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July 7, 2021

BY ECFHonorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007**Re: United States v. Herode Chancy,**
20 Cr. 378 (LJL)

Dear Judge Liman:

Having left his parents' home at an early age in the wake of a trauma, Herode Chancy overcame adversity, mended bridges with his parents, started a loving family of his own, and built an unlikely career in banking. Because of this offense—a fraud sting orchestrated from start to finish by a convicted murderer turned informant for hire—Mr. Chancy has lost almost everything: his career, his good name, even his relationship with his parents. He retains his work ethic and his bonds with his beloved daughters. The Court need not and therefore should not take Mr. Chancy's emotional and financial support away from his daughters. The lifelong burden of a felony conviction plus supervision with a period of home confinement and community service is sufficient to meet the purposes of sentencing in this case.

BACKGROUND**Mr. Chancy's Personal History and Characteristics**

“Herode's character does not reflect this act. He is kind-hearted, compassionate, caring, protective and a loving family man who will go above and beyond for anyone he cares about.” Ex. A at 2 (Letter of Nicole Chancy née Allen). “He's one of the guys where if you found yourself in a jam he should be your first call. If I get stuck somewhere he is there in a heartbeat, even if it's a major inconvenience. . . . Heaven forbid if something ever happened to me he would be the one I trust to take care of my family.” Ex B. at 1 (Letter of Pierre Millien).

Now 41 years old, Mr. Chancy was born in 1980 into a working-class Haitian immigrant family in Harlem. “Living in Harlem back in the 80s wasn't what people

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see today. . . . Our parents kept us cooped up in the apartment because it was so dangerous.” Ex. B at 1. His parents were both maintenance workers at NYU medical center. They were traditionalists: strict, Pentecostal, and austere. They were ill equipped to understand what their teenage son was experiencing on the street.

Herode never got into trouble as a teenager—this is his first offense—but trouble found him. He was riding his bike through Central Park with his best friend, Davidchen Joseph, and Davidchen’s fraternal twin brother. Herode and the twin (Davidson Joseph) were riding ahead of Davidchen when a gang of young men stopped Davidchen. One of the men put a gun to Davidchen’s head and pulled the trigger, killing him instantly. Herode witnessed the whole thing. Then the man turned the gun on Herode and Davidson and told them to run. They did. Herode learned later that it had been a gang initiation—a senseless act of random violence. It could have been any one of them who was killed.

Herode was traumatized by this experience, and his parents did not provide the support—and the counseling—that he needed. “His parents didn’t know what he needed or how to help him process what happened. The only thing they knew to do was to enforce extremely strict rules. It wasn’t the best situation for a teenager.” Ex. B at 1. Herode’s parents reacted in anger when he got his first tattoo (theater masks with a red tear) as a memorial to his friend. Traumatized and retraumatized, Herode dropped out of school—where he had been in 12th grade and an “A” student—and moved out of his parents’ home at age 17.

Out on his own, Herode supported himself honestly through hard work. He remained close with his siblings and cousins and worked in coffee shops, first at Timothy’s World Coffee then at Starbucks. On the advice of his older brother Edwin, he finished his high school education by going to classes at night after work.

When Herode had finished high school and was working full time at Starbucks, a Citibank representative named Edmond Lee came to the coffee shop as part of a “bank at work” outreach program to open personal accounts for the employees. He asked Herode what his long-term plans were, and Herode told him that he would like to continue his education. Mr. Lee saw potential in Herode and explained to him that if he worked as a teller for Citibank, he’d be eligible for tuition reimbursement. With Mr. Lee’s help, Herode became a full-time teller and obtained his associate’s degree at night through BMCC.

Mr. Chancy excelled at bank work. From his humble start as a trainee teller, he rose to become head teller at his branch. Over the next 20 years, he built a career in banking, moving from Citibank to North Fork, where he entered business banking; then to JP Morgan Chase, where he was a business relationship manager; then to Santander, where he became a branch manager; and finally to HSBC, where before his arrest he was the business relationship manager.

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As Mr. Chancy got his educational and professional life on track, he also started his own family and made amends with his parents. Mr. Chancy is a devoted father. He has two daughters with Nicole Allen, whom he married in 2008. M [REDACTED] is 13; K [REDACTED] just turned 12. Although Nicole and Mr. Chancy separated in 2014, he has continued to be a daily presence in M [REDACTED] and K [REDACTED]'s lives and an active support for Nicole. See generally Ex. A. "Though he loves all of us the love he shows his two daughters is unparalleled." Ex. C at 1 (Letter of Michelene Anderson). "He is a great great great father." Ex. D at 2 (Letter of Peter Pamphile). "Because of what he's experienced with his parents, he gives his girls and all the children in the family an overabundance of love. He wants them to understand he loves them and will always be there for them no matter what. He doesn't want them to ever have to experience what he did." Ex. B at 1 (Pierre).



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When Nicole was diagnosed with [REDACTED] in around 2016 and had to undergo extended [REDACTED], Mr. Chancy moved back in with her to care for her and their daughters physically and emotionally. He has never stopped supporting them financially, and Nicole's battle with [REDACTED] dealt a significant blow to their finances. With Nicole unable to work and facing mounting medical bills, they were forced to sell the house on Long Island that they had bought to bring M [REDACTED] home from the hospital. They became unable to pay their credit card bills, and Mr. Chancy defaulted on a car loan.

