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1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 UNITED STATES OF AMERICA) Docket Number
5) 1:24-CR-00304-SDG-1
6 Plaintiff,) 1:13-CR-00238-SDG-1
7 v.)
8 BOEROEPAE JORDAN) Atlanta, Georgia
9) January 16, 2025
10 Defendant.)

11 TRANSCRIPT OF SENTENCING
12 BEFORE THE HONORABLE STEVEN D. GRIMBERG
13 UNITED STATES DISTRICT JUDGE

14 APPEARANCES OF COUNSEL:

15 FOR THE GOVERNMENT: MR. GARRETT BRADFORD

16 FOR THE DEFENDANT: MR. PAUL KISH

17
18 OFFICIAL COURT REPORTER: ALICIA B. BAGLEY, RMR, CRR
19

20 Proceedings recorded by mechanical stenography, transcript produced
21 by computer
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P R O C E E D I N G S

(in Atlanta, Fulton County, Georgia; January 16, 2025;
all parties and defendant present)

THE COURT: Okay. Let me call the case. United States vs. Jordan. Case Number 24-CR-304. It's also a supervised release case of 13-CR-238. Let's have appearances of counsel beginning with the government.

MR. BRADFORD: Good afternoon, Your Honor. Garrett Bradford on behalf of the United States. I'm also joined at counsel table by Special Agent Monte Sharitt of TIGTA.

THE COURT: All right. Good afternoon.

MR. KISH: Judge, Paul Kish on behalf of the defendant.

THE COURT: All right. Good afternoon.

Good afternoon, sir.

I see Officer Peña is here.

PROBATION OFFICER: Good afternoon, Your Honor.

THE COURT: Good afternoon. Is that Officer Fields?

PROBATION OFFICER: Yes, sir.

THE COURT: All right. Good afternoon, sir.

All right. Well, Mr. Kish, I know I've worked with you for a number of years so I know this is unlike you so I'm not going to give you a hard time about that.

MR. KISH: Thank you.

THE COURT: I understand that you were supposed to meet with Mr. Jordan at 2:30.

1 MR. KISH: I just wanted him here early because I wanted -- we
2 met the other day for several hours. We're fine.

3 THE COURT: Okay. That was my question was whether -- I
4 wanted to make sure you've had enough time to meet.

5 MR. KISH: We did. Thank you, Judge.

6 THE COURT: Okay. All right. Mr. Jordan pled guilty on
7 October 10th of last year to Counts One and Two of a criminal
8 information which charged him with wire fraud, in violation of
9 Title 18 United States Code, Section 1343 and 2. Those are Class C
10 felonies. Count One carries a maximum term of imprisonment of
11 20 years and a \$250,000 fine or twice the loss or twice the gain
12 whichever is greater.

13 Count Two carries a maximum term of imprisonment of 30 years and
14 up to a \$1 million fine or, again, twice the loss or twice the gain
15 whichever is greater.

16 Mr. Kish, have you had a sufficient time to review the
17 presentence report with your client?

18 MR. KISH: We have.

19 THE COURT: Okay. We're also here on the sentencing for
20 supervised release violation. We had a hearing on that back in
21 October in which Mr. Jordan admitted to the violation. I believe at
22 the time I went through what the penalties for that was, but let me
23 just repeat that here.

24 For the supervised release violation it is -- the statutory
25 maximum sentence that's available is up to 5 years. The most serious

1 grade violation is an A.

2 So with that, let me turn back to the presentence report. I
3 think there are a couple of objections that we may need to resolve.
4 One of them was by the defendant to Paragraph 74 which relates to a
5 conviction on Mr. Jordan's record. What I'm understanding, Mr. Kish,
6 from your objection is that you're indicating this was not your client
7 and this was somebody who may have been using his name.

8 MR. KISH: Yes.

9 THE COURT: Okay.

10 MR. KISH: It's somebody - I actually happen to know this
11 person whose name it is. He's a former client. We will withdraw that
12 objection since in my opinion it has no impact on the calculation of
13 the guideline. It also wasn't objected to by counsel in Mr. Jordan's
14 earlier case. I'll withdraw that objection, Your Honor.

15 THE COURT: Okay. All right. Very well.

16 And then the government filed an objection to Paragraph 146
17 concerning Mr. Jordan's ability to pay a fine. I'm not sure if that's
18 necessarily an objection to resolve. But is there something you want
19 to add to that, Mr. Bradford?

20 MR. BRADFORD: No, Your Honor. But I can address that when
21 I'm recommending a specific sentence.

22 THE COURT: Okay. Okay. That is fine. So I'll consider that
23 as a withdrawn objection as well.

24 Any other objections on behalf of the government or the
25 defendant?

1 MR. KISH: Not from the defense, Judge.

2 THE COURT: Any other objections?

3 MR. BRADFORD: Your Honor, I just wanted to clarify that I was
4 not withdrawing the objection. I just don't believe that it affects
5 the guidelines calculation and I was planning to address how the Court
6 may factor in the defendant's ability to pay a fine or not.

