

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:24-CR-00192-5

WILLIAM POWELL

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 within the applicable United States Sentencing Guidelines range.

A. History and Characteristics of the Offender

The defendant is 35 years old and was born in Brooklyn, New York. The defendant lived in New York until early adolescence, which is when he and his family moved to the Southern District of West Virginia. The defendant has two older half-siblings.

The defendant lived in Charleston, West Virginia, with his sister from approximately age 11 to 18. During this period, his mother was unable to provide a stable homelife for him because of her drug use. As an adult, the defendant lived in Huntington, West Virginia, for a short period. In 2022, the defendant moved back to New York.

In 2008, the defendant obtained his GED. He received some college education, but he did not complete a degree program.

From age 14 until being placed on bond in this case, the defendant routinely smoked marijuana.

The defendant currently works at a restaurant in New York.

B. Nature and Circumstances of the Offense

During the spring of 2021, the defendant and Kisha Sutton conspired with one another 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 his personal information to Kisha Sutton, who was residing 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 "barber" 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 \$2,000.

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 offense conduct was not a short-lived, spontaneous occurrence; the scheme was carried out over several weeks and took multiple steps to complete.

The defendant should be sufficiently deterred from ever engaging in such conduct again, and other would-be criminals should be able to look upon his case as an example of what comes from engaging in financial crimes.

D. Sentencing Options

The applicable Guidelines range in this case is a custodial sentence of 6-12 months. Because the offense of conviction is a Class B felony, a sentence of probation is unavailable. 18 U.S.C. § 3561(a)(1). Based on the facts and circumstances of the case,

the government submits that a sentence within the applicable Guidelines range is appropriate.

II. CONCLUSION

The government submits that a sentence of imprisonment within 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 24th day of July, 2025, to:

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