

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

V.

CASE NO.: 2:24-cr-00192

KISHA SUTTON,

DEFENDANT.

**DEFENDANT KISHA SUTTON'S RESPONSE TO GOVERNMENT'S
MOTION MOTION FOR JUDICIAL NOTICE**

NOW COMES the Defendant, Kisha Sutton, by and through counsel, and hereby responds to the *Government's Motion for Judicial Notice* by stating as follows:

1. Defendant Sutton does not object to the Court taking Judicial Notice of the fact that Huntington, Cabell County, West Virginia; Charleston, Kanawha County, West Virginia; and South Charleston, Kanawha County, West Virginia, are within the Southern District of West Virginia. However, Defendant Sutton does object to the Court taking Judicial Notice that any alleged crime took place in those areas as there has been no evidence introduced to suggest the same. There is a pending Venue challenge addressing this issue. Additionally, this Motion is simply premature and should be denied at this time.
2. Defendant Sutton objects to the Court taking Judicial Notice of any federal administrative rules applicable to the implementation of the Paycheck Protection Program at this time because the Government has not suggested which version of

the rules it seeks to offer. The PPP rules and regulations were amended many times throughout the Covid Pandemic. The government has not provided context to the Court of which rules it seeks to judicial notice of in relation to the acts for which Ms. Sutton is accused of violating them. Admitting the rules in whole at this point would deprive the Defendant of the opportunity to contest, at trial, that any particular rule was in place at a time Ms. Sutton allegedly acted. This matter should be left for trial consideration.

This Court should deny the Government's Motion.

Respectfully submitted,
By Counsel

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA,

PLAINTIFF,

V.

CASE NO.: 2:24-CR-000192-01

KISHA SUTTON,

DEFENDANT.

CERTIFICATE OF SERVICE

I, Connor Robertson, certify that on the 24rd day of June, 2025, a copy of the foregoing Response was served on the United States by ECF, to Jonathan Storage, Assistant United States Attorney to the following:

Jonathan Storage
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