inference that the defendant was aware of a high probability of the existence of a fact in question and purposely contrived to avoid learning all the facts in order to have a defense in the event of a subsequent prosecution. *See United States v. Steed*, 548 F.3d 961, 977 (11th Cir. 2008). Although we have cautioned that such an instruction should not be given if the evidence points only to actual knowledge, the instruction is proper if the evidence points to both actual knowledge and deliberate ignorance. *See United States v. Morley*, 99 F.4th 1328, 1342 (11th Cir. 2024).

Depending on how the jury viewed it, the evidence here, we think, permitted a finding of actual knowledge by Ms. Jackson as well as a finding of deliberate ignorance on her part. Even if Ms. Jackson didn't have actual knowledge of the scheme, the jury could have reasonably concluded that she deliberately blinded herself to the illicit source of the funds. Ms. Jackson had a bank account for a company that conducted no business. Gaines Reservation transferred six-figure sums into that account even though Management Resource Services had performed no services and the firms had not exchanged (let alone agreed upon) any document such as a contract or proposal. Ms. Jackson withdrew funds from this business account to pay for John's personal expenses. John testified that he

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never told Ms. Jackson the source of the funds she received through Management Resource Services, and she never asked him any questions. There was no error, then, in giving the deliberate ignorance instruction.

### III

We affirm the convictions of Mr. Foster and Ms. Jackson.

**AFFIRMED.**