IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. JOEL WRIGHT, Defendant.	Case No. 24-00029-02-CR-W-BP

GOVERNMENT'S SENTENCING MEMORANDUM

The United States of America, by and through its undersigned counsel, files its sentencing memorandum in this case. The government recommends a sentence of probation with a condition of 4 months' home detention. The presentence report calculated the sentencing range from 4 to 10 months and restitution of $51,665. (PSR¶¶ 65 & 77-80.)

PROCEDURAL AND FACTUAL BACKGROUND

On August 22, 2024, Defendant Joel Wright pled guilty to Count One of the indictment, conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349. (PSR ¶ 1.) The maximum possible penalty for conspiracy to commit wire fraud is 20 years' imprisonment. The defendant's offense conduct is outlined in paragraphs 4 - 9, 11 – 12, 17, and 21 of the PSR.

The defendant was part of a group of individuals organized by his wife Daisha Sanders to submit fraudulent Paycheck Protection Program (PPP) loans. Mr. Wright, aided by Ms. Daisha Sanders, submitted an application which claimed he was the sole proprietor of a business that had a monthly payroll of $8,333. The defendant also submitted a 2019 tax return that stated the business had gross revenues of $144,080 and net income of $99,982 in 2019. In fact, the defendant did not have such a business, and it did not have any revenues in the year prior to the pandemic. The defendant received a $20,832.50 PPP loan.

The evidence also indicates that Joel Wright assisted two other codefendants in obtaining fraudulent PPP loans. On April 8, 2021, Jeffrey Chillis received a PPP loan in the amount of $20,833. A review of Chillis' bank records found that on April 13, 2021, he transferred $5,000 to Joel Wright via CashApp. On May 11, 2021, Jordan Nichols received a $20,832 PPP loan. A review of Nichols bank records indicate that on May 16, 2021, he transferred $5000 to Joel Wright via Paypal.

DISCUSSION

I. Sentencing Analysis

There are no outstanding objections to the presentence report and, therefore, the offense level would be 9, Criminal History Category I, resulting in a guideline range of 4 to 10 months. As this Court is aware, 18 U.S.C. § 3553(a) sets forth the factors to be considered in determining an appropriate sentence. In evaluating the appropriate sentence for this defendant, the United States notes the following:

Nature of the offense:

The defendant falsely applied for and received a $20,832 pandemic relief loan. These funds were intended to assist businesses that were impacted by the pandemic. While this amount is small compared to other pandemic relief fraud, the defendant should have been aware that this scheme was unlawful. It also appears from the evidence that the defendant was involved in receiving money from codefendants who also received fraudulent PPP loans.

The history and characteristics of the defendant:

The defendant has no criminal history points and is employed as a property manager.

<u>Seriousness of the Offense, Deterrence, Protection, and Rehabilitation</u>:

This was a serious offense and there is a need to deter the defendant and others from fraudulently taking advantage of emergency relief funds.

<u>Sentencing</u>:

As noted by the Court in *United States v. Anderson*, 664 F.3d 758, 764-765 (8th Cir. 2012), the analysis for reviewing the reasonableness of a sentence is well-settled:

> We review substantive reasonableness for an abuse of discretion, "'tak[ing] into account the totality of the circumstances, including the extent of any variance from the Guidelines range.'" *United States v. Feemster,* 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (quoting *Gall v. United States,* 552 U.S. 38, 51, 128 S. Ct. 586, 169 L.Ed.2d 445 (2007)). If a sentence is outside of the Guidelines range, "we 'may consider the extent of the deviation, but must give due deference to the district court's decision that the § 3553(a) factors, on a whole, justify the extent of the variance.'" *Id.* at 461–62 (quoting *Gall,* 552 U.S. at 51, 128 S. Ct. 586) "Just because we 'might reasonably have concluded that a different sentence was appropriate is insufficient to justify reversal of the district court.'" *Id.* at 462 (quoting *Gall,* 552 U.S. at 51, 128 S. Ct. 586). "'[I]t will be the unusual case when we reverse a district court sentence ... as substantively unreasonable.'" *Id* at 464 (quoting *United States v. Gardellini,* 545 F.3d 1089, 1090 (D.C. Cir. 2008)).

As noted by Judge Colloton in his concurrence in *United States v. Burman*, 666 F.3d 1113, 1120 (8th Cir. 2012) *citing, Gall v. United States*, 552 U.S. 38, 50-51, 128 S. Ct. 586 (2007), the "proper measure of reasonableness under § 3553(a) is not whether the *variance* from an advisory guideline range is reasonable, but whether the *ultimate sentence* is reasonable in light of the § 3553(a) factors taken as a whole."

The issue presented to the Court then is what sentence is reasonable given the need to deter others who would engage in such illegal misappropriation of government emergency monies.

A sentence of probation with a condition of home detention would deter the defendant and send a message to others that such fraud schemes are unlawful and will be dealt with seriously by the United States District Court.

Respectfully submitted,

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By: */s/ Paul S. Becker*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on January 10, 2025, to the Electronic Case Filing (CM-ECF) system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Paul S. Becker

Paul S. Becker
Assistant United States Attorney