

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT BOWLING GREEN**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CRIMINAL NO. 1:22-CR-4-GNS
Filed Electronically

MANDY ELLEN BAUER

DEFENDANT

UNITED STATES SENTENCING MEMORANDUM

Pursuant to paragraph 10 of the plea agreement (DN 12), the United States requests that the defendant be sentenced to the low end of the applicable Sentencing Guideline range, 27 months of imprisonment, followed by 3 years of supervised release, with a fine of \$7,500.

The Covid-19 pandemic began in early 2020, causing immeasurable damage to the world economy. That damage was felt acutely in the United States. Schools, houses of worship, and businesses were forced to close their doors, sporting events and concerts were canceled, travel came to a standstill, there were shortages of food and consumer goods, and millions of Americans faced the loss of their livelihoods, on top of their fear of contracting a potentially deadly new illness.

In March 2020, the CARES Act was signed into law. Amongst other things, the CARES Act provided billions of dollars in funding to keep American business in operation, and to keep employees on the payroll. These funds took several forms, like Payroll Protection Program (PPP) loans and Economic Injury Disaster Loans (EIDL).

Mandy Bauer is a convicted felon with a lengthy criminal history, and she was apparently unconcerned about the desperate circumstances these limited funds were meant to address, because she decided to try to steal money from these PPP and EIDL programs for her own

personal use and enjoyment. She filed multiple fraudulent applications for various loans, seeking over \$230,000 in free money. That crime must be punished appropriately.

27 months of imprisonment is sufficient but not greater than necessary to reflect the seriousness of Bauer's offense, and to provide just punishment. 18 U.S.C. § 3353(a) and (a)(2)(A). A 27-month sentence will also promote respect for the law, particularly given that Bauer's fraudulent applications were unsuccessful, and she never reaped any financial reward from her criminal activity. Id. A 27-month sentence will also afford adequate deterrence, protect the public from Bauer's further crimes, and will avoid unwarranted sentencing disparities with similarly situated defendants. 18 U.S.C. § 3553(a)(2)(B) and (C), and (a)(6). Finally, the 27-month sentence recommended by the Sentencing Guidelines and the United States recognizes the nature of Bauer's offenses, and her criminal history and characteristics. 18 U.S.C. § 3553(a)(1).

Accordingly, the United States requests that the court sentence Bauer to 27 months of imprisonment, followed by 3 years of supervised release, and a fine of \$7,500.

Respectfully submitted,

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Certificate of Service

I hereby certify that a copy of the foregoing was sent by electronic transmission through the Court's ECF system to defense counsel on May 13, 2022.

David Weiser

David Weiser

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