UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. 24 CR 424-1
-v-	)	
	)	Honorable Jeremy C. Daniel
FRANCESCO DISTEFANO,	)	
	)	
Defendant.	)	

FRANCESCO DISTEFANO'S OBJECTIONS TO THE PSR, SENTENCING SUBMISSION AND REQUEST FOR A BELOW GUIDELINES SENTENCE

Dated: February 24, 2026

FISHER LEVINE LAW GROUP, LLP
By: /s/Robert A. Fisher
Robert A. Fisher
20 South Clark St, Suite 700
Chicago, Illinois 60603
raf@fisherlevinelaw.com

LAW OFFICES OF JACQUELINE JACOBSON
By: /s/Jacqueline S. Jacobson
Jacqueline S. Jacobson
53 West Jackson, Suite 1332
Chicago, Illinois 60603
jackie.jacobson@jjdefense.com

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes & Sentencing Guidelines

Other Authorities

Francesco DiStefano through his attorneys Robert Fisher and Jacqueline Jacobson submits his Objections to the Presentence Investigation Report (PSR) and his Sentencing Memorandum. Francesco requests a below guidelines sentence of 48 months' incarceration, followed by a three year term of supervised release.

Francesco Distefano is 29 years old. As a child he dreamt about being successful and admired. Perhaps this was a reaction to the financial instability and disruption in his family caused by his father's long term unemployment, and his grandmother's death. Perhaps it was a way to deal with loneliness, persistent self-doubt, and relentless bullying. Whatever the catalyst, Francesco was on the way to realizing his dream before he even graduated from high school. During his sophomore year, he created a company as part of a school project. When he was 19 years old, he named the company DiStefano Enterprises. The company became so successful that Francesco postponed attending college to run it.

Unfortunately, Francesco suffered from long term and untreated mental health issues that would begin to rear its ugly head in Francesco's early twenties. Poor decision making, compulsive lying, and the belief that his self-worth was contingent on pleasing others contributed to a pattern of self-destructive behavior, culminating in his guilty plea.

Francesco accepts full responsibility for his conduct, makes no excuses for it, and understands the serious harm he has caused. He asks only that the Court temper punishment with mercy, as is permitted under 18 U.S.C. §3553, and give him a second chance to continue to make amends for his conduct and rehabilitate himself.

Francesco has already begun this long journey. As the attached letters reveal, Francesco has demonstrated sincere remorse and confronted the decision making that contributed to his criminal conduct. Francesco has completed over 50 classes while in pre-sentencing custody. He is also a general education development (GED) teacher for other inmates and so far, he has helped at least six inmates obtain a GED. Focusing on rehabilitation and helping others has been immensely gratifying to Francesco. He feels a new sense of self-worth that is not based on being a "bigshot" or people pleasing. Instead, Francesco has tapped into his positive character traits that have been obscured by his criminal conduct.

A below guidelines sentence of 48 months' incarceration followed by three years of supervised release promotes respect for the law in it that balances the aggravating and mitigating factors in this case. It sufficiently reflects the seriousness of the offense while recognizing Francesco's mental health history. It is supported by Francesco's positive character traits, his cooperation, and his post-offense rehabilitation. It provides Francesco with hope and a second chance which positively impacts on his continued rehabilitation and his role as productive and law abiding member of society.

I. INTRODUCTION

Francesco DiStefano pled guilty to one count of wire fraud, and to relevant conduct, primarily involving loan fraud during the Covid 19 Pandemic. The total intended loss caused by fraudulent conduct is $6,827,596, and the actual loss is $3,368.900. Francesco personally received approximately $1.3 million in total fraud proceeds. The government seized over $1.1 million dollars of assets, including

$677,932 from Francesco's bank account and 4 cars, which will go towards actual loss (restitution).[1] Francesco and co-defendant Sargis Urumieh are jointly liable for restitution in the amount of $2,973.444 for the Encore bank loans. Of that amount, Francesco personally received $1,143,930. The government did not seize any remaining funds, cars, or properties from Urumieh, and Urumieh has retained appointed counsel, suggesting that he decimated all the fraud proceeds he received. As such, the funds seized from Francesco's bank account and the sale of the cars will be the only credits towards the joint and several restitution amount.

The plea agreement calculated a total offense level of 26, yielding an advisory guideline range of 63-78 months' imprisonment. Probation calculated an offense level of 31, yielding a higher advisory guideline range of 108-135 months imprisonment. Using this range, Probation recommends a sentence of 84 months' incarceration.

Francesco objects to the increased range, and probation's recommended sentence. A sentence of 84 months' incarceration range is far greater than necessary to achieve the purposes of sentencing. For the reasons detailed below, Francesco respectfully submits that a sentence of 48 months' incarceration, followed by a three year term of supervised release with substantial conditions is appropriate in this case and meets the ends of justice.

[1] The United State Marshall's service received total of about $270,855 after selling the four cars at auction and taking out costs.

II. CORRECTIONS AND OBJECTIONS TO THE PSR

A. Factual Concerns

At the time the PSR was drafted, Francesco had an outstanding bench warrant in DuPage County, Illinois, related to a case dismissed in October 2025. PSR ¶60. That warrant his since been quashed and recalled. Ex. 1. Both PSR ¶60 and the cover page of the PSR should be corrected to reflect that there are no outstanding detainers or warrants against Francesco.

