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

UNITED STATES OF AMERICA, Plaintiff, v. KIANDRA CROWE, Defendant.	Case No. 24-00029-06-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 presentence report calculated the sentencing range from 8 to 14 months[1] and mandatory restitution of $20,832. The government recommends a sentence of probation with a condition of at least four months home detention.

PROCEDURAL AND FACTUAL BACKGROUND

On November 20, 2024, Defendant Kiandra Crowe 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 6 through 11, and 17 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. Crowe, aided by Daisha Sanders, submitted an application which claimed she was the sole proprietor of a business that 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. On June 4, 2021, the

[1] The Presentence Report did not apply a two-level reduction for acceptance of responsibility. If the reduction is applied, the guideline range would be 4 – 10 months.

defendant received a $20,832 PPP loan. On June 7, 2021, the defendant made a $5,000 transfer to Daisha Sanders. The defendant spent the remaining proceeds on personal expenses.

DISCUSSION

I. Sentencing Analysis

The defendant objected to the denial of a reduction for acceptance of responsibility based upon her pre-plea conduct of submitting fake pay stubs to the pretrial service office. The defendant contends that her timely plea of guilty avoided trial and saved the court and the government considerable time and resources.

The Probation Officer's response, citing *United States v. Cooper*, 998 F.3d 806 (8th Cir. 2021), correctly notes that pre-plea conduct can be considered when making a determination of whether the defendant should receive a reduction for acceptance of responsibility. In *Cooper*, the defendant participated in a brutal assault on another inmate. "Thirteen days after the assault on Duncan, Cooper pleaded guilty, without a written plea agreement, to an information charging him with being a felon in possession of a firearm." Id. at 808. Obviously, the conduct in this case is not nearly as egregious or severe as that in *Cooper*. On balance, the Government believes that the defendant should receive a two level reduction for acceptance of responsibility. 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.

<u>The history and characteristics of the defendant</u>:

The defendant has one criminal history point and several previous arrests. The defendant has been employed in various jobs over the past decade.

<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.

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 condition of a period of 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: *<u>/s/ Paul S. Becker</u>*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on March 14, 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