

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA

v.

Criminal No. 2:23-00112

IMEESHA BRADLEY

DEFENDANT’S SENTENCING MEMORANDUM

Comes now the defendant, Imeesha Bradley, by Assistant Federal Public Defender Emily L. Szopinski, and submits this memorandum outlining the various 18 U.S.C. § 3553(a) factors for the Court’s consideration at her upcoming sentencing hearing. For the reasons set forth below, Ms. Bradley requests a sentence of two years of probation.

I. 18 U.S.C. § 3553(a) Factors for Consideration

With a criminal history category of I and an adjusted offense level of 6, the advisory guideline range set forth in the Presentence Investigation Report (“PSR”) recommends a term of imprisonment between zero and six months with Zone A sentencing options. PSR ¶ 64. Ms. Bradley respectfully requests the Court impose a within-Guidelines sentence of two years of probation and relies upon the following 18 U.S.C. § 3553(a) factors in support of a non-custodial sentence.

A. The nature and circumstances of the offense.

The pandemic was a challenging time for Ms. Bradley. Ms. Bradley was a single parent to two children who were in elementary school and ultimately became

pregnant with her youngest child. In May 2021, Ms. Bradley submitted an application for a loan through the Paycheck Protection Program (“PPP”), falsely stating that she owned a business that earned revenue in 2020. At the time, Ms. Bradley had seen several people she followed across social media boasting about the “free” money that they had received from the Government.¹

Although Ms. Bradley was struggling financially, when she received the proceeds from the PPP loan, she did what is in her instincts to do: she helped out the people she loved. She provided clothes and shoes for her children. She spent the money helping family members who needed money for groceries or who were behind on rent because of the pandemic. She provided financial help to her sister who was about to start college in South Carolina and who was recovering from a traumatizing incident in which she was kidnapped and trafficked. Despite receiving \$18,703 in a PPP loan, Ms. Bradley did not spend any of that money on herself. Now, she will be working to pay back that \$18,703, from which she derived no personal benefit.²

¹ See, e.g., *Are PPP Loan Companies Legit? PPP Loans Are Being Aggressively (And I Suspect Deceptively) Marketed*, Medium (Mar. 23, 2021), available at <https://medium.com/web-design-web-developer-magazine/are-ppploan-companies-legit-ppp-loans-are-being-aggressively-and-i-suspect-deceptively-marketed-2fa99e7ec6fb> (last visited January 5, 2024).

² Notably, nearly three-quarters of PPP funds “flowed to the top fifth of household income.” See David Autor et al., *The \$800 Billion Paycheck Protection Program: Where Did the Money Go and Why Did It Go There?*, Journal of Economic Perspectives (Spring 2022), available at <https://blueprintcdn.com/wp-content/uploads/2022/01/jep.36.2.55.pdf> (last visited January 5, 2024).

B. The history and characteristics of the defendant.

Despite the significant struggles Ms. Bradley has faced throughout her childhood and young adulthood, she has continued to work hard to support her three children. Since she has been on bond in this case, Ms. Bradley has continued to demonstrate her willingness and ability to abide by the law, maintain steady employment, and comply with all conditions set forth by the probation office. Unlike a sentence of imprisonment, a probationary sentence would allow Ms. Bradley to continue earning money towards her restitution obligation, which Ms. Bradley is eager to repay.

1. Childhood

Ms. Bradley undoubtedly had a challenging childhood. She had very little contact with her father while she was growing up. She was raised primarily by her grandmother, but she also lived with her mother throughout her childhood. Growing up, Ms. Bradley spent a significant amount of time in church. Her grandparents were heavily involved in the church, her mother became a pastor, and her stepfather was a deacon. Ms. Bradley describes the church and her religion as having a significant influence in her life.

When Ms. Bradley was only 14 years old, her mother kicked her out of the house, and Ms. Bradley was forced to bounce between group homes and foster care for the rest of her childhood. When she turned 18, she gave birth to her oldest son and married her son's father.

2. Ms. Bradley Today

Ms. Bradley has been a single mother of her nine-year-old, eight-year-old and one-year old children for most of their lives. Not only has she been the primary caregiver – and at times, the sole caregiver – to her children, she has also been the primary financial support for her children.³ Moreover, shortly after she gave birth to her youngest son, his father tragically passed away in a car accident.

Despite caring for three children under ten, Ms. Bradley works multiple jobs to support her family. She currently works as a nurse's assistant at Charleston Area Medical Center ("CAMC"). At that job, she sometimes works as many as 16 hours per day. In addition, she cleans houses to supplement her income from her job at CAMC.

Ms. Bradley acknowledges the grave mistake that she made in fraudulently obtaining a PPP loan. In the two years since she made this mistake, however, she feels like she has gotten her life back on track. She is working hard at her job to provide for her family, she has met and married a man who loves and supports her and her children, she has forged a deeper connection with her religion, and she describes herself as being in the best place mentally, emotionally, and spiritually that

³ "Incarceration of a parent normally causes major negative economic, social, and psychological consequences to the child, and may have life-long [adverse] repercussions." *United States v. G.L.*, 305 F.R.D. 47, 50 (E.D.N.Y. 2015) (collecting literature). If Ms. Bradley is given a custodial sentence, her children are likely to "suffer developmental harm . . . in the form of behavioral and educational difficulties" as a result of her absence, Sarah Abramowicz, *Beyond Family Law*, 63 Case W. Res. L. Rev. 293, 321 (2012), along with a heightened risk of "diminished life chances and criminal involvement." Bruce Western & Becky Pettit, *Incarceration and Social Inequality*, Daedalus, Summer 2010, at 16.

she has been in her life. She has worked hard to process the mistake that she made in fraudulently applying for the PPP loan and the consequences that she will face for it, but she has not let it discourage her.

