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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA, Plaintiff, vs. MUBARAK SULAIMAN UKASHAT, Defendant.	Case No. 2:23-cr-00111-HCN UNITED STATES' POSITION WITH RESPECT TO SENTENCING FACTORS Judge Howard C. Nielson, Jr.

During the pandemic, the SBA Office of Inspector General estimates that the SBA "disbursed more than $200 billion in potentially fraudulent loans through its COVID-19 relief programs."[1]
Lady Liberty does not invite thieves and criminals into her borders and onto her shores.[2]

1. INTRODUCTION

Mubarak Sulaiman Ukashat was born in Nigeria. In 2015, he came to America to successfully pursue a Ph.D. in physics. He became a lawful permanent resident. He married and had children and contributed to Muslim student organizations. He sought to become an American citizen. Outwardly, he appeared to have the makings of a good future citizen. But while he enjoyed all that America had to offer him, he was stealing from the United States and its citizens.

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[1] U.S. Small Business Administration Office of Inspector General, *White Paper Report 23-09 re COVID-19 Pandemic EIDL and PPP Loan Fraud Landscape* (June 27, 2023) page 8 at https://www.oversight.gov/sites/default/files/documents/reports/2023-06/SBA-OIG-Report-23-09.pdf (last visited July 23, 2025). The SBA OIG specifically estimates that more than $136 billion in COVID-19 EIDL Loans and more than $64 billion in Paycheck Protection Program funds may have been fraudulently obtained. *Id.*

[2] Original thought.

During the global COVID-19 pandemic, while so many Americans were struggling, and Mr. Ukashat was earning a subsidized Ph.D. at Utah State University, Mr. Ukashat betrayed America and broke her trust. He engaged in a wire fraud scheme to use stolen identifies to fraudulently obtain about $333,900 in Economic Injury Disaster Loans (EIDL Loans) and at least $58,927 in state unemployment insurance benefits that he did not qualify for. Within just a few months, he quickly intercepted and spent the money on things like a $45,900 GMC Yukon (purchased with cash), $27,000 in electronics, $21,000 to pay off a car loan, $20,000 in debt payments, $10,000 in earnest money to buy a house, and $5,200 for college expenses. He also transferred over $100,000 outside of the United States to places like Nigeria and Dubai. He repaid the United States' generosity in welcoming him to its shores by exploiting the United States' pandemic response, misusing COVID relief funds, and damaging the credit of innocent Americans.

After driving the United States to the brink of trial and facing a string of unfavorable rulings at the final pretrial conference, Mr. Ukashat fired his attorney and obtained another trial continuance. Seven months later, he belatedly agreed to accept responsibility for his actions by pleading guilty to a single count of Failure to File Currency and Other Monetary Instrument Reports (for over $100,000 in currency transactions) in violation of 31 U.S.C. § 5324(c)(1).

Mr. Ukashat has agreed to a sentencing range between 12- to 36-months' imprisonment. (ECF 209 [Plea Agreement] ⁋ 12.b.). He has agreed to pay $392,827 in restitution. (*Id.*) And he has agreed to $101,000 in forfeiture. (*Id.* ⁋⁋ 12.b. and 12.h.). He should be sentenced to a 36-month term of imprisonment. Any lesser sentence would scoff at his related COVID-fraud, identity theft, wire fraud, and unemployment benefits fraud. The Court should hold Mr. Ukashat fully accountable for his crimes. He should serve 36 months in prison and pay full restitution.

2. STATEMENT OF FACTS

2.1 In early 2020, in the wake of the COVID-19 pandemic, Congress passed the CARES Act which provided Economic Injury Disaster Loans to help small businesses weather the pandemic by providing them with working capital.

By March 2020, the COVID-19 pandemic had threatened the United States economy. Offices, restaurants, and businesses began closing. In response, Congress acted to keep businesses afloat—ultimately spending over 2 trillion dollars to help protect millions of workers, families, small businesses, industry sectors, and others from economic disruption caused by the pandemic.

To facilitate this economic rescue effort, on March 25, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security Act, 15 U.S.C. § 9001 et seq. (the "CARES Act"). The CARES Act was designed to provide emergency financial assistance to millions of Americans who were suffering the economic effects caused by the COVID-19 pandemic.

As part of the CARES Act, Congress authorized the U.S. Small Business Administration ("SBA") to provide low-interest Economic Injury Disaster Loans ("EIDL Loans") of up to $2 million to eligible small businesses experiencing substantial financial disruption due to the COVID-19 pandemic. These EIDL Loans were intended to provide "working capital" to help these businesses weather the pandemic. In addition, the CARES Act authorized the SBA to issue advances of up to $10,000 to small businesses within three days of applying for an EIDL Loan.

2.2 From June 23 to July 13, 2020, Mr. Ukashat received approximately $333,900 in EIDL Loan funds into his USUSA Muslim Students Club Account.

In the summer of 2020, Mr. Ukashat was a Ph.D. candidate in Physics at Utah State University and the President of the university's Muslim Students Club. Between June 15 and July 8, 2020, he submitted, caused to be submitted, or aided and abetted the submission of at least four EIDL Loan applications to the SBA. These loan applications contained false statements and misrepresentations and purported to be submitted on behalf of four agricultural companies and their respective representatives or owners who did not know their identities had been stolen and used to obtain EIDL Loan funds. One of those stolen identities supports the aggravated identity theft charged in count 5 of the Third Superseding Indictment.

As club President, Mr. Ukashat used his near-exclusive access to the USUSA Muslim Students Club's bank account ("Club Account") to direct fraudulently obtained EIDL Loan funds to the Club Account in four tranches of approximately $81,200, $48,800, $125,500, and $62,400 in loan proceeds, and another $16,000 in loan advances. The four interstate wire transfers of loan proceeds into the Club Account support the acts of wire fraud charged in counts 1 through 4.[3] In just three weeks, the Club Account received approximately $333,900 in ill-gotten funds.

2.3 After receiving each tranche of EIDL Loan funds, Mr. Ukashat promptly transferred the money out of the Club Account and then further transferred, withdrew, wired, and spent the money.

On receipt of each deposit of EIDL Loan funds into the Club Account, Ukashat promptly emptied the Club account. Through cash withdrawals, cashier's checks, and transfers to other accounts under his direction or control, he quickly drained the Club Account. He drained it rapidly, before his fraud could be discovered and any of the EIDL Loan funds could be recovered. From there, the EIDL Loan money was used for, among other things, personal items and expenses, including the purchase of a GMC Yukon. Ukashat also caused others to wire-transfer fraud proceeds totaling over $35,000 to Nigeria and Dubai. A cashier's check and two international wire transfers support the acts of money laundering charged in Counts 6 to 8.

