U.S. Department of Justice

United States Attorney
Eastern District of New York

MRM/AXB
F. #2020R00902

610 Federal Plaza
Central Islip, New York 11722

March 8, 2024

By ECF and Courtesy Copy by Interoffice Mail

The Honorable Gary R. Brown
United States District Judge
United States District Court
Eastern District of New York
940 Federal Plaza
Central Islip, New York 11722

Re: United States v. Rami Saab, a/k/a "Rami Hasan"
Criminal Docket No. 22-344 (S-1) (GRB)

Dear Judge Brown:

The government respectfully submits this letter in connection with the sentencing of defendant Rami Saab, also known as "Rami Hassan," in the above-referenced matter. For the reasons that follow, the government submits that a sentence of 120 months' imprisonment, to be followed by three years of supervised release, and restitution in the amount of $9,668,508, would be sufficient, but not greater than necessary, to achieve the goals of sentencing in this case.

I. Factual Background

In March 2020, the United States (and indeed, the entire world) was confronted with a public health crisis of unprecedented proportions amid the onset of the COVID-19 pandemic.[1] Recognizing that countless American businesses had been shuddered as a result of the virus' rapid spread, on March 29, 2020, Congress enacted the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act") to provide emergency financial assistance to distressed small businesses. See United States Probation Department ("Probation") Presentence Investigation Report ("PSR"), prepared August 25, 2023, at ¶ 5.

As part of the CARES Act, funds were allocated for the issuance of forgivable loans to small businesses for job retention and payroll-related expenses via the Paycheck Protection Program ("PPP program"). Id. The PPP program allowed qualifying small businesses to receive

[1] According to the website of the World Health Organization, the COVID-19 pandemic has claimed 6.9 million lives worldwide and 1.1 million lives in the United States. See https://data.who.int/dashboards/covid19/deaths?n=c (last visited March 8, 2024).

unsecured loans to address business expenses such as payroll, rent, mortgage-related payments and utilities. PSR at ¶ 6. If the PPP funds were used for their intended purposes and in accordance with the program's terms, the loans would be forgiven. Id. The PPP program was overseen by the Small Business Administration ("SBA") and various financial institutions received and processed the PPP loan applications, which, if approved, would then be funded directly by the lenders and backed by the federal government. PSR at ¶ 8. The amount of the loans was determined by a formula which required applicants to truthfully report information such as the business's number of employees and payroll costs, and to provide corroborating documentation. PSR at ¶ 7. In addition to the PPP program, the CARES Act also provided funding for the Economic Injury Disaster Loan Program ("EIDL program"), which was an SBA program designed to provide up to $2 million in loans to eligible small businesses that experienced financial disruption due to the COVID-19 pandemic. PSR at ¶ 9. Like the PPP program, the EIDL program required applicants to use an online portal to truthfully report to the SBA information related to a business' operations for the preceding twelve-month period. PSR at ¶¶ 10-11. Also like the PPP program, EIDL program funds could only be used for limited, business-related purposes. Id.

In this unprecedented public health crisis, Saab and his coconspirators saw a "get rich quick" scheme; amid massive public suffering, they saw an opportunity to steal money designed to ease the suffering of those who followed the rules for the common good. Beginning in May of 2020, and continuing throughout the pandemic, Saab and his associates set off on a campaign to lie about the existence and purported operations of numerous fake businesses, and to submit dozens of false PPP and EIDL loan applications—each supported by fraudulent and falsified tax returns—to steal more than $9.5 million in disaster relief funds. PSR at ¶¶ 12-15. (Accounting for the numerous fraudulent, but ultimately unsuccessful, loan applications that Saab and his coconspirators submitted, Probation has estimated that they attempted to obtain more than $32 million in PPP and EIDL funds.)

Specifically, Saab worked to coordinate the submission of at least 40 online applications for dormant shell companies—applications that contained false information, bogus financial data, and fabricated supporting documentation, all of which was designed to fraudulently induce the SBA and the lenders administering the PPP and EIDL programs to approve over twenty loans totaling nearly $10 million. Id. Once the loans were approved, Saab worked with others to launder the funds through more than 50 otherwise inactive bank accounts to prevent tracing of the proceeds, with substantial portions of the stolen funds being transferred to coconspirators overseas or being withdrawn in cash and dissipated for the conspirators' enrichment. PSR at ¶ 15.

