

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

**UNITED STATES OF AMERICA,
PLAINTIFF,**

V.

CASE NO.: 2:24-cr-00192-01

**KISHA SUTTON,
DEFENDANT.**

DEFENDANT'S MOTION FOR RELEASE PENDING APPEAL

NOW COMES the Defendant, Kisha Sutton, by and through her counsel, Connor Robertson, and moves the Court to allow her to remain free from incarceration pending her appeal. Given Ms. Sutton's conduct on pre-trial and post-trial release thus far, the Court should be comfortable knowing she will abide by any conditions.

CONVICTION AND GUIDELINE CALCULATION

As the Court is aware, Ms. Sutton stands convicted of *aiding and abetting bank fraud* in violation of **18 U.S.C. §§1344 and 2**, and of *aiding and abetting money laundering* in violation of **18 U.S.C. §§ 1956(a)(1)(B)(i) and (2)**. As indicated in the Presentence Investigation Report ("PSR"), dated November 17, 2025, the **Total Offense Level** for Ms. Sutton is 19. *See PSR* ¶ 87. Ms. Sutton's **Total Criminal History Score** places her in Category I as a zero point offender. *Id.* Thus, Ms. Sutton's corresponding sentencing guideline range, as calculated by probation, is **30-37 months**. Ms. Sutton is asking for a below the guideline sentence that doesn't include incarceration; however, should the Court decide otherwise, Ms. Sutton requests to remain free from incarceration pending appeal.

Release pending appeal is governed by 18 U.S.C. §3143(b) which allows for a defendant to remain free on bail pending appeal if the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released; and the appeal is not for the purpose of delay and raises substantial questions of law or fact likely to result in reversal, an order for new trial, a sentence that does not include imprisonment, or reduced sentence term of

imprisonment less than the total time already served plus the expected duration of the appeal process.

First, there is no question that Ms. Sutton poses no threat to any person or the community should she remain free on bail. Second, Ms. Sutton's appeal is not being pursued to delay this matter, instead it is to pursue challenges that Ms. Sutton lodged from the beginning of her case. Finally, Ms. Sutton believes that there are substantial questions of fact and law concerning his conviction which would lead to a reversal of his conviction. As the Court is aware, Ms. Sutton moved to dismiss the Indictment arguing that venue was not proper in the Southern District of West Virginia. Ms. Sutton went to trial to preserve her venue argument for appeal. Obviously, this Court decided otherwise. Regardless, Ms. Sutton maintains her belief that venue was improper which now needs to be decided by appeal. Additionally, the Government failed to meet its burden of proof as to proving Ms. Sutton knew she was defrauding a "financial institution" as defined by law.

CONCLUSION

For the reasons stated, and if the Court determines a prison sentence is necessary, Ms. Sutton respectfully requests bail pending appeal given that her sentence length would likely be similar to the time it would take to pursue the appeal process.

Respectfully submitted,

Kisha Sutton

By counsel,

s:// Connor Robertson

Connor Robertson (WVSB 11460)

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CERTIFICATE OF SERVICE

I, Connor D. Robertson, do hereby certify that on this 24th day of November, 2025, I electronically filed the foregoing "DEFENDANT'S MOTION FOR RELEASE PENDING APPEAL" with the court using the CM/ECF system which will send notification of such filing to the below counsel of record addressed to:

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