It was in these difficult financial circumstances that Mr. Chancy engaged in this offense. Nicole explains:

I believe he acted out of desperation to help our family. As you can imagine, my medical bills have been overwhelming and we had to give up our home. We sacrificed a lot as a family and there was a lot of financial stress as well as emotional stress. I believe it was because of all of this, it drove Herode to get involved with the wrong company, resulting in where we are today. He always wanted provide for his family. He wanted to alleviate my worries while I battled [REDACTED] and raise our young children.

Ex. A at 1–2.

The Nature and Circumstances of this Offense

Mr. Chancy is remorseful for his offense, which has already cost him his career, valuable civil rights, and his relationship with his parents. He accepts full responsibility.

As his counsel, however, I must point out for the Court the central role of the government's informant, Natan Gozman, in orchestrating this offense. Mr. Chancy had known Gozman for several years. As the government has acknowledged, Mr. Chancy and Gozman met each other through their legitimate work in the financial industry. Gozman's niche was alternative lending and credit repair. Mr. Chancy referred bank clients to Gozman for alternative lending when they did not qualify for a bank loan, and he himself sought Gozman's credit repair help after Nicole's protracted illness destroyed his credit.

Mr. Chancy did not know that Natan Gozman was a convicted murderer.¹ He was part of a Russian organized crime family known as the "Brigade," which regularly engaged in robberies, extortions, shake-downs, kidnappings, and other

¹ The government acknowledges that Gozman did not discuss his criminal history with Mr. Chancy but opines that he "may" have discussed the fact that he served some time in prison. PSR at 22. He did not.

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violent crime for financial gain. Among his violent racketeering crimes, Gozman participated in the 1995 kidnapping and murder of Sergei Kobozev, which was the subject of a federal prosecution in this Court. See United States v. Natan Gozman, 00 Cr. 314 (AKH). Kobozev, a boxer, had been working as a restaurant security guard and had therefore played a small role in offending a member of the Brigade who had become drunk and pugnacious at the restaurant where Kobozev worked. Gozman and his associates later approached Kobozev, shot him, forced him into a car, and drove him to New Jersey to dispose of his body. But Kobozev was still alive during the drive; he told Gozman that he had children and he asked to be taken to a hospital. Gozman and his associates lied to Kobozev and told him that they would take him to the hospital, but instead they brought him to their associate's house, finished killing him, and buried him in a shallow grave.

Gozman ultimately cooperated with the government and received a 10-year federal sentence; he was released in December 2013. The government has refused to produce his cooperation agreement and 5K letter unless he is called to testify. The government did produce his recorded criminal history, but that appears to be omit, e.g., a second murder that Gozman admitted in testimony to a state court.

The Complaint in this case discloses that Gozman became a paid informant for the FBI in February 2019. The government has not disclosed the details of how that liaison came about, but a public-records search suggests that Gozman needed money at that time. Lawsuits filed by Discover Bank and CKS Prime Investments in late 2019 and early 2020 allege that Gozman had defaulted on more than \$70,000 in loans.

That is not the image that Gozman presented to Mr. Chancy. Gozman presented himself as a successful and sophisticated businessman. Gozman knew that Mr. Chancy needed money and so around the same time he signed up as a FBI informant he offered Mr. Chancy an easy way to get it. Gozman said he could help Mr. Chancy obtain loans that he wouldn't need to pay back, explaining that it was easy because he worked with an underwriter who had helped him do it before.

Mr. Chancy deeply regrets that he willingly engaged in this fraud. He has accepted full responsibility and waived an entrapment defense. But the scheme never could have happened without Gozman, who coached Mr. Chancy at length on how to make the fraudulent applications. He told Mr. Chancy exactly what to do and how to do it. Together with the undercover agent, Gozman even suggested the amounts for the fraudulent loan applications and asked for Mr. Chancy's help laundering his (Gozman's) share of the proceeds.

Mr. Chancy's Remorse and Resilience

Mr. Chancy is ashamed of his offense conduct. He becomes tearful when he reflects on what it has meant for his family. It has again severed his relationship

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with his parents, and “[i]t’s also been tough for what it could mean for Herode’s relationship with his children. He doesn’t want to lose time with his kids. The girls and their mother depend on him.” Ex. C at 2. “Just last month [Herode] started crying in front of me talking about the situation. I was so taken back because he’s the older cousin so usually it’s more in reverse. I have never seen him like that and didn’t know what to do. I gave him a hug and just tried to be there. It’s so clear to me he wants to try to do better . . .” Ex. D-at 1–2.

Mr. Chancy lost his banking job instantly upon his arrest; he will never work in another bank. But he persevered and recently found employment at Paragon Honda where he now works 70–80 hours per week. He uses the income to support his family, as Nicole writes: “Now that he has a job, we are hoping to pay back the past due rents and get caught up with what we owe.” Ex. A at 1.