II. Procedural Background

On June 29, 2022, Saab was arrested and charged by complaint with wire fraud, in violation of 18 U.S.C. § 1343. See United States v. Saab, 22-MJ-703, ECF Doc. No. 1. Following several contested bail hearings, and over the government's objection, Saab was released on bond. See United States v. Saab, 22-CR-344, ECF Doc. Nos. 6, 8 and 10-13. Thereafter, on July 27, 2022, a federal grand jury in the Eastern District of New York returned a five-count indictment charging Saab with disaster relief fraud, in violation of 18 U.S.C. § 1040(a)(2), making false statements to the SBA, in violation of 18 U.S.C. § 1014, conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349, wire fraud, in violation of 18 U.S.C. § 1343, and conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h). See ECF Doc. No. 14.

On April 19, 2023, the grand jury returned a twenty-five-count superseding indictment charging Saab and a co-defendant with additional counts of the same offenses. See ECF Doc. No. 49.

On June 5, 2023, while the superseding indictment was pending, Saab appeared before the Court for a bail hearing based principally upon a series of domestic incidents that occurred between Saab and the mother of one of his children during his pretrial release.[2] Following the bail hearing, this Court ordered Saab remanded pending trial. PSR at ¶¶ 2-4.

On July 14, 2023, the defendant appeared before the Court and entered a guilty plea, pursuant to a plea agreement with the government, to Count Three of the superseding indictment. PSR at ¶ 1. Count Three charges the defendant with conspiring to commit wire fraud between May 1, 2020 and the date of the superseding indictment (April 19, 2023). Id. More specifically, Count Three charged the defendant with conspiring to defraud the SBA and various banks that were administering the PPP program and the EIDL program which were, at the time of the defendant's crimes, providing disaster relief funds designed to alleviate the financial strain of the COVID-19 pandemic on the United States economy. Id.

III. Sentencing Guidelines

On August 25, 2023, Probation disclosed the PSR, in which it calculated Saab's advisory Guidelines range to be 151 to 188 months' imprisonment. PSR at ¶ 84. This calculation is premised upon the defendant falling within Criminal History Category III, see id. at ¶¶ 32-41, and the offense level calculation set forth below:

Base Offense Level (U.S.S.G. §2B1.1(a)(1))		7
Plus:	Loss in excess of $25,000,000 (U.S.S.G. §2B1.1(b)(1)(L))	+22
Plus:	Sophisticated Means (U.S.S.G. §2B1.1(b)(10)(C))	+2
Plus:	Disaster Relief Fraud (U.S.S.G. §2B1.1(b)(12))	+2
Plus:	Aggravating Role – Leader/Organizer (U.S.S.G. §3B1.1(c))	+2
Less:	Acceptance of Responsibility (U.S.S.G. §§3E1.1(a) and (b))	-3
Total:		32

PSR at ¶¶ 19-31. Based upon a total offense level of 32 and Criminal History Category III, Saab's advisory Guidelines range is 151 to 188 months' imprisonment. Id. at ¶ 84.

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[2] Copies of the government's May 24, 202 sealed motion for a bond revocation hearing, together with the transcript of proceedings held on June 5, 2023, are attached hereto as Exhibits A and B, respectively.

The government does not object to this calculation. We note, however, that the Guidelines estimate in Saab's plea agreement did not include: (i) the 22-point enhancement under U.S.S.G. § 2B1.1(b)(1)(L) for intended loss between $25 million and $65 million; or (ii) the two-point enhancement under U.S.S.G. § 2B1.1(b)(10)(C) for employing sophisticated means to commit fraud. Nor is the government requesting a Fatico hearing to establish their applicability.

IV. Argument

Notwithstanding Probation's determination of the applicable Guidelines range, the government respectfully submits that a sentence of 120 months' imprisonment is sufficient, but not greater than necessary, to achieve the goals of sentencing set forth in Title 18, United States Code, Section 3553(a).

