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

UNITED STATES OF AMERICA, Plaintiff, v. DAISHA SANDERS, Defendant.	Case Nos. 24-00029-01-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 46 to 57 months. (PSR ¶ 72.) The government recommends a sentence of 46 months based upon the number of false Paycheck Protection Program (PPP) loan applications submitted by the defendant and the large number of co-defendants that Ms. Sanders led to felony convictions.

The defendant objects to the loss amount and the enhancement for sophisticated means in the presentence report. The government will present evidence at the sentencing hearing that the loss amount from the charged conduct and the defendant's relevant conduct was greater than $250,000. Further, the defendant's preparation of false applications and tax records support the sophisticated means enhancement.[1]

[1] Not every act committed by a defendant must be particularly sophisticated for the sophisticated means enhancement to apply, if the court finds complexities in the overall scheme. *United States v. Bistrup*, 449 F.3d 873, 882-83 (8th Cir. 2006).

PROCEDURAL AND FACTUAL BACKGROUND

On November 21, 2024, Defendant Daisha Sanders pled guilty to Count One of the indictment charging conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349. (PSR ¶ 1.) The maximum possible penalty for § 1349 conspiracy is 20 years' imprisonment and a fine of $250,000. The defendant's offense conduct is outlined in paragraphs 4 through 24 of the PSR.

The facts of this case are well known to the Court. The defendant submitted fraudulent applications for Paycheck Protection Program loans on behalf of individuals in Kansas City and elsewhere. In this case, ten other persons were convicted of conspiracy or wire fraud for submitting fraudulent loan applications. An analysis of the PPP loan documents indicates that the defendant submitted approximately 32 successful loan applications resulting in a total loss of over $600,000. On average, the defendant was paid $5,000 for each of the fraudulent loan applications.

DISCUSSION

I. Loss Amount

The defendant "disputes that the PSR has properly calculated the loss and restitution amount." The dispute cited two loans by codefendants Jeffrey Chillis and Jordan Nichols. The defendant contends that those loans "were prepared by Joel Wright, and he collected proceeds for submitting those two loans."

Not only is Joel Wright the defendant's husband, but he is also named as a co-conspirator in the offense of conviction, conspiracy to commit wire fraud. Therefore, the defendant is responsible for the loss amount she claims was sustained by the actions of her co-conspirators. The Government will also present evidence at the sentencing hearing of other fraudulent PPP loan applications associated with the defendant. The PSR properly calculated that the loss amount was greater than $250,000.

II. Sophisticated Means

The defendant objects to the two-level enhancement for the use of sophisticated means commit the offense. U.S.S.G. § 2B1.1(b)(10)(C). The defendant argues that the "PSR provides no analysis or factors which support the application of this enhancement. Here, the conduct was not complex, sophisticated, or intricate."

The evidence in this case will establish that the defendant prepared numerous false PPP loan applications along with supporting documents. Those supporting documents included fake tax returns, along with Schedule C profit and loss statements from the purported businesses. "Even if any single step is not complicated, repetitive and coordinated conduct can amount to a sophisticated scheme." *United States v. Jenkins-Watts*, 574 F.3d 950, 962 (8th Cir. 2009). In this case the defendant created and submitted numerous false documents in the scheme to defraud the Small Business Administration. In return, co-conspirators kicked back proceeds to the defendant.

III. Sentencing Analysis

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 led a group of individuals to falsely apply for and receive $20,832 pandemic relief loans. On average, these individuals kicked back $5,000 to defendant Sanders for her assistance in preparing the false loan applications and supporting documents. As stated above, the records indicate the defendant submitted at least 32 successful false loan applications resulting in a loss of over $600,000. Of those 32 individual loans, 10 persons have been convicted of federal felony offenses. Almost all these individuals had no prior criminal record and will move forward in life with a felony conviction. The defendant has not made any effort at restitution of her ill-gotten gain.

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

The defendant has two criminal history points for driving while suspended. The defendant appears to have been lawfully employed while committing this offense. (PSR ¶¶ 64-65.)

<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>:

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 46 months 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

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 May 9, 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