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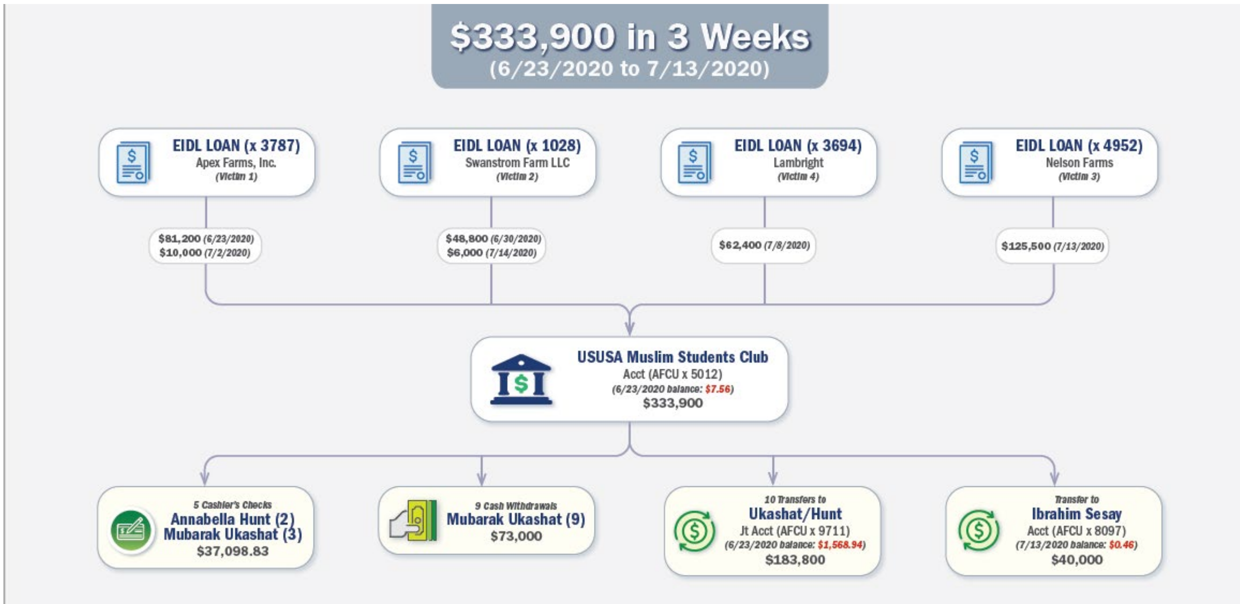
[3] All references to charges relate to the charges in the Third Superseding Indictment against Mr. Ukashat. (ECF 71).

The chart below graphically depicts how Mr. Ukashat quickly collected the $333,900 in EIDL Loan funds into the Club Account and then drained the Club Account of those funds:



USU Muslims Club Account (AFCU x 5012)		
Beginning Balance (6/23/2020)	$	7.56
EIDL Funding	$	333,900.00
Dividend	$	0.02
Bank Fees	$	(8.75)
Cashier's Checks	$	(37,098.83)
Cash Withdrawals	$	(73,000.00)
Transfers to AFCU 9711	$	(183,800.00)
Transfers to AFCU 8097	$	(40,000.00)
Ending Balance (7/14/2020)		–

(Tr. Exhibit 27 [Main Chart]).[4]

2.4 Mr. Ukashat used at least five more accounts to move the money out of the Club Account, which the funds had no business being in, in the first place.

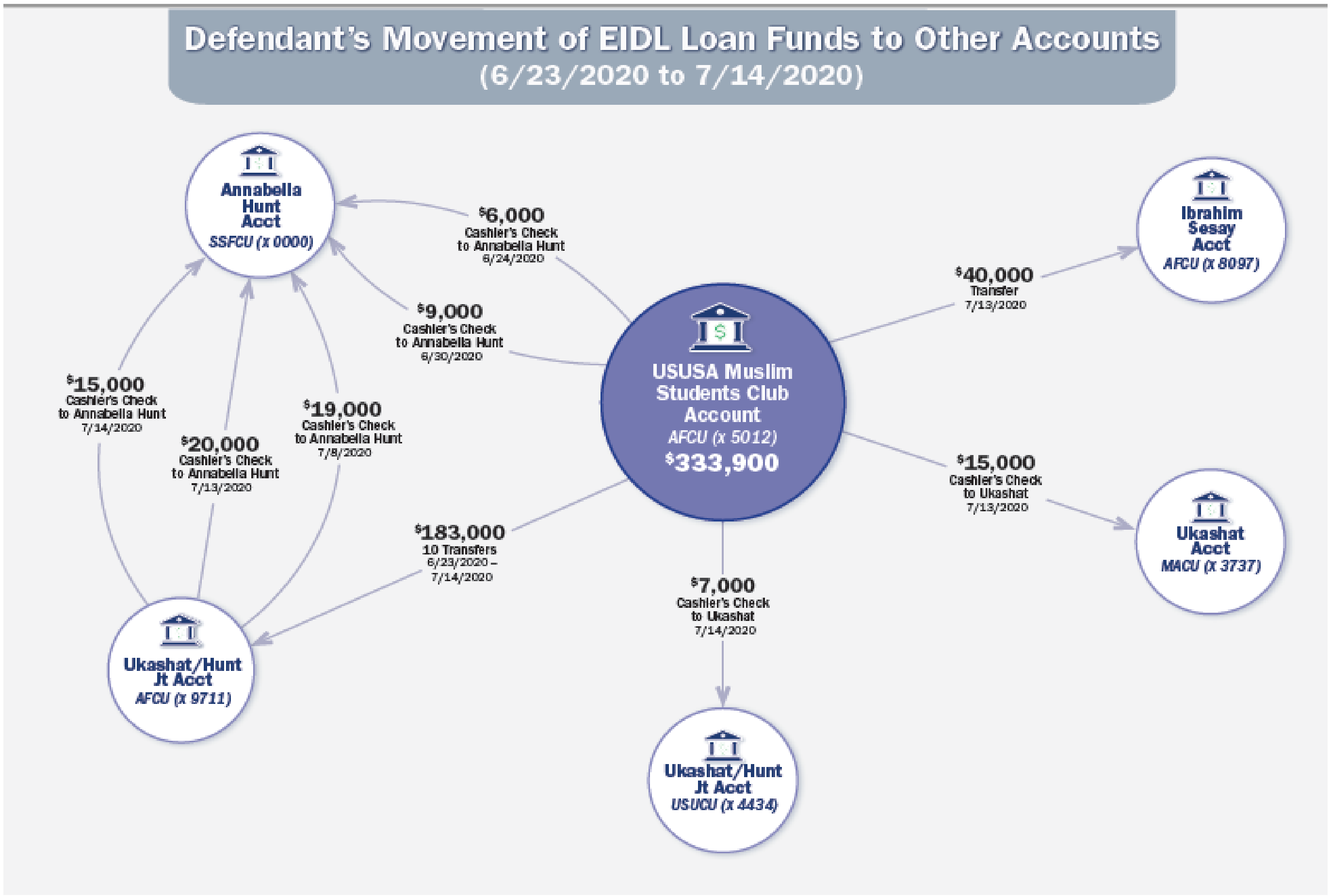
As Mr. Ukashat collected the EIDL Loan funds into the Club Account, he also used at least five more separate bank accounts to promptly move the money out of the Club Account. These five additional accounts included:

- An America First Credit Union ("AFCU") account, controlled by an acquaintance named Ibrahim Sesay;

[4] For the Court's convenience, the trial exhibits cited in this memorandum are also attached hereto.

- A Mountain America Credit Union ("MACU") account, controlled by Mr. Ukashat;
- A Utah State University Credit Union ("USCU") account, jointly controlled by Mr. Ukashat and his wife;
- A second AFCU account, jointly controlled by Mr. Ukashat and his wife; and
- A Security Service Federal Credit Union ("SSFCU") account controlled by his wife.

