

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:24-CR-00192-1

KISHA SUTTON

SECOND SUPPLEMENTAL RESPONSE OF THE UNITED STATES OF AMERICA
TO DEFENDANT'S STANDARD DISCOVERY REQUESTS AND
REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Rule 16.1(a) of the Local Rules of Criminal Procedure, and the Arraignment Order and Standard Discovery Request entered by the Court in this case, the United States of America, by counsel, herewith supplements its previous response as follows:

Request E: Permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, building or places, or copies or portions of any of those items, if the item is within the government's possession, custody or control, and (i) the item is material to preparing the defense; (ii) the government intends to use the item in its case-in-chief at trial; or (iii) the item was obtained from or belongs to defendant. [Fed. R. Crim. P. 16(a)(1)(E)]

Response: The government has provided the following materials:

1. March 4, 2019, Benworth Capital Partners, LLC, mortgage loan documents (\$850,000)

2. February 6, 2020, Benworth Capital Partners, LLC, mortgage loan documents (\$215,000)
3. September 13, 2021, Benworth Capital Partners, LLC, mortgage loan documents (\$477,000)
4. Certificate of Authenticity from Henry Jimenez, President, Benworth Capital Partners, LLC
5. Rule 1006 Summary Chart - Benworth Capital Partners, LLC, Mortgages
6. Rule 1006 Summary Chart - Cylena Sutton - PPP Loan #1
7. Rule 1006 Summary Chart - Cylena Sutton - PPP Loan #2
8. Rule 1006 Summary Chart - Damisha Brown
9. Rule 1006 Summary Chart - Jasmine Spencer
10. Rule 1006 Summary Chart - Kisha Sutton (CashApp)
11. Rule 1006 Summary Chart - Kisha Sutton (IP Address)
12. Rule 1006 Summary Chart - Lydia Spencer - PPP Loan #1
13. Rule 1006 Summary Chart - Lydia Spencer - PPP Loan #2
14. Rule 1006 Summary Chart - Rahmel Meekins
15. Rule 1006 Summary Chart - Shamiese Wright
16. Rule 1006 Summary Chart - William Powell

Request I: Notify defendant of all evidence the government intends to introduce pursuant to Rule 404(b) of the Federal Rules of Evidence.

Response: The government intends to present evidence linking defendant Kisha Sutton to the PPP loans applied for and received in the names of Lydia Spencer, Cylena Sutton, Rahmel Meekins, William Powell, Damisha Brown, and Jasmine Spencer. The evidence

includes internet protocol addresses ("IP addresses"), Verizon subscriber information, IRS Form 1040-Schedules C, PPP loan applications, DocuSign records, bank account records, CashApp account records and the like.

The government seeks to introduce such evidence for the purpose of proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, and lack of accident, as permitted by Rule 404(b)(2) of the Federal Rules of Evidence.

EVIDENCE OF RECORDS OF REGULARLY CONDUCTED ACTIVITY

Pursuant to Federal Rules of Evidence 902(11), notice is hereby given of the United States intent to offer into evidence certified domestic records of regularly conducted activity. The records are referred to more specifically in Response E above, as Item No. 4.

REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rules 16.1(b) and 16.1(d) of the Local Rules of Criminal Procedure, the United States of America requests that defendant provide all applicable reciprocal discovery within 14 days of the service of this response and the provision of materials requested by defendant in the Standard Discovery Request.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "SECOND SUPPLEMENTAL RESPONSE OF THE UNITED STATES OF AMERICA TO DEFENDANT'S STANDARD DISCOVERY REQUESTS AND REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 16th day of June, 2025, to:

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