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

UNITED STATES OF AMERICA, Plaintiff, v. JORDAN NICHOLS, Defendant.	Case No. 24-00029-11-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 8 months' home detention. The presentence report calculated the sentencing range from 8 to 14 months and restitution of $20,832. (PSR¶¶ 83 & 95.)

PROCEDURAL AND FACTUAL BACKGROUND

On October 29, 2024, Defendant Jordan Nichols 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 5 - 10, and 21 of the PSR.

The defendant was part of a group of individuals organized by Daisha Sanders to submit fraudulent Paycheck Protection Program (PPP) loans. Mr. Nichols, aided by Ms. Sanders, submitted an application which claimed he 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 revenue in the year prior to the pandemic. On May 11, 2021, the defendant received a $20,832.50 PPP loan. On the same date, Mr. Nichols transferred $5,000 to Joel Wright, Daisha Sanders' husband.

DISCUSSION

I. Sentencing Analysis

There are no outstanding objections to the presentence report and, therefore, the offense level would be 9, Criminal History Category III, resulting in a guideline range of 8 to 14 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.

The history and characteristics of the defendant:

The defendant has a significant criminal history that is different from the other PPP loan defendants. When the defendant was younger, he had misdemeanor and felony convictions including fleeing from police officers. In 2021, the defendant has two convictions for driving while intoxicated. The defendant also has a pending case where he fled from police and guns were recovered from the fleeing car. (PSR ¶ 53.)

The defendant appears to be employed and is paying child support. (PSR ¶¶ 73 & 64.)

<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 is what sentence is reasonable given the need to deter others who would engage in such illegal misappropriation of government emergency monies and adequately punish the defendant considering his criminal record.

A sentence of probation with a condition of 8 months' 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,

Jeffrey P. Ray
Acting United States Attorney

By: */s/ Paul S. Becker*

Paul S. Becker
Assistant United States Attorney
Fraud and Corruption Unit

Charles Evans Whittaker Courthouse
400 E. 9th Street, Suite 5510
Kansas City, Missouri 64106

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on March 17, 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