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

PARTIAL TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA,	:	CRIMINAL ACTION NO. 2:24-cr-00192
vs.	:	
KISHA SUTTON,	:	July 15, 2025
Defendant.	;	

CLOSING ARGUMENT BY MR. STORAGE

BEFORE THE HONORABLE IRENE C. BERGER
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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INDEX

P R O C E E D I N G S

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THE COURT: Mr. Storage, Ms. Gordon, will you go forward with closing argument?

MR. STORAGE: May it please the Court, --

THE COURT: Yes, sir.

MR. STORAGE: -- ladies and gentlemen of the jury, there is no such thing as free money. We all know that. There's no such thing as free money. And during the COVID pandemic when COVID relief was coming out, money was not just falling from the sky where you could just put out your hand and receive it.

What we heard today was that in order to get COVID money, the PPP program, the Paycheck Protection Program, you had to apply for it. You had to apply by loan application. You had to meet requirements, eligibility specifications.

And then and only then if you satisfied all of the requirements and you used the money per the program's terms, you could get that loan forgiven. It was always a loan. It was marketed as a loan, never free money. The Government doesn't give free money.

Okay. So here's what we're going to be talking about here. We're going to be talking about the charges. You heard them from the Judge. I'm going to summarize them as well. We're going to be talking about the fraud and money laundering that occurred. And then we're going to talk about the verdict that the Government is going to request that you deliver at the end of your deliberations. And our argument is going to be that we've met all of our burden and have produced sufficient evidence.

First off, we're going to be talking about the charges. So Count One is aiding and abetting bank fraud. We heard briefly what that was. And this is a direct quote out of the statute. "Whoever commits an offense against the United States or aids, abets, counsels, commands, induces, or procures its commission, is punishable as a principal."

That means someone who helped another person commit the crime is as guilty as the person who initiated it and vice versa.

In this superseding indictment, the Government has alleged -- well, the grand jury has alleged that Shamiese Wright and Kisha Sutton aided and abetted one another to execute the bank fraud scheme. In other words, they're both in on it together and they both substantially contributed to the crime, and they facilitated the crime through each other's actions.

To convict a defendant of being an aider and abettor, the Government must show that the defendant's conduct amounted to counseling, assisting, or facilitating the commission of the crime.

A person commits bank fraud when she knowingly executes or attempts to execute a scheme or artifice to defraud an institution. That's one way to do it, or you can also do it to execute a fraud scheme to obtain any money owned by or under the custody and control of a financial institution by means of false or fraudulent pretenses, representations, and promises.

In this case, not only did they know that they were applying for a loan -- that's the fraud against the financial institution -- Ms. Wright and Ms. Sutton knew that they were filling out fraudulent loan applications. They knew that they were creating fraud on IRS tax documents. They were lying about income. And they presented that knowing or hoping that a lender was going to accept it as true and provide government funds to them through the loan process.

The bank fraud statute does not require the Government to show any ultimate financial loss or a showing of intent to cause financial loss. So whether or not a loan is forgiven or not plays no role in the bank fraud statute.

So in order to commit bank fraud, it has to involve a financial institution, not a bank per se, not going to Truist or Chase or Wells Fargo. It involves things that are specified by statute. And a mortgage lending business qualifies as a financial institution. And that's under 18, U.S.C., Section 20, Subparagraph (10).

The term "mortgage lending business," what you need to know and consider is that it basically finances debts secured in real estate. It is a loan that the collateral is land. That's what it is. That's what makes a mortgage loan different from any other business loan, and whose activities affect interstate or foreign commerce.

The law doesn't require that the mortgage loan itself affects interstate commerce or has any impact on it, just that the activities of the mortgage lending business affects interstate commerce. And we'll get to that here in a minute as well.

Count Two is aiding and abetting the concealment of -- concealment of money laundering. So one of the things that has to be proven by the Government is that the transaction had at least a minimal impact on interstate commerce.

I will show you how the Government has proved that in this case. The defendant knew that the money represented the proceeds of some form of activity. We'll learn that, you know, there has to be a specified unlawful activity. But for the purpose of money laundering, the defendant doesn't have to know specifically what crime or what specified unlawful activity occurred, only that the proceeds involved criminal conduct; and the transaction designed -- was designed to conceal or disguise the nature or source of the money. And there's some other qualifying words in there too that could also apply. But for the purposes of complicity to conceal or disguise the nature of the source of the money, that is the end transaction.

