

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	
ADIANA PIERRE,	)	Crim No. 24-CR-10007-MJJ
	)	
Defendant.	)	Leave to file redacted sentencing memorandum granted on May 17, 2024
	)	

DEFENDANT ADIANA PIERRE’S SENTENCING MEMORANDUM

Defendant Adiana Pierre (“Ms. Pierre”), a first-generation Haitian American, single mother of two children ages 11 and 13, and an industrious entrepreneur with no prior criminal record, respectfully submits this sentencing memorandum in connection with her sentencing hearing that is currently scheduled for June 7, 2024.

On February 9, 2024, Ms. Pierre waived her right to prosecution by indictment and pled guilty to a two-count Information charging Conspiracy to Commit Wire Fraud, in violation of 18 U.S.C. §§ 1349 and 1343 and Conspiracy to Engage in Unlawful Monetary Transactions, in violation of 18 U.S.C. §§ 1956(h) and 1957.

The charges arise out of an investigation into a series of Paycheck Protection Program (“PPP”) applications that were fraudulently submitted during the spring and summer of 2020. Ms. Pierre recruited small business owners to apply for PPP loans. Her co-defendant, Wallace Ford, falsified the applications to qualify the borrowers for amounts which they were not actually eligible. Mr. Ford submitted all the false loan applications for payment. For her role as a recruiter and facilitator of the fraudulent loan applications, borrowers paid Ms. Pierre a portion of the loans they received.

Ms. Pierre respectfully submits four significant mitigating factors for the Court's consideration in determining an appropriate sentence, which are briefly summarized here:

First, prior to pleading guilty, Ms. Pierre demonstrated acceptance of responsibility and began the hard work of addressing the underlying issues that led her to commit the offenses. In his letter to the Court, attached as *Exhibit A*, Jack F. West, Ms. Pierre's mental health counselor and the Director of Counseling for Silverdale Baptist Church in Tennessee, aptly described the challenges that spurred Ms. Pierre's conduct, and more importantly, her genuine remorse and prompt efforts to appropriately address her conduct:

[REDACTED]

Second, Ms. Pierre's role as a single mother and the sole caretaker for her son and daughter is a significant factor for the Court's consideration. Despite the challenges of raising children on her own without any financial support from their father, Ms. Pierre provides them with a safe home, educational opportunities, and her unyielding support. Ms. Pierre is a critical and irreplaceable part of her children's lives. As her counselor noted:

[REDACTED]

Third, Ms. Pierre's personal circumstances at the time of the offense are an important consideration for the Court. As noted by Ms. Pierre's counselor, at the time of her offense, she was under pressure by her then-fiancé to be the primary "earner" for their household during the

COVID-19 pandemic. Additionally, she was struggling with the continued feelings of economic insecurity that she had felt during her many years as a single mother. The added financial pressure exerted by her soon-to-be husband plus her ongoing feelings of economic insecurity, which were exacerbated by the pandemic, was a weight too heavy for Ms. Pierre to bear. It was under this backdrop of circumstances she made the highly regrettable decision to participate in the offense conduct.

Fourth, Ms. Pierre's discrete role as a recruiter in the offense and her lack of any prior criminal record, are critical factors in determining her culpability relative to her co-defendants and the proportionality of her sentence as to her co-defendants. As to co-defendant Wallace Ford, who has not yet been sentenced, he was fraudulently applying for and obtaining PPP funds prior to Ms. Pierre's involvement in the scheme. Mr. Ford falsely invented employee counts and payroll expenses to qualify borrowers for loan amounts for which they were not actually eligible. He also created false tax documents in connection with applications. Mr. Ford controlled the scheme by creating and submitting all the false applications. Additionally, Mr. Ford received over \$120,000 more than Ms. Pierre did in payments from borrowers. Based on these facts, Mr. Ford is more culpable than Ms. Pierre. As to co-defendant Gardy Alexandre, who received a 15-month sentence, though Ms. Pierre invited him to recruit borrowers to bring to Mr. Ford, she never directed, controlled, or instructed him in any fashion. Mr. Alexandre identified borrowers without Ms. Pierre's assistance. Unlike Mr. Alexandre, Ms. Pierre has no criminal record, which is an important factor in determining an appropriate disposition for her vis-à-vis Mr. Alexandre.

In consideration of the above mitigating factors and the arguments below, Ms. Pierre respectfully submits that a sentence of 16 months incarceration is sufficient but no more than necessary to achieve the purposes of sentencing.

CALCULATION OF THE SENTENCING GUIDELINES

As part of the plea agreement, the parties agreed to the calculation of the sentencing guidelines. As set forth in the plea agreement, pursuant to USSG §§ 2X1.1(a) and 2B1.1(a)(1) the base offense level is 7. Pursuant to USSG §2B1.1(b)(1)(J), the base offense level is increased by 18. Pursuant to USSG §2S1.1(b)(2)(A), the offense level is increased by 1, to reflect a total offense level of 26. Due to Ms. Pierre's acceptance of responsibility, the total offense level is reduced by three. See USSG §3E1.1(a) and (b). Because Ms. Pierre is a "zero-point offender", pursuant to USSG §4C1.1, the total offense level is further reduced by two. Accordingly, the total offense level is 21, resulting in an advisory sentencing range of 37-46 months.