7 THE COURT: Right. I guess what I was saying is it something
8 that I need to resolve to come to a finding before we get to the
9 guideline calculations? I've never encountered this type of
10 objection, necessarily, and what I'm understanding the government's
11 position to be is that you believe that Mr. Jordan has not been
12 completely forthright on his financial ability to pay the fine;
13 correct?

14 MR. BRADFORD: Correct. And it is defendant's burden to prove
15 that he is unable to pay a fine in the guidelines. So my position is
16 that the defendant has not met that burden in this case. However, as
17 I was planning to go into later, the government recognizes that the
18 Court is likely to impose a significant amount of restitution.

19 THE COURT: Right.

20 MR. BRADFORD: And so the Court can *in lieu* of the fine order
21 community service or something along those lines instead of a --

22 THE COURT: Okay. I guess the question is is there something
23 that you believe I need to resolve or make a finding on before we get
24 to the 3553 portion of the hearing?

25 MR. BRADFORD: I don't believe so, Your Honor.

1 THE COURT: Okay.

2 MR. BRADFORD: With the *caveat* that the Court -- well, I
3 believe the Court has the right to impose a fine if it wishes.

4 THE COURT: Right.

5 MR. BRADFORD: I don't believe that the defendant has
6 proven --

7 THE COURT: Yes. Well, I certainly have the right -- I mean,
8 regardless of what the presentence report indicates about his ability
9 to pay a fine, that doesn't take away my authority to impose a fine,
10 so that's always true.

11 MR. BRADFORD: Correct.

12 THE COURT: The question is does he have the ability to pay a
13 fine? I think a lot, as you pointed out, is probably theoretical.
14 You know, not to bury the lead here, given the significant restitution
15 amount, I'm unlikely to impose a fine on top of that. But I'll hear
16 you out on what you propose as part of your presentation later.

17 MR. BRADFORD: Okay. I believe that's fine, Your Honor.
18 Thank you.

19 THE COURT: Okay. All right. So to the extent that objection
20 is still standing, I will overrule it with that clarification, and
21 otherwise adopt the findings of fact and conclusions of law in the
22 presentence report.

23 So utilizing the 2024 edition of the guidelines, Counts One and
24 Two are grouped and the calculations are as follows:

25 The Base Offense Level under 2B1.1(a)(1) is a Level 7 because

1 the offense of conviction carries a statutory penalty of more than
2 20 years -- 20 or more years, I should say.

3 Twelve levels are added under B1.1(b)(1) for the loss being
4 between \$250,000 and \$550,000. Here, the loss attributable to the
5 offense is \$323,433.31.

6 Two levels are added under 3B1.1(c) for the role in the offense
7 in that the defendant was found to have been an organizer, leader,
8 manager or supervisor in a criminal activity other than that as
9 described in Subsections (a) and (b). Specifically, in that he
10 recruited his mother Doris into the scheme and had decisionmaking
11 authority over it. That brings us to an adjusted Offense Level of 21.

12 Three levels are reduced for acceptance of responsibility under
13 3E1.1 which is a total Offense Level of 18, Criminal History Category
14 of III, which is a custody guideline range of 33 to 41 months, a fine
15 guideline range of \$10,000 to \$100,000, a term of supervised release
16 of 1 to 3 years as to Count One and 2 to 5 years as to Count Two, and
17 a special assessment of \$200.

18 Any objection to those guideline calculations?

19 MR. BRADFORD: Not from the government, Your Honor.

20 MR. KISH: Not from the defense, Judge.

21 THE COURT: All right. The restitution amount I have is
22 323,433.31 to the Small Business Administration; is that correct,
23 Mr. Bradford?

24 MR. BRADFORD: Yes, Your Honor.

25 MR. KISH: Here's the only question I have about the

1 restitution issue. There's a loan amount, that's given. The
2 difference between the loan amount that's set out in the presentence
3 report and this approximately \$323,000 figure, that spread is
4 attributable to two sources. One, the interest that is charged on the
5 unpaid loan which I understand because that's recoverable under the
6 Victim Witness Protection Act. But then there's a loan-processing fee
7 that apparently was charged by the lender and which was insured and
8 covered. Maybe this is all academic. But I'm not sure -- the
9 loan-processing fee, I think, is approximately \$14,000. I don't know
10 if that's recoverable and so because that number - I can find it for
11 you in the presentence report - does exist, I would suggest that we
12 back that out from the restitution figure.

13 THE COURT: Well, we don't back things out of the restitution
14 figure. Restitution is the loss to the victim so we have to determine
15 what that amount is.

