U.S. Department of Justice

United States Attorney
Eastern District of New York

CWE/AA/JB
F. #2020R00955

271 Cadman Plaza East
Brooklyn, New York 11201

March 4, 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 government responds to two objections in the defendant's sentencing memorandum. Def. Mem., ECF No. 62. Specifically, the defense errs in (a) its objection to the sophisticated means enhancement, id. at 7, and (b) its blanket objection to the offense conduct, id.

I. The Sophisticated Means Enhancement Is Warranted

Under U.S.S.G. § 2B1.1(b)(10)(C), a two-level sentencing enhancement applies if the offense involved "sophisticated means," which the Guidelines define as "especially complex or especially intricate offense conduct pertaining to the execution or concealment of an offense."

In this case, the sophisticated means enhancement applies because the defendant abused her insider knowledge to manipulate weaknesses in the bank's internal controls and security protocols to both execute and avoid detection of the scheme. As proven at trial, surveillance footage showed the defendant moving to blind spots in the bank branch to divide up stolen funds. Gov. Ex. 514; see also Tr. 107-10 (testimony that bank managers were required to examine blind spots on branch cameras). Courts have found that exploiting institutional weaknesses for financial fraud constitutes sophisticated means. See United States v. Amico, 416 F.3d 163, 169 (2d Cir. 2005) (affirming enhancement where the defendant exploited procedural loopholes to misappropriate funds); United States v. Jackson, 346 F.3d 22, 25 (2d Cir. 2003), (holding that structuring transactions and avoiding detection mechanisms justified the enhancement), judgment vacated on other grounds, 543 U.S. 1097 (2005). Similarly, the defendant and her co-conspirators at times wrote out and cashed cashier's check and starter checks with false notations (e.g. that they were being paid to employees or going to payroll or other legitimate expenses). PSR ¶ 18; Tr. 186-187 (co-conspirator testimony that, in consultation with the defendant, accounts were liquidated via starter checks or cashier's checks, among other means).

The defendant also recruited co-conspirators, including borrowers and corrupt tax preparers, who the defendant coached into creating forged tax documents in order to fool the bank and others into believing the borrowers had real business activity. Tr. 570-575, 588-589, 693. These practices, which took place repetitively across numerous loans, allowed the defendant and her co-conspirators to rapidly liquidate bank accounts when they were funded with PPP loans, while at the same time disguising the true purpose and destination of the funds. Id. The enhancement applies where, as here, a defendant employs "repetitive and coordinated conduct designed to evade detection" or exploits financial systems in a way that increases the complexity of the offense. See United States v. Fofanah, 765 F.3d 141, 146 (2d Cir. 2014); Amico, 416 F.3d at 169 (creation of false documents, among other things, warranted sophisticated means enhancement).

Evaluating the entire scheme, all of which includes defrauding a complex federal disaster loan program, the recruitment of employees at a bank and outside tax preparers, the recruitment of individuals willing to submit fraudulent loan applications for fictitious entities, and the creation of fraudulent tax documents sufficient to survive scrutiny from within her bank, all underscores that the defendant's fraudulent scheme involved sophisticated means. Even if "each step in the scheme was not elaborate," the scheme in total was "sophisticated in the way all the steps were linked together" so that Okeke could "exploit different vulnerabilities in different systems in a coordinated way." Jackson, 346 F.3d at 25.

II. The Court Should Overrule the Blanket Objection to the Offense Conduct

The Court should overrule the generalized and unsupported defense objection to the PSR's offense conduct. Def. Mem. 7 ("Paragraphs 16-22 of the PSR describe offense and other conduct allegedly committed by Okeke. Because Okeke pled not guilty and the case proceeded to trial, she respectfully objects to the factual allegations in these paragraphs."). The defense fails to identify any specific error, does not cite any trial transcripts, nor reference any of the many exhibits produced and admitted at trial. The government respectfully incorporates by reference its sentencing memorandum (ECF No. 61), which describes in detail the offense conduct that was proven at trial, including with citation to specific transcript testimony and exhibits, and which amply supports the PSR.

III. Conclusion

For the reasons set forth above, the government respectfully requests that the Court overrule the defense objections.

Respectfully submitted,

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cc: Clerk of the Court (FB) (by ECF)
Defense Counsel of Record (by ECF and email)
U.S. Probation Officer (by email)