

Courtroom Minute Entry

Room: WVSD-07023
Caption: USA v. Kisha Sutton

Case No.: 2:24-cr-00192-1
Judge: Omar Aboulhosn

Type: Motions Hearing

Started: 5/20/2025 9:59:21 AM

Ends: 5/20/2025 10:44:53 AM

Length: 00:45:33

9:59:22 AM Judge Omar Aboulhosn
9:59:23 AM Courtroom Deputy Tammy Davis
9:59:30 AM Law Clerk Heather Kropac via Teams audio
9:59:42 AM Court Reporter: Court Smart & Teams
9:59:43 AM AUSA Jonathan Storage
9:59:44 AM AUSA Jennifer Dowdy Gordon
9:59:45 AM CJA Panel Attorney Conner Robertson
9:59:48 AM **HEARING ON DEFENDANT'S MOTIONS TO DISMISS FOR LACK OF VENUE (ECF DOCS. 184-193)**
10:04:37 AM Judge Omar Aboulhosn
10:04:42 AM Calls case.
10:04:44 AM Counsel, please note your appearance for the record.
10:04:45 AM AUSA Jonathan Storage
10:04:47 AM AUSA Jennifer Dowdy Gordon
10:04:51 AM Notes appearance on behalf of the United States.
10:04:54 AM CJA Panel Attorney Conner Robertson
10:04:58 AM Notes appearance on behalf of the defendant. Ms. Sutton signed a Waiver of Right to Appear for Motions.
10:05:01 AM Also with me is Caden Williams, a WVU Student, here to shadow, your honor.
10:05:17 AM Judge Omar Aboulhosn
10:05:19 AM Thank you. We have ten counts of Motions to Dismiss for Lack of Venue.
10:05:32 AM I have read the government's response.
10:05:42 AM I will hear from counsel.
10:05:52 AM CJA Panel Attorney Conner Robertson
10:05:55 AM Proffers to the Court.
10:10:04 AM Basically, I will withdraw Count One to Dismiss.
10:10:18 AM Discusses Counts Two through Ten.
10:14:30 AM Judge Omar Aboulhosn
10:14:32 AM Discusses case law the government references.
10:14:47 AM CJA Panel Attorney Conner Robertson
10:14:49 AM New Jersey, your honor. And continued through Florida and California, completed upon the submission
10:15:17 AM of the application.
10:15:28 AM It is completed when you hit send.
10:15:40 AM Judge Omar Aboulhosn
10:15:42 AM Discusses the conspiracy allegation.
10:16:11 AM CJA Panel Attorney Conner Robertson
10:16:14 AM I believe they are listed as residents of West Virginia as alleged in the Indictment.
10:17:08 AM The Court has to find the essential conduct.
10:17:18 AM Discusses the original agreement to defraud the bank.
10:18:06 AM Discusses the timeliness of the motions filed and the reason for the delay.
10:19:33 AM Judge Omar Aboulhosn
10:19:36 AM I just wanted you to put on the record as to the delay.
10:20:00 AM CJA Panel Attorney Conner Robertson
10:20:05 AM Discusses general venue statute.
10:21:44 AM Judge Omar Aboulhosn
10:21:46 AM You have done an excellent job arguing your point, counsel.
10:22:00 AM AUSA Jonathan Storage
10:22:02 AM Proffers to the Court.
10:23:02 AM Discusses difference in wire fraud and bank fraud.
10:29:29 AM CJA Panel Attorney Conner Robertson
10:29:34 AM Proffers to the Court as to the conspiracy and the bank fraud.
10:30:19 AM Discusses the essential conduct of the bank fraud.
10:33:55 AM Judge Omar Aboulhosn
10:33:57 AM When is this matter set for trial?

10:34:08 AM I will issue my Order in this case and shorten the time you have to appeal.
10:34:40 AM I should get an Opinion out by the end of business tomorrow.
10:35:05 AM Discusses the appeal deadline dates so as to no rush Judge Berger with trial fast approaching.
10:35:23 AM AUSA Jonathan Storage
10:35:29 AM Proffers to the Court.
10:36:22 AM Judge Omar Aboulhosn
10:36:30 AM Mr. Robertson, I will give you the last word.
10:36:39 AM CJA Panel Attorney Conner Robertson
10:36:42 AM Discusses when bank fraud begins and when it ends.
10:37:48 AM Judge Omar Aboulhosn
10:37:50 AM Discusses the case law the government cited.
10:37:59 AM CJA Panel Attorney Conner Robertson
10:38:01 AM No act or essential conduct occurred in West Virginia.
10:41:05 AM Discusses they were all Chime accounts.
10:42:16 AM Discusses the clicking of the mouse.
10:42:36 AM Bank fraud doesn't mean you have to have a kick back.
10:42:59 AM Bank fraud is submission of fraudulent documents to the bank.
10:43:19 AM Discusses aiding and abetting - and the kick back.
10:43:42 AM Judge Omar Aboulhosn
10:43:44 AM Thank you. I will take this matter under advisement and like I said, I will get an Opinion out soon.
10:44:03 AM Both of you have done excellent jobs arguing your cases.
10:44:20 AM Hearing adjourned