

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

_____	)	
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 2:23-CR-13
	)	
AL CLINT LAROCHE,	)	
	)	
Defendant.	)	
_____	)	

**SENTENCING PROCEEDINGS
BEFORE THE HONORABLE THOMAS P. BARBER**

**May 11, 2023
9:28 a.m. to 10:17 a.m.**

APPEARANCES:

FOR THE PLAINTIFF: TRENTON REICHLING, ESQUIRE
Office of the United States Attorney
2110 First Street
Room 3-137
Fort Myers, Florida 33901

FOR THE DEFENDANT: GLENN H. MITCHELL, ESQUIRE
Law Office of Glenn H. Mitchell
1615 Forum Place
Suite 4B
West Palm Beach, Florida 33401

ALSO PRESENT: AL CLINT LAROCHE, DEFENDANT

(Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.)

REPORTED BY:

Rebekah M. Lockwood, RDR, CRR
Official Court Reporter
(813) 301-5380 | r.lockwooduscr@gmail.com
P.O. Box 173496, Tampa, Florida 33672

1 (Call to Order of the Court at 9:28 a.m.)

2 **THE COURT:** Okay. So this is the United States
3 versus Al Clint Laroche, Case 223-CR-13.

4 **MR. REICHLING:** Trent Reichling on behalf of the
5 United States.

6 **MR. MITCHELL:** Good morning, Your Honor. Glenn
7 Mitchell on behalf of Mr. Laroche, who is present, along with
8 many family members.

9 **THE COURT:** Mr. Laroche, raise your hand for me.
10 (The defendant is sworn.)

11 **THE COURT:** Very good. So looks like on
12 January 30th, you pled guilty to Count 1 and 2 of an
13 information, charging you with bank fraud, in violation of
14 Florida laws. I accepted your guilty plea.

15 We're now at the stage where we have to figure out
16 some things with the Sentencing Guidelines, starting with the
17 prosecutor. Have you had the opportunity to read and discuss
18 the presentence report, and do you have any objections to the
19 factual accuracy or Guideline calculations?

20 **MR. REICHLING:** Judge, the government has had an
21 opportunity to read the presentence report. We have no
22 objections to the factual accuracy of the report.

23 However, we do join in one objection that the defense
24 has with regards to the application of sophisticated means to
25 this offense. So I'm sure we can get into that momentarily.

1 **THE COURT:** Just tell me what it is right now.

2 **MR. REICHLING:** My apologies, Judge.

3 Currently, he's an offense level 23. Sophisticated
4 means would be two additional levels. So he would be at a 21
5 now if you took out sophisticated means. If Your Honor wants
6 me to go into detail, I can explain why we believe the
7 sophisticated means does not apply here. But we do not have a
8 problem, and I'll probably go into that when I talk about the
9 facts of the case in a little bit.

10 But this is a PPP fraud case. Mr. Laroche got over a
11 million dollars in PPP money. He was working with another
12 individual who I also prosecuted before Judge Chappell that has
13 been sentenced already, who assisted Mr. Laroche in obtaining
14 both of these PPP loans.

15 **THE COURT:** That's Tisone?

16 **MR. REICHLING:** Correct, Judge.

17 **THE COURT:** What did he get?

18 **MR. REICHLING:** He got -- well, he got seven years.
19 He got a lot more loans. It was two-point -- he got around
20 \$2.6 million. He also had actually a significant criminal
21 history. He had a robbery with a firearm when he was in
22 college. He also had ammunition in his home, unlawfully, as a
23 felon. There are a little bit more facts with Mr. Tisone that
24 warranted that sentence. At least that's the government's
25 position.

1 In this case, Judge, to get the loans that
2 Mr. Laroche got with the first draw loan, there were some fake
3 tax documents, payroll tax documents -- they're called 941s or
4 quarterly tax returns -- that were submitted to qualify for the
5 loan. The investigation revealed that Daniel Tisone created
6 those documents.

7 Of course, the government believes that Mr. Laroche
8 was obviously aware he was obtaining these loans fraudulently,
9 knew that the numbers regarding payroll and numbers of
10 employees for these businesses was false. But as far as
11 generating these fake documents, which were just 941 tax
12 returns, it's the government's position that Mr. Tisone created
13 those documents.

14 So we believe the sophisticated means enhancement
15 does not apply here with Mr. Laroche. So that would drop him
16 to a 21. That would put him at 37 to 46 months.

17 There's one more objection the defense has to the
18 applicability of -- sorry, let me get to it -- it's driving
19 more than \$1 million in gross receipts from one or more
20 financial institutions. It's Paragraph 46 in the PSR. That's
21 a three-level increase. The government does believe that
22 enhancement does apply. The bank that these funds were gotten
23 through was Blue Ridge Bank. They're an FDIC-insured bank.
24 They qualify as a financial institution.

25 He derived more than a million dollars from this

1 financial institution and by fraud. So the government does
2 believe that enhancement does apply, but the government does
3 believe that the sophisticated means enhancement does not
4 apply.

5 **THE COURT:** Well, let me ask a question here not
6 really about the Guidelines, but the very end of the defense
7 sentencing memorandum, it says, "Conclusion."

8 And it says, "Based on the facts and factors set
9 forth in this filing, Al Clint Laroche respectfully requests
10 this Court to impose a sentence below the advisory range
11 consistent with the agreement of the parties."

12 Was there a number you guys had in mind, like the
13 last case?

14 **MR. REICHLING:** No, Your Honor. There's not.
15 There's a plea agreement in place. I believe the government is
16 going to recommend a low-end sentence of the Guidelines.
17 There's no agreement as to what that sentence would be.