The PSR mentions that the case agent "suspects" that Francesco continues to earn dividends from prior unlawful activities. PSR ¶35. In a later paragraph, the PSR says the case agent reported that some of these dividends "are likely" from merchant accounts obtained without the customer's knowledge. PSR ¶57. The PSR also indicates that Francesco told Probation that he continues to receive between $5000 and $7000 monthly in residual income. PSR ¶109. Francesco's bank statements reflect that residuals received in December 2025 were $343.99, and in January 29, 2006, were $12.59. Ex. 2. Whether these residuals were earned lawfully or unlawfully is not contained in the record. The PSR should only reflect that Francesco received residuals in the verified amounts above.

The PSR repeatedly mentions "allegations" that Francesco threatened another individual while on bond, and that the Court revoked his bond as a result. PSR ¶¶ 13, 35, 56, 89. This is incorrect. The Court found that there was no probable cause based on the record to support the threat allegations and instead revoked Francesco's bond for unreported employment while on pre-trial release. Revocation Tr. 26: 16-18, 28: 8-6. The PSR relied on the same record. The Government's Version does not expand the record or even mention the alleged threats.

Mentioning these unproven allegations of violence in the PSR serves no purpose other than to punish Francesco more severely. The Bureau of Prisons (BOP) uses Public Safety Factors (PSF) to increase an inmate's security point score. *See* BOP Program Statement 5100.08 at 6. Information contained in the PSR regarding violence can result in a PSF, or a higher security classification, even if that information did not result in formal conviction. *Id*. at 9. It can also limit Francesco's ability to participate in important BOP programs or placement in a halfway house upon his release from prison.

Similarly, the PSR calls into question whether Francesco engaged in non-consensual sex in 2022 with his then girlfriend. PSR ¶52. This allegation should be removed from the PSR because it is unproven and could trigger a Sex Offender PSF even though Francesco has never been classified as a sex offender. In 2022, Francesco, then 26, pled guilty to nonconsensual dissemination of a sex image in the Circuit Court of Cook County. PSR ¶52. Francesco admitted to disseminating private sexual images of a sexual encounter between himself and his then girlfriend during a vacation in Las Vegas. Francesco received 18 months' probation, which was terminated satisfactorily. The offense is not considered a sexual offense in Illinois. Francesco was not subject to sex offender probation, sex offender registration, a sex offender evaluation, or sex offender treatment. If Francesco is assessed a Sex Offender PSF based on the unproven allegations contained in the PSR, he will be ineligible for camp placement and other important BOP programs. BOP Program Statement 5100.08.

B. Guideline Calculations

Francesco objects to the role enhancement and no reduction for acceptance of responsibility, which was not contemplated by the parties. The correct guideline calculation is set forth in the written plea agreement. Francesco does not dispute the use of intended loss for purposes of calculating the advisory guideline range. However, we do note that use of intended loss in this case results in two additional points and a higher offense level, and in some districts only actual loss is considered.[2] *See United States v. Banks*, 55 F.4th. 246, 258 (3rd. Cir. 2022). In December 2025, the United States Sentencing Commission proposed an amendment to §2B1.1's economic loss table to adjust for inflation, which would result in a two point decrease to Francesco's sentence if he were sentenced after November 2026. Proposed Amendment to §2B1.1, 90 Fed Reg 59660 (December 19, 2025).

1. The Role in Offense Enhancement is not Supported by the Plea Agreement, the Government's Version, or The Evidence

Probation incorrectly concludes that Francesco had a leadership role in the offense and assigns him two points under §3B1.1(c). The plea agreement and the government's version do not contain a role enhancement or facts in support of it. In support of the enhancement, Probation says that Francesco brought the idea of the fraud to Urumieh's attention, that he assisted Urumieh in preparing the fraudulent loan documentation, and that he had "more sophisticated financial knowledge." PSR

[2] If actual loss were used, Francesco's total offense level would be 24 and his advisory guidelines range would be 51 to 63 months' imprisonment.

¶ 41. None of this is part of the government's version of the offense, or the co-defendant's plea agreements, and Probation relies on the case agent's statements. The enhancement should not be applied.

To qualify for an adjustment under §3B1.1, a defendant "must have been the organizer, leader, manager, or supervisor, of one or more of the participants." U.S.S.G. App. §3B1.1 cmt. n. 2. There is no evidence that Francesco had any control over Urumieh. Urumieh is over three decades older than Francesco. Francesco was just 22 years old when he met Urumieh. Urumieh was already engaged in criminal activities with a sophisticated business partner, who he introduced to DiStefano. Urumieh and DiStefano assisted this individual in various frauds.

Probation claims that Francesco brought the fraud scheme to Urumieh. But, as discussed above, Urumieh was no stranger to criminal activity when he met Francesco two years before the loan fraud. Moreover, in his plea agreement, Urumieh admitted that he was already familiar with the Covid loan programs when he "discussed obtaining pandemic" loans with Francesco. There is no evidence that Francesco recruited Urumieh into the scheme. (Dkt. No. 107). Even if Francesco suggested the fraud to Urumieh, the adjustment is inapplicable to defendants "who merely suggest committing the offense." U.S.S.G. §3B1.1, cmt. n.4.

