

United States District Court
District of Rhode IslandUnited States of America
v.

Case No. 20-CR-00074-MSM

David Staveley

Motion to Compel Compliance
to Court Order - Granting Motion (56)
for Return of Property.

The following Motion is presented to the honorable Court by the defendant Pro Se and without the guidance of qualified counsel as that was denied.

The defendant is not an attorney and has no legal knowledge or experience, and while submitting this motion while incarcerated, during limiting Covid-19 protocols, no available resources, no ability to research or investigate and extremely limited access to communication, the defendant is prejudiced and it has already been demonstrated by the court his efforts are futile. Although the defendant will try.

1. On 2/4/2022 the Court Ordered the Return of Property as to David Staveley. Some, but not all has been returned.
2. Attempts have been made prior to this motion to without the Courts involvement to get remaining property. Specifically, Massachusetts government issued valid drivers license. But have been unsuccessful.

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3. It has been reported time and time again by the Providence Journal as well as other former of Media that "Authorities recovered Staveley's wallet with credit cards and his Massachusetts Drivers License...." none of this has been returned.

4. Additionally, in reports generated by Special Agent Christine Grady of the FBI it appears that the Defendants government issued drivers license is present and demonstrates logged in as property of the defendant.

5. Agent Grady came to defendants residence and returned some, but not all property of the defendant, rather she provided files that belonged to Co-Defendant David Botsinger which two days later she returned to retrieve.

6. U.S. Marshall Alvin Silver also sent a few articles of personal property belonging to the defendant, but not all non-evidentiary property. When asked for the license...? Marshall Silver became irrate and began making unfounded and unproven allegations against the defendant, this in recent months.

The Detendant request immediate relief. Clearly the Massachusetts Drivers license is or was in the custody of the U.S. Government during this case. On 9/4/2022 the Court Ordered the return of Property. The Detendant has made requests, as a sign of good faith, to have his license returned. Only to be confronted by more allegations and innuendo by Government law enforcement representation. The Massachusetts license is an essential part of the Detendants release plan from the BOP. The Detendant asks for the license to be returned or replaced as the Court has Ordered its return. Ongoing acts of retaliation should not be condoned by the Court.

Respectfully Submitted

David Staveley
Pro Se

		court docket report transmitted to the U.S. Court of Appeals for the First Circuit in accordance with 1st Cir. R. 11.0(b). as to David Staveley <u>53</u> Notice of Appeal - Other. (Attachments: # <u>1</u> record on appeal)(Kenny, Meghan) (Entered: 10/18/2021)
10/18/2021		USCA Case Number 21-1842 assigned as to <u>53</u> Notice of Appeal filed by David Staveley. (Kenny, Meghan) (Entered: 10/18/2021)
10/19/2021		TEXT ORDER denying <u>59</u> Motion for Reconsideration filed by David Staveley. So Ordered by District Judge Mary S. McElroy on 10/19/2021.(Potter, Carrie) (Entered: 10/19/2021)
11/05/2021	<u>65</u>	MOTION to Appoint Counsel by David Staveley. Responses due by 11/19/2021. (Attachments: # <u>1</u> Envelope)(DaCruz, Kayla) (Entered: 11/05/2021)
11/12/2021		TEXT ORDER denying <u>65</u> Motion to Appoint Counsel as to David Staveley (1). The case is under appeal, therefore, this Court does not have jurisdiction. So Ordered by District Judge Mary S. McElroy on 11/12/2021.(Potter, Carrie) (Entered: 11/12/2021)
11/15/2021	<u>66</u>	MOTION for Leave to Appeal In Forma Pauperis by David Staveley. Responses due by 11/29/2021. (Attachments: # <u>1</u> Envelope)(DaCruz, Kayla) (Entered: 11/15/2021)
11/18/2021		TEXT ORDER granting <u>66</u> Motion for Leave to Appeal In Forma Pauperis as to David Staveley (1). So Ordered by District Judge Mary S. McElroy on 11/18/2021.(Potter, Carrie) (Entered: 11/18/2021)
11/19/2021	<u>67</u>	Supplemental Record on Appeal transmitted to U.S. Court of Appeals for the First Circuit. as to David Staveley <u>53</u> Notice of Appeal - Other,, (Attachments: # <u>1</u> Supplemental ROA)(DaCruz, Kayla) (Entered: 11/19/2021)
01/25/2022	<u>68</u>	TRANSCRIPT of Change of Plea Hearing filed as to David Staveley for the date of May 17, 2021, before Judge Mary S. McElroy, re <u>53</u> Notice of Appeal - Other, COA Number: 21-1842. Court Reporter Karen Wischnowsky, Telephone number (401) 752-7045. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER Redaction Request due 2/15/2022. Redacted Transcript Deadline set for 2/25/2022. Release of Transcript Restriction set for 4/25/2022. (Wischnowsky, Karen) (Entered: 01/25/2022)
02/04/2022		TEXT ORDER granting <u>56</u> Motion for Return of Property/PostTrial as to David Staveley (1). So Ordered by District Judge Mary S. McElroy on 2/4/2022.(Potter, Carrie) (Entered: 02/04/2022)
02/21/2022	<u>69</u>	TRANSCRIPT of Sentencing Hearing, filed as to David Staveley, for date of October 7, 2021, before Judge Mary S. McElroy, re <u>53</u> Notice of Appeal - Other,, COA Number: 21-1842. Court Reporter Denise P. Veitch, Telephone number 401-752-7031. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER Redaction Request due 3/14/2022. Redacted Transcript Deadline set for 3/24/2022. Release of Transcript Restriction set for 5/23/2022. (Veitch, Denise) (Entered: 02/21/2022)
04/05/2022	<u>70</u>	TRANSCRIPT ORDER for proceedings held on 5/5/2020; 8/5/2020; 3/1/2021 before Magistrate Judge Lincoln D. Almond. Ordinary Transcript delivery selected. Transcript to be delivered in 30 days. (DaCruz, Kayla) (Entered: 04/05/2022)
04/05/2022	<u>71</u>	TRANSCRIPT ORDER ACKNOWLEDGMENT Entered re: <u>70</u> Transcript Order. Court Reporter/Transcriber: Lisa Schwam (Dias, Jennifer) (Entered: 04/05/2022)
08/07/2022	<u>72</u>	OPINION of the U.S. Court of Appeals for the First Circuit (certified copy) as to David

