

ADAM JAMES

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

Docket No.: 4:20-cr-00327-GKF

VS.

ADAM JAMES

SENTENCING MEMORANDUM

I. BACKGROUND

A. PERSONAL AND FAMILIAL HISTORY

As noted in the presentence report, Adam James, hereinafter referred to as “Adam”, was born and raised in Toledo Ohio. At a young age Adam excelled in school and always had the mental capacity for business. Unfortunately, Adam had a very strict upbringing wherein his father, a Church Bishop, stressed the importance of having the correct image in public but allowed Adam to be mistreated in the home. This led to severe depression and alcoholism after experiencing many of his older siblings die and/or turn to drugs as a coping mechanism.

Adam left his childhood state of Ohio to get away from his family and attended college at Oral Roberts University in Oklahoma. He then spread his wings even further and moved to France for an extended time. Growing up in Toledo affected Adam’s perception of right and wrong but pushed him to help others avoid the same situation he was raised in. He always felt suffocated by perception and believed true happiness did not matter if you looked good to outsiders.

Adam moved back to Oklahoma and was lastly working in property management. Most of his free time is spent helping at risk youth in the Tulsa community. He is a valuable member of society by not only contributing to the workforce but also by providing a positive alternative to children stuck in the cycle. Adam has no prior criminal record and is celebrated as someone who’s dedicated their life to helping others. Unfortunately, Adam is not perfect. While teaching children the importance of doing things the right way, Adam decided to take a short cut.

I assure you; Adam now understands he was a walking hypocrite. Adam now has to look the youth, he dedicated his life to helping, in the eye and tell him “I was exactly who I was telling you

not to be”. Adam understands he let his family, the church, the community and himself down by taking the easy way out and trying to take advantage of the system.

B. THE INSTANT OFFENSE

The instant offense is one Adam is not looking to justify. Adam immediately took responsibility for his actions, and in fact attempted to return the money procured by the illegal activity prior to any action being taken by the authorities. It was Adam himself who self-reported his crime by calling Regent Bank and saying the application contained false information. It took Adam a couple of weeks of reflection before he understood how harmful his actions were. He understands now this is not a victimless crime. Adam could not sleep at night knowing he was taking money from the communities he was so intent on helping. It should be noted Adam received the SBA loan on May 11, 2020 and attempted to return the funds on June 9, 2020. Mr. James just narrowly missed the amnesty period for return of funds which was May 5, 2020.

II. ADAM JAMES’ REQUEST FOR SENTENCING PURSUANT TO 18§1028(A)

Adam is not asking for a pass. He knows his actions were both criminal and immoral. However, he is simply asking for understanding. Understanding of why he did not see the error in his ways and understanding that because he has, he is ready, willing and able to be a better person for not only himself but for his community and the young lives he can affect.

I’m asking that Adam’s sentence reflects just that, a justified punishment along with an opportunity for redemption. This is his only interaction with the courts and the law, and he is determined to make it his last.

Adam James, by and through his attorney, Donte Mills ESQ., respectfully request that this Court sentence him pursuant to 18§1028(A) and Order him to participate in the Federal Bureau of prisons and drug and alcohol program. RDAP will be an effective program in helping Adam control a habit he's worked hard to fight his entire life. We are also requesting placement in FPC Montgomery as it will allow Mr. James the ability to stay connected to his support system in preparation for returning to society in an effective way.

Respectfully Submitted.

Donte Mills
Mills & Edwards, LLP
Attorneys for Defendant
14 Penn Plaza, 20th floor
New York, NY 10122
212-635-2969

CERTIFICATE OF SERVICE

I. Donte Mills, Esquire, certifies that a copy of the foregoing Sentencing Memorandum was served, via electronic-delivery, to the following:

Victor Regal, Esquire at victor.regal@usdoj.gov

Date: January 7, 2022

Mills & Edwards, LLP
Attorneys for Defendant
14 Penn Plaza, 20th floor
NEW York, NY 10122
212-635-2969

EXHIBIT “A”



H.Y.P.E., LLC

Each of Us Moving Forward

September 13, 2021

Dear Honorable Judge Gregory K. Frizzell,

I hope this letter reaches you in well health. I have recently been informed of the legal status of Adam James and I must say, I am appalled at this incident. During this pandemic many have been found to do things outside of their "norm" and such behavior is definitely not a norm of Adam James. I will explain.