A. The Advisory Range and Kinds of Sentences Available (18 U.S.C. § 3553(a)(3), (a)(4)(A))

In United States v. Booker, 543 U.S. 220 (2005), the Supreme Court held that the Guidelines were no longer mandatory but should be considered in conjunction with the factors outlined in § 3553(a). Thereafter, the Supreme Court confirmed that § 3553(a) requires a sentencing court to give respectful consideration to the Guidelines, but Booker allows the court to "tailor the sentence in light of other statutory concerns[.]" Kimbrough v. United States, 552 U.S. 85, 101 (2007) (citing Booker, 543 U.S. at 245-46; Gall v. United States, 552 U.S. 38, 46-49 (2007)). However, the Supreme Court explained that even though the Guidelines are now advisory, "district courts must treat the Guidelines as the 'starting point and the initial benchmark'" when determining a defendant's sentence. Kimbrough, 552 U.S. at 108 (citing Gall, 552 U.S. at 49; Rita v. United States, 551 U.S. 347-50 (2007)).

With the Guidelines as the "starting point and the initial benchmark," the Court should next consider the factors set forth by Congress in § 3553(a). Id. That statute provides that a Court should consider a number of factors when determining a defendant's sentence, including:

> (1) the nature and circumstances of the offense and the history and characteristics of the defendant; and
>
> (2) the need for the sentence imposed: (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)(1) and (2).

Here, the Guidelines certainly call for a substantial prison term. Indeed, in Saab's best-case scenario, the Guidelines call for a sentence of 78 to 97 months' imprisonment. When using those Guidelines as a starting point, however, a fair application of the § 3553(a) factors to the facts and circumstances of this case reveals that a far more severe sentence is warranted.

Initially, even if the Court utilizes the lower Guidelines range advocated by Saab, there are legitimate reasons to upwardly depart. As discussed herein, a clear basis for an upward departure exists because Saab's criminal history is substantially understated. See U.S.S.G. § 4A1.3(a)(1) ("If reliable information indicates that the defendant's criminal history category substantially under-represents the seriousness of the defendant's criminal history or the likelihood that the defendant will commit other crimes, an upward departure may be warranted"). An example where this would apply is where a defendant, like Saab, has sentences that received no criminal history points because the sentence imposed was outside the period proscribed by § 4A1.2(e). See U.S.S.G. § 4A1.3(a)(2)(A); see also United States v. Franklin, 157 F.3d 90, 99-100 (2d Cir. 1998); United States v. Diaz-Collado, 981 F.2d 640, 644 (2d Cir. 1992). As discussed below, Saab has two felony convictions and two misdemeanor convictions that result in no criminal points. PSR at ¶¶ 34-36 and 38.

To be sure, in addition to under-representing the seriousness of his criminal history, the Guidelines substantially under-represent the likelihood that Saab will commit other crimes in the future. As discussed in detail below, Saab is a career criminal, who has committed an assortment of criminal conduct and repeatedly violated court-imposed terms of community supervision throughout his adult life. His criminal history category of III does not adequately reflect this fact, providing an independent ground for an upward departure.

Even if the Court were to disagree with these grounds for an upward departure, however, the relevant evaluative factors—including and especially the nature and seriousness of the instant offense, Saab's history and characteristics, the seriousness of his prior offenses, and the need for deterrence and to protect the community from similar future crimes—weigh decidedly in favor of a variance. Indeed, the Court is statutorily authorized to sentence Saab to up to 30 years' imprisonment. PSR at ¶ 83. And Congress has given courts wide latitude in fashioning appropriate sentences for the crimes of which Saab has been convicted. See United States v. Cavera, 550 F.3d 180, 189 (2d Cir. 2008) (it is "emphatically clear that the Guidelines are guidelines – that is, they are truly advisory . . . District judges are, as a result, generally free to impose sentences outside the recommended Guidelines range"). In this instance, regardless of the non-binding Guidelines range that the Court elects to apply, the § 3553(a) factors support the imposition of a sentence of 10 years' imprisonment.