18 **THE COURT:** All right. Well, then, let's settle up
19 on this other objection in the Guidelines. Talk to me about
20 that. We'll figure that out right now.

21 **MR. MITCHELL:** Yes, Your Honor. This type of case is
22 a little bit different, and I pondered over this a bit. But
23 there's no question this is a base offense of seven, but
24 because the loss is more than 550,000, but less than
25 1.5 million, 14 points was added to that. And that would be

1 based on the million-dollar-plus loss in this case. So that is
2 accounted for in the 14 plus 14.

3 However, if we take a look at Paragraph 46, because
4 we're dealing with over a million dollars, another three points
5 is added because it is a financial institution. I submitted in
6 my objections that that appears to be double counting, that the
7 amount has already been taken into account with the plus 14.

8 So the plus three is because it's over a million
9 dollars, but it's allegedly derived from a financial
10 institution, which would be Blue Ridge Bank.

11 So, essentially, I submit it's double counting. The
12 three points should not be added because it's already been
13 accounted for in the plus 14.

14 But, also, I'm trying to figure out, and this has
15 been a little bit difficult, the word derived from a financial
16 institution. The word derived. There's no doubt it's a
17 financial institution. But this is a PPP loan.

18 **THE COURT:** Right. I understand. Whose money really
19 was it? Was it the bank's money or was it --

20 **MR. MITCHELL:** No.

21 **THE COURT:** Whose money was it then?

22 **MR. MITCHELL:** Yours and mine, tax taxpayers.

23 **THE COURT:** I know. That's not good for your client.

24 **MR. MITCHELL:** I know. I know. But reading --
25 reading this, is it really -- is this really intended, because

1 it's a government program? It was insured by the federal
2 government. There's no loss to the bank. Really, the use of a
3 bank was incidental to how this money was going to be going to
4 people who made the application for the PPP.

5 So for that reason, I'm also requesting that the
6 three-point enhancement on top of the 14 that's already been
7 accounted for, that the three points should not be added to the
8 score.

9 **THE COURT:** Okay. Yeah, I'm familiar with this.
10 We've had that conversation. I don't know why it is, but there
11 are more PPP fraud cases in Fort Myers than anyplace else that
12 I can tell. And so this had been brought up previously, and
13 I've looked at it, and I understand your argument, but I'm
14 going to overrule it, and we're going to keep it where it's at.
15 He's at a level 21. He has a criminal history category I,
16 which is the lowest. That creates a range of what to what now?
17 Level 21.

18 **MR. REICHLING:** Should be 37 to 46. But probation
19 can --

20 **THE PROBATION OFFICER:** That's correct, Your Honor,
21 37 to 46.

22 **THE COURT:** Okay.

23 **MR. MITCHELL:** Your Honor, before we do the
24 calculation, I had one other objection.

25 **THE COURT:** Oh, I'm sorry.

1 **MR. MITCHELL:** That's fine. It's in Paragraph 48.
2 It would really be his role. This is troublesome too. I know
3 the Court is looking at, and the government has looked at,
4 we're dealing with a million dollars, which is a lot of money.
5 But if you take a look at his role, and I don't think there's
6 any dispute as to this.

7 **THE COURT:** Yeah. Yeah. I want to talk about that
8 anyway. I didn't know there was a Guideline issue. But tell
9 me about -- let me just interrupt you. Tell me about the scam
10 here. What is exactly -- I couldn't totally figure out. Is it
11 a totally fake business altogether? Is it just a Ponzi scheme
12 that's in the PPP world? What was happening?

13 **MR. REICHLING:** So Mr. -- the business that got the
14 loan money was called Bornwild.

15 **THE COURT:** That's his music thing?

16 **MR. REICHLING:** Right. That business was -- like,
17 you know how you can go on Sunbiz and continue to activate,
18 keep your business active for every year, whatever paperwork
19 you filed? The business had been inactive on Sunbiz for a
20 couple years.

21 When the PPP program sort of came about around that
22 period of time, the business was then active. Right? So --
23 and the loan was applied for. The number of employees, of
24 course, that was represented in the PPP application was
25 completely false. There were --

1 **THE COURT:** There were no employees. Right?

2 **MR. REICHLING:** Right. There might have been some --
3 maybe he called them independent contractors. But at least
4 what the government sees, there weren't 30, 40, 50 employees
5 for Mr. Laroche's business.

6 **THE COURT:** Let me talk to him about that.

7 On this thing, Mr. Laroche, tell me about this music.
8 I mean, I tried to -- I'm a music guy. I'm going on a trip
9 next week to Germany for the International Gustav Mahler Music
10 Festival. That's not the same music you're doing.

11 **THE DEFENDANT:** No, not at all. I do various types
12 of music. Right now I'm currently executive producing. I do
13 the executive producing role. So I'm actually executive
14 producing Ky-Mani Marley's album.

15 **THE COURT:** Producing what?

16 **THE DEFENDANT:** Ky-Mani Marley, Bob Marley's son.

17 **THE COURT:** Bob Marley's son?

18 **THE DEFENDANT:** Correct.

19 **THE COURT:** You're his producer?

20 **THE DEFENDANT:** I'm executive producing his albums.

21 **THE COURT:** Executive producer.

22 **THE DEFENDANT:** So basically what I do is, I have
23 writers signed on to me, and I have producers signed on to me.
24 We get the songs ready, have him record the songs, and get him
25 ready for his album release.

1 **THE COURT:** So you're like Colonel Tom Parker for Bob
2 Marley's son.

3 **THE DEFENDANT:** I'm like ET Dong-Rin for --

4 **THE COURT:** All right. So you didn't really have any
5 employees at all. Right? That's totally take.

