

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:24-CR-00192-7

JASMINE SPENCER

GOVERNMENT'S SENTENCING MEMORANDUM

Comes now the United States of America, by Jonathan T. Storage, Assistant United States Attorney for the Southern District of West Virginia and submits this Sentencing Memorandum in aid of sentencing.

I. SENTENCING FACTORS

The United States offers the following analysis relating to the application of the sentencing factors enumerated in 18 U.S.C. § 3553(a). As discussed below, the government requests that the Court impose a sentence at the very bottom of the applicable United States Sentencing Guidelines range.

A. History and Characteristics of the Offender

The defendant is 32 years old and was born in Manhattan, New York. The defendant has lived in the Southern District of West Virginia since she was 18 years old. The defendant was raised by her grandmother, and she does not know her birth parents. The

defendant has 2 sisters. One is deceased and the other is in prison.

The defendant has never been married. She had 4 children, all of whom she had custody.

She is a high school graduate, and she works styling hair for cash payments.

She has been treated for depression. She drinks socially and denied having any drug abuse history. She has smoked marijuana daily since 2018.

B. Nature and Circumstances of the Offense

During the spring of 2021, the defendant aided and abetted Kisha Sutton to obtain a fraudulent Paycheck Protection Program ("PPP") loan through a federal COVID-19 relief program administered by the U.S. Small Business Administration.

The defendant supplied her personal information to her sister, who then passed it on to Kisha Sutton. At the time, Kisha Sutton resided in New Jersey. Kisha Sutton created a materially false PPP loan application in the defendant's name and provided false information and documentation to the lender. Specifically, Kisha Sutton represented that the defendant was self-employed as a "hairstylist" who had earned \$75,000 in gross income in tax year 2020. Kisha Sutton backed up this claim by falsifying an IRS Form 1040-Schedule C in the defendant's name.

The loan was approved, and the defendant received a \$15,625 direct deposit into his bank account. As payment for her services, the defendant sent three payments to Kisha Sutton through Cash App, which totaled \$3,000.

C. Seriousness of Offense, Deterrence, and Community Protection

The defendant and Kisha Sutton took advantage of a national emergency to enrich themselves. In doing so, they defrauded a financial institution and took steps to conceal their actions.

The defendant, though, has provided satisfactory cooperation to the government in the prosecution of its case against Kisha Sutton, including, but not limited to, providing trial testimony.

The government has no reason to believe that the defendant will ever commit a similar offense again.

D. Sentencing Options

The applicable Guidelines range in this case is 0-6 months. Based on the facts and circumstances of the case, including considerations of the defendant's assistance to the government, the government submits that a sentence at the very bottom of the Guidelines range is appropriate.

II. CONCLUSION

The government submits that a sentence at the very bottom of the applicable advisory guidelines range would be sufficient but not greater than necessary to meet the purposes of sentencing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "GOVERNMENT'S SENTENCING MEMORANDUM" has been electronically filed and service has been made on opposing counsel by virtue of electronic mail this the 31st day of July, 2025, to:

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