B. The Nature and Circumstances of the Offense (18 U.S.C. § 3553(a)(1))

The nature and circumstances of Saab's criminal conduct call for an extremely stringent sentence. This was not a crime of desperation, but a crime of pure greed, in which Saab and others worked to defraud financial institutions of nearly ten million dollars and tried their best to defraud them of many millions more. This fact alone makes a ten-year sentence appropriate. But Saab's conduct was even more pernicious.

To execute the fraud conspiracy, Saab and his coconspirators employed a complex network of shell companies and bank accounts to swiftly defraud multiple financial institutions of funds. Using false tax documents and inflated, false financial and employee information, Saab was able to submit well over two-dozen fraudulent loan applications, more than twenty of which were successful. As soon as his shell companies received the loan proceeds, Saab worked with coconspirators to quickly transfer the funds through scores of otherwise dormant bank accounts to conceal the source of the funds, before those funds were spent, withdrawn in cash, or transferred overseas to associates in Turkey and elsewhere.

Most offensively, this scheme was specifically designed to exploit an international public health emergency to line Saab's pockets. The federal government mobilized to meet the momentous challenges the pandemic presented, working collaboratively with private financial institutions to provide disaster relief funds as quickly as possible to distressed small business owners. It was against that backdrop that Saab saw dollar signs; while Americans were dying by the thousands and unemployment was steadily rising,[3] Saab went to extraordinary lengths to submit dozens of loan applications in the names of fake companies, using other peoples' identifies, fabricate tax documents, and carefully move money through a web of accounts. As this Court explained in connection with the sentencing of a defendant who stole approximately $3.8 million in COVID-relief funds: "This is an absolutely reprehensible crime. I mean, just disgraceful, disgraceful conduct. At a time when this nation has faced its worst national crisis in decades, this defendant took the opportunity to then raid the government treasury." See United States v. Zarkadas, No. 21-CR-363 (GRB), Transcript of Sentencing Proceedings held on March 18, 2022.[4]

The COVID-19 pandemic was unprecedented, and the defendant's callous choice to line his pockets during a time of crisis is particularly egregious. Similarly, the scope of his fraud (and attempted fraud) in light of the nature of the emergency ongoing in the United States at the time is staggering. The nature and circumstances of this defendant's crimes clearly supports the imposition of a ten-year prison sentence.

C. History and Characteristics of the Defendant (18 U.S.C. § 3553(a)(1))

Saab's history and characteristics also clearly support the imposition of a ten-year sentence in this case. His first encounter with the criminal justice system came in May 1999, when he was 19 years old and charged with robbery. PSR at ¶ 44. The disposition of that arrest is

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[3] See United States Bureau of Labor Statistics, https://www.bls.gov/opub/mlr/2022/article/us-labor-market-shows-improvement-in-2021-but-the-covid-19-pandemic-continues-to-weigh-on-the-economy.htm#:~:text=The%20recession%20induced%20by%20the,to%20leave%20the%20labor%20force (last visited March 8, 2024).

[4] To the extent § 3553(a) requires the Court, when fashioning an appropriate sentence, to avoid unwarranted sentencing disparities, it bears emphasis that Your Honor sentenced the defendant in Zarkadas to 51 months' imprisonment. Unlike Saab, the defendant in that case (who had zero criminal history points) acted alone, did not direct the activities of others, did not employ sophisticated means, and stole approximately $3.8 million dollars without proof of substantial attempts to steal more. Because Saab stole nearly three times as much government money and tried to steal substantially more, as well as the other aggravating factors and Saab's prolific criminal history, any sentence below 120 months would create an inexplicable sentencing disparity.

sealed.[5] Id. Approximately one year later, in 2000, Saab was arrested three additional times, sustaining convictions for a class E felony (Attempted Forgery, second degree) and a class A misdemeanor (Possession of a Forged Instrument, third degree), both of which related to his fraudulent use of another person's credit card information to purchase hundreds of dollars' worth of clothing at two separate stores at the Roosevelt Field Mall in Garden City. PSR at ¶¶ 34-35 and 45. The disposition of the third arrest is sealed but involved a weapons charge and allegations that Saab displayed a handgun during an altercation and fired several shots at a vehicle. PSR ¶ at 45.[6] For his felony and misdemeanor conviction, Saab was sentenced to an aggregate sentence of time served and five years' probation in March of 2001. PSR at ¶¶ 34-35. These convictions did not receive any criminal history points towards Saab's criminal history score. Id.

