

APPEAL, FORFEITURE ALLEGATION

**U.S. District Court
District of Rhode Island (Providence)
CRIMINAL DOCKET FOR CASE #: 1:20-cr-00074-MSM-LDA-1**

Case title: USA v. Staveley

Magistrate judge case number: 1:20-mj-00034-LDA

Date Filed: 09/02/2020

Date Terminated: 10/12/2021

Assigned to: District Judge Mary
S. McElroy
Referred to: Magistrate Judge
Lincoln D. Almond

Defendant (1)

David Staveley

TERMINATED: 10/12/2021

also known as

Kurt David Sanborn

TERMINATED: 10/12/2021

also known as

David Sanborn

TERMINATED: 10/12/2021

also known as

Kurt Sanborn

TERMINATED: 10/12/2021

also known as

David Adler Staveley

TERMINATED: 10/12/2021

represented by **David Staveley**

04230049

Donald W. Wyatt Detention Facility

Unit B #27

950 High Street

Central Falls, RI 02863

PRO SE

George J. West

One Turks Head Place

Suite 312

Providence, RI 02903-2215

861-9042

Fax: 861-0330

Email: gjwest@georgejwestlaw.com

TERMINATED: 03/01/2021

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Jason P. Knight

The Law Office of Jason Knight

One Turks Head Place

Suite 1440

Providence, RI 02903

401-865-6075

Fax: 866-413-1869

Email: jason.knight@jasonknightlaw.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Mark L. Josephs

Law Office of Mark L. Josephs, LLC

10 Dernre Street

Boston, MA 02114

202-904-4736

Email: mark.josephs@markljosephslaw.com

TERMINATED: 01/08/2021

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Designation: Retained

Jeffrey K. Techentin

Adler Pollock & Sheehan P.C.

One Citizens Plaza

8th Floor

Providence, RI 02903

401-274-7200

Fax: 401-351-4607

Email: jtechentin@apslaw.com

TERMINATED: 01/08/2021

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

18:1349 – CONSPIRACY TO
COMMIT BANK FRAUD

(1)

18:1028A – AGGRAVATED
IDENTITY THEFT

(6)

18:3146(a)(1) – FAILURE TO
APPEAR IN COURT AS
REQUIRED

(7)

Highest Offense Level
(Opening)

Felony

Terminated Counts

18:1344 – BANK FRAUD
(2-4)

15:645(a) – FALSE
STATEMENTS TO

Disposition

56 months of imprisonment – 44 months as to Count
1 and 12 months as to Count 7 to run consecutive. 3
years of supervised release, \$200.00 special
assessment, no fine.

Dismissed.

56 months of imprisonment – 44 months as to Count
1 and 12 months as to Count 7 to run consecutive. 3
years of supervised release, \$200.00 special
assessment, no fine.

Disposition

Dismissed.

Dismissed.

INFLUENCE THE SMALL
BUSINESS ADMINISTRATION
(5)

Highest Offense Level
(Terminated)

Felony

Complaints

Disposition

18:371, 18:1349, 18:1028A –
Conspiracy to Make False
Statement to Influence the SBA;
Conspiracy to Commit Bank
Fraud; and Aggravated Identity
Theft

Plaintiff

USA

represented by **Lee Vilker**
U.S. Attorney's Office
Fleet Center
50 Kennedy Plaza
8th Floor
Providence, RI 02903
401-709-5044
Fax: 709-5001
Email: lee.vilker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
05/04/2020	<u>1</u>		MOTION to Seal Case by USA as to David Adler Staveley.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/04/2020)
05/04/2020	<u>2</u>		ORDER granting <u>1</u> Motion to Seal Case as to David Adler Staveley (1). So Ordered by Magistrate Judge Lincoln D. Almond on 5/4/2020.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/04/2020)
05/04/2020	<u>3</u>		COMPLAINT as to David Adler Staveley (1). (Attachments: # <u>1</u> Criminal Cover Sheet, # <u>2</u> Criminal Cover Sheet Attachment, # <u>3</u> Affidavit)(Noel, Jeannine) (Additional attachment(s) added on 5/5/2020: # <u>4</u> Unredacted Cover Sheet) (Noel, Jeannine). [1:20-mj-00034-LDA] (Entered: 05/04/2020)
05/05/2020			Arrest of David Adler Staveley (Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/06/2020)
05/05/2020			ORAL MOTION to Unseal Case by USA as to David Adler Staveley.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/06/2020)
05/05/2020			

		ORAL ORDER granting ORAL Motion to Unseal Case as to David Adler Staveley (1). So Ordered by Magistrate Judge Lincoln D. Almond on 5/5/2020.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/06/2020)
05/05/2020	<u>5</u>	ORDER APPOINTING CJA PANEL ATTORNEY as to David Adler Staveley: the Panel Attorney appointed as CJA Counsel is George J. West for David Adler Staveley. So Ordered by Magistrate Judge Lincoln D. Almond on 5/5/2020. (Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/06/2020)
05/05/2020		Minute Entry for proceedings held before Magistrate Judge Lincoln D. Almond: TELEPHONIC Initial Appearance as to David Adler Staveley held on 5/5/2020, TELEPHONIC Bond Hearing as to David Adler Staveley held on 5/5/2020 (Vilker, West) PTS Finneran; All parties present by phone; Deft present by phone; Court informs Deft of rights; Deft understands rights and agrees to telephonic hearing; No objection; Deft informed of rights & charges; Deft understands rights & charges; CJA appointed; Status Hearing/Preliminary Exam to be scheduled; Govt requests conditions of release; Deft Counsel requests conditions of release; Deft released on \$10,000.00 unsecured bond and conditions; Deft informed of penalties if violates; Deft understands penalties and conditions; Court addresses Deft; Deft understands; Deft released(Court Reporter Lisa Schwam in Courtroom Telephonic at 4:05 pm.)(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/06/2020)
05/05/2020	<u>6</u>	Appearance Bond Entered as to David Adler Staveley in amount of \$10,000.00 UNSECURED. So Ordered by Magistrate Judge Lincoln D. Almond on 5/5/2020.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/06/2020)
05/05/2020	<u>7</u>	ORDER Setting Conditions of Release as to David Adler Staveley (1) \$10,000.00 UNSECURED. So Ordered by Magistrate Judge Lincoln D. Almond on 5/5/2020.(Noel, Jeannine) (Additional attachment(s) added on 5/6/2020: # <u>1</u> Unredacted Conditions of Release) (Noel, Jeannine). [1:20-mj-00034-LDA] (Entered: 05/06/2020)
05/08/2020		NOTICE OF VIDEO HEARING as to David Adler Staveley. VIDEO Status Hearing/Preliminary Hearing set for 5/15/2020 at 11:30 AM before Magistrate Judge Lincoln D. Almond. Video instructions will be emailed to parties. Public Access Information can be found on the Court's Website. (Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/08/2020)
05/09/2020	<u>10</u>	MODIFIED ORDER Setting Conditions of Release as to David Adler Staveley (1) \$10,000.00 UNSECURED. So Ordered by Magistrate Judge Lincoln D. Almond on 5/11/2020.(Noel, Jeannine) (Additional attachment(s) added on 5/11/2020: # <u>1</u> Unredacted Conditions of Release) (Noel, Jeannine). [1:20-mj-00034-LDA] (Entered: 05/11/2020)
05/11/2020	<u>11</u>	MOTION to Amend/Correct <i>Order of Release to Add Condition of Home Confinement</i> by USA as to David Adler Staveley. Responses due by 5/26/2020. (Attachments: # <u>1</u> Supplement)(Vilker, Lee) (Main Document 11 replaced with signed document on 5/11/2020) (Hicks, Alyson). [1:20-mj-00034-LDA] (Entered: 05/11/2020)
05/11/2020		TEXT ORDER denying <u>8</u> Motion to Seal as to David Adler Staveley (1); denying <u>9</u> Motion to Seal as to David Adler Staveley (1). So Ordered by Magistrate Judge Lincoln D. Almond on 5/11/2020.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/11/2020)

