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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 24-00029-01/11-CR-W-BP
	)	
DAISHA SANDERS,	)	
	)	
Defendant.	)	

Daisha Sanders, by and through counsel, respectfully submits her Sentencing Memorandum. For the reasons set forth below, Ms. Sanders requests that this Court grant a variance and sentence her to a term of probation.

SENTENCING MEMORANDUM

In June 2021, JP Morgan Chase & Company prepared a research brief concerning financial outcomes by race during COVID-19. [1] According to their research brief, there were "large racial differences not only in income but also in liquid assets, which play a key role during times of economic uncertainty and disruption" (Farrell et al. 2020). "Job losses were more concentrated among Black and Latinx workers but were offset by increased public supports from the March 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act, the December 2020 Consolidated Appropriations Act, and the January 2021 American Rescue Plan." *Id*.

According to the United States Census Bureau, COVID-19 pandemic hit black households harder than white households even when taking into account pre-pandemic social-economic disparities. For Daisha Sanders, a reduced income, food insecurity and

[1] JPMorgan Chase & Co., Institute COVID Race Research Brief, June 2021

homelessness were realities due to the COVID-19 pandemic. In no way is Daisha Sanders excusing her criminal conduct. She believed that she could make some money to pay expenses. Simply put, she made a rash and poor decision in an effort to stay financially stable. Her ill-considered and impulsive thinking has resulted in lifetime collateral consequences.

I. STATUTORY SENTENCING FACTORS

Daisha Sanders' Personal History and Characteristics

Ms. Sanders is a young mother of two children, one of which is not the child of co-defendant (husband) Joel Wright. With the exception of this federal conviction and some traffic tickets, Ms. Sanders has been a law abiding citizen. She has attended college and maintained employment. She has continued to pursue career opportunities which will better support her family. Currently, Ms. Sanders is a realtor.[2]

When COVID-19 shuttered businesses, Ms. Sanders worked as a leasing agent. She earned approximately $1,100 every two weeks. She received two stimulus checks of approximately $1,500. While she had some supplemental benefits, Ms. Sanders reports that she did not have enough money. Initially, her employer announced that the leasing agents would be laid off, however, her employer decided that it would reduce her to part-time status. Ms. Sanders recalls that she worked approximately thirty hours. Less income meant less money for bills. Following this financial setback, Ms. Sanders lost her home.[3]

[2] At this time, it is unknown whether this federal conviction will disqualify Ms. Sanders from her current occupation. At Sentencing, Ms. Sanders would ask the Court to consider these collateral consequences.

[3] Ms. Sanders' employer also maintained her lease (220 Laurel Drive, Blue Springs, Missouri 64014). Her employer permitted her to vacate and pay a fee. By doing so, she avoided an eviction and collection matter.

She and her family moved in with her mother, Denise Sanders. Combining households enabled the Sanders to survive the economic downturn.

Since her arrest on this offense, Ms. Sanders has remained employed and pursued additional career opportunities which will benefit her family. She has refrained from any other criminal conduct and had no law enforcement contact. She has continued to provide her children care and support.

Courts have long considered a defendant's responsibilities of caring for family members, as well as a defendant's children's needs, in sentencing under the Guidelines. *See United States v. Spero*, 382 F.3d. 803 (8th Cir. 2004); *United States v. Haversat*, 22 F.3d 790 (8th Cir. 1994); *United States v. Pena*, 930 F.2d 1486 (10th Cir. 1986) (finding downward departure to sentence of probation with special condition that defendant serve six months in a community treatment center reasonable where defendant was primary caregiver and sole financial support for her two-month-old infant and also supported her 16 year-old daughter, who herself had a two-month-old infant). Courts have likewise recognized the defendant's status as a primary care giver as a potential mitigating factor warranting departure or downward variance from the sentencing guidelines; *U.S. v. Crocker*, 2007 WL 2757130 (D. Kan. Sept. 30, 2007) (downward variance granted based on advisory Guidelines and several factors, including defendant's responsibilities as a parent).

With the above-referenced background, Ms. Sanders simply gives context to the circumstances which were present when she committed this crime. Today, Ms. Sanders is clear about her poor choices and accepts responsibility. She remains optimistic and is demonstrating that she can return to a life as a law abiding citizen.

