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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 23-CR-0134-AMO
Plaintiff,	)	
v.	)	STIPULATION AND [PROPOSED] ORDER RE:
	)	RESTITUTION
FRANK MOSLEY,	)	Sentencing Hearing: May 6, 2024
Defendant.	)	The Honorable ARACELI MARTÍNEZ OLGUÍN

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

1. On August 7, 2023, Defendant pled guilty to conspiracy to commit bank fraud in violation of 18 U.S.C. § 1349 and aiding and advising in the filing of a false tax returns in violation of 26 U.S.C. § 7206(2).

2. At the sentencing hearing on May 6, 2024 the Court ordered Defendant to serve 30 months in custody, plus three years of supervised release and deferred the determination of restitution.

3. Restitution is mandatory to victims of fraud pursuant to 18 U.S.C. § 3663A (MVRA). Specifically, the law provides that a court “shall order . . . restitution” and that this restitution order “shall order restitution to each victim” through the appropriate court mechanism “in the full amount of

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

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

- 7 a. \$3,082,404 in total to the Small Business Administration, 721 19th Street, 3rd Floor,
8 Room 301, Denver, CO 80202.

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

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

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

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

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

27 8. The defendant's restitution obligation shall be paid jointly and severally for the entire
28 amount with Reginald Mosley and Kenya Ellis, defendants in this case and the related case (No. 23-cr-

0136-AMO). The defendant's restitution obligation shall be paid jointly and severally to the amount of \$380,000 with Scott Conway, to the amount of \$500,000 with Aaron Boren, and to the amount of \$1,018,709 with Marcus Wilborn, also defendants in this related case.

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

SO STIPULATED.

DATED: May 20, 2024

ISMAIL J. RAMSEY
United States Attorney

/s/ _____
ABRAHAM FINE
Assistant United States Attorney

DATED: May 20, 2024

/s/ _____
MALCOLM SEGAL
Attorney for Defendant FRANK MOSLEY

[PROPOSED] ORDER

FRANK MOSLEY will pay a total of \$3,082,404 in restitution, in the amounts specified to the individuals and/or entities specified as follows:

- a. \$3,082,404 in total to the Small Business Administration, 721 19th Street, 3rd Floor, Room 301, Denver, CO 80202.

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

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

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

The defendant's restitution obligation shall be paid jointly and severally for the entire amount with Reginald Mosley and Kenya Ellis, defendants in this case and the related case (No. 23-cr-0136-AMO). The defendant's restitution obligation shall be paid jointly and severally to the amount of \$380,000 with Scott Conway, to the amount of \$500,000 with Aaron Boren, and to the amount of \$1,018,709 with Marcus Wilborn, also defendants in this related case.

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

IT IS SO ORDERED.

DATE:

HON. ARACELI MARTÍNEZ OLGUÍN
UNITED STATES DISTRICT JUDGE