05/11/2020	<u>12</u>		GOVERNMENTS MOTION FOR REVOCATION OF RELEASE AND ORDER OF DETENTION by USA as to David Adler Staveley.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/11/2020)
05/11/2020	<u>13</u>		Government's Motion to Withdraw its Motion for Revocation of Release and Order of Detention re <u>12</u> Government's Motion for Revocation of Release and Order of Detention by USA as to David Adler Staveley.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/11/2020)
05/11/2020			TEXT ORDER granting <u>13</u> Government's Motion to Withdraw its Motion for Revocation of Release and Order of Detention as to David Adler Staveley (1) withdrawing <u>12</u> Government's Motion for Revocation of Release and Order of Detention as to David Adler Staveley. So Ordered by Magistrate Judge Lincoln D. Almond on 5/11/2020.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/11/2020)
05/11/2020			TEXT ORDER – GRANTED on a preliminary basis for good cause shown. Effective immediately, Defendant is subject to home detention with GPS electronic monitoring. Probation will communicate the specific and standard parameters of home detention to Defendant as soon as possible and make safe arrangements to place the electronic monitoring bracelet on Defendant as soon as reasonably practical. Until the bracelet is activated, Probation shall enforce the home detention condition through remote means. The Court will address any objection from Defendant during the video hearing already scheduled for 11:30 am on May 15, 2020. <u>11</u> Motion to Amend/Correct Order of Release to Add Condition of Home Confinement as to David Adler Staveley (1). So Ordered by Magistrate Judge Lincoln D. Almond on 5/11/2020.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/11/2020)
05/11/2020	<u>14</u>		MOTION to Extend Time 10 Days <i>Preliminary Hearing and Preliminary Home Detention and Electronic Monitoring Order</i> by David Adler Staveley. Responses due by 5/26/2020. (West, George) [1:20-mj-00034-LDA] (Entered: 05/11/2020)
05/12/2020	<u>15</u>		RESPONSE In Support to by USA as to David Adler Staveley re <u>14</u> MOTION to Extend Time 10 Days <i>Preliminary Hearing and Preliminary Home Detention and Electronic Monitoring Order</i> Replies due by 5/19/2020. (Vilker, Lee) [1:20-mj-00034-LDA] (Entered: 05/12/2020)
05/12/2020			TEXT ORDER granting <u>14</u> MOTION to Extend Time 10 Days Preliminary Hearing and Preliminary Home Detention and Electronic Monitoring Order as to David Adler Staveley (1). So Ordered by Magistrate Judge Lincoln D. Almond on 5/12/2020.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/12/2020)
05/12/2020			RESCHEDULING NOTICE OF VIDEO HEARING as to David Adler Staveley. VIDEO Preliminary Hearing/Status Hearing RESCHEDULED for 5/26/2020 11:30 AM before Magistrate Judge Lincoln D. Almond. Moved from 5/15/2020. Video instructions to be emailed to parties. Public Access Information can be found on the Court's Website. (Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/12/2020)
05/12/2020			RESCHEDULING NOTICE OF VIDEO HEARING as to David Adler Staveley. (TIME CHANGE ONLY) VIDEO Preliminary Hearing/Status Hearing RESCHEDULED for 5/26/2020 at 10:00 AM before Magistrate Judge Lincoln D. Almond. TIME CHANGE ONLY. MOVED FROM 11:30 AM.

		Video instructions will be emailed to parties. Public Access Information can be found on the Court's website. (Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/12/2020)
05/20/2020	<u>16</u>	MOTION to Extend Time Preliminary Hearing/ Home Detention/GPS Monitoring Order <i>an Additional Week</i> by David Adler Staveley. Responses due by 6/3/2020. (West, George) [1:20-mj-00034-LDA] (Entered: 05/20/2020)
05/20/2020		TEXT ORDER granting <u>16</u> MOTION to Extend Time Preliminary Hearing/ Home Detention/GPS Monitoring Order an Additional Week as to David Adler Staveley (1). So Ordered by Magistrate Judge Lincoln D. Almond on 5/20/2020.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/20/2020)
05/20/2020		RESCHEDULING NOTICE OF VIDEO HEARING as to David Adler Staveley. VIDEO Preliminary Hearing/Status Hearing RESCHEDULED for 6/2/2020 02:00 PM in Remote Hearing before Magistrate Judge Lincoln D. Almond. MOVED FROM 5/26/2020. Video Instructions will be emailed to parties. Public Access Information can be found on the Court's Website. (Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/20/2020)
05/21/2020	<u>17</u>	MOTION to Exclude <i>Time Under the Speedy Trial Act</i> by USA as to David Adler Staveley. Responses due by 6/4/2020. (Vilker, Lee) [1:20-mj-00034-LDA] (Entered: 05/21/2020)
05/22/2020	<u>18</u>	ORDER granting <u>17</u> Motion to Exclude Time as to David Adler Staveley (1). So Ordered by Magistrate Judge Lincoln D. Almond on 5/22/2020.(Saucier, Martha) [1:20-mj-00034-LDA] (Entered: 05/22/2020)
05/29/2020	<u>21</u>	NOTICE OF ATTORNEY APPEARANCE: Jeffrey K. Techentin appearing for David Adler Staveley (Techentin, Jeffrey) [1:20-mj-00034-LDA] (Entered: 05/29/2020)
05/29/2020	<u>22</u>	MOTION for Mark L. Josephs to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number 0103-1507046) by David Adler Staveley. Responses due by 6/12/2020. (Techentin, Jeffrey) [1:20-mj-00034-LDA] (Entered: 05/29/2020)
05/29/2020		TEXT ORDER granting <u>22</u> Motion to Appear Pro Hac Vice of Mark L. Josephs as to David Adler Staveley (1). So Ordered by Magistrate Judge Lincoln D. Almond on 5/29/2020.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 05/29/2020)
06/02/2020		Minute Entry for proceedings held before Magistrate Judge Lincoln D. Almond: VIDEO Preliminary Hearing as to David Adler Staveley held on 6/2/2020 (Vilker, Josephs, Techentin) USPO D. Picozzi; All parties present by video; Defendant not present; Court addresses Deft Counsel; Deft Counsel addresses Court; Govt addresses Court; Court finds Deft waived appearance; Preliminary Exam to be continued; Deputy Clerk will check on status in 30 days(Court Reporter Lisa Schwam/ATT Teleconference Recording in Courtroom Video at 1:58 pm.)(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 06/02/2020)
06/02/2020	<u>23</u>	MOTION to Withdraw as Attorney by George J. West. by David Adler Staveley. Responses due by 6/16/2020. (West, George) [1:20-mj-00034-LDA] (Entered: 06/02/2020)
06/03/2020		

		TEXT ORDER granting <u>23</u> Motion to Withdraw as Attorney. George J. West withdrawn from case as to David Adler Staveley (1). So Ordered by Magistrate Judge Lincoln D. Almond on 6/3/2020.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 06/03/2020)
07/24/2020		Arrest of David Adler Staveley in Northern District of Georgia (Atlanta). (Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 07/29/2020)
07/29/2020	<u>24</u>	Rule 5(c)(3) Documents Received from Northern District of Georgia (Atlanta) as to David Adler Staveley (Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 07/29/2020)
08/04/2020		NOTICE OF VIDEO HEARING DEFENDANT REQUEST as to David Adler Staveley. VIDEO Bond Revocation Hearing and Preliminary Exam set for 8/5/2020 at 01:30 PM in Remote Hearing before Magistrate Judge Lincoln D. Almond. Video information will be emailed to parties. Public Access Information can be found on the Court's website. (Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 08/04/2020)
08/05/2020		Minute Entry for proceedings held before Magistrate Judge Lincoln D. Almond: Bond Revocation Hearing as to David Adler Staveley held on 8/5/2020. Lee Vilker for the government; Jeffrey Techentin and Mark Josephs for the defendant; David Picozzi for probation. Defendant has no objection to appearance by video; Court informs defendant of his rights; Court orders defendant detained pending further proceedings; Court schedules preliminary hearing and Bond Revocation for 8/26/2020 at 10:00 am.(Courtroom Video Hearing at 1:36.)(Saucier, Martha) [1:20-mj-00034-LDA] (Entered: 08/05/2020)
08/05/2020		TEXT ORDER: Defendant is ordered to remain detained pending further proceedings as to David Adler Staveley. So Ordered by Magistrate Judge Lincoln D. Almond on 8/5/2020.(Saucier, Martha) [1:20-mj-00034-LDA] (Entered: 08/05/2020)
08/05/2020		NOTICE OF HEARING DEFENDANT REQUEST as to David Adler Staveley. Preliminary Hearing set for 8/26/2020 10:00 at AM in Remote Hearing before Magistrate Judge Lincoln D. Almond. Invitation and instructions emailed to counsel of record.(Saucier, Martha) [1:20-mj-00034-LDA] (Entered: 08/05/2020)
08/21/2020	<u>25</u>	ARREST Warrant Returned Executed on 7/23/2020 Georgia in case as to David Adler Staveley. (Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 08/21/2020)
08/25/2020	<u>26</u>	Assented MOTION to Continue <i>Preliminary Hearing</i> by David Adler Staveley. Responses due by 9/8/2020. (Attachments: # <u>1</u> Proposed Order)(Josephs, Mark) [1:20-mj-00034-LDA] (Entered: 08/25/2020)
08/26/2020		TEXT ORDER granting <u>26</u> Motion to Continue Preliminary Hearing as to David Adler Staveley (1). So Ordered by Magistrate Judge Lincoln D. Almond on 8/26/2020.(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 08/26/2020)
08/26/2020		HEARING CANCELLED as to David Adler Staveley: Preliminary Hearing CANCELLED for 8/26/2020 10:00 at AM in Remote Hearing before Magistrate Judge Lincoln D. Almond. TO BE RESCHEDULED. (Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 08/26/2020)

