U.S. Department of Justice

United States Attorney
Eastern District of New York

FTB:CWE/AA/JB
F. #2020R00955

271 Cadman Plaza East
Brooklyn, New York 11201

February 28, 2025

By ECF and E-mail

The Honorable Frederic Block
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Anuli Okeke
Criminal Docket No. 22-20 (FB)

Dear Judge Block:

The government respectfully submits this letter in advance of the defendant Anuli Okeke's sentencing, which is scheduled for March 7, 2025. The defendant was the mastermind and beneficiary of a multi-million-dollar fraud and money laundering conspiracy that warrants a substantial penalty. As the government demonstrated at trial, Okeke's actions were deliberate and sophisticated, and they inflicted substantial harm on financial institutions, the integrity of the banking system, and the American taxpayer. The defendant exploited the programs created to assist struggling businesses to line her and her co-conspirators' pockets—diverting desperately needed financial aid away from the businesses that needed it—all while thousands of Americans were sick or dying from a pandemic. For these reasons, and the reasons stated below, a Guidelines sentence of 108 to 135 months imprisonment is necessary to ensure justice, deter future financial crimes, and reaffirm the principle that bank employees who abuse their positions of trust—particularly during times of devastation like the pandemic—will face serious consequences.

I. Background

A. The Paycheck Protection Program

The Coronavirus Aid, Relief, and Economic Security ("CARES") Act is a federal law enacted in March 2020 that was designed to provide emergency financial assistance to the millions of Americans who were suffering the economic effects of the COVID-19 pandemic. PSR ¶ 8. One source of relief provided by the CARES Act was the authorization of up to $349 billion in forgivable loans to small businesses for job retention and certain other expenses through a program referred to as the Paycheck Protection Program ("PPP"). Id.

To obtain a PPP loan, a qualifying business was required to submit a PPP loan application signed by an authorized representative of the business. Id. ¶ 9. The PPP loan application required the business, through its authorized representative, to acknowledge the program rules and to make certain affirmative certifications to be eligible to obtain the PPP loan. Id. In the PPP loan application, the small business was required to state, among other things, its: (a) average monthly payroll expenses and (b) number of employees. Id. These figures were used to calculate the amount of money the small business was eligible to receive under the PPP. Id. In addition, businesses applying for a PPP loan were required to provide documentation showing their payroll expenses. Id.

B. The Economic Injury Disaster Loan Program

The Economic Injury Disaster Loan ("EIDL") program was a Small Business Administration ("SBA") program that provided low interest financing to small businesses, renters and homeowners in regions affected by declared disasters. PSR ¶ 13. Another source of relief provided by the CARES Act was the authorization for the SBA to provide EIDLs of up to $2 million to eligible small businesses experiencing substantial financial disruption due to the COVID-19 pandemic. Id. Under the program, the SBA was authorized to issue advances of up to $10,000 to small businesses within three days of applying for an EIDL Advance. The amount of an EIDL Advance was determined based on the number of employees working for the applicant. The advance did not have to be repaid. Id.

To obtain an EIDL or EIDL Advance, a qualifying business was required to submit an application to the SBA and provide information about its operations, such as the number of employees, gross revenues for the 12-month period preceding the disaster, and cost of goods sold in the 12-month period preceding the disaster. PSR ¶ 14. In the case of EIDLs for COVID-19 relief, the 12-month period was the period preceding January 31, 2020. Id. The applicant also was required to certify that all the information in the application was true and correct to the best of the applicant's knowledge. Id.

EIDL applications were submitted directly to the SBA and processed by the SBA with support from a government contractor. PSR ¶ 15. The amount of the loan, if the application was approved, was determined based, in part, on the information provided in the application concerning the business's number of employees, revenue, and cost of goods, as described above. Id. Any funds issued under an EIDL were issued directly by the SBA. Id. EIDL funds could be used for payroll expenses, sick leave, production costs, and business obligations, such as debts, rent and mortgage payments. Id. If the applicant also obtained a loan under the PPP, the EIDL funds could not be used for the same purpose as the PPP funds. Id.

C. The Defendant's Fraudulent Scheme

The defendant Anuli Okeke was a former vice president and the manager of Popular Bank, and specifically worked at its branch located at 231 West 125th Street in Manhattan. PSR ¶ 16. In 2020, the defendant exploited the COVID-19 pandemic's unprecedented economic crisis to enrich herself by orchestrating a scheme to prepare and submit fraudulent PPP and EIDL loan applications for millions of dollars in. Id. ¶¶ 16-17.