This web of accounts through which Mr. Ukashat directly moved much of the fraudulently obtained EIDL Loan money can be depicted as follows:



(Tr. Ex. 27.4 [Ukashat Movement of Funds]).

An innocent person who believed he had properly obtained the EIDL Loan money, and who had no need to disguise the source and disposition of the funds, would have had no need to shuffle the money through so many accounts. One single account would have sufficed.

Moreover, the use of the Club Account was, itself, suspicious. In 2019, the Club Account was used to deposit modest amounts of money, primarily to fund evening meals for Muslim students at Utah State University who were observing Ramadan and fasting during the day. Other than these Ramadan dinners, the Muslim Students Club (the "Club") had few other events. More important, by around June and July 2020, the Club was essentially dormant, and Utah State University was not holding in-person classes during this early period of the COVID-19 pandemic. Because the Club was dormant and had nothing to do with EIDL Loans for agricultural businesses, there was no legitimate reason to direct any of the funds into the Club Account at all.

Further, both the speed at which Mr. Mubarak drained the Club Account of the four tranches of EIDL Loan funds, and the way that he funneled those funds through his web of accounts show that he knew the funds were fraudulently obtained and had to be moved quickly.

2.5 After Mr. Ukashat received the EIDL Loan funds, his expenditures spiked dramatically in the next ten weeks (from June 23 through August 31, 2020).

After Mr. Ukashat received the EIDL Loan funds, his and his wife's personal expenditures dramatically increased in a short period of time. From January 1, 2020 to June 22, 2020, he and his wife spent a total of just $37,327.35.[5] On June 23, 2020, the first tranche of EIDL Loan funds (in the form of $81,200) hit the Club Account. In the next *ten weeks*, from June 23 through the end of August 2020, Mr. Ukashat and his wife spent approximately $147,545.10.[6]

[5] *See* Tr. Exhibit 27.5 [Chart (living expenses)].

[6] *See* Tr. Exhibit 27.5 [Chart (living expenses)].

The charts below illustrate this dramatic increase in Mr. Ukashat's expenditures in the ten weeks after the EIDL Loan money began pouring into the Club Account he controlled:

Living Expenses
(Dates: 1/1/2020 to 8/31/2020)

01/01 to 06/22/2020 EXPENSES

	JAN	FEB	MAR	APR	MAY	JUN 6/1 to 6/22	GRAND TOTAL
Car Expenses and Purchases	$446.40	$486.36	$488.55	$113.56	$1,273.56	$459.65	$3,268.08
Credit Card Payments	$311.37	$311.37	$355.00	$371.37	$2,806.65	$5,704.58	$9,860.34
Grocery/Department/Amazon/Etc.	$501.21	$483.37	$1,897.16	$926.19	$2,422.18	$998.86	$7,228.97
Other	$12.49	$67.46	$374.99	$771.85	$160.00	$659.99	$2,046.78
P2P		$5.00	$90.22				$95.22
Entertainment/Travel/Etc.	$1,590.82	$491.05	$1,383.20	$1,196.90	$1,255.55	$848.21	$6,765.73
Fast Food/Restaurant/Gas/Etc.	$556.96	$576.63	$1,234.72	$838.00	$1,200.18	$476.88	$4,883.37
Medical etc.	$70.00	$19.38	$85.82	$110.10	$191.44	$9.68	$486.42
Household/Internet/Phone/Etc.	$178.56	$555.86	$496.95	$469.93	$591.74	$399.40	$2,692.44
Grand Total	$3,667.81	$2,996.48	$6,406.61	$4,797.90	$9,901.30	$9,557.25	$37,327.35

GOVERNMENT EXHIBIT
27.5
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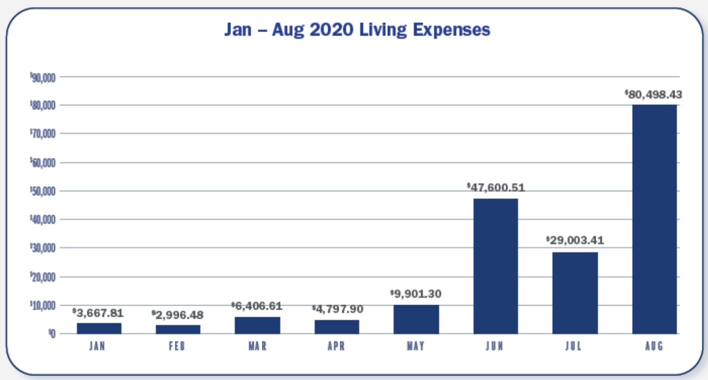
06/23 to 08/31 2020 EXPENSES

	JUN 6/23 to 6/30	JUL	AUG	GRAND TOTAL
Car Expenses and Purchases		$1,950.94	$68,543.73	$70,494.67
Credit Card Payment	$5,004.17	$71.36	$7,337.87	$12,413.40
Grocery/Department/Amazon/Etc.	$2,945.10	$4,447.10	$482.50	$7,874.70
Other	$1,601.00	$151.13	$9.99	$1,762.12
P2P		$662.41	$100.00	$762.41
Entertainment/Travel/Etc.	$27,620.90	$12,996.44	$528.33	$41,145.67
Fast Food/Restaurant/Gas/Etc.	$375.83	$795.22	$793.05	$1,964.10
Medical etc.	$416.00	$60.97		$476.97
Household/Internet/Phone/Etc.	$80.26	$7,867.84	$2,702.96	$10,651.06
Grand Total	$38,043.26	$29,003.41	$80,498.43	$147,545.10



(Tr. Ex. 27.5 [Chart (living expenses)]).

Notably, from 2018 to 2022, Mr. Ukashat and his wife never reported on their tax returns income greater than $79,397 per year. And for 2020, they only reported a total of $47,197 in income—despite spending over $147,545 from just June 23 through August 31, 2020. Furthermore, while $333,900 in EIDL Loan money was pouring into and out of the Club Account, Mr. Ukashat and his wife were receiving Utah unemployment benefits. Mr. Ukashat's dramatic spending spree was apparently financed by the fraudulently obtained EIDL Loan money.

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2.6 After America First Credit Union prohibited Mr. Ukashat from sending wires, he used his wife and another man to wire funds to Nigeria and Dubai.

One of the financial institutions that Mr. Ukashat used to move money from the fraudulently obtained EIDL Loans was AFCU. An AFCU witness would have testified that on or about May 14, 2020, Mr. Ukashat tried to send a $6,000 wire from Utah to Nigeria, from one of his AFCU accounts (account number x3679). An AFCU witness would have further testified that AFCU denied the wire based on suspected scam activity on the account. This same witness would have testified that, given her concerns, at the same time that she denied the wire, she placed Mr. Ukashat's AFCU account (x3679) on a "no-wire" list. This meant that, among other things, Mr. Ukashat was not permitted to send any more wires from the account without preapproval from AFCU's fraud department.[7] It effectively foreclosed his ability to use the account to wire money.

But Mr. Ukashat's placement on the "no-wire" list did not deter him from sending EIDL Loan money overseas. Rather than forego further wires, Mr. Ukashat went around the "no-wire" list by using his wife, Anabella Hunt, and an acquaintance, Ibrahim Sesay, to wire money to Nigeria and Dubai through their accounts.

