

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 20-CR-100-JED</b>
	)	
<b>IBANGA ETUK,</b>	)	
	)	
<b>Defendant.</b>	)	

**DEFENDANT’S SENTENCING MEMORANDUM**

Defendant Ibanga Etuk (“Defendant”), in accordance with 18 U.S.C. § 3553(a), moves this Court to grant the 8-level downward variance that is jointly requested in the Joint Motion for Downward Variance (Dkt #118) and requests that this Court consider the following information in considering whether to grant that Joint Motion and in fashioning a fair and just sentence for the Defendant.

Defendant incorporates by reference, as if fully set forth herein, the Joint Motion for Downward Variance (Dkt #118) (hereinafter “Joint Motion”).

**I. PRESENTENCE INVESTIGATION REPORT**

Supervising United States Probation Officer Sean Dooley issued a Presentence Investigation Report (“PSR”) on June 9, 2021. Defendant has been provided a copy of that PSR and the undersigned counsel has thoroughly discussed its contents with Defendant. Defendant has the following objections, explanations, corrections, and/or clarifications to the PRR:

- Pg. 5, para. 4. The failure to appear was the result of a miscommunication with his lawyer;
- Pg. 8, para. 13, ln. 6. Lonnie Trecek was never Defendant’s “employer”. Defendant and Trecek had entered into a Contract for Deed related to the building on Peoria Ave. As part of that Contract and Defendant’s efforts to repair and renovate the building, Defendant effectively managed the building.
- Pg. 8, para. 13, lns. 7-9. As clarification to the circumstances summarized in the PSR, the arrangement with Mr. Trecek regarding the building was that \$50,000 would be deposited into an Arvest Bank business account of an entity owned by Defendant for use in repair and renovation of the building. The \$8000 referenced in the PSR was funds transferred by Arvest Bank for application against delinquent mortgage payments.

- Pg. 8, para. 16, ln. 2. None of the “companies” were created by Defendant in year 2020.
- Pg. 8, para. 16, ln. 4. Defendant did not file a “fake tax return” for any of the companies.
- Pg. 8, para. 13, ln. 6-7. Adewale Abel was involved in the scheme and is arguably an unnamed co-conspirator.
- Pg. 9, para. 18, ln. 1. Defendant did not “recruit” co-defendant Ojo. It was a chance meeting at Mr. Abel’s residence.
- Pg. 9, para. 18, ln. 3. Defendant did not file a “fake tax return” for any of the companies.
- Pg. 9, para. 18, ln. 3. The businesses used by defendant were not “fake” but rather were legitimate registered businesses.
- Pg. 9, para. 18, ln. 4-5. Defendant did not travel to Oklahoma (or Oklahoma City) to register fake businesses or apply for new PPP loans. Defendant and the other co-conspirators (Mssrs. Ojo and Abel) all lived in Oklahoma and the one time that Defendant and Mr. Abel traveled to Oklahoma City, and for purposes of paying annual fees (\$25 annually) or reinstating businesses with the Oklahoma Secretary of State.
- Pg. 10, para. 22. Defendant did not receive the \$300,000 PPP loan in a lump sum from Chickasaw Community Bank, but rather the funds were made available to Defendant by the bank upon submission of a form, provided by the bank, at which time funds were transferred to Defendant’s account. Much like a bank line of credit.
- Pg. 12, para. 43, ln. 6. Defendant resided in Evansville Indiana for five months, not three months.
- Pg. 13, para. 49, ln. 1. Defendant was a “paid” Minister in Nigeria, not an “unpaid” minister. Additionally, Defendant was never “employed by Brookside Executive Suites”.

## **II. APPLICATION OF SECTION 3553(A) TO SENTENCE DETERMINATION**

When crafting a sentence, and in the instant matter determining whether to grant the Joint Motion, the Court is guided by the “parsimony principle” -- that the sentence be “sufficient, but not greater than necessary to comply with the purposes” of criminal punishment expressed in § 3553(a). *United States v. Martinez-Barragan*, 545 F.3d 894, 904 (10<sup>th</sup> Cir. 2008). If fashioning an appropriate sentence, there are no limitations on the information the Court may consider regarding the Defendant’s background, character and conduct. 18 U.S.C. § 3661. The “common thread” in applying the “tapestry” of sentencing factors is the parsimony principle. *United States v. Rodriguez*, 527 F.3d 221, 228 (1<sup>st</sup> Cir. 2008).

## **IV. SECTION 3553(a) FACTORS FOR THE COURT TO CONSIDER**

The objective of the Sentencing Reform Act of 1984 was to “enhance the ability of the criminal justice system to combat crime through an effective, fair sentencing system. To achieve an effective and fair system, Congress sought the following” 1) honesty in sentencing; 2) to avoid disparity in sentences by establishing reasonable uniformity in sentencing; and 3) proportionality in sentencing. (USSG Guideline

Manual, Ch. 1 Pt. A, subpart 1(3), Basic Approach). In the instant case, and for the following reasons, a fair sentence would be for this Court to grant the Joint Motion and fashion a sentence for the Defendant of no more than 21 months on Count 3.

