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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Action
No. 24-CR-10007-MJJ-3

V.

GARDY ALEXANDRE,

May 28, 2024
2:30 p.m.

Defendant.

BEFORE THE HONORABLE MYONG J. JOUN

UNITED STATES DISTRICT COURT

JOHN J. MOAKLEY U.S. COURTHOUSE

1 COURTHOUSE WAY

BOSTON, MA 02210

JAMIE K. HALPIN, RPR, RMR
Official Court Reporter
John J. Moakley U.S. Courthouse
1 Courthouse Way, Room 5205
Boston, MA 02210
jkhhalpin@gmail.com

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1 **P-R-O-C-E-E-D-I-N-G-S**

2 THE CLERK: All rise.

3 (The Honorable Court Entered)

4

5 (INTERPRETER SWORN)

6

7 THE CLERK: Please state your name for the record.

8 THE INTERPRETER: Simon A Chen, C-H-E-N, Mandarin.

9 MR. SULTAN: James Sultan for Gardy Alexandre.

10 THE CLERK: Today is May 28, 2024. We're on the
11 record in the matter of *United States v. Gardy Alexandre, Case*
12 *Number 24-CR-10007*. Counsel, please identify themselves for
13 the record.

14 MR. HOLCOMB: Good afternoon, your Honor. David
15 Holcomb for the United States.

16 THE COURT: Mr. Holcomb.

17 MR. SULTAN: Good afternoon, your Honor. Jamie Sultan
18 for Gardy Alexandre.

19 THE COURT: Mr. Sultan. Good to see both of you. Mr.
20 Alexandre, good afternoon, sir.

21 THE DEFENDANT: Good afternoon, sir.

22 THE COURT: So we're here for sentencing. I received
23 and reviewed the presentence report as revised on May 20 and
24 the Government's sentencing memo dated May 21 and the
25 defendant's sentencing memo also filed on May 21. There is a

1 motion for order of forfeiture. Did you want to be heard on
2 that?

3 MR. SULTAN: Well, your Honor, I think that that
4 relates to the defendant's ability to pay so I would -- I mean,
5 I can do it now or we can do it later, but I understand the
6 restitution is mandatory, but given his lack of ability to pay,
7 I don't really -- I think the Court has a discretion not to
8 order forfeiture as well as restitution. So I guess that's the
9 position I would take with the Court.

10 MR. HOLCOMB: Yeah, I would oppose that request, your
11 Honor. I don't see a reason to deviate from imposing both
12 restitution and forfeiture. I think the payment plan or the
13 payment plan issue, the ability to pay issue, is a separate
14 consideration to be ironed out on the back end with the U.S.
15 Attorney's Office Financial Litigation Unit.

16 THE COURT: I'm pretty sure probation takes that into
17 consideration at the time -- I mean, the order is in place, the
18 forfeiture.

19 MS. SOUSA: The forfeiture and the restitution are two
20 separate issues. If the Department of Justice chose, the
21 forfeiture amount should go toward restitution. That would be
22 dealt with later.

23 THE COURT: Okay, all right. So other than the PSR
24 and the sentencing memos, I don't believe anything else has
25 been submitted.

1 MR. HOLCOMB: No, your Honor.

2 MR. SULTAN: Nothing else submitted. Your Honor, I'm
3 sorry, I have one small correction. In my sentencing memo on
4 Page 2, I stated incorrectly that Mr. Alexandre has never been
5 married. He was married once about 30 years ago. So I just
6 wanted to make that correction for the record.

7 THE COURT: Yeah, I read someplace else that he's been
8 divorced, all right. And Attorney Sultan, have you reviewed
9 the PSR with your client?