THE PARSIMONIOUS SENTENCE

“In deciding what sentence will be ‘sufficient, but not greater than necessary’ to further the goals of punishment, 18 U.S.C. § 3553(a), a sentencing judge must have a generosity of spirit, that compassion which causes one to know what it is like to be in trouble and in pain.” United States v. Singh, 877 F.3d 107, 121 (2d Cir. 2017) (second internal quotation marks omitted). In the unique circumstances of this case only a noncustodial sentence can comply with the parsimony mandate of § 3553(a). This Court should sentence Mr. Chancy to time served and supervised release with conditions to include a period of home confinement and significant community service.

A felony conviction and a period of home confinement and community service are a sufficient punishment; any term of imprisonment would be greater than necessary.

The nature of Mr. Chancy’s offense are mitigated by its circumstances. See § 3553(a)(1). Particularly mitigating are Mr. Chancy’s vulnerable financial situation at the time of the offense, the critical role played by the paid informant, and the fact that no real lender lost money.

Also mitigating are Mr. Chancy’s personal history and characteristics. See § 3553(a)(1). The seven appended letters of support attest to Mr. Chancy’s good character, work ethic, and generosity of spirit. See Exs. A–G. He overcame adversity and has no criminal record. He volunteers his time as a youth basketball coach.

Under these unique circumstances, a non-prison sentence of home confinement and community service is sufficient to meet the purposes of sentencing under § 3553(a)(2).

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A felony conviction—with its numerous collateral consequences—is itself a significant punishment, especially in this case. See generally United States v. Nesbeth, 188 F. Supp.3d 179, 182 (E.D.N.Y. 2016) (“Today, the collateral consequences of a felony conviction form a new civil death. Convicted felons now suffer restrictions in broad ranging aspects of life that touch upon economic, political, and social rights.”). With no prior criminal history, Mr. Chancy will now lose valuable civil rights and be forever branded a “convicted felon.”

Specific deterrence and incapacitation have been accomplished. Mr. Chancy has been shamed and deterred. He will never work in banking again. Because of this case, many banks won’t even let him open a personal account to deposit his paycheck.

General deterrence, whatever its merits—which are dubious; research indicates that the certainty of apprehension is a much stronger deterrent than the punishment imposed²—cannot justify a prison term for this first-time offender for this non-violent offense. Supervision and home detention are significant sanctions on top of the felony conviction, and they will satisfy the need for general deterrence in this case. In endorsing the non-Guidelines probationary sentence imposed in Gall, the Supreme Court explained in detail the “substantial restriction of freedom involved in a term of supervised release or probation.” Gall v. United States, 552 U.S. 38, 48 (2007) (internal quotation marks omitted).

Finally, giving back through community service will better rehabilitate Mr. Chancy and better serve the taxpaying public than prison will.

On the other hand, any term of imprisonment would be greater than necessary in this case, especially because Mr. Chancy has no criminal history. See, e.g., United States v. Mishoe, 241 F.3d 214, 220 (2d Cir. 2001) (recognizing in the context of the career offender guideline that the amount of prior prison time is relevant to determining the deterrent effect of the sentence to be imposed). Nor could imprisonment be well targeted in this case; its punitive effect would fall at least as heavily on Mr. Chancy’s innocent daughters and their mother, who rely on him for emotional and financial support, as on Mr. Chancy himself. “Having a parent incarcerated is a stressful, traumatic experience of the same magnitude as abuse, domestic violence and divorce, with a potentially lasting negative impact on a child’s well-being.” Report of the Annie E. Casey Foundation, *A Shared Sentence: the devastating toll of parental incarceration on kids, families and communities* 3 (Apr. 2016).³

² See, for example, the DOJ’s National Institute of Justice’s summary “Five Things About Deterrence, available at <https://www.ojp.gov/pdffiles1/nij/247350.pdf>.

³ Available at <https://assets.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf>.

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The advisory Guidelines range deserves no deference.

The only sentencing factor that seems to call for a sentence of imprisonment is the advisory Sentencing Guidelines. Mr. Chancy does not dispute that the range is 41–51 months. That high number is derived mostly from the “intended loss amount” of \$1020,000, which works a 14 level increase in the offense level, as well as the stipulation that Mr. Chancy conspired to commit money laundering, which raises the offense level still higher. But the Guidelines are merely advisory and the Court may not presume that they are reasonable in a given case. See Gall, 552 U.S. at 50. In this case, they are patently unreasonable.

First, in this case, both the loss-amount and the money-laundering aspects of the offense—*i.e.*, the aspects that most affect the Guidelines calculation—were driven by Gozman (and, to a lesser extent, the undercover agent).

Second, more generally, the fraud guideline’s overwhelming focus on the loss amount is irrationally harsh and should lead courts to consider non-Guidelines sentences. See United States v. Algahaim, 842 F.3d 796, 800 (2d Cir. 2016); see also United States v. Adelson, 441 F. Supp. 2d 506, 512 (S.D.N.Y. 2006) (noting the “utter travesty of justice that sometimes results from the guidelines’ fetish with abstract arithmetic, as well as the harm that guidelines calculations can visit on human beings if not cabined by common sense”), aff’d, 301 Fed. Appx. 93 (2d Cir. 2008).

In considering the weight to be afforded to the Sentencing Guidelines in a particular case, the Supreme Court has effectively recognized that not all guidelines are equal: while some “exemplify the Commission’s exercise of its characteristic institutional role,” others do not. in Kimbrough v. United States, 552 U.S. 85, 109 (2007). In cases involving application of Guidelines that “do not exemplify the Commission’s exercise of its characteristic institutional role,” it is “not an abuse of discretion for a district court to conclude when sentencing a particular defendant” that the application of the guideline “yields a sentence ‘greater than necessary’ to achieve § 3553(a)’s purposes even in a mine-run case.” Id. at 110.

