

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

	x	
	:	
UNITED STATES OF AMERICA,	:	Criminal Action
	:	
Plaintiff,	:	No. 2:23-cr-00112
	:	
v.	:	
	:	Date: January 9, 2024
IMEESHA BRADLEY,	:	
	:	
Defendant.	:	
	x	

TRANSCRIPT OF SENTENCING HEARING HELD
BEFORE THE HONORABLE DAVID A. FABER, SENIOR STATUS JUDGE
UNITED STATES DISTRICT COURT
IN CHARLESTON, WEST VIRGINIA

APPEARANCES:

For the Government: AUSA FRANCESCA C. ROLLO
 U.S. Attorney's Office
 P.O. Box 1713
 Charleston, WV 25326-1713

For the Defendant: AFPD EMILY SZOPINSKI
 Office of the federal public
 Defender
 Suite 3400
 300 Virginia Street, East
 Charleston, WV 25301

Probation Officer: Beth Srednicki

Court Reporter: Ayme Cochran, RMR, CRR

Proceedings recorded by mechanical stenography;
transcript produced by computer.

1 PROCEEDINGS had before The Honorable David A. Faber,
2 Senior Status Judge, United States District Court, Southern
3 District of West Virginia, in Charleston, West Virginia, on
4 January 9, 2024, at 10:58 a.m., as follows:

5 THE COURT: The case before the Court is the
6 United States against Imeesha Bradley, criminal action
7 number 2:23-112.

8 Would the attorneys note their appearances, please?

9 MS. ROLLO: Good morning, Your Honor. Francesca
10 Rollo on behalf of the United States.

11 MS. SZOPINSKI: Good morning, Your Honor. Emily
12 Szopinski on behalf of Ms. Bradley.

13 THE COURT: All right. Ms. Szopinski, have you
14 had an opportunity to review the Presentence Report with
15 your client and are you prepared to go forward with the
16 sentencing this morning?

17 MS. SZOPINSKI: Yes, Your Honor.

18 THE COURT: The Presentence Report is accepted.
19 It will be ordered filed and made part of the record and
20 will be placed in the record under seal.

21 In the event of an appeal of the sentence imposed today
22 counsel on appeal will be permitted access to the sealed
23 report except for the recommendations section.

24 Except as may be modified hereinafter by specific
25 rulings made at this hearing, the Court adopts as its

1 findings the facts and conclusions contained in the
2 Presentence Report.

3 In order to fulfill its reporting obligation under Rule
4 32 of the Federal Rules of Criminal Procedure the Court
5 directs that a copy of its Written Memorandum of Sentencing
6 Hearing and Report of Statement of Reasons to be prepared at
7 the conclusion of this hearing be appended to and accompany
8 any copy of the Presentence Report and made available to the
9 Bureau of Prisons.

10 The Court has withheld no information from the report
11 under Rule 32.

12 Are there any matters in dispute requiring ruling by
13 the Court at this hearing?

14 MS. ROLLO: No, Your Honor.

15 MS. SZOPINSKI: No, Your Honor.

16 THE COURT: Ms. Bradley, pursuant to the
17 sentencing guidelines at your original plea hearing on
18 August the 1st of last year, I deferred an adjudication of
19 guilt pending receipt of the Presentence Report in your
20 case. Having now received that report the Court finds that
21 the charge to which you are pleading guilty adequately
22 reflects the seriousness of the offense behavior in this
23 case and I find that accepting your plea will not undermine
24 the statutory purposes of sentencing.

25 You were charged in a single-count information charging

1 you with receipt of stolen money in violation of 18 United
2 States Code Section 2315. You pled guilty to that
3 information and the Court believes that the guidelines
4 applicable to that offense will, in your case, satisfy the
5 statutory objectives of sentencing.

6 Therefore, I now find you guilty and accept your plea
7 and you stand convicted of the offense to which you have
8 pled guilty.

9 The Court further concludes and finds that the
10 guideline calculations are a Base Offense Level of 6 and a
11 Total Offense Level of 6, the Court having granted the
12 following adjustments: A four-level increase under Section
13 2B1.1(b) (1) (C) because the loss amount is between \$15,000.00
14 and \$40,000.00; a two-level decrease under Section 3E1.1(a)
15 for acceptance of responsibility; and a two-level decrease
16 under Section 4C1.1(a)-(b) because the defendant is a 0
17 point offender. The Criminal History Category is I and the
18 guideline calculations are thus imprisonment for a term of 0
19 to 6 months; supervised release for a period of 1 to
20 3 years; a fine of \$1,000 to \$9,500, plus the costs of
21 incarceration and/or supervision; the possibility of
22 probation for a term of 1 to 5 years; a mandatory special
23 assessment of \$100; and an order of restitution.

