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KEITH MIDDLEBROOK

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, vs. KEITH MIDDLEBROOK, Defendant.	Case No. 20-CR-00229-DSF **DEFENDANT KEITH MIDDLEBROOK'S OBJECTIONS TO THE PRESENTENCE REPORT**

Defendant KEITH MIDDLEBROOK , by and through his counsel of record, hereby respectfully submits his objections to the Presentence Report (PSR) disclosed on November 25, 2024. KEITH MIDDLEBROOK will file a detailed sentencing position before his sentencing hearing scheduled for January 6, 2025.

The Offense Conduct

The defendant still maintains his innocence and denies any fraudulent or criminal intent.

Victim Impact

There we no actual "victims" in this case, and there were no pecuniary losses.

Offense Level Computation:

Paragraph 49: Specific offense characteristics: Pursuant to USSG § 2B1.1(b)(1), if the loss exceeded $6,500, the offense level is increased in accordance with the total amount of the loss. Where the total amount of the loss is more than $3,500,000 but less than $9,5000,000, and eighteen-level increase is applied. USSG § 2B1.1(b)(1)(J). Notes to Table at USSG § 2B1.1(b)(1) defines loss as the greater of actual loss or intended loss. See notes to Table (A). Here, while the actual loss is unknown, it appears that Middlebrook solicited a $400,000 investment from the UCE as in text messages on March 19, 2020, Middlebrook requested that $400,000 be wired to Middlebrook's JP Morgan Chase Bank Account. In a subsequent text message to the UCE, Middlebrook requested payment of $400,000 in chase to secure the UCE's investment. In addition, Middlebrook sent text messages to victim-investors W.J., A.F., R.M., and E.S. seeking an investment of at least $1,000,000 per individual. Accordingly, since the intended loss of $4,400,000 is greater than $3,500.000 but less than $9,500,000, an eighteen-level increase has been applied.

The defendant believes that the eighteen-level increase overstates his conduct and maintains that if the people actually invested, they would have made a profit, so there would have been no actual loss.

Dated: December 16, 2024

Respectfully Submitted,

LAW OFFICES OF STEIN AND MARKUS PLC

By:/s/
Andrew M. Stein,
Attorney for KEITH MIDDLEBROOK.