Notably, in her response to the presentence report, Ms. Pierre reserved her right to seek a downward departure or variance from the guidelines depending on the Court's calculation of the advisory sentencing range for co-defendants sentenced prior to her. More specifically, on May 28, 2024, the Court adopted Probation's sentencing calculations for co-defendant Mr. Gardy Alexandre. Here, Probation implemented a similar analysis in calculating Ms. Pierre's range, which resulted in a total offense level 20, yielding an advisory sentencing range of 33-41 months. Ms. Pierre will seek a variance based on these sentencing calculations.

CONSIDERATION OF THE PURPOSES SET FORTH IN 18 U.S.C. § 3553(a)

The calculation of the sentencing range established by the United States Sentencing Guidelines is only one of the factors that this Court must consider when fashioning an appropriate sentence for Ms. Pierre in this case. In addition to the guidelines, this Court must consider all of the purposes identified under 18 U.S.C. § 3553(a), including, *inter alia*, the nature

and circumstances of the offense, the defendant's personal history and circumstances, the need for the sentence to reflect the seriousness of the offense, and to afford adequate deterrence to criminal conduct.

A. The Nature and Circumstances of Ms. Pierre's Conduct

The Presentence Report accurately describes the offense conduct in this matter. As set forth in the report, Ms. Pierre and co-defendant Gardy Alexandre served as recruiters, forwarding information regarding loan applicants to co-defendant Wallace Ford, who created and submitted false loan applications. At its core, this was an unsophisticated scheme. Of the 27 applications submitted, the Government issued loans totaling approximately \$7 million. The Government has recovered approximately \$1,631,738 of the disbursed funds. Mr. Ford received \$528,122 from borrowers, Ms. Pierre received \$406,722 and Mr. Alexandre received \$143,760. Like her co-defendants, Ms. Pierre also received a fraudulent PPP loan for her own business. Mr. Ford submitted the fraudulent PPP application on behalf of Ms. Pierre, which resulted in her receiving a loan of \$20,833.

Certainly, there is no excuse or justification for Ms. Pierre's decision to participate in and profit from a series of fraudulent PPP loans. That said, for the Court to make a fair assessment of her offense conduct, she respectfully submits that it should be viewed in the context of her personal and family circumstances, both at the time of the offense and now.

B. Ms. Pierre's Extraordinary Family Circumstances

Since the birth of her children, Ms. Pierre has taken sole and full responsibility for raising them. She is the proud mother of P.P. (age 13) and C.P. (age 11). In addition to being the sole financial provider for the children, Ms. Pierre has been responsible for every other aspect of parenting. In real terms, she is a mother who works 40+ hours a week, drives her kids to

extracurricular activities, puts food on the table, provides a safe home, lends a shoulder for her children to lean on during the inevitable highs and lows life and much more.

In November 2020, Ms. Pierre married Willie Richardson, a man who she anticipated would be a lifelong partner for her and a stable father figure for her children. Unfortunately, Ms. Pierre's hopes were far different than what she and her children experienced during her brief marriage with Mr. Richardson. Not only did Mr. Richardson pressure Ms. Pierre to provide financially for the family, but he was also emotionally and verbally abusive towards her and her children. Ms. Pierre respectfully directs the Court's attention to the presentence report, which details the abuse inflicted by Mr. Richardson. Ms. Pierre divorced Mr. Richardson in April 2024. In returning to her prior role as a single mother, Ms. Pierre has demonstrated significant grit in carrying on as a strong and loving mother for her children. Ms. Pierre's children have submitted letters of support, which reflect her genuine love and care for them. The children's letters and additional supporting letters from family and friends are attached as *Exhibit B*.

In this situation, there are extraordinary family circumstances that warrant a substantial departure or variance from the sentencing guidelines. As a single mother of two children and the sole care provider, Ms. Pierre is instrumental to the continued safety and maturation of her children. She is a devoted and loving mother. Incarceration will not only deprive her children of their mother during a formative time in their lives but will also create a gap in their relationship that will be difficult to bridge when she has completed her sentence. Ms. Pierre respects the law and acknowledges that her actions have consequences, however, there are family circumstances here that support the sentence that she is requesting.

C. Ms. Pierre's Personal History and Characteristics

At the time of Ms. Pierre's birth, her parents were only 17 years old. Ms. Pierre's father was a truck driver, and her mother was a nurse. In addition to working as a nurse, her mother often worked several part-time jobs. With much grit and determination, they saved money and purchased a home. Though her homelife was not perfect, Ms. Pierre learned the values of hard-work and perseverance from her parents.