The defendant and her subordinates at Popular Bank, including Charlene Wint and Anthony Castro, recruited and assisted borrowers in completing and submitting fraudulent PPP loan applications through Popular Bank to the SBA—even though the defendant knew that the borrowers did not qualify for the loans. PSR ¶ 17. These applications contained materially false and fraudulent representations concerning the business operations and employees. Id. The defendant further recruited tax preparers, such as Hashim Campbell and Auguste Nipabi, to create fraudulent supporting tax documents to support the PPP loan applications. Id. As the branch manager, the defendant was responsible for reviewing and approving each application submitted through her branch and signed each PPP loan agreement on behalf of Popular Bank. See PSR ¶ 17; Tr. 281-282, 176. Despite knowing that the loan applications contained false statements and fraudulent supporting documentation, the defendant and her co-conspirators submitted them for approval to others at Popular Bank and the SBA. PSR ¶ 17. In total, the defendant submitted fraudulent PPP loans for over $2.1 million, as detailed below and in the PSR. Id.

NO.	RECIPIENT ENTITY	AMOUNT	LENDER	APPROX. DATE FUNDED
1	R.R. FRANKLYN AVE INC (Jose Anormaliza) SBA Loan #52183082-10 See Gov. Exs. 102, 205A-D, 206, 208-211, 312, 514, 779, 795, 797 See Tr. 300, 308, 635-84	$256,660	Popular Bank	08/17/2020
2	CAR EXPERT AUTO GROUP LLC (Israel Viloria) SBA Loan #47490682-04 See Gov. Exs. 100-01, 109, 200A-B, 352, 514, 789, 806, 848-852, 980 See Tr. 224-31, 308, 339-97, 402-19, 513-14	$250,000	Popular Bank	08/18/2020
3	AUTONEXT LLC (Alicia Viloria) SBA Loan #47614782-01 See Gov. Exs. 100-101, 109, 200A-B, 722, 726, 787, 917 See Tr. 308, 339-97, 402-19, 513-14	$250,000	Popular Bank	08/18/2020
4	LASER CUT BARBER SHOP INC (Leonel Lora-Arias) SBA Loan #76881581-08 See Gov. Exs. 757-62, 792, 890, 901 See Tr. 220-224, 307	$75,920	Popular Bank	07/30/2020
5	BENNE HAIR BRAIDING (Bernadette Kouame) SBA Loan #57460782-06 See Gov. Exs. 109, 318, 704, 711-712, 897, 909, 914, 918, 922, 930, 1146 See Tr. 308, 513-514, 563-581, 586-597	$150,000	Popular Bank	08/20/2020

6	FATIM'S BEAUTY BRAIDING & BUSINESS SPACE (Brahima Lengane) SBA Loan #57125182-09 See Gov. Exs. 109, 201B, 201F, 307, 704, 718-719, 750-751, 790, 930, 986 See Tr. 307, 443-469, 513-514, 563-581, 586-597	$250,000	Popular Bank	08/19/2020
7	HOT SPOT CLOTHING (Bakary Diarra) SBA Loan #60302881-00 See Gov. Exs. 704, 709-710 See Tr. 307, 563-581, 586-597	$225,000	Popular Bank	07/28/2020
8	MOMMY'S AFRICAN HAIR BRAIDING (Tenin Diallo) SBA Loan #14596881-02 See Gov. Exs. 702-04, 716, 766, 914, 918, 922, 1146 See Tr. 309, 563-581, 586-597	$100,000	Popular Bank	07/14/2020
9	NI GLOBAL ENTERPRISES INC (Auguste Nipabi) SBA Loan #32054481-10 See Gov. Exs. 109, 704-705, 707-708, 815 See Tr. 307, 563-581, 586-597	$150,000	Popular Bank	07/17/2020
10	SORAYAS HOUSE OF BEAUTY (Assana Zampaligre) SBA Loan #84753279-00 See Gov. Exs. 109, 704, 784-785, 796, 820-822, 883-889, 898-900 See Tr. 308	$184,170	Popular Bank	06/23/2020
11	ASSANA HAIR SALON LLC (Assana Zampaligre) SBA Loan #60306780-01 See Gov. Exs. 109, 700-701, 720-721, 786, 798-800, 823, 831, 902-908, 939 See Tr. 307, 218-220, 563-881, 586-597	$75,000	Popular Bank	07/09/2020

In addition to the loans proven false at trial, the defendant and her co-conspirators were involved in dozens more fraudulent loans worth more than $750,000. Hashim Campbell, the defendant's personal accountant and one of the corrupt tax preparers recruited to work at the branch, submitted, or has an IP address associated with, numerous other fraudulent sole-proprietor SBA loans, totaling over $750,000, as detailed in the PSR.

