U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 1, 2022

BY ECF

The Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Adedayo Ilori*, 20 Cr. 378 (LJL)

Dear Judge Liman:

The Government respectfully submits this supplemental sentencing submission in response to the defendant's supplemental submission dated February 28, 2022. (Dkt. No. 124). A sentence within the Guidelines range stipulated in the parties' plea agreement, namely 51 to 63 months' imprisonment (the "Stipulated Guidelines"), remains appropriate in this case, particularly in light of the defendant's pretrial violations and criminal history.

First, in his supplemental submission, Ilori continues to minimize his role in the Loan Scheme to which he pled guilty. Ilori again claims he was minimally involved in the second round of loan applications in the Loan Scheme. This is not so. The Government rebutted this claim in its original sentencing submission but reiterates several key facts here showing Ilori remained a full participant in the Loan Scheme during the second round of four loans of $250,000 each. Ilori was responsible for preparing two of the $5,000 loan applications in the first round of loans that used Pennsylvania and Illinois driver's licenses in the name of identity theft victims, *and* Ilori prepared one of the $250,000 loan applications in the second round of loans that used the same Pennsylvania driver's license. (PSR ¶ 42). Ilori was the source of the two stolen identities used for those three loan applications, and Ilori prepared the three fraudulent loan applications. (PSR ¶¶ 32, 37). That Ilori was the source of these fraudulent applications is demonstrated by the fact that Ilori explicitly discussed in multiple recorded conversations that he could obtain identification information and make fake documents, that he would use driver's licenses with real identifying information but the photographs of other people, and that he had opened bank accounts using the identities of other people to execute the Loan Scheme. (PSR ¶¶ 21, 22, 23).[1] Ilori's fingerprints

[1] The Pennsylvania and Illinois identification cards submitted in the first and second round of loans in the Loan Scheme depict the face of Chris Recamier, Ilori's co-defendant in Indictment 21 Cr. 746 (MKV). In addition, a copy of a bank statement submitted with the fraudulent loan applications in the Loan Scheme was found on one of the cellphones seized from the Mercedes

were also recovered from the physical loan applications Chancy mailed to an undercover mailbox—including from the $250,000 loan application that used the Pennsylvania driver's license. (PSR ¶¶ 32, 37). Ilori knew that the goal of the Loan Scheme was to apply for a second round of larger loans and participated in the second round of loans. On November 19, 2019, Ilori participated in a meeting in which the undercover agent stated explicitly that the Loan Scheme would start with four loans at $5,000 each and a second round of loans for $250,000. (PSR ¶ 29). Despite Ilori's claim that Chancy sought in January 2020 to restrict his involvement in the second round of loans, on February 8, 2020, on a recorded call, Ilori told the CS he wanted to do a second round of loans, (PSR ¶ 35), and that he had bank statements ready for the new loans. Over the next several days, Chancy described to the CS in a series of calls that Ilori and Chancy were discussing what account or accounts Ilori should use in the second round of loans. Less than two weeks after these calls, Chancy mailed the second round of loan applications, including the $250,000 application using the Pennsylvania license prepared by Ilori, thus clearly demonstrating Ilori participated in the Loan Scheme to the end.

Second, in his supplemental submission, Ilori includes a report evaluating his mental health as purported mitigation. The Court should afford little weight to the report. The report is based entirely on uncorroborated information about Ilori's upbringing provided by Ilori, whose credibility is questionable at best. Nothing in the report indicates that Ilori's mental health affects his ability to tell right from wrong or makes him likelier to commit fraud—repeatedly. Nor does Ilori's purportedly difficult childhood excuse Ilori's repeated criminal conduct. Ultimately, the report offers no insight supporting mitigation, and the Court should discount it.

Lastly, the Government submits that a sentence within the Stipulated Guidelines range is appropriate given Ilori committed new crimes involving stolen identities and fraud while on pretrial release. Ilori committed the following violations and crimes while on pretrial supervision in this case:[2]

1. In or about Summer 2021, Ilori rented an apartment at 123 Melrose Street in Brooklyn under a false identity. In renting this apartment, Ilori used a fake ID card with his own picture but another person's identity. Ilori did not disclose this residence to Pretrial (the "Apartment Violation");

2. In or about September 2021, Ilori and Chris Recamier leased a Mercedes using a stolen identity (the "Car Violation");

Ilori was driving on October 8, 2021, pursuant to a search warrant—except the name and date on the bank statement had been changed.

[2] As the Government has previously represented, the Government is not asking the Court to consider Ilori's involvement in a Paycheck Protection Program fraud scheme that took place while Ilori was on pretrial release. That conduct is the subject of Indictment 21 Cr. 746 (MKV), and for the purpose of this sentencing, the Government is not seeking to litigate the defendant's responsibility in that multi-million dollar fraud scheme.

3. In or about summer and fall 2021, Ilori made purchases using a bank card in the name of a stolen identity (the "Purchases Violation"); and

4. At the time of his arrest, Ilori possessed ID and bank cards in the names of stolen identities, including the identity on the bank card used in the Purchase Violation (the "Possession Violation").

These violations are in the same vein as the underlying conduct in this case and Ilori's numerous prior convictions for fraud and forgery. These most recent violations eliminate any doubt that Ilori is a serious recidivist who requires substantial deterrence. Again and again, undeterred by any legal consequences, Ilori has used stolen identities to make fraudulent charges for his own personal financial gain. Ilori has not been deterred by his five prior convictions and four arrests related to fraud and forgery, and he has not been deterred by the sentences he received, including terms of imprisonment of 15 months, 24 months, 42 months to seven years, and 30 months to five years. Ilori was not deterred from continuing the Loan Scheme after his arrest in June 2019 by the NYPD for forged instruments and identity theft.[3] Ilori was not deterred from committing the four pretrial violations while awaiting sentencing in this case. A sentence within the Stipulated Guidelines is thus necessary to deter Ilori from committing additional fraud and to protect the public from further crimes committed by Ilori. A sentence within the Stipulated Guidelines is also necessary to achieve general deterrence by demonstrating that defendants who commit additional crimes while under court supervision will be seriously punished.

Moreover, the pretrial violations indicate that a sentence within the Stipulated Guidelines is necessary to promote respect for the law. The fact that Ilori committed these violations while awaiting sentencing in this case and on home confinement demonstrate Ilori's total lack of respect for the law and lack of remorse for his criminal conduct. While committing these violations, in September 2021, Ilori submitted a letter to the Court in advance of sentencing requesting leniency and claiming he could not "gamble or feel pressured to do anything illegal in [his] life going forward" and that he wanted to "disassociate [him]self completely from all elements of criminality." Ilori's pretrial violations reveal the hypocrisy of Ilori's representations to the Court for Ilori was committing the pretrial violations—*i.e.*, new fraud crimes—at the time he made these representations to the Court.

[3] The charges brought by the Manhattan District Attorney's Office as a result of this arrest remain pending.

For these reasons, and the reasons stated in the Government's prior sentencing submission, a sentence within the Stipulated Guidelines is appropriate.

Respectfully submitted,

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