**U.S. Department of Justice**

*United States Attorney*
*Eastern District of New York*

TRP
F. #2020R00955

*271 Cadman Plaza East*
*Brooklyn, New York 11201*

February 27, 2025

By ECF
Honorable Frederic Block
United State District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Anuli Okeke
Criminal Docket No. 22-0020 (FB)

Dear Judge Block:

Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, the government respectfully submits the enclosed proposed Order of Forfeiture ("Order") against Anuli Okeke (the "defendant") in the above-referenced case. The defendant was convicted on or about June 18, 2024 following a jury trial of: conspiracy to commit wire and bank fraud, in violation of 18 U.S.C. § 1349 (Count One); conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1343 (Count Two); conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1344 (Count Three); and conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h) (Count Four). The proposed Order provides for the entry of a forfeiture money judgment in the amount of $24,422.00 pursuant to 18 U.S.C. §§ 982(a)(2), 982(a)(1) and 982(b)(1) and 21 U.S.C. § 853(p).

## I. Legal Framework

### A. Applicable Forfeiture Statutes and Rules

As a result of the defendant's conviction of 18 U.S.C. §§ 1343, 1344, 1349 and 1956(h), the defendant is liable to forfeit: (a) any property constituting, or derived from, proceeds obtained directly or indirectly as a result of the defendant's violations of 18 U.S.C. §§ 1349, 1343, and 1344, pursuant to 18 U.S.C. § 982(a)(2); (b) any property, real or personal, involved in the defendant's violation of 18 U.S.C. § 1956(h), pursuant to 18 U.S.C. § 982(a)(1), or any property traceable to such property; and/or (c) a substitute asset, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1).

Rule 32.2(b)(1)(A) provides that the court must determine what property is subject to forfeiture under the applicable statute. If the government seeks forfeiture of specific property, the court must determine whether the government has established the requisite nexus between the property and the offense. Fed. R. Crim. P. 32.2(b)(1)(A). If the government seeks a personal money judgment, the court must determine the amount of money that the defendant will be ordered to pay. Id.

Any outstanding forfeiture amount may be reduced to an in personam forfeiture money judgment. United States v. Awad, 598 F.3d 76, 78 (2d Cir. 2010) ("[W]hen a defendant lacks the assets to satisfy the forfeiture order at the time of sentencing, the money judgment [against the defendant] is effectively an in personam judgment in the amount of the forfeiture order . . . .") (internal quotation marks omitted); United States v. Kalish, 626 F.3d 165, 168-69 (2d Cir. 2010) (same); United States v. Roberts, 696 F. Supp. 2d 263, 268 (E.D.N.Y. 2010) (Irizarry, J.) (same), aff'd and forfeiture order vacated on other grounds, 660 F.3d 149, 168 (2d Cir. 2011). Courts in the Second Circuit have routinely imposed forfeiture money judgments pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1). See, e.g., United States v. Marsh, Nos. 10–CR–0480, 10–CR–0697, 10–CR–0700, 10–CR–0800, 10–CR–0801, 2011 WL 5325410 (E.D.N.Y. Oct. 26, 2011) (Weinstein, J.); United States v. Dipascali, No. 09 Cr. 764, 2010 WL 9002774 (S.D.N.Y. June 18, 2010); United States v. Capoccia, No. 1:03-CR-35-01, 2009 WL 2601426 (D. Vt. Aug. 19, 2009), aff'd, 402 Fed. Appx. 639 (2d Cir. 2010).

In contrast to the guilt phase of the criminal trial, the government bears the burden of establishing the amount of money subject to forfeiture only by a preponderance of the evidence. United States v. Capoccia, 503 F.3d 103,116 (2d Cir. 2007) ([S]entencing courts determine forfeiture amounts by a preponderance of the evidence); United States v. Bellomo, 176 F.3d 580, 595 (2d Cir. 1999) (upholding trial court's application of preponderance standard on grounds that criminal forfeiture is part of sentencing).