The Providence Journal

COURTS

Man accused of lying to secure COVID stimulus loans will plead guilty



Katie Mulvaney

The Providence Journal

Published 10:48 a.m. ET May 7, 2021 | Updated 11:03 a.m. ET May 7, 2021

PROVIDENCE -- The Massachusetts man who authorities allege faked suicide to evade prosecution on charges that he lied to secure federal stimulus loans agreed this week to plead guilty to conspiring to commit bank fraud.

David Staveley, 53, of Andover, on Thursday agreed in a plea agreement filed in U.S. District Court to admit to two of the seven counts he faces: conspiracy and failure to appear in court.

In exchange, federal prosecutors will dismiss counts of bank fraud, making false statements to influence the Small Business Administration and aggravated identity theft, which carries a mandatory minimum sentence of two years in prison.

Staveley, who is also known as Kurt D. Sanborn and David Sanborn, faces up to 40 years in prison.

Last May, Staveley and David Butziger, 52, of Warwick, became the first people in the nation to be charged with defrauding the CARES Act SBA Paycheck Protection Program.

Butziger and Staveley, who were listed as owners of the former Remington House restaurant in Warwick, were charged with conspiring to make false statements to secure more than \$500,000 in forgivable business loans and conspiring to commit bank fraud.

Staveley was later indicted on three counts of bank fraud and one count each of conspiracy to commit bank fraud, making false statements to influence the Small Business Administration, aggravated identity theft for allegedly posing as his brother in a real-estate deal, and failure to appear in court after authorities alleged he fled prosecution.

Federal prosecutors alleged at the time of their arrests that the men applied for loans for businesses that weren't operating prior to the onset of the coronavirus pandemic.

Authorities alleged that Staveley claimed in loan applications seeking more than \$438,500 that he had dozens of employees at three restaurants: two in Warwick and one in Berlin, Massachusetts. An investigation determined that one of the Rhode Island restaurants, the former Remington House, and the Massachusetts restaurant, On The Trax, were not open for business prior to the pandemic or at any time afterward.

Additionally, investigators alleged that Staveley did not own or have any role in the second Rhode Island restaurant, Top of the Bay, for which he sought financial relief. No money was released to the men, according to authorities.

U.S. Magistrate Judge Almond initially released Staveley on a \$10,000 unsecured bond, but less than a week later ordered him on home detention with GPS monitoring after a woman he briefly dated accused him of harassing and intimidating her after she broke up with him.

Weeks later, the U.S. Probation Office in Rhode Island received an alert that Staveley's GPS monitor had been removed. An arrest warrant was issued, and the U.S. Marshals Service launched a fugitive investigation.

Authorities said they recovered Staveley's vehicle with its doors unlocked and a key in the ignition in June near a beach in Quincy, Massachusetts. Staveley's wallet with credit cards and his Massachusetts driver's license were in the vehicle, along with a typed and signed suicide note.

Massachusetts State Police attempted to locate his body, but concluded that he had faked his death and fled to avoid prosecution, authorities alleged.