The fact that Francesco prepared much of the fraudulent documentation also does support the enhancement or make him more financially sophisticated than Urumieh. Francesco was a 22 year kid with no college degree when he met Urumieh. Urumieh was decades older and the Chief Executive Officer and Chief Financial

Officer of West Coast POS Inc. PSR ¶17. Francesco did the grunt work for Urumieh, who promised to buy Francesco a Mercedes G-Wagon if the loans were forgiven. Urumieh was on board from the beginning and Francesco kept him in the loop through text messages. (Dkt. No. 107). Urumieh knew the information was false, and he "assented" to its use in the applications. *Id*. Urumieh also knowingly submitted false loan applications to the Bank and provided false information to a payroll processing company to facilitate the false loan proceeds to Urumieh, his family members, and acquaintances. *Id*. Both Francesco and Urumieh each derived more than $1 million in proceeds from Encore Bank and used them for their own personal benefit.

2. Francesco Should Receive the Acceptance of Responsibility Reduction

Francesco's obstructive conduct occurred in May 2022 in connection with a petition seeking return of the seized funds and cars. Francesco falsely stated in the application that seized funds were lawfully earned and submitted false invoices in support. But Francesco later admitted the obstruction conduct in his proffers. He then agreed to the two-point enhancement under §3C1.1 for obstruction of justice, to the forfeiture of the cars, a personal judgment in the amount of $1,049,595, and to the immediate entry of preliminary forfeiture orders. Francesco also withdrew any previous claims in the related civil forfeiture action, waived any appeals related to the forfeiture, and agreed not to assist any third party's challenge or review of the forfeiture. As such, the government agreed to a reduction for acceptance of responsibility in the plea agreement and the government's version despite the enhancement.

Probation wants to revoke these two points based on the obstruction under U.S.S.G. §3C1.1, cmt. nt. 4. PSR ¶ 45. Application Note 4 states that conduct resulting in an obstruction enhancement ordinarily indicates that the defendant did not accept responsibility for his criminal conduct, except for certain “extraordinary circumstances.” Probation does not believe there are any extraordinary circumstances present here. *Id.* We disagree.

Application Note 4 indicates that one such “extraordinary circumstance” is when a defendant obstructed justice at an earlier point, but then later came clean. *United States v. Lallemand*, 989 F.2d 936, 938 (7th Cir.1993) (explaining that a defendant can obstruct or attempt to obstruct justice at time “t” and later accept responsibility at time “t + 1”); *United States v. Anderson*, 259 F.3d 853, 862 (7th Cir. 2001). This is precisely the case here. Francesco’s obstructive conduct occurred well before his acceptance of responsibility and cooperation. Francesco fully cooperated and took responsibility for both the offense conduct and his prior obstruction of justice. Consistent with his admissions, Francesco withdrew any civil claims and allowed the government to sell the cars quickly to protect the funds for forfeiture/restitution.

Probation suggests that Francesco’s additional conduct while on pretrial release is inconsistent with acceptance. PSR ¶45. But the Government did not seek to revoke defendant’s acceptance of responsibility reduction based on that conduct, instead choosing not to move for a downward departure under §5K1.1. Francesco’s ongoing and successful efforts at rehabilitation while in pre-trial custody at the Metropolitan Correctional Center (MCC) which came after this conduct, are consistent with accepting responsibility. So is his payment of losses to individuals involved in the conduct occurring after his release on bond.[3] In addition, as revealed in the attached letters discussed below, and his version, Francesco has expressed genuine remorse, shame, and a commitment to change. Thus, the Court should apply the reduction for acceptance of responsibility as contemplated by the parties.

III. CONDITIONS OF SUPERVISED RELEASE

The Defendant objects to Discretionary Condition No. 14, that he participate in a sex offender evaluation assessment. As observed by the Seventh Circuit in *United States v. Johnson*, 756 F.3d 532 (7th Cir. 2014), "there must be some nexus shown between the sexual misconduct and applicability of the Section 3553(a) factors for the current offense" Here, requiring a sex offender evaluation is not tied to the offense of conviction, relevant conduct, or even the state conviction. It is also not appropriate for his offense or his low security risk. Francesco successfully completed his probation on the state conviction. Francesco was not required to register as a sex offender, to obtain a sex offender evaluation, or to obtain sex offender treatment.

Francesco was already questioned in granular detail regarding his sexual history and practices during his presentence interview. ¶¶PSR 93-98. Probation does not use the information obtained during the interview in support of its request for a sex offender evaluation. And none of Francesco's answers reveal that he might pose a threat to the public. *Cf. United States v. Russell*, (holding that defendant's allocution that state battery offense was about sexually assaulting his minor stepdaughter and a

[3] The "attempted forgery" case in Du Page County was dismissed and the individual involved was paid back.

police report indicating the same contained sufficiently reliable information to support district court's special condition of supervised release requiring a sex-offender assessment); *United States v. Ross*, 475 F.3d 871 (7th. Cir. 2007) (justifying sex offender evaluation for defendant convicted of making false statements to the FBI because defendant fantasized about sexual crimes against children and told the FBI he participated in a child sex ring).