08/26/2020			NOTICE OF VIDEO CONFERENCE as to David Adler Staveley. VIDEO Conference with Counsel only set for 8/26/2020 at 10:00 AM before Magistrate Judge Lincoln D. Almond. Video Information will be emailed to parties. (Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 08/26/2020)
08/26/2020			Minute Entry for proceedings held before Magistrate Judge Lincoln D. Almond: VIDEO Status Conference with Counsel only as to David Adler Staveley held on 8/26/2020 (Vilker, Josephs, Techentin)(Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 08/26/2020)
08/26/2020			NOTICE OF VIDEO HEARING DEFENDANT REQUEST as to David Adler Staveley. VIDEO Preliminary Hearing/Bond Revocation Hearing/Status of Counsel RESCHEDULED for 9/21/2020 10:00 AM in Remote Hearing before Magistrate Judge Lincoln D. Almond. MOVED FROM 8/26/2020 PER AGREEMENT OF COUNSEL. Video Information will be emailed to parties. Public Access Information can be found on the Court's website. (Noel, Jeannine) [1:20-mj-00034-LDA] (Entered: 08/26/2020)
09/02/2020	<u>27</u>		INDICTMENT as to David Staveley (1) count(s) 1, 2-4, 5, 6, 7. (Attachments: # <u>1</u> Criminal Cover Sheet)(Noel, Jeannine) (Entered: 09/02/2020)
09/02/2020			NOTICE OF FORFEITURE ALLEGATION by USA as to David Staveley re <u>27</u> Indictment (Noel, Jeannine) (Entered: 09/02/2020)
09/02/2020			CASE CONDITIONALLY ASSIGNED Related Case Number CR20-72MSM-LDA based upon the indication on the cover sheet that a related case previously was assigned to the presiding judge. The assignment is subject to the presiding judge's determination that the cases, in fact, are related. (Noel, Jeannine) (Entered: 09/02/2020)
09/02/2020			NOTICE OF VIDEO HEARING DEFENDANT REQUEST as to David Staveley. VIDEO Arraignment/Bond Hearing/Status of Counsel set for 9/21/2020 at 10:00 AM in Remote Hearing before Magistrate Judge Lincoln D. Almond. This Arraignment replaces the Preliminary Exam. The same video information applies. (Noel, Jeannine) (Entered: 09/02/2020)
09/11/2020			CASE PERMANENTLY ASSIGNED Since District Judge Mary S. McElroy has determined that this case is in fact related to 1:20-CR-72-MSM-LDA this case is permanently assigned to District Judge Mary S. McElroy for all further proceedings. (Urizandi, Nisshy) (Entered: 09/11/2020)
09/21/2020			Minute Entry for proceedings held before Magistrate Judge Lincoln D. Almond: VIDEO Arraignment as to David Staveley (1) Count 1,2-4,5,6,7 held on 9/21/2020, VIDEO Bond Revocation Hearing as to David Staveley held on 9/21/2020 (Vilker, Josephs) USPO D. Picozzi; All parties present by video; Deft present by video; Court addresses parties; No objection to video hearing; Deft Counsel addresses Court; Court informs Deft of rights & charges; Deft understands rights & charges; Not guilty plea entered; Arraignment order to be entered; Court finds bail violation; Bail revoked; Deft remanded(Court Reporter Karen Wischnowsky/Zoom Recording in Courtroom Video at 10:10 am.)(Noel, Jeannine) (Entered: 09/21/2020)
09/21/2020	<u>30</u>		ARRAIGNMENT ORDER as to David Staveley. Motions due by 12/14/2020. So Ordered by Magistrate Judge Lincoln D. Almond on 9/21/2020. (Noel, Jeannine) (Entered: 09/21/2020)

09/21/2020	<u>31</u>		ORDER OF DETENTION as to David Staveley. So Ordered by Magistrate Judge Lincoln D. Almond on 9/21/2020.(Noel, Jeannine) (Entered: 09/21/2020)
12/14/2020			TEXT ORDER: Due to the guidance issued by the Centers for Disease Control and Prevention and the Rhode Island Department of Health to slow the transmission of COVID-19 and the severity of risk posed to the public who may serve as jurors, the jury empanelment scheduled in December is cancelled, and this case is continued to the January 2021 trial calendar. The Court finds that pursuant to 18 USC 3161(h)(7)(A) the ends of justice served by ordering this continuance outweighs the interest of the public and the defendant's right to a speedy trial as to David Staveley – So Ordered by District Judge Mary S. McElroy on 12/14/2020. (Urizandi, Nisshy) (Entered: 12/14/2020)
12/30/2020			NOTICE OF REMOTE HEARING as to David Staveley: Pre Calendar Call set for 1/8/2021 at 2:00 PM via Zoom before District Judge Mary S. McElroy. The Zoom access information will be sent to counsel by email. (Urizandi, Nisshy) (Entered: 12/30/2020)
01/06/2021	<u>32</u>		MOTION to Withdraw as Attorney by Mark Josephs. by David Staveley. Responses due by 1/20/2021. (Josephs, Mark) (Entered: 01/06/2021)
01/07/2021			AMENDED NOTICE OF REMOTE HEARING as to David Staveley. Pre Calendar Call set for 1/8/2021 at 01:30 PM before District Judge Mary S. McElroy. The Court will send Zoom access information to counsel by email. (Urizandi, Nisshy) (Entered: 01/07/2021)
01/08/2021	<u>33</u>		MOTION <i>for Compassionate Release</i> by David Staveley. Responses due by 1/22/2021. (Josephs, Mark) (Entered: 01/08/2021)
01/08/2021			Minute Entry for proceedings held before District Judge Mary S. McElroy: PreCalendar Call as to David Staveley held on 1/8/2021. AUSA Lee Kilver, Defense Counsel Mark Josephs and Jeffrey Techentin participated. (via Zoom at 1:25 p.m.) (Urizandi, Nisshy) (Entered: 01/08/2021)
01/08/2021			ORAL MOTION to Withdraw as Attorney by Jeffrey K. Techentin by David Staveley. Responses due by 1/22/2021. (Urizandi, Nisshy) (Entered: 01/08/2021)
01/08/2021			ORAL MOTION to Continue Pretrial Deadlines and Empanelment for 60 days by David Staveley. Responses due by 1/22/2021. (Urizandi, Nisshy) (Entered: 01/08/2021)
01/08/2021			ORAL ORDER granting Motion to Continue as to David Staveley (1). All deadlines previously ordered are vacated. This case will be placed on the March 2021 trial calendar. The time requested shall be deemed excludable pursuant to 18 U.S.C. § 3161(h)(7) of the Speedy Trial Act – So Ordered by District Judge Mary S. McElroy on 1/8/2021. (Urizandi, Nisshy) (Entered: 01/08/2021)
01/08/2021			TEXT ORDER granting <u>32</u> Motion to Withdraw as Attorney; granting Oral Motion to Withdraw as Attorney. Mark L. Josephs and Jeffrey K. Techentin withdrawn from case as to David Staveley (1) – So Ordered by District Judge Mary S. McElroy on 1/8/2021. (Urizandi, Nisshy) (Entered: 01/08/2021)
01/11/2021	<u>34</u>		RESPONSE In Opposition to by USA as to David Staveley re <u>33</u> MOTION <i>for Compassionate Release</i> Replies due by 1/19/2021. (Vilker, Lee) (Entered: 01/11/2021)