Further, Rule 32.2(b)(1)(B) provides that the court's determination of forfeiture may be based on evidence already in the record, and on any additional evidence or information submitted by the parties and accepted by the court as relevant and reliable. See Capoccia, 503 F.3d at 109; United States v. Roberts, 660 F.3d 149, 166 (2d Cir. 2011) ("district courts may use general points of reference as a starting point for a forfeiture calculation and 'make reasonable extrapolations' supported by a preponderance of the evidence"). The government is not required to provide a precise calculation of the amount of money a defendant must forfeit. United States v. Treacy, 639 F.3d 32, 48 (2d Cir. 2011). Instead, the money judgment amount can be reasonably estimated based upon the available information. Id. Sentencing courts may consider trial evidence, hearsay, as well as "evidence or information submitted by the parties and accepted by the court as relevant and reliable," in determining forfeiture. Fed. R. Crim. P. 32.2(b)(1)(B); Capoccia, 503 F.3d at 109-10 (citing United States v. Gaskin, 364 F.3d 438, 462-63 (2d Cir. 2004)).

## II. Relevant Facts

The facts of this case were presented at trial and are summarized in the U.S. Department of Probation's Presentence Investigation Report ("PSR") dated January 31, 2025.

The defendant was a former vice president at Popular Bank and the manager of its branch located at 231 West 125th Street in New York. PSR ¶ 16. In or about 2020, the defendant exploited the COVID-19 pandemic's unprecedented economic crisis to enrich herself by orchestrating a scheme in which she and her co-conspirators prepared and submitted fraudulent loan applications and received funding through the Paycheck Protection Program ("PPP") and the Economic Injury Disaster Loan ("EIDL") program. Id.

The investigation revealed that between June 2020 and August 2020, the defendant and her co-conspirators submitted fraudulent PPP loan applications on behalf of 11 entities and 10 individual sole proprietor applicants. PSR ¶ 17. The defendant further recruited tax preparers to create fraudulent supporting tax documents with the PPP loan applications. Id. As branch manager, the defendant was responsible for reviewing and approving each application and signed each PPP loan agreement, despite knowing that that they contained false statements and fraudulent supporting documentation. Id.

In total, the fraudulent business PPP loan applications were funded for $1,966,750.00 and the fraudulent PPP loan applications were funded for $203,670.00. Id. After the SBA deposited loan proceeds into the borrowers' Popular Bank accounts, the defendant and her co-conspirators received unauthorized commissions from the fraudulent loans. PSR ¶ 18. Additionally, the defendant and her co-conspirators were involved in dozens of other fraudulent loans worth more than $750,000.00. PSR ¶ 19.

The evidence has revealed that the defendant and her co-conspirators stole at least $3,000,000.00 from pandemic assistance programs. PSR ¶ 21. The defendant personally obtained approximately $24,422.00 in earnings from the scheme. Id.

## III. The Forfeiture Money Judgment Should be Entered against the Defendant

As detailed above, the evidence in this case has established that the defendant personally obtained approximately $24,422.00 in illegal proceeds as a result of her involvement in the wire fraud, bank fraud and money laundering offenses for which she was convicted. Accordingly, a forfeiture money judgment in the amount of $24,422.00 should be entered against the defendant as: (a) property constituting, or derived from, proceeds obtained directly or indirectly as a result of the wire and bank fraud offenses, pursuant to 18 U.S.C. § 982(a)(2); (b) property, real or personal, involved in the defendant's money laundering offenses, pursuant to 18 U.S.C. § 982(a)(1), or any property traceable to such property; and/or (c) a substitute asset, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1).

Based on the foregoing, the government respectfully requests that the Court enter the enclosed Order of Forfeiture directing the entry of a forfeiture money judgment in the amount of $24,422.00. The government further requests that forfeiture be pronounced at the time of the defendant's sentence and that the Order of Forfeiture be attached to the defendant's Judgment of Conviction.

Thank you for your Honor's consideration of this request.

Respectfully submitted,

JOHN J. DURHAM
United States Attorney

By: /s/ Tanisha R. Payne
Tanisha R. Payne
Assistant U.S. Attorney
(718) 254-6358

cc: Counsel of Record (By ECF)