Francesco does not object to Special Condition 9, to participate in a mental health treatment program and take any medications prescribed by the mental health treatment provider. Given this, requiring the additional sex offender evaluation would not contribute to Francesco's rehabilitation or reduce the risk of re-offending. *United States v. Kappes*, 782 F.3d 828, 845 (7th Cir. 2015) (holding that special conditions of supervised release can only be imposed if they are based on accurate information and relate to factors identified in 18 U.S.C. §3553). It would only subject him to additional hardship and punishment as discussed above.

Francesco does not object to the mandatory conditions of supervised release. Based on Mandatory Condition (7), allowing for up to 104 periodic controlled substance tests while on supervised release, Francesco requests that the Court include in the judgment and conviction order a recommendation for his participation in RDAP (Residential Drug and Alcohol Drug Treatment Program). Francesco does not object to any of the other discretionary conditions of probation.

IV. SENTENCING MEMORANDUM

A consideration of the totality of the §3553(a) factors must be balanced to arrive at a just and merciful sentence that is "sufficient, but not greater than necessary" to achieve the purposes of sentencing. A district court enjoys broad discretion "to fashion an appropriate, individualized sentence" and in doing so, should use their discretion to impose a punishment that "fit[s] the offender and not merely the crime." *United States v. Warner*, 792 F.3d 847, 855 (7th Cir. 2015); *see also Pepper v. United States*, 562 U.S. 476 (2011). A guideline sentence is not presumptively reasonable, nor is a below-guideline sentence deemed unreasonable. *United States v. Hill*, 645 F.3d 900, 905 (7th Cir. 2011); *see also United States v. Jordan,* 435 F.3d 693, 698 (7th Cir. 2006). As the Supreme Court has made clear, no "extraordinary circumstances" are required to support a variance from the advisory Guidelines range or to justify a sentence of probation. *Gall v. United States*, 552 U.S. 38, 47 (2007). Rather, in all cases, the sentencing court "must make an individualized assessment based on the facts presented" to determine a sentence sufficient, but not greater than necessary. *Id.* at 50; *see also United States v. Young*, 590 F.3d 467, 474 (7th Cir. 2010). Here, a sentence of 48 months' incarceration, plus three years of supervised release imposing mental health treatment and work restrictions, would provide a sentence that is sufficient, but not greater than necessary, to satisfy the goals of §3553.

A. Francesco's History and Characteristics

The sentencing court must consider a defendant's "history and characteristics." 18 U.S.C. §3553(a)(1). Francesco does not dispute that there are many serious aggravating factors in this case. It would be easy to conclude that Francesco was motivated only by greed and disrespect for the law. But Francesco's conduct is only half the story. Under *United States v. Booker,* 540 U.S. 2020 (2005), the Court is also tasked with assessing the defendant's conduct in the context of his entire life. *See* U*nited States v. Adelson*, 441 F. Sup, 2d 506, 513-513 (S.D.N.Y. 2006) ("[i]f ever a man is to receive credit for the good he has done, and his immediate context assessed in the context of his overall life hitherto, it should be at the moment of his sentencing, when his very future hangs in the balance.")

1. A Difficult Childhood Marked by Family Instability, Loss, and Loneliness

The PSR, Francesco's Version, and the attached letters from Dr. J. Simone, Ex. 3, and Katarzyna Weresz, Ex. 4, provide a detailed report of Francesco's personal history. In summary, Francesco was born in March 1996 and is the only child of Sam and Connie DiStefano. Sam is 76 years old and Connie is 69. Francesco was raised in Addison, Illinois. He is not married and has no children.

When Francesco was in fifth grade, Sam lost his job and did not return to employment. Sam suffered from crippling depression and could be emotionally abusive and a harsh disciplinarian. Francesco's mother was the sole financial support of the family. While Francesco's basic needs were met, the extreme stress and tension in the household led to emotional neglect of Francesco at a young and critical age.

School had no respite for Francesco. He was relentlessly bullied from elementary school through high school. When he was in fourth or fifth grade, he often cried uncontrollably. The school responded by locking him in an empty room or having him sit in the principal's office. The school did not tell Francesco's parents about it.

When Connie found out, she put Francesco in a different elementary school, but he was bullied there too.

Francesco spent most of his time at home. He did not participate in sports or after school activities. Instead, even though Francesco was a young child, he took care of his depressed father and his disabled grandmother, who lived in the family home. Francesco did not mind because he was close with his grandmother. In fact, most of his social interactions were with adults, or older family members.

Francesco suffered a series of traumatic losses during his youth. Just before his eighth grade graduation, Francesco discovered his beloved grandmother was dead in the house when he went to see her before school. A few years later, Francesco's "favorite aunt" died unexpectedly during a routine medical procedure. Not long after that, Francesco's close uncle, Vince, had a stroke. Francesco visited Vince every day until he was removed from life support.

Francesco continued to be bullied in high school. He became close friends with his neighbor Alfredo Manzo, who protected him from the bullies. But he did not go out with girls, go to parties, or have fun. He was good with computers and spent most of his time at home tinkering with them. During his junior year economics class, the teacher asked the students to produce a business idea. This appealed to Francesco. After doing some research, he came up with idea for a company that provided point of sale (POS) software and hardware. In 2015, at age 19, Distefano Enterprises LLC was formed and incorporated in Montana.