16 MR. KISH: My argument is that that \$14,000 is not a loss to
17 the victim.

18 THE COURT: Okay. Well, unless the government agrees with
19 that -- do you?

20 MR. BRADFORD: No, Your Honor.

21 THE COURT: So I'll have to make a finding in that regard.
22 Are you objecting to the restitution amount, then?

23 MR. KISH: Yes, sir. I'm objecting to that figure that's
24 contained on Page 33 of the presentence report. And the basis, if I
25 could, for that objection --

1 THE COURT: Why didn't you object to the presentence report by
2 paragraph of it when it was issued to you?

3 MR. KISH: You know, Judge, to simplify this matter today, I
4 will withdraw that objection.

5 THE COURT: Okay.

6 MR. KISH: Thank you.

7 THE COURT: So are you then stipulating to the restitution
8 amount of \$323,433.31?

9 MR. KISH: I will.

10 THE COURT: All right. Okay. That is the guideline range and
11 restitution amount for the new criminal conduct. For the supervised
12 release violation hearing, I believe I gave this guideline range
13 during our last hearing, but let me repeat it.

14 Criminal History Category I which is what would be applicable
15 for the supervised release hearing, the guideline range is 24 to
16 30 months. Any objection to that guideline range?

17 MR. BRADFORD: Not for the government, Your Honor.

18 MR. KISH: I don't object, Judge.

19 THE COURT: All right. So I'll now hear from the parties as
20 to their recommendation for a reasonable sentence. I'm happy to hear
21 as to the criminal information as well as the supervised release
22 hearing, either jointly or separately, however you wish to present it.

23 I did carefully review the presentence report as well as I
24 received a number of letters submitted on behalf of the defendant from
25 family and friends and associates, I reviewed all of those letters.

1 So thank you very much for putting that together.

2 And I appreciate, Mr. Kish, you organizing it for me --

3 MR. KISH: Yes, sir.

4 THE COURT: -- the way you did.

5 All right. With that, let me hear from the government.

6 MR. BRADFORD: Thank you, Your Honor.

7 Consistent with the plea agreement the government is
8 recommending a term of 33 months to be followed -- 33 months in prison
9 to be followed by supervised release of 3 years on Count One and 5
10 years on Count Two.

11 For supervised release, the government requests conditions
12 typical in financial fraud cases, including that Mr. Jordan be
13 required to submit to -- submit financial disclosures to the United
14 States Probation Office and obtain pre-approval before opening
15 financial accounts or lines of credit.

16 And also, pursuant to the plea agreement, we request that the
17 sentence on the revocation of supervised release be 24 months to run
18 concurrent with the term of imprisonment in this new case.

19 The government believes this would be a reasonable sentence
20 considering all the 3553(a) factors and I urge the Court to not
21 entertain any lower sentence. Specifically, Mr. Jordan committed a
22 very serious crime. During an unprecedented pandemic while his fellow
23 members of the community were suffering with many people desperate and
24 unable to work, with businesses cratering and having to terminate
25 their employees, Mr. Jordan saw an opportunity. Not to help his

1 neighbors and community, but to instead victimize the system for his
2 own benefit.

3 Knowing that he wasn't entitled to the money, he used a fake
4 business and Photoshopped fake documents to get an EIDL advance. He
5 even exploited and roped his own mother, elderly mother, into
6 disguising his scheme, having her open a bank account under false
7 pretences, having her lie to the bank and pretend that she owned that
8 fake business.

9 Seeing how the application for the EIDL advance worked,
10 Mr. Jordan doubled down and got a PPP loan, too, but not just for
11 \$5,000, not just for \$20,000. For \$291,000. It was pure greed and a
12 complete lack of compunction about lying.

13 It wasn't a victimless crime. He was ripping off his fellow
14 citizens and taxpayers by stealing taxpayer funds. The Court may
15 recall that the PPP program ultimately had to be shut down early
16 because it had been drained of funds leaving struggling businessowners
17 and legitimately qualified individuals who needed the funds unable to
18 receive them. Mr. Jordan's fraud contributed to that early shutdown.

19 Mr. Jordan didn't do this because he was starving or because he
20 needed money for emergency healthcare for himself or his family. No.
21 He blew the money. He spent it on restaurants, luxury retail goods,
22 nail salons, and furniture. And what a spending spree it was. He
23 received the money on May 20th, 2020. By July 31st, all but \$4,700
24 was gone. So he blew through \$286,000 in two months' time. I should
25 caveat that by noting that he also transferred sizable chunks to other

1 accounts or withdrew a lot of the funds in cash and we don't know
2 where those funds are today.

3 But perhaps, most concerningly, Mr. Jordan did this while on
4 supervised release for another set of federal crimes. He should have
5 already learned his lesson about a life of crime. He was supposed to
6 be on his best behavior. But to the contrary, he started his scheme
7 in March 2020, only six months after his release from prison
8 September 2019. This type of conduct warrants a serious prison term
9 of 33 months.