10 MR. SULTAN: I'm sorry, your Honor?

11 THE COURT: Have you discussed the PSR with your
12 client?

13 MR. SULTAN: Yes, your Honor.

14 THE COURT: And you've discussed the objection that I
15 noted in there?

16 MR. SULTAN: Yes, your Honor.

17 THE COURT: And Mr. Alexandre, let me ask you, you've
18 had a chance to review the presentence report and discuss it
19 with your attorney?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: All right. Thank you so much. So I know
22 the Government had an objection to the base offense level in
23 the PSR as calculated. I looked at it, and I'm going to adopt
24 the analysis made by probation. I found the video and the
25 training material from the sentencing commission to be very

1 helpful, particularly the handout from the commission, and on
2 Page 2 of the handout, in the Hypothetical Number 3, I think it
3 addresses the concern that we had here or how we should go
4 about calculating the base offense level. It was a bit
5 confusing, I admit, but given that clarification from the
6 training material from the commission, I'm satisfied with the
7 analysis made by probation. So I'm going to start the base
8 offense level at 6 instead of the 7 that you're suggesting.

9 MR. HOLCOMB: Yes, your Honor.

10 THE COURT: Say that again.

11 MR. HOLCOMB: I just said yes, your Honor.

12 THE COURT: Okay. So following the most recent
13 guideline with the offense level beginning at 6, because the
14 loss was between \$550,000 and \$1.5, 14 levels are added. That
15 brings us to 20.

16 Because Mr. Alexandre pled guilty to a conspiracy
17 under 18 U.S.C. 1957, one level is added. That brings us to
18 21.

19 With his clear demonstration of acceptance of
20 responsibility, the offense level is decreased by 2. So that
21 brings us to 19.

22 With his timely notification of intention to enter
23 into a plea of guilty, that brings us down one additional
24 level. So a total offense level is 18. Any disagreement?

25 MR. SULTAN: I agree, your Honor.

1 MR. HOLCOMB: I agree with that calculation, your
2 Honor. I would just note again for the record the Government's
3 objection.

4 THE COURT: The objection is noted. So based upon the
5 total offense level of 18 and Criminal History Category of II,
6 as I understand it, the guideline range is 30 months to 37
7 months, a supervised release range from 1 to 3 years, a fine
8 range of \$10,000 to \$100,000 and a mandatory special assessment
9 of \$100 in each count for a total of \$200.

10 And Mr. Sultan, I know you in your memo suggested that
11 I depart based on the criminal history category. I don't know
12 if you want to be heard any further on that.

13 MR. SULTAN: Just very briefly, your Honor. I think
14 that obviously a II is higher than a I. All of his convictions
15 are for driving under the influence. He's had a longstanding
16 problem with alcoholism, and I just think II overstates his
17 record. I understand that driving under the influence is a
18 serious offense and people can get killed by drunk drivers, but
19 in light of the relationship between his record and his
20 longstanding alcohol problem, that's the basis for my request.

21 THE COURT: And I get it. My intention is not to
22 depart. I think departure is authorized in this case given
23 that Mr. Alexandre's criminal history score of II comes from
24 the two recent convictions of driving under the influence, and
25 without, again like you, without minimizing those crimes, they

1 are different from the crimes for which Mr. Alexandre has
2 pleaded guilty to here and those DUI or OUI convictions stemmed
3 from, at least based on my reading of the material, his
4 well-documented and longstanding battle with alcohol going back
5 at least twenty-five years, but the reason I'm not going to
6 depart is because, number one, even if the Criminal History
7 Category under I, the range is 27 to 33 months, and I will be
8 taking those factors into consideration in my sentencing.

9 So I will hear from the Government, Mr. Holcomb, as to
10 the Government's recommendation.

11 MR. HOLCOMB: Thank you, your Honor. The Government
12 is recommending a sentence of 27 months incarceration, with 36
13 months of supervised release and the restitution that's
14 specified in the parties' plea agreement which represents the
15 losses that are attributable to this defendant's conduct. A
16 27-month sentence is below the guidelines as calculated even
17 with the lower 18 being the total offense level, and the
18 Government has agreed to make a below-guidelines recommendation
19 based primarily on the defendant's pre-indictment acceptance of
20 responsibility as well as the fact that his own profits from
21 this scheme were just a portion of the overall loss amount that
22 he is responsible for which is what is really driving the
23 guidelines range here.

