

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:25-CR-00068

KRISTA MARIE MENCHACA

GOVERNMENT'S SENTENCING MEMORANDUM

Comes now the United States of America, by Jonathan T. Storage, Assistant United States Attorney for the Southern District of West Virginia and submits this Sentencing Memorandum in aid of sentencing.

I. SENTENCING FACTORS

The United States offers the following analysis relating to the application of the sentencing factors enumerated in 18 U.S.C. § 3553(a). As discussed below, the government requests that the Court impose a sentence of probation.

A. History and Characteristics of the Offender

The defendant is 32 years old and was born in Michigan. Her parents have been divorced for approximately 30 years: her father lives in Florida, and her mother lives in Poca, West Virginia. The defendant did not suffer from abuse or neglect during childhood.

The defendant has two children from prior relationships, and the children's ages are 3 & 8. The defendant is currently expecting another child with her current boyfriend.

The defendant is healthy and has no history of health problems.

The defendant has been a habitual, daily smoker of marijuana since she was 22.

The defendant graduated from Capital High School in Charleston, West Virginia. She has obtained certification for cardiopulmonary resuscitation and is a certified nursing assistant. The defendant has paused her studies at Bridgevalley Community and Technical College because of her pregnancy, but she plans to resume. The defendant's goal is to work in a hospital.

B. Nature and Circumstances of the Offense

In May 2021, a fraudulent Paycheck Protection Program ("PPP") loan application was submitted on the defendant's behalf. The PPP loan was approved, and on July 2, 2021, the defendant received a bank deposit of \$19,395 from the PPP lender, which was located in Arizona. At the time the defendant received the fraudulent loan proceeds, she lived in Michigan.

On or about July 8, 2021, the defendant moved to Dunbar, Kanawha County, West Virginia, where she accessed the fraudulent

loan proceeds in her bank account and spent more than \$5,000 of the loan proceeds on personal expenses.

C. Seriousness of Offense, Deterrence, and Community Protection

The defendant participated in a scheme to defraud the United States during a national health emergency. She knowingly received proceeds from a loan program she knew she was not eligible to participate in. The crime is a serious one, and a sentence should be imposed that will sufficiently deter the defendant and others from engaging in future similar conduct.

The defendant's history demonstrates that the offense of conviction was a one-off occurrence. Nothing in the record suggests that the defendant has a risk of repeating her offense conduct. Additionally, nothing in the record suggests that the defendant is a danger to the community. The government submits that a probationary sentence is in line with how the Court has handled similarly situated defendants, and the government further submits that a probationary sentence meets the objectives of sentencings, as enumerated in 18 U.S.C. § 3553(a).

D. Sentencing Options

The applicable Guidelines range for this case is 0-6 months of imprisonment (Zone A of the Sentencing Table). Considering the appropriate sentencing factors in this case, the government

respectfully requests that the Court impose a probationary sentence.

II. CONCLUSION

The government submits that a sentence of probation would be sufficient but not greater than necessary to meet the purposes of sentencing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "GOVERNMENT'S SENTENCING MEMORANDUM" has been electronically filed and service has been made on opposing counsel by virtue of electronic mail this the 8th day of August, 2025, to:

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