10 The government also believes that a sentence of 33 months is
11 high enough to represent all of the circumstances of the offense. In
12 particular, Mr. Jordan agreed to accept responsibility and plead
13 guilty to an information prior to indictment saving the government
14 time and resources.

15 He agreed to a guideline adjustment for role in the offense.

16 He also agreed to plead guilty to an offense in Count Two with a
17 30-year statutory maximum instead of one with a 20-year maximum which
18 triggered a Base Offense Level of 7 instead of 6. This type of early
19 pre-indictment plea, especially to a count that isn't the minimum
20 required to reflect the conduct, should be incentivized. For these
21 reasons, the government believes that the requested sentence is
22 appropriate.

23 Moving on to the financial aspects of the sentence. The parties
24 agreed in the plea agreement that Mr. Jordan owes restitution to the
25 SBA in the amount of 323,433.31. So far Mr. Jordan has not made any

1 attempt to pay down this restitution prior to sentencing.

2 Further, the government has made repeated requests for
3 Mr. Jordan to propose or agree to a payment plan or any minimum
4 payments for this restitution but he has so far refused to make any
5 proposals. We also ask if you would consent to making payments of
6 just \$300 per month, but he would not agree to that even. That's
7 disappointing because we expected Mr. Jordan to show at least some
8 good faith in that area especially given the favorable plea agreement.

9 Accordingly, the government asks that the Court order he make
10 payments of at least \$400 per month when he is released from prison
11 with his supervising probation officer having the discretion to
12 increase that amount.

13 Additionally, a fine is applicable. The guidelines state that
14 the Court shall impose a fine in all cases except where the defendant
15 establishes he's unable to pay and is not likely to become able to pay
16 any fine. Here, Mr. Jordan has not met his burden of proof. There
17 are seriously concerning inaccuracies in his accounting of assets,
18 income and expenses as reflected in the PSR. He still has not
19 provided an accurate accounting of his cash flow or income or how he
20 is paying roughly \$6,400 in monthly expenses when he's reportedly only
21 receiving \$2,000 per month as an apprentice barber.

22 However, the government recognizes that Mr. Jordan will be
23 ordered to pay significant restitution and if the Court is reluctant
24 to order a fine on top of the restitution and decides to waive the
25 fine, which the Court has discretion to do, the guidelines provide

1 that the Court shall consider alternative sanctions, including
2 community service. The guidelines contemplate up to 400 hours of
3 community service. That would be reasonable in this case given the
4 nature and extent of Mr. Jordan's crimes. It would also provide him
5 with a path to at least give something back to the community. It
6 could also address any concern the Court may have regarding running
7 the sentence for supervised release revocation concurrently with the
8 prison sentence for the new crime.

9 For these reasons, the government requests a sentence of
10 33 months in prison and 5 years of supervised release and financial
11 disclosure requirements.

12 The government also requests Mr. Jordan be ordered to pay
13 restitution in the amount of at least \$400 a month. The government
14 also requests that the Court impose a fine or significant term of
15 community service of up to 400 hours. Thank you.

16 THE COURT: Thank you. Is there any forfeiture?

17 MR. BRADFORD: The government is not seeking forfeiture.

18 THE COURT: Okay. Thank you.

19 MR. BRADFORD: Thank you.

20 THE COURT: Mr. Kish.

21 MR. KISH: Yes, sir.

22 I am very mindful of what happened when we were here to plead
23 guilty when you announced to the parties that you were aware that the
24 government would be recommending a concurrent sentence but were not
25 necessarily binding yourself to that recommendation. So for that

1 reason I'd like to do --

2 First, I want to explain what I think happened here. Second, I
3 want to respond to some of the things the government said about the
4 financial situation just briefly. And then, finally, I would like for
5 Mr. Jordan to address the Court.

6 I've gotten to know this man and his extended family, some of
7 whom are here today, I've gotten to know them quite well. I do not
8 mean this disrespectfully to him but he has tried in business and he
9 has failed miserably. He got this money like a lot of my clients did
10 and a lot of people tried to start businesses. Some of them spent
11 money and splurged on it.

12 I couldn't help but notice that if we look at Paragraph 37(ii)
13 in the presentence report, one of the places where the money was spent
14 was another fraud scheme that I happen to know about that was
15 prosecuted in the Northern District of Georgia.

16 What was happening was that the people who were submitting the
17 applications were basically telling the purported borrowers, people
18 like my client, to invest in other businesses. It was a long-ranging
19 scheme that they were giving the money to one another. It is not in
20 any way an excuse, nor does it undercut my client's responsibility,
21 but it shows this wasn't a complete splurge. They thought they were
22 investing in other properties, but it still was fraud.

23 But the Court can also see, both from the information in the
24 presentence report and in the many letters that we submitted -- to his
25 credit, Mr. Jordan is a helper in his community not only for his own

1 family but for members of his church and other people that he's known
2 for a long time.