6 **THE DEFENDANT:** I had -- I had some employees with
7 me. I had --

8 **THE COURT:** How many real employees?

9 **THE DEFENDANT:** I had 11 employees.

10 **THE COURT:** What were they doing?

11 **THE DEFENDANT:** Like you said, they were contractors.
12 So I used producers, and I used songwriters. So they're
13 subcontracted to me.

14 **THE COURT:** But that's -- I guess where I'm going
15 with this, that's kind of a one-off thing. They're not --
16 these aren't -- you didn't have 11 people working 40 hours a
17 week, 50 weeks a year. These are people, you had a project,
18 you bring them on, they get that, and they're done. Right? Is
19 that fair?

20 **THE DEFENDANT:** No. I had a facility, facility where
21 they came in every day, we worked. So, basically, in order to
22 facilitate and executive produce all these albums, I had to be
23 creating every day. So when I wasn't creating, rent was still
24 due before I had my studio.

25 **THE COURT:** So you're telling me you had 11 employees

1 that were working basically full-time?

2 **THE DEFENDANT:** Just about.

3 **THE COURT:** All right. But, of course, you told the
4 government you had what, 50, 60 employees?

5 **THE DEFENDANT:** Correct.

6 **THE COURT:** All right. Okay. Go ahead. Go ahead,
7 Mr. Reichling.

8 **MR. REICHLING:** So the business -- I mean, we talked
9 about what his business was. I guess it was music related.

10 **THE COURT:** You've got to talk into the mic.

11 **MR. REICHLING:** Sorry, Judge.

12 That was music related. However, in the second draw
13 PPP -- so the first draw PPP application was around \$400,000.
14 The government expanded the PPP program to allow you to apply
15 for another loan under that same business. So he got over
16 \$600,000 for the second draw loan for that same business. And
17 in that -- there's a -- instead of multiplying your average
18 monthly payroll by two and a half, if you're a restaurant
19 business, you can multiply it by three and a half, which was
20 what was done in the second application.

21 So I would say that at least in the second
22 application, it's being represented that his business was in
23 the restaurant or hospitality industry. So that's -- that's
24 what was going on, Judge.

25 **THE COURT:** All right.

1 **MR. REICHLING:** When it came to his role in the
2 offense, certainly, I -- there was -- he had some help in
3 manufacturing these false documents to qualify for the loan and
4 some guidance, but most of the money from the fraud went to
5 Mr. Laroche. There was some money that was kicked back to
6 Mr. Tisone, somewhere between 100 and \$200,000, but at least
7 \$800,000 or so, 1 million went to Mr. Laroche.

8 **THE COURT:** Any of that money been paid back?

9 **MR. REICHLING:** No.

10 **THE COURT:** Why not? Where's the rest of the money?

11 **THE DEFENDANT:** The money was utilized, like I said,
12 first, before I even built my studio, I was renting a studio
13 for almost \$1,200 a day.

14 **THE COURT:** \$1,200 a day?

15 **THE DEFENDANT:** \$1,200 a day. Studio off Miami Beach
16 on 135th. Also, I built a studio from the ground up,
17 soundproofed everything. I probably spent 150 to \$180,000 on
18 the studio with equipment and everything.

19 **THE COURT:** Where is that now?

20 **THE DEFENDANT:** It's -- I was evicted from it.

21 **THE COURT:** What?

22 **THE DEFENDANT:** I was evicted from it a year and a
23 half ago.

24 **THE COURT:** So you have a loan, and somebody
25 foreclosed on the loan? Now you get evicted. You don't own it

1 free and clear.

2 **THE DEFENDANT:** What happened, I went in and started
3 building. I was giving permission to build without my permits.
4 And I went and built without permits, and then it was taken
5 away from me, and that was rented out.

6 **THE COURT:** That's a different problem.

7 Okay. So back to whether it's sophisticated means or
8 not. That's where we were. Go ahead.

9 **MR. REICHLING:** Judge, my apologies. I believe we're
10 just at the role of the offense. The government agrees
11 sophisticated means doesn't apply.

12 **THE COURT:** No, he says --

13 **MR. MITCHELL:** Yes. We've agreed as to the
14 sophistication. So that's the two points that we've agreed to.
15 But under Paragraph 48, the role.

16 **THE COURT:** That's what I meant. That's what we're
17 talking about. Go ahead.

18 **MR. MITCHELL:** And, yes, it's a million dollars, but
19 if we really look at what Mr. Laroche did, he went to
20 Mr. Tisone to repair his credit. And, again, he cooperated
21 with the government. He filled in the government with
22 everything he did.

23 But it was Mr. Tisone, where my client went to get
24 his credit repaired, who indicated there was a program PPP.
25 This was brought up by Mr. Tisone. Mr. Tisone essentially did

1 everything other than my client signed, sign here, sign there.

2 If we're talking about what he did, that's what he
3 did. He signed. Although he did realize what he did was
4 wrong, again, he did have employees, but he didn't have the
5 employees that was represented on paper. He saw the paper.
6 Mr. Tisone said just sign it, and that's what he did.

7 Mr. Laroche did not come up with all of this
8 information as to what to put in the documentation. That was
9 Mr. Tisone and others who prepared all of that. My client
10 signed. He did receive the benefits.

11 Although, if we take a look at -- the government
12 indicated, and it is indicating that some money was given back
13 to Mr. Tisone, their numbers really only pertain to the first
14 loan. Additional funds were provided to Mr. Tisone through
15 others. My client was required to take cash.

16 So we're really talking about a third of it, give or
17 take, because we're only talking about in the PSI, the first
18 loan. But other money was given to Mr. Tisone. He's the one
19 who orchestrated all of this and told my client what to do.