**A. *Early Cooperation in Identifying His Own Criminal Conduct Constitutes Exceptional Efforts Which Weigh in Favor of Granting the Joint Motion and Applying the 8-Level Downward Variance.***

Defendant provided early cooperation with the Government to assist in a) identifying PPP funds that he either fraudulently obtained or attempted to obtain and b) identifying or confirming the scheme that Defendant undertook to commit bank fraud.

**B. *Lack of Any Criminal History Weighs in Favor of Granting the Joint Motion and Applying the 8-Level Downward Variance.***

Defendant is a first-time offender. The conduct of Defendant in this criminal case is aberrant and warrants consideration by this Court of the agreed 8-level variance as requested in the Joint Motion. Before this case, Defendant had no negative contacts with law enforcement. Defendant has no history of violence, and this offense conduct does not involve violence or threats of violence. Defendant has no issues with abuse of controlled substances or alcohol. Defendant's lack of criminal history significantly reduces the risk of Defendant reoffending or otherwise threatening public safety. Prior to the instant offenses, Defendant was in the process of buying and remodeling a building on Peoria Avenue that has the capacity to become a multi-tenant commercial building that would generate significant income to Defendant and his family. Defendant does not pose a threat to the public and would be justly punished, sufficiently deterred, and adequately rehabilitated by a sentence of 21 months which would involve this Court granting the Joint Motion for Downward Variance of 8-levels to the USSG range of 21-27 months.

**C. *Defendant is a Devoted Father of Three Minor Children and Long-Term Incarceration Would Have Extraordinary Adverse Effect on Innocent Children Which Weighs in Favor of Granting the Joint Motion and Applying the 8-Level Downward Variance.***

Defendant is a husband and a father of three children, all under the ages of 5 years. Defendant is married to Teosha Etuk. In the instant case, Defendant's long-term incarceration would have an

extraordinary adverse effect on his three minor children that rely heavily upon him for support, love, and care. Defendant understands that his own actions have put him in this situation, but he pleads with this Court to provide him the opportunity to discharge from custody as soon as possible and continue to provide the necessary support and care to his minor children. A sentence of no more than 21 months on Count 3 will more than adequately punish Defendant. For the sake of his family, and especially his children, Defendant seeks compassion from this Court.

***D. Other Factors Weighing in Favor of Granting the Joint Motion and Applying the 8-Level Downward Variance.***

1. Actual Loss vs. Intended Loss.

Generally, the loss is the amount of money or property of which the alleged victim has been deprived. However, the USSG has narrowed the definition, drawing a distinction between the greater of actual loss or intended loss. (See USSG § 2B1.1, Application Note 3). As noted in paragraph 22 of the PSR, the victim of the \$300,000 loan, Chickasaw Community Bank, suffered an actual loss of \$168,000.00. (See USSG § 2B1.1, Application Note 3(A)(i)). Applying a \$168,000 loss amount instead of a \$300,000 loss would reduce the USSG calculation by 2 points. See USSG § 2B1.1(b)(F).

2. Victim of Aggravated Identity Theft.

The “victim” associated with Defendant’s conviction for Aggravated Identity Theft (Count 7) was Adewale Abel, an individual that was involved with Defendant in the PPP fraud scheme but not charged by the Government. According to Defendant, Mr. Abel was present and aware when his name was listed as an “employee” of one or more of Defendant’s entities. Further, Defendant also asserts that Mr. Abel was involved in the production of the payroll records for the various companies. The Court should consider this information when sentencing Defendant on the Aggravated Identity Theft (Count 7).

3. Defendant Has Been Heavily Involved in Christian Ministry While Incarcerated

Since being placed in the David L. Moss Jail, approximately 4 months ago, Defendant has involved himself in Christian ministry, leading prayer, and bible studies. Defendant has received congratulations

from detention officers for his efforts to change the morale of other inmates and has been congratulated by a Jail Chaplain for such efforts. Defendant is trained in Christian ministry, having ministered in Nigeria, in 2011 attended ministry training in Evansville, Indiana, attended Oral Roberts University from 2015 to 2018, received training at Victory Bible College in Tulsa, having lead numerous independent Bible studies and having begun efforts to start his own church prior to the instant offense.

4. Defendant Has Consented to Removal from the United States

In the PSR at paragraph 17, page 13, Defendant consented to his removal from the United States. More specifically, Defendant consented that “[i]f the DHS files a Notice to Appear or other administrative charging document against the defendant, the defendant agrees to request an expedited removal hearing and consent to removal. The defendant acknowledges that by consenting to removal, the defendant will be immediately removed from the United States upon the completion of any period of incarceration. The defendant knowingly waives any and all rights to appeal, reopen, reconsider, or otherwise challenge this removal.” This consent to removal will be certain to serve as additional punishment and a deterrent.

