**UNITED STATES DISTRICT COURT**
**MIDDLE DISTRICT OF FLORIDA**
**JACKSONVILLE DIVISION**

UNITED STATES OF AMERICA

v. Case No. 3:23-cr-48-TJC-LLL

CHRISTOPHIM LEO DARAGJATI

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# DEFENDANT'S SENTENCING MEMORANDUM

Defendant, Christophim Daragjati, by and through undersigned counsel, submits this Sentencing Memorandum in anticipation of the hearing scheduled for Monday, March 18, 2024, at 10:30 AM.

For the reasons articulated in this Memorandum, Mr. Daragjati respectfully requests this Court to sentence him to a total of 39 months in the Bureau of Prisons, followed by 36 months of supervised release, with conditions requiring restitution, mental health treatment, and substance abuse treatment.

## I. Objections to Guideline Calculations

Mr. Daragjati submitted two main objections to the Final Presentence Report ("PSR") submitted by the U.S. Probation Office. (Doc. 35). One objection was about the inclusion of losses that were intended, but not actually sustained, by the victims when it comes to calculating the "loss" amount for the purpose of the Specific Offense Characteristic enhancement under USSG § 2B1.1(b)(1). *See* PSR Add. 29-31. The other objection was about the two-level enhancement under USSG § 2B1.1(b)(12), which only applies when "the offense involved conduct described in 18 U.S.C. § 1040." *See* PSR Add. 27-28.

As to the first objection – the calculation of "loss" – undersigned counsel would refer this Court to the arguments stated in the letter submitted to the probation officer. *See* PSR Add. 29-31. While he maintains his objection under *United States v. Dupree*, 57 F.4th 1269 (11th Cir. 2023), Mr. Daragjati understands how courts in this district have been ruling regarding its application to USSG § 2B1.1(b)(1).

However, given the unprecedented nature of United States Probation's policy that the enhancement under subsection (b)(12) applies in cases involving PPP Loan Fraud – and the flawed reasoning offered in defense of its position – this Memorandum will dive deeper into the issue.

**A. <u>Probation's Position</u>**

In the section of the PSR detailing the Offense Level Computation, the Probation Office states the following:

> According to USSG §2B1.1(b)(12), if the offense involved conduct described in 18 U.S.C. § 1040, increase by two levels. In this case, the defendant made fraudulent statements and representations in a matter involving a benefit in connection with an emergency declaration (Coronavirus Aid, Relief, and Economic Security (CARES) Act/Covid-19 pandemic); therefore, two levels are added.

PSR ¶ 36. As a threshold matter, this is incorrect because the CARES Act was a piece of legislation passed by Congress, not a disaster declaration by the President under the Stafford Act (which is what § 1040 requires). Mr. Daragjati objected to this in response to the Initial PSR. The United States Probation Office reviewed the objection and maintained its position that the special offense characteristics applies to this case. PSR Add. 3-5. Probation concludes that the creation of PPP Loans "pursuant to the CARES Act was a response to the pandemic's widespread adverse economic impact . . . and [therefore] falls under the COVID-19 pandemic emergency determination under the [Stafford Act]." *Id.* at 5.

Probation claims that because there is "no dispute that COVID-19 was declared a national emergency pursuant to the Stafford Act" and no "dispute that the PPP money the defendant obtained was provided in connection with the COVID-19 disaster," that "the analysis should end there." *Id.* at 4. They conclude: "All that is necessary, as exists here, is that the benefits were provided in connection with *the disaster*." *Id.* (emphasis added). But as explained below, this type of daisy-chain isn't what the statute means when it says a "benefit . . . paid in connection with . . . *an emergency declaration*." 18 U.S.C. § 1040(a) (emphasis added). Section 1040 requires that the stolen benefit must have been paid in connection with a "major disaster declaration" or "emergency declaration" under the Stafford Act, referring to declarations that trigger the release of certain forms of aid to state and local governments and are typically administered by FEMA. The statute does *not* apply, as Probation would have it, whenever a benefit is paid in connection with the same disaster or emergency underlying the President's declaration—a standard that would vastly expand the statute's reach and conflict with its text.

Probation claims that applying this enhancement must be correct because sentencing judges across the country have been doing so. They write:

> The probation office is not aware of any caselaw related to this enhancement, but the district courts have repeatedly and consistently applied this two-level enhancement at sentencing.