20 So I submit that by signing, yes, my client did
21 benefit from this, but that's the extent of what he did. He
22 did not come up with these employees. He did not come up with
23 this information. This information apparently was usurped by
24 Mr. Tisone from others. And, apparently, it was actually an
25 ongoing business somewhere, but it wasn't my client's.

1 So in terms of what he did, I submit his role is
2 mitigating. It should be mitigated. His role was -- he's a
3 minor participant. He did participate. He did receive a lot
4 of money. But that's what he did. He signed. He did what he
5 was told.

6 **THE COURT:** Okay. I understand the argument, but I'm
7 overruling that also. I mean, two trips to the bank here was
8 too many. Maybe if it was just one, I could go your way on
9 that, but doing it twice, especially saying you're involved in
10 a restaurant business. This had nothing to do with food or --
11 I guess -- what is it, restaurant or entertainment? How did
12 they phrase it?

13 **MR. REICHLING:** As far as what's in the application,
14 Judge?

15 **THE COURT:** Yeah.

16 **MR. REICHLING:** I believe it's, like, hospitality.

17 **THE COURT:** Hospitality. So music is part of the
18 hospitality? I don't know. That doesn't work. So his
19 Guideline range is 37 to 46, two to five years' supervised
20 release, possible restitution of 1,078,652.50. That's an
21 agreed-upon number? Can we agree on that number?

22 **MR. REICHLING:** I believe so, Judge. I'll leave it
23 to the defense. I believe there's no objection as to the
24 amount of restitution.

25 **THE COURT:** We okay on that number?

1 **MR. MITCHELL:** Based on your rulings, that's what the
2 numbers would be.

3 **THE COURT:** I don't think the Guidelines -- the
4 restitution is the number that they're saying.

5 **MR. MITCHELL:** Right.

6 **THE COURT:** And a possible fine of 20,000 to two --

7 **THE PROBATION OFFICER:** Your Honor, with that
8 objection sustained, it's 15,000 now.

9 **THE COURT:** 15,000 to 2.157,305?

10 **THE PROBATION OFFICER:** Yes, Your Honor.

11 **THE COURT:** 200-dollar special assessment. That's
12 the Guidelines. Guidelines are identified. Possible maximum
13 here is 30 years. The advisory sentencing range is 37 to 46.

14 What sentence does the government recommend? You
15 said before 37?

16 **MR. REICHLING:** That's -- yeah, Judge. The
17 government recommends 37 months with, of course, supervised
18 release to follow and restitution made a condition of his
19 supervised release.

20 **THE COURT:** Okay.

21 **MR. REICHLING:** Obviously, incorporating any
22 preliminary forfeiture orders into the final judgment and
23 sentence.

24 **THE COURT:** Yeah. Is there anything else you need to
25 say on this? Any reasoning?

1 **MR. REICHLING:** No, Judge. I mean, I think I've said
2 enough. Your Honor is aware of the facts in the case, so --

3 **THE COURT:** All right. Defense, what sentence do you
4 think is appropriate here in light of what we've been talking
5 about?

6 **MR. MITCHELL:** Judge, I have also filed a motion for
7 the Court to consider a variance. What I have requested is --
8 it's in my motion. But I'm troubled, and I want to answer the
9 Court's question. I understand, my client understands the
10 severity of the matter, especially in light of the amount
11 involved.

12 **THE COURT:** And that none of it's been paid back.
13 I've sentenced people before much less than they really
14 deserved if they were able to pay some of it back, because this
15 wasn't like 300 years ago that this happened.

16 **MR. MITCHELL:** I understand. But the government,
17 I've spoken with, my client has spoken with, and I think they
18 realize that the money has been utilized, and it is not
19 available.

20 But the one thing, and I will answer the -- this
21 question, but my client is in a very unusual and different type
22 of employment. It's a type of employment where a lot of times
23 money is not available, but many times it is, especially if
24 we're dealing with the performers who he is connected with.

25 And I was speaking to him this morning about this.

1 Is this the type of matter where if things break correctly, is
2 a million dollars something that he could pay back? And the
3 answer would be yes.

4 So if restitution is important, and it should be, and
5 he has indicated that he is willing to do everything he needs
6 to do to pay it back, he has the potential to be able to pay it
7 back if some of this work comes to fruition. Can it be
8 guaranteed? It can't be guaranteed, but there are many, many
9 signs here that this is very viable.

10 That being the case, I would ask the Court to
11 consider placing him on home detention. I understand what the
12 Guidelines are. To give him as much of an opportunity to pay
13 this money back, as the Court indicated was important. Today,
14 he can't do it. But when I hear the name of the performers,
15 who even I know, which is amazing --

16 **THE COURT:** No. So even I know, which is even more
17 persuasive.

18 **MR. MITCHELL:** And if I know this --

19 **THE COURT:** By the way, I'll just interrupt you. We
20 had a big thing in Tampa recently where a -- it was Taylor
21 Swift. Taylor Swift did three days in Tampa. Traffic was
22 terrible. You couldn't find -- everything was occupied, people
23 everywhere. And I couldn't tell a difference between Taylor
24 Swift and Brittany Spears. Okay. So that shows you my level
25 of understanding. And I even understood Bob Marley's son. So

1 I get it.

2 Go ahead. Go ahead.

3 **MR. MITCHELL:** So if that's important to the Court,
4 and it should be, if that's important to the government, it
5 should be. It is important to Mr. Laroche. It should be and
6 will be. If we can give him a chance to continue doing what
7 he's doing, there is a realistic possibility this amount of
8 money can be paid.