2.6.1 Mr. Ukashat used his wife to wire money to Nigeria.

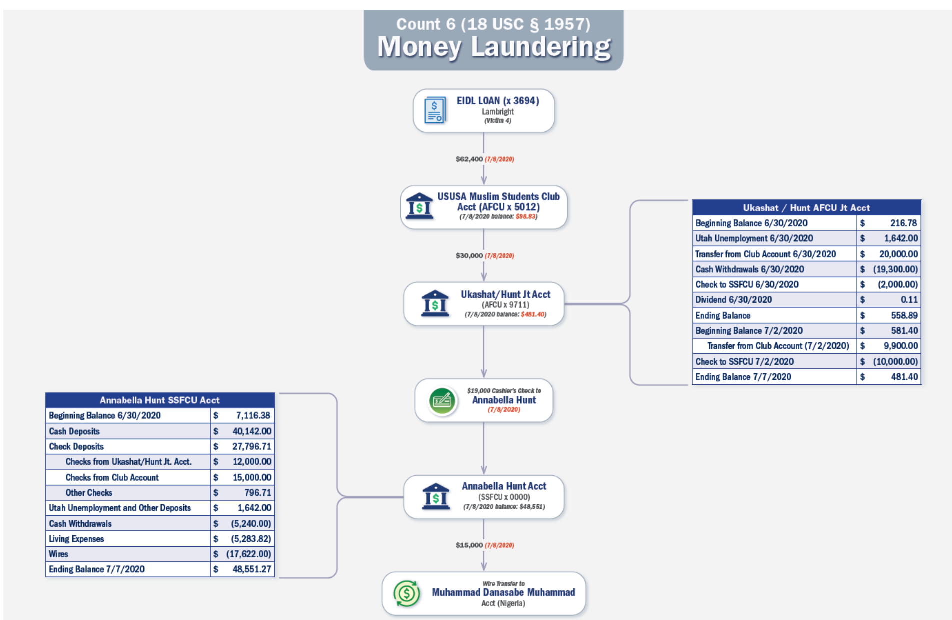
First, *on July 8, 2020*, Mr. Ukashat used his wife to send $15,000 of EIDL Loan money to Nigeria. One can follow the money as follows:

- *On July 8, 2020*, $62,400 flooded into the Club Account (AFCU x5012) from EIDL Loan No. 3 to Lambright. Before that money hit the Club Account, there were only $98.83 in the Club Account (AFCU x5012).

[7] Because his account was placed on the "no-wire" list, Mr. Ukashat was also prohibited from making cash transactions into that account. He could not access online banking for that account. And he had to go into the branch to withdraw funds from that account.

- *That same day—July 8, 2020*—Mr. Ukashat transferred $30,000 from the Club Account into his and his wife's joint account at AFCU (AFCU x9711). Before that $30,000 landed in the joint account, the joint account only had a balance of $481.40.
- *That same day—July 8, 2020*—a cashier's check was issued from the joint account (AFCU x9711) to Mr. Ukashat's wife for $19,000.
- *That same day—July 8, 2020*—that $19,000 cashier's check was deposited into Mr. Ukashat's wife's account at SSFCU (SSFCU x0000). (At the time, the SSFCU account had $48,551.27 in it—from cash deposits, check deposits, checks from Mr. Ukashat's and his wife's joint account, and checks from the Club Account.)
- *That same day—July 8, 2020*—$15,000 in EIDL Loan funds shot through the SSFCU account (SSFCU x0000) like an arrow in a wire transfer to a man named Muhammad Danasabe Muhammad in Nigeria.

The chart below depicts how Mr. Ukashat used his wife to wire the funds to Nigeria:



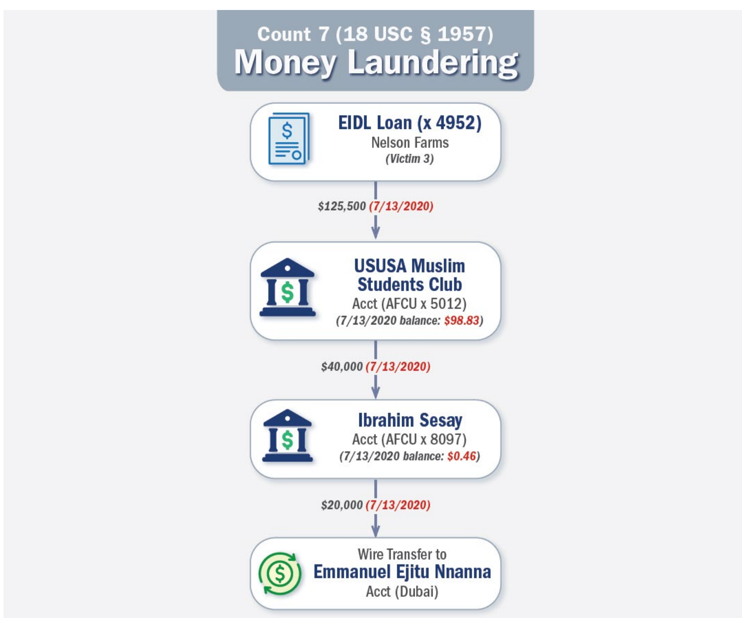
(Tr. Exhibit 27.1 [Count 6 – Money Laundering]).

2.6.2 Mr. Ukashat used Ibrahim Sesay to wire money to Dubai.

Then, just 5 days after using his wife to wire money to Nigeria, *on July 13, 2020*, Ukashat used an acquaintance, Ibrahim Sesay, to send another $20,000 of EIDL Loan money to Nigeria.

- *On July 13, 2020*, another $125,000 of EIDL Loan funds flooded into the Club Account (AFCU x5012) from EIDL Loan No. 4 to Nelson Farms. Before that $125,000 hit the Club Account, there were, again, only $98.83 in the Club Account.
- *That same day—July 13, 2020*—Mr. Ukashat transferred $40,000 from the Club Account into Ibrahim Sesay's AFCU account (AFCU x8097). Before that $40,000 deposit, Mr. Sesay's AFCU account (AFCU x8097) only had 46 cents (46¢) in it.
- *That same day—July 13, 2020*—Ibrahim Sesay wired $20,000 from his AFCU account (AFCU x8097) to man named Emmanuel Ejitu Nnanna in Dubai.