PSR Add. 4. Probation offers no additional details or sources to support this claim. Probation insists that this allegedly common practice is supported by the U.S. Supreme Court's interpretation of "in connection with" in a case with no relation to sentencing guidelines.

> District courts' repeated application of the enhancement in COVID-19 fraud cases (involving EIDL and PPP loans) is consistent with the "broad interpretation" the Supreme Court has given to the phrase in "connection with."

PSR Add. 4 (citing *Mont v. United States*, 139 S. Ct. 1826 (2019)).

Finally, Probation concludes that Mr. Daragjati's "narrow reading of 18 U.S.C. § 1040 to only apply to benefits provided directly under the Stafford Act is inconsistent with the rest of the statute." *Id.* Add. 4. To support this claim, they make two arguments. First, they argue that because Stafford Act benefits are often administered through "a State or local government, or other entity," that benefits provided through a law passed by Congress is basically a Stafford Act benefit because Congress is a separate branch from the President, just like a state or local government is. *Id.* Second, they argue that the jurisdictional provision in 18 U.S.C. § 1040(b) is proof that benefits can be considered connected to Stafford Act declaration without being authorized pursuant to the

Stafford Act. *Id.* at 4-5.

These arguments are flawed and fail to support Probation's position. The remainder of this section of this Memorandum will provide a review of the Stafford Act, executive actions pursuant to the Stafford Act, the CARES Act and the Paycheck Protection Program loans, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007, 18 U.S.C. § 1040, the amendments of two other section, and USSG § 2B1.1(b)(12). It concludes with a discussion about how Probation's position is not based on the law and the enhancement contained in USSG § 2B1.1(b)(12) should not apply in this case.

## B. <u>The Law</u>

### 1. <u>Stafford Act & Executive Actions</u>

The enhancement at issue reads:

> If the offense involved *conduct described in* 18 U.S.C. § 1040, increase by 2 levels. If the resulting offense level is less than level 12, increase to level 12.

USSG § 2B1.1(b)(12) (emphasis added). The referenced statute prohibits fraud "involving any benefit authorized, transported, transmitted, disbursed, or paid in connection with a major disaster declaration ... or an emergency declaration under ... the Robert T. Stafford Disaster Relief and Emergency Assistance Act." 18 U.S.C. § 1040(a). The Stafford Act, 42 U.S.C. §§ 5121-5208, governs federal assistance to state and local governments in the event of an officially declared "emergency" or "major disaster." *Id.* § 5122(1). It authorizes a wide array of federal aid, including coordination services, "technical and advisory assistance," and help with distributing "medicine, food, and other consumable supplies." *Id.* § 5170a(2)-(4). The Act allows various government agencies to automatically provide this assistance once the president issues an executive order, without Congress having to pass a new law.

On March 13, 2020, the former president declared the COVID-19 pandemic a national emergency, pursuant to Section 501(b) of the Stafford Act (42 U.S.C. § 5191(b)). *See* Pres. Proc. No. 9994, 85 Fed. Reg. 15337 (Mar. 13, 2020). The Small Business Administration followed by issuing disaster declarations for each State. *See* Notice, Administrative Declarations of Economic Injury Disasters for the Entire United States and U.S. Territories, 85 Fed. Reg. 19,052 (Apr. 3, 2020). These declarations enabled the Small Business Administration to exercise its *preexisting authority* (under the Stafford Act) to make or guarantee loans to small businesses that suffer a "substantial economic injury" caused by a disaster where the business is located. 15 U.S.C. § 636(b)(2)(A), (C). These loans were called "economic injury disaster loans," or EIDLs. *See* 13 C.F.R. §§ 123.300-123.304.

### 2. The CARES Act & PPP Loans

On March 27, 2020, Congress passed, and the former president signed, the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, in response to the COVID-19 pandemic. *See* CARES Act, Pub. L. No. 116-136, 134 Stat. 281 (2020). Among many other things, the CARES Act created the Paycheck Protection Program ("PPP"), which authorized potentially forgivable loans to small businesses to help cover certain expenses, such as payroll, mortgage and rent payments, utilities, and other operating costs. *Id.* § 1102 (codified at 15 U.S.C. § 636(a)(36)-(37) (2020)). PPP Loans did not exist before the enactment of the CARES Act, the legislation that created them. They were not created nor authorized by the executive emergency/disaster declarations referred to in 18 U.S.C. § 1040 or the Stafford Act. A presidential declaration has no effect on their existence. The period of availability of PPP Loans was set by legislation. *See* CARES Act, § 1102(a)(2).