Moving forward, Ms. Sanders' goal is to stay focused on her career and family. Should this Court see fit to fashion a probationary sentence, Ms. Sanders will continue to work as a realtor (provided she is eligible and licensed to do so). Ms. Sanders seeks another real estate license. Ms. Sanders indicates that she will continue to work every day that she is allowed.

Nature, Circumstances and Seriousness of the Offense

Ms. Sanders' crime is serious. She obtained money (government funds) illegally and solicited others to do the same. She perpetrated this crime by making false statements and prepared tax documents which she knew were false. The money which she received were taxpayer funds and the funds were allocated for American business owners who had experienced financial hardship.

Otherwise, Ms. Sanders did not engage in violence or commit a crime of violence. She caused financial harm but did not physically harm or injure others. Because she has been a diligent worker, she can pay restitution.

Adequate Deterrence, Promote Respect, Protection, Just Punishment

In Ms. Sanders' case, a sentence of probation with a term of supervised release is appropriate and sufficient, but not greater than necessary to accomplish the statutory sentencing objectives. According to 28 U.S.C. 994(j), Congress directs the Sentencing Commission as follows:

> "The Commission shall insure that the guidelines reflect the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense, and the general appropriateness of imposing a term of imprisonment on a person convicted of a crime of violence that results in serious bodily injury."

In this case, the Guidelines are greater than necessary to accomplish the sentencing goals and unreasonably punitive. As calculated by the United States Probation Office, Ms. Sanders has a Total Offense Level of 20 and a Criminal History Category of II which results in a guideline imprisonment range of 37-46 months. Ms. Sanders is not a danger to the public and her offense is not a crime of violence. More importantly, her risk of reoffending is extremely low. (See PSR, ¶ 3). Ms. Sanders has not incurred one violation since her pretrial release. She has abided by all conditions.

The Sentencing Commission has studied the rates of recidivism among offenders. *See The Past Predicts the Future: Criminal History and Recidivism of Federal Offenders (USSC March 2017), available at perma.cc/C8CW-A5J5.* The United States Sentencing Commission has generally found that offenders with no prior criminal history (group A) had a recidivism rate of 6.8%, while those with a history of one prior criminal history point had a higher rate of 8.8%. The Commission also noted that offenders sentenced to shorter terms of imprisonment (less than six months) had lower recidivism rates compared to those serving longer sentences. *See United States Sentencing Commission, Length of Incarceration and Recidivism, April 2020.*

In considering just punishment and deterrence, the Court should consider not only Ms. Sanders' potential term of imprisonment but penalties which she may face beyond incarceration. (See PSR ⁋ 74-78). She must submit to random searches, seek approval of financial transactions, and surrender any financial gains. More importantly, Ms. Sanders may experience professional consequences as a result of her conviction. Should this Court impose a sentence of imprisonment, Ms. Sanders could potentially be under criminal justice sentence for *more than sixty (60) months* and experience significant challenges in regaining employment.

Ms. Sanders ask this Court to consider a sentence which does not include a term of imprisonment. She would also like this Court to know that she has made a concerted effort to abide by all conditions of her pre-trial release. She indicates that she is making every effort to demonstrate maturity in her thoughts and value long-term thinking. In this case, a lengthy sentence could certainly provide specific deterrence, but a sentence of probation with mandatory and special conditions will accomplish the same objective. A probationary sentence would sufficiently punish Ms. Sanders.

Unwarranted Sentence Disparities

Ms. Sanders has three other co-defendants awaiting sentence. All other co-defendants who were charged in *United States v. Daisha Sanders*, 4:24-00029-01-CR-W-BP, have been sentenced.

(01)	Daisha Sanders	
(03)	Joel Wright	Sentenced to 60 months probation
(04)	Denise Sanders	Sentenced to 36 months probation
(05)	Rashonda Golden	Awaiting sentencing
(06)	Roxanne Nazir	Sentenced to 36 months probation
(07)	Kiandra Crowe	Sentenced to 60 months probation
(08)	Jeffrey Chillis II	Sentenced to time served
(09)	Shaquille Fielder	Sentenced to 60 months probation
(10)	Afred Hayes IV	Awaiting sentencing
(11)	Luana McNurlin	Sentenced to 36 months probation
(12)	Jordan Nichols	Awaiting sentencing