I met Adam in 2005 in Toledo, Ohio. He is very caring, funny, and passionate about seeing a change in underserved communities. Our passion for assisting underserved communities is what sparked my interest in getting to know him as a person and calling him friend. I was working for the YMCA YOP program where I assisted youth at risk by engaging them to make positive changes in their lives, like finishing high school, being economically savvy and giving back to the community from which they reside. Adam was always intrigued by the lives of the youth and wanted to make sure they would have the opportunity to make better choices. Therefore, he became a CASA (Court Appointed Special Advocate). In this role, he had a part in the future decision-making of youth in foster care and transitioning into independent living out of foster care. It was his mission and goal to make sure these kids were afforded the opportunity to have a better opportunity in life. Due to our role in assisting others, I have opened a behavioral health organization targeting adolescents, called H.Y.P.E. (Helping Young People Excel), LLC.

As time progressed and our friendship grew, I faced a very challenging point in my life, financially and did not have the support needed to keep food in my home. One summer my niece came from New York to visit and I did not have the heart to say she could not visit because I was having my own financial difficulty, so I allowed her to visit and we had a struggle. She never knew. I remember calling Adam and asking to borrow money so that I could "pay a bill". He loaned me the money and as I was walking out of the door, he asked, how long did I need to pay him back. I stated until I got paid. I slipped and said that I just needed to go to the grocery store. He said, "wait, I thought you had to pay a bill?" I paused and just shrugged my shoulders. He then said, "I don't want the money back, get some groceries for your household. You should have told me that you needed food, I would have helped you." From that day forward, he always checked to make sure groceries was in the house for me and my niece. I was so appreciative and thankful that he made my life and my situation a priority of his and only wanted to make sure we were okay.

4333 Monroe St.
Suite F & G
Toledo, OH 43606
hypeoflucas@gmail.com
(419) 724-4973
www.hypeoflucas.com

EXHIBIT “B”

King's Business, Inc.

8086 S Yale Ave, Ste 1, Tulsa, OK 74136

September 14, 2021

The Honorable Gregory K Frizzell:

I am writing on behalf of Adam James.

I first heard of Adam James approximately five years ago through a group of real estate associates in which he was held in high regard. When I met Adam a year later, as he was developing a grocery store and food production facility for the North Tulsa area. My work on an energy project had the potential to increase the efficiency of the food production facility. Later in the project, he experienced a shortfall of capital. I loaned him forty thousand dollars and he repaid the loan with better than agreed upon terms.

We have continued to do business and he has shown himself to be a man of integrity – to the point that I now consider Adam to be my friend.

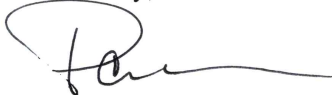
Your Honor, only two men have ever arrived on this earth perfect. The first man, Adam, blew it in the Garden of Eden. The second man, Jesus of Nazareth, died a righteous man. Because of His sacrifice, we all receive mercy from on High. Although many do not recognize the mercy shown, Adam has and has also chosen to walk the road less traveled.

For sure, Adam James did wrong. However, when the inner witness convicted him of his wrong doing, he came forward on his own to take responsibility for his actions and to make amends. If Adam was a hardened, unrepentant criminal, I would not be writing this letter. But he is following that higher calling. He has learned his lesson, and this experience will help him as he continues to help others to avoid similar or worse situations.

Therefore, your Honor, I am asking you to please show him mercy.

Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Phil Martinez', with a large, stylized initial 'P'.

Phil Martinez
President

EXHIBIT “C”

Therapy Associates, LLC
1611 South Utica Avenue # 403 Tulsa, Oklahoma 74104
Karla M. Kerby, PhD LMFT

September 10, 2021

Re: Mr. Adam James

Your Honor,

This letter is written at the request of Mr. Adam James. I have seen Mr. James twice monthly from February 2021 to the present date at Tulsa Counseling Services for pretrial counseling. He has been compliant and forthcoming in his participation.