### 3. USSG § 2B1.1(b)(12) & 18 U.S.C. § 1040

Twelve years before the COVID-19 pandemic and passage of the CARES Act, a different piece of legislation was enacted in the wake of Hurricane Katrina. On January 7, 2008, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007 was signed into law. *See* Pub. L. No. 110-179, 121 Stat. 2556 (2008). This legislation created 18 U.S.C. § 1040 and added to two other sections (1341 and 1343) language that increased the maximum penalties for fraud involving benefits connected to disaster/emergency declarations under the Stafford Act. *Id.* at §§ 2-4. The amendments to 18 U.S.C. §§ 1341 and 1343 provide for a 30-year maximum prison sentence if the wire fraud involved benefits connected to disaster/emergency declarations under the Stafford Act. *Id.* at § 3; 18 U.S.C. § 1343. Most other violations of section 1343 carry a 20-year maximum. 18 U.S.C. § 1343.

This legislation is also how the adjustment in USSG § 2B1.1(b)(12) came into existence. To complement the above statutory changes, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007 also directed the Sentencing Commission to:

> [P]romulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for

> persons *convicted of* fraud or theft offenses in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191).

Pub. L. No. 110-179, 121 Stat. 2556 (2008) at § 5(a)(1) (emphasis added). The Commission was to do this "not later than the 30 days after the date of enactment." *Id.* at 5(c). On January 8, 2008, the Sentencing Commission adopted an emergency amendment to USSG § 2B1.1 containing the two-level enhancement. *See* USSG Supp. to App. C, Amend. 714 (February 6, 2008). A final version was adopted nine months later. *See id.* Amend. 719 (November 1, 2008).

### C. <u>Argument: The Enhancement in USSG § 2B1.1(b)(12) Does Not Apply to PPP Loan Fraud Cases</u>

#### 1. <u>The enhancement is meant to apply to those charged with or convicted of fraud in connection with a presidentially declared emergency.</u>

As explained above, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007 is responsible for the creation of the guideline enhancement and three changes to criminal statutes (the introduction of 18 U.S.C. § 1040 and amendment of § 1341 and § 1343). The Act's directive to the Sentencing Commission stated that the guidelines should be amended to provide for increased penalties for defendants "convicted of" offenses in connection with an emergency or disaster declaration under the Stafford Act. Therefore, it appears that Congress intended for the guidelines enhancement to apply in cases involving the new crimes that they created.[1]

Mr. Daragjati was not charged with or convicted of violations of the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007. While he was charged in this case with multiple counts under 18 U.S.C. § 1343 and, pursuant to the Plea Agreement, pled guilty to two of these counts (Counts I and XIII), he was not charged under the enhanced (30-year) maximum penalty provision in section 1343. Both parties agreed since the beginning of this case that the maximum penalty for Mr. Daragjati on each of these counts is 20 years in prison. (Doc. 26 at (A)(2)). Further, the Indictment does not charge Mr. Daragjati with violations of section 1343 in relation to declarations under the Stafford Act, nor does it charge him with violating § 1040. (Doc. 1). The Plea Agreement confirms this when listing the "Elements of the Offense(s)." (Doc. 26 at

[1] "The bill also directs the Sentencing Commission to revise its sentencing guidelines for fraud or theft in connection with a major disaster emergency declaration *in light of the new statutory changes*." 153 CONG. REC. H16864-03 (daily ed. Dec. 19, 2007) (statement of Rep. Conyers).

(A)(4)).

**2. Congress's motivation in passing the CARES Act does not render the benefits it created "in connection with" presidential declarations under the Stafford Act**

While Congress may have been motivated to pass the CARES Act for the same reasons that led the former president to declare a national emergency under the Stafford Act, that does not make the CARES Act an executive action falling under the Stafford Act. It does not matter that both the legislation and executive action were "a response to the pandemic's widespread adverse economic impact." This is an uncomplicated separation of powers issue. Congress could have passed (and the president could have signed into law) the CARES Act regardless of whether a national emergency was declared. Likewise, the former president could have declared a national emergency regardless of what legislation was pending in Congress. Conversely, and most importantly, PPP loans were not authorized and paid because the President issued an emergency declaration under the Stafford Act; PPP loans existed only because Congress passed separate legislation authorizing them.