In Rita v. United States, 551 U.S. 338 (2007), the Court reasoned that if a particular guideline was originally based on past sentencing practices, and revised in response to sentencing data and other research, then it seems fair to assume that recommendations truly embody the statutory goals of §3553(a). Id. at 349. Conversely, when a guideline is not developed according to this practice, there is less reason to believe that it embodies the statutory objectives and deserves deference, even in a mine-run case. Kimbrough, 552 U.S. at 109.

Section §2B1.1 is an example of one guideline that is not based on historical sentencing practices or research, but rather is singularly focused on the overall loss amount, which is a poor measure of culpability. As the Second Circuit explained,

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the Commission could have approached monetary offenses quite differently. For example, it could have started the Guidelines calculation for fraud offenses by selecting a base level that realistically reflected the seriousness of a typical fraud offense and then permitted adjustments up or down to reflect especially large or small amounts of loss. Instead the Commission valued fraud (and theft and embezzlement) at level six, which translates in criminal history category I to a sentence as low as probation, and then let the amount of loss, finely calibrated into sixteen categories, become the principal determinant of the adjusted offense level and hence the corresponding sentencing range. This approach, unknown to other sentencing systems, was one the Commission was entitled to take, but its unusualness is a circumstance that a sentencing court is entitled to consider.

Algahaim, 842 F.3d at 800. The Second Circuit has invited district courts to consider non-Guidelines sentences in fraud cases for this reason. Id. (“Where the Commission has assigned a rather low base offense level to a crime and then increased it significantly by a loss enhancement, that combination of circumstances entitles a sentencing judge to consider a non-Guidelines sentence.”); see also, e.g., United States v. Gupta, 904 F. Supp. 2d 349 (S.D.N.Y. 2012) (describing how fraud guidelines effectively ignore everything but the loss amount and that many of the resulting Guidelines-recommended sentences are “irrational on their face”); United States v. Ovid, 09 Cr. 216 (JG), 2010 WL 3940724, at *1 (E.D.N.Y. Oct. 1, 2010) (criticizing § 2B1.1).

The history of §2B1.1 shows the fraud guideline to lack any sound policy rationale. It was not based on empirical research concerning deterrent efficacy or any other variable relevant to the purposes of sentencing. It was not even originally intended as a codification of past sentencing practices. To the contrary, it was written with the goal of increasing the severity of sentences over historic levels. See United States v. Corsey, 723 F.3d 366, 379 (2d Cir. 2013) (Underhill, J., concurring). (“The loss guideline . . . was not developed by the Sentencing Commission using an empirical approach based on data about past sentencing practices. As such, district judges can and should exercise their discretion when deciding whether or not to follow the sentencing advice that guideline provides.”).

In light of the criticism surrounding the fraud guideline, it is not surprising that statistics provided by the Sentencing Commission find that that courts vary from the fraud guideline in most cases. Excluding cooperators, courts in this district varied from the fraud guideline in 71% of cases in fiscal year 2019. See U.S.

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Sentencing Commission Statistical Information Packet for Fiscal Year 2019,
Southern District of New York at Table 10.⁴

In this case, the Guidelines' emphasis on loss is particularly inappropriate and unfair, since the numbers were proposed by government agents and do not represent actual or potential loss to any party.

CONCLUSION

Herode Chancy "is so much more than the person who made these decisions." Ex. B at 2 (Pierre). He is a hard-working self starter, a devoted father, and a reliable friend. Imprisonment is not the only or the best way to punish his first offense. A felony conviction, a term of home confinement, and community service are sufficient in this case.

Respectfully submitted,

/s/

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⁴ Available at <https://www.ussc.gov/sites/default/files/pdf/research-and-publications/federal-sentencing-statistics/state-district-circuit/2019/nys19.pdf>

EXHIBIT A

Nicole Chancy

[REDACTED]
Fresh Meadows, NY [REDACTED]

April 19th, 2021

Dear Judge Lewis J Liman,

My name is Nicole Chancy, and I am the wife of the defendant, Herode Chancy. I have known Herode for over 23 years and we have been married for 13 years, separated 7 years. We have 2 daughters, currently ages 11 and 13. I am in the real estate banking business. Five years ago, I was diagnosed with [REDACTED]. It was the darkest time in our family's life. Our children depended on their dad all the while I was in and out of the hospital. As a mom, it brought me much ease knowing that I can depend on their father to take care of them when I could not. Herode has always been hands on with his children and I was very grateful for that while I was undergoing [REDACTED] – one less thing to worry about. They have formed a bond that continues to this day. From the time they were 6 and 7, he has been their coach in various CYO Leagues and PAL leagues ranging from soccer to basketball, making sure that they stay active and healthy while being close to them. He takes them on vacations every year to various places such as Canada and the Bahamas. They go fishing and they love that he takes them to various adventure parks and outings. They have created lots of fun and special memories together and as the girls get older, their needs are different, more sophisticated. They call upon him for advice on how to handle issues in school and they talk about current events. They go to their dad's house every weekend to spend quality time with him and they look forward to it.