24 So the primary reason for the sentence and the
25 importance of the sentence is deterrence. Generally,

1 deterrence, this district, like so many others, has seen a
2 variety of cases by now involving pandemic relief fraud and
3 especially involving this program, the Paycheck Protection
4 Program.

5 What makes Mr. Alexandre's case unique is that while
6 most of the other cases involving PPP fraud involved defendants
7 lying on applications to get bigger amounts for themselves, Mr.
8 Alexandre did not only that but he and his co-defendants
9 essentially created a business of their own out of committing
10 PPP fraud for other borrowers.

11 He worked on his own, he didn't have any employees, and at
12 most as a tax return preparer, working on his own he may have
13 been eligible for a PPP loan of around \$20,000 and that's only
14 -- as a sole proprietor, he had made the maximum cap for the
15 program which was \$100,000 a year, which there is no indication
16 he made close to that, and so any truthful application by Mr.
17 Alexandre would have resulted in a PPP loan of less than
18 \$20,000; but instead, what he did was he gave information to
19 his co-defendant, Adiana Pierre, about his business. She
20 passed it along to the third co-defendant, Wallace Ford, and he
21 applied for a loan of \$300,000 for Mr. Alexandre. Mr. Ford
22 listed false numbers of employees in payroll to back into that
23 \$300,000 amount because the calculation was based on two and a
24 half times the average monthly payroll of the borrower, and Mr.
25 Ford gave Mr. Alexandre the login information for that online

1 application to review and sign the application.

2 Once that loan was dispersed to Mr. Alexandre, he then
3 paid Mr. Ford a commission or a kickback of 10 percent of that
4 loan which was \$30,000.

5 The PPP application was a simple two-page, two-to-three
6 page form that millions of businessowners completed and just on
7 their own to get a loan to help prop up their struggling
8 businesses. There is no legitimate reason to be charging or
9 paying a fee of 10 percent or more of the resulting PPP loan
10 just to submit one of these applications for somebody else.

11 What Mr. Alexandre was actually doing was paying for
12 someone else to get him a much larger loan than what he was
13 actually eligible for through false representations.

14 And after he got his own loan, he then joined Mr. Ford and
15 Ms. Pierre in helping others get loans that were larger than
16 they were eligible for.

17 His referrals led to several substantial loans based on
18 egregious claims about borrowers' payroll expenses, including
19 the two loans to Massachusetts borrowers that are highlighted
20 in both the PSR and the Government's memo, and these in turn
21 led to large portions of these PPP loans getting kicked back to
22 Mr. Ford, Ms. Pierre and Mr. Alexandre for doing nothing -- in
23 Mr. Alexandre's case, for doing nothing more than making the
24 connection between the borrower and the application preparer.

25 Regarding the other 3553(a) factors, your Honor, the

1 defendant's memo and presentence report describes a number of
2 hardships that the Government acknowledges shouldn't be
3 minimized.

4 And the criminal history, in the Government's view,
5 appropriately reflects the seriousness of those offenses and
6 the fact that this is not mere substance abuse. This is
7 life-endangering conduct on a repeated basis by this defendant.

8 But the most striking thing to the Government is that Mr.
9 Alexandre held himself out as a tax return preparer, and so he
10 is somebody who in that capacity presumably represented
11 financial information of other people to the Government and so
12 he knew and understood how significant it was to lie on forms
13 related to Government funding; but this wasn't, again, this
14 wasn't a complicated application process. This was a
15 straightforward form and a straightforward calculation. There
16 wasn't a whole lot of room for confusion here.

17 Putting the offense in the larger context of the time and
18 the rush to get the funds out, there certainly was plenty of
19 temptation and opportunity for fraud. The lenders made money
20 by getting PPP money out quickly, and in fact, the system was
21 designed to do that, but it was a finite pool made available
22 for a limited, specific purpose, and Mr. Alexandre and his
23 co-defendants not only stole from that pool but then they got
24 paid to help other people steal from that pool.