Next, in May 2003, Saab was arrested for Bail Jumping in the second degree, a class E felony. PSR at ¶ 36. This charge stemmed from his failure to appear in court in Queens County as directed on October 17, 2001, in connection with a pending Queens County matter. A bench warrant was issued, and bail jumping charges subsequently filed. PSR at ¶ 36. One week prior to being arrested and arraigned in Queens County for the bail jumping charge, Saab was arrested by the Miami-Dade Police Department at Miami International Airport based upon two active New York fugitive warrants. PSR at ¶ 46. He was ultimately convicted of Bail Jumping in the second degree and sentenced to 18 months to 3 years in custody. PSR at ¶ 36. Notably, this offense was committed while Saab was on probation from his prior attempted forgery conviction, which resulted in his probation being revoked. PSR at ¶ 35. Due to its age, Saab's bail jumping conviction does not receive any criminal history points towards his criminal history score. PSR at ¶ 36.

Next, also in May of 2003, Saab was arrested for, and subsequently convicted of, attempted Enterprise Corruption, a class C felony. PSR at ¶ 37. In connection with that offense, Saab was sentenced to an indeterminate term of imprisonment of four to eight years'

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[5] In his sentencing submission, Saab claims the first crime he committed involved purchasing counterfeit bills, followed by misappropriating others' credit card information. See Deft. Sent'g Memo 6. It is unclear whether either of these categories of illegal conduct accounts for the robbery arrest mentioned at ¶ 44 of the PSR.

[6] Although the charges stemming from this incident (second-degree criminal possession of a weapon and first-degree reckless endangerment) apparently did not result in a conviction, see PSR ¶ 45, there is nothing in the record to corroborate Saab's description of them as "unproven allegation[s] made by the group who murdered his brother as justification for their actions." Deft. Sent'g Memo 8. Indeed, the very news reports featured in Saab's sentencing letter describe the incident as a "brawl" and indicate that a "[a]nother victim," i.e., neither Saab nor his brother, "was shot once in the right hip." See id. at 8 n.1 (citing Sorkin, Peter, QNS.com, "18-year-old killed near nightclub," January 4, 2001, available at https://qns.com/2001/01/18-year-old-killednear-nightclub/); see also Parascandola, Rocco, "Apple Slay Stats Rise as Top Cop Demotes 3," December 31, 2000, available at https://nypost.com/2000/12/31/apple-slay-stats-rise-astop-cop-demotes-3/ (reporting that a 23-year-old man named [redacted] was also shot during the altercation). Although Saab "disputes" that he displayed a firearm or fired shots, as alleged in the police report, he makes no effort to explain who shot this second victim.

imprisonment. Id. That sentence was served concurrently with his sentence for bail jumping. Id. The facts of Saab's Bail Jumping and attempted Enterprise Corruption charges were set forth by the Honorable J. Leon Holmes, United States District Judge, Eastern District of Arkansas, in an Opinion and Order denying Saab's request for bail in his federal drug case, described below. See United States v. Rami Hasan, et al., E.D. Ark., 12-CR-263 (JLH), ECF Doc. No. 41, at 6. Judge Holmes stated that:

> [T]he parole file contains the following description of the offense conduct regarding Hasan's 2004 convictions: The instant offenses involve attempted enterprise corruption and bail jumping. The defendant, acting in concert with apprehended others, defrauded several blue-chip computer companies out of computer equipment and other goods valued at more than two million dollars. He acted as part of a ring that used false identities and corporations to obtain bank accounts, credit and funds, so the organization could lease and obtain computers as well as other goods and services for personal financial gain. The defendant admitted to committing the offense for monetary reasons. The defendant also admits to bail jumping, since he was scared of getting caught and he fled the country. The defendant was on probation when he committed the instant offenses.