Although Herode and I are separated, I depend on him being there for support, not just financially but emotionally as well. We co-parent great and we try to make our unique family work. I can say that he always made sure that I was okay, never lacking anything. There were various moments through the years that he has helped sacrificially when he didn't have to. For example, one day my tires blew out on the highway. I didn't want to bother him because i knew that he was not close to where I was at the time. I was waiting for a tow truck for some time so I decided to call him to see if he could help. He came right away, left what he was doing to help me change my tire. That's the type of person he is. If the kids and I ever needed something, he would try his best to provide for us. Since he lost his job, things have been even harder. We are behind on our rent and other bills. If he was to go away, we would have to uproot again and find somewhere else to live. That would be extremely difficult right now with our funds being depleted. We depend on his salary to pay the rent. We split the bills and he pay his own rent and other bills where he lives - we live separately. Now that he has a job, we are hoping to pay back the past due rents and get caught up with what we owe.

I understand that Herode has pleaded guilty to the charges he is facing but I believe that he acted out of desperation to help our family. As you can imagine, my medical bills have been overwhelming and we had to give up our home. We sacrificed a lot as a family and there was a lot of financial stress as well as

emotional stress. I believe it is because of all of this, it drove Herode to get involved with the wrong company, resulting in where we are today. He always wanted to provide for his family. He wanted to alleviate my worries while I battled [REDACTED] and raise our young children. Herode's character does not reflect this act. He is kind-hearted, compassionate, caring, protective and a loving family man who will go above and beyond for anyone that he cares about. He cared about our well-being and he wanted to make sure that I wasn't worried about our financial burdens. I cannot begin to imagine the pain and heartache that our family will suffer if Herode was to be incarcerated. I plead with you, please pardon him on these charges. Our girls are depending on him to be there for them. Our oldest is heading off to High School and our youngest has [REDACTED] issues ever since I was diagnosed. She is currently seeing a therapist to help her with that. They need the presence of their father in their everyday lives. We are not the perfect family, but we are always there for each other and we always depend on each other to be there.

I know that Herode is remorseful for his actions. He never wanted to disappoint his children. We are looking forward to getting this behind us so that we can repair and rebuild. Herode's new job has been a God send – which our family needs. Since this has happened, I believe that it has given him a different outlook on life. He tears up every time we talk about the possibility that he will have to be away from his kids. Your honor, I can tell you that I am 1000% certain that he will never do anything like this again. It has been a rough year for him, for us and with the pandemic added into it, it has taught him a lot. He knows the value of being present in his children's lives and would never do anything to jeopardize that again.

Yours Sincerely,

Nicole Chancy

EXHIBIT B

June 29, 2021

Good morning Judge Liman,

My name is Pierre Millien and I'm writing on behalf of my cousin and very good friend Herode Chancy. We grew up in Harlem New York in the early 80s and lived in the same building many years. Since our families are so close we've been friends since we were kids. The Herode I've always known is a caring thoughtful man who always stood up for and looked out for others. Even as kids Herode would always be the one to want to help others. We had great parents in our lives but we grew up not always in the greatest of conditions. Living in Harlem back in the 80s wasn't what people see today. At the time it wasn't strange to hear gunshots in our apartment building or just outside. Even just walking in the hallways you would see fights. Our parents kept us cooped up in the apartment because it was so dangerous.

Our parents all immigrated from Haiti to the US so had different expectations of us than other kids. They loved us and wanted the best for us, but it was challenging in a lot of ways. Our parents strived to give us a better life and worked multiple jobs so one day we could move. They did their best to keep us out of trouble and motivate us to do the right things like go to school and be productive members of society. For the most part they did a good job. As a family we had our ups and downs but we always had each other there to guide us and help us in good times and bad. Herode's parents in particular were very very strict and their relationship was often strained. They didn't understand a lot of what Herode was going through as a teenager in Harlem and the reactions he was having. One of Herode's friends was murdered when Herode was with him. Herode's friend was a twin so the three of them were playing together minding their business when some other guys approached them. Herode and one of the twins were scared and ran off, but tragically the other kid was killed. His parents didn't know what he needed or how to help him process what happened. The only thing they knew to do was to enforce extremely strict rules. It wasn't the best situation for a teenager.

He started living on his own at just 17 or 18 years old because the relationship with parents had deteriorated so much. It made him have to grow up a lot quicker and get himself together. He scrapped by doing whatever work he could find and eventually worked his way into a career.

Herode and I remain close in our adult years. We both of us got married, had kids, and had our first homes in Long Island. We wanted to raise our kids in a different environment and were fortunate enough to have the resources to do so. He's one of the guys where if you found yourself in a jam he should be your first call. If I get stuck somewhere he is there in a heartbeat, even if it's a major inconvenience. One winter I was very sick and couldn't do much. He was calling the house to check in on me and was constantly talking with my wife to see who he could take some of the pressure off of her. He would come to the house and shovel the snow and take care of the housework I was too sick to do. Heaven forbid if something ever happened to me, he would be the one I trust to take care of my family.