*E. The Totality of Defendant’s Circumstances Weighs in Favor of a Downward Variance.*

This Court should weigh all the foregoing factors as a group, grant the Joint Motion, and grant Defendant an 8-level downward variance from the advisory guideline imprisonment range of 51-63 months (Level 24) as set forth at paragraph 54 of the PSR down to a range of 21-27 months (Level 16). In *U.S. v. Rodriguez*, 527 F.3d at 228, the court opined that a “district court should not evaluate a request for a variant sentence piecemeal, examining each section 3553 (a) factor in isolation, but should instead consider all the relevant factors as a group and strive to construct a sentence that is minimally sufficient to achieve the broad goals of sentencing.”

**V. OUTCOMES OF SIMILAR CASES IN NORTHERN DISTRICT**

The undersigned counsel has researched the outcomes of similar PPP fraud cases prosecuted by the Government in this jurisdiction and has found the following:

<b>Name</b>	<b>Court / Case No. / Date of Sentencing</b>	<b>Allegations</b>	<b>Loss</b>	<b>Sentence</b>
Rafael Maturino	N.D. OK/4:20-cr-CVE/6-2-21	PPP Loan	\$97,800 received	12 mos. and 1 day
Benjamin Hayford	N.D. OK/4:20-cr-88-CVE/12-7-20	PPP Loan	\$4.47M sought, but none received	24 mos.
Adam James	N.D. OK/4:20-cr-CVE/ Plead Guilty on 6-22-21	PPP Loan	Received \$125,900	Plea Agrmt. calls for 24 mos.

#### **VI. PLEA OF GUILTY AVOIDED COMPLICATED TRIAL**

This matter was one involving complex evidence and issues and, among many other witnesses, would have resulted in numerous persons from the banking industry having to testify. Defense counsel submits that the evidence would have been voluminous and tedious to introduce to a jury. As a result of negotiating the instant Plea Agreement, Defendant has negated the need for the Government to present a complicated, costly, and lengthy trial against him.

#### **VI. DEFENDANT'S STATEMENT UNDER RULE 32(I)(4)**

Defendant's statement to this court is attached hereto as Exhibit "A". It is also likely that Defendant will want to make an additional statement to this court during sentencing.

#### **VII. LETTERS OF SUPPORT**

Defendant anticipates that letters of support from persons important to Defendant will be delivered to Officer Sean Dooley for production to this Court prior to sentencing. The Court should note that Defendant's only family member within the United States is his wife, a co-defendant in this case.

#### **VIII. SENTENCING OPTIONS**

The total of Defendant's criminal behavior is limited to this action. One series of ill-advised actions in a life spanning more than 41 years. There is nothing that anyone can point to that would indicate that Defendant will not function as a contributing member of society, in the United States, or abroad, following a complete resolution of this case and incarceration. Simply put, a sentence to confinement on Count 3

within the advisory guideline range of 51 to 63 months will serve no purpose other than as a retribution - which is specifically prohibited in our jurisprudence. Defendant implores this Court to consider that he poses no threat to the public and would be justly punished, sufficiently deterred, and adequately rehabilitated by a sentence on Count 3 of no more than 21 months. Consequently, Defendant requests that this Court grant the Joint Motion and apply the 8-level reduction from USSG level 24 to level 16.

In the Plea Agreement, at page 14, last sentence, Mr. Steve Stidham, who was counsel for Defendant until shortly after Defendant plea of guilty, negotiated that “[t]his plea agreement does not preclude the defendant from arguing that 18 U.S.C. § 1028A(b)(4) permits the Court to impose concurrent sentences for Counts Three and Seven, or the government from arguing that 18 U.S.C. § 1028A(b)(4) requires that those sentences be run consecutively.” Accordingly, and in light of this reservation of argument, the foregoing information relating to Defendant and the circumstances surrounding the Aggravated Identity Theft count, i.e., the alleged victim is an unnamed co-conspirator, Defendant implores this Court to exercise all discretion available to it at sentencing and to grant Defendant concurrent time on Counts Three and Seven.

Pursuant to 18 U.S.C. § 3553(b), this Court “may depart downward from the guidelines ... if it finds that there exist mitigating circumstances of a kind, *or to a degree*, not adequately taken into consideration by the sentencing commission in formulating the guidelines.” *Id* at 1494-95. The circumstances outlined above, including the sentences of other like-charged defendants, present this Court with a scenario that is not fully taken into consideration in the advisory guideline range of 51 to 63 months. Thus, the Court should grant the Joint Motion (Dkt# 118), requesting an 8-level reduction from level 24 to level 16. Considering the totality of the circumstances, including the sentences of other like-charged defendants and the issue with the identity of the alleged victim of Count 7, Defendant requests that this Court fashion a fair and just sentence that is no more than 21 months on Count 3 and run any time on County 7 as concurrent time. Further, Defendant requests that this Court recommend that he be sentenced

to a federal prison that is close to Tulsa, Oklahoma.

Respectfully Submitted,

/s/ Eric W. Stall  
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**Counsel for Defendant Ibanga Etuk**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of June 2021, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the ECF registrants entitled to notice.

/s/ Eric W. Stall

UNITED STATES DISTRICT COURT  
for the Northern District of Oklahoma  
In The Matter Of Ibanga Etuk <sup>\*last name\*</sup>, Defendant

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