Id.

As with the instant offense, this prior offense—charged as the New York State analogue to federal RICO—involved the blatant and organized theft of property valued in the millions of dollars. It also demonstrates Saab's continuing penchant for using false identities to defraud others. While incarcerated for these crimes, Saab received six disciplinary infractions and new criminal charges. PSR at ¶¶ 36 and 38. Specifically, he was arrested in January of 2006 for Promoting Prison Contraband in the second degree, a class A misdemeanor, for which he was sentenced to an additional 89 days. PSR at ¶ 38. That conviction did not receive any criminal history points towards Saab's criminal history score. PSR at ¶ 38.

Shortly after his release to parole in August 2008, Saab almost immediately reverted to his criminal ways and violated that parole. Id. Indeed, on December 9, 2009, Saab's parole was revoked for a new arrest, and he was subsequently sentenced to four months' incarceration for that violation. Id. Saab was then re-paroled in March of 2010, and ultimately discharged from his New York State parole on April 8, 2011. Id.

Within a year of completing his New York parole, Saab began committing a federal drug felony in Arkansas. PSR at ¶ 39. Specifically, he began distributing pseudoephedrine, a list I chemical and key ingredient in the manufacture of methamphetamine, knowing that the pseudoephedrine he was distributing would be used in the manufacture of that drug. See Id.; see also United States v. Rami Hasan, et al., E.D. Ark., 12-CR-263 (JLH), ECF Doc. Nos. 23 (indictment) and 78 (transcript of plea hearing), at 15-21. Saab also was in possession of a firearm that, as a felon, he was not permitted to possess. United States v. Rami Hasan, et al., E.D. Ark., 12-CR-263 (JLH), ECF Doc. No. 78, at 19-20. Ultimately, Saab was sentenced to 84 months' imprisonment for his federal drug felony. PSR at ¶ 39.

Notably, during the pendency of his federal drug felony case, Saab obstructed justice by sending word from jail to his mother, who was a charged coconspirator in that case, telling her that she should not return to the United States from Jordan. See United States v. Rami Hasan, et al., E.D. Ark., 12-CR-263 (JLH), ECF Doc. No. 41, at 7. It appears that Saab was successful in assisting his mother avoid prosecution, as the charges against her are still pending in Eastern District of Arkansas and she remains a fugitive. See United States v. Rami Hasan, et al., E.D. Ark., 12-CR-263 (JLH), ECF Doc. No. 83.[7]

In addition to all of his criminal conduct, including the instant offense (which commenced less than two years after his supervised release from the Eastern District of Arkansas terminated (PSR at ¶ 39)), Saab has engaged in slew of other non-criminal conduct that shows a complete, ongoing disregard for the law. PSR at ¶ 42.

As the Court will recall, while on bail in the instant case, Saab engaged in a pattern of threatening conduct directed at the mother of one of his children. The Court held a detention hearing on June 5, 2023. See ECF Doc. No. 55; Exhibit B hereto. After reviewing the arguments of the parties and the text messages that Saab sent to the victim, the Court said the following:

> [O]ne thing that a defendant who is out on a substantial bail package doesn't have the option to do, and that's to be sending texts to people, directing the delivery of travel documents. My father should have those passports tonight. Threaten, making threats. And saying that nothing will protect you from my fucking rage. That's what the text says. I can't do anything with that. Someone on bail from this Court cannot, cannot engage in such behavior.

Id. at 32. The Court ultimately remanded Saab as a risk of flight and as a danger. Id. at 33.

Simply stated, Saab has displayed time and again that he is a career criminal with no regard for the law or the rules duly imposed upon him by courts. And his history shows that he will revert to crime when it suits his purposes. His criminal behavior has ranged from million-dollar thefts to assisting in the manufacture of meth to threatening the mother of his children. He has repeatedly had terms of supervised release, probation and parole revoked. At no time has Saab ever made any meaningful attempt to rehabilitate and be a law-abiding member of society. Rather, he is someone who sees the law as optional and will do what he wants no matter what any court says or who he victimizes in the process. A ten-year prison sentence is clearly supported by Saab's history and characteristics.