25 So his sentence should reflect the need to promote respect

1 for the rules for obtaining funds from those types of public
2 programs and to deter others from stealing from public funds.

3 A 27-month sentence is proportionate to Mr. Alexandre's
4 offense and his criminal history when placed alongside many of
5 the other defendants in this district who have been sentenced
6 for pandemic fraud, especially if the Court accounts for the
7 ripple effects or Mr. Alexandre's activity in that this was not
8 just a loan for himself, but he induced others to commit the
9 same type of fraud.

10 So for those reasons, your Honor, the Government
11 respectfully submits that 27 months, below guidelines, is
12 sufficient but no greater than necessary to meet the goals of
13 sentencing in Mr. Alexandre's case.

14 THE COURT: Thank you. Mr. Sultan.

15 MR. SULTAN: Thank you, your Honor. So I certainly
16 don't want to repeat everything that's in my sentencing memo or
17 the PSR, but I do want to highlight, if I may, a few aspects of
18 Mr. Alexandre's background, a few aspects of the offense
19 conduct, the particular circumstance that applies to him and
20 then my recommendation.

21 So Mr. Alexandre really is a self-made man. He was sent
22 from his native Haiti to New York City when he was 14 to live
23 with a mother who he didn't know and had only barely met.

24 He didn't know any English.

25 He got himself through high school.

1 He got himself into college and walked on to the soccer
2 team at Stoney Brook University where he became a star, still
3 holding records that stood for many years there.

4 He graduated from college.

5 He enlisted in United States Army where he served our
6 country for two years.

7 He then went and moved to Florida where he became trained
8 as a tax preparer and went into business for himself in that
9 area.

10 Unfortunately, this comes back later on, Mr. Alexandre,
11 even though he's been here for almost four decades and came
12 here as a legal resident alien, never took the time to apply
13 for U.S. citizenship. Therefore, he comes before the Court as
14 a non-citizen who is likely to be deported back to his native
15 Haiti, which is now obviously a violent country, even though he
16 hasn't had any connection with that country for four decades
17 and the United States of America is his home.

18 Mr. Alexandre has suffered from mental illnesses including
19 depression, anxiety, alcoholism and gambling addiction, and
20 those became worse when his -- during the pandemic and they
21 became worse a few years ago when his mother passed away.

22 When the pandemic happened in 2020, his business stopped.
23 His treatment at the VA was put in suspense and his support
24 system basically was unavailable to him, and none of that is an
25 excuse for his offense conduct which he takes responsibility

1 for but it provides some of the context in which he did make
2 the terrible decision to participate in this fraudulent
3 conduct.

4 Now, with respect to the offense conduct, your Honor,
5 I think the Government's description in their sentencing memo,
6 if I can just read two paragraphs of it, I think really
7 captures Mr. Alexandre's role, how he got into it, and what he
8 did. So if the Court will indulge me, I'm going to just read
9 from the Government's sentence memo at Page 2.

10 "After his first attempt at obtaining a PPP loan for his
11 business, Palm Beach Community House, failed, the defendant
12 accepted assistance from a woman that he met through his work
13 as a tax return preparer, co-defendant Adiana Pierre. Pierre
14 and her friend from church, co-defendant Wallace Ford, agreed
15 to work together to make money by securing PPP loans for
16 individuals and businesses. Pierre recruited the borrowers,
17 including Mr. Alexandre, and Ford electronically prepared the
18 applications. Rather than soliciting and reporting accurate
19 information about potentially borrowers' employees and payroll
20 costs, they, they being Pierre and Ford, fabricated the numbers
21 on the applications that Ford prepared. Ford also prepared
22 fake tax forms for borrowers to match the payroll costs he
23 stated on applications. For securing loans through false
24 applications, Ford and Pierre charged borrowers a commission,
25 typically around 10 percent.

