UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

CASE NO.: 2:23-CR-00013-TPB-NPM

UNITED STATES OF AMERICA
Plaintiff,
vs.

AL CLINT LAROCHE,
Defendant.
_______________________________/

OBJECTIONS TO THE PRESENTENCE INVESTIGATION REPORT

The Defendant, AL CLINT LAROCHE, by and through his undersigned attorney, hereby files his objections and disputed facts to the Presentence Investigation Report in the above styled case, and states:

1. The Defendant objects to page 9, paragraph 45, Background: The Defendant objects to the 2-point enhancement pursuant to 2B1.1(b)(10)(C). The PSR alleges that this enhancement is applicable because the offense involved sophisticated means and the Defendant intentionally engaged in or caused the conduct constituting sophisticated means. The PSR specifically alleges that the Defendant submitted fraudulent and altered Quarterly Federal Tax returns and fraudulent Profit and Loss Statements for Bornwild, LLC. However, the Defendant maintains that he was following the directions of Daniel Tisone. The Defendant did not have the knowledge, sophistication, or ability to prepare and submit fraudulent Quarterly Tax Returns and fraudulent Profit and Loss Statements. Mr. Tisone

prepared the paperwork and documentation that was submitted, both for the initial PPP Loan, as well as the fraudulent tax returns and Profit Statements. The Defendant was a pawn in Tisone's scheme to defraud the PPP Loan system. While the scheme set up by Mr. Tisone was sophisticated, the Defendant's involvement was just a body to help Tisone carry out this scheme. Tisone recruited the Defendant for this PPP Loan scheme, for which the Defendant sent Tisone over $100,00.00 of the initial proceeds. In addition, it was Tisone who supplied all the false information that was used to acquire the second PPP draw. The Defendant has provided all this information to the Government stating that he was recruited by Tisone to participate in this PPP Loan scheme.

2. The Defendant objects to page 9, paragraphs 46. Background. The Defendant objects to the 3-level enhancement pursuant to USSG 2B1.1(b)(17)(A). The Defendant objects to this 3-level enhancement because the loss amount is being double counted. In paragraph 44, the PSI finds that the Defendant is responsible for $1,078.652.50 in actual loss to the SBA and Blue Ridge Bank, which results in a 14 level enhancement of USSG 2B1.1(b)(1)(H). However, paragraph 46 is using that same loss amount to further add an additional 3 level enhancement. The Defendant maintains that this second enhancement is unwarranted.

3. The Defendant further submits that he is entitled to a Mitigating Role in the Offense pursuant to 3B1.2(b). As previously stated herein, the Defendant did not

think up this scheme on his own. The Defendant was recruited by Daniel Tisone to sign paperwork that was prepared by Tisone, and updated, when necessary, by Tisone. While the Defendant admits that he did profit from this scheme, the Defendant submits that he was a minor participant and should receive a two level decrease in his base offense level.

3. The Defendant maintains that his new base offense level should be 16, with a criminal History category of I, which results in an advisory sentencing range of 21-27 months in the BOP. This advisory sentencing range does not include any potential variance arguments which will be made by the Defense.

WHEREFORE, the Defendant, AL CLINT LAROCHE, respectfully requests this Honorable Court to grant these objections as stated herein.

Respectfully submitted,

GLENN H. MITCHELL, ESQ.
The Barristers Building
1615 Forum Place, Suite 4B
West Palm Beach, FL 33401
ghmitchelllaw@aol.com
Pleadings: ghmitchellfiling@aol.com
(561) 478-7777

By: */s/ **Glenn H. Mitchell***
____
GLENN H. MITCHELL, ESQ.
Florida Bar No. 239267

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Glenn H. Mitchell

By: ______________________________

GLENN H. MITCHELL, ESQ.
Florida Bar No. 239267