Mr. James has reviewed and fully processed his offense. He has shown remorse and understanding of the damage associated with it. Mr. James reported he has attempted to make financial amends concerning his offense.

Regards,

Karla Kerby

Karla M. Kerby, Ph.D. L.M.F.T.

EXHIBIT “D”



Greenwich CT & Nationwide
PO Box 1, Woodbury, Connecticut 06798
212-859-3512 | prisonist.org

Rev. Jeff Grant, J.D., M.Div.
Co-Founder/Minister
jgrant@prisonist.org

September 17, 2021

Hon. Gregory K. Frizzel
United States District Judge for the Northern District of Oklahoma
United States Courthouse
333 West Fourth St., Room 411
Tulsa, OK 74103

Re: **Adam Winston James**
4:20-cr-00327-GKF

Dear Judge Frizzel:

Thank you for this opportunity to provide a letter on behalf of Adam James.

This letter makes three (3) pertinent points:

1. Adam has become a member of our ministry serving the white collar justice community, and is regular member of our White Collar Support Group that meets on Monday nights. Through the group support, and one-on-one phone calls and video chats, I have come to know and understand him well. Adam has fully availed himself of community-based rehabilitative support since his arrest, has accepted that he has a continuing need for such support, and is fully committed to accepting such for the rest of his life;
2. That ample community-based therapeutic, spiritual and related addiction rehabilitative support exists that the court could consider as a lenient and diversionary option in sentencing;
3. It would be in the best interest of all concerned for the court to instruct Adam to continue such community-based support. This, together with Adam's history of service and volunteerism in the community, make Adam a perfect candidate for such lenient and diversionary sentencing.

I am an ordained reverend and co-founder of Progressive Prison Ministries, Inc., a ministry serving the white collar justice community. Relationships I maintain with those I serve are pursuant to applicable state clergy privilege laws. I am also an attorney licensed to practice in the State of New York, although I am not representing Adam in this capacity.

My experience with Adam James. I have known Adam since he first reached out to me in June 2021. He has since shown the level of engagement that marks the type of commitment we look for in order to set up a program of long-term success.

A key point I'd like to make on Adam's behalf is that he has been one hundred (100%) percent compliant in adherence with the rigors of our ministry and other interventions he has voluntarily sought.

Adam has participated in weekly online support group meetings, and in other online meetings we hold. He has assertively taken on increasing responsibility in the support group and is involved in the betterment of his fellows. He has regular phone and video calls with other members of our support group (something we strongly encourage) and others going through the throes of the criminal justice system, offering them his experience, strength and hope.

Adam is a true example of someone who has learned to ask for help and help when asked.

Adam has shared much of his story on our Monday night meeting, and was incredibly well received because of his candor and absolute acceptance of responsibility for his behavior and crimes. It is not often that someone in the beginning of their criminal justice journey can possess the kind of self-awareness, dedication to his recovery and desire to make amends to those he harmed that Adam has shown.

It is notable that he has maintained an upbeat and optimistic disposition, and has continued to volunteer in the community, even as he is experiencing perhaps the biggest challenges of his life.

I have had several meetings, and phone and video conferences, with Adam, and learned the intimate details about his rise to financial success after rather humble beginnings as the son of a preacher, and how that might have given him a neurotic transference of his business success to an inappropriate sense of personal self-importance and self-reliance. In this light, it was easier to understand how someone with such strong community ties, close family relationships, and professional success could have done the things he admittedly did. And, yet, this a paradigm we see often in our ministry - businesspeople suffering overwhelming exhaustion and sacrifice driven by the unreasonable rigors needed to be successful, untreated psychological issues, and failure to understand how all of this leads to a one-way trip to self-destruction.

I have come to the conclusion that Adam is a good person who was insecure, codependent and a people pleaser who did bad things for what he misguidedly thought were the need to provide

for his family. I believe his arrest and prosecution have been humbling experiences for Adam, and that he has learned, albeit the hard way, that he was wrong and that in his efforts to please everybody, he pleased nobody.

Adam has accepted the reality of his situation and has devoted this time before his sentencing to personal growth.

I have extensively discussed the above with Adam, and he offers none as an excuse for his behavior or his crimes.