If Congress intended for enhanced penalties to apply to PPP Loan fraud, it could have directed the Sentencing Commission to do so in the

CARES Act. As demonstrated by the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007, Congress is clearly capable of amending criminal statutes and directing the Sentencing Commission to create new enhancements. Further, if the Congress in 2007/2008 intended for the adjustment in section 2B1.1(b)(12) to apply to fraud related to benefits created by "future" legislation "inspired by" a national emergency that "also happens to be" the subject of an executive declaration under the Stafford Act, it could have done so.

Reading the enhancement as it is written is not, as suggested by Probation, the imposition of a "heightened requirement." It applies to the conduct described in section 1040, and that conduct is clearly about benefits that are provided because of an executive action under the Stafford Act. Granted, it is arguably within the *spirit of* the statute and the enhancement for the enhancement to apply to fraud in connection with PPP Loans. But as tempting as that may be, the plain text of the law must be looked at when deciding to apply an enhancement.

Probation's reliance on the Supreme Court's 5-4 decision in *Mont v. United States*, 139 S. Ct. 1826 (2019), is misplaced. That case involved a different issue entirely and, most importantly, the opinion specifically denies providing a full definition for the phrase "in connection with." In pertinent part, the Court wrote:

> We hold that pretrial detention later credited as time served for a new conviction is "imprison[ment] in connection with a conviction" and thus tolls the supervised-release term under § 3624(e). . . .
> The Court has often recognized that "in connection with" can bear a "broad interpretation." . . . . Here, however, *we need not consider the outer bounds of the term "in connection with,"* as pretrial incarceration is *directly tied* to the conviction when it is credited toward the new sentence.

*Mont*, 139 S. Ct. at 1832 (emphases added). Thus, the Court made it clear that its ruling was based on the *direct* relationship between a sentence of imprisonment and the awarded credit time served.

**3. <u>The alleged practice of other courts and the other provisions of 18 U.S.C. § 1040 have nothing to do with the applicability of the enhancement.</u>**

No information is provided by Probation about which courts are "repeatedly" applying the enhancement and whether the defense attorneys in those cases objected. There is also no evidence provided showing that the enhancement has been applied "consistently" across the judiciary in PPP loan cases. The question is whether applying the enhancement is appropriate, and not whether other courts applied the enhancement.

Undersigned counsel was able to find one appellate case addressing this issue. In an unpublished opinion, the Fourth Circuit Court of Appeals noted its approval of the sentencing court's decision to apply the enhancement in USSG § 2B1.1(b)(12) to the defendants' fraud in relation to EIDLs and to *not* apply the enhancement to the defendant's fraud in relation to PPP Loans. *See United States v. Redfern*, No. 22-4196, 2023 WL 2823064 (4th Cir. Apr. 7, 2023) (unpublished). The court wrote the following:

> As many will recall, in March of 2020, the [former president] issued a Stafford Act emergency declaration in response to COVID-19. So the question, as the district court explained, was whether loans under the PPP and EIDL program were "authorized" or "paid" "in connection with" that declaration. After undertaking a detailed canvass of the legislative origins and regulatory features of the two programs, the district court concluded that EIDL benefits (*though not PPP benefits*) were authorized "in connection with" a Stafford Act declaration, and accordingly applied the enhancement.
>
> Although we have no reason to doubt the district court's analysis, we also have no need to pass on it here.

*Id.* at 3–4 (emphasis added) (internal citations omitted). The lower court's reasoning in the *Redfern* case was sound and correct.[2]

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[2] *See also* the United States Sentencing Memorandum in *United States v. Sanchez*, W.D. Oklahoma Case No. 2022-CR-232-HE, 2023 WL 9378191 (May 18, 2023) ("The United States agrees this enhancement does not apply when calculating Sanchez's advisory guideline range because, although the COVID-19 pandemic was declared a major disaster, the funding for the [Economic

Probation's additional arguments based on the other language in 18 U.S.C. § 1040 are not legally sound. The section defines "benefit" as "any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, a State or local government, or other entity." § 1040(c). However, it prohibits fraud in relation to "any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with . . . an emergency declaration [under the Stafford Act]." § 1040(a)(2). So, any benefits must follow from executive actions under the Stafford Act. As it turns out, the Stafford Act "was enacted to provide federal assistance to victims of disasters by giving money to the states which then distribute it." 14 A.L.R. Fed. 2d 173 (2006). Local governments also distribute funds and private entities are often contracted to deliver relief services.