Within the past five years, billions of dollars in PPP loans involved fraud. Nationwide, some individuals applied for small loans and some applied for multiple million dollar loans. Others, fraudulently applied for unemployment benefits. The sentences have varied. In March 2024, the IRS Criminal Investigation unit released data concerning the tax and money laundering cases. See *IR-2024-83, March 28, 2024.* According to the report, 795 people have been indicted for their alleged COVID-related crimes and 373 individuals have been sentenced to an average of 34 months in federal prison. *Id.* See *United States v. Lorenzo Gordon*, 4:24-CR-00022 (sentencing a former professional basketball player to five years of probation, 200 hours of community service and $308,354 in restitution for pandemic loan fraud); *United States v. Terrence Pounds*; 5:21-CR-317 (sentencing defendant to 94 months in prison, ordering restitution of more than $4.2 million dollars following conviction of conspiracy to commit wire fraud, wire fraud and money laundering); *United States v. Eric O'Neil,* 22-CR-00153 (sentencing defendant to twenty seven months imprisonment).

For Fiscal Year 2023, Federal Sentencing Statistics (Economic Offenses) indicate that 44.1 percent of the 4,896 defendants received a variance. *See Fiscal Year 2023 Sourcebook of Federal Sentencing Statistics.* Additionally, 15.3 percent of individuals sentenced received a departure pursuant to a §5K1.1 motion. This data supports the grant of a variance and a possible probationary sentence.

Ms. Sanders' base offense level (7) is more than doubled when the loss enhancement is applied (+10), with other enhancements (+6) resulting in an adjusted offense level of (23). This offense level is higher than the base offense levels for reckless involuntary manslaughter, § 2A1.4 (18), criminal sexual abuse of a minor under the age of sixteen (statutory rape), § 2A3.2 (18), and aggravated assault § 2A2.2 (14). The loss enhancement places far too much emphasis on a single factor—monetary loss to the company/victim—to the exclusion of a reasoned consideration of other factors, including deterrence, protection of the public, and the need to provide restitution.

II. PSR OBJECTIONS

Pursuant to a plea agreement, Ms. Sanders entered a plea of guilty to Count 1 of an Indictment which charged Conspiracy to Commit Wire Fraud in violation of 18 U.S.C. § 1349, a Class C felony.

On April 12, 2024, the United States Probation Office filed the PSR which calculated a sentencing guideline range of 37-46 months. Ms. Sanders contested the PSR's calculated loss amount based on the financial transactions which she submitted to the SBA. *See Daisha Sanders Objections electronically submitted on February 28, 2025.*

In view of her objections, Ms. Sanders maintains that the properly calculated loss amount is $187.489.50. *See PSR, ¶ 30, and Daisha Sanders Objections electronically submitted on February 28, 2025.*

The Government has submitted its' Sentencing Memorandum suggesting that Ms. Sanders is responsible for loans submitted by Joel Wright as well as "approximately thirty-two successful loan applications." Pursuant to U.S.S.G. § 1B1.3(a)(1), "[i]n the case of a jointly undertaken criminal activity, subsection (a)(1)(B) provides that a defendant is accountable for the conduct (acts and omissions) of others that was: (i) within the scope of the jointly undertaken criminal activity; (ii) in furtherance of that criminal activity; and (iii) reasonably foreseeable in connection with that activity."). Under this Guideline, Ms. Sanders is responsible for her criminal activity and reasonably foreseeable acts in furtherance of the jointly undertaken criminal activity. See U.S.S.G. §1B1.3 cmt. (n.2) (2002). Ms. Sanders' marriage to Joel Wright is not a substitute for the required analysis.

Contrary to the Government's assertion, the PSR calculated a total loss amount of $249,988.33 not greater than $250,000.[4] *See Doc 277, Page 2.* Nothing limited the Government from providing the United States Probation Office complete and accurate facts concerning its intended and/or actual loss claims. Counsel for Ms. Sanders submits that the Government has a duty to provide the District Court with all relevant facts. The PSR nor the addendum set forth this additional information which allegedly supports a loss amount in excess of $600,000.

Conclusion

For all of the reasons cited above, Ms. Sanders respectfully requests this Court to grant her a variance and impose a sentence of probation.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on May 11, 2025 to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ *Katrina Y. Robertson*
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[4] The United States Probation Office disclosed the presentence investigation report on January 17, 2025. On March 4, 2025, the Government produced supplemental discovery.