JODI LINKER, Bar No. 230273
Federal Public Defender
Northern District of California
VARELL L. FULLER, Bar No. 202680
Assistant Federal Public Defender
55 South Market Street, Suite 820
San Jose, CA 95113
Telephone: (408) 291-7753
Facsimile: (408) 291-7399
Email: Varell_Fuller@fd.org

Counsel for Defendant WILL-DARNALL

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. CASSIE WILL-DARNALL, Defendant.	Case No. CR 24–00292 PCP **DEFENDANT'S SUBMISSION IN ADVANCE OF CHANGE OF PLEA HEARING**

INTRODUCTION

Defendant Cassie Will-Darnall respectfully notifies the Court that she intends to change her plea to guilty at the change of plea hearing scheduled for January 15, 2025, at 10:00 a.m. Specifically, Ms. Will-Darnall intends to enter a guilty plea to Counts One and Two of the filed Information.

CHARGES, ELEMENTS, AND PENALTIES

I. Count One

Charges: Bank Fraud in violation of 18 U.S.C. § 1344(2)

Elements: (1) the defendant knowingly carried out a scheme or plan to obtain money or

property by making false statements or promises; (2) the defendant knew that the statements or promises were false; (3) the statements or promises were material; that is, they had a natural tendency to influence, or were capable of influencing, a financial institution to part with money or property; (4) the defendant acted with the intent to defraud; and (5) the financial institution was federally insured.

Maximum Penalties: (1) maximum prison term of 30 years; (2) maximum fine of $1 million; (3) 5 years of supervised release; (4) mandatory special assessment of $100; (5) loss of federal benefits; (6) potential deportation; (7) forfeiture.

II. Count Two

Charges: Wire Fraud in violation of 18 U.S.C. § 1343.

Elements: (1) the defendant knowingly participated in, devised, or intended to devise a scheme or plan to defraud for the purpose of obtaining money or property by means of false or fraudulent pretenses, representations, or promises; (2) the statements made as part of the scheme were material; that is, they had a natural tendency to influence, or were capable of influencing, a person to part with money or property; (3) the defendant acted with the intent to defraud, that is, the intent to deceive and cheat; and (4) the defendant used, or caused to be used, an interstate wire communication to carry out or attempt to carry out an essential part of the scheme.

Maximum Penalties: (1) maximum prison term of 20 years; (2) maximum fine of $250,000; (3) 3 years of supervised release; (4) mandatory special assessment of $100; (5) loss of federal benefits; (6) potential deportation; (7) forfeiture.

FACTUAL BASIS

I agree that I am guilty of the offenses to which I am pleading guilty, and I agree that the following facts are true:

Count 1

On or about May 20, 2020, in the Northern District of California, I submitted a PPP application to Lender 1 as the sole partner of Alternative Health Services Inc., seeking a PPP loan of $968,989. Lender 1 was a federally insured financial institution based in New Jersey that participated as an SBA-approved PPP lender to small businesses. On the application, I falsely stated that Alternative Health Services Inc. had ten employees and an average monthly payroll of $387,595.67, when the

company had no employees and no payroll. I made these false statements to Lender 1 with the intent to defraud.

Based on the false information and supporting documentation I provided to Lender 1 in the PPP application, Lender 1 approved and funded the PPP loan. On or about May 20, 2020, $968,989 was transferred to the Rosswood LLC Wells Fargo account ending in 7528, an account which I controlled.

Count 2

On or about July 12, 2020, in the Northern District of California, I submitted a PPP application to Lender 2 in my name as the CEO of Rosswood Properties LLC, seeking a PPP loan in the amount of $1,650,500. Lender 2 was a non-bank lender based in California that participated as an SBA-approved PPP lender to small businesses. I electronically submitted the application and supporting documentation from California to the SBA through its server in Virginia. I made these false statements to Lender 2 with the intent to defraud.

On the application, I falsely stated that Rosswood Properties LLC had 35 employees and an average monthly payroll of $816,551, when the company had no employees and no payroll. Based on the false information and supporting documents I provided to Lender 2 in the Rosswood Properties LLC application, Lender 2 approved and funded the PPP loan. On or about July 21, 2020, $1,864,565 was transferred to the Rosswood LLC Wells Fargo account ending in 7528, an account which I controlled.

WAIVER OF CONSTITUTIONAL RIGHTS

Ms. Will-Darnall understands that by pleading guilty, she gives up the following: the right to persist in a plea of not guilty and the right to a speedy and public trial by jury; the right to have the assistance of counsel at such a trial; the right to be presumed innocent and to have the government bear the burden of proving guilt beyond a reasonable doubt; the right to confront and cross-examine adverse witnesses; the right to testify on her own behalf and to present evidence, including the right to call witnesses and to subpoena those witnesses to testify; and the right to remain silent and not be compelled to testify and, if she chose not to testify or present evidence, not to have such a choice used against her.

Dated: January13, 2024

Respectfully submitted,

JODI LINKER
Federal Public Defender
Northern District of California

/S
VARELL L. FULLER
Assistant Federal Public Defender