The defendant also informed and instructed Anthony Castro to complete a fraudulent EIDL application, claiming $16,500 on behalf of a non-existent business. The defendant took a cut of his EIDL money when it was disbursed. See Tr. 234-237; Gov. Exs. 368-370.

D. Sole Proprietor Loan Fraud

As part of the scheme, the defendant and her co-conspirators also focused on maximizing theft through sole proprietor PPP loans—even though the applicants had no legitimate business operations. Each application contained materially false statements, including fabricated occupations, income, business revenue, and tax documentation, designed to mislead the government and Popular Bank into approving the maximum allowable loan amount of $20,833 per applicant. A chart of the applications is below.

NO.	RECIPIENT ENTITY	AMOUNT	LENDER	APPROX. DATE FUNDED
1	NAEEM COFIELD SBA Loan #54412882-09 See Gov. Exs. 111, 320, 1023, 1044, 1063, 1084, 1101 See Tr. 198-200	$19,890	Popular Bank	08/07/2020
2	YALITZA SOTO SBA Loan #51167182-03 See Gov. Exs. 111, 320, 1033-1035, 1047, 1070-1071, 1090-1091 See Tr. 198-200	$20,600	Popular Bank	08/07/2020
3	DAREEN COFIELD SBA Loan #32189182-06 See Gov. Exs. 111, 320, 998-1000, 1038, 1051, 1077, 1095-1096, 1098 See Tr. 198-200	$20,510	Popular Bank	08/04/2020
4	DONNELL GASKINS SBA Loan #15364282-08 See Gov. Exs. 111, 320, 1007-1008, 1010, 1040, 1054 See Tr. 198-200	$20,250	Popular Bank	07/30/2020
5	RICARDO MIRANDA SBA Loan #35737882-09 See Gov. Exs. 111, 320, 1024-1028, 1045, 1085-1087 See Tr. 198-200	$20,600	Popular Bank	08/04/2020
6	CARLOS MALDONADO SBA Loan #15091382-09 See Gov. Exs. 111, 320, 995-97, 1037, 1048-1049, 1072-1073 See Tr. 198-200	$20,620	Popular Bank	07/30/2020
7	RICHARD PINERO SBA Loan #29006982-10 See Gov. Exs. 320, 508, 519, 1029-32, 1046, 1067-1069, 1088-1089, 1106 See Tr. 198-200, 207-16	$20,590	Popular Bank	08/03/2020

8	MICHAEL DE LEON SBA Loan #11979782-03 See Gov. Exs. 320, 1018, 1020, 1043, 1060-1061 See Tr. 198-200	$19,420	Popular Bank	07/29/2020
9	KIZZILIE DAVIS SBA Loan # 29074082-07 See Gov. Exs. 320, 1014-1017, 1042, 1057-1059, 1081-1082 See Tr. 198-200	$20,550	Popular Bank	08/03/2020
10	JESSE SCOTT ROLON SBA Loan #84753279-00 See Gov. Exs. 320, 1011-13, 1041, 1055-1056, 1078-1080, 1093 See Tr. 198-200	$20,640	Popular Bank	07/27/2020
11	DAVID THOMAS SBA Loan #5077178203 See Gov. Exs. 320, 1003, 1004.	$20,580.00	Popular Bank	08/07/2020

E. The Scheme Used Fraudulent Checks and Other Sophisticated Means to Liquidate Government-Funded Accounts, Launder Scheme Proceeds Through the Financial System, and Divide the Money

After the SBA deposited loan proceeds into borrowers' Popular Bank accounts, the defendant and her co-conspirators received unauthorized commissions from the fraudulent loans—using sophisticated methods to disguise the flow of funds and exploit bank vulnerabilities. See Tr. 184-185; PSR ¶ 18. Specifically, the defendant and her co-conspirators at times required borrowers to sign "starter" checks, which were legally negotiable instruments issued by banks to customers who opened new checking accounts, as part of the fraudulent scheme. See Tr. 186-191; PSR ¶ 18. The defendant and her co-conspirators used the signed starter checks to make withdrawals from borrowers' accounts—often in cash. Id. In particular, the defendant and the co-conspirators at times used the starter checks to purchase cashiers' checks, which were used to pay the defendant and her co-conspirators unauthorized commissions to which they were not entitled to under the PPP rules. PSR ¶ 18; Tr. 184-185. The checks contained additional false representations, including false statements in memo lines that the checks would be used for "payroll." See PSR ¶ 18; Tr. Ex. 109. At the conclusion of the scheme, the defendant took a cut of the stolen cash and deposited the cash into ATMs around the New York area. Tr. 545-546.