24 Is there any objection to the Court's calculation of
25 the guidelines?

1 MS. ROLLO: No, Your Honor.

2 MS. SZOPINSKI: No, Your Honor.

3 THE COURT: The Court's received two letters on
4 behalf of the defendant, one from Keep Your Faith
5 Corporation, and one from the Prestera Center. I have read
6 these and they will be filed with the Presentence Report and
7 made a part of the file in this case.

8 I'll recognize the defense counsel for any argument you
9 care to make on what an appropriate sentence might be.

10 MS. SZOPINSKI: Thank you, Your Honor. We believe
11 an appropriate sentence in this case is a term of two years
12 of probation. That sentence is within the properly
13 calculated guideline range of 0 to 6 months.

14 Ms. Bradley acknowledges that in May of 2021 she made
15 a big mistake in filing the PPP loan application and that
16 mistake will leave her with a felony conviction for the rest
17 of her life. That felony conviction has serious
18 consequences, seriously affects her civil rights, and the
19 felony conviction on its own serves a deterrent purpose for
20 her and others in the community.

21 Despite having this felony conviction for the rest of
22 her life, Ms. Bradley is familiar with adversity. She had
23 -- as Your Honor has read in both the sentencing memorandum
24 and the Presentence Report, Ms. Bradley had a challenging
25 childhood. She had a challenging relationship with her

1 parents and ultimately -- ultimately lived in foster care in
2 group homes for the later part of her teenage years.

3 She is currently a single mother of three young
4 children. She has an eight-year-old -- a nine-year-old, an
5 eight-year-old and a one-year-old. And she has been not
6 just a single mother, but the primary care giver to those
7 children, the sole caregiver to those children for much of
8 their lives.

9 Despite being the sole caregiver for three children,
10 Ms. Bradley has maintained steady employment, working to
11 provide for those children, and continues to do so.

12 I will note that the Status Report that the Probation
13 Office submitted notes that Ms. Bradley recently lost her
14 job. She -- during -- when one of her children recently was
15 experiencing a health crisis she was forced to leave work to
16 take care of her child. The note reports that she -- the
17 Status Report notes that she was fired. Ms. Bradley has
18 informed me that HR was not able to fire her for that, that
19 was a protected -- basically a protected ground. She is
20 still working through CAMC, but she is interviewing with
21 different departments doing the same job that she was
22 previously doing. So, she -- while she is currently not
23 assigned to a specific department, she is still working at
24 CAMC, still working to basically find a new department doing
25 the same work that she was previously doing.

1 As you read in the letters of support submitted to the
2 Court, Ms. Bradley has been working with the Keep the Faith
3 organization. She has been volunteering her time, working
4 with youth in the community. She has been committed to her
5 religion, committed to her church. She has found a
6 community that really supports her through this adversity.

7 Her pastor and her pastor's wife are both here to
8 support her today. Her grandmother is here to support her.
9 Tim DiPiero, a local attorney and a family friend, is here
10 to support her. Ms. Bradley has the support of the
11 community to move forward from this offense.

12 She also recently -- she's recently married to a man
13 who is unconditionally supportive of her and her children
14 and this is something that has been a huge step in the right
15 direction for Ms. Bradley, having that support, having
16 someone who is hopefully going to be able to help take some
17 of the stress of raising three children off of her.

18 I think it's mentioned in her Presentence Report that
19 she intends to move to Florida. Her partner currently
20 resides outside of Jacksonville and while, at this point,
21 she's still planning to remain in West Virginia in -- over
22 the course of the next several months, she is hoping to move
23 to Florida to be with her partner and have that, that extra
24 parental support, for her and for her kids.

25 Despite the mistake that Ms. Bradley made in this case,

1 she is committed to moving forward from it. She is
2 committed to working, to pay restitution in this case. She
3 is committed to her dreams. I know you read in my
4 sentencing memorandum about her dream to open a group home.

5 And while this is a setback for Ms. Bradley, both
6 financially and, you know, focused attention, that's still a
7 dream that she has. She still -- she's still dreaming of
8 going back to school and opening this group home for
9 children.

10 I know you also read in the letter submitted to the
11 Court about the work that Ms. Bradley has been doing for her
12 own mental health. That's something that she is continuing
13 to do, continuing to work with the Prestera Center to get
14 the mental health treatment that she needs, something else
15 that she can continue a term of probation, continue with
16 that treatment, continue working to pay back her restitution
17 obligation, and work on rebuilding her life to come back
18 from this.