3 Furthermore - and this, then, ties into the financial
4 situation - he is extraordinarily supportive of his children, both his
5 biological children, and those whom he has taken on as his own and
6 that is to his detriment when it comes to being able to have cash flow
7 that the government is pointing out we haven't been able to establish
8 to establish where the money goes. The money comes into one pocket
9 and it goes out the other is the problem with this young man. He
10 lives at home with his mother, he tries to always provide support to
11 his children, and the result of which is he doesn't have very much to
12 show for it.

13 The government last night at about 6:30 sent me a message asking
14 for my client to agree to a \$300 payment plan. Frankly, I wasn't
15 prepared to discuss that. I was in the middle of some other cases.
16 But we agree there has not been anything paid because my client's
17 current income is what he can obtain from barbering, that's what he
18 does, it is his current income.

19 I have gone over these now extraordinarily in-depth financial
20 statements that are requested by the government with their brand-new
21 section people here who handle all this and we have gone over again
22 and again and again what is in these materials to try to demonstrate
23 to the government that my client simply has nothing.

24 For example, we had to backtrack and point out that with some of
25 the assets my client had written in the word "sold" to show he no

1 longer had these assets to demonstrate that there simply is nothing
2 remaining with which he can use to currently pay anything. He knows
3 he has to pay something. We were waiting for the Court to order it,
4 obviously, as whatever condition the Court deems appropriate.

5 The bottom line here is that this is a crime. It's a serious
6 crime, I agree with the government on that. Fortunately, it's not a
7 violent crime. But this is a man who -- for the most part, some of
8 the money was splurged, some of it was paid for investments that were
9 really poor, quite frankly, and some of it was used to support his
10 family, which is illegal to use the money this way but, nevertheless,
11 more laudable than the way some people spend it.

12 I do know that Mr. Jordan wants to address you before you make
13 your final decision, Judge. Would you like for us to do that here or
14 at counsel table?

15 THE COURT: I usually will save that for the last.

16 MR. KISH: Okay.

17 THE COURT: So is there anything else? I'll let you finish
18 up.

19 MR. KISH: The only thing I would like to finish up with is to
20 reiterate what Mr. Bradford said which was that there was a
21 significant amount of negotiation in this case and the parties came to
22 what we felt like was a good-faith agreement taking into account all
23 the circumstances. So we are asking that the Court follow that
24 recommendation, especially the recommendation about making the
25 sentences for both the revocation of supervised release and the new

1 criminal conduct to be run concurrent with each other, and there's an
2 extra reason for why that is so.

3 Going back and looking at the presentence report -- I realized
4 that the case that Judge Evans in this court had imposed supervised
5 release on for which you have a decision to make today was a felon in
6 possession 924(c) case where Mr. Jordan had already been prosecuted
7 and to which he pled guilty in Fulton County Superior Court. So he
8 kind of got a double hit on a single criminal conduct.

9 Furthermore, because the government in that case charged the
10 firearm possession as a 924(c), that is, as we practitioners in the
11 business know, under sentencing B1.4 of the guidelines a Class A-1
12 felony which means the guideline range was 24 to 30 and not 12 to
13 18 months.

14 Again, the calculations are accurate, but I think it's among the
15 more benign Class A violations of supervised release that one sees,
16 and so I think that's yet another reason why, from my perspective, the
17 government's recommendation of a concurrent sentence is appropriate
18 and we would ask you to follow that.

19 THE COURT: All right. Thank you.

20 Mr. Bradford, anything you want to add?

21 MR. BRADFORD: Just to clarify for the record, Your Honor.

22 We've asked defense counsel on multiple occasions about a
23 proposed payment plan. It was not just last night. It was one of the
24 followup questions we sent to them on December 19th and I believe I
25 was trying to find the date of another email that I sent, but I

1 believe it predated December 19th by a few days.

2 THE COURT: Okay. All right. Thank you.

3 Mr. Jordan, you're not required to say anything before I impose
4 sentence, but it sounds like you do intend to do so. You're welcome
5 to do it there or at the podium wherever you'd like. Wherever you're
6 comfortable.

7 THE DEFENDANT: Right here?

8 THE COURT: That's fine. Just bring the microphone close to
9 you.

10 THE DEFENDANT: I'm a little nervous, excuse me.

11 THE COURT: No problem.

12 THE DEFENDANT: I'd just like to, you know, apologize to the
13 courts for everything they say -- I did do it. I mean, you know, I
14 admit guilt for, you know, violating my probation.

15 You know, I came home from prison feeling this big and thought
16 the money was going to make me feel like a bigger person and it really
17 didn't. It's really hurt my family. I apologize to my family,
18 friends, and just people who support me.

19 And, you know, I never thought I was going to be in this
20 situation again and I just look forward and just hope -- I know I've
21 been working on myself. I'm not the same guy I was five years ago
22 when this happened. You know, I've been through counseling. You
23 know, I've been working on myself. You have to learn to love
24 yourself.