I have been lucky enough to be the godfather to one of Herode's beautiful daughters, and Herode is a great cousin friend to my two kids as well as my wife. Because of what he's experienced with his parents he gives his girls and all the children in the family an overabundance of love. He wants them to understand he loves them and will always be there for them no matter what. He doesn't want them to have ever have to experience what he did.

I know we are here today to discuss an unfortunate situation that Herode is in. He is so much more than the person who made these decisions. This case does not show all the good there is in the man I've known the last 41 years. Herode is a loving father who spends his days and nights doing what he can to take care of his family. Herode is an active member in his kids lives whether it be playing basketball, the kids showing him different websites, going new places, or just being around his kids this is the man I've know and those type of things are what bring him true joy.

I'm not sure how Herode got himself involved in these activities that has brought him in front of this court. I wish I had spoken to him prior to these things taking place so I could've maybe help him make better choice, but we cannot go back it has been done so the only thing we can do now is move forward. Herode made poor choices, that goes without saying. I also believe that he understands his wrongdoing and is very remorseful for what he has done and the implications it will have one not only his life but those around him and those directly impacted by his decisions who lost money. I ask the court to take into consideration some of those around him that will also be affected by taking Herode out of their lives, more so than anyone his kids. I know a crime was committed and we can't take that back I just hope that some other way for Herode to repay his debt to society. Herode has never been in any kind of trouble before. This whole thing is a shock to me for so many reasons but I still can't believe he would put himself in this position to potentially be away from his kids.

Pierre Millien

EXHIBIT C

Dear Judge Liman,

Hello my name is Michelene Anderson. I am the older sister of Herode Chancy. I own a daycare called Heart 2 Heart Childcare Inc. on Staten Island.

Herode is the youngest child in our family out of four children. I took care of him when he was a baby up until I moved out and went to school. Since I'm the eldest and he's the youngest there is a bit of an age gap and I moved out when he was still young. Still we always kept in touch. We were very close and still are very close. He's always confided in me since we were young. Our parents were very strict, especially when we were growing up. He would come to me when they didn't see eye to eye and how to navigate each situation. Herode has always deeply loved our parents but sometimes it could be difficult. He would ask me my opinions on all his major decisions, relationship advice, and now things like parenting advice.

We were brought up in a strict household. Herode tried very hard to follow all the rules and never got in trouble in school or anywhere outside the home. Growing up he was very quiet but still very sweet. Our main friends were our cousins and other family that lived close by. He was very much into basketball and sports. My parents weren't advocates for sports and didn't really understand it. He was very talented, but didn't really know how to make sports work for life like college scholarships and such. He liked school though and was very smart so excelled in school. As he got older he grew more outgoing as opposed to his quiet younger self. He started to really want to be successful and provide for the family.

When I got married and had my first son Herode remained an important part of my family. Him and my son were particularly close. Herode always wanted to watch him and was so proud of his nephew. Even still my son is now 25 years old and Herode is always checking in calling to make sure he has everything he needs. I also have a nine-year-old that Herode is close with. He brings my son on vacations on his family vacations with his daughters. Herode wants him to feel loved and included. He is also always there for me. I know I'm the older sister but sometimes it feels like he's my older brother. During my first marriage he was really there for me. I know what I would have done without his support. He told me I deserved better than that and affirm me. He would check up on me every day or every other day when I told him he worries too much.

Though he loves all of us the love he shows his two daughters is unparalleled. He has a very close relationship with them. He's their friend, coach, father, and parent. His ex-wife and him are still close, they still talk and there is no conflict. They both love their girls so much and want them to know they have a cohesive team of parents who can both be there for them. Herode is always trying to build up his daughters. He gives them a lot of confidence. [REDACTED]

[REDACTED] He is at every parent teacher conference. He got them into sports and wanted to coach for them. He was a coach for soccer when they were young and then did the basketball

team. [REDACTED] He is involved in every aspect of their life, and is very in tune.

He talks to me about his case. He is very scared. The not knowing and the depression have been a struggle. I've seen how the decisions he made that lead him here weigh on him. We talked last week and doesn't seem like he's in a good place. My mother and father have really struggled with this whole thing. My father has heart problems and is very sickly. This news really shocked him. It's been very tough on their relationship with Herode. It's also been tough for what it could mean for Herode's relationship with his children. He doesn't want to lose time with his kids. The girls and their mother depend on him. He's disappointed in himself. He grew up on a straight path. He's upset at himself for getting involved in this kind of thing. He's always talking about how he regrets it and wishes he never did it. I believe people deserve a second chance and I hope that counts for something since he's never been in any trouble before. It was such a stupid decision. He was on a steady career path with banking and now he can't go back to that. I just want you to know he's sorry. This time on pretrial has really forced him to reflect and deal with the reality of the situation he helped create.

From,

Micheline Andeson

EXHIBIT D

July 2, 2021

Dear Judge Lewis J. Liman,

My name is Peter Pamphile I am 34 years old. I work at MTA NYC transit as a bus driver. Herode Chancy is my father's sister's son so we're cousins. He's also the godfather to my 7-year-old son.

Being cousins Herode and I have known each other pretty much our entire lives. I have always known him to be a very responsible hardworking family oriented individual. You can count on him for anything. That's been true since we were kids. When I was young and living in New Jersey I had this old 1991 Toyota Carolla living in New Jersey. My vehicle broke down on the side of the road in the middle of the night. I was working a dead-end job not making much money so I couldn't afford the tow truck rates. I called Herode not knowing what to do and he came right out to help me. At 2 am he drove from Long Island to NJ to help me out.

