UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

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

KISHA SUTTON

GOVERNMENT'S SENTENCING MEMORANDUM

Comes now the United States of America, by Jonathan T. Storage, Assistant United States Attorney for the Southern District of West Virginia and submits this Sentencing Memorandum in aid of sentencing.

I. SENTENCING FACTORS

The United States offers the following analysis relating to the application of the sentencing factors enumerated in 18 U.S.C. § 3553(a). As discussed below, the government requests that the Court sentence the defendant to 37 months' imprisonment, to be followed by 5 years' supervised release. The government further requests the Court impose a fine of $10,000, order restitution in the amount of $184,014.04, and order a forfeiture money judgment in the amount of $3,000.

A. History and Characteristics of the Offender

The defendant grew up in Brooklyn, New York, living predominately with her great aunt. From 2003 to 2018, the defendant lived in West Virginia. She has 4 siblings and 2 children. She is currently single and lives in Brooklyn, New York.

From age 13 until her arrest in this case, she used marijuana daily. She has a GED and an associate's degree. She has worked in the healthcare field for nearly 20 years.

B. Nature and Circumstances of the Offense

The Court is well acquainted with the facts of this case. The defendant was the ringleader in a large scheme to defraud various financial institutions and the United States Small Business Administration. Until she got caught, her scheme was very successful. The defendant solicited friends and family to allow her to apply for Paycheck Protection Program ("PPP") loans on their behalf. Sadly, she convinced many individuals, now co-defendants, to go along with the plan.

Of course, none of the individuals she solicited qualified for a PPP loan, and the defendant knew this. Undeterred by facts, she made up details about her co-defendants to ensure that, on paper, they qualified for the loans. She created false tax forms and loan applications – completely making up income and business expenses for her co-defendants.

Once the loan applications were completed and submitted, she waited with her co-defendants to learn whether the loans were approved. When they were approved, she provided her co-defendants with instructions on how to compensate her for obtaining "free money" for them. In other words, she expected and directed kickback payments.

The kickback payments were not so straightforward. To conceal the true nature and source of the money, she directed her co-defendants to pay her through Cash App, admonishing them to break up the payments. In some instances, as with co-defendant Shamiese Wright, her co-defendants wrote "memos" for the kickback payments that were wholly unrelated to their true purpose.

Thus, the defendant conceived, organized, and implemented a full-throated bank fraud and money laundering scheme to steal money from the federal government.

C. Seriousness of Offense, Deterrence, and Community Protection

The defendant systematically executed a multi-party financial scheme over a period of several months - no small feat for a person with no documented criminal history. Her criminal conduct was premeditated and consistent. Her actions are not indicative of some one-off slip in judgment; she recruited her co-defendants and directed the scheme.

More than anyone else who the United States Attorney's Office for the Southern District of West Virginia has prosecuted for PPP loan fraud, Kisha Sutton is deserving of time in prison. Kisha

Sutton is the kind of defendant judges in this district have been asking about: "What is being done about the people who have lured in our West Virginia residents with the promise of free COVID money?" Well, Kisha Sutton is one such exploiter.

The defendant's offense is very serious, and she should be punished in a way that reflects her leadership role in the scheme. Moreover, she helped create felons out of individuals who otherwise had no (or no meaningful) criminal histories. A message of strong deterrence is necessary for the defendant and any would-be defendant of her kind.

D. Sentencing Options

Because the bank fraud conviction is a Class B felony, a term of probation is unavailable. The government submits that a term of 37 months' imprisonment accurately reflects the seriousness of the defendant's conduct, would deter future offenses, and would not be greater than necessary to meet all of the other purpose of sentencing. The government requests that the defendant's term of imprisonment be followed by a supervised release term of 5 years. Restitution in the amount of $184,014.04 and a forfeiture money judgment in the amount of $3,000 should be ordered, along with a fine of $10,000.

II. CONCLUSION

The government submits that the requested would be sufficient but not greater than necessary to meet the purposes of sentencing.

Respectfully submitted,

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