1 In early June, Ford prepared two PPP applications for Mr.
2 Alexandre's business, which falsely claimed employees that the
3 business never had. He also and -- Ford also prepared a fake
4 2019 Form W-3 for Alexandre's business. As a result of one of
5 all those applications, the defendant, Mr. Alexandre, received
6 a \$300,000 loan. In return, he paid Ford a 10 percent
7 kickback.

8 Thereafter, the defendant, Alexandre, agreed to recruit
9 additional borrowers to submit applications through Pierre and
10 Ford and he shared in the kickbacks for securing loans for
11 other borrowers."

12 So that was his role, and again, I'm not minimizing it.
13 I'm not saying he -- he was a knowing participant, but he was
14 recruited initially, and he is simply, as a factual matter,
15 your Honor, less culpable than his two co-defendants. Each of
16 them, according to the Government and the presentence report,
17 are responsible for more than -- between four and five times
18 the amount of loans that Mr. Alexandre is responsible for, and
19 they're the ones who brought him in and he willingly accepted a
20 PPP loan that he knew he wasn't entitled to and he willingly
21 went out and recruited several other people for those loans.
22 That's his crime. He did that. He takes responsibility for it
23 there are no excuses for that, and I'm saying this in part
24 because I know your Honor has not yet sentenced the other two
25 defendants and he is the least culpable of the three. It often

1 goes the other way, the most culpable person goes first, but
2 here we have the least culpable person coming before the Court
3 first and I just want to highlight that because obviously the
4 Court is going to consider proportionality in deciding what a
5 fair and appropriate sentence is.

6 So the special circumstance I just want to highlight is
7 the fact that Mr. Alexandre is facing almost certain
8 deportation back to Haiti and I understand that is not strictly
9 speaking a factor under 3553, but in real life, it's a pretty
10 big factor, your Honor. His life that he's built over the last
11 four decades in the United States, including voluntary military
12 service, graduating from college, building a business, being a
13 professional, contributing to his community, all of that is
14 going to go by the board. He's going to lose all of that, and
15 he may not see his four children again. That's a serious
16 consequence of his misconduct. He did it. He's responsible
17 for putting himself in that position, but surely that is a
18 special factor that the Court can consider in looking at the
19 whole picture here and deciding what kind of a sentence, how
20 long this man has to go to prison. So I ask the Court to
21 consider the whole picture and that's part of the picture. It
22 just is.

23 With respect to recommendation, your Honor, I ask the
24 Court to sentence Mr. Alexandre to a year and a day in the
25 custody of the Bureau of Prisons. This is a jail case. There

1 is no question about it. As far as I know, every PPP loan,
2 fraudulent loan person who has been convicted in this district
3 has gone to jail, and I'm not standing before your Honor
4 saying, give him probation. He should go to jail for this
5 fraudulent conduct for deterrence and for all the other
6 purposes for sentencing, but he doesn't need to go to jail or
7 27 months, your Honor, before he gets shipped back to Haiti. A
8 year and a day is sufficient but not more than necessary, and I
9 ask the Court to craft a sentence of that duration.

10 I ask the Court to recommend that he receive treatment for
11 his alcoholism and mental illness while he is in the custody of
12 the bureau of prisons, and that if he is released back to the
13 community in the United States for supervised release, that all
14 of the conditions recommended by probation including abstinence
15 from alcohol and treatment be imposed as special conditions.

16 I ask that there not be a forfeiture or a fine because he
17 doesn't have the ability to pay a forfeiture or fine. I ask
18 that Mr. Alexandre be allowed to -- that the Court make a
19 recommendation that he serve his time at an institution in or
20 as close to Florida as possible so he can -- so his family can
21 come see him and that he be permitted to self-report to that
22 institution at the date designated by the Bureau of Prisons.
23 He's been out for well over a year and there haven't been any
24 issues with that and he's been here every time he's supposed to
25 be here.

1 So that's my recommendation and I appreciate the Court's
2 patience in listening to me.

3 THE COURT: Thank you. Does Mr. Alexandre wish to
4 address the Court?

5 MR. SULTAN: You want to speak?

6 THE DEFENDANT: Yes. Good afternoon, your Honor.
7 Well, first I want to apologize to my community, my children
8 and everything else -- and everybody else that I let down with
9 my engagement with this PPP loan fraud. I take full
10 responsibility for my involvement in the scheme.