When I was 18 I had an accident with that same car. Herode let me be under his insurance and borrow his car. That enabled me to get around to get to school and get a new job without being stranded on mass transit. I used to work at Starbucks and it was very far to get there because it was on the other side of town. So when he gave me access to the vehicle it saved me over an hour on commute. Because I had an accident with my first vehicle, back then my credit was bad so I couldn't get another vehicle. Over the years he gave me advice on how to fix my credit and now it's better.

Our relationship today is so great and built on years of being there for each other. I talk to him often and try to see him every other weekend. He has two daughters so my son hangs out with them. As the kids play together we catch up. The kids also used to have the same babysitter too so spend a lot of time together. We try to do things as a big family often. It was one of his daughter's birthday last week so we all celebrated together. We went over to Herode's last weekend to watch the boxing fight. We try hard to be a family together. A bunch of us also saw our cousin get married in Jamaica. It was a really great experience. We got to see family and friends and celebrate life.

Herode spoke to me about the case. He is very regretful and very down. It's really impacted his day to day. He is losing weight and is even getting bald. He was always joking with me about having a bald spot but now is having the same thing. He always had a nice full head of hair. He is learning to though and make it day by day. He keeps good company around him and we try to uplift him. Just last month he started crying in front of me talking about the situation. I was so taken back because he's the older cousin so usually it's more in reverse. I have never seen

him like that and didn't know what to do. I gave him a hug and just tried to be there. It's so clear to me he wants to try to do better and change a lot of things in his life.

He is going to focus on his daughters. Every day is not promised. He is a great great great father. He's very hands on and involved. Almost every weekend he's got them doing different sports and activities. He used to coach for M [REDACTED] his oldest daughter's basketball team. He helps with homework and makes sure they're taken care of. Almost every other day he's with them. The kids split their time 50/50 and Herode really makes their time together count.

We are close and I am a support for him. He did a lot for me. He's my favorite cousin I can call him and call him. He just turned 41 on March 5th so he's a little older but we're in the same age bracket. Growing up it was great because he had been through everything before me and could offer solid advice. I'm the oldest of 3 brothers in my immediate family so he's almost like my big brother. He's who I went to for advice for myself and how to help my brothers out.

Now he has to follow his own advice. If he does that, which I know he will, this won't happen again. He has so much to lose and look forward to. The kids are getting older and time waits for no one. Every day that passes by he's learning that lesson. Nothing is more important than being there to see his kids grow up.

From,

Peter Pamphile

EXHIBIT E

Eric Pamphile

Yonkers Ny

Judge Lewis J. Liman
United States District Court
Southern District of NY

Dear Judge Lewis J. Liman,

I, Eric Pamphile, am the cousin of Mr. Herode Chancy. We are related since my father and his mother are brother and sister. Because we are family I have known Herode my whole life. I am a mail carrier who works for the post office in Bronx, New York. I have resided in Yonkers, New York for nearly my whole life as I am thirty-one years old now.

Herode and I have always been very close even though we have a little difference in age. I would describe him as an honest and loyal person who will always tell it to you straight. If I need relationship advice, to know if a car is a good deal to purchase, or family traumas such as our grandmother passing away two years ago I know I can count on him. Two years ago my father passed away and he was there to keep me level headed. He was there to listen when I needed to talk and to hug me when I needed to cry. This and many other reasons is why I consider him more of an older brother than a cousin.

Herode is a great family man and is loved by his two daughters. When they need him he will drop whatever he has to do to make them happy. We both have a passion for the gym and workout together, but he has canceled many times so he can be with his daughters if they last minute need him for something.

I chose him to be my best man in my wedding. I couldn't think of anyone better suited for the title and he lived up to it in every way. Planning was very stressful, but he helped me every step of the way. He helped me pick out party favors, my suit, and train me in the gym so I could feel confident. I couldn't imagine getting married without him by my side. He's been with me at every

major step of my life and his support has made each moment even more meaningful. That's why I didn't hesitate to sign his bond so he could travel to be there. It was a \$500,000 bond which is no joke but I trust Herode entirely and knew he took that very seriously that I and other family were willing to do that for him. He did not disappoint me and was on his best behavior during all travels. The wedding was beautiful and it meant the world to me that all my family (including Herode) was able to be there. It wouldn't have been the same without him.

I know Herode has great things in store for him in the future. I know he looks forward to working and providing guidance to his daughters in the rest of their schooling years.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Pamphile". The signature is written in a cursive, flowing style with a large, stylized "P" and "amphile" written in a more compact, cursive script.

Eric Pamphile

EXHIBIT F

April 23, 2021

RE: Herode Chancy

To: Judge Lewis J. Liman

My name is Dianne Pamphile and I am the cousin of Herode Chancy. He is not only a cousin but a brother figure to me.