01/11/2021	<u>35</u>		ORDER APPOINTING CJA PANEL ATTORNEY as to David Staveley: the Panel Attorney appointed as CJA Counsel is George J. West. So Ordered by Magistrate Judge Lincoln D. Almond on 1/11/2021. (Noel, Jeannine) (Entered: 01/11/2021)
01/14/2021			NOTICE OF VIDEO HEARING DEFENDANT REQUEST as to David Staveley. VIDEO Hearing on <u>33</u> MOTION <i>for Compassionate Release</i> : VIDEO Motion Hearing set for 1/29/2021 at 10:00 AM in Remote Hearing before Magistrate Judge Lincoln D. Almond.(Zoom Meeting ID: 160 945 9265, Passcode: 030364) (Noel, Jeannine) (Entered: 01/14/2021)
01/27/2021			TEXT ORDER as to David Staveley: Due to the guidance issued by the Centers for Disease Control and Prevention and the Rhode Island Department of Health to slow the transmission of COVID-19 and the severity of risk posed to the public who may serve as jurors, the jury empanelments scheduled for January, February, and March 2021 are cancelled, and this case is continued. This case will be placed on the April 2021 trial calendar. The time shall be deemed excludable pursuant to 18 U.S.C. § 3161(h)(7) of the Speedy Trial Act – So Ordered by District Judge Mary S. McElroy on 1/27/2021. (Urizandi, Nisshy) (Entered: 01/27/2021)
01/28/2021	<u>36</u>		MOTION to Continue <i>Hearing on Motion for Compassionate Release</i> by David Staveley. Responses due by 2/11/2021. (West, George) (Entered: 01/28/2021)
01/28/2021			TEXT ORDER granting <u>36</u> Motion to Continue as to David Staveley (1). So Ordered by Magistrate Judge Lincoln D. Almond on 1/28/2021.(Noel, Jeannine) (Entered: 01/28/2021)
01/28/2021			RESCHEDULING NOTICE OF HEARING DEFENDANT REQUEST as to David Staveley. VIDEO Hearing on <u>33</u> MOTION <i>for Compassionate Release</i> : VIDEO Motion Hearing RESCHEDULED for 2/12/2021 at 11:00 AM in Remote Hearing before Magistrate Judge Lincoln D. Almond. MOVED FROM 1/29/2021(Zoom Meeting ID: 160 945 9265, Passcode: 030364) (Noel, Jeannine) (Entered: 01/28/2021)
02/11/2021	<u>37</u>		MOTION to Continue <i>Bail Hearing</i> by David Staveley. Responses due by 2/25/2021. (West, George) (Entered: 02/11/2021)
02/11/2021			TEXT ORDER granting <u>37</u> Motion to Continue as to David Staveley (1). So Ordered by Magistrate Judge Lincoln D. Almond on 2/11/2021.(Noel, Jeannine) (Entered: 02/11/2021)
02/11/2021			RESCHEDULING NOTICE OF VIDEO HEARING DEFENDANT REQUEST as to David Staveley. Hearing on <u>33</u> MOTION <i>for Compassionate Release</i> : VIDEO Motion Hearing RESCHEDULED for 3/1/2021 at 11:00 AM in Remote Hearing before Magistrate Judge Lincoln D. Almond. MOVED FROM 2/12/2021. (Zoom Meeting ID: 160 945 9265, Passcode: 030364) (Noel, Jeannine) (Entered: 02/11/2021)
02/25/2021			TEXT ORDER as to David Staveley: The Court will resume criminal jury trials in April 2021. Due to the suspension of criminal jury trials from March 2020 to March 2021 because of the COVID-19 pandemic and the number of defendants currently awaiting trial, this case is continued to the June 2021 trial calendar. The Court finds that pursuant to 18 USC § 3161(h)(7)(A) the ends of justice served by ordering this continuance outweigh the best interests of the public and

		the defendant's right to a speedy trial. However, if the defendant seeks to be added to the April 2021 trial calendar, defense counsel must file a motion to be added to the April calendar call by March 1, 2021 – So Ordered by District Judge Mary S. McElroy on 2/25/2021. (Urizandi, Nisshy) (Entered: 02/25/2021)
03/01/2021		Appearance Entered for Jason P. Knight appearing for David Staveley (Noel, Jeannine) (Entered: 03/01/2021)
03/01/2021		Attorney update in case as to David Staveley. Attorney George J. West terminated. (Noel, Jeannine) (Entered: 03/01/2021)
03/01/2021		Minute Entry for proceedings held before Magistrate Judge Lincoln D. Almond: VIDEO Motion Hearing as to David Staveley held on 3/1/2021 re <u>33</u> MOTION <i>for Compassionate Release</i> filed by David Staveley (Vilker, West, Knight) USPO D. Picozzi; All parties present by video; Deft present by video; No objection to video hearing; Court advises Deft of rights; Retained Counsel present; Court reviews case; Atty Knight addresses the Court and requests continuance; No objection from the Govt; Court addresses Deft Counsel; Hearing continued; Atty West addresses the Court; Govt addresses the Court; Deft remanded(Court Reporter Zoom Recording in Courtroom Video at 11:10 am.)(Noel, Jeannine) (Entered: 03/01/2021)
03/01/2021		NOTICE OF VIDEO HEARING DEFENDANT REQUEST as to David Staveley. VIDEO Hearing on <u>33</u> MOTION <i>for Compassionate Release</i> : VIDEO Motion Hearing set for 3/22/2021 at 11:00 AM in Remote Hearing before Magistrate Judge Lincoln D. Almond.(Zoom Meeting ID: 160 945 9265, Passcode: 030364) (Noel, Jeannine) (Entered: 03/01/2021)
03/01/2021	<u>38</u>	NOTICE OF ATTORNEY APPEARANCE: Jason P. Knight appearing for David Staveley (Knight, Jason) (Entered: 03/01/2021)
03/02/2021	<u>39</u>	MOTION to Seal by David Staveley. (Knight, Jason) Modified (Unsealed) on 3/4/2021 (Noel, Jeannine). (Entered: 03/02/2021)
03/03/2021	<u>40</u>	MOTION to Seal filed by USA as to David Staveley. (Attachments: # <u>1</u> Government's Response)(Vilker, Lee) Modified (Unsealed) on 3/4/2021 (Noel, Jeannine). (Entered: 03/03/2021)
03/04/2021		TEXT ORDER – Defendant moves in ECF # 39 to seal his previously filed motion for compassionate release (ECF # 33) and the Government's opposition thereto (ECF # 34) because they contain personal and sensitive health information. The Government has no opposition to the sealing request. (ECF # 40). Absent opposition from the Government and for good cause shown, the motion to seal ECF #s 33 and 34 (ECF # 39) is GRANTED. However, the Court notes that the pleadings in question were filed by Defendant's counsel several weeks ago without any request to seal and thus they have been in the public domain for that entire time and have apparently already been the subject of some legitimate media reporting. Despite granting the request to seal going forward, the Court has some concern, due to Defendant's lengthy delay in moving to seal and the existing legitimate public dissemination of that unsealed information, that any privacy concerns of Defendant in these pleadings may have been waived under these circumstances or that these circumstances on balance may otherwise support a finding that the interests of public access to Court filings outweigh Defendant's privacy interests at this time. Accordingly, this sealing Order is without prejudice to future consideration of those issues if the Court