11 COVID-19 was a very stressful time. It was a difficult
12 time. I saw everything I had built just crumbling down and did
13 my attempt to apply for a PPP Loan. Unfortunately, I didn't
14 have the necessary paperwork to get the loan myself. This is
15 when Adiana was a friend of mine and she gave me the advise
16 that she has some people that can help me, and I should have
17 known better because obviously when I tried on my own I wasn't
18 eligible for the type of loan that she was getting me, but like
19 I said, COVID -- I had COVID three times, and I was under a lot
20 of stress to keep my business and to keep my financials and
21 that's no excuse but I ended up in this situation.

22 You know, I have always been somebody who regards myself
23 as somebody who has morals and standards. This is the reason
24 why after I graduated college I joined the military. After the
25 military, I was a member of Americorps which is kind of like a

1 Peace Corps. When I got to Florida, I worked at a community
2 college where I helped people in the Haitian community get into
3 college.

4 So my history is not just the crime that I committed but
5 there is also some good things, and I hope the court can show
6 some leniency based on the overall circumstances and everything
7 else. Thank you.

8 THE COURT: Thank you. So I want to thank counsel. I
9 appreciate your arguments and your recommendations.

10 So I have to determine what a reasonable sentence will be
11 given all of the factors that I must consider under Title 18,
12 under U.S. Code Section 3553(a). Those factors, Mr. Alexandre,
13 include the Advisory Guidelines sentencing range, the nature
14 and circumstances of this case, the crime that you committed,
15 your personal history and background and the need for any
16 sentence that I impose to do a number of things including not
17 just to reflect the seriousness of your crime but also to
18 promote the respect for the law, provide just punishment and
19 deterrence and avoid any unwarranted sentencing disparities.

20 So Mr. Alexandre, I have considered all of those
21 sentencing factors, and I want to note just a few things.
22 Given the breadth and scope of the conspiracy to defraud here,
23 I think both sides acknowledge that some amount of
24 incarceration is necessary to serve the goals of the sentencing
25 factors that I mentioned. The Government is recommending a

1 sentence of 27 months which is not unreasonable. Your
2 attorney, on the other hand, is recommending a sentence of a
3 year and a day.

4 I am mindful of your role in the conspiracy and relative
5 culpability with your co-conspirators and the fact that you
6 were more -- I don't know what's the word -- susceptible to
7 being lured into the conspiracy given your state of mind, your
8 struggles with alcohol.

9 I'm also aware of the possibility that you will be
10 deported after serving your sentence.

11 I read in the Government's sentencing memo that the
12 Government will be recommending 30 months for Ms. Pierre, who
13 appears to be the most culpable, the brains or the orchestrator
14 behind the conspiracy.

15 Using that as a goalpost, I think a sentence of 15 months
16 incarceration is the appropriate sentence here given all of the
17 facts and circumstances of this case followed by 3 years of
18 supervised release and restitution in amount of \$1,455,652.

19 I am not going to impose a fine, but I have to impose a
20 mandatory special assessment of \$100 on each count for a total
21 of \$200.

22 So I believe this is an appropriate and reasonable
23 sentence but not greater than necessary to effectuate all of
24 the goals of sentencing that I mentioned.

25 Before I formally impose sentence, does either side need

1 to be heard any further?

2 MR. SULTAN: As long as the Court -- sorry.

3 MR. HOLCOMB: No, your Honor.

4 MR. SULTAN: Just that I would ask the Court to
5 incorporate in the judgment the other recommendations I made.

6 THE COURT: Yes, yes. And on the forfeiture issue,
7 the amount was 450 some thousand dollars. I will have the
8 exact figure in a minute. I think that is separate from
9 restitution and I think Mr. Alexandre's ability to pay will be
10 factored in. So I am going to allow the Government's motion.