The company earned about $11,000 that year and started doing other merchant services. By 2017, Francesco's earnings were six times that amount. He left college and devoted himself to running the business. He was still a loner. He primarily hung out with Manzo and some older guys and family members at Manzo's family pizzeria. Many of these individuals were older than Francesco and he later engaged in criminal conduct with them. In 2021, Francesco married a woman ten years older than him that Manzo introduced him to six months before. Francesco kept the marriage secret from his parents. The marriage only lasted a few months, but it caused a lot of friction between Francesco and his father.

2. The Offense Conduct and the Aftermath

Francesco first learned about the Paycheck Protection Program (PPP) in the beginning of the Pandemic lockdown, from Manzo, his best friend, who worked in tax services. As Francesco admitted in his plea agreement, beginning in March 2020, Francesco engaged in a scheme to obtain pandemic loans through fraudulent applications filed for DiStefano Enterprises. To create the applications, Francesco used numbers from other customers, and forms and headers he found through Google searches. Francesco obtained approximately $357,815 in fraudulent loan proceeds. Francesco tried but failed to receive additional fraud proceeds from second round loan applications to a lender. Thus, the intended loss from this scheme is approximately $441,736. As admitted in the plea agreement, Francesco also committed unemployment compensation fraud, personal mortgage fraud, and filed a false forfeiture petition.

At the same time as the DiStefano Enterprise loans, Francesco and Urumieh discussed obtaining fraudulent loans, on behalf of Urumieh's companies, West Coast POS, Inc, and National POS, Inc. Francesco met Urumieh two years earlier. They both worked in the POS industry. Urumieh lived in California. Francesco flew to California so Urumieh could introduce him to his business partner, a large restaurant owner. Francesco was about 22 years old at this time. At the restaurant owner's request, Francesco and Urumieh made changes to his POS software that allowed him to hide sales data and to receive inflated merchant fees. Urumieh also apparently laundered the restaurant owner's money for him through a fake hotel invoicing scheme.

With respect to the National and West Coast, the lenders paid a total of $2,973.444. Out of this, Francesco personally received about $1.1 million. Urumieh promised Francesco a Mercedes Benz G-Wagon if the loans were forgiven. The loans were not forgiven, and Francesco did not get the G-Wagon. However, Francesco did buy a Porsche 911 for Urumieh's benefit with some of his fraudulent loan proceeds. (Dkt. 107). Francesco also used some of the fraudulent loan proceeds to travel, to purchase cars, to pay off car loans, and to buy expensive gifts. In 2021, the government seized $677.932.25 in unspent proceeds from Francesco's bank account, along with four cars (about $950,000 in total after the sale of the cars at auction).

Urumieh used some of his proceeds to purchase a house in Glendale, California. Francesco and Manzo assisted Urumieh in submitting fraudulent applications to banks to purchase this property. Francesco introduced Manzo to

Urumieh. Urumieh used Manzo to file taxes and bookkeeping services, and sent other clients to him, including family members. Urumieh apparently sold this property in August 2025 for about $2.7 million. The government did not seize or forfeit any of the proceeds Urumieh received.

Francesco was arrested on September 11, 2024, and held at the Jerome Combs Detention Center in Kankakee, Illinois. Confined for months without outdoor time or sunlight, Francesco describes this period of detention as "especially nightmarish." He suffered from increased depression, panic attacks, and anxiety, and was prescribed Zoloft, and later Wellbutrin. PSR ¶84. After 226 days, Francesco was released on bond on April 24, 2025. Francesco participated in virtual therapy sessions while on bond, but he did not continue taking psychiatric medications. PSR ¶86. Francesco also acted as the primary home caregiver for his elderly father Sam. Sam suffers from multiple medical problems. Ex. 5. Bhupinder K. Chhabra, Md. Letter. In addition to diabetes, depression, and hypertension, Sam has serious complications from two major strokes leaving him unable to complete daily tasks, or to be home alone safely for long periods of time.

Francesco violated his bond, because he obtained unapproved employment, and was recommitted to custody at the MCC on July 23, 2025. By his sentencing date, Francesco will have spent 457 days in custody. Francesco has been an exemplary inmate at the MCC. He has not been cited for any disciplinary incidents. PSR ¶14. He has taken over fifty classes geared towards rehabilitation, including anger management, cognitive skills, and criminal thinking programs. Id. at ¶86. He also volunteers as a tutor to other inmates to help them prepare for and obtain GEDs. Francesco currently takes sertraline for his anxiety/depression. *Id*. He tried to obtain psychology programming but was turned down because as a non-designated inmate, he is not eligible. *Id*. Francesco hopes to return to therapy and his caregiving role for his father, whose condition will only get worse. Francesco would like to return to the workforce so that he can make restitution payments and be a law abiding and contributing member of the community and his family.