Investigators eventually located him in Georgia in a minivan with California plates. At the time, he was in possession of multiple forms of identifications and ID badges bearing different names, they alleged.

He was returned to Rhode Island and has since been held at Donald W. Wyatt Detention Facility. He had sought to be released as the case proceeded so he could receive treatment for post-traumatic stress disorder, but he withdrew that request.

His lawyer, Jason P. Knight, declined comment Friday.

Butziger pleaded guilty in September to conspiracy to commit bank fraud. He is due to be sentenced in June.

The Providence Journal

COURTS

Mass. man gets 56 months in prison for COVID relief fraud involving Warwick restaurants

**Katie Mulvaney**

The Providence Journal

Published 2:27 p.m. ET Oct. 7, 2021 | Updated 4:26 p.m. ET Oct. 7, 2021

PROVIDENCE — A federal judge on Thursday sentenced a Massachusetts man with the distinction of being implicated in the nation's first case of COVID stimulus loan fraud to serve 56 months in prison for a scheme involving two Rhode Island businesses.

U.S. District Court Judge Mary S. McElroy rejected 54-year-old David Staveley's suggestion that he submitted false applications to secure more than \$500,000 in forgivable business loans in a misguided attempt to save employees' jobs as the health crisis hit.

McElroy said she didn't buy arguments that Staveley, 54, of Andover, had merely been swept up in the scheme, emphasizing that he submitted not one fraudulent application, but three simultaneously.

"It happened a week after these loans became available. This was a get rich and make an easy buck scheme," McElroy said in accepting the federal prosecutor's sentencing recommendation.

"Had you gotten all of the money, there were no employees to pay," she said.

McElroy heard Staveley's tearful account and that of his mother, 81-year-old Judith Sanborn.

In asking for leniency, both told of Staveley's developing debilitating PTSD after being assaulted during a previous stint in federal prison.

"He has paid dearly for his mistakes, both physically and emotionally," said Sanborn, who Staveley lived with at the time of his crimes in April 2020.

"The hardest part, your honor, is that you hate yourself," Staveley said.

McElroy acknowledged that serving time might be unimaginably traumatizing for him, but that he risked returning to prison by choosing to commit his crimes.

McElroy sentenced Staveley to 44 months for conspiring with a Warwick man to commit bank fraud and a consecutive 12 months in prison for failing to appear in court after he faked his suicide while out on release and fled before being tracked down by federal marshals two months later in Georgia.

In May, Staveley and David Butziger, of Warwick, became the first people in the nation to be charged with trying to defraud the CARES Act SBA Paycheck Protection Program.

Butziger and Staveley were charged with conspiring commit bank fraud by making false statements to secure hundreds of thousands of dollars in forgivable business loans.

Federal prosecutors alleged at the time of their arrests that the men applied for loans for businesses that were not operating before the onset of the pandemic.

Authorities alleged that Staveley claimed in loan applications seeking more than \$438,500 that he had dozens of employees at three restaurants: two in Warwick, the former Remington House and Top of the Bay, and one in Berlin, Massachusetts.

An investigation determined that the Remington House had not been open since 2018 and that all the employees at the Massachusetts restaurant, On The Trax, were laid off before the crisis hit, Assistant U.S. Attorney Lee H. Vilker said.

Investigators determined, too, that Staveley did not own or have any role in Top of the Bay, for which he sought financial relief.

No money was released to the men, according to authorities.

Butziger, like Staveley, has agreed to plead guilty in the case and awaits sentencing.

U.S. Magistrate Judge Lincoln D. Almond initially released Staveley on a \$10,000 unsecured bond with GPS monitoring. Weeks later, the U.S. Probation Office in Rhode Island received an alert that he had removed the GPS monitor, and the U.S. Marshals Service launched a fugitive investigation.

Authorities said they recovered Staveley's vehicle in June with its doors unlocked and a key in the ignition by the water in Quincy, Massachusetts. Staveley's wallet with credit cards and his Massachusetts driver's license were in the vehicle, along with a typed and signed suicide note in which, Vilker said, Staveley blamed friends and family for his death.

Massachusetts State Police concluded after a search that he had faked his death and fled to avoid prosecution.

⁹ Investigators eventually located him in Georgia in a minivan with California plates. At the time, he was in possession of multiple forms of identification and ID badges bearing different names, they alleged.

He has since been held at Donald W. Wyatt Detention Facility.

His lawyer, Jason P. Knight, urged McElroy to extend compassion in sentencing Staveley, noting that he has spent the past 14 months at Wyatt in self isolation due to his PTSD.

"He has suffered every single day of his incarceration," Knight said.

Staveley previously served two separate stints in federal prison for stealing \$284,000 from a minor league baseball team and committing mortgage fraud in New Hampshire.