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

UNITED STATES OF AMERICA, Plaintiff, v. RASHONDA GOLDEN, Defendant.	Case No. 24-00029-04-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. Based upon the loss due to the defendant receiving two fraudulent Paycheck Protection Program (PPP) loans, the presentence report calculated the sentencing range from 4 to 10 months and mandatory restitution of $40, 666.33. The government recommends a sentence of probation with a condition of at least four months of home confinement.

PROCEDURAL AND FACTUAL BACKGROUND

On November 6, 2024, Defendant Rashonda Golden entered a plea of guilty to Count 1 of the indictment, conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349, before Chief U.S. District Judge Phillips. (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 through 9, and 13-14 of the PSR.

The defendant was part of a group of individuals organized by Daisha Sanders to submit fraudulent Paycheck Protection Program (PPP) loans. Ms. Golden, aided by Daisha Sanders, submitted two applications for PPP loans. In the first, she claimed she was the sole proprietor of a business that had gross revenues of $230,877 and net income of $111,379 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. On March 11, 2021, the defendant received a $20,833 PPP loan. The defendant spent the proceeds on personal expenses. On September 16, 2021, the PPP loan was forgiven by the SBA. (PSR ¶ 13.)

In the second loan, she claimed she was the sole proprietor of a business that had gross revenues of $62,356 and net income of $50,296 in 2019. In fact, the defendant's true tax return listed gross receipts of $17,730 and a profit of $16,240. On March 10, 2021, the defendant received a $20,833 PPP loan. On March 11, 2021, the defendant made a $2,500 transfer to Daisha Sanders. The defendant spent the remaining proceeds on personal expenses. On October 26, 2021, the PPP loan was forgiven by the SBA. (PSR ¶ 14.)

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 two $20,833 pandemic relief loans. These funds were intended to assist businesses that were impacted by the pandemic. While this amount is small compared to other pandemic relief fraud, it is double what was received by most of the other loan recipients.

The history and characteristics of the defendant:

The defendant has zero criminal history points and several previous arrests. The defendant does not appear to be employed.

Seriousness of the Offense, Deterrence, Protection, and Rehabilitation:

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

Sentencing:

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. The United States suggests that a reasonable sentence would be probation with a period of at least four months home detention.

A sentence within the guideline range 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 February 27, 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