After graduating from Miami Dade Community College, Ms. Pierre obtained her master's degree in public safety. Ms. Pierre's first full-time employment was in the non-profit sector. In 2017, Ms. Pierre transitioned to the private sector working as a self-employed consultant helping people in the Haitian community with obtaining life insurance, writing grants, and other services. Ms. Pierre found great satisfaction in her role as it allowed her to put her people skills to work and help others in the process.

Ms. Pierre has expressed her faith in several noteworthy areas of life. She has contributed financially and otherwise to various Christian orphanages and churches in Haiti. A letter written by Pastor Oshowo, the Resident Pastor of Glorious Life Outreach Worldwide, describes Ms. Pierre's generosity. *Id.* Also, in 2016, Ms. Pierre authored a published book, *7 Days of Creation*. The book reflects her contributions to Christian education as part of the Heart of a Child Series. A copy of the advertisement marketing the book online is attached as *Exhibit C*.

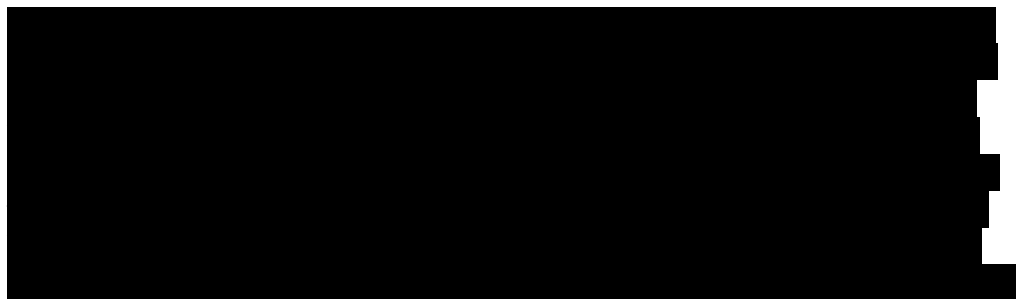
Family, friends, and a pastor have come forward writing letters of support for Ms. Pierre. As reflected in the letters, Ms. Pierre is a person who cares deeply for others. Starting with her sisters, Ms. Pierre has demonstrated love in tangible ways. For example, when Ms. Pierre's sister, Ferlende Simpson, was unemployed and struggling to make ends meet and unable to pay

for basic necessities such as rent and a car, Ms. Pierre put down a deposit on an apartment and paid for three months of overdue car payments. *See* Letters of Support, as *Exhibit B*. Notably, this occurred prior to Ms. Pierre's conduct in this case. Ms. Pierre did not just assist Ferlende financially, she also helped her look for employment. Similarly, Ms. Pierre has come to the aid of her sister, Beline Billini, by being there for her during panic attacks and reassuring Beline that she can overcome her struggles with anxiety. *Id.*

In sum, Ms. Pierre's exceptional personal characteristics are a strong counterbalance to her offense conduct. Put differently, Ms. Pierre's history of loving and caring for her family and church community reflects the truly aberrant nature of her conduct in this case.

D. Deterrence and Respect for the Law

Ms. Pierre fully understands the seriousness of her offense and will not reoffend. As reflected by her decision to plead guilty early in the case and waiving her right to proceed by indictment, Ms. Pierre has demonstrated her genuine desire to accept responsibility for her conduct. Equally as important, she has a full understanding of the wrongfulness of her conduct. Significantly, Ms. Pierre's Christian faith has helped her recognize the wrongfulness of her conduct and develop a strong foundation for moving beyond it. As Ms. Pierre's counselor put it:



In addition to her motivation to learn from this and put it behind her and her children, Ms. Pierre's lack of any prior criminal record demonstrates that her conduct was truly aberrant.

Absent this matter, Ms. Pierre has lived a law-abiding life. She respects the law and is committed to living a life of integrity.

CONCLUSION

While Ms. Pierre's reasons for violating the law and the pressures she faced when she did so do not count as justification, the fact that she did not act out of the basest of motives is relevant to assessing the degree of her culpability and the severity of the punishment called for. Weighed as well should be her strong commitment to her children, which she has demonstrated in her willingness to admit her wrongdoing and put this matter behind her and them in the right way. Also placed into the balance should be Ms. Pierre's discrete role in the scheme, which entailed finding borrowers.

For all the reasons stated above, Ms. Pierre respectfully submits that a sentence of 16 months incarceration fairly and appropriately accounts for the various mitigating factors in this case while also recognizing the seriousness of the offense conduct. The sentence is sufficient, but no more than necessary, to fulfill the statutory sentencing purposes set forth in sentence 18 U.S.C. §3553. Ms. Pierre further requests that restitution be ordered, as required by statute, and that the Court impose neither forfeiture nor a fine based on her inability to pay.

Respectfully submitted,

Adiana Pierre,

By her attorney,

/s/ Michael R. DiStefano
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Dated: May 31, 2024

CERTIFICATE OF SERVICE

I, Michael R. DiStefano, hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Michael R. DiStefano
Michael R. DiStefano

Dated: May 31, 2024