

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION
CRIMINAL ACTION NO.: 1:22-CR-00004-GNS**

UNITED STATES OF AMERICA

PLAINTIFF

v.

DEFENDANT’S SENTENCING MEMORADUM

ELECTRONICALLY FILED

MANDY ELLEN BAUER

DEFENDANT

* * * * *

FACTS OF THE INSTANT CASE

The Defendant, Mandy Ellen Bauer, waived Grand Jury Indictment and entered a plea to counts 1-9 of the wire fraud information. Each count involved filing a false application to a program whose purpose was to obtain Covid relief for businesses. Each application was turned down and the actual loss was \$-0-. At the time the applications were made, Mandy Bauer operated a business, Family Personal Services, that bought used furniture then refurbished and sold it. She operated this business from 2014 until she was charged in this case.

18 U.S.C. §3553A FACTORS

In order for the Court to mete a sentence under 18 U.S.C. §3553A that is sufficient but not greater than necessary to meet the goals of the Sentencing Reform Act the following should be considered.

HISTORY AND CHARACTERISTICS OF THE DEFENDANT

Ms. Bauer is 41 years old. She graduated from Adair County High School in 1998 and received her Associate Degree online at Colorado Technical University in 2019. She has

experience in construction and painting. She currently does painting for a contractor but qualifies for food stamps. She has been diagnosed with anxiety and Post Traumatic Stress Disorder (“PTSD”) after an abusive relationship with a boyfriend who broke both her hands and her nose. She also suffers from high blood pressure, arthritis and osteoporosis. Mandy has been married twice and is currently in a relationship with James McKinney with whom she has a 6 year old child. She also has two daughters, Keri Chaudoin age 22 and Joslyn Chaudoin age 20 from a previous relationship. Attached are letters from Keri Chaudoin and Joslyn Chaudon which complete the picture of Mandy Bauer.

PRIOR CRIMINAL HISTORY

Mandy has a checkered criminal history which under the guidelines places her in Category IV. Her criminal history is in large part due to her drug dependency. Her drug dependency and her life as a domestic violence victim go hand in hand.

GUIDELINES ON THIS CASE

¶42 adds 10 points to Mandy Bauer’s base level of 7 because the “intended” loss is more than \$150,000.00. The Defendant requests that the Court consider the fact that the total loss was \$-0-.

¶48 and ¶49 call for a 3 point reduction because of acceptance of responsibility. The Defendant waived Grand Jury Indictment in part show that she accepted responsibility for her actions.

REQUESTED SENTENCE

The Defendant requests a non-custodial sentence. She has a job as a painter. She has agreed to pay what for her is an astronomical fine of \$7,500.00. She is not capable of paying that

in one lump sum, but she will pay it over time. The United States has agreed in the plea agreement to allow her to seek a non-guideline sentence.

Her daughters letters give a good picture of her true history and characteristics. A non-guideline non-custodial sentence with a \$7,500.00 fine will be sufficient but not greater than necessary to meet the ends of justice.

Respectfully submitted,

s/ William M. Butler, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2022 I electronically filed the attached document through the ECF System which will send a copy to the Honorable David R. Weiser, Assistant United States Attorney.

s/ William M. Butler, Jr.
William M. Butler, Jr.