UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 25-cr-20178-EA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTIAN MENDOZA,

Defendant.
________________________________/

CHRISTIAN MENDOZA'S SENTENCING MEMORANDUM AND ALTERNATIVE MOTION FOR VARIANCE

Christian Mendoza, by and through undersigned counsel, hereby files the following memorandum in advance of sentencing and states as follows:

Mr. Mendoza has accepted responsibility for his involvement in a scheme that enabled small business owners to fraudulently obtain COVID-19 relief funds guaranteed by the Small Business Administration ("SBA"). Mr. Mendoza's personal gain from the offense was approximately $450,000—consisting of $347,000 in three fraudulent loan payments made to his businesses, Global Tax, LLC, and CM Trucking, as well as roughly $100,000 in kickbacks he received from the $2.1 million in fraudulent loan proceeds that he and co-defendant Guillermo Lopez Carrazana helped other borrowers obtain from the SBA.

Under the parties' agreement, as set forth in the plea agreement (ECF No. 69, ¶ 11), Mr. Mendoza's advisory Guidelines range is **27 to 33 months**. Mr. Mendoza respectfully requests that, consistent with the plea agreement, the Court impose a within-Guidelines sentence of 27 months.

This sentence is sufficient, and no greater than necessary, to effectuate the purposes of sentencing set forth in 18 U.S.C. 3553(a), the most salient of which is Mr. Mendoza's personal history and characteristics, specifically the undeniable impact which pervasive drug abuse had on

Mr. Mendoza's involvement in the offense. Should the Court find that the advisory guidelines range is greater than that which the parties have agreed is appropriate, these same factors warrant a variance to 27 months.

Mr. Mendoza's Personal Background

Christian Mendoza is 48 years old. He is a father of two – a five- and four-year-old. This case is his first involvement with the criminal justice system.

Mr. Mendoza's story is in equal measure an American-dream fable and an Icarus-like cautionary tale. Mr. Mendoza immigrated to the United States at 25 years old from Cuba. (PSR, ¶ 97). He taught himself English, graduated from Miami-Dade College, and secured employment as a tax preparer at H&R Block. (PSR, ¶ 124). While at H&R Block, he came to fundamentally believe that he could do what they were doing at Block, but better: preparing income taxes at scale while maintaining a personal connection with clients so that they would want to return year after year and refer their friends. In 2011 he took a significant gamble, bet on himself and his abilities, and opened Global Tax. (PSR, ¶ 132). Within a few years, he had grown the company from a small office in Hialeah to a thriving enterprise occupying most of the second story of a commercial plaza. Every tax season, Global Tax served thousands of clients, with lines out the door and every seat in the waiting room filled at all hours. Mr. Mendoza employed 25 tax preparers (PSR, ¶ 132), but it was his personal mission to visit with as many customers as possible to ensure they were being treated well and receiving their refunds on time. For years, he arrived at Global Tax at or before 7:00 a.m. every day and left well after 8:00 p.m. During most of its operation, the company earned well over one million dollars in revenue. *See* PSR, ¶ 132.

This growth came at significant personal cost. (PSR, ¶ 132). The stress of trying to provide the high-quality, personalized service that was the company's founding principle, while keeping up with the overwhelming volume of clients and referrals, as well as the difficulty of supervising more than two dozen tax preparers and front-desk staff, became unmanageable. The months leading up to tax season each year were particularly difficult.

Mr. Mendoza's greatest self-identified personal failing is his inability to say no and his innate desire to please others. When the COVID-19 pandemic hit, clients approached him about obtaining PPP loans, which they perceived, wrongly, as "free money" from the government. Wanting to keep his customers happy and seeing an opportunity to enrich himself in the process, Mr. Mendoza regrettably chose to become involved in the scheme.

Mr. Mendoza's drug addiction was central to this decision making. His problems with drugs began in 2015 when he began caring for his mother as she battled lung cancer. (PSR, ¶ 90). Mr. Mendoza did not want to place her in hospice and would stay up nights taking care of her. *Id.* He began using cocaine during the day to get through demanding periods at Global Tax and used Xanax to come down off the cocaine. (PSR, ¶ 132) He abused cocaine and Xanax every day in this pattern from 2015 until his bond was revoked in July. (PSR, ¶ 118-119).