11 Mr. Alexandre, will you please stand.

12 Pursuant to the Sentencing Reform Act of 1984 and
13 having considered the sentencing factors enumerated at Title
14 18, United States Code Section 3553(a), it is the judgment of
15 the Court that the defendant, Gardy Alexandre, is hereby
16 committed to the custody of the Bureau of Prisons to be
17 imprisoned for a term of 15 months as to each count, to be
18 served concurrently.

19 The Court makes a judicial recommendation that the
20 defendant participate in substance treatment as well as
21 gambling treatment while in the custody of the Bureau of
22 Prisons. Although, I can't guarantee it because with 15 months
23 I'm not sure that that's enough time for the RDAP program, I'm
24 not sure, but I'm sure the Bureau of Prisons will figure it
25 out.

1 Upon the release from imprisonment, the defendant
2 shall be placed on supervised release for a term of 3 years as
3 to each count to run concurrently.

4 Within 72 hours of release from the custody of the
5 Bureau of Prisons, Mr. Alexandre, you shall report in person to
6 the district to which you are released.

7 It is further ordered that the defendant shall make
8 restitution in the amount of \$1,455,652. \$1,150,652 will go to
9 the Cross River Bank and \$305,000 to the U.S. Small Business
10 Administration.

11 Given this amount, your current financial statement
12 that I saw attached to the sentencing memo, I will waive your
13 -- well, I will waive the interest.

14 Any payment made that is not payment in full shall be
15 divided proportionately among the parties named.

16 The restitution to Cross River Bank in the amount of
17 \$1,150,652 shall be paid by the defendant jointly and severally
18 with Ford and Pierre.

19 The Small Business Administration restitution in the
20 amount of \$300,000 shall be paid by the defendant jointly and
21 severally with Ford and Pierre.

22 The defendant's remaining Small Business
23 Administration restitution obligation in the amount of \$5,000
24 shall not be affected by any restitution payments that may be
25 made by any other defendants.

1 Payment of the restitution balance shall begin
2 immediately and shall be made according to the requirements of
3 the Federal Bureau of Prisons Inmate Financial Responsibility
4 Program while the defendant is incarcerated and according to
5 the court order of the payment schedule during the term of the
6 supervised release.

7 All restitution payments shall be made to the Clerk of
8 the U.S. District Court for transfer to the identified victims.

9 And Mr. Alexandre, you will notify the United States
10 Attorney for this district within 30 days of any change of
11 mailing or residence address that occurs while any portion of
12 the restitution remains unpaid.

13 I'm not imposing a fine, as I mentioned. Based on the
14 information before me, I find that you do not have the
15 financial ability to pay a fine in addition to the restitution.

16 And as I indicated, the Court will grant the United
17 States' motion for an entry of an order of forfeiture in the
18 form of a personal money judgment and order the defendant to
19 forfeit the sum of \$443,760.

20 I further order that you pay the mandatory special
21 assessment of \$100 on each count for a total of \$200 which
22 shall be due immediately.

23 So while you're on supervised release, you will be
24 subject to certain mandatory and standard conditions.

25 You must not commit another federal, state or local

1 crime.

2 You must not unlawfully possess a controlled
3 substance.

4 You must submit to 1 drug test within 15 days of your
5 release from imprisonment and at least 2 periodic drug tests
6 thereafter, not to exceed 104 tests per year.

7 You must cooperate in the collection of DNA as
8 directed by the probation officer.

9 You shall comply with the standard conditions that
10 have been adopted by the court which are described at United
11 States Sentencing Guidelines Section 5D1.3(c), and these will
12 be set forth in detail in the judgment that I will enter either
13 later today or tomorrow.

14 And you must make the restitution as ordered.

15 Those mandatory and standard conditions will be
16 reflected in the written judgment, but you will also be subject
17 to certain special conditions during your period of supervised
18 release and I will read those to you now even though they will
19 also be included in the written judgment that I will issue.

20 You must participate in a substance abuse treatment
21 program and follow the rules of that program and the probation
22 office will supervise your participation in the program.