9 I'd just like to mention a couple other things. My
10 client immediately cooperated with the government. This is an
11 unusual case, from what many times we're involved with, where
12 they start at the bottom and move to the top, and information
13 that's provided is critical on moving up the ladder.

14 This is the opposite. They made their arrest at the
15 top, Mr. Tisone, and based on bank records, talking to people,
16 worked their way down. The government apparently decided that
17 the information my client had isn't going to reach the level of
18 substantial assistance, but that doesn't mean that he didn't
19 provide important information. And they decided, based on the
20 information he had, not to take it any further, at least as of
21 this date. I don't know what their position is going to be in
22 the future.

23 And, additionally, and this is very, very, very
24 important, his family history. We've talked about that. I
25 know some of his family would like to speak with you. I know

1 Mr. Laroche would absolutely like to address the Court. But
2 I'm asking the Court to consider some form of home detention,
3 long-term probation. If the Court had to, again, to teach him
4 a lesson, although he's learned it now, and as you can see, his
5 support system is incredible, perhaps a year and a day. But I
6 know the -- I know his sister would like to address you.

7 **THE COURT:** I'm happy to talk to anybody that wants
8 to say anything, so let's do it.

9 **MR. MITCHELL:** Alicia Laroche. Where would you like
10 her?

11 **THE COURT:** Right at the podium right there in the
12 middle.

13 Just tell us your name and how to spell it. Bend
14 that mic up a little bit. There you go.

15 **MS. LAROCHE:** My name is Alicia, A-l-i-c-i-a. Last
16 name, L-a-r-o-c-h-e.

17 **THE COURT:** And you're from New York?

18 **MS. LAROCHE:** From New York.

19 **THE COURT:** Go ahead.

20 **MS. LAROCHE:** I had to write this down. I'm
21 emotional.

22 **THE COURT:** Just a second now. If you have something
23 written down, you've got a couple options. I can just read it,
24 if you have good writing. I can read it out loud --

25 **MS. LAROCHE:** My hand was shaking. I'm okay reading

1 it.

2 **THE COURT:** All right. Go ahead.

3 **MS. LAROCHE:** I am his younger sister. And as you
4 can see, I traveled with my entire family for him. We came
5 from New York. My grandparents came from Orlando. We stand
6 beside him. No matter what, we support him.

7 He has always been the most charismatic person. Life
8 is a party in any room that he walks in. That's what he is to
9 us. He's always been the most generous, humble person,
10 literally taking the clothes off his back, literally, to help
11 other people. He has the most tender heart with his children,
12 with his wife, with his pets. We always joke that he was "Ace
13 Ventura: Pet Detective," because he always has a bunch of
14 animals he loves.

15 This is not how our family raised us. And as much as
16 we are very disappointed with his involvement in this and we
17 wish that he never did, we support him. There's no distance
18 that would keep us from being here today to support him.

19 He is the oldest of all of our siblings. And even
20 though he lives in Florida, we have maintained a very close
21 relationship with him, despite living many miles apart.

22 He is the center of this family. And my niece and my
23 nephews count on him, both financially, mentally, emotionally.
24 His wife depends on him also. His presence in his home is
25 pivotal to the mental health of his children and his wife.

1 None of us want to know a life or know a life without
2 Al. He is not perfect. He has made mistakes. But he's
3 remorseful. He's held himself accountable. And he has a huge
4 support system that's riding behind him that love him dearly.
5 And we're pushing him. Although he's pushing himself, we're
6 pushing him to be the person that he was raised to be.

7 So I'm asking for you guys to please look at him
8 through our eyes and our lens, because he's not a monster.
9 He's not a criminal. He's a loving father.

10 **THE COURT:** Nobody said -- nobody is saying he's a
11 monster.

12 **MS. LAROCHE:** I know.

13 **THE COURT:** All right. Nobody is saying that.

14 **MS. LAROCHE:** He knows he did something wrong, but we
15 love him, and he's a great person. So we just want you to see
16 him through the eyes we see him with. Thank you.

17 **THE COURT:** Thank you. I know he appreciates you
18 being here. Now you've gotten all of your family members
19 upset. I'm seeing four or five people crying now. All right.
20 And I know it's emotional for you, but keep in mind, he's
21 facing a maximum sentence of 30 years. I'm not going to be
22 sentencing him to 30 years. But we're going to talk about
23 what's fair and appropriate.

24 So we'll go -- who else is --

25 **MR. MITCHELL:** Mr. Laroche.

1 **THE COURT:** You can go from right there. Just use
2 the mic. Same thing, if you have something written, you can
3 read it, I can read it out loud, or I can read it to myself.
4 You make the call.

5 **THE DEFENDANT:** I'll take it.

6 **THE COURT:** Go ahead.

7 **THE DEFENDANT:** First of all, good morning, Your
8 Honor.

9 **THE COURT:** Morning.

10 **THE DEFENDANT:** I'm here today feeling the weight of
11 my mistakes crashing down on me. Excuse me. It's hard to find
12 the right words to say, but it's important to let you know how
13 truly sorry I am.

14 I take full blame for everything I've done. I can't
15 express enough how remorseful I am for my actions. I see the
16 pain I've caused and the hurt, and it hurts me. I never wanted
17 to hurt anyone, especially those who mean the most to me. But
18 I messed up. I'm ashamed because of it.

19 This experience has taught me a hard lesson, and it's
20 one that will stay with me forever. I've come to realize the
21 importance of empathy. I've been true to myself. I've learned
22 the hard way that one mistake can shatter everything. I carry
23 the weight of my actions, and I know that I have left scars
24 that won't be healed easily.

25 To all those that I've hurt, please believe me when I

1 say I'm truly sorry.