19 So, Your Honor, we would argue a term of probation is
20 sufficient but not greater than necessary for Ms. Bradley.

21 Thank you.

22 THE COURT: Ms. Bradley, you may address the
23 Court. I would be glad to hear anything you care to say, if
24 you wish to speak.

25 THE DEFENDANT: Well, I'm really embarrassed.

1 This isn't how, for one, that I was raised.

2 I do accept responsibility for, you know, what I done.
3 As she stated, it's been challenging trying to get certain
4 jobs and stuff like that because of, you know, this
5 situation, but I feel I have grown.

6 This is something, I explained to her, I was actually
7 happy that they came looking for me. It was like a weight
8 off of my shoulders.

9 I tried to make the right decisions, you know, like
10 it's been about three years, three, two years or so. I've
11 dealt with it spiritually. I've dealt with it emotionally.
12 Even physically, you know, I was very, I want to say, hard
13 on myself. I just never thought that I would be in the
14 predicament that I am now.

15 You know, I've realized that even when you do things in
16 the past now, that they come back, you know, on you and you
17 have to deal with them one way or another, whether it's
18 spiritually or naturally.

19 So, it's been a big lesson to me and I do apologize to
20 the United States and to, you know, the other citizens.

21 THE COURT: Thank you.

22 I will be glad to hear from the Assistant U. S.
23 Attorney.

24 MS. ROLLO: Yes, Your Honor. We believe that a
25 five-year term of probation is sufficient but not greater

1 than necessary to achieve the objectives of sentencing.

2 Ms. Bradley fraudulently obtained over \$18,000 for her
3 fictitious hair salon and the entirety of those funds were
4 used improperly, \$12,000 of which were withdrawn in cash.
5 Many individuals were financially struggling around that
6 same time period. Many grew up in less than ideal
7 situations. And many are forced to support their families
8 on their own, but a vast majority did not fraudulently
9 submit an application for a loan through the Paycheck
10 Protection Program.

11 We also, though, understand that up until December Ms.
12 Bradley was employed at CAMC and that since her departure
13 from that particular position she's been interviewing for
14 other departments within CAMC and hopes to be gainfully
15 employed in the near future.

16 We believe that a five-year term of probation would
17 allow Ms. Bradley to secure and maintain gainful employment
18 and that would be beneficial to her family, to the
19 Government, and to the victim in this case.

20 And that term would also serve to reflect the serious
21 nature of Ms. Bradley's troubling conduct and hopefully
22 deter others from engaging in similar conduct.

23 And, for those reasons, we would ask that the Court
24 impose a five-year term of probation.

25 THE COURT: That could be reduced later on,

1 depending upon the defendant's performance while on
2 probation, could it not?

3 MS. ROLLO: I believe it could, Your Honor, yes.

4 THE COURT: All right.

5 Well, I'm ready to sentence you, Ms. Bradley, if you'll
6 just stand up there with your counsel.

7 Pursuant to the Sentencing Reform Act of 1984, it is
8 the judgment of the Court that the defendant, Imeesha
9 Bradley, is hereby sentenced to a term of probation for five
10 years.

11 While on probation the defendant shall not commit
12 another federal, state or local crime and shall comply with
13 the mandatory standard -- and the additional standard
14 conditions adopted by this Court. And those conditions were
15 included in the Presentence Report. And so, the defendant
16 and counsel will be placed on notice of them. The Court
17 feels no need to read all of them and they're quite
18 extensive.

19 The defendant shall also comply with the following
20 special conditions:

21 The defendant's not a resident of this district.
22 Therefore, the period of supervised release is to be
23 administered by the district where the defendant is a legal
24 resident and/or the district where a suitable plan is
25 developed.

1 Second, you must provide the probation officer with
2 access to any requested financial information and authorize
3 the release of any financial information which the Probation
4 Office may share with the United States Attorney.

5 Third, you must not incur new credit charges or open
6 additional lines of credit without the approval of your
7 probation officer.

8 Fourth, you shall apply any monies received from income
9 tax refunds, lottery winnings, judgments and any other
10 anticipated or unanticipated financial gains to any
11 outstanding court-imposed monitoring obligations.

12 Fifth, the defendant shall cooperate with the Internal
13 Revenue Service with regard to any civil audit for personal
14 and business taxes and shall file all tax returns and
15 amended tax returns as required.

16 Six, you must make restitution in accordance with 18
17 United States Code Sections 3663 and 3663(a).

18 Seventh, you shall pay restitution in the amount of
19 \$18,703 with interest allowed by law to the fullest extent
20 financially feasible.