Finally, the jurisdictional provisions in the statute are exactly that; the subsection describes situations where fraudulent benefits received pursuant to the Stafford Act are subject to federal jurisdiction. The first is where the benefit is "in or affects interstate or foreign commerce." 18 U.S.C. § 1040(b)(1). The second is where the benefit is "transported in

Impact Payments] came from legislation other than the Stafford Act.")

the mail at any point." § 1040(b)(2). The third is where the benefit is directly from the federal government. § 1040(b)(3). These provisions do not take away the requirement that benefits are connected to Stafford Act declarations.

## II. Determination of an Appropriate Sentence

If this Court were to find that USSG § 2B1.1(b)(12) is inapplicable to Mr. Daragjati's case, that would place him at a Total Offense Level of 14 for the counts computed under the guidelines. At CHC I, his guideline range would be 15 to 21 months. For the counts carrying a consecutive mandatory minimum, this Court must sentence Mr. Daragjati to at least 24 months. Mr. Daragjati is requesting a within-the-guidelines sentence of 39 months in prison (15 + 24 = 39), to be followed by 36 months of supervised release. This sentence would be sufficient to meet the statutory goals of sentencing. It punishes Mr. Daragjati for his criminal acts, while also providing him a decent chance to work on improving himself and return to being a good father to his children. It reflects the nature and circumstances of the offense, while also considering the history and characteristics of Mr. Daragjati.

### A. History and Characteristics of Mr. Daragjati

Christopher Leo Daragjati was born in Jacksonville. His father, an old-school Albanian immigrant, ruled the family with an iron fist. He grew up witnessing domestic violence and suffered frequent physical and verbal abuse from his father. He also reports being abused by his grandfather at 8 years old.[3] Reaching out for help or protection was unthinkable in their culture. Mr. Daragjati also grew up witnessing his father and uncles commit insurance fraud via arson and staged motor vehicle accidents.

When Mr. Daragjati was ten, his mother divorced his father and moved with her son to the Canton, Ohio, area. Unfortunately, there she married a man who was an abusive alcoholic. Mr. Daragjati suffered more physical abuse at the hands of his stepfather and witnessed domestic violence against his mother. The family lived in poverty and was frequently homeless. Mr. Daragjati reports that it was during this period he first used alcohol by stealing his stepfather's whiskey. During this time, he stopped going to school.

[3] Details of this and other incidents appear in the Sealed Exhibit filed along with this Memorandum.

His mother eventually was able to escape the relationship and she and Mr. Daragjati, then 14, moved to Virginia Beach, where several of his adult siblings lived. Mr. Daragjati recalls that his sister, Tammy Mayhew, essentially raised him in Virginia. She is ten years older than him and remains his closest relative.[4] Nevertheless, he struggled in Virginia, only sporadically attending school.[5] Around this time, he began a daily alcohol and marijuana habit.

Mr. Daragjati was adrift in Virginia until, at the age of 17, he met the love of his life, Suesan. She was six years older and already had a two-year-old son, but they quickly fell in love and married three years later. For the first time in his life, Mr. Daragjati felt he had someone who cared for and loved him unconditionally. Suesan Daragjati was a nuclear technician in the United States Navy. She provided Mr. Daragjati a stability he had never known. He raised her son as his own. They later had two children of their own, a son and a daughter. He primarily raised them while his wife worked as the main breadwinner for the family. He would work odd jobs to contribute financially.

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[4] Letters from Ms. Mayhew, as well as Mr. Daragjati's brother and stepson are attached as Exhibits.
[5] Records were requested from Virginia Beach City Schools, but the district no longer had his records.

Unfortunately, after her third pregnancy, Suesan Daragjati developed kidney issues and ultimately suffered from renal failure. The family relocated back to the Jacksonville area so Mr. Daragjati's sister could help him care for Suesan. As neither of them came from money, without her Navy income, they really struggled financially. Mr. Daragjati continued to work whatever jobs he could find in the construction industry that would afford him the flexibility of caring for his wife and children.