The chart below further graphically depicts how Mr. Ukashat used Ibrahim Sesay to wire the $20,000 of EIDL Loan funds to Dubai:



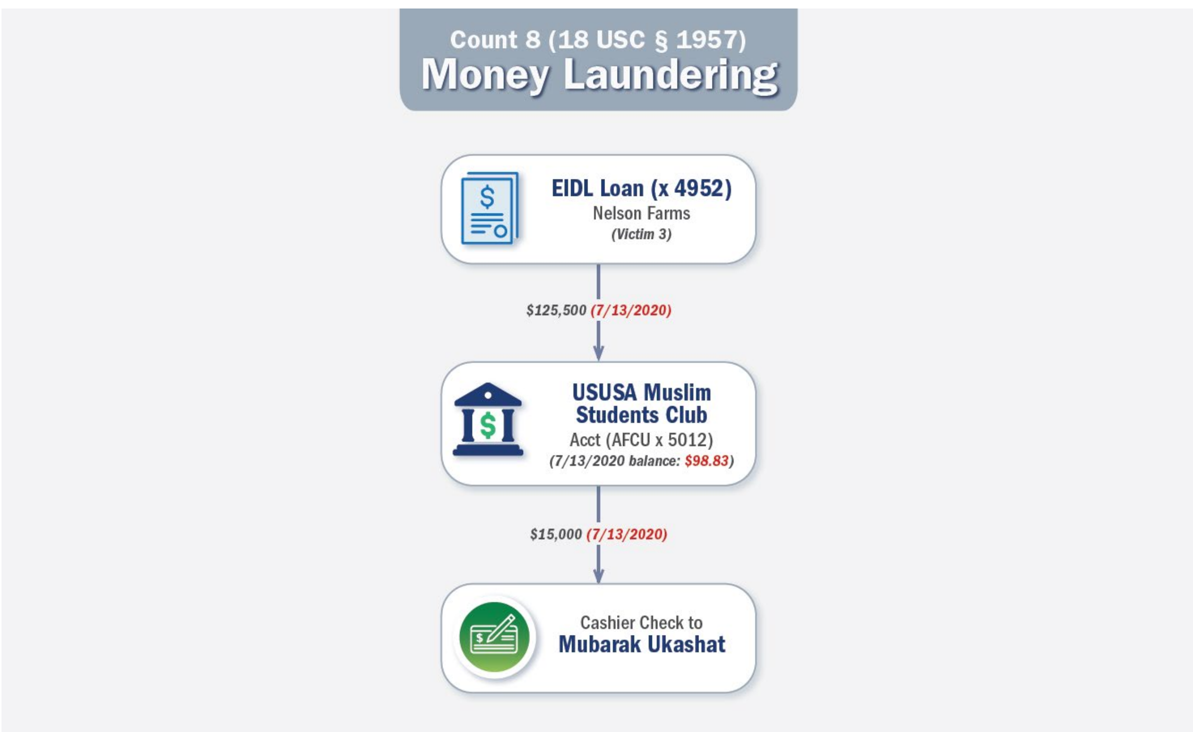
(Tr. Exhibit 27.2 [Chart (Count 7- Money Laundering)]).

2.7 The same day that Mr. Ukashat used Ibrahim Sesay to wire money to Dubai, he also used EIDL Loan funds to withdraw a cashier's check for $15,000.

On July 13, 2020, the very same day that Mr. Ukashat used Ibrahim Sesay to wire at least $20,000 of EIDL Loan funds to Dubai, Mr. Ukashat also cut himself a cashier's check for $15,000.

- *On July 13, 2020*, $125,000 of EIDL Loan funds flooded into the Club Account (AFCU x5012) from EIDL Loan No. 4 to Nelson Farms. Before that $125,000 hit the Club Account, there were, again, only $98.83 in the Club Account.
- *That same day—July 13, 2020*—Mr. Ukashat withdrew from the Club Account a cashier's check for himself for $15,000.

The chart below graphically depicts how Mr. Ukashat diverted this additional $15,000 of the EIDL Loan funds to himself with a cashier's check:

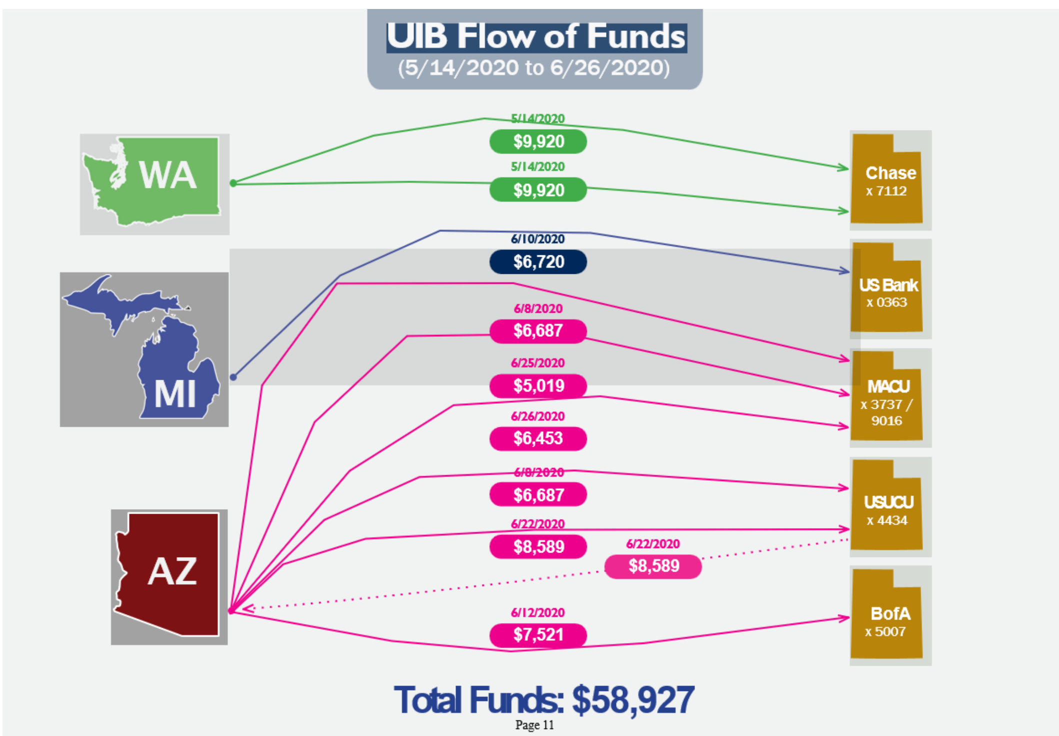


(Tr. Exhibit 27.3 [Chart (Count 8 – Money Laundering)]).

2.8 Around the same time, Mr. Ukashat was also receiving fraudulently obtained unemployment benefits, ostensibly on the behalf of nine other persons from three other states in a similar fashion.

Around the same time that $333,900 of EIDL Loan funds were flooding into the Club Account controlled by Mr. Ukashat, Mr. Ukashat was also receiving a total of $58,927 in unemployment insurance benefits obtained in the names of nine other persons from three other states—Washington, Michigan, and Arizona. Like the EIDL Loan funds, these unemployment insurance benefits were obtained using the stolen identities of other persons to direct government funds to bank accounts controlled by Mr. Ukashat. Then, in similar fashion, Mr. Ukashat promptly withdrew, transferred, or spent the fraudulently obtained benefits before they could be rescinded.

The chart below depicts graphically the flow of unemployment insurance benefits obtained on behalf of the nine other persons from three other states into five of Mr. Ukashat's Utah accounts. From May 14 to June 26, 2020, those funds streamed into his personal, Utah bank accounts:



(Tr. Exhibit 27.6 [Chart (UIB Flow of Funds)]; *see also* Tr. Exhibit 27.6A [UIB Summary]).[8]

Because, around the same time, Mr. Ukashat and his wife were also receiving unemployment benefits in their own name from the State of Utah, Mr. Ukashat was familiar with the unemployment benefits process and would have recognized these deposits as fraudulent.