Mr. Mendoza's mother passed away in 2018. (PSR, ¶ 90). By then he was fully in the throes of addiction. His decision to become involved in this crime was, in significant part, the result of that addiction. Mr. Mendoza's sister Diandra explains in her letter to the Court (attached hereto as **Exhibit A**) that she is "certain that [the influence of drugs] played a significant role in the poor decision he made." Mr. Mendoza's significant drug addiction is the most obvious explanation for the inexplicable and aberrant decision to jeopardize his business and career in an otherwise law-abiding life.

The charged offense ended in May 2021. Global Tax would not last much longer. By 2023, the company had closed. (PSR, ¶ 132). After the closure, Mr. Mendoza essentially became a shutin, a condition that persisted until his arrest in this case. From 2023 through his arrest, he left his house infrequently and usually only to buy drugs. Once he came under the scrutiny of pretrial supervision, the full extent of his drug abuse became immediately apparent. As the PSR noted, his pretrial supervision officer wrote: "USPO Sanchez noted that although the home is new and updated, the home was in shambles, and the defendant was living in squalor." (PSR, ¶ 98).

Mr. Mendoza was arrested with multiple baggies that had contained cocaine in his pockets (PSR, ¶ 62), and it was clear to the Court at his initial appearance that mandatory drug treatment needed to be a condition of what would become his short-lived pretrial release. (PSR, ¶ 113). His addiction was so severe that when he presented for his initial drug treatment evaluation, treatment staff noted that "clinical observation revealed he was using cocaine and ... Xanax" and at that evaluation he was formally diagnosed with "cocaine abuse." *Id*. Mr. Mendoza tested positive for cocaine and Xanax at every required urinalysis while on bond, leading Judge Altman to revoke his bond in June. (PSR, ¶ 113).

Mr. Mendoza's sister, a nurse practitioner, poignantly states in her letter that "There is one thing I am grateful for: that God allowed this offense to be discovered, because by serving his sentence, he has been able to rehabilitate himself and detoxify his body." (Ex. A). For the first time in ten years, Mr. Mendoza is drug free, clear-headed, and optimistic about his future.

It is well recognized that sentencing courts may consider a defendant's drug dependency during the commission of the offense as a mitigating factor. *See, e.g., United States v. Hendrickson*, 25 F. Supp. 3d 1166, 1174 (N.D. Iowa 2014) ("[I]n most cases, is that addiction mitigates a defendant's culpability. By physically hijacking the brain, addiction diminishes the addict's capacity to evaluate and control his or her behaviors. Rather than rationally assessing the costs of their actions, addicts are prone to act impulsively, without accurately weighing future consequences… The capacity to evaluate the consequences of one's actions is central to one's culpability."); *see also United States v. Leri*, 849 F. App'x 898, 901 (11th Cir. 2021) (affirming 43-month downward variance where district court based sentence on defendant's drug addiction). Mr. Mendoza's significant drug addiction is a factor the Court should consider in imposing punishment. Mr. Mendoza respectfully submits that his lifelong law-abidingness makes clear that drugs played a major role in his involvement in the offense and that a less severe sentence is warranted.

Sentences of similarly situated defendants

Regrettably, the COVID-19 pandemic spurred a number of schemes to wrongfully obtain relief funds. These cases involved government employees working in concert with fraud rings, large-scale identity theft used to improperly access state benefits, and unscrupulous borrowers creating multiple fictitious corporations for the purpose of obtaining PPP funds. The facts of this case differ from those but are not unique in this District. Loan processors like the defendants in this case have been charged and sentenced in recent matters. Under 18 U.S.C. § 3553(a)(6), the Court must specifically impose a sentence considering "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." A sentencing court must consider both the potential disparity in the context of the sentences of co-defendants and "other similarly situated defendants—criminal defendants in other cases who were convicted of similar crimes." *United States v. McQueen*, 727 F.3d 1144, 1160 (11th Cir. 2013).