I believe that the above, combined with Adam's continued willingness to seek and accept help from our ministry, support group, and other available community-based resources and interventions, make him a perfect candidate for the court's leniency and referral to non-custodial, community corrections.

Background. Progressive Prison Ministries, Inc. supports individuals and families through the various stages of the legal process, incarceration (or probation), reentry into society and the workforce, and all the way to a successful and fulfilling life on the other side of their issues. Among other initiatives, every Monday evening we host an online support group for individuals who have been prosecuted for white collar crimes. On Monday, September 20, 2021, we will hold our 275th weekly meeting.

Our goal is to provide spiritual solutions and emotional support to those who are feeling alone, isolated, and hopeless. Our objective is to help them find a path to a healthy, spirit-filled place on the other side of what may seem like insurmountable problems. Many of those we counsel are in a place where their previous lives have come to an end due to their transgressions. In many cases their legal problems have led to divorce, estrangement from their children, families, friends and support communities, and loss of a career. The toll this takes on individuals and families is emotionally devastating. White-collar crimes are often precipitated by other issues in the offenders' lives such as alcohol or drug abuse, and/or a physical or mental illness that led to financial issues that overwhelms their ability to be present for themselves and their families, and cause poor decision making, lack of good judgment, and irrational behavior. We recognize that life often presents us with such circumstances, sometimes which lead us to make mistakes in violation of the law.

To date we have helped over five hundred (500) people prosecuted for white collar crimes to accept responsibility for their actions and to acknowledge the pain and loss they have caused to others. In accordance with our commitment to restorative justice, we suggest to our ministees that they make amends as a first step in changing their lives and moving towards a new spiritual way of living centered on hope, care, compassion, tolerance, empathy and service to others. More information is available on our website, prisonist.org.

Please feel free to contact me if I can provide any further information.

Thank you for your consideration.

Respectfully submitted,

Jeffrey D. Grant

Rev. Jeff Grant, J.D., M.Div.

cc: Donte Mills , Sr
Mills & Edwards, LLP
14 Penn Plaza
20th Floor
Ste 2020
New York, NY 10122
212-635-2969
Email: dmills@melawny.com

EXHIBIT “E”

Greenwich CT & Nationwide
PO Box 1, Woodbury, Connecticut 06798
212-859-3512 | prisonist.org
Rev. Jeff Grant, J.D., M.Div.
Co-Founder/Minister
jgrant@prisonist.org

September 17, 2021
Hon. Gregory K. Frizzel
United States District Judge for the Northern District of Oklahoma
United States Courthouse
333 West Fourth St., Room 411
Tulsa, OK 74103

Re: **Adam Winston James**

4:20-cr-00327-GKF

Dear Judge Frizzel:

Thank you for this opportunity to provide a letter on behalf of Adam James.

This letter makes three (3) pertinent points:

1. Adam has become a member of our ministry serving the white collar justice community, and is regular member of our White Collar Support Group that meets on Monday nights. Through the group support, and one-on-one phone calls and video chats, I have come to know and understand him well. Adam has fully availed himself of community-based rehabilitative support since his arrest, has accepted that he has a continuing need for such support, and is fully committed to accepting such for the rest of his life;
2. That ample community-based therapeutic, spiritual and related addiction rehabilitative support exists that the court could consider as a lenient and diversionary option in sentencing;
3. It would be in the best interest of all concerned for the court to instruct Adam to continue such community-based support. This, together with Adam's history of service and volunteerism in the community, make Adam a perfect candidate for such lenient and diversionary sentencing.

I am an ordained reverend and co-founder of Progressive Prison Ministries, Inc., a ministry serving the white collar justice community. Relationships I maintain with those I serve are pursuant to applicable state clergy privilege laws. I am also an attorney licensed to practice in the State of New York, although I am not representing Adam in this capacity.

My experience with Adam James. I have known Adam since he first reached out to me in June 2021. He has since shown the level of engagement that marks the type of commitment we look for in order to set up a program of long-term success.

A key point I'd like to make on Adam's behalf is that he has been one hundred (100%) percent compliant in adherence with the rigors of our ministry and other interventions he has voluntarily sought.