25 And, you know, how people writing they really love you not just

1 for money or things of that nature, but they love you because you're a
2 person, you know, and I had to learn that through my fiancée, my
3 mother, you know, those people. I just want to be there for my kids,
4 you know, because I love my kids.

5 I really don't have much to say. That's kind of it. Thank you.

6 THE COURT: Thank you very much.

7 Let's take a 10-minute recess and be back at 3:20.

8 (recess taken from 3:10 p.m. until 3:20 p.m.)

9 THE COURT: Mr. Jordan, please stand.

10 It's the judgment of the court that you're hereby committed to
11 the custody of the Bureau of Prisons to be imprisoned for a total term
12 of 41 months, 33 months as to Count One and 33 months as to Count Two,
13 each to run concurrently with one another, along with a consecutive
14 sentence of 8 months on the supervised release violation hearing in
15 Case Number 13-CR-238 for a total term of imprisonment of 41 months.

16 Upon release from imprisonment, you'll be placed on supervised
17 release for a total term of 3 years, 3 years as to Count One and 3
18 years as to Count Two, each to run concurrently with one another for a
19 total term of supervised release of 3 years. There is no additional
20 supervised release term added on the supervised release violation
21 sentence.

22 It's further ordered that you pay restitution in the amount of
23 323,433.31 to the victim of the offense, the Small Business
24 Administration. You'll make restitution payments from wages you may
25 earn in prison. Any portion of the restitution that is not paid in

1 full at the time of release shall be paid at the monthly rate of at
2 least \$350 per month. Further details concerning payment instructions
3 will be set forth in the Judgment and Commitment Order.

4 It's further ordered to pay to the United States a special
5 assessment of \$200 which is due immediately. In light of the
6 restitution obligation, I will waive the fine or cost of incarceration
7 here. You may be seated, sir.

8 Following the completion of your custodial sentence and while on
9 supervised release you must comply with three categories of
10 conditions. Mandatory conditions, standard conditions, and special
11 conditions. The mandatory conditions and standard conditions I will
12 not go over now, but they will be included in the judgment and
13 commitment order that you receive.

14 The special conditions are as follows. First, you must
15 participate in a cognitive behavioral treatment program.

16 Second, you must make a full and complete disclosure of your
17 finances to the probation office.

18 Third, you must not incur new credit charges or open additional
19 lines of credit without the approval of the probation office.

20 Fourth, you must submit your person, property, electronic
21 communications and devices to a search conducted by a probation
22 officer. Any search must be conducted only when reasonable suspicion
23 exists that you have violated a condition of your supervised release
24 and the search may produce evidence of that violation. Finally, you
25 must allow your property to be confiscated or disposed of if it is

1 found to be contraband or have evidentiary value. Further details
2 concerning your conditions of supervised release will be included in
3 the Judgment and Commitment Order that you receive.

4 Let me explain the reasoning for my sentence which, again, is a
5 total sentence of 41 months of imprisonment broken down in 33 months
6 on Counts One and Two of the criminal case, 24-CR-304, and a
7 consecutive sentence of 8 months in the supervised release case of
8 13-CR-238.

9 We start with the statutory maximums for these offenses,
10 Mr. Jordan, which, as I stated at the outset of the hearing, Count One
11 carries a statutory maximum of up to 20 years in prison. Count Two
12 carries a statutory maximum of 30 years in prison. The supervised
13 release hearing carried a statutory maximum of up to 5 years in
14 prison. So I was legally authorized to sentence you up to 55 years in
15 prison for these offenses which I hope reflects for you, sir, the
16 seriousness of the crimes you have committed. The guideline sentence
17 was 33 to 41 months for the new criminal conduct and 24 to 30 months
18 for the supervised release violation. So this sentence, although I
19 recognize is significant and more than what the parties had asked for,
20 is still well below what the guidelines recommend. The need for that
21 is reflected in the 3553(a) factors.

22 Let me also point out what also Mr. Kish mentioned, which is
23 that notwithstanding the parties' joint agreement in the plea
24 agreement that any sentence in the supervised release hearing would
25 run concurrent to this new criminal conduct, I did flag for the

1 parties that I was not inclined to agree with that recommendation and
2 I did that before Mr. Jordan pled guilty in the case.

3 In looking at the sentencing goals under 3553(a), we start with
4 general deterrence which is the need to send a message to the
5 community at large about the seriousness of this type of conduct and
6 that it translates into real consequences when you commit it.

7 As a general matter, general deterrence is more important in
8 white collar and fraud cases than in any other because these cases are
9 hard to investigate, they're difficult to prosecute, and not everyone
10 ultimately who engages in this conduct does get prosecuted. And so
11 when people are prosecuted for it there is the utmost importance to
12 deter others who might be inclined to engage in similar conduct, that
13 is of paramount importance in these types of cases, which have taken
14 advantage of government programs that were designed to help every
15 single American taxpayer.