Most important, the unemployment applications for these out-of-state benefits tend to show that Ukashat had the pattern (modus operandi) of using stolen identities and false information to fraudulently obtain government funds and benefits intended for others by diverting them to bank accounts under his control, and then, often within a day or less of their deposit, transferring or withdrawing the funds for his own personal use before the fraud could be detected and the funds could be reversed. The unemployment benefits for other victims of identity theft funneling into his accounts also tend to show that Mr. Ukashat was likewise aware of how the EIDL Loan fraud scheme worked and knew that the EIDL Loan money was likewise obtained from fraud. His and his wife's own unemployment insurance applications also tend to show that Mr. Ukashat had a financial motive to engage in fraud, because they were unemployed at the time.

2.9 Mr. Ukashat compelled the United States to fully prepare for trial, then fired his lawyer, and obtained a last-minute trial continuance.

This case was set for trial on June 14, 2024. (ECF 63, 163). On Friday June 7, 2024, the parties attended what was to be the Final Pretrial Conference for the case. (ECF 162). At that hearing, the Court ruled on multiple pretrial motions in a way that was unfavorable to Mr. Ukashat. (*See* ECF 162). Over the weekend, Mr. Ukashat apparently decided to terminate his defense attorney, and just three days later, the next Monday, his counsel filed a motion to withdraw. (ECF

[8] Mr. Ukashat initially obtained at least $67,516 in fraudulently obtained unemployment insurance benefits funds. But the State of Arizona managed to claw back and recover $8,589 of those funds.

151). On June 12, 2024—just 2 days before jury selection, the Court granted Mr. Ukashat's counsel's motion to withdraw. (ECF 160). The trial was continued, and Mr. Ukashat received court-appointed counsel from the Utah Federal Public Defender's Office. (ECF 161).

Before the Final Pretrial Conference, the parties had designated experts. The United States had litigated a motion in limine. The United States had filed and litigated a Rule 404(b) motion. The United States had filed Daubert motions. The United States had prepared its witness list and, more important, its witnesses. It had prepared and exchanged all its trial exhibits. It had prepared voir dire questions and jury instructions. It also filed a comprehensive Trial Brief. The United States was ready to proceed with trial.

Up to that point, Mr. Ukashat had not assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently. USSG § 3E1.1(b).

2.10 Seven months later, after the United States had already fully prepared for trial, Mr. Ukashat agreed to plead guilty to one count of failure to file currency and other monetary instrument reports, and to restitution and forfeiture.

Seven months after Mr. Ukashat fired his counsel on the eve of trial, Mr. Ukashat pled guilty to 1 count of a felony information for Failure to File Currency and Other Monetary Instruments Reports in violation of 31 U.S.C. § 5324(c)(1). (ECF 203 [Felony Information]; ECF 209 [Plea Agreement] ⁋⁋ 1, 12.a.). Mr. Ukashat also agreed to pay total restitution of $392,827. (ECF 209 [Plea Agreement] ⁋ 12.g.). Of that total restitution, $333,900 would go to the SBA in relation to the EIDL Loan funds that Mr. Ukashat fraudulently obtained. (*Id.*). The other $58,927 would go to the Washington, Michigan, and Arizona unemployment insurance departments to cover the unemployment insurance benefits Mr. Ukashat fraudulently obtained. (*Id.*). Mr. Ukashat also agreed to forfeiture in the form of a money judgment for $101,000. (*Id.* ⁋ 12.h.). This money judgement represents the amount of money that Mr. Ukashat admittedly transferred outside of the United States without filing required currency and monetary instrument reports.

While ultimately commendable, Mr. Ukashat's belated acceptance of responsibility did not spare the United States from having to prepare fully for trial—at least once.

3. GUIDELINE CALCULATION BY THE UNITED STATES

The United States calculates the defendant's sentencing guidelines as follows:

Count 1: 31 U.S.C. § 5324(c)(1) (Failure to File Currency or Other Monetary Instruments Reports ("Structuring")) § 2S1.3(a)(2)

Base Offense Level		+ 6
§ 2B1.1(b)(1)(E)	Loss amount > $95,000 < $150,000 Structuring ($101,000)	+ 8
§ 2S1.3(b)(1)	Def. knew funds were proceeds of unlawful activity, or offense involved cash smuggling of over $100,000 w/in a 12-month period.	+ 2
§ 2S1.3(b)(2)	Committed the offense while violating another U.S. law in a pattern of unlawful activity involving over $100,000 in a 12-month period.	+ 2
§ 3B1.1(c)	Aggravating Role – Organizer Leader or Mgr.	+ 2
	Adjusted Offense Level	= 20
§ 3E1.1(a)	Acceptance of Responsibility	- 2[9]
Total Offense Level:		**+ 18**

[9] Because Mr. Ukashat required the United States to fully prepare for trial, the United States does not believe that Mr. Ukashat should receive the additional 1-point deduction under USSG § 3E1.1(b). This additional 1-point deduction is only available where "the government stat[es] that the defendant has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently." Mr. Ukashat's belated acceptance of responsibility came far too late to allow the United States to avoid preparing for trial. Nor did it permit the United States to allocate its resources more efficiently to other cases.

Criminal History Category II (2 Points)

Guideline Sentence Range: 30 to 37 Months

Plea Agreement: 12 to 36 month's imprisonment (upper end is within Guidelines)

4. THE UNITED STATES' RECOMMENDED SENTENCE IS REASONABLE

As noted above, the United States recommends that the Court sentence Mr. Ukashat to 36 months' imprisonment, 3 years of supervised release, $392,827 in restitution, and $101,000 in forfeiture. (*See* ECF 209 [Plea Agreement] ¶¶ 2, 12.b., and 12.h.). The United States' recommended sentence is reasonable and supported by the Section 3553(a) factors.

Section 3553(a) of Title 18 of the United States Code ("Section 3553(a)") provides that "[t]he court shall impose a sentence *sufficient,* but not greater than necessary, to comply with the purposes set forth in paragraph [(a)](2). . . ." 18 U.S.C. § 3553(a) (emphasis added). These purposes include the need for the sentence imposed to do the following: (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner. 18 U.S.C. §§ 3553(a)(2)(A)-(D).

In imposing a sentence, the court should consider these overriding purposes in weighing all the factors to be considered under Section 3553(a). These factors include: (1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) [the aforementioned overriding purposes]; (3) the kinds of sentences available; (4) the kinds of sentences and the sentencing range established for the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines; (5) any pertinent policy statement; (6) the need to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct; and (7) the need to provide restitution to any victims of the offense. 18 U.S.C. §§ 3553(a)(1)-(7).

Carefully considered, these factors support the United States's recommended sentence of 36 months' imprisonment.

4.1 The nature and circumstances of the offenses and the history and characteristics of the defendant justify the recommended sentence of 36 months' imprisonment.

Mr. Ukashat's education level (Ph.D.); his criminal history; his aggravating role in the EIDL-Loan fraud, aggravated identity theft, money laundering, unemployment insurance benefits fraud, and unreported money transfers outside the United States; and the nature and circumstances of his offenses all support, if not require, a sentence at the top of his Guideline range.

4.1.1 Given the nature of Mr. Ukashat's criminal offenses, the Court should impose a sentence at or near the top of his Guideline range.