3. Untreated Mental Health Issues

Given the breadth of Francesco's conduct, his self-destructive behavior, and age at the time of the offense (24), defense counsel obtained a psychological evaluation of Distefano. Ex. 3. (Dr. J. Simone Report). Defense counsel also received a letter from Katarzyna Weresz, who began treating Francesco in April 2024. Ex. 4. DiStefano's mental health history does not excuse his conduct. But it does provide the Court with meaningful context to consider in determining Francesco's punishment. Both Dr. Simone and Weresz believe that Francesco's untreated psychological conditions, poor coping mechanisms, and developmental deficits, directly contributed to Francesco's criminal behavior. Importantly, both also conclude that Francesco is an excellent candidate for rehabilitation and reduced risk of offending.

Dr. Simone linked Francesco's "family history" and "experiences at school and lack of a peer social group" to long standing anxiety, depression, and feelings of worthlessness and low self-esteem. Left untreated, Francesco felt the need to overcompensate, by exaggerated accomplishments (lawful or unlawful) and extravagant purchases/lifestyle to gain social approval. These behaviors provided a "temporary" boost to Francesco's self-esteem, but they were short lived. This, and Francesco's young age, contributed to an "escalating spiral" where he continued his illegal behaviors to chase feelings of importance, social approval, and a sense of belonging.

Weresz also traces Francesco's issues to a difficult childhood filled with "instability, loss, inconsistent emotional support, and harsh discipline." This led to attachment vulnerabilities, low self-esteem, and a deep need for external validation. Francesco satisfied this need and avoided feelings of rejection by people-pleasing and excessive financial generosity, even if it meant engaging in criminal and dishonest behavior. Importantly, Weresz believes that Francesco's criminal conduct is more related to Francesco's psychological distress than malicious intent or lawlessness. Francesco's strong insight into his own patterns and his commitment to psychotherapy and medication corroborate this. Weresz concludes that Francesco has a favorable outlook for rehabilitation and low risk of reoffending.

4. Francesco's Character Letters

Francesco suffered a traumatic and chaotic childhood, leaving him with anxiety, depression, and deep feelings of worthlessness to this day. Despite this, he was hard working generous, incredibly compassionate, and caring person, who even as a young child took care of elderly family members. As Francesco's letters reveal, he has the capacity to not only be law abiding, but also to be a productive and helpful member of his family and the community if he is given a second chance. *See Warner*, 792 F.3d at 857-858 (finding that defendant's character letters were "sincere and credible" evidence of defendant's excellent personal qualities that were different from "those which he manifested in committing the crimes he has admitted").

Francesco's mother, Connie, describes her son as "kind, compassionate, respectful, and willing to help others." Ex 6. She writes that Francesco's absence has been particularly painful because he is the one who provided emotional support to Connie and his father. Francesco has also always been his father's caregiver, while Connie is at work. Hard work, integrity, and responsibility are core values that Francesco was raised with and are deeply rooted in his family. Connie recognizes that Francesco has greatly strayed from this path. She has seen a "sincere transformation" in Francesco during his incarceration at the MCC. Francesco also takes full accountability for his actions and expresses his desire to make amends for his conduct. Connie has no doubt that Francesco will return to the strong values instilled in him and that he will become the best version of himself.

Francesco's uncle, Dominic, also believes that the criminal process represents a turning point for Francesco and that he is capable of being "a responsive and productive member of society." Ex. 7. Dominic points to his conversations with Francesco during which Francesco took responsibility for his conduct, clearly understood the serious harm he caused, and expressed a genuine desire "to live differently moving forward." To Dominic, who has known Francesco all his life, he is, at his core, "kind and thoughtful" and enjoys helping people. When Dominic broke his foot and was unable to walk or care for himself, Francesco, without even being asked to, had Dominic's house set up for safety, arranged for home nursing care, checked up on him, and made sure he had food. Dominic asks the Court for mercy for Francesco because of his young age, personal struggles, and the growth he has already demonstrated while in custody.

Ted Anastopoulos has known Francesco since he was a teenager. Ex. 8. Ted owns a diner and Francesco has consistently helped him with technology issues without seeking payment. He has also witnessed Francesco's devotion to his parents, and the deep respect Francesco has for family and friends. During discussions with Francesco about this case, Francesco has expressed genuine remorse for the harm he has caused and his desire to live a better life, be a better man, and to make amends for his conduct. Ted believes that Francesco possesses this potential and stands in support of Francesco.

Lucia Troiano, a longtime family friend, has also known Francesco since he was born. Ex. 9. She recalls a time when her family business desperately needed help with their POS system. Due to a new law, the system needed to be reset that night at midnight. Lucia contacted Francesco and without hesitation he agreed to do the reset. He also helped Lucia with other computer issues and never expected or would take compensation for his time.

Likewise, family friend, Pamela Symeonides, also fondly recalls that when Francesco was child he happily volunteered with his parents at community events, church functions, and school events even though he clearly suffered from emotional issues. Ex. 10. As an adult, Francesco helped Pamela without hesitation on multiple technology issues and even set up a program at her husband's restaurant that simplified takeout orders and is still used today. To Pamela, these consistent "acts of kindness" demonstrate Francesco's "thoughtfulness, reliability, and desire to contribute meaningfully to those around him." Pamela is confident that Francesco, with the support he has earned from friends and family, will lead "a law abiding, productive, and meaningful life."

