

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No.: 8:23-CR-24-CEH-SPF

ALEXANDER ALLI
_____ /

DEFENDANT’S SENTENCING MEMORANDUM

COMES NOW, the Defendant, ALEXANDER ALLI, by and through his undersigned counsel, and submits this Sentencing Memorandum in advance of the June 10, 2024 sentencing hearing. After considering the sentencing guidelines, the 18 U.S.C § 3553(a) factors, and argument from counsel, Mr. Alli asks this Court to impose a sentence of home incarceration along with supervised release to include the payment of restitution (including interest) of \$82,107.00.

PROCEDURAL HISTORY

On January 18, 2023, Mr. Alli was indicted for conspiracy to commit wire and wire fraud based on an Economic Injury Disaster Loan (EIDL) application in violation of 18 U.S.C. §1343 & §1349.¹ Doc. 1. On February 24, 2023, Mr. Alli made his initial appearance, and the Court ordered Mr. Alli released under pretrial release conditions. Doc. 13.

¹ The Government filed a superseding indictment on September 13, 2023, charging an additional count of wire fraud under 18 U.S.C § 1342.

On March 15, 2024, Mr. Alli was found guilty of all three counts of the superseding indictment after a jury trial. Post trial, this Court ordered Mr. Alli to remain on pretrial release pending sentencing with the modified condition that he be placed on home detention. Doc 130. Mr. Alli has remained in full compliance with his conditions of release since implementation.

SENTENCING GUIDELINES

The PSR calculates Mr. Alli's total offense level as a 13 and a criminal history category I, resulting in an advisory sentencing guideline range of 12 to 18 months of incarceration. PSR ¶ 88. As noted in the PSR, a sentence of imprisonment may be substituted pursuant to subsection USSG §5C1.1(e).

NATURE AND CIRCUMSTANCES OF THE OFFENSE

At the time of this offense, Mr. Alli was employed full-time for Endeavor Air working as a mechanic. Mr. Alli had created a business with the assistance of his uncharged co-defendant, Maria Sostre who worked as a tax-preparer at H&R Block. The name of the business was a combination of both of their names, Alexander and Maria which was Almar Sales and Services. The business had been in existence since 2018 which would have been two years before Covid and the creation of the EIDL loan. At the time of the covid outbreak, Ms. Sostre was working as a tax preparer and had even prepared Mr. Alli's personal taxes in previous years. Mr. Alli had informed Ms. Sostre that he wanted to utilize Almar Sales and Services to

purchase semi-trucks and conduct business utilizing the trucks. Ms. Sostre informed Mr. Alli that his business was eligible to receive a loan. Ms. Sostre, with some assistance from Mr. Alli completed the EIDL loan application and applied for him to get the loan for his business.

On April 4, 2020, an EIDL loan application was submitted for Almar Sales and Services from Ms. Sostre's office located in Port St. Lucie, Florida. The proceeds from the loan were to be submitted to a bank account that was owned by Mr. Alli. On April 14, 2020, a second loan application for Almar Sales and Services was also submitted from Ms. Sostre's office, except the proceeds from this loan application were to be redirected to an account exclusively maintained by Ms. Sostre.

After the loan application was submitted, it was approved by the Small Business Administration for \$80,500.00. On July 23, 2020, Mr. Alli executed the loan documents that were provided by Ms. Sostre. The entire loan documents were executed by Mr. Alli in less than 20 seconds. The loan application was then submitted from an address in Port St. Lucie, Florida even though Mr. Alli's phone records clearly show that he was in Tampa, Florida at the time of the submission. On July 27, 2020, the funds were transferred to Mr. Alli's bank account. Mr. Alli was found guilty after a jury trial of conspiracy to commit wire fraud, and two counts of wire fraud. Mr. Alli has acknowledged to this court that he did review and sign

the loan application. As of the filing of this memorandum, Mr. Alli's uncharged co-defendant, Maria Sostre has yet to be arrested for her actions and continues to perform tax consulting and tax preparation for clients in the Port St. Lucie area. Mr. Alli takes full responsibility and is truly remorseful for his actions in this case.