Herode moved into the apartment in my family home and lived with us for over 5 plus years. Within that time, I was able to build a close relationship with him that gained me a 2nd big brother. Him and brother were close, so it was natural for him to stand proudly alongside to fulfill big brother duties as a duo. Herode has been a staple in my life growing up as a teenager. Being a teen mom and not really having a direction in what was next for my life, he played a big part helping and guiding me through. He was a staple Mentor Big Brother example and motivator in my life. Sad to say but he stepped up more than my actual brother in helping me navigate through these hardships. I remember specifically one year after having my daughter, he came to me and asked what my next steps in life were. I wasn't sure, I didn't know. Herode simply said to me, why don't you go to college? I said, I don't know what I want to do and now that I'm a mother it's hard. He said, you don't have to know now, let's just go sign up and you can weigh your options out and start with liberal arts. He suggested LaGuardia Community College. I remember after that specific conversation not long after, I enrolled at LaGuardia Community College. They had a daycare in the school and within those two years, as my daughter graduated from kindergarten, I too was graduating with my associate degree. My daughter wore her yellow cap and gown to my graduation and in that moment, I was so thankful Herode pushed me to take that step no matter what my circumstances were.

Still to this day I speak of Herode very highly. He's part of my life story. He pushed me and I was able to take off. I continued and finished my BA and master's degree and is currently a middle school teacher. That talk and mentoring from Herode led me to mentoring my students. I started a Girl's Group mentoring program at my school that Herode makes time for to speak to my girls whenever I ask. We shared our story and he shared his professional experiences that will help them later in life. I knew he would be a great father growing up and he carried that torch proudly in raising his two beautiful daughters. As I was growing up, I've also watched him grow as a man and I admire his journey to always want better for himself and his family.

He still till this day never misses a step with his big brother check-ins and support. Always there when I need him. Quick example, I needed a car this past summer and I simply mentioned it to him after a gym workout and the next week I was signing off on a new lease. I share these personal stories to say that Herode is truly a blessing to my life and to others, not only my

cousin, but my 2nd big brother, mentor, someone I can call that I know will show up for me no questions asked. He's abundantly giving and caring and puts people before himself always.

When speaking about future plans in life, he speaks about working to provide for his family, spending time with his daughter's and coaching his daughter's sports teams. He currently is teaching them how to play golf after introducing them to basketball and soccer. He's an all-around family man and I truly admire his dedication to living up to that example. I plan on helping Herode grow by holding him accountable. I'm the cousin he calls for the hard truth and "woman's perspective". Even though I look up to him as an older brother and mentor, it shocks me that I have become someone who can offer advice that he trusts. It speaks volumes on how he views me and the level of respect he has for me and the woman I've become. I notice positive changes in his life as he continues to open his mind to other aspects of life. For example, I'm a full alkaline vegan and a yoga teacher. Herode clearly is not. I'll meditate more vs he probably will be at the gym lifting weights as a means of relaxation time. But he has been acquiring more information from me about the lifestyle and the benefits. He recently inquired about a juice cleanse I'm on. To my surprise he wanted to join me and try it. He is an example of someone who wants to be better. Even when we have a difference in opinions, he always takes time to reflect and is sure to circle back with what he researched or ask more clarifying questions to better understand. My prayer for Herode is that he continues to do the self-work that will help him grow daily into a better person, friend, father, brother, cousin, and whatever other titles he holds.

It is my hope that you take note of my letter of support for Herode Chancy.

Thank you for your consideration.

Sincerely,

Dianne Pamphile



EXHIBIT G

Michelle Tejeda

New York, NY

Current Date April 19, 2021

RE: Herode E Chancy

To the Honorable Judge Lewis J. Liman

I am writing on behalf of Herode Chancy. Mr. Chancy and myself have now been in a committed relationship for 1 year and 8 months, and hoping for forever more. It is for this reason that I am happy to write this letter. Within this time Herode has proven to me that love does and could still exist. I am a mother of two beautiful daughters, and within the trial and error of life I thought settling for being a single mother was the only way to proceed , until I meet Herode.

Herode and I have a love story that I look forward in telling both our sets of kids and to any future children God has in plans for us. We met on a dating app. At first meeting that way was something maybe to be shameful to tell but to see what our relationship have flourished into, I am so proud to say I swiped right in hopes we were a match. Little did I know he had already swiped right wanting the same. Though I tried to play hard to get between the images on the app and his great way of holding a meaningful conversation, I just knew I had to take what they call "a leap of faith " and we had our very first date in Times Square DOS CAMINOS.

Throughout this time like most successful relationships we have had our struggles, but one thing for sure is though I went through a lot of doubts Herode stood his ground and showed me what true support no matter what is. Being a single mother and having to deal with this thing we are fortunate to call LIFE, I found myself having to be in two different locations at the same time for my daughters, with his help I was able to accomplish and be there for my girls. To many this might not seem like a big deal but for a person like myself that have been that dependable parent for them, it meant so much to see him being able to just put all his responsibilities on pause provide the time to put my daughters and my needs.

Herode has taken his time to build not only a foundation for him and myself, we have such an amazing blended family. We come from 2 different culture, 2 different upbringing and yet being a family is one of the best things God has let me experience.

Unfortunately Herode Chancy made a mistake, which from that moment has tested our relationship in all levels.

“We have two lives, and the second begins when we realize we only have one.”- Confucius

Seeing how deeply remorseful he has been since day 1, I knew that by his side is where I needed and wanted to stand. This type of action has us all just realizing life is short.

Highly appreciated and thankful for your time

Michelle Tejeda