Francesca Saporito refers to Francesco as the "brother I never had." Ex. 11. Their parents were close family friends and they grew up together. She knows that Francesco has had emotional issues throughout his life that have led to poor decision making and impulsiveness. But Francesco has also been "kind, thoughtful and dependable," and "the type of person who shows up when people need help." Francesco makes sure to include everyone at holiday dinners, especially people who have nowhere to go or that would otherwise be alone. From dressing up as Santa, helping with the St. Joseph table, and working the annual picnic, Francesco has always been active in the community. For Francesca, this reflects Francesco's true character, and she hopes that this "terrible chapter" in his life does not "overshadow the person he has always tried to be" and the bright future that she knows he has.

Roseangela Colella Eder has known Francesco for about ten years. Ex. 12. She understands how serious Francesco's conduct is, but she too believes Francesco is "more than the circumstances of his case." Francesco has helped Roseangela overcome many personal struggles and he has done so willingly and without the need for recognition. Given his remorse, his generosity in helping others, and his strong desire to rehabilitate himself, she has no doubt that Francesco will "move forward in a positive and responsible manner" and will continue to be "a positive and meaningful presence in the lives of those around him."

Francesco's last letter is interesting in that it is from someone who has not known Francesco for a long time and is not deeply connected to him. Armando Guzman is a UPS employee. Ex. 13. In June 2025, when he was a new employee, he delivered a package requiring cash on delivery to Francesco. Francesco provided a certified check of over $2000 for the package. Armando lost the check. He could not personally pay it back and he feared losing his job. He "became overwhelmed with fear and anxiety" and decided to contact Francesco, who he "had no prior relationship or familiarity with" and explain what happened. After carefully determining that Armando was genuine, Francesco arranged for the certified check to be reissued, saving Armando's job. "[F]ew people would have shown such understanding, patience, and kindness in that situation," writes Armando, and that is why he offers his letter in support of Francesco. He hopes the Court takes into consideration "this example of his compassion, integrity, and humanity when determining an appropriate sentence."

Armando's example reminds defense counsel of an incident witnessed with respect to Francesco that we believe speaks to his good character too. Shortly after Francesco was released on bond, he received an envelope from the government returning some of his personal property. In the package were passport cards, which Francesco was not allowed to possess, particularly given his dual citizenship with Italy. Francesco immediately contacted defense counsel and asked them to promptly return the items to the government, which they did.

The people that know Francesco best confirm that Francesco is much more than his conduct in this case. He is the kind of person that can be relied upon in times of need, no matter how busy he is or what hardship he is facing. His letters further underscore his genuine remorse, that he understands the depth of his harm, and that he will continue to make amends for his conduct and be a law-abiding member of the community.

5. Cooperation and Post-Offense Rehabilitation

Francesco proffered with the government three times. During his proffers he admitted to the conduct in this case, that he obstructed justice, and that he engaged in other criminal and unethical conduct that was not part of this case. He also provided information about other individuals and even met with another AUSA investigating a large health care fraud case and provided information unrelated to his case.

Francesco made no excuses for his actions, he did not shift the blame to others, and he did not lie about his role in preparing false documents. Contrary to the case agent's statement to Probation that Distefano provided "nothing of value," PSR ¶33, Francesco's cooperation contributed to the prosecution of an individual residing in the United States unlawfully. Moreover, Francesco did not lose his §5K1.1 because the information he provided was not "substantial assistance," he lost his §5K1.1 because his proffers came before certain conduct, including his conduct leading to bond revocation. Gov. Version. at 17. Francesco does not dispute this. Even absent a motion, the Court can still consider Francesco's efforts at cooperation and his remorse and contrition under 18 U.S.C. §3553(a)(1). *United States v. Wachowiak*, 496 F.3d

744, 754 (7th Cir. 2007) (observing that the district court may give further weight to a defendant's remorse and cooperation, beyond the acceptance of responsibility adjustment, and affirming a below-Guidelines sentence for a child pornography offender based on his character, remorse, and low risk of recidivism.)

Francesco's post-offense rehabilitation is also an important indicator of positive rehabilitation and is "highly relevant" to several of the factors under §3553(a). *Pepper*, 562 U.S. at 491, *See also* Federal Reg. 90, 59660 (Dec. 17, 2025) (proposing new adjustment §3E1.1 providing for a reduction for demonstrated positive post-offense behavior or rehabilitative issues). While in custody at the MCC, Francesco has taken over fifty classes, including classes in anger management, cognitive awareness, offender correction, interfaith management, and other classes that will contribute to a successful re-entry. Ex. 14. (Certificates and Excel spread sheet of classes). Francesco has also taken classes with an eye towards future employment, including classes in the food and service industry. *Id*. Francesco voluntarily teaches general education development (GED) to other inmates so they can obtain their GEDs. In December 2025, Francesco signed up with the Suicide Companion Program. Francesco's volunteer work with other inmates has been deeply gratifying and motivating to him.