F. The Defendant's Other Unlawful and Deceptive Activities

The defendant engaged in other acts of fraud and deception, even after she learned that the scheme was under scrutiny by law enforcement.

Lies on her EIDL Application. The defendant submitted a fraudulent EIDL application for her supposed small business: Monavie by Gasneo. See Gov. Exs. 344-345, 308B; PSR ¶ 20. The EIDL application is dated May 29, 2024 and makes certain false representations. Id. Specifically, the EIDL application claims that the defendant's company earned gross revenues in the amount of $6,000 in the 12 months prior to January 31, 2020. See Gov. Ex. 344; PSR ¶ 20. But the defendant tax returns for 2019 claim a much smaller figure: $1,900. See Gov. Ex. 308B; PSR ¶ 20. The defendant's EIDL loan was denied by the Small Business Administration, but she nevertheless unlawfully obtained a $1,000 EIDL Advance. See Gov. Ex. 345; PSR ¶ 20.

Failure to Declare Crime Earnings. The defendant failed to declare her earnings from the above-described fraud scheme in her 2020 taxes. PSR ¶ 21. As proven at trial, the defendant and her co-conspirators stole at least $3 million dollars from pandemic assistance programs. Id. Looking at only a small sample of the defendant's bank accounts, law enforcement identified approximately $37,000 in ATM cash deposits—including approximately $30,000 representing the defendant's earnings from the scheme—that the defendant did not report as wages in her 2020 tax returns. See Tr. 545-557.[1]

Cryptocurrency Tax Fraud. The defendant also lied on her 2020 taxes in another respect: the defendant represented that she did not "receive, sell, send, exchange or otherwise acquire any financial interest in any virtual currency." See Gov. Ex. 308C; PSR ¶ 22. But the defendant engaged in dozens of virtual currency transactions in 2020, buying and selling Bitcoin with the platform Square/Cash App. See Gov. Ex. 371; PSR ¶ 22. To that end, Square sent the defendant a 1099-B tax form related to her cryptocurrency earnings, but the defendant nevertheless concealed such on her 2020 tax returns. Id.

G. Procedural History

On January 12, 2022, the defendant was indicted and charged with conspiracy to commit bank and wire fraud, bank fraud, wire fraud, and money laundering conspiracy. See ECF Docket No. 12. On June 18, 2024, at trial, a jury found the defendant guilty of all four counts. See ECF No. 50.

II. Applicable Law

The Supreme Court has explained that "a district court should begin all sentencing proceedings by correctly calculating the applicable the United States Sentencing Guidelines ("U.S.S.G." and "Guidelines") range. Gall v. United States, 552 U.S. 38, 49 (2007). Though advisory, see United States v. Booker, 543 U.S. 220, 264 (2005), the Guidelines nonetheless are "the starting point and the initial benchmark," Gall, 552 U.S. at 49; see also Molina-Martinez v. United States, 578 U.S. 189, 198–99 (2016) (explaining that "[t]he Guidelines are the framework for sentencing and anchor the district court's discretion" (alternation and internal quotation marks omitted)).

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[1] IRS Publication 525, Taxable and Nontaxable Income. ("Illegal activities. Income from illegal activities, such as money from dealing illegal drugs, must be included in your income on Schedule 1 (Form 1040), line 8z, or on Schedule C (Form 1040) if from your self-employment activity.").

After calculating the applicable Guidelines range, the court must consider the factors outlined in § 3553(a), see Gall, 552 U.S. at 49, and "impose a sentence sufficient, but not greater than necessary, to comply with the purposes" of sentencing," United States v. Cavera, 550 F.3d 180, 188 (2d Cir. 2008) (citing 18 U.S.C. § 3553(a)(2)). Section 3553(a) directs the court "in determining the particular sentence to impose" to evaluate: (1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the statutory purposes noted above; (3) the kinds of sentences available; (4) the kinds of sentence and the sentencing range as set forth in the Sentencing Guidelines; (5) the Sentencing Guidelines policy statements; (6) the need to avoid unwarranted sentencing disparities; and (7) the need to provide restitution to any victims of the offense.