		receives a non-party motion to unseal the pleadings. The Clerk shall maintain ECF #s 33 and 34 under seal until further order of the Court. This Text Order and ECF #s 39 and 40 shall not be sealed filings. So Ordered by Magistrate Judge Lincoln D. Almond on 3/4/2021.(Noel, Jeannine) (Entered: 03/04/2021)
03/19/2021	<u>41</u>	MOTION to Withdraw Document <i>Motion for Compassionate Release</i> by David Staveley. Responses due by 4/2/2021. (Knight, Jason) (Entered: 03/19/2021)
03/19/2021		TEXT ORDER withdrawing <u>33</u> MOTION <i>for Compassionate Release</i> as to David Staveley (1); granting <u>41</u> Motion to Withdraw Document as to David Staveley (1). So Ordered by Magistrate Judge Lincoln D. Almond on 3/19/2021.(Noel, Jeannine) (Entered: 03/19/2021)
03/19/2021		HEARING CANCELLED as to David Staveley: VIDEO Motion Hearing CANCELLED for 3/22/2021 at 11:00 AM in Remote Hearing before Magistrate Judge Lincoln D. Almond. (Noel, Jeannine) (Entered: 03/19/2021)
04/27/2021		NOTICE OF HEARING as to David Staveley. This matter is on the list of cases for the June 2021 trial calendar. The calendar call will be held on <u>May 11, 2021 at 9:30 AM</u> via Zoom before District Judge Mary S. McElroy. Due to the number of cases scheduled, parties seeking to continue this matter must file a motion to continue by May 7, 2021 , to be removed from the calendar call notice. (Zoom ID: 160 126 7400, Password: 520445) (Urizandi, Nisshy) (Entered: 04/27/2021)
05/06/2021	<u>42</u>	PLEA AGREEMENT as to David Staveley (Vilker, Lee) (Entered: 05/06/2021)
05/10/2021		NOTICE OF HEARING DEFENDANT REQUEST as to David Staveley. Change of Plea Hearing set for 5/17/2021 at 10:30 AM via Zoom before District Judge Mary S. McElroy. (Zoom Meeting ID: 160 281 4721, Passcode: 120394) (Urizandi, Nisshy) (Entered: 05/10/2021)
05/17/2021		Minute Entry for proceedings held before District Judge Mary S. McElroy:Change of Plea Hearing as to David Staveley held on 5/17/2021, Plea entered by David Staveley (1) Guilty Count 1,7. Lee Vilker for Government.Jason Knight for Defendant. Defendant sworn. Defendant Defendant waives right to appear in person and consents to appear via video. Court verifies that the Defendant has reviewed the charges & plea agreement with his attorney. Court questions Defendant and reviews maximum penalties, sentencing guidelines, and constitutional rights. Government outlines the legal elements and facts of the case. Defendant agrees with Government's outline. Defendant pleads guilty to Counts 1 & 7. Defendant requests in person sentencing. Sentencing 8/2/2021 10:00 am in the JAR. Defendant remanded. Court adjourned.(Court Reporter Karen Wischnowsky in Courtroom Zoom Video at 10:40am.)(McGuire, Vickie) (Entered: 05/17/2021)
05/17/2021		NOTICE OF HEARING DEFENDANT REQUEST as to David Staveley. Sentencing set for 8/5/2021 at 10:00 AM in Jury Assembly before District Judge Mary S. McElroy. Please Note: Date & time has changed. (McGuire, Vickie) (Entered: 05/17/2021)
07/14/2021	<u>44</u>	MOTION to Continue by David Staveley. Responses due by 7/28/2021. (Knight, Jason) (Entered: 07/14/2021)
07/15/2021		

		TEXT ORDER granting <u>44</u> Motion to Continue as to David Staveley (1). So Ordered by District Judge Mary S. McElroy on 7/15/2021.(Potter, Carrie) (Entered: 07/15/2021)
07/15/2021		NOTICE OF HEARING DEFENDANT REQUEST as to David Staveley. Sentencing rescheduled for 10/5/2021 at 10:00 AM in Courtroom 2 before District Judge Mary S. McElroy.(Potter, Carrie) (Entered: 07/15/2021)
09/13/2021	<u>45</u>	OBJECTION TO PRESENTENCE REPORT by David Staveley (Attachments: # <u>1</u> Supporting Memorandum)(Knight, Jason) (Entered: 09/13/2021)
09/14/2021		NOTICE OF HEARING DEFENDANT REQUEST as to David Staveley. Sentencing rescheduled for 9/30/2021 at 02:00 PM in Jury Assembly before District Judge Mary S. McElroy. Please note date and time change.(Public Zoom Information: Meeting ID: 161 560 5365, Passcode: 139701) (Potter, Carrie) (Entered: 09/14/2021)
09/24/2021	<u>48</u>	SENTENCING MEMORANDUM by USA as to David Staveley (Vilker, Lee) (Entered: 09/24/2021)
09/29/2021		HEARING CANCELLED as to David Staveley: Due to the COVID-19 outbreak at Wyatt Detention Center, the Sentencing scheduled for 9/30/2021 at 02:00 PM in Jury Assembly before District Judge Mary S. McElroy is hereby cancelled. (Potter, Carrie) (Entered: 09/29/2021)
09/29/2021		NOTICE OF HEARING DEFENDANT REQUEST as to David Staveley. Sentencing set for 10/5/2021 at 02:00 PM in Remote Hearing before District Judge Mary S. McElroy.(Zoom Meeting ID: 161 560 5365, Passcode: 139701) (Potter, Carrie) (Entered: 09/29/2021)
10/04/2021		HEARING CANCELLED :Sentencing set for 10/5/2021 at 02:00 PM in Remote Hearing before District Judge Mary S. McElroy is hereby cancelled. (Potter, Carrie) (Entered: 10/04/2021)
10/04/2021		NOTICE OF HEARING DEFENDANT REQUEST as to David Staveley. Sentencing set for 10/7/2021 at 11:00 AM in Jury Assembly before District Judge Mary S. McElroy. PLEASE NOTE: THIS IN A IN-PERSON HEARING.(Zoom Meeting ID: 161 560 5365, Passcode: 139701) (Potter, Carrie) (Entered: 10/04/2021)
10/07/2021		Minute Entry for proceedings held before District Judge Mary S. McElroy:Sentencing held on 10/7/2021 for David Staveley : L. Vilker, J. Knight. M. Picozzi, US Probation. Deft present. Court verifies that defense counsel has reviewed the PSR with the deft. Objections made. Arguments heard. For the reasons stated in open court, the Court grants objections in part and overrules objections in part. Court sets forth the advisory sentencing guideline calculations in this case. Govt and defense counsel each give their sentencing recommendations. Deft exercises his right to allocution. 1 impact statement given. Court addresses and sentences the deft to 56 months of imprisonment – 44 months as to Count 1 and 12 months as to Count 7 to run consecutive. 3 years of supervised release, \$200.00 special assessment, no fine. Court verifies that the deft has waived his right to appeal pursuant to the plea agreement filed in this case. Deft remanded. Recess.(Court Reporter D. Veitch in Courtroom Jury Assembly Room at 11:30 am.)(Potter, Carrie) (Entered: 10/07/2021)

10/12/2021	<u>51</u>		JUDGMENT as to David Staveley (1), Count(s) 1, 7, 56 months of imprisonment – 44 months as to Count 1 and 12 months as to Count 7 to run consecutive. 3 years of supervised release, \$200.00 special assessment, no fine.; Count(s) 2–4, 5, 6, Dismissed.. So Ordered by District Judge Mary S. McElroy on 10/12/2021.(Potter, Carrie) (Entered: 10/12/2021)
10/15/2021	<u>53</u>		NOTICE OF APPEAL by David Staveley as to Sentencing. NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf/. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf Appeal Record due by 11/15/2021. (Attachments: # <u>1</u> Envelope)(Kenny, Meghan) (Entered: 10/15/2021)
10/15/2021	<u>54</u>		MOTION to Appoint Counsel by David Staveley. Responses due by 10/29/2021. (Attachments: # <u>1</u> Envelope)(Kenny, Meghan) (Entered: 10/15/2021)
10/15/2021	<u>56</u>		MOTION for Return of Property/PostTrial by David Staveley. Responses due by 10/29/2021. (Kenny, Meghan) (Entered: 10/15/2021)

10/14/2021

RECEIVED

OCT 15 2021

U.S. DISTRICT COURT
DISTRICT OF R.I.

Re: David Staveley
Case No: 20-CR-00074-MSM

Notice of Intention to Appeal Sentence
under 3553 Error in consideration

Dear Clerk of Courts:

This letter is to inform the court of the
intention of Defendant to file an appeal.
as it pertains to sentencing. The Defendant
request the court appoint counsel to assist
in the appeal otherwise the Defendant will
go Pro Se.

Thank you for your help and consideration.

Respectfully Submitted

David Staveley
456 Mammoth Rd. #7
Dracut, MA 01826
978-204-8750

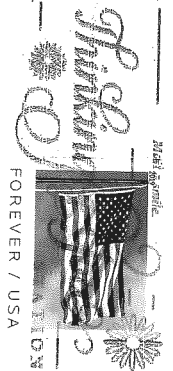
David Staveland 04230649
Box B, #27
WWSF
50 High Street
Central Falls, RI 02863

Clark of Courts
Federal Building & Courthouse
1 Exchange Terrace - Federal Bldg/Courthouse
Providence, R.I. 02903

02903-17499

02903-17499

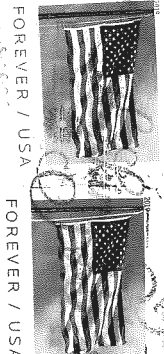
PROVIDENCE RI 028
13 OCT 2021 PM 5 L



Board of Study 04030049
Unit B, #27
DOWD
950 High Street
Central Falls, RI 02863

Staveland

PROVIDENCE RI
B13 OCT 2021 PM 5



FOREVER / USA
FOREVER / USA

Federal Building & Courthouse
1 Exchange Terrace - Federal Bldg & Courthouse
Providence, RI 02903
Attn: Clerk of Court
Honorable Judge Melroy

02903-174499

02903-174499

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

David Staveley

a.k.a. Kurt Sanborn, a.k.a David Sanborn

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:20CR00074-01MSM

USM Number: 04230-049

Jason P. Knight, Esq.