23 As I mentioned, you have to submit to substance abuse
24 testing, not to exceed 104 drug tests per year in order to
25 determine whether you've used any prohibitive substances, and

1 you are ordered not to obstruct or tamper with any testing
2 methods.

3 You're prohibited from consuming alcoholic beverages.

4 You must participate in any mental health treatment
5 program as directed by the probation office.

6 You are prohibited from frequenting establishments
7 whose primary purpose is gambling.

8 You're prohibited from participating in any gambling
9 activities and that includes things like casino gambling,
10 online gambling, scratch tickets, lotteries, Keno, anything of
11 that nature.

12 You must attend a gambling-specific treatment program
13 and/or meetings as directed by the probation department.

14 You must pay the balance of the restitution imposed
15 according to a court ordered repayment schedule.

16 You're prohibited from incurring any new credit
17 charges or opening any additional lines of credit without the
18 approval of the probation department while any financial
19 obligations remain outstanding.

20 You must provide the probation office access to any
21 requested financial information which may be shared with the
22 Asset Recovery Unit at the U.S. Attorney's office.

23 You shall be required to contribute to the costs of
24 the evaluation treatment program and/or monitoring based on
25 your ability to pay or availability of any third-party payment.

1 And it's further ordered the defendant shall pay to
2 the United States a special assessment of \$200 which shall be
3 due immediately.

4 This sentence is hereby imposed as stated.

5 You may be seated, sir.

6 THE DEFENDANT: Thank you.

7 THE COURT: I will include in the judgment, as you
8 requested, that the Bureau of Prisons designate you to a
9 facility in or near Florida where your family resides. As you
10 may already know from your attorney, this is only a
11 recommendation. The Bureau of Prisons makes the final
12 decision, but I will make sure that the recommendation that I'm
13 making now is in the judgment.

14 No objection to Mr. Alexandre self-reporting?

15 MR. HOLCOMB: No objection, your Honor.

16 THE COURT: Why don't we give Mr. Alexandre a date
17 maybe six, seven, eight weeks out.

18 THE CLERK: Yes, your Honor. Your Honor, that would
19 be Tuesday, July 23rd, before 2 p.m.

20 THE COURT: So, Mr. Alexandre, you're further ordered
21 to self-surrender at the institution designated by the Bureau
22 of Prisons on July 23 -- before July 23 at 2 p.m., okay?

23 THE DEFENDANT: Okay.

24 THE COURT: So I have to advise you of your appellate
25 rights, and if you recall from our plea colloquy back in

1 February, I had discussed with you there was a provision in the
2 plea agreement where there was a provision about appeal waiver.
3 Assuming any appellate rights survive any appeal waiver, I need
4 to advise you that you also have a right to appeal your
5 sentence, particularly if you think the sentence was contrary
6 to law.

7 If you're unable to pay the costs of appeal, you may ask
8 permission to have those costs waived and appeal without
9 paying.

10 You must file any notice of appeal within 14 days after
11 the entry of judgment; and if you request, the clerk will
12 immediately prepare and file a notice of appeal on your behalf,
13 all right, sir?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: All right. I wish you the best, and I
16 know you have family. I don't know what's going to happen
17 after you serve your sentence, but I hope that you're able to
18 take care of your family and put this behind you.

19 THE DEFENDANT: Thank you.

20 THE COURT: I wish you luck.

21 THE DEFENDANT: Thank you, sir.

22 MR. SULTAN: Does he need to report to the marshals or
23 not today?

24 THE COURT: Not to the marshals today.

25 MR. SULTAN: They don't need to process or anything?

1 MS. SOUSA: He should have already been processed
2 initially.

3 MR. SULTAN: Thank you very much.

4 **(A-D-J-O-U-R-N-E-D)**

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I certify that the foregoing is a correct transcript of the record of proceedings in the above-entitled matter to the best of my skill and ability.

/s/Jamie K. Halpin September 4, 2024
Jamie K. Halpin, RPR, RMR Date
Official Court Reporter