As noted above, during a global pandemic, and while earning his Ph.D. in physics at a local university, Mr. Ukashat engaged in a wire fraud scheme to obtain at least $392,827 in COVID-19 relief funds intended for struggling Americans and American businesses. Rather than devoting himself exclusively to his doctorate and teaching, he used stolen identities to obtain EIDL-Loan funds and state unemployment insurance benefits under false pretenses. He also laundered his ill-gotten gains, sending some of it to Nigeria and Dubai. He and his wife spent the money on personal expenses, living well beyond their means for just over 2 months while they both collected unemployment—spending about $147,545.10 of EIDL-Loan funds in just 10 weeks. (Tr. Ex. 27.5). He enlisted others in his scheme—including his wife, an acquaintance named Ibrahim Sesay, others in Nigeria and Dubai (who received the money), and potentially others who may have assisted him in submitting the fraudulent loan applications in execution of his scheme. He admittedly transferred over $100,000 of (fraudulent) funds overseas without reporting it. And he concealed these activities over several months, using his dormant Muslim Students Club account obtained through the Utah State University, the same university that subsidized his Ph.D.

Given Mr. Ukashat's criminal history and offense level, the United States calculates his Guideline range at 30-37 months of imprisonment. (*See supra*, § 3). Mr. Ukashat came to America and took full and proper advantage of its educational opportunities, even securing a physics teaching position at a respected liberal arts college in the Midwest. But rather than *giving back* to America for all that it provided him – a doctorate, an elite teaching job, and a good life – he *stole* from America and fraudulently diverted emergency funds intended for Americans who were truly suffering in the throes of a pandemic. Worse, he used the stolen identities of many individuals to carry out his scheme and, in the process, jeopardized the invaluable credit worthiness of his victims. Given the egregious nature of Mr. Ukashat's offenses, the Court should sentence Mr. Ukashat to 36 months in prison—at the top of the parties' agreed-upon sentencing range.

4.1.2 Mr. Ukashat's personal history and circumstances also support a sentence near the top of his Guideline range.

Mr. Ukashat is 38 years old. (PSR at p. 2).[10] He has a Ph.D. in physics from Utah State University, where he had fully subsidized tuition. (*See* PSR ⁋ 80).[11] From 2015 to 2022, he worked

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[10] All references to the PSR relate to the Draft Presentence Investigation Report prepared on July 3, 2025.

[11] His dissertation was titled "Graviweak Theory in Biconformal Space." (PSR ⁋ 80). Apparently, Mr. Ukashat, Ph.D. sought to create a mathematical model to explain the four basic forces in nature— "the electromagnetic force, which accounts for interactions of particles with charges; the weak force, which is responsible for radioactive decay; the strong force, which holds the particles inside a nucleus tightly bound together; and the gravitational force, which is responsible for keeping us on our beautiful planet, Earth[,] and holding together our entire solar system." *Graviweak*

as an assistant professor at Utah State University. (*Id.* ⁋ 82). In 2022, he also taught a semester at Berea College in Kentucky. (*Id.*). He had the education, training, and experience to make an honest living in academia. But while completing his Ph.D. in America, he chose to defraud the United States and innocent Americans by stealing their identifies and diverting COVID-19 relief funds for his and his wife's personal expenses and enjoyment, at his victims' expense.

He has no substance abuse issues and no major medical issues to excuse his behavior. (PSR ⁋⁋ 74-75, 79). His reported anxiety from being charged in this case also postdates the commission of his crimes. (*Id.* at 75). Rather, Mr. Ukashat committed his crimes with clear eyes, an American-educated-physicist's mind, and, apparently, no remorse. Indeed, he cared little for the harm he caused the United States and other American victims in his adopted homeland.

In his relatively short time in the United States (10 years), Mr. Ukashat has also managed to rack up a criminal history. (PSR ⁋⁋ 57-60).[12] His convicted crimes include beating an eight-year-old child with a stick and kicking her while she was on the ground outside a movie theater, and driving on a suspended or revoked license—which he did while he was on pretrial release in this Court. (*Id.*). Mr. Ukashat's criminal history is on the low end. But he still falls under Criminal History Category II and cannot and should not be treated like a zero-point offender. (*Id.* ⁋⁋ 61-62; USSG Ch. 5 Pt. A; *cf.* USSG Ch. 4.C1.1). Under the circumstances, the United States recommends that Mr. Ukashat be sentenced to 36 months in prison.

4.2. The recommended sentence would further the purposes of § 3553(a).

The purposes of sentencing under Section 3553(a) also support the recommended sentence.

Theory in Biconformal Space, Public Abstract at p. v, at https://digitalcommons.usu.edu/cgi/viewcontent.cgi?article=9769&context=etd (last visited July 25, 2025).

[12] Mr. Uksahat came to the United States in 2015 to pursue his Ph.D. (PSR ⁋ 71).

18 U.S.C. §§ 3553(a)(2)(A)-(D). In this case, a 36-month sentence, along with an appropriate term of supervised release (3 years) is sufficiently severe, without being excessive. Coupled with full restitution ($392,827) and appropriate forfeiture ($101,000), the sentence would be appropriate. The sentence would reflect the seriousness of the offenses (using stolen identifies to fraudulently obtain $333,900 in COVID-19 relief funds and $58,927 in unemployment insurance benefits), promote respect for the law, and provide just punishment for Mr. Ukashat's offenses, without punishing him more than necessary. 18 U.S.C. § 3553(a)(2)(A).

Mr. Ukashat's crimes of wire fraud, aggravated identity theft, money laundering, and related failure to file currency reports are serious. 18 U.S.C. § 3553(a)(2)(A). The loss amount he obtained—$392,827 in fraudulently obtained COVID-relief funds—is significant. Even worse, he damaged the credit of innocent victims and left them on the hook for his fraudulent loans until they could convince the SBA that they had never taken them out. He abused America's hospitality and trust while earning a Ph.D. at a state university and involved others in his scheme. Under the circumstances, a sentence of 36 months' imprisonment would adequately reflect the seriousness of his crimes, without punishing him more than necessary. He would receive a felony conviction, be forced to pay full restitution, and be subject to forfeiture and supervised release. Although on the harsher side, the sentence would be just and not overly punitive.

Sentencing Mr. Ukashat to 36 months in prison would likewise promote respect for the law and deter other criminal conduct. 18 U.S.C. §§ 3553(a)(2)(A) and (B). Stealing from COVID-19-relief programs is a serious offense. Using stolen identities to do it is even more serious. Mr. Ukashat knew better. He was earning a Ph.D. in physics at the time. He is an intelligent but cunning man, with little or no regard for the consequences of his actions. He left Americans and American small businesses on the hook for his fraud and damaged their credit and faith in humanity while he callously accepted educational and other benefits from the United States as a noncitizen and frivolously spent the fraudulently obtained funds. To promote respect for the law and to deter Mr. Ukashat and others from committing similar crimes, his sentence should be 36 months in prison.

A 36-month prison sentence would provide just punishment for Mr. Ukashat. But it would not be excessive. 18 U.S.C. § 3553(a)(2)(A). Mr. Ukashat's crimes were calculated and egregious. He stole identities from innocent Americans and American small businesses to fraudulently obtain COVID-relief funds and then spent those funds frivolously and sent at least $101,000 overseas to places like Nigeria and Dubai. His fraud was a direct attack on this land and country of opportunity. His fraud was insensitive to struggling Americans and small businesses and was remorseless. He knew better. Sending him to prison for 36 months would not be excessively punitive.

