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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 23-CR-0134-AMO
Plaintiff,	)	
v.	)	STIPULATION AND [PROPOSED] ORDER RE:
	)	RESTITUTION
AARON BOREN,	)	Sentencing Hearing: May 13, 2024
Defendant.	)	The Honorable ARACELI MARTÍNEZ OLGUÍN

The United States and defendant AARON BOREN (“Defendant”), by and through their counsel of record, hereby stipulate as follows:

1. On September 12, 2023, Defendant pled guilty to conspiracy to commit bank fraud in violation of 18 U.S.C. § 1349.
2. At the sentencing hearing on May 13, 2024 the Court ordered Defendant to serve 12 months and one day in custody, plus three years of supervised release and deferred the determination of restitution.
3. Restitution is mandatory to victims of fraud pursuant to 18 U.S.C. § 3663A (MVRA). Specifically, the law provides that a court “shall order . . . restitution” and that this restitution order “shall order restitution to each victim” through the appropriate court mechanism “in the full amount of

STIPULATION AND ORDER RE: RESTITUTION
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1 the victim's losses as determined by the court and without consideration of the economic circumstances
2 of the defendant." 18 U.S.C. § 3664(f)(1)(A).

3 4. To conserve judicial resources, to bring about a speedy resolution of this matter, and to
4 avoid further litigation, the parties agree and jointly request that the Court, upon approval of this
5 Stipulation, may enter an Amended Judgment to order restitution to the individuals and/or entities in the
6 amounts as set forth below:

- 7 a. \$500,000 in total to the Small Business Administration, 721 19th Street, 3rd Floor, Room
8 301, Denver, CO 80202.

9 The parties stipulate that the above individuals and/or entities qualify as "victims" under the statutes
10 cited in paragraph 3, *supra* and pursuant to the parties' plea agreement and are otherwise entitled to
11 restitution under 18 U.S.C. § 3663A(a)(3). The United States shall furnish the Clerk's Office with
12 physical address information for each individual and/or entity.

13 5. The parties agree that the full amount of special assessment, fine, and restitution is due in
14 accordance with 18 U.S.C. § 3572(d) and in accordance with the parties' plea agreement.

15 6. The parties further agree to the following payment schedule:

- 16 a. During imprisonment, payment of criminal monetary penalties is due at the rate of not
17 less than \$25 per quarter and payment shall be through the Bureau of Prisons' Inmate
18 Financial Responsibility Program.
19 b. Once Defendant is on supervised release, Defendant shall pay restitution in monthly
20 payments of not less than \$100 or at least 10% of earnings, whichever is greater, to
21 commence no later than 60 days from placement on supervision.

22 7. Notwithstanding any payment schedule set by the court, the United States Attorney's
23 Office may pursue collection through all available means in accordance with 18 U.S.C. §§ 3613 and
24 3664(m) and in accordance with the parties' plea agreement. The restitution payments shall be made to
25 the Clerk of U.S. District Court, Attention: Finance Unit, 450 Golden Gate Ave., Box 36060, San
26 Francisco, CA 94102.

27 8. The defendant's restitution obligation shall be paid jointly and severally with Reginald
28 Mosley and Frank Mosley, defendants in this case, as well as jointly and severally with Kenya Ellis,

1 defendant in the related case (No. 23-cr-0136-AMO).

2 9. The parties request that the Court issue an Amended Judgment ordering restitution
3 payable to the individuals and/or entities identified and the terms outlined above.

4 SO STIPULATED.

5
6 DATED: May 20, 2024

7 ISMAIL J. RAMSEY
United States Attorney

8 /s/_____
9 ABRAHAM FINE
Assistant United States Attorney

10
11 DATED: May 20, 2024

12 /s/_____
13 CANDICE FIELDS
Attorney for Defendant AARON BOREN

[PROPOSED] ORDER

AARON BOREN will pay a total of \$500,000 in restitution, in the amounts specified to the individuals and/or entities specified as follows:

- a. \$500,000 in total to the Small Business Administration, 721 19th Street, 3rd Floor, Room 301, Denver, CO 80202.

The above individuals/entities qualify as victims pursuant to 18 U.S.C. § 3663A.

The full amount of special assessment, fine, and restitution is due in accordance with parties' plea agreement. During imprisonment, payment of criminal monetary penalties is due at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons' Inmate Financial Responsibility Program. Once Defendant is on supervised release, Defendant shall pay restitution in monthly payments of not less than \$100 or at least 10% of earnings, whichever is greater, to commence no later than 60 days from placement on supervision.

Notwithstanding any payment schedule set by the court, the United States Attorney's Office may pursue collection through all available means in accordance with 18 U.S.C. §§ 3613 and 3664(m). The criminal monetary penalty payments shall be made to the Clerk of U.S. District Court, Attention: Finance Unit, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.

The defendant's restitution obligation shall be paid jointly and severally with Reginald Mosley and Frank Mosley, defendants in this case, as well as jointly and severally with Kenya Ellis, defendant in the related case (No. 23-cr-0136-AMO).

The Probation Office shall prepare an amended judgment in accordance with this order.

IT IS SO ORDERED.

DATE:

HON. ARACELI MARTÍNEZ OLGUÍN
UNITED STATES DISTRICT JUDGE