16 Although the Small Business Administration is listed as the
17 victim for this offense, the reality is that every single taxpayer is
18 a victim of this offense and the consequences of -- the collateral
19 consequences of this type of fraud is almost impossible to quantify
20 because every time the government -- every time the country faces some
21 sort of crisis, and that could be a financial crisis, it could be a
22 public-health crisis like we had, the federal government tries to step
23 in, all right, or at least has in recent memory with programs that are
24 designed to keep small businesses afloat.

25 The only way that those programs can work, when people are

1 facing an imminent crisis, is to work off of an honor system that
2 trusts that people who apply for this money are being honest and when
3 those programs are taken advantage of with conduct like Mr. Jordan's
4 it denies honest businesses from receiving this money and that's
5 exactly what happened with these programs when it first rolled out.
6 The money came out and ran out before people who had legitimate needs
7 were able to take advantage of it and, as it turned out, a very
8 significant portion of that money went to people who were not actually
9 eligible for those funds, including people like Mr. Jordan.

10 As a result of that, it makes it that much more difficult to get
11 these types of programs implemented in the future because the pushback
12 is that it costs too much money and that there's too much fraud
13 associated with it that is difficult to detect. So like I said, the
14 consequences of conduct like this is very difficult to quantify and
15 will continue in the future as a result of the fraud that occurred
16 with the covid-related programs.

17 Typically with defendants who have engaged in covid-related
18 program fraud, it's usually their first interaction with the criminal
19 justice system or at least certainly the first serious interaction
20 with the criminal justice system and usually the need for specific
21 deterrence is pretty low; that is, whether there's a need to deter
22 Mr. Jordan himself from engaging in criminal conduct again. Of course
23 that's not the case here.

24 In fact, here the need for specific deterrence is high because
25 Mr. Jordan had already committed very serious felonies and, in fact,

1 had just completed a 72-month sentence in this very courthouse 6
2 months before he started engaging in new felony criminal conduct and
3 so the need to deter Mr. Jordan and get through to him that this type
4 of behavior translates into real consequences is high.

5 Certainly the fact that Mr. Jordan used his mother and his
6 mother's bank account to engage in this fraud only serves as an
7 aggravating factor here as well and, again, reflects his poor
8 decisionmaking, all of which leads to why I have imposed, among other
9 things, the need for Mr. Jordan to participate in cognitive behavioral
10 treatment following his release from imprisonment because I hope that
11 it is a program like that that will help you, Mr. Jordan, improve your
12 decisionmaking and help you make better decisions in the future.

13 As I said, I did not ultimately impose a fine because of the
14 significant restitution amount, but I do agree with the government
15 that there are a lot of questions that have been raised with regard to
16 Mr. Jordan's financial ability to pay and hopefully the U.S. Probation
17 Office can get those questions answered adequately during his term of
18 supervised release.

19 In all, I've considered all of the sentencing goals under
20 3553(a) and I find this sentence is reasonable and complies with its
21 objectives.

22 Now, Mr. Jordan, as we went over during your plea hearing, you
23 entered into a plea agreement with the government in this case which,
24 with very limited exceptions, waived most of your rights to appeal
25 your conviction and sentence. Those waivers are generally

1 enforceable. But you do, nevertheless, have a right to present your
2 position to the appellate court. With few exceptions, any notice of
3 appeal must be filed within 14 days of judgment being entered in your
4 case.

5 If you're unable to pay the cost of your appeal, you may apply
6 for permission to appeal without the payment of fees. If you request,
7 the clerk of this court will prepare and file a notice of appeal on
8 your behalf and you may apply for court-appointed counsel. If you
9 have any further questions about your appellate rights, please discuss
10 that further with Mr. Kish after the hearing.

11 Do you recall, Mr. Bradford or Mr. Kish, whether -- as I was
12 reading this, I was thinking does the waiver in the plea agreement
13 cover the supervised release sentence or only the new criminal
14 conduct?

15 MR. BRADFORD: I don't recall, Your Honor. I'll look at the
16 provision real quick.

17 THE COURT: Well, I'll let Mr. Kish look at that, if
18 necessary. But let me just clarify, Mr. Jordan. It may be that you
19 don't have a waiver associated with the 8-month sentence that I impose
20 on the supervised release hearing and Mr. Kish can give you proper
21 advice about that.

22 Do the parties have any objections to the sentence or the manner
23 in which it was pronounced?

24 MR. BRADFORD: No objection, Your Honor.

25 Just one question -- or verification. Will the conditions of

1 supervised release include provisions regarding financial disclosures
2 and limitations on opening lines of credit?

3 THE COURT: Yes. I did read that.

4 MR. BRADFORD: Okay. Thank you.

5 THE COURT: Yes. And I read them off and -- I read a shorter
6 version of it but the Judgment and Commitment Order will have the
7 standard language.

