

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA	)	
	)	INDICTMENT NO.
v.	)	1:20-cr-00296-JPB-CMS-9
	)	
	)	
AMANDA CHRISTIAN,	)	
	)	
Defendant.	)	

**DEFENDANT AMANDA CHRISTIAN’S SENTENCING
MEMORANDUM AND MOTION FOR DOWNWARD VARIANCE**

COMES NOW Defendant Amanda Christian (hereinafter referred to as “Ms. Christian”), by and through undersigned counsel, Gabe Banks, and here by files this Sentencing Memorandum and Motion for Downward Variance. In support thereof, Ms. Christian would show this Honorable Court as follows:

INTRODUCTION

On March 23, 2022, Ms. Christian appeared before this Honorable Court and entered a plea of guilty to Count 34 of the First Superseding Indictment. *See* Docket Entry No. 447. In doing so, she accepted complete responsibility for her actions without requiring the government to expend unnecessary resources and time to establish her guilt beyond a reasonable doubt.

Ms. Christian now comes before this Honorable Court as a 34-year-old, loving fiancé, sister, lifelong entrepreneur, and someone who has given back to, and served, her community. Ms. Christian has readily admitted that her conduct in this case was unacceptable and realizes such conduct was more than simply a lapse in judgment that can be brushed under the rug without any consequences. As she reflects back on her conduct in this case, she continues to be extremely remorseful and has acknowledged that she took advantage of an opportunity designed to help businesses and people across the country during the time of a global crisis and pandemic. Daily she continues to struggle with why she made these horrible decisions to engage in this fraudulent scheme. And, while she in no way seeks to diminish what she did and/or the role she played, her conduct is an aberration and not at all indicative of her character.

For the above reasons and the reasons set forth in more detail below, Ms. Christian respectfully requests that this Honorable Court grant a 3-Level downward variance and sentence her to a term of imprisonment of no greater than 33 months.

PSR Calculations:

As a result of Ms. Christian's plea of guilty to Count 34, Probation concluded that Ms. Christian's Base Offense Level is Seven (7). *See* PSR at ¶120. Probation also concluded that the following specific offense characteristics and/or adjustments apply: (1) a 16-Level increase because the loss amount exceeded \$1.5 million but

not more than \$3.5 million; and (2) a 3-Level increase because defendant was allegedly a manager/supervisor and that the criminal activity involved five (5) or more participants. See PSR at ¶¶121, 123. This results in an Adjusted Offense Level of 26. See PSR at ¶124. Rightfully so (*and without objection from the government*), Probation awarded Ms. Christian a 3-point reduction for acceptance of responsibility, resulting in a Total Offense Level of 23. See PSR at ¶¶127-128.

As it concerns Ms. Christian's criminal history, Probation assessed one (1) criminal history point for a purported conviction of driving with an Open Container based out of Springfield, South Carolina, see PSR at ¶131, resulting in a Custody Guideline Range sentence of 46-to-57 months.

Defendant Withdraws Objections to the PSR

Ms. Christian filed several objections to her PSR but concedes that only one of those objections, i.e., aggravating role, would impact the above-reference guidelines calculations. As it concerns that sole objection related to the role she played in the offense, Ms. Christian withdraws that objection. Moreover, because none of the other objections impact the above-reference guidelines calculations, Ms. Christian withdraws¹ all remaining objections as well.

¹ Ms. Christians believes she was not convicted of driving with an open container; rather, she believes she was convicted of driving with a suspended license. See Exhibit A attached hereto. Again, Ms. Christian withdraws this objection as it does not impact her criminal history category, although she believes that her criminal history points would be zero, not one (1).

LEGAL ARGUMENTS – 18 U.S.C. § 3553

Imposition of a Reasonable Sentence:

As this Honorable Court is aware, when imposing a sentence, it is required to engage in a 2-step process. First, the Court must properly calculate the sentencing guidelines. *United States v. Talley*, 431 F.3d 784, 786 (11th Cir. 2005), abrogated on other grounds, *Rita v. United States*, 551 U.S. 338 (2007). In other words, the Guidelines are no longer “the only consideration” at sentencing. *Gall v. United States*, 522 U.S. 38, 49 (2007). Rather, the Guidelines merely provide a “starting point” for the Court’s sentencing considerations. *Id.*; accord *Cunningham v. California*, 549 U.S. 270 (2007). Notably, as one district court judge has stated: the Guidelines’ “most fundamental flaw is the notion that the complexity of human character and conduct can be rationally reduced to some arithmetic formula.” See Terry Carter, Rakoff’s Stance on the SEC Draws Fire, Praise—and Change: The Judge Who Said No, ABA Journal, Oct. 2013, at 53. While Congress has delegated substantial responsibility to the Sentencing Commission, the United States Supreme Court has emphasized that the interpretation of regulations ultimately “remains in the hands of the courts.” See *United States v. Malik Nasir*, No. 18-2888, 2021 U.S. App. LEXIS 33109, at *24 (3d Cir. Nov. 8, 2021) (citing *Kisor v. Wilkie*, 139 S. Ct. 2400 (2019)).