Looking first at the sentences received by similarly situated defendants in recent cases, it is clear that a 27-month sentence is reasonable. The government recently issued a press release describing sentences imposed in COVID-19-related benefits-fraud prosecutions. *See* United States Attorney's Office, Southern District of Florida, "South Florida U.S. Attorney's Office

Charges an Attorney, Former SBA Employee, Tax Preparer, and others with COVID-19 Fraud Schemes," U.S. Dep't of Justice (Sep. 30, 2024).[1] One category of cases discussed was "*Cases Against COVID-19 Loan Preparers*". The press release stated as follows:

A number of loan preparers have been charged, including:

- ***U.S. v. Pete Andrew Cohen*, Case No. 24-CR-60017:** Cohen, 56 of Miramar, Fla., was the president of Taxez Taxez Taxez Incorporation in Miramar. From June 2020 through June 2021, the defendant caused the filing of approximately $3 million in fraudulent PPP loan applications that falsely and fraudulently inflated the number of employees and payroll figures for the applicants. The defendant also arranged for PPP loan borrowers to create false and fraudulent payroll information using a payroll service. Cohen pled guilty and is scheduled to be sentenced on Oct. 17, before U.S. District Judge Rodney Smith. This case was investigated by Internal Revenue Service Criminal Investigation (IRS-CI) and Federal Deposit Insurance Corporation Office of Inspector General (FDIC-OIG). This case is being prosecuted by Senior Litigation Counsel Michael N. Berger.

- ***U.S. v. Marc Prince*, Case No. 24-CR-20214**: Prince, 41 of Miramar, reached out to various small business owners, directly or indirectly, to offer to obtain PPP loans. From June 2020 through April 2021, Prince caused the filing of approximately $3 million in fraudulent PPP loan applications that falsely and fraudulently inflated the number of employees and payroll figures for the applicants. Prince charged a fee, typically, of around 20 percent of the value of the PPP loan. Prince pled guilty and is scheduled to be sentenced on Oct. 17, before U.S. District Judge Darrin P. Gayles. This case was investigated by IRS-CI, FDIC-OIG, and HSI. This case is being prosecuted by Senior Litigation Counsel Michael N. Berger.

In the *Cohen* case, Judge Smith sentenced the defendant to **12 months and 1 day**. In the *Prince* case, Judge Gayles sentenced the defendant to **18 months**. The sentencing records confirm the above narrative descriptions. (*See* **Composite Exhibit B**). Each defendant pled guilty to a single count of wire fraud for the submission of fraudulent PPP loan applications on behalf of borrowers. *Id*. Cohen was a tax preparer and, egregiously, utilized an outside payroll service to create false payroll records. *Id*. Cohen stipulated to receiving $400,000 in kickbacks. *Id*. Prince similarly prepared loan packages inflating payroll amounts, using false IRS Form 941s, and charged a 20%

[1] https://www.justice.gov/usao-sdfl/pr/south-florida-us-attorneys-office-charges-attorney-former-sba-employee-tax-preparer

commission. *Id*. Prince stipulated to receiving $60,000 in kickbacks. Each of these defendants agreed with the government to the same guidelines calculation as Mr. Mendoza: that the attributable loss was between 1.5 and 3 million dollars, resulting in a total offense level of 18. *Id*. The government did not seek, and the Court did not impose, enhancements for sophisticated means or special skill. *See id*. Both defendants received substantial variances below the applicable guideline range of 27 to 33 months, which is the same range at issue here.[2]

Based on the sentences imposed in these substantially similar cases, a sentence of 27 months is reasonable and consistent with sentencing practices in this District for recent similar offenses.

Further, a 27-month sentence for Mr. Mendoza would also avoid a disparity between Mr. Mendoza and co-defendant Mera Ulloa. Both Mendoza and Mera Ulloa performed the same function in the offense: identifying individuals within their client bases who were willing to submit fraudulent PPP loan applications and forwarding their information to Lopez Carrazana. Both did so to roughly equal effect—Mr. Mendoza being responsible for $2,406,519 in actual loss and Mera Ulloa for $2,384,105. Stated differently, Mr. Mendoza did nothing that Mera Ulloa did not do. Mr. Mendoza has objected on several grounds to the application of a special skill enhancement. As an additional basis, he submits that it would create an unwarranted disparity to enhance his sentence based on a special skill enhancement when Mera Ulloa will not similarly receive such an enhancement.

WHEREFORE, for the foregoing reasons and for those additional reasons to be presented at the December 10, 2025 sentencing hearing, Mr. Mendoza respectfully requests that the Court

[2] Cohen did receive the benefit of a Rule 5k1.1 reduction. *United States v. Pete Andrew Cohen*, Case No. 24-CR-60017 (ECF No. 34) (Oct. 17, 2024).

impose a sentence of 27 months.

Dated: December 7, 2025

Respectfully submitted,

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