HISTORY AND CHARACTERISTICS OF MR. ALLI

Alexander Alli was born on September 30, 1984, in Benin City, Nigeria, to John Eboze Alli and Magdalene Alli. PSR ¶ 48. Benin City's rich history dates back to 1200 CE² when it was once a thriving city in West Africa. The walls of Benin were once described in the Guinness Book of World Records as the largest earthwork carried out prior to the mechanical period³. This is the historical city in which Mr. Alli was born. Mr. Alli's early childhood was rather normal growing up with two sisters and a brother in his home. His childhood did take turn for the worse at about 15 years old when his parents separated. PSR ¶ 50. Since Mr. Alli was the eldest son, he was required to go live with his father unlike his other siblings. This was rather difficult for him as his father's family were not as embracing of him. His aunts and uncles held resentment toward Mr. Alli's mother for the separation and took that resentment out on him. To this day he can still recall his father's family telling him that "he would not amount to anything". *Id.*

² <https://education.nationalgeographic.org/resource/kingdom-benin/>

³ <https://www.guinnessworldrecords.com/world-records/97959-longest-earthworks-of-the-pre-mechanical-era>

Despite the lack of paternal support and confidence, Mr. Alli graduated from high school and attended college in Nigeria PSR ¶ 69. Mr. Alli graduated from Ambrose Alli University with a Bachelor of Science in Mathematics PSR ¶ 70. (*Exhibit A*). In 2016, Mr. Alli moved to the United States on a conditional permanent resident application with hopes of making his family proud and his dreams come true. While in the United States, Mr. Alli has maintained employment and continued to advance his educational goals. Mr. Alli was first able to get accepted and attend National Aviation Academy in Clearwater, Florida (*See Exhibit B*). He would go on to attend the training program and successfully earn several awards and certificates of completion within the aviation maintenance sector (*See Composite Exhibit C*). Mr. Alli would utilize his training certifications to obtain employment working in the airline industry conducting aircraft maintenance and repairs. In 2019, Mr. Alli was employed by Endeavor Air working as an airline mechanic for Delta Airlines PSR ¶ 79. His work within the airline industry required extensive training and even airport security clearance (*See Composite Exhibit D*). Even while working full-time Mr. Alli was simultaneously attending college to ensure his ability to advance in his profession. In 2023, Mr. Alli graduated from Everglades University with a bachelor's degree in aviation/aerospace concentration in aviation maintenance management while working full-time and on pretrial release for the pending charges PSR ¶ 72. (*See Exhibit E*). Mr. Alli even enrolled in their master's degree program

for Aviation Science Operations. *Id.*

Mr. Alli's life has not just been defined by his career and educational accomplishments but also by his love to his family as evidenced by the letters of support (*See Composite Exhibit F*). Mr. Alli is not just a father to his two kids, but also serves as a stepfather to his wife's children. Mr. Alli also assists with the care for his wife's mother. Mr. Alli is loved and supported by not just his family but also his church. Mr. Alli is truly regretful for his actions and decisions in this case. Mr. Alli never expected the money to be a windfall and always had the intention of paying back the portion of the loan as required.

**MR. ALLI RESPECTFULLY ASKS THIS COURT FOR A
DOWNWARD VARIANCE**

The PSR has calculated the offense level as follows:

Base Offense Level	7
Intended Loss (\$40,000 to \$95,000)	6
Special Offense Characteristics: (fraud connected to major disaster)	<u>+2</u>
	15
Zero-Point Offender	<u>-2</u>
Total Offense Level	13

Based on the calculations above, Mr. Alli's sentencing range is 12–18 months, and he falls in Zone C of the sentencing guideline range. Mr. Alli's offense range is given a 6-level enhancement for the loan amount pursuant to USSG §2B1.1(b)(1)(D) due to the amount of the loan being between \$40,000- \$95,000.00. Under Zone C of the Sentencing Guidelines, Mr. Alli may be given a sentence which only requires

that he serve at least half of his term in the bureau of prisons and the remainder of his sentence may be satisfied by a term of supervised release along with home confinement. PSR ¶ 88. If the Court were inclined to vary down just two-levels, this would place Mr. Alli into Zone B of the Sentencing Guidelines which would permit a sentence with community confinement and/or home detention. If Mr. Alli had not exercised his constitutional right to have a trial, he would have fallen within Zone B of the Sentencing Guidelines.