Adam has participated in weekly online support group meetings, and in other online meetings we hold. He has assertively taken on increasing responsibility in the support group and is

involved in the betterment of his fellows. He has regular phone and video calls with other members of our support group (something we strongly encourage) and others going through the throes of the criminal justice system, offering them his experience, strength and hope. Adam is a true example of someone who has learned to ask for help and help when asked. Adam has shared much of his story on our Monday night meeting, and was incredibly well received because of his candor and absolute acceptance of responsibility for his behavior and crimes. It is not often that someone in the beginning of their criminal justice journey can possess the kind of self-awareness, dedication to his recovery and desire to make amends to those he harmed that Adam has shown.

It is notable that he has maintained an upbeat and optimistic disposition, and has continued to volunteer in the community, even as he is experiencing perhaps the biggest challenges of his life.

I have had several meetings, and phone and video conferences, with Adam, and learned the intimate details about his rise to financial success after rather humble beginnings as the son of a preacher, and how that might have given him a neurotic transference of his business success to an inappropriate sense of personal self-importance and self-reliance. In this light, it was easier to understand how someone with such strong community ties, close family relationships, and professional success could have done the things he admittedly did. And, yet, this a paradigm we see often in our ministry - businesspeople suffering overwhelming exhaustion and sacrifice driven by the unreasonable rigors needed to be successful, untreated psychological issues, and failure to understand how all of this leads to a one-way trip to selfdestruction.

I have come to the conclusion that Adam is a good person who was insecure, codependent and a people pleaser who did bad things for what he misguidedly thought were the need to provide for his family. I believe his arrest and prosecution have been humbling experiences for Adam, and that he has learned, albeit the hard way, that he was wrong and that in his efforts to please everybody, he pleased nobody.

Adam has accepted the reality of his situation and has devoted this time before his sentencing to personal growth.

I have extensively discussed the above with Adam, and he offers none as an excuse for his behavior or his crimes.

I believe that the above, combined with Adam's continued willingness to seek and accept help from our ministry, support group, and other available community-based resources and interventions, make him a perfect candidate for the court's leniency and referral to noncustodial, community corrections.

Background. Progressive Prison Ministries, Inc. supports individuals and families through the various stages of the legal process, incarceration (or probation), reentry into society and the workforce, and all the way to a successful and fulfilling life on the other side of their issues. Among other initiatives, every Monday evening we host an online support group for individuals who have been prosecuted for white collar crimes. On Monday, September 20, 2021, we will hold our 275th weekly meeting.

Our goal is to provide spiritual solutions and emotional support to those who are feeling alone, isolated, and hopeless. Our objective is to help them find a path to a healthy, spirit-filled place on the other side of what may seem like insurmountable problems. Many of those we counsel are in a place where their previous lives have come to an end due to their transgressions. In many cases their legal problems have led to divorce, estrangement from their children, families, friends and support communities, and loss of a career. The toll this takes on individuals and families is emotionally devastating. White-collar crimes are often precipitated by other issues

in the offenders' lives such as alcohol or drug abuse, and/or a physical or mental illness that led to financial issues that overwhelms their ability to be present for themselves and their families, and cause poor decision making, lack of good judgment, and irrational behavior. We recognize that life often presents us with such circumstances, sometimes which lead us to make mistakes in violation of the law.

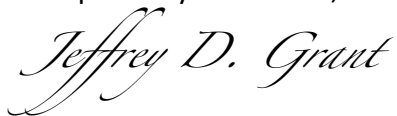
To date we have helped over five hundred (500) people prosecuted for white collar crimes to accept responsibility for their actions and to acknowledge the pain and loss they have caused to others. In accordance with our commitment to restorative justice, we suggest to our ministees that they make amends as a first step in changing their lives and moving towards a new spiritual way of living centered on hope, care, compassion, tolerance, empathy and service to others.

More information is available on our website, prisonist.org.

Please feel free to contact me if I can provide any further information.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jeffrey D. Grant".

Rev. Jeff Grant, J.D., M.Div.

cc: Donte Mills , Sr

Mills & Edwards, LLP

14 Penn Plaza

20th Floor

Ste 2020

New York, NY 10122

212-635-2969

Email: dmills@melawny.com