2 To my wife and my children, please know that I'm
3 here, humble, remorseful, ready to do whatever it takes to heal
4 the wounds that I've caused. I love you more than words can
5 express. I hope you find it in your hearts to give me a chance
6 to prove that I can be the husband and the father you and my
7 children deserve. Within time, I can show through my actions
8 that I've been changed and I'm a different person now. I'm
9 determined to make things right not just for myself, but for
10 those who have been affected by my mistakes. I'm committed to
11 learning from this pain to grow as a person, both mentally and
12 spiritually.

13 I want you to know that these words come straight
14 from my heart. And I can't express how sorry I am, but hope
15 that you can feel my sincerity.

16 Thank you for giving me a chance to apologize and
17 show how much I truly regret my actions. Thank you, Your
18 Honor.

19 **THE COURT:** All right. Let's talk about this thing a
20 little bit, Mr. Laroche. Put the emotion aside, and let's talk
21 turkey here. Okay. They're telling me you got 800 grand.

22 **THE DEFENDANT:** Correct.

23 **THE COURT:** I don't think I could spend 800 grand
24 even in three years. What in the world did you do with the
25 money? You told me you sunk some of it into a studio, but come

1 on.

2 **THE DEFENDANT:** I have 11 employees. Eleven
3 employees receive money. I did not give any money to them. I
4 gave money. I took a little bit back to take care of certain
5 things, taxes, whatever I was doing with it, for my personal
6 use also, and -- but I gave a lot of it to those 11 people.

7 **THE COURT:** Okay. That's still a lot of money, and
8 you don't have anything left to pay back. I've worked with
9 some people similar to you who have been able to come up with
10 some money, real money, not hopefully deals working in the
11 future, but real money on the table. I've worked with them,
12 and they got a lot less time than -- behind bars than maybe
13 they deserved because they were able to get it paid back.

14 **THE DEFENDANT:** Correct.

15 **THE COURT:** But you -- not only did you get all this
16 money, but you don't have any of it to pay back, and that's --
17 that's a hard -- that's a hard situation on my end of it,
18 conversation here, when you got so much money and it's all gone
19 that quickly.

20 Did you buy yourself an expensive car or something
21 like that?

22 **THE DEFENDANT:** I bought a Mercedes Benz. I didn't
23 cash out on anything. I still have payments on it today.

24 **THE COURT:** So you didn't buy -- so you bought it,
25 but you have payments to make?

1 **THE DEFENDANT:** Correct. I took a loan out.

2 **THE COURT:** There's nothing you can sell to generate
3 any money.

4 **THE DEFENDANT:** No.

5 **THE COURT:** That's it. That's the problem.

6 **THE DEFENDANT:** All I have is my upcoming projects.

7 **THE COURT:** Right. Do you have any information,
8 Mr. Reichling, on what he did with the money? I mean, is he --

9 **MR. REICHLING:** Yeah, Judge. There's -- a lot of it
10 is in the PSR, beginning on Page 7, Paragraph 28, 27. I
11 would -- you know, as surprising as Your Honor would think it
12 is to spend over \$800,000 quickly, the government was not --
13 once you look at the bank records, you're not as surprised.

14 There were tons of cash withdrawals, \$200,000 in cash
15 withdrawals, Judge. There were checks that were written to
16 individuals.

17 **THE COURT:** This doesn't tell me what he did with the
18 money. This just says it went into banks and went out.

19 **MR. REICHLING:** Right. The money would go in and it
20 would just go out. I mean, it was quick, Judge. I mean, money
21 would be taken out as cash.

22 **THE COURT:** Is there something -- is there something
23 you're not telling me? Do you have a gambling problem or
24 something?

25 **THE DEFENDANT:** No, I don't. I don't. Anytime I was

1 taking out big lump sums of cash, I was dealing with Tisone.
2 That was the cash I was sending out to Tisone, most of it.

3 **MR. REICHLING:** I would disagree, Judge. I don't
4 think that is the case. But he was, you know, staying in
5 hotels, going to restaurants, making retail purchases, like
6 Saks Fifth Avenue.

7 I know he spent money on paying for a music video to
8 be made. I believe he had a very expensive music video for one
9 of his songs with the money. So, you know, your
10 run-of-the-mill retail purchases, restaurant purchases, hotel
11 stays, entertainment, you know, spending, Judge, tons of cash
12 withdrawals.

13 But I -- there are two -- there were two \$50,000 wire
14 transfers to Tisone, which related to kicking a percentage back
15 to Tisone. There may have been some cash payments to Tisone,
16 but, you know, what we truly know of how much that is, we don't
17 know.

18 And then there were these checks that were issued to
19 individuals. Those checks were endorsed by the individuals and
20 Laroche on the backs of the checks. And the government
21 believes that Mr. Laroche took those individuals to his bank,
22 which was JP Morgan Chase, and just cashed those checks, and
23 the cash got kicked back to Mr. Laroche. This was done to make
24 it appear as if Mr. Laroche had employees that he was paying.
25 He was using the money for payroll. And that's -- that wasn't

1 the case, Judge. I think a lot of this money was being kicked
2 back to Mr. Laroche. He was just spending it like crazy.

3 **THE COURT:** All right. Which is what you're saying,
4 he's saying he spent it all. That's what he's telling me.

5 **THE DEFENDANT:** No, definitely not. Every time --
6 what he's talking about is at Chase Morgan Bank, when I first
7 wrote checks to my 11 employees that I stated I had, they
8 didn't allow them to cash any checks. They wanted me to come
9 down, and I put my debit card in and cashed their checks for
10 them, because they wanted them to open up bank accounts in
11 order to cash the check. So that's why I ended up doing it,
12 and I just kept following suit every time the same way.