8 MR. BRADFORD: Thank you, Your Honor.

9 MR. KISH: Three points, two of which maybe deal with the
10 judgment and commitment.

11 First -- actually, all three do. Paragraph 129 has a place
12 where my client says he tells the probation officer he doesn't -- he's
13 not interested in substance abuse treatment. But the preceding
14 Paragraphs 123 through 128 to me just cry out for somebody who could
15 benefit from a residential drug and alcohol program and I would ask
16 the Court to consider including that in the Judgment and Commitment
17 Order.

18 Second, lately what I ask for is just for the judgment to say --
19 ask BOP to consider the closest place to the defendant's residence.
20 I've noticed that does as much as anything because they seem to shift
21 around what they consider to be custody levels. We ask that the
22 judgment include that recommendation, that the Bureau of Prisons place
23 Mr. Jordan in a facility as close to Atlanta as possible.

24 And then, finally, we would ask -- I don't know if we're at this
25 point yet. But we would ask the Court to consider allowing him to

1 voluntarily surrender. This negotiation has been going on since the
2 search happened, frankly, in December of 2020. It's been no mystery
3 what's about to happen here. My client has been in constant contact
4 with me. We negotiated with the government through this case. He was
5 released on an unsecured bond when he pled and admitted to the
6 violations of supervised release. We think he's a good candidate for
7 voluntary surrender and we would ask the Court to allow him to do so.

8 THE COURT: Okay. Well, as for the RDAP request, I'm
9 certainly happy to recommend that he be evaluated for the program and
10 I will recommend that he be designated close to Atlanta.

11 My question, though, is about objections. Do you have any
12 objections you want to state for the record?

13 MR. KISH: No.

14 THE COURT: Okay. So now let's take up, then, the question of
15 voluntary surrender.

16 What's the government's position on that?

17 MR. BRADFORD: The government makes reference to the statute
18 but notes that, like Mr. Kish said, this is no surprise to Mr. Jordan,
19 he's known this is coming for a long time, and I believe he's been
20 generally compliant with the terms of his bond.

21 THE COURT: Okay. Any modifications to his bond that you're
22 requesting?

23 MR. BRADFORD: As a procedural matter, Your Honor, I believe
24 that we may need an order placing him on bond for the supervised
25 release revocation in particular because without that -- without him

1 being on some kind of bond for the revocation, if he fails to appear
2 when designated, then we'll have no ability to issue a warrant for him
3 at that time.

4 THE COURT: Is he no longer on supervised release? Did that
5 time run?

6 MR. BRADFORD: Well, it was revoked, Your Honor.

7 THE COURT: Right. And he's not on bond for that?

8 MR. BRADFORD: Correct. That's my understanding.

9 THE COURT: Okay.

10 PROBATION OFFICER: That is correct.

11 MR. KISH: The supervised release period has not yet expired.
12 It ends in September of this year. Now, the fact that there was a
13 revocation I don't think necessarily causes the supervision to end. I
14 think that still exists. But if the government feels more comfortable
15 with an order placing him on release prior to designation, I'm fine
16 with that, too. I don't really care.

17 PROBATION OFFICER: Your Honor can do it one of two ways. You
18 can either do a bond or you can incorporate it in your revocation
19 order that you want him still supervised by the U.S. Probation Office
20 until he self-surrenders, that way there is a mechanism for the U.S.
21 Probation Office to request a warrant should Mr. Jordan not show up.

22 THE COURT: Okay. I'll do that. That seems like the easiest
23 thing to do. I'll just indicate that he's on the same conditions as
24 his new case.

25 MR. BRADFORD: Thank you, Your Honor.

1 I will say that I did have a confusing case last year where
2 something occurred in between the time of revocation and when the
3 person surrendered and there being no bond or order continuing release
4 did become an issue and the judge was not able to issue a warrant
5 during that time. So that is a procedural issue.

6 THE COURT: Okay. Thank you.

7 PROBATION OFFICER: Your Honor, you may have stated this and I
8 just may have missed it. But did you order a set amount for
9 restitution payments? I know you ordered the general amount.

10 THE COURT: Yes, I did. I did \$350 per month.

11 PROBATION OFFICER: Thank you, Your Honor.

12 THE COURT: Okay. Anything else for us to take up?

13 MR. BRADFORD: Not from the government, Your Honor.

14 MR. KISH: Not from the defendant, Judge.

15 THE COURT: Okay. All right. Mr. Jordan, I wish you well.
16 All right. We're in recess.

17 (Proceedings concluded at 3:40 p.m.)
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1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF GEORGIA

3 CERTIFICATE OF REPORTER

4
5 I do hereby certify that the foregoing pages are a true and
6 correct transcript of the proceedings taken down by me in the case
7 aforesaid.

8
9
10 This the 5th day of September, 2025.

11
12
13 /S/ Alicia B. Bagley
14 ALICIA B. BAGLEY, RMR, CRR
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