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[7] Despite her status as a charged co-conspirator and active fugitive from justice, the PSR reflects that, in 2022—during the pendency of this case—Saab traveled with his mother on a pilgrimage to Jordan for six months and, "[p]rior to his bond revocation, . . . was providing his mother financial assistance between $700 and $1,000 per month." PSR ¶¶ 50, 71. It remains unclear how much of that financial support was comprised of stolen COVID-19 relief funds.

D. Seriousness of the Offense
(18 U.S.C. § 3553(a)(2)(A))

The seriousness of Saab's conduct cannot be overstated. He worked with others to steal millions of dollars that were intended to relieve an unimaginable emergency that impacted the entire country. Far from caring about others in a time of need, Saab lied and defrauded financial institutions to steal millions of relief dollars and attempted to steal millions more. The theft of ten million dollars that was earmarked for disaster relief certainly supports the imposition of a term of imprisonment of 120 months.

E. Promote Respect for the Law
(18 U.S.C. § 3553(a)(2)(A))

As with the seriousness of the offense, the need to promote respect for the laws against fraud and the theft of disaster relief funds call for a substantial sentence to ensure that in the next national emergency, would-be fraudsters like Saab do not think they can steal to benefit themselves at the expense of people in real need. The facts of this case require a stringent custodial term to promote the respect for such laws, and a ten-year prison term is warranted.

F. Just Punishment
(18 U.S.C. § 3553(a)(2)(B))

In this case, a ten-year prison term is a just punishment. Indeed, such a sentence is mandated by the totality of the circumstances. Saab is a career criminal who, time and again, has chosen to victimize others through theft. As explained above, Saab saw in the government's response to the COVID-19 pandemic an opportunity to enrich himself. And despite his attempts at this late stage to begin making restitution, the fact remains that the millions he stole are unaccounted for, with substantial sums of American taxpayers' dollars having being transferred to Saab's associates overseas. Leniency is not warranted under these circumstances.

G. Deterrence
(18 U.S.C. § 3553(a)(2)(B))

In this case, both specific and general deterrence are vitally important. General deterrence will be served by an extensive prison term, as people must understand that if they elect to steal and line their pockets with funds designed to bring aid to the public during times of crisis, they will be dealt with harshly. Specific deterrence also calls for a lengthy prison sentence. Despite multiple prior convictions and an assortment of carceral and non-carceral sentences, Saab has never been deterred from criminal conduct. He served approximately five years' imprisonment for attempted enterprise corruption and another approximately five years for a federal narcotics offense. Yet those extensive prison terms have utterly failed to conform Saab's behavior or deter him from criminality. On the contrary, the scale and sophistication of Saab's crimes have escalated his criminal conduct, with the instant offense involving an organized scheme to fabricate loan applications and supporting documentation to steal almost ten million dollars from numerous lending institutions. Accordingly, deterrence will be served by a term of imprisonment of ten years.

H. Protect the Public from Future Crimes of Defendant (18 U.S.C. § 3553(a)(2)(C))

Like specific deterrence, discussed above, the need to protect the public from future crimes of the defendant is self-evident and requires the imposition of a ten-year term of imprisonment. Saab's continued return to criminal conduct, including probation violations, parole violations, and violation of conditions of pretrial release, show that nothing short of incarceration will stop him from engaging in additional criminal conduct. Because Saab has made no realistic attempt to rehabilitate himself, has continued to violate the terms of his release in the community, and regularly returned to criminal conduct, the only way for the Court to ensure that the public is protected from Saab in the future is to keep him in jail for an extensive custodial sentence.

I. Restitution – 18 U.S.C. § 3553(a)(7)

The government respectfully requests that the Court impose restitution of $9,668,508 consistent with the plea agreement between the parties.

V. Conclusion

As set forth above, the § 3553(a) factors call for a lengthy prison term. The government respectfully submits that a sentence of 120 months' imprisonment, followed by three years of supervised release and restitution ordered in the amount of $9,668,508, is a sentence that is sufficient, but not greater than necessary, to achieve the goals of sentencing in this case.

Respectfully submitted,

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