

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

UNITED STATES OF AMERICA

v.

Case No. 3:22-CR-134-HLA-MCR

DESMOND DONDRE WILLIAMS

SENTENCING MEMORANDUM

The Defendant, **DESMOND WILLIAMS**, by and through the undersigned counsel, moves this Court impose a non-incarceration sentence, with monthly restitution schedule as part of the conditions of probation.¹

NATURE AND CIRCUMSTANCES OF OFFENSE

Just over three years ago, the world turned upside down. Like 9/11 will always be a historical turning point in American history, so too will the COVID-19 global pandemic. In response to the business shutdowns, the government implemented the Paycheck Protection Program (“PPP”), a loan backed by the Small Business Administration to help businesses keep their workforce employed during the COVID-19 crisis. Although entitled a loan, the plan envisioned forgiveness if the proceeds were spent on payroll costs and other eligible expenses.

When the Paycheck Protection Program launched during the pandemic

¹ Mr. Williams’s letter to the Court is attached as Exhibit A.

shutdowns of spring 2020, it immediately became a chaotic free-for-all.² The program offered simple-to-get, potentially forgivable government loans to small businesses. Yet billions of dollars went to companies owned by wealthy celebrities, including Tom Brady and Khloe Kardashian, and companies that thrived during COVID, like many manufacturing and construction firms. *Id.*

Government officials acknowledge that the program was rife with fraud and did not weed out undeserving applicants. In the frenzied early days of COVID, as PPP was created in great haste to keep businesses from potentially collapsing, the loans were simple to get: Companies simply had to pledge that the economic threat of the pandemic made the funding necessary. *Id.*

Many people soon created false business documents to submit as the basis for a PPP loan. Mr. Williams saw others doing so and made the fateful decision that led him to be in this courtroom. He gave his identifying information to a woman he knew. She helped create the necessary forms for the loan. The plan was that Mr. Williams would receive the loans and then pay her part of the proceeds. The two loan applications occurred only three days apart.

HISTORY AND CHARACTERISTICS OF MR. WILLIAMS

Mr. Williams is a likable affable young man who wants to be a leader in

² How the Paycheck Protection Program went from Good intentions to a huge free-for all,” NPR, January 9, 2023, by Sacha Pfeiffer and Austin Fast, <https://health.wusf.usf.edu/2023-01-09/how-the-paycheck-protection-program-went-from-good-intentions-to-a-huge-free-for-all>, last accessed July 11, 2023.

the community. The Court can see from the letters of support that he does not just talk the talk but he walks the walk: “involvement in community initiatives that focus on the youth,” “a strong sense of duty,” “astounding person” and “love of community,” and “heart of gold.”³

Mr. Williams’s accomplishments come in spite of the fact that he could have easily become a lost soul or a statistic in the worst way. His biological mother suffered from serious substance abuse issues and his biological father was largely absent from his life. He was adopted by other family members who gave him a sense of love and security that has carried him forward. He is imparting to his own children the same sense of love and security.

**ADVISORY SENTENCING GUIDELINES RANGE
AND KINDS OF SENTENCES AVAILABLE**

The PSR has calculated the offense level as:

base offense level	7
loss (\$15,000 to \$40,000)	4
acceptance of responsibility	-2
Total Offense Level	9

Mr. Williams would suggest that the Court consider whether the PSR overstates his criminal history. Mr. Williams received three criminal history points: the first two were due to marijuana cases from 2011. Since he received

³ See Exhibit B, attached letters of support for full letters.

probationary sentences in both of those cases, they came very near to being aged out of the criminal history scoring. The misdemeanor conviction in paragraph 29 was merely days from being too old to include in the criminal history calculation: the sentence occurred 9 years, 11 months, 9 days before the instant offense conduct.

Even with criminal history category II, Mr. Williams's advisory sentencing range (6 to 12 months) falls within Zone B of the sentencing table, which provides the court with additional, non-incarceration options for this sentencing. Under 18 U.S.C. §3582, the court is directed that "in determining *whether* to impose a term of imprisonment, and, if a term of imprisonment is to be imposed, the length of the term" it shall "consider the factors set forth in section 3553(a) to the extent that they are applicable, recognizing that imprisonment is not an appropriate means of promoting correction or rehabilitation." Mr. Williams would suggest that a review of the §3553 factors supports his request for a probationary sentence.

CONCLUSION

Mr. Williams asks the Court for the chance to prove himself worthy of mercy and a chance to continue growing from his mistakes. Mr. Williams has been on bond since October 18, 2022, and has been on community control (strict probation) in state court during that same period. He has done so well on his community control that the probation officer in state court agreed to a

modification to simple probation. During his entire time of pre-trial supervision, Mr. Williams has maintained a stable residence, steady employment, and has reported in as directed by Pre-trial Services. He has also completed all necessary drug tests with no positive results. Williams is attending substance abuse programming at Meridian in Lake City, Florida, and has found the counseling to be beneficial. (PSR, ¶52). If the Court looks to his pattern of conduct while on bond, it will be assured of both his ability and willingness to follow the Court's directions.

Dated: July 11, 2023.

A. FITZGERALD HALL

FEDERAL DEFENDER, MDFL

/s/ Lisa Call

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing *Sentencing Memorandum*, has been furnished by electronic notification to, Assistant United States Attorney, 300 N. Hogan St, Suite 700 Jacksonville, Florida 32202, this 21st day of March, 2023.

/s/ Lisa Call

Lisa Call, Esq.

Assistant Federal Defender