Tragically, after nine years together and six years of marriage, Suesan Daragjati succumbed to renal failure on March 27, 2015. She was just 33 years old. Mr. Daragjati, at the time only 26 years old, found himself a widower and single father of three children. To say that Mr. Daragjati was devastated by his wife's death would be a gross understatement. His North Star gone, he was crushed and continues to deal with overwhelming grief to this day. He was recently diagnosed by Dr. Williams with complicated grief, also known as persistent complex bereavement disorder. Complicated grief extends well beyond ordinary grief, can disrupt daily life, impair decision making and impulse control, and render sufferers often irrational and unable to move past the initial state of intense mourning. It helps explain, but not excuse, why someone could embark on such an ambitious fraud.

At one point after his wife's death, Mr. Daragjati texted his family to "say goodbye" and set out to drive his car into a lake in order to drown himself. His sister was able to intercept him, and he was Baker Acted. He was diagnosed with major depressive disorder, was initially found incompetent to consent to treatment, and eventually prescribed Celexa and daily psychotherapy sessions.[6] A few years later, Mr. Daragjati's children were returned to him, and he moved to Middleburg to be closer to his sister and her family.

Since his arrest in this case in November 2022, his children have been staying with his sister, Ms. Mayhew, and her husband. They have regular calls and video visits with Mr. Daragjati. As his stepson Fabian Vauthrin, now 19, describes in his letter, despite Mr. Daragjati's mental health and financial issues, "my dad has always been there for my brother, my sister, and myself." He comments that, even though Mr. Daragjati "is technically my stepdad, to me he is much more than that, to me he is like a real father, a best friend, and much more."

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[6] Mental health records from Orange Park Medical Center were filed as a Sealed Exhibit.

### B. Nature and Circumstances of the Offense

There is no denying the fact that Mr. Daragjati committed a variety of fraudulent acts over a period of several years. He fraudulently obtained PPP Loans, filed fraudulent tax returns, pawned stolen goods, committed identity theft, and passed fraudulent checks. His victims include not only the government, but also various businesses and individuals. He understands that it is this Court's prerogative to punish him and that he will be sent to prison for some time. He only asks that his sentence not deprive his children of their father for longer than is necessary and that it includes opportunities for rehabilitation and redemption.

Mr. Daragjati has been incarcerated now for about 16 months.[7] While this time away from his family has not been easy, Mr. Daragjati comments that his arrest and subsequent detention have been a blessing in disguise. He has had ample time to reflect on his actions and examine *how* and *why* he ended up here. To be certain, he does not offer any excuses for his behavior. But he now recognizes how his failure to

[7] Mr. Daragjati was in the Clay County Jail from November 16, 2022 until his arrest on the federal charges on March 28, 2023. Since March 2023, he has been housed at the Nassau County Jail.

properly address his grief following his wife's death led to a cycle of self-medicating behaviors that only worsened his mental health issues. It was not until a few days after his arrest that he understood the reliance he had on alcohol and cannabis, and the clouded judgment that resulted.

Mr. Daragjati quickly accepted responsibility for his behavior in this case. There was never any plan to contest the charges or take the case to trial. He entered his pleas of guilty less than four months after this case opened. He is deeply remorseful for his actions and wants to become a better person. Within a few weeks of arriving at the Nassau County Jail, he enrolled in GED prep courses to better himself. Additionally, the Nassau County Jail reports that he has no disciplinary reports during his eleven months there. He is eager to participate in mental health counseling. Mr. Daragjati is hoping to complete his GED and enroll in a vocational welding program while at the Bureau of Prisons.

He respectfully requests that this Court to sentence him to 15 months in the BOP on Counts I, XI, and XIII, followed by 24 months in the BOP on Counts IV and XII, followed by 36 months of supervised release, with conditions requiring restitution, mental health treatment, and substance abuse treatment.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 13thth day of March 2024, a true copy of the foregoing was served by electronic notification to the United States Attorney's Office, Assistant United States Attorney Kevin Frein, Esq.

*/s/ Scott Schmidt*
Scott T. Schmidt, Esq.
Assistant Federal Defender