13 **THE COURT:** Okay.

14 **THE DEFENDANT:** Not any withdrawals or anything big
15 that you're seeing. I was always advised to do something.

16 Like I said, they fix credit also. So, you know, I
17 was advised to do certain things for my employees and fix this
18 credit for this person or, you know, you need this for that.
19 Anything that I needed, I just -- I did.

20 **THE COURT:** Well, the next question I have, we're
21 talking about what you did with the money.

22 **THE DEFENDANT:** Correct.

23 **THE COURT:** My next question probably should have
24 been my first question. Why? You've got a nice family.
25 You've got what, three kids, 14, 10, and 5. I mean, you

1 know --

2 **THE DEFENDANT:** I was -- it started with me fixing my
3 credit up, trying to get the regular loan that I was supposed
4 to get for my business. And when I got to where my goal to
5 where I was supposed to be, I was introduced to this PPP loan
6 thing. I just said, I was told it was a couple things that
7 needed to be altered. I didn't know he was going to put down
8 61 employees, I was going to be a restaurant. I'm music. I
9 didn't even know I had a restaurant in my name. I thought I
10 was signing for Bornwild Music.

11 **THE COURT:** If it's too good to be true, it probably
12 is. I mean, that amount of money, at some point, you should
13 have figured out that that was too much. If it was a couple
14 grand, fine. But when it gets to the numbers you were dealing
15 with, you had to have known that that wasn't legitimate.

16 **THE DEFENDANT:** I knew something was being altered,
17 correct.

18 **THE COURT:** All right. What else? Anything else
19 anybody wants to say on this one?

20 **MR. REICHLING:** No.

21 **MR. MITCHELL:** Nothing additional, Your Honor. I
22 just rely on what I had filed.

23 **THE COURT:** All right. Okay. Get everything in
24 order.

25 So at this point, now, I've heard from everyone that

1 wanted to speak. I reviewed the presentence report and the
2 written submissions and the advisory Guidelines.

3 Pursuant to Title 18 U.S. Code Section 3551 and 3553,
4 it is my judgment that the defendant will be sentenced to the
5 custody of the Bureau of Prisons for a term I'll announce
6 momentarily.

7 Upon release, you have to serve three years of
8 supervised release. That is a year as to -- wait a minute. He
9 can do three years on both counts. Right?

10 **THE PROBATION OFFICER:** Yes, Your Honor.

11 **THE COURT:** Three years concurrently. So when you
12 get out, you're going to be on what's called supervised
13 release. Probation, basically, where you're going to have to
14 abide by the standard conditions in the Middle District of
15 Florida as well as some special conditions.

16 You have to submit to a search of your residence,
17 vehicle, wherever you may be living, by your probation officer.
18 If they think you have any illegal substances or any contraband
19 or you're doing anything illegal, you're violating any
20 conditions of the release, they can just show up and say, We're
21 going to search. They don't need a warrant or anything like
22 that.

23 If you fail to submit to a search, that can be
24 grounds for revocation.

25 That applies to your person, residence, place of

1 business, storage units, computers, vehicles, boats, RVs,
2 anything that you may have.

3 You also have to submit to -- your financial records
4 to their inspection. If they want to look at them at any time
5 to make sure you're not doing anything funky with money, that
6 has to be -- your financial records are an open book. They can
7 be searched by your probation officer at any time.

8 You also are prohibited from incurring new credit
9 charges, opening additional lines of credit, or obligating
10 yourself for any major purchases without the approval of your
11 probation officer.

12 You have to give up DNA since you've been convicted
13 of a qualifying felony.

14 You have to refrain from any use of unlawful
15 substances.

16 You'll have random drug tests not to exceed 104 per
17 year or figures to be twice a week. Those will start within 15
18 days of placement on supervision.

19 You have to pay restitution in the amount of
20 1,078,652.50 to the Small Business Administration.

21 That obligation is payable to the Clerk of the U.S.
22 District Court for distribution to the victims. You have to
23 pay the balance and monthly payments of 10 percent of your
24 monthly income. While in custody, you shall either pay \$25
25 quarterly if you have a nonUNICOR job or 50 percent of your

1 monthly earnings if you have a UNICOR job.

2 Upon release from custody, your financial
3 circumstances will be evaluated, and the Court may establish a
4 new payment schedule accordingly. At any time during the
5 course of post-release supervision, the victim, the government,
6 or the defendant may notify the Court of a material change in
7 his ability to pay, and the Court may adjust the schedule
8 accordingly.

9 I find that the defendant does have the ability to
10 pay interest, so that's part of that.

11 He does not have to pay a fine, though. I'm not
12 going to hit him with that.

13 Is there anything to forfeit?

14 **MR. REICHLING:** Judge, there's -- the forfeiture is
15 just the amount of funds that he took. I believe there was a
16 final order of forfeiture.

17 **THE COURT:** All right.

18 **MR. REICHLING:** At least a request for an order of
19 forfeiture. But, yeah, it would be the same amount that's the
20 restitution amount, which is --

21 **THE COURT:** Very good. That will be entered.
22 There's a 200-dollar special assessment, which is due
23 immediately.

24 I've accepted the plea agreement because I'm
25 satisfied it adequately reflects the seriousness of the actual

1 offense, and accepting the plea agreement will not undermine
2 the statutory purposes of sentencing.

3 Under your plea agreement, you probably don't have a
4 right to appeal. But if you do, you have to do that within 14
5 days. If you don't do it within 14 days, you lose your right
6 to appeal. The government may file an appeal from the
7 sentence.