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 and 7 of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1349	Conspiracy to Commit Bank Fraud	4/27/2020	1
18 U.S.C. § 3146(a)(1)	Failure to Appear in Court as Required	7/23/2020	7

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) 2-6 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/7/2021

Date of Imposition of Judgment

Signature of Judge

Mary S. McElroy
US District Judge

Name and Title of Judge

10/12/2021

Date

DEFENDANT: **David Staveley**
CASE NUMBER: **1:20CR00074-01MSM**

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

56 months;
44 months as to Count 1 and 12 months as to Count 7 to be served consecutive to each toher.

☒ The court makes the following recommendations to the Bureau of Prisons:

The defendant be placed at Fort Devens or a facility as close to Massachusetts at possible for familial reasons.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: David Staveley
CASE NUMBER: 1:20CR00074-01MSM

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

- 3 years;
- 3 years as to Counts 1 and 7 to run concurrent with each other.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: David Staveley
CASE NUMBER: 1:20CR00074-01MSM

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: David Staveley
CASE NUMBER: 1:20CR00074-01MSM

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall refrain from any alcohol use.
2. The defendant shall participate in a program of substance abuse testing to include alcohol testing (up to 72 drug tests per year), as directed and approved by the Probation Office.
3. The defendant shall participate in a program of mental health as directed and approved by the Probation Office.
4. The defendant shall participate in a manualized behavioral program as directed by the USPO. Such program may include group sessions led by a counselor or participation in a program administered by the USPO
5. The defendant shall contribute to the cost of all ordered treatment and testing based on ability to pay as determined by the probation officer.
6. The defendant is to provide access to all financial information requested by the supervising probation officer including, but not limited to, copies of all federal and state income tax returns. All tax returns shall be filed in a timely manner.
7. The defendant will not open new lines of credit, which includes the leasing of any vehicle or other property or use existing credit resources without the prior approval of the supervising probation officer until court ordered financial obligations have been satisfied.
8. The defendant will maintain one personal checking account. All the defendant's income, monetary gains, or other pecuniary proceeds will be deposited into this account, which will also be used for payment of all personal expenses. Records of all other bank accounts, including business accounts, will be disclosed to the supervising probation officer upon request.
9. The defendant will not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$1,000.00 without the approval of the supervising probation officer until all financial obligations imposed by this court have been satisfied.
10. The defendant will not hold employment having fiduciary responsibilities during the supervision term without first notifying the employer of the conviction. The defendant will not hold self-employment having fiduciary responsibilities without approval of the supervising probation officer.
11. The defendant will cooperate with the U.S. Probation Office in the investigation and approval of any position of self-employment, including any independent, entrepreneurial, or freelance employment or business activity. If approved for self-employment, the defendant will provide the U.S. Probation Office with full disclosure of self-employment and other business records, including, but not limited to, all of the records identified in the Probation Form 48F (Request for Self-Employment Records), or as otherwise requested by the U.S. Probation Office

DEFENDANT: David Staveley
CASE NUMBER: 1:20CR00074-01MSM

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 200.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS	\$ 0.00	\$ 0.00
--------	---------	---------

- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: David Staveley
CASE NUMBER: 1:20CR00074-01MSM

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☐ not later than _____, or
- ☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
All property, real or personal, used or intended to be used to commit or facilitate the commission of the offenses of conviction.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

From:cmecf@rid.uscourts.gov

To:cmecfnef@rid.uscourts.gov

--Case Participants: Jason P. Knight (jason.knight@jasonknightlaw.com), Lee Vilker

(caseview.ecf@usdoj.gov, jade.brennan@usdoj.gov, kellyann.anderson@usdoj.gov,

lauren.masse@usdoj.gov, lee.vilker@usdoj.gov, lindsay.beltzer@usdoj.gov,

michele.sisson@usdoj.gov, miriam.contreras-morales@usdoj.gov, richard.myrus@usdoj.gov,

usari-ecf@usdoj.gov), Magistrate Judge Lincoln D. Almond

(juliane_realejo@rid.uscourts.gov, ldanef@rid.uscourts.gov,

mag_judge_almond@rid.uscourts.gov, mara_martinelli@rid.uscourts.gov), District Judge Mary

S. McElroy (judge_mcelroy@rid.uscourts.gov, msmnef@rid.uscourts.gov)

--Non Case Participants: Molly Picozzi (molly_picozzi@rip.uscourts.gov), US Attorney FLU

(sandra.mascola@usdoj.gov), United States Probation (ripml_nef@rip.uscourts.gov)

Message-Id:1674490@rid.uscourts.gov

Subject:Activity in Case 1:20-cr-00074-MSM-LDA USA v. Staveley Sentencing

Content-Type: text/html

District of Rhode Island

The following transaction was entered on 10/7/2021 at 1:50 PM EDT and filed on 10/7/2021

Case Name: USA v. Staveley

Case Number: 1:20-cr-00074-MSM-LDA

Filer:

Document Number: No document attached

Minute Entry for proceedings held before District Judge Mary S. McElroy: Sentencing held on 10/7/2021 for David Staveley : L. Vilker, J. Knight. M. Picozzi, US Probation. Deft present. Court verifies that defense counsel has reviewed the PSR with the deft. Objections made. Arguments heard. For the reasons stated in open court, the Court grants objections in part and overrules objections in part. Court sets forth the advisory sentencing guideline calculations in this case. Govt and defense counsel each give their sentencing recommendations. Deft exercises his right to allocution. 1 impact statement given. Court addresses and sentences the deft to 56 months of imprisonment – 44 months as to Count 1 and 12 months as to Count 7 to run consecutive. 3 years of supervised release, \$200.00 special assessment, no fine. Court verifies that the deft has waived his right to appeal pursuant to the plea agreement filed in this case. Deft remanded. Recess. (Court Reporter D. Veitch in Courtroom Jury Assembly Room at 11:30 am.) (Potter, Carrie)

Jason P. Knight jason.knight@jasonknightlaw.com

Lee Vilker lee.vilker@usdoj.gov, CaseView.ECF@usdoj.gov, jade.brennan@usdoj.gov,
kellyann.anderson@usdoj.gov, lauren.masse@usdoj.gov, lindsay.beltzer@usdoj.gov,

michele.sisson@usdoj.gov, miriam.contreras-morales@usdoj.gov, richard.myrus@usdoj.gov, usari-ecf@usdoj.gov

1:20-cr-00074-MSM-LDA-1 Notice has been delivered by other means to:

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

DAVID STAVELEY,
a/k/a "Kurt Sanborn,"
Defendant.

Criminal Case No. 20-CR-074-MSM

PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, the United States and Defendant, David Staveley, have reached the following agreement:

1. Defendant's Obligations.

a. Defendant will plead guilty to Counts 1 and 7 of the Indictment, which charges Defendant with conspiracy to commit bank fraud and failure to appear in court as required, in violation of 18 U.S.C. §§ 1349 and 3146(a)(1).

Defendant further agrees that the time between the filing of this plea agreement and the scheduled date for the change of plea is excludable under the Speedy Trial Act, 18 U.S.C. § 3161.

b. Defendant will promptly submit a completed Department of Justice Financial Statement to the U.S. Attorney's Office, in a form that the U.S. Attorney's Office provides and as it directs. Defendant agrees that his financial statement and disclosures will be complete, accurate, and truthful. Defendant expressly authorizes the U.S.

Attorney's Office to obtain a credit report on him in order to evaluate Defendant's ability to satisfy any financial obligation that may be imposed by the Court.

2. Government's Obligations. In exchange for Defendant's pleas of guilty:

a. The government will recommend that the Court impose a term of imprisonment within the range of sentences for the offense level determined by the Court under the United States Sentencing Guidelines (the U.S.S.G. or "guidelines"), but not including probation or a "split-sentence," even if permitted under the guidelines.

b. For purposes of determining the offense level, the government agrees to recommend a two-level reduction in the offense level for acceptance of responsibility under § 3E1.1(a) of the guidelines if Defendant continues to demonstrate acceptance of responsibility through sentencing.

c. As of the date of this agreement, Defendant has timely notified authorities of an intention to enter a plea of guilty. If the offense level is 16 or greater and Defendant enters a plea of guilty pursuant to this agreement, the government will move the sentencing Court for an additional decrease of one level, pursuant to U.S.S.G. § 3E1.1(b), unless Defendant indicates an intention not to enter a plea of guilty, thereby requiring the government to prepare for trial.

d. The government is free to recommend any combination of supervised release, fines, and restitution which it deems appropriate.

e. The government will, at the time of sentencing, move to dismiss Counts 2-6 of the indictment.