A transaction had to have involved the proceeds of a specified unlawful activity, also known as an SUA, and only proceeds from an SUA can be laundered for the purposes of the money laundering statute.

If someone commits a crime that results in proceeds and it is not specified in the statute as a specified unlawful activity, that doesn't count as money laundering. But bank fraud does qualify as a specified unlawful activity per statute.

A person who instructs others to initiate a payment involving proceeds of an SUA conducts a financial transaction. And when they receive the money, if they are simply receiving money that other people sent to them and they know that it involves the proceeds of a specified unlawful activity and that it was designed in whole or in part to conceal or disguise the nature and source of that, that money, the person receiving money, even if they don't touch anything, is responsible as conducting a transaction, a financial transaction under -- financial transaction under the money laundering statute.

So now we're going to be talking about what you all heard in trial and the investigation that occurred and the evidence in the case.

First, we heard about the Paycheck Protection Plan as administered by the Small Business Administration, a federal agency. And we heard about how, for the purposes of this case, in order to even qualify for a PPP loan, you had to either be an independent contractor, self-employed, or have some sort of associated with yourself sole proprietorship.

You had to have been in operation on February the 15th of 2020. You had to have an operating business on February the 15th of 2020. You had to include evidence of your gross income for either 2019 or 2020, required. You could not get a loan without an IRS -- some sort of evidence of your tax situation and your reportable income.

And even if you got the loan, you had to use it for eligible purposes. You couldn't use it for any old thing. You had to use it for what the program requires.

So Shamiese Wright. We saw in evidence that Shamiese Wright received a PPP loan and submitted with that PPP loan a form, a Schedule C 1040. And we saw listed that she had gross income of $75,000.

Well, we also looked at her 2020 tax return covering that same period. And what did we see? She actually reported income to the Federal Government of $21,716. Both can't be true. We all know that.

In addition, Shamiese Wright submitted unemployment claims to the West Virginia Workforce Office. And she certified multiple times during 2020 that she was unemployed and was not receiving compensation.

So what's the internet connection to all of this? Because we know from the evidence that this was all done on-line. Right? You can just go on a web portal, fill out an on-line application. And, so, all of this was done, you know, paperless for the most part.

Well, we know the internet connection because we received the IP address information from Verizon. And what did it show? It showed the address assigned to this particular account. There's the IP address right there, 108.53.252.171.

And who was that registered to? Kisha Sutton, the defendant. And it was for the period covered for by the time of this alleged conduct. This was registered to her April the 7th of 2021 through June the 29th of 2021.

It was a common scheme. It didn't just impact Kisha and Shamiese. It impacted -- we got one for Shamiese. Look at the IP address. This is substantive evidence summarizing the applications that were submitted. Same IP address for Shamiese, same IP address for Lydia.

Lydia actually got two PPP loans thanks to Kisha Sutton, William Powell got one, jasmine Spencer got one, Damisha Brown got one, all using the same IP address all using the same pattern.

What is Benworth Capital Partners, LLC? Well, we introduced records of their mortgage lending activity. We saw a mortgage loan agreement from March of 2019. We saw a mortgage loan agreement from February of 2020. We saw a mortgage loan agreement from September of 2021. Before the scheme and after the scheme, Benworth Capital Partners was issuing mortgage loans.

This is a summary chart of those three mortgage loan documents showing the value and the participants involved in it.

Of course, we know too that Benworth Capital is the lender for Shamiese Wright's loan. There it is right there on the promissory note introduced into evidence. And we see a bank loan number. $15,625 was the amount of the loan. And, of course, it was signed "Shamiese Wright" dated April the 23rd of 2021.

Well, Benworth Capital is Florida based, and Benworth Capital issued a PPP loan to someone living in the Southern District of West Virginia. The activities of Benworth Capital affected interstate commerce loaning money to people at minimum in Charleston, West Virginia.

Another thing about Benworth Capital is that we've heard about aiding and abetting. Again -- and I want to emphasize that again. I'm going to go back to the previous slide. "Whoever commits an offense against the United States or aids, abets, counsels, commands, induces, or procures its commission, is punishable as a principal."