Although the Guidelines are no longer mandatory, they continue to play a critical role in trying to achieve the "basic aim" that Congress sought to meet in enacting the Sentencing Reform Act, namely, "ensuring similar sentences for those who have committed similar crimes in similar ways." Booker, 543 U.S. at 252. "[I]n the ordinary case, the Commission's recommendation of a sentencing range will reflect a rough approximation of sentences that might achieve § 3553(a)'s objectives." Kimbrough v. United States, 552 U.S. 85, 109 (2007) (citation and internal quotation marks omitted); see also Fernandez, 443 F.3d at 27 ("[I]n the overwhelming majority of cases, a Guidelines sentence will fall comfortably within the broad range of sentences that would be reasonable in the particular circumstances."). Indeed, the Supreme Court has held that, on appeal, a Guidelines sentence may be presumed to be reasonable because "the sentencing statutes envision both the sentencing judge and the [Sentencing] Commission as carrying out the same basic § 3553(a) objectives." Rita v. United States, 551 U.S. 338, 358 (2007). "An individual judge who imposes a sentence within the range recommended by the Guidelines thus makes a decision that is fully consistent with the Commission's judgment in general." Id. at 350. Furthermore, sentences within the applicable Guidelines promote Congress' goal in enacting the Sentencing Reform Act: "to diminish unwarranted sentencing disparity." Id. at 354.

At sentencing, "the court is virtually unfettered with respect to the information it may consider." United States v. Alexander, 860 F.2d 508, 513 (2d Cir. 1988). Indeed, "[n]o limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence." 18 U.S.C. § 3661.

III. Applicable Penalties

For the reasons set forth below, the Guidelines calculation detailed in the PSR is accurate and the applicable Guidelines range of imprisonment is 108 months to 135 months. In addition, restitution is mandatory in the full amount of the victims' losses, which are: (a) $18,500 for the SBA and (b) $3,399,973.84 (plus interest) for Popular Bank.

A. The Applicable Guidelines Range Is 108 Months to 135 Months' Imprisonment

The appropriate Guidelines calculation is set forth in the PSR and below (PSR ¶¶ 31-43):

Base Offense Level (U.S.S.G. § 2B1.1(a)(1))	7
Plus: Loss Between $1,500,000 and $3,500,000 (U.S.S.G. § 2B1.1(b)(1)(I))	+16
Plus: Sophisticated Means (U.S.S.G. § 2B1.1(b)(10))	+2
Plus: Position of Public Trust (U.S.S.G. § 3B1.3)	+2
Plus: Leader of Criminal Activity (U.S.S.G. § 3B1.1(a))	+4
Total:	31

The defendant has a criminal history score of zero, and thus a Criminal History Category of I. PSR ¶ 46. Based on a total offense level of 31 and a Criminal History Category of I, the defendant's Guidelines range of imprisonment is 108 months to 135 months. See id. ¶ 74.

IV. The Section 3553(a) Factors Demand a Substantial Term of Incarceration

As explained in greater detail below, a substantial sentence of incarceration is warranted given the nature and seriousness of the defendant's criminal offenses, the requirement to promote respect for the law, and the need for both specific and general deterrence. See 18 U.S.C. § 3553(a). For these reasons, the government respectfully submits that a Guidelines sentence of imprisonment of 108 to 135 months is sufficient, but not greater than necessary, to satisfy the goals of sentencing. Id.

A. Nature and Circumstances of the Offense

The defendant's criminal conduct in this matter was serious in nature and broad in scope, as she fraudulently stole millions of dollars in pandemic-related loans and grants offered to help those businesses affected the most by the COVID-19 pandemic. The COVID-19 pandemic was among the most serious of public health crises in American history and it had profound economic ramifications. This crime was neither a minor financial one—nor a one-time lapse in judgement. To the contrary, the defendant engaged in a well-conceived and carefully calculated fraud scheme over several months. It required recruiting accomplices, including business owners, fake sole proprietors, corrupt tax preparers, and others, to falsify dozens of loan applications submitted through her bank with her approval and signature.

The crime was orchestrated and committed using sophisticated means. The defendant exploited her extensive experience and training at Popular Bank and prior banks to know the bank's vulnerabilities: starter checks, cashier's checks, cash withdrawals, and blind spots in surveillance footage. See, e.g. Gov. Ex. 514; Tr. 107-109 (describing blind spots in bank and training branch managers receive on them).