3. Defendant understands that the guidelines are not binding on the Court, and that, although the Court must consult the guidelines in fashioning any sentence in this case, the guidelines are only advisory, and the Court may impose any reasonable sentence in this matter up to the statutory maximum penalties after taking into account the factors enumerated in 18 U.S.C. § 3553(a).

4. The United States and defendant stipulate and agree to the following facts under the guidelines:

a. The amount of intended loss applicable to the offense charged in Count One is \$543,959. As the amount of intended loss is more than \$250,000 but less than \$550,000, there is a 12-level enhancement pursuant to U.S.S.G. § 2B1.1(b)(1)(G).

5. Except as expressly provided in the preceding paragraph, there is no agreement as to which Offense Level and Criminal History Category applies in this case. Both the United States and Defendant reserve their rights to argue and present evidence on all matters affecting the guidelines calculation.

6. The maximum statutory penalties for the offenses to which Defendant is pleading are:

(i) Count One: 30 years of imprisonment, 5 years of supervised release, a fine of \$1,000,000, and a \$100 special assessment;

(iii) Count Seven: 10 years of imprisonment, 3 years of supervised release, a fine of \$250,000 and a \$100 special assessment.

If imposed consecutively, the maximum penalties for all offenses to which Defendant is pleading guilty are 40 years imprisonment; a fine of \$1,250,000; and a term of supervised release of 5 years. The mandatory special assessment totals \$200.

7. Defendant agrees that, after Defendant and Defendant's counsel sign this plea agreement, counsel will return it to the United States Attorney's Office along with a money order or certified check, payable to the Clerk, United States District Court, in payment of the special assessments. Failure to do so, unless the Court has made a previous finding of indigence, will relieve the government of its obligation to recommend a reduction in the offense level under the guidelines for acceptance of responsibility.

8. Defendant is advised and understands that:
- a. The government has the right, in a prosecution for perjury or making a false statement, to use against Defendant any statement that Defendant gives under oath;
 - b. Defendant has the right to plead not guilty, or having already so pleaded, to persist in that plea;
 - c. Defendant has the right to a jury trial;
 - d. Defendant has the right to be represented by counsel – and if necessary have the Court appoint counsel – at trial and every other stage of the proceeding;

e. Defendant has the right at trial to confront and cross-examine adverse witnesses, to be protected from self-incrimination, to testify and present evidence, and to compel the attendance of witnesses; and

f. Defendant waives these trial rights if the Court accepts a plea of guilty.

g. Defendant recognizes that pleading guilty may have consequences with respect to his immigration status if he is not a citizen of the United States. Under federal law, a broad range of crimes are removable or deportable offenses. Likewise, if defendant is a naturalized citizen of the United States, pleading guilty may result in denaturalization as well as removal and deportation. Removal, deportation, denaturalization, and other immigration consequences are the subject of separate proceedings, however, and defendant understands that no one, including his attorney or the district court, can predict to a certainty the effect of his conviction on his immigration status. Defendant nevertheless affirms that he wants to plead guilty regardless of any immigration consequences that his plea may entail, even if the consequence is his removal or deportation from the United States or his denaturalization.

9. The government reserves its full right of allocution, including the right to present any information to the Court for its consideration in fashioning an appropriate sentence, the right to correct misstatements, misrepresentations, or omissions by Defendant, and to answer any questions asked by the Court.

10. Except for paragraphs 2 and 4, above, the parties have made no agreement concerning the application of the guidelines in this case.

11. Defendant understands that the Court alone makes all sentencing decisions, including the application of the guidelines and the sentence to be imposed. The Court is not bound by the parties' stipulations of fact, offense level adjustments, or the government's recommendations. The Court is free to impose any sentence it deems appropriate up to and including the statutory maximum. Defendant also understands that even if the Court's guideline determinations and sentence are different than Defendant expects, Defendant will not be allowed to withdraw Defendant's plea of guilty.

12. Defendant hereby waives Defendant's right to appeal the convictions and sentences imposed by the Court, if the sentences imposed by the Court are within or below the sentencing guideline range determined by the Court. This agreement does not affect the rights or obligations of the United States as set forth in 18 U.S.C. § 3742(b), and the government retains its right to appeal any of the Court's sentencing determinations.

13. This agreement is binding on the government only if Defendant pleads guilty, fulfills all Defendant's obligations under the agreement, does not engage in any conduct constituting obstruction of justice under § 3C1.1 of the guidelines, and does not commit any new offenses. Defendant understands that if Defendant violates this agreement in any way, the government shall be released from its obligations under the agreement and will be free to make any recommendations that it deems appropriate. If that occurs, Defendant shall not have the right to withdraw Defendant's guilty plea.

14. This agreement is limited to the District of Rhode Island and does not bind any other federal, state, or local prosecutive authorities.

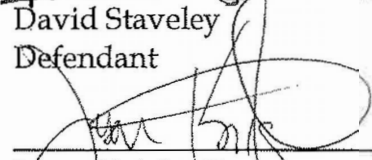
15. This agreement constitutes the entire agreement between the parties. No other promises or inducements have been made concerning the plea in this case. Defendant acknowledges that no person has, directly or indirectly, threatened or coerced Defendant to enter this agreement. Any additions, deletions, or modifications to this agreement must be made in writing and signed by all the parties in order to be effective.

16. Counsel for Defendant states that Counsel has read this agreement, been given a copy of it for Counsel's file, explained it to Defendant, and states that to the best of Counsel's knowledge and belief, Defendant understands the agreement.

17. Defendant states that Defendant has read the agreement or has had it read to Defendant, has discussed it with Defendant's Counsel, understands it, and agrees to its provisions.



David Staveley
Defendant



Jason Knight, Esq.
Counsel for Defendant



LEE H. VILKER
Assistant U.S. Attorney



SANDRA R. HEBERT
Criminal Division Chief

5-6-2021
Date

5/6/2021
Date

5/6/2021
Date

5/6/2021
Date

**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF RHODE ISLAND**

UNITED STATES OF AMERICA	)	
	)	Criminal No. 20-074-MSM
v.	)	
	)	
DAVID STAVELEY	)	
Defendant.	)	

GOVERNMENT’S SENTENCING MEMORANDUM

Defendant David Staveley (“Staveley”) is due to be sentenced on September 30, 2021 on one count of conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349, and one count of failure to appear in court, in violation of 18 U.S.C. § 3146(a)(1). Staveley was among the first in the country (and the first one charged) who decided to take advantage of the national crisis brought about by the COVID-19 pandemic by devising a scheme to defraud the Paycheck Protection Program (“PPP”). Along with his co-conspirator David Butziger (“Butziger”), Staveley brazenly sought to defraud the PPP by submitting fraudulent applications for \$543,959 in forgivable loans for restaurants that were not in business and, in one instance, for which he had no ownership interest.

Staveley then compounded his criminal conduct by removing his electronic bracelet, staging his own suicide and leading the U.S. Marshals on a three-month hunt for his whereabouts. Staveley was ultimately apprehended in Georgia with false identification documents in his possession.

These offenses are just the latest in the string of crimes committed by Staveley, including two prior federal fraud convictions in the District of New Hampshire. Due to the seriousness of the offenses, the need to protect the public and to afford adequate deterrence, the United States

recommends that the Court impose a sentence of 56 months imprisonment, which is the middle of the applicable guideline range.¹

Seriousness of the Offense

The first sentencing factor the Court must consider under 18 U.S.C. § 3553 is the seriousness of the offense. There can be no question that the offenses committed by Staveley were extremely serious. With the country reeling from the COVID-19 pandemic and the shutdown of businesses nationwide, Staveley simply saw an opportunity to benefit himself by committing more fraud. First, on April 6, 2020, Staveley, in the name of his brother and without his brother's knowledge or authorization, submitted a loan application under the PPP to BankNewport on behalf of Oakland Beach Restaurant Group LLC, d/b/a "Top of the Bay." The loan application was in the amount of \$185,750 and fraudulently represented that Oakland Beach Restaurant Group, LLC had 26 employees and an average monthly payroll of \$53,000 at the Top of the Bay restaurant in Warwick, R.I. In reality, Staveley did not own this restaurant and had no employees and no payroll. In furtherance of this loan application, Staveley submitted fraudulent tax return documents to BankNewport that were created by his co-conspirator, Butziger.