3. Future Plans

Ms. Bradley has always had big dreams. She dreamed of going to school to become a nurse or a lawyer – dreams that are likely dashed by her receiving a felony conviction in this offense. Despite the obstacles that she has faced, she still has big dreams: Ms. Bradley hopes to open a group home for children within the foster system. Because of her own experience in group homes as a teenager, she wants to create a space within the foster system for kids to feel comfortable, loved, and supported. While her financial progress toward opening a group home will undoubtedly be delayed due to her restitution obligation, she is not deterred from this goal.

C. The need to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct.

To date, the undersigned is aware of seven defendants in this district who have been sentenced for similar conduct. Of those seven defendants, two had loss amounts that were double that of Ms. Bradley's, and the other five had comparable loss amounts. Each of those seven defendants was sentenced to a term of probation. *See United States v. Malik Breckenridge*, Case No. 2:22-cr-00084 (S.D. W.Va. Nov. 17, 2022) (Berger, J.) (sentencing defendant to a term of five years of probation with a total loss amount of \$41,666); *United States v. Alexis Ransom*, Case No. 2:22-cr-00122 (S.D. W.Va. Feb. 7, 2023) (Faber, J.) (sentencing defendant to a term of 5 years of

probation with a total loss amount of \$42,250); *United States v. Tiffany Bowlin*, Case No. 2:22-cr-00205 (S.D. W.Va. May 4, 2023) (Copenhaver, J.) (sentencing defendant to a term of five years of probation with a total loss amount of \$20,833); *United States v. Calvin Butler*, Case No. 2:22-cr-00161 (S.D. W. Va. May 18, 2023) (Goodwin, J.) (sentencing defendant to a term of five years of probation with a total loss amount of \$18,540); *United States v. Aalik Wilsher*, Case No. 2:23-cr-00051 (S.D. W. Va. August 8, 2023) (Goodwin, J.) (sentencing defendant to a term of three years of probation with a total loss amount of \$20,459); *United States v. Daniel Satow*, Case No. 2:23-cr-00056 (S.D. W. Va. August 10, 2023) (Johnston, C.J.) (sentencing defendant to a term of five years of probation with a total loss amount of \$21,283); *United States v. Tamir Pratt*, Case No. 2:23-cr-00038 (S.D. W. Va. September 28, 2023) (Goodwin, J.) (sentencing defendant to a term of two years of probation with a loss amount of \$20,832).

D. The need for the sentence to reflect the seriousness of the offense, promote respect for the law, and provide just punishment.

In outlining the duties of the United States Sentencing Commission, Congress made it clear that the Commission “shall insure that the guidelines reflect the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense.” 28 U.S.C. § 994. Ms. Bradley has no prior criminal history and is a first-time offender with zero criminal history points. Accordingly, she has a very low risk of recidivism. *See* U.S. SEN’G COMM’N, Recidivism of Federal

Offenders Released in 2010 (2021), <https://www.ussc.gov/research/research-reports/recidivism-federal-offenders-released-2010> (noting that recidivism data analyzed by the Commission suggest that offenders with zero criminal history points (“zero-point” offenders) have considerably lower recidivism rates than other offenders, including lower recidivism rates than the offenders in Criminal History Category I with one criminal history point); *see also* Report of U.S.S.C. (May 2004) “Recidivism and the ‘First Offender’” (“The analysis [of empirical data on re-offending] delineates recidivism risk for offenders with minimal prior criminal history and shows that the risk is lowest for offenders with the least experience in the criminal justice system. Offenders with zero criminal history points have lower recidivism rates than offenders with one or more criminal history points.”).

A sentence of probation adequately reflects the seriousness of Ms. Bradley’s conduct and provides just punishment for her offense. As the Supreme Court has recognized, a sentence of probation is “a substantial restriction of freedom.” *Gall v. United States*, 552 U.S. 38, 48 (2007). Ms. Bradley will be closely monitored by the Probation Office for the entirety of her probationary term, and she is very aware that if she were to violate any term of probation, the Court could re-sentence her to a term of imprisonment within, or above, her suggested guideline range.

E. The kinds of sentences available and the sentencing guideline range.

Ms. Bradley’s sentencing Guideline range is between 0 and 6 months of imprisonment. The proposed sentence of probation falls within that Guideline range.

Above all, a sentence of probation will allow Ms. Bradley to continue working and pay her restitution obligations, which Ms. Bradley is eager to do.

II. Conclusion

For the forgoing reasons, Ms. Bradley submits that a probationary sentence of two years is sufficient, but not greater than necessary, to achieve the statutory sentencing purposes of 18 U.S.C. § 3553(a).

III. Time Needed for Sentencing

Ms. Bradley does not anticipate calling any witnesses to testify at the upcoming sentencing hearing and believes the hearing will last approximately thirty minutes.

Date: January 5, 2024.

Respectfully submitted,

IMEESHA BRADLEY

By Counsel

WESLEY P. PAGE
FEDERAL PUBLIC DEFENDER

s/Emily L. Szopinski

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