21 The defendant shall pay restitution during her term of
22 probation in monthly installments of no less than \$300, or
23 in another amount to be worked out with Probation, subject
24 to the Court's approval.

25 The Court finds the defendant does not have the

1 financial means to pay a fine and departs downward and
2 imposes no fine.

3 And although I made it a condition, I'm also going to
4 order the restitution in the total amount of 18,703 with
5 interest allowed by law as a part of this sentence.

6 The defendant is ordered to pay a special assessment of
7 \$100, which the Court finds has been paid.

8 The Court -- and I may have already said this, but I
9 believe the defendant lacks the means to pay a guideline
10 range fine and I depart downward and impose no fine.

11 Is there any objection to the form of the sentence?

12 MS. ROLLO: No, Your Honor.

13 MS. SZOPINSKI: Your Honor, the only thing I would
14 request is to -- for Your Honor to waive interest on the
15 restitution payment based on a finding that Ms. Bradley does
16 not have the means to pay interest on the restitution.

17 THE COURT: What's the Government have to say
18 about that?

19 MS. ROLLO: Your Honor, we have no objection to
20 that.

21 THE COURT: All right. The interest requirement
22 then is waived as part of the sentence.

23 You may be seated while I give the reasons.

24 MS. SZOPINSKI: Thank you, Your Honor.

25 THE COURT: Ms. Bradley, I gave you a break here.

1 I couldn't see any reason under all the facts and
2 circumstances of your case to put you in prison. I don't
3 think that would serve any useful purpose for you or your
4 dependents and I do not -- and I think the sentence imposed,
5 even without a term of incarceration under the facts and
6 circumstances of your case, is sufficient to satisfy the
7 statutory objectives of sentencing.

8 In reaching my decision, I considered all the factors
9 under 18 U. S. C. 3553(a), as well as the directives of
10 applicable case law, and I believe the sentence imposed is
11 sufficient but not greater than necessary to achieve the
12 authorities set forth in those -- the objectives set forth
13 in those authorities.

14 In reaching the decision to impose no fine, I make the
15 following findings under 18 U. S. C. Section 3572(a):

16 Defendant's income, earning capacity and financial
17 resources are as stated in the Presentence Report.

18 A guideline range fine or a fine in any amount would
19 constitute an undue burden upon the defendant and persons
20 financially dependent upon them.

21 There is no identifiable pecuniary loss inflicted upon
22 others as a result of the offense that will not be restored
23 through the order of restitution and the evidence shows no
24 illegally obtained gains from the offense of conviction
25 remaining in the defendant's possession.

1 Ms. Bradley, you have 14 days to appeal. If you wish
2 to appeal, you must file within that period of time a Notice
3 of Appeal with the Clerk of this court.

4 If you wish to appeal and cannot afford to hire counsel
5 to represent you on appeal, counsel will be appointed for
6 you and, if you so request, the Clerk of Court will prepare
7 and file forthwith a Notice of Appeal on your behalf.

8 Is there anything further to take up with regard to
9 this matter today?

10 MS. ROLLO: Your Honor, we would just ask that the
11 Court order her restitution be due and payable immediately
12 and that Ms. Bradley be placed on the Treasury Offset
13 Program.

14 THE COURT: Well, it -- it's due and payable
15 immediately with the proviso that if she lacks the means to
16 pay it immediately, it may be paid with a schedule of
17 installments to be worked out with her probation supervisor
18 subject to the Court's approval.

19 MS. ROLLO: Yes, Your Honor. Thank you.

20 THE COURT: All right. Do you have anything else,
21 Ms. Szopinski?

22 MS. SZOPINSKI: No, Your Honor.

23 THE COURT: All right. Ms. Bradley, the Court
24 gave you a break here, and I believe you won't let me down.
25 So, be sure you understand your obligations while on

1 probation and comply with them fully. And, if things go
2 well for you down the road, you will have the option to seek
3 to have the five-year term reduced if the facts and
4 circumstances warrant it but, for now, I gave you five years
5 and you must understand your obligations and do your very
6 best to comply with them.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Anything else?

9 MS. SZOPINSKI: No, Your Honor.

10 MS. ROLLO: No, Your Honor.

11 (Proceedings concluded at 11:19 a.m., January 9, 2024.)
12

13 CERTIFICATION:

14 I, Ayme A. Cochran, Official Court Reporter, certify
15 that the foregoing is a correct transcript from the record
16 of proceedings in the above-entitled matters as reported on
17 January 9, 2024.

18
19 s/Ayme A. Cochran, RMR, CRR

May 1, 2024

20 Ayme A. Cochran, RMR, CRR

DATE