Second, the Court must consider the statutory factors outlined in 18 U.S.C. §3553 to determine a reasonable sentence. Id. These factors include: (1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the need to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment to the offense; (3) the need for deterrence; (4) the need to protect the public; (5) the need to provide the defendant with needed educational or vocational training or medical care; (6) the kinds of sentences available; (7) the Sentencing Guidelines range; (8) pertinent policy statements of the Sentencing Commissions; (9) the need to avoid unwanted sentencing disparities; and (10) the need to provide restitution to victims. Id.; see also, 18 U.S.C. § 3553(a). 18 U.S.C. § 3553 requires the court to consider the need to reflect the seriousness of the offense, promote respect for the law, provide just punishment of the offense, deter criminal conduct, protect the public from the defendant's future criminal conduct, and provide the defendant with needed educational or vocational training or medical care. *Id.* § 3553(a)(2). To be sure, when imposing a reasonable sentence, the Court is required to impose a sentence that is “**sufficient, but not greater than necessary.**” *See* 18 U.S.C. § 3553(a)(2).

In considering all of the facts and circumstances of the instant offense, as well as the 3553 factors, this Court should grant a 3-Level downward variance² and sentence Ms. Christian to a term of imprisonment of not greater than 33 months.

Instant Offense:

Prior to the commencement of any fraudulent scheme, Ms. Christian met Mr. Charles Petty through Facebook when he publicly advertised opportunities for “Business Funding” on his page. As a small businessowner, this peaked Ms. Christian’s interests. After meeting Mr. Petty via Facebook, Mr. Petty then introduced Ms. Christian telephonically to co-defendants Darrell Thomas and Denesseria Slaton. Shortly thereafter, the four (4) of them began working together to process PPP loans. Importantly, Ms. Christian never created and/or devised the scheme to defraud the government and/or the lending institutions. In fact, for the three (3) loans for which she is being held responsible, namely: (1) Transportation Management Services Inc.; (2) Mickies Auto and Tires LLC; and (3) Advertising and Then Some, Inc., she never filled out the loan application and/or submitted said application for processing. This is true even for the loan that she applied for on behalf of her own business, i.e., Advertisement and Then Some, Inc. Instead, it was co-

² Of course, a district court's reasons for not applying the properly calculated guideline range must be based on factors outlined in § 3553(a). *See United States v. Green*, 436 F.3d 449, 455-56 (4th Cir. 2006).

defendant Thomas (and/or perhaps co-defendant Slaton³) who took all necessary steps to falsify documents for the submission and processing of various loans.

Ms. Christian essentially served as a middle-woman between the businessowners and co-defendants Slaton and Thomas and took her direction from them. As it concern the loans for Transportation Management Services Inc. and Mickies Auto and Tires LLC, Ms. Christian received the following documents from Charles Petty and Rick McDuffie, respectively: a picture of the owner's driver's license, a social security card of the business owner, six months of bank records, a voided check of the business, articles of incorporations, and an IRS letter with the business's EIN. Upon receipt of that documentation, Ms. Christian would then forward said documentation to co-defendant Slaton. The above-referenced documentation for these loans was submitted to co-defendant Slaton in February/March 2020. While Ms. Christian does not deny that she was involved in a fraudulent scheme, the fraud associated with that scheme did not become readily apparent to her until she was approved for her loan, realizing that her loan application⁴ contained false information, i.e., the number of employees and payroll

³ Ms. Christian contends that she submitted the above-referenced documents to co-defendant Slaton, but she is uncertain whether co-defendant Slaton falsified any of the documents and/or loan paperwork.

⁴ It is worth noting that Ms. Christian did not fill out the paperwork associated with the loan application for her business.

information. Upon learning of the false information, she contacted and questioned co-defendants Slaton and Thomas who both advised her not to worry about it. At this time, Ms. Christian definitely knew she was involved with a fraudulent scheme and unfortunately executed the loan application anyway.