**REQUEST FOR A REASONABLE SENTENCE
PURSUANT TO 18 U.S.C. § 3553(a)**

As outlined above, Mr. Alli's work ethic and lack of criminal history should be taken into consideration of a sentencing decision. While his history and characteristics do not excuse Mr. Alli's actions, he hopes that this Court will give it consideration when imposing sentence.

As the Court is aware, the decision of the United States Supreme Court in *United States v. Booker*, has rendered the United States Sentencing Guidelines "effectively advisory." *Booker*, 125 S. Ct. 738, 756 (2005). Pursuant to *Booker*, sentencing courts are required to consider a defendant's Guideline range, but may "tailor the sentence in light of other statutory concerns as well." *Id.* (citing 18 U.S.C. § 3553 (a)). In Mr. Alli's case, a sentence of imprisonment within his guideline range would be greater than necessary to accomplish the purpose of sentencing and a downward variance that consisted of home confinement in lieu of prison followed

by supervised release would comply with the requirements of 18 U.S.C §3553(a).

Section 3553(a)(2)(7), lists some purposes of sentencing, which can be summarized as:

- (2) the need for the sentence imposed to provide:
 - (A) just punishment;
 - (B) deterrence;
 - (C) protection of the public; and
- (7) the need to provide restitution to the victims

Each of the purposes outlined above would be achieved by a non-custodial sentence in this case. Mr. Alli has been on pretrial release since his initial arrest and has been on home detention since trial. A sentence of home confinement in this case would be adequate punishment for someone such as Mr. Alli who does not have a criminal history. As of the drafting of this memorandum, Mr. Alli's co-defendant in the case who was responsible for the preparation of the loan application has not even been arrested. As for punishment, due to Mr. Alli's immigration status, he is very likely to face the possibility of deportation. This punishment of being permanently removed from this country and his family is certainly sufficient punishment in the case. Allowing Mr. Alli the ability to be placed on home confinement would provide him the opportunity to repay his EIDL loan while making adequate preparations for his family if he is ultimately removed from the United States.

As for deterrence from criminal activity in the future, Mr. Alli did not have a criminal history prior to these charges and allowing him to remain on house arrest

and continue to regain employment in his profession will ensure that Mr. Alli continues to be a productive member of society. Mr. Alli has made a bad decision in this case, but he definitely has the ability to right this wrong and make amends for his actions.

The need to provide restitution in the case would be best benefitted if Mr. Alli was given a non-incarcerate sentence. Mr. Alli will hopefully be able to regain employment in his profession of aircraft maintenance. If Mr. Alli were sentenced to a term of prison, he would lose his job, his income, and his restitution payments would be delayed. If the Court does not impose a prison sentence Mr. Alli may be able to regain employment in his chosen field and restart restitution payments immediately.

CONCLUSION

Mr. Alli is a hard-working immigrant that made a poor decision in this case. Mr. Alli understands that this Court will penalize him for his actions, but he asks that the Court impose a sentence that will allow him to regain his employment and continue to provide for his family.

Defendant, ALEXANDER ALLI, respectfully requests this Court impose a sentence of home confinement followed by a term of supervised release.

Respectfully submitted this 3rd day of June 2024.

A. FITZGERALD HALL, ESQ.
FEDERAL DEFENDER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of June 2024, a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send notice of the electronic filing to:

AUSA, Jennifer Peresie

/s/ Howard J. Williams
Howard J. Williams, Esq.
Assistant Federal Defender