A sentence of 36 months' imprisonment, with an appropriate term of supervised release (likely 3 years) would also serve to protect the public from further crimes. The United States believes that three years of supervised release would be appropriate, here. Imprisoning Mr. Ukashat for 36 months would protect the public from his fraud for at least that amount of time. An additional three years of supervised release would further protect the public from further fraud. Although the COVID EIDL-Loan program is now closed, absent supervision, Mr. Ukashat cannot be trusted not to revert to fraud. Three years of supervised release would help prevent Mr. Ukashat from succumbing to any financial temptation to resort to fraud again. It would perhaps help him to build a moral compass aligned with American values. And it would likely encourage him to remain on the straight and narrow path—through sustained honesty, integrity, and full transparency—while he begins to pay off his significant restitution. 18 U.S.C. § 3553(a)(2)(C).

Lastly, there is no need to provide Mr. Ukashat with any educational or vocational training, medical care, or other correctional treatment. 18 U.S.C. §§ 3553(a)(2)(A)-(D). He has all the education and vocational training he needs. Nor does he need any exceptional medical care that would be unavailable in federal prison. What he needs is incarceration, extended time well spent in reflection and thought, to teach him that crime does not pay in America. He needs time to contemplate his crimes and to pay for them by serving a meaningful prison sentence. He needs time in prison to turn his life around, regain respect, and become a highly contributing, reformed member of society. This correctional treatment could best be facilitated with a sentence of 36 months' imprisonment and 3 years of supervised release. 18 U.S.C. § 3553(a)(2)(D).

For these reasons, the purposes of sentencing support a 36-month prison sentence.

4.3. The recommended sentence is consistent with the kinds of sentences available under the Guidelines.

The kinds of sentences available under the Guidelines for Mr. Ukashat's offenses are consistent with a 36-month prison sentence. 18 U.S.C. § 3553(a)(3). The Guideline range is 30-37 months of imprisonment. (*See supra* § 3). Because the applicable Guideline range falls within Zone D of the Sentencing Table, the Guidelines recommend a prison sentence. USSG § 5C1.1(f). Therefore, a prison sentence is presumed.

Mr. Ukashat's offenses also support the other aspects of the proposed sentence—supervised release, restitution, and forfeiture. Mr. Ukashat's offenses support a term of supervised release of up to three years.[13] His offenses support restitution. In fact, restitution is mandatory.[14] His offenses also support forfeiture. 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(3) and 28 U.S.C. § 2461(c).[15] Therefore, the United States' recommended sentence comports with the sentences available under the Guidelines. A sentence of 36 months' imprisonment is appropriate.

4.4. Under the circumstances, a sentence at or near the top of the Guideline sentencing range for Mr. Ukashat's crimes would be reasonable.

As noted above, a sentence of 36-months' imprisonment, with an appropriate term of supervised release (3 years), full restitution and appropriate forfeiture would reasonable. Mr. Ukashat is an extremely well-educated man. He is an intelligent man. He could have made an honest and adequate living teaching university courses in physics or doing a variety of other jobs. Instead, he chose to steal from the United States and American citizens. His crimes were blatant, egregious, and remorseless. He deserves 36 months in prison.

4.5. There are no pertinent policy statements regarding Mr. Ukashat's offenses.

The United States does not believe that any Guidelines Policy Statements are pertinent to this case or applicable to Mr. Ukashat's offense(s) and circumstances.

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[13] 18 U.S.C. § 3583(b)(2) authorizes up to three years of supervised release for a Class C felony. Mr. Ukashat's admitted crime of Failure to File Currency and Other Monetary Instruments Reports is a Class C felony. 31 U.S.C. § 5324(c)(1) and (d)(2) (imposing a maximum sentence of 10 years); 18 U.S.C. § 3559(a)(3) (an offense with a maximum sentence of 10 or more years but less than 25 years is a Class C felony).

[14] Restitution is mandatory for crimes causing an identifiable victim a pecuniary loss. 18 U.S.C. §§ 3663A(a)(1) and (c)(1).

[15] "The court in imposing sentence for any violation of section . . . 5324 of this title, or any conspiracy to commit such violation, shall order the defendant to forfeit all property, real or personal, involved in the offense and any property traceable thereto. 31 U.S.C. § 5317(c)(1)(A).

4.6. The recommended sentence would not result in any unwarranted sentencing disparities among similarly situated defendants.

The need to avoid *unwarranted* sentencing disparities among similarly situated defendants is not implicated in this case. 18 U.S.C. § 3553(a)(6). Mr. Ukashat's extensive wire fraud, aggravated identity theft, money laundering, and related failure to file currency reports are uncommonly egregious. His scheme was calculated and extensive, spanning at least four states and three countries. He enlisted help from at least two to four other people. He defrauded at least two COVID-19 relief programs—the COVID-19 EIDL Loan program and the COVID-19 unemployment insurance benefits program. He funneled money overseas. The full extent of his fraud is unknown. And he did it all as a noncitizen while taking advantage of America's hospitality.

Mr. Ukashat's crimes have few comparators. Admittedly, some defendants have stolen more money from COVID relief programs—even by orders of magnitude. But few have stolen COVID-relief funds in such an egregious manner under these kinds of circumstances. Therefore, a sentence of 36 month's imprisonment would not result in any unwarranted sentencing disparity among Mr. Ukashat and other similarly situated defendants.

4.7. To the extent feasible, the recommended sentence would require Mr. Ukashat to provide full restitution to the victims of his crimes.

The United States proposes that Mr. Ukashat be ordered to pay full restitution to the SBA in the amount of $333,900, and full restitution to the States of Washington, Michigan, and Arizona in the total amount of $58,927. (ECF 209 [Plea Agreement] ⁋ 12.g.); 18 U.S.C. § 3553(a)(7). Mr. Ukashat has agreed to pay this restitution. However, based on his pretrial services officer's analysis, it appears that Mr. Ukashat can likely afford to pay no more than $100 to $250 per month in restitution. (PSR ⁋ 86, 89).[16] If he could only pay $100 per month, it would take him **over 327 years** to pay his restitution.[17] That is longer than the United States has been in existence and well beyond his life expectancy. Even if he could pay $250 per month, it would still take him ***over 130 years*** to pay his restitution, and he would still be long dead before the restitution could be repaid. The unlikelihood that full restitution will be made also supports a longer, 36-month sentence.

5. STATEMENT OF GOOD FAITH

As required by DUCrimR 32-1(b) the United States has conferred in good faith with opposing counsel and with the probation officer in an attempt to resolve any disputed matters. The United States recommends that the Court impose the United States' recommended sentence.

DATED this 29th day of July, 2025.

FELICE JOHN VITI
Acting United States Attorney

*_/s/ Todd C. Bouton_*
TODD C. BOUTON
Assistant United States Attorney

[16] The pretrial services officer recommends that Mr. Ukashat pay restitution at a minimum rate of 10% of gross income or $100 per month, whichever is greater. (PSR ⁋ 89). This amounts to no more than $250 per month. (*Id.* ⁋ 86).

[17] This does not take into account interest or the loss to the United States from inflation.