On that same day, April 6, 2020, Staveley, again in the name of his brother, submitted a loan application under the PPP to BankNewport on behalf of Apponaug Restaurant Group LLC, d/b/a "Remington House." The loan application was in the amount of \$144,050 and fraudulently represented that Apponaug Restaurant Group, LLC had 18 employees and an average monthly payroll of \$46,000. In reality, the Remington House restaurant in Warwick, R.I. had been closed

¹ The United States agrees that defendant should receive a 3-level reduction for acceptance of responsibility. If these three levels are applied, defendant's final guideline calculation will be a Level 20, CHC IV, producing a guideline range of 51-63 months imprisonment.

since November 2018 and Apponaug Restaurant Group, LLC had no employees. In furtherance of this loan application, Staveley submitted fraudulent tax return documents to BankNewport that were created by his co-conspirator, Butziger.

Also on April 6, 2020, Staveley, in the name of his brother, submitted a loan application under the PPP to BankNewport on behalf of New Flat Penny LLC, d/b/a “On The Trax,” a restaurant in Berlin, MA. The loan application was in the amount of \$108,777.50 and fraudulently represented that New Flat Penny, LLC had 22 employees and an average monthly payroll of \$36,000. In reality, although New Flat Penny did own and operate the On the Trax restaurant in 2019 and the beginning of 2020, the On The Trax restaurant was closed permanently on about March 10, 2020 after its liquor license was revoked. New Flat Penny, LLC had no employees when the PPP application was submitted.

Finally, on April 6, 2020, co-conspirator Butziger submitted a loan application under the PPP to BankNewport in his own name on behalf of an unincorporated entity that he called Dock Wireless. The loan application was in the amount of \$105,381.50 and fraudulently represented that Dock Wireless had 7 employees and an average monthly payroll of \$42,152.60. In reality, Dock Wireless had no employees and no wages were ever paid by Dock Wireless.

In total, Staveley and Butziger submitted four fraudulent PPP loans applications totaling \$543,959. While the applications were pending, a concerned citizen aware of their fraudulent nature brought them to the attention of law enforcement which ultimately led to their denial by BankNewport. Though Staveley was ultimately thwarted in his attempt to obtain PPP funds, there can be no question that his intention, at the very beginning of the pandemic, was to exploit the national crisis for his own advantage. The seriousness of the offense obviously includes the large amount of attempted fraud perpetrated by this defendant. In this case, however, there is an

even greater harm. The money that defendant attempted to obtain by fraud was meant for legitimate small businesses struggling to survive after being forced to shut down due to the pandemic. It was meant to pay actual employees so that these employees could keep receiving some income when they were unable to work. This money set aside by the Government in the PPP program was not endless. In fact, many businesses struggled to obtain funding under this program due to the intense need created by the closure of much of the economy. None of this mattered to this defendant. He saw the economic emergency created by the pandemic simply as an opportunity to make himself rich by taking for himself what was meant for those in need.

Defendant exacerbated his criminal conduct after his arrest when he removed the electronic monitoring device from his body and fled. In an effort to deceive law enforcement into believing that he had died, Staveley staged his suicide on May 26, 2020, by, among other things, leaving suicide notes with family members (including his 80-year-old mother) and associates and in his car, which he left unlocked and parked by the Atlantic Ocean. Law enforcement sent a search and rescue boat into the nearby ocean in an attempt to locate Staveley's body, to no avail. Many of his family members and associates were left with the belief that Staveley had indeed killed himself, though the ones who knew him best informed law enforcement that they suspected this to be yet another scheme orchestrated by the defendant.

During the next three months, in an effort to avoid apprehension, Staveley traveled to various States using false identities and stolen license plates. The United States Marshals worked tirelessly on tracking him down even during the period in which there was uncertainty as to whether Staveley had indeed committed suicide. During this period, Staveley changed his phone number on at least five occasions. Ultimately, Staveley was apprehended by the United States Marshals Service in Alpharetta, Georgia on July 23, 2020. Staveley was found to be in

possession of multiple false identification documents that he had used throughout the period of his flight.

The seriousness of the offenses committed by Staveley calls for a very heavy sentence.

Protection of the Public

The next pertinent factor under 18 U.S.C. § 3553 is the need to protect the public. Put simply, the public needs to be protected from this defendant. Long before Staveley decided to defraud the Paycheck Protection Program, he committed serious financial crimes. In 2009, Staveley received his first federal conviction, a conviction for Wire Fraud out of the District of New Hampshire. This conviction involved defendant submitting \$280,000 in false invoices from fictitious companies for services that were purportedly rendered in the construction of a baseball park. Defendant received a sentence of 30 months of imprisonment. After defendant completed this sentence, he violated his supervised release and was sentenced to an additional 3 months' imprisonment for Violation of a Trespass Order.

Defendant's second federal conviction took place in 2015, when he was again convicted of Wire Fraud in the District of New Hampshire. This offense involved a complicated mortgage fraud and bank fraud scheme that defendant orchestrated in 2003-2005. Defendant was sentenced to 27 months of imprisonment for this offense.

Defendant was also convicted in 2015 in Rhode Island of Willful Trespass. According to information provided by the East Greenwich Police Department, defendant engaged in dangerous stalking behavior of a former girlfriend, including entering her home uninvited, changing the locks in her home, hiding in the shrubs outside her place of employment and following the victim. (PSR ¶ 53) The victim obtained a restraining order and claimed that the defendant, in

addition to breaking into her house, sent her harassing texts, emails and voice mails, hacked her private messages and her bank account and made homicidal threats.

These prior arrests and convictions did nothing to stop the defendant from committing further crimes. This defendant has shown that he will continue to find ways to defraud others. The public needs to be protected from him.

Need to Afford Adequate Deterrence

As with most federal criminal cases, there exists a strong need for deterrence. White-collar defendants who commit fraud are by and large rational actors who weigh the pros and cons of their criminal conduct before undertaking it. Giving a heavy sentence to a defendant like Staveley who has made a career out of defrauding others would send a powerful message. It would also send the important message that significant punishment is to follow for anyone who attempts to capitalize on national emergencies by committing fraud.

There is also a strong need for individual deterrence in this case. The sentences defendant received in his prior federal fraud cases – 30 and 27 months, respectively – obviously did not deter defendant from committing more fraud. When the coronavirus crisis hit this country, he saw only the opportunity to benefit himself by submitting fraudulent PPP loans in his brother's name. A significant sentence – well above those defendant received in his prior cases – is necessary for there to be any hope of deterring Staveley from committing additional fraud.

Personal Characteristics of the Defendant

The defendant reported to Probation Department that he was a victim of trauma and that he suffers from mental health issues as a result. The United States has no knowledge of the facts

underlying defendant's professed trauma but takes defendant at his word that he suffers from mental health disorders.

One fact that is painfully clear from the Presentence Report is that defendant still blames others for his own independent decisions to commit crimes. When explaining why he committed the instant offense of defrauding the Paycheck Protection Program, defendant told Probation that he did so because he was in a bad relationship at the time and was experiencing trauma. (PSR ¶ 78) The Government does not comprehend how a difficult relationship can be to blame for defendant's own decision to submit hundreds of thousands of dollars in fraudulent loan applications.

Defendant then attempts to explain away his decision to cut off his bracelet and flee by blaming his co-conspirator Butziger. Defendant claims that Butziger told him to remove his electronic monitoring equipment and to drive south. (PSR ¶ 80). According to defendant, he was "blacking out and never got to his destination" until he was found by the Marshals in Georgia. Id. Defendant neglects to mention how he staged his own suicide, sent suicide notes to friends and family members, changed his phone regularly and used numerous false identities to elude capture.

Defendant simply seems incapable of taking full responsibility for his own choices in life. No one forced him to defraud the government in the midst of a national crisis. No one forced him to stage his own suicide and abscond. He committed these acts voluntarily and willfully. Until defendant accepts his own responsibility for his conduct, there is little to no chance of him refraining from criminal behavior in the future.

For all of the foregoing reasons, a sentence of 56 months of imprisonment is sufficient, but not greater than necessary, to punish the defendant, promote respect for the law, protect the public, and afford adequate deterrence.

Respectfully submitted,

RICHARD B. MYRUS
ACTING UNITED STATES ATTORNEY



LEE H. VILKER
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of September 2021, I caused the within Government's Sentencing Memorandum to be filed electronically and it is available for viewing and downloading from the ECF system.

/s/ Lee H. Vilker

LEE H. VILKER
Assistant U. S. Attorney,
U. S. Attorney's Office
50 Kennedy Plaza, 8th Floor
Providence, RI 02903
401-709-5000, 401-709-5001 (fax)