8 You're also advised you're entitled to the assistance
9 of counsel in taking an appeal. If you can't afford a lawyer
10 for an appeal, you can have a free lawyer for that, and the
11 clerk will take your appeal for free if you can't afford that.

12 Let's see. Where else are we on this?

13 There's a mention of -- are you not a US citizen
14 here? Are you going to get deported over this? What are we
15 doing? He's been in the country his whole life. He went to
16 high school here. What's going on with that?

17 **MR. MITCHELL:** Right now, that is a possibility.
18 That was discussed. He is not a citizen, but he's lived here
19 for a long period of time.

20 **THE COURT:** I'm not ordering he be deported. I don't
21 really have that authority. That's done in a totally separate
22 procedure. My recommendation, if anybody cares, is that he's
23 not deported. He's as much of an American as the rest of us.

24 How long have you lived here, since you were how old?

25 **THE DEFENDANT:** Five.

1 **THE COURT:** Five years old. So, I mean, deporting
2 him to where, Trinidad?

3 **THE DEFENDANT:** Yeah.

4 **THE COURT:** I don't know. That's not a bad place to
5 get deported to, but you want to stay here. So I'm not -- I'm
6 not saying that that be done. But that's a whole separate
7 proceeding with the immigration people and stuff like that. So
8 I don't have any control over that, one way or the other, so
9 I'm going to not say anything about that in this sentence at
10 all.

11 Let's see. What else? I think that covers most of
12 that.

13 After considering the advisory Sentencing Guidelines
14 and all the factors identified in Title 18 U.S. Code Section
15 3553(a)(1) through (7), I find the sentence I'm about to impose
16 is sufficient, but not greater than necessary, to comply with
17 the statutory purposes of sentencing.

18 So I understand you've requested house arrest. It's
19 just -- I can't do that. I want to work with you. I mean,
20 everything I see is positive. You are a productive member of
21 society. You know, a little marijuana charge here or there.
22 You're not committing crime. You're a good parent. I've got a
23 nice letter from your wife in a very large font, which I
24 appreciate.

25 Who wrote that? Where are you? Thank you. It's

1 much easier to read.

2 You know, you have a great family. I don't -- most
3 of the time, the people I send to prison, I think they've --
4 you know, it doesn't bother me to do it because they clearly
5 deserve it and they're bad people.

6 I don't think you're a bad person at all. I think
7 you're a good person who messed up badly. And the problem I've
8 got here is there's just so much money. You know, if we could
9 take a zero off of this and it was 80,000, we'd be talking
10 about home detention. But 800 is too much. It's too much.

11 So you're going to have to do some time for me on
12 this thing. And none of it's paid back. So you're going to
13 have to do some time.

14 The question is how much? The advisory Sentencing
15 Guidelines, your lawyer was able to get them down to 37 to 46.
16 It is advisory. I'm willing to go lower than that, because of
17 the things I mentioned. You've been gainfully employed. You
18 are a productive member of society. This is a one-time only
19 thing. It's financial crime. You know, no one was physically
20 hurt by it, but you do have to do some time.

21 After evaluating all these things, I think the
22 appropriate time is 24 months. All right. You're going to
23 have to do 24 months. It's a below-Guideline sentence.

24 I'm sure the government is objecting. Right,
25 Mr. Reichling?

1 **MR. REICHLING:** No, Your Honor.

2 **THE COURT:** But you don't have to turn yourself in.
3 I'll give you to June 15th. Is that a Sunday or whatever the
4 middle of June is, turn yourself in then. Do the time. You'll
5 get out before you know it. You'll be back to hopefully
6 getting that deal done.

7 And if along the way you can get some money paid
8 back, a decent amount, let your lawyer know, and we'll do
9 something called Rule 35. I'll look at it. And if I think
10 that that's legitimate, I might commute your sentence. But I'm
11 not doing it for five grand. I mean, some real money toward
12 this, come talk to me, and you can get out sooner if you can
13 get that done.

14 **THE DEFENDANT:** Okay.

15 **THE COURT:** All right. Anybody want to say anything
16 else?

17 **MR. REICHLING:** No, Your Honor. Thanks.

18 **MR. MITCHELL:** Your Honor, one other request. I know
19 it would be a recommendation. My client is requesting that for
20 a recommendation that he serve a sentence, he was hoping in
21 Pensacola, but North Florida. We know it would only be a
22 recommendation.

23 **THE COURT:** That's fine. I'll recommend that. He
24 has to meet with the U.S. Marshals on the first floor right
25 after this. You can talk a little bit about that. I'll make

1 that recommendation. That's fine.

2 Is that the place they call Club Fed? Right? Where
3 they put the white-collar people.

4 **MR. MITCHELL:** The research my client did, apparently
5 there's some programs there that will be effective.

6 **THE COURT:** I don't know. I was up there -- I was up
7 there -- I didn't tour the prison. I don't know what they've
8 got going up there. But if you're interested in that, that's
9 fine with me.

10 All right. Good luck.

11 Thank y'all for being here. I know he appreciates
12 it. Take care.

13 (Proceedings adjourned at 10:17 a.m.)
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

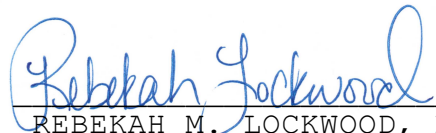
STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, Rebekah M. Lockwood, RDR, CRR, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings; and that the foregoing pages constitute a true and complete computer-aided transcription of my original stenographic notes to the best of my knowledge, skill, and ability.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand at Tampa, Hillsborough County, Florida, this 12th day of July 2024.



REBEKAH M. LOCKWOOD, RDR, CRR
Official Court Reporter
United States District Court
Middle District of Florida