The total loan amount for the three (3) loans for which she is being held responsible is \$2,377,784. The breakdown for each loan is: (1) \$830,417.00 (Transportation Management Services Inc.); (2) \$787,160.00 (Mickies Auto and Tires LLC); and (3) \$760,207.00 (Advertising and Then Some Inc.). While she accepts responsibility for her role in each of these loans, Ms. Christian only walked away from the fraudulent scheme associated with these three (3) loans with \$20,000.00, i.e., less than 1% of the total value of said loans. Even if this Court were to calculate the percentage Ms. Christian walked away with based upon the loan obtained on behalf of Transportation Management Services Inc., that percentage would be less than 2.5% of that particular loan. Yet, no matter how you slice it, Ms. Christian only walked away with between less than 1% and 2.5% of the loan amounts for which she is being held responsible. Clearly, Ms. Christian was not the mastermind behind this fraudulent scheme.

Ms. Christian's Background:

Ms. Christian is 34 years old and a lifelong resident of South Carolina. See PSR at ¶145. Her mother abandoned her and her siblings at a young age due to an

alcohol/drug addiction, causing child protective services to become involved. *See* PSR at ¶¶140, 142. Eventually, Ms. Christian was raised by her great aunt and uncle, Russell and Elizabeth Williams. *See* PSR at ¶142. During her childhood, she had no contact with her biological mother until she was 16 years old and had to attend a family funeral; at that funeral, her biological mother merely said: “Hello Amanda.” Ms. Christian had little or no contact with her biological father throughout her childhood and has not seen him in over 20 years and is currently unaware of his whereabouts. *See* PSR at ¶140. While she was raised in a loving environment, there is not doubt that throughout her entire childhood (and now even adulthood) she has lived with the void of not having a relationship with either of her biological parents.

Despite this tremendous void that no child should have to experience, Ms. Christian graduated from High School and attained Bachelor of Science in Public Affairs and Political Science in 2010. *See* PSR at ¶150. Tragically, during her college years, she was in a physically and mentally abusive relationship where she suffered a near death experience. *See* PSR at ¶143. While she has never been married and does not have any children, she is currently engaged to her fiancé, Lyles Knox. *See* PSR at ¶144.

Since graduating from college, she has always maintained employment. *See* PSR at ¶¶152-155. Currently, she is self-employed and provides a credit counseling service to assist individuals repair their credit. *See* PSR at ¶153. Although not noted

in the PSR, in 2020 Ms. Christian formed a non-profit organization, namely, *Feeding Everyone Daily*, aimed at serving the underprivileged, including the homeless and at-risk youth in her community. *See* Exhibits B through F. Through this non-profit organization, she has spearheaded back-to-school drives for at-risk youth, provided food for the homeless, and adopted families during the Thanksgiving and Christmas holidays. *Id.* To her credit, she has always given back to, and served, her community.

The true nature of who she is can be found in the many letters of support that undersigned counsel has provided for this Court's consideration and review. *See* Exhibit G attached hereto. In sum, these letters describe Ms. Christian as: dependable, supportive, compassionate and caring of others (even strangers), giving, inspiring, smart, talented, honest, and trustworthy. All of these letters speak to the fact that Ms. Christian's conduct in this case is an aberration for which she remains apologetic and extremely remorseful.

Cooperation with the government:

Ms. Christian also cooperated with the government. While the government concluded that the information provided did not give rise to substantial assistance that warranted a 5K motion, the fact that she willingly provided information to the government should be taken into consideration by this Court when fashioning an appropriate sentence. It is also worth noting that while on pretrial release, Ms.

Christian has complied with all of the terms and conditions of her release, as well as the plea agreement she entered into with the government in this case.

In short, Ms. Christian has demonstrated that she can lead a productive, law-abiding life and has every reason to do so moving forward. While she understands that she will be required to go to prison, Ms. Christian respectfully requests that this Honorable Court grant a 3-Level downward variance in this case and sentence her to a term of imprisonment of not greater than 33 months.

Respectfully submitted this the 6TH day of September, 2022.

BANKS WEAVER LLC

/s/ Gabe Banks

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing document was formatted in Times New Roman 14 pt., in accordance with Local Rule 5.1B, and was electronically filed this day with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all parties of record.

Dated: September 6, 2022.

BANKS WEAVER, LLC

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