The defendant's leadership role and abuse of trust also warrants a substantial penalty. The defendant was the branch manager and a vice president at Popular Bank. She conceived of the scheme and shared the plan with her bank employees at a lunch. She notified her employees and criminal conspirators when fraudulent applications would be submitted, Tr. 182, she recruited corrupt tax preparers like Campbell and Nipabi, and she literally oversaw stolen money being counted by employees as part of the scheme, Gov. Ex. 514.

B. The Need for the Sentence Imposed to Reflect the Seriousness of the Offense, Promote Respect for the Law, and Provide Just Punishment for the Offense

Particularly acute here is the need for the sentence to reflect the seriousness of the offenses, to promote respect for the law, and to provide just punishment for the offense. See 18 U.S.C. § 3553(a)(2)(A). This was not a victimless crime. The PPP and EIDL programs were not a limitless pot of money. By taking money that she was not entitled to, the defendant defrauded taxpayers who helped fund the program, the SBA which guarantees these loans, and Popular Bank. And her greed also diverted funds that could have been used the way PPP loans were intended: to assist struggling businesses and to keep people employed. Instead, the defendant took money that was earmarked for struggling small businesses and spent it on herself and distributed it among her co-conspirators for their own personal uses. The defendant and her co-conspirators also preyed on vulnerable members of our community—like the coffee-cart owner who testified at trial that he was misled into signing forms that he did not understand and that he was never told that the PPP loan would have to be paid back. Tr. 140-148. The defendant's greed at a time of crisis demands accountability.

C. History and Characteristics of the Defendant

The history and characteristics of the defendant also weigh in favor of a sentence of 108 to 135 months' imprisonment. Although many defendants come before this Court with compelling mitigating factors from difficult upbringings, the defendant is not among them. As the Probation Department notes in its sentencing recommendation, there appear to be no mitigating factors. Indeed, the defendant's needs were met as a child. She has a bachelor's and graduate degree. She had a steady job and comfortable living. Simply put, the defendant chose greed and corruption over the well-being of the community—boasting in her journal that she had "unlimited cash flow." Tr. 716. To date, the defendant shown no remorse for her criminal conduct, and she continued to engage in fraud and deception after the investigation came to light. Accordingly, a substantial sentence is warranted here.

D. Specific and General Deterrence

Given that criminal conduct like the defendant's is typically difficult to detect and prosecute, principles of general deterrence warrant a substantial penalty. See, e.g., Harmelin v. Michigan, 501 U.S. 957, 988-89 (1991) (noting that "since deterrent effect depends not only upon the amount of the penalty but upon its certainty, crimes that are less grave but significantly more difficult to detect may warrant substantially higher penalties"). Because economic and fraud-based crimes are more rational, cool and calculated than sudden crimes of passion or opportunity, these crimes are prime candidates for general deterrence. See United States v. Zukerman, 897 F.3d 423, 429 (2d Cir. 2018) ("Considerations of (general) deterrence argue for punishing more heavily those offenses that either are lucrative or are difficult to detect and punish, since both attributes go to increase the expected benefits of a crime and hence the punishment required to deter it.") (quoting United States v. Heffernan, 43 F.3d 1144, 1149 (7th Cir. 1994)); see also United States v. Martin, 455 F.3d 1227, 1240 (11th Cir. 2006).

Here, a Guidelines sentence will help to deter the defendant and other fraudsters who believe that they can generate income through fraudulent schemes against banks and government agencies during a time of crisis. Such persons should know that the decision to deceive government agencies into handing over funds allocated to assist vulnerable groups will result in a substantial term of custody. This is particularly true for a person who is placed in a position of trust, as was the defendant, who was the branch manager and vice president of Popular Bank. In addition, the nature of fraud generally renders it more difficult to uncover, since individuals engaged in fraud often take affirmative steps to conceal their conduct—like the defendant did here—when she exploited gaps in the surveillance footage at the bank and taught her co-conspirators to avoid a paper trail. Accordingly, an additional sanction is necessary to counterbalance the lower risk of apprehension.

The defendant also needs to be specifically deterred. Even after the scheme was discovered and the defendant was terminated from Popular Bank, she continued her fraud and deception. She failed to report scheme earnings on her taxes and lied to prospective employers about what happened. Under these circumstances, the requested sentence is sufficient, but not greater than necessary, to achieve the goals of sentencing.

V. Conclusion

For the reasons set forth above, the government respectfully requests that the Court impose a Guidelines sentence.

Respectfully submitted,

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