Francesco is compliant with prescribed medication for anxiety and/or depression and is committed to future mental health treatment. According to Weresz, Francesco has a strong desire to "break patterns of impulsivity, dishonesty, and self-destructive behavior, taking responsibility for his conduct while articulating a commitment to change." Ex. 4. Francesco's other letters universally confirm that he is genuinely remorseful for his actions, that he has accepted responsibility, and that he is sincerely motivated to confront and understand the psychological factors and behaviors that contributed to his criminal conduct. The people that know Francesco best, his treating licensed clinical counselor, and Dr. Simone, are confident that Francesco, with the family support he has and his ongoing commitment to clinical support, will be a lawful, productive, and meaningful member of the community.

B. The Nature and Circumstances of the Offense

As Francesco fully admitted in his proffers, in his plea agreement, and in open court, he acted illegally and committed serious offenses for which there is no excuse. There is also no question that Francesco engaged in aggravating conduct under §3553 as detailed by the government in its version, and that he violated the terms of his supervised release.

18 U.S.C. §3553(a) permits the Court to consider the context in which Francesco's conduct arose in mitigation. Such an analysis aids the court in assessing Francesco's culpability at the time of his illegal conduct and understanding how a young man with such potential engaged in serious criminal conduct. Such an assessment is permitted and relevant under the statutory sentencing factors.

Francesco's offense was non-violent and he had no history of federal arrests or incarceration prior to this offense. Francesco's letters reveal that he understands the depravity of his conduct, that his remorse is genuine, and that his conduct was motivated more by psychological factors than malicious intent.

Francesco was just 24 years old when he committed the offense of conviction.

He was a young man who felt the need to overcompensate for others and to seek social approval by exhibiting an exaggerated sense of accomplishment. Participating in the fraud with Manzo (his uncharged childhood friend) and Urumieh, his much older friend, served his need to gain approval from them and created an inflated sense of accomplishment. At the same time, using the fraudulent money to obtain extravagant resources allowed him to combat feelings of worthlessness by looking like a "big shot." Dr. Simone's report and Weresz's letter leave no doubt that Francesco's young age, traumatic childhood, and untreated depression and anxiety, contributed to this offense and his pattern of unlawful conduct.

Although not a reason to commit fraud, these are factors that can be considered by the Court in mitigation. *Pepper*, 562 U.S. at 488, (reiterating that there are no limitations on the kinds of background and character information that the sentencing court may consider in determining a defendant's sentence); *United States v. Faria*, No. 12-cr-800 (N.D. Il. 2016) (holding below-guidelines sentence supported by several mitigating factors, including, the defendant's lack of a criminal history, low probability for recidivism, remorse for her conduct, and difficult upbringing.). In fact, in 2024, the Sentencing Commission amended §5H1.1 (Policy Statement), in recognition of "evolving science and data" that "cognitive changes lasting into the mid-20's" may impact culpability in youthful individuals because they "generally are more impulsive, risk-seeking, and susceptible to outside influences as their brains continue to develop into adulthood." Although the Commission deleted this policy statement as part of a broader effort to simplify the guidelines, it does not limit the

Court's authority under §3553 and the Commission preserved the policy statement as a historical reference because of its continued relevance to sentencing and mitigation. U.S.S.G. Appendix B Part III (May 3, 2025).

C. The Need to Avoid Unwarranted Sentencing Disparities

In Probation's recommendation, Probation cites "an average sentence of 73 months custody" for "similarly situated defendants and recommends a sentence above this national average. It is unclear what sentencing factors the national average considers, and it can be skewed. In any event, Francesco's individual factors - age at the time of the conduct, his contributing mental health issues, his cooperation, his letters, and his post-offense rehabilitation - distinguish him from the "national average" and support the recommended below guideline's sentence of 48 months' incarceration.

D. Deterrence and Just Punishment Goals Met by Sentence of 48 Months

A sentence of 48 months' incarceration, and three years of supervised release, including prohibitions on travel, work, and mental health requirements support both specific and general deterrence. As discussed above regarding post-offense rehabilitation, there is strong reason to believe that Francesco will be successfully rehabilitated and that he will be sufficiently deterred by sentence below the advisory guideline range. Additionally, he has never been incarcerated before, he has not received any disciplinary violations during his detainment at the MCC, and he has availed himself of classes specifically designed for successful re-entry into society.

48 months' incarceration would also sufficiently deter other young offenders who have never been to jail from following in his footsteps. Finally, a sentence of 48 months of imprisonment promotes justice and respect for the law because although significant, it tempers punishment with empathy and provides hope of successful reentry into the community.

V. CONCLUSION

Francesco's young age at the time of the offense, complicated and difficult upbringing, untreated mental health issues, good works, profound remorse, in addition to his extraordinary post-offense rehabilitation, supports a sentence of not more than 48 months' incarceration. Such a sentence is sufficient but not greater than necessary to serve justice and the sentencing goals.

Respectfully submitted,
Francesco DiStefano

FISHER LEVINE LAW GROUP
By: /s/Robert A. Fisher
Robert A. Fisher
20 South Clark St, Suite
Chicago, Illinois 60603
raf@fisherlevinelaw.com

LAW OFFICES OF JACQUELINE JACOBSON
By: /s/Jacqueline S. Jacobson
Jacqueline S. Jacobson
53 West Jackson, Suite 1332
Chicago, Illinois 60603
jackie.jacobson@jjdefense.com