Shamiese Wright is just as culpable as Kisha Sutton in this. They are charged as aiding and abetting one another to make the scheme work. You can't have an effective scheme -- you can have a scheme, but you can't have an effective scheme. You have Shamiese supplying her information to Kisha with the understanding Kisha applies for the loan. The loan proceeds go to Shamiese. And Shamiese does her part to kick back the payments to Kisha.

They work in tandem with one another. Kisha Sutton gets nothing if Shamiese doesn't do that loan apart from the other loans she did. But Kisha Sutton doesn't get anything if Shamiese doesn't do her end of the bargain.

Kisha Sutton also -- Shamiese can't get anything if she doesn't submit herself to Kisha to help do the loan because Kisha knows how to do it. They are responsible for each other's conduct. They are punishable as principals. And Shamiese who signed the SBA promissory note knew that Benworth Capital, knew Benworth Capital was the lender in this case.

So how did the whole movement of money work? Well, we have CashApp. That was consistent. We have the State of

West Virginia, specifically the Southern District of West Virginia. It includes Kanawha County and Cabell County, among other counties, but for the purpose of this case, the two counties that are subject to the case. And we see a movement of money. And that movement of money went to the State of New Jersey through Kisha Sutton.

And who was transferring money to Kisha Sutton as part of this common scheme? We have Shamiese Wright, the co-defendant in this case, aiding and abetting Kisha. We have Damisha Brown, we have Jasmine Spencer, we have William Powell, and we have Lydia Spencer, all involved in the same scheme, all sending money from the Southern District of West Virginia to Kisha Sutton, all having the same IP address associated with their loan applications, and all of their CashApp records match to Kisha Sutton's CashApp deposits.

So we also looked at payments to Kisha Sutton. So we have Exhibit 7 that was introduced and admitted. And this is a summary chart that shows the CashApp transactions for Shamiese Wright and the Stride Bank transactions for Shamiese Wright.

As you may recall, Benworth Capital when they initiated the deposit of the $15,625, it went into Stride Bank. It didn't go to CashApp. It went to Stride Bank. And then it went from Stride Bank to CashApp and CashApp then to Kisha Sutton. So let's look specifically at CashApp.

We see these three transactions to Kisha Sutton of $1,000 each one week apart. One week apart that $1,000 came through. Specifically, the charged conduct in the superseding indictment is May the 14th of 2021 in the amount of $1,000.

Then we also looked at the bottom of that exhibit and we saw the Stride Bank account information. And we saw that on May the 14th, Shamiese Wright was at a McDonald's in Charleston, West Virginia, on the same day that she submitted that CashApp application.

Okay. Well, what does that mean? What does that mean? This is what -- where you all are going to use your ability to consider circumstantial evidence.

The transactions occurred from May 7th to May 21. And then let's look at all these other examples. All the way through May the 27th, she's in Charleston, West Virginia. She's not in Ohio. She's not in Florida. She's not in New Jersey. She is hanging out in Kanawha County, West Virginia, and she's going to fast food restaurants and getting beauty supplies and all of these other things here in Charleston, West Virginia.

And you all have the original. You will have a disk. You can put it in there. If you want to see her Stride Bank transactions in full, they're part of the evidence. You can go look at them. And I am representing to you that when you look at them, you will not see a single transaction in the month of May, 2021, where she has left or used her account outside the Southern District of West Virginia.

She didn't go outside the Southern District of West Virginia to buy gas. She didn't go outside the Southern District of West Virginia to eat food. She didn't go outside the Southern District of West Virginia to buy a stick of gum.

The payments were chopped up as part of the scheme. This is the list of all of the CashApp transactions that occurred in this case. And we're looking at Shamiese Wright's here, May the 7th. We already saw this already, the $1,000. They're chopped up. Then we see the others as well.

Look at Damisha Brown. We see there are six transactions, 500, 500, 700, 900, 500, 400 all going to Kisha Sutton.

And then, of course, we have the descriptions. I'm not going to read these out loud. You've heard them enough. These are profane. They're, I guess, meant to be funny. I don't know. But what you don't see listed is "for my PPP loan." It doesn't say, "Thank you for helping me get a loan I don't qualify for. Thank you for helping me do anything."

These are transactions spaced apart with misleading characterizations about why you're doing it. Okay? This is concealment; stagger payments through an intermediary account. This is CashApp. Remember, the deposits went through Stride Bank. All of the payments to Kisha Sutton were through CashApp. This was meant to conceal and disguise the source and purpose of what was going on here.

And you also heard testimony, when we were looking at the bank account information for Shamiese Wright and when we talked about CashApp, that Shamiese Wright -- you heard this from Greg Lipari, a Special Agent. Shamiese Wright had never sent CashApp transactions to Kisha beyond these three. It's the only time they ever interacted on CashApp.

So having heard all of the evidence, what are the things that we're going to have you do when you go back into the jury room?

Well, first of all, we're going to talk about the considerations, the evidence. The Judge talked about the evidence. What is the evidence? The evidence was the documents that you saw and were admitted in the evidence. And the evidence is the testimony of the witnesses.

The instructions from the Judge. The Judge told you what the appropriate considerations in this case are, and I urge you to carefully mind those instructions.

But when you go back there to do your deliberations, I want you to consider whether or not the Government has proven the crimes as charged. And I submit we have.

Let's look at aiding and abetting bank fraud. What did we do? We showed that there was a scheme to defraud Benworth Capital. It doesn't matter that Kisha didn't know specifically that Benworth Capital was involved. Benworth Capital was the lender in this particular loan as charged.

Shamiese Wright knew that Benworth Capital was involved. You saw her signature on the promissory note. They aided and abetted each other. And the fact that Kisha doesn't know every detail about how the scheme was implemented on Shamiese's end does not disqualify her from being held accountable.

Each person played a critical role in executing the fraud. I talked about the various roles. Shamiese supplied the information, supplied the bank account really because the money was funneled there, and then paid the kickback.

Each one played their own role and obtained money by false and misleading representations or promises. Okay?

So they did it two ways. Submitting the applications and the fraudulent documents obviously was meant to induce Benworth Capital's decision. If those documents weren't submitted, the loan would never have occurred. And, so, it was material to the, the implementation of the scheme.

Now we're going to look at aiding and abetting the concealment of money laundering. They chopped up the payments. Why do that? Why do that if it's legitimate?

Why do that if it's on the up-and-up? It's because that's how Kisha instructed the people to do it.

We heard from Damisha Brown. Damisha Brown said, "I did it because Kisha told me to." We heard from the defense counsel saying, "Well, you didn't know. You weren't trying to conceal anything, were you?" And she was like, "No, no, no."

Well, that's because Kisha is the one who wanted to do the concealing. Kisha wanted to protect herself. She wanted to structure them because it's her account where all the money is coming into. And she wanted to make sure that it was periodic so it didn't raise any red flags.

Red flags, by the way, is the term that William Powell used. William Powell said, "I broke up my $2,000 payment because I didn't want to raise any red flags. And I discussed that with Kisha and that's how it was decided to be done."

Misleading subjects. We heard about misleading subjects on CashApp for hair, for marketing, for employees, and for all of the things that we saw from Shamiese, as colorful as they are.

And then we saw interstate commerce. The interstate commerce minimum connection is we saw from West Virginia to New Jersey. But the Government doesn't even have to prove that the CashApp actually even left the State of West

Virginia because CashApp itself is associated with interstate commerce. It moves money all the time. It moves money across state borders. It moves it across national borders.

The use of interstate -- the interstate commerce connection with using a financial system like CashApp is enough to meet the interstate commerce connection whether or not the money went to New Jersey and it was the proceeds of the SUA.

The money that was sent as the kickback was the proceeds, or were the proceeds of the bank fraud against Benworth Capital.

So when you go back into your jury room and you deliberate, consider these things. Use the circumstantial evidence that we've provided and whether or not it's more likely that, you know, these facts are true beyond a reasonable doubt than they're not.

I think you'll go back and you'll find that the Government has proven the aiding and abetting of the concealment of money laundering and that the whole purpose of that was so that Kisha Sutton would not get in trouble for filling out all of these PPP loans for all of her friends and family and it was to line her own pockets. And I request that -- the Government requests that you return a verdict of guilty or all counts.

Thank you.

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I, Lisa A. Cook, Official Reporter of the United States District Court for the Southern District of West Virginia, do hereby certify that the foregoing is a true and correct transcript, to the best of my ability, from the record of proceedings in the above-entitled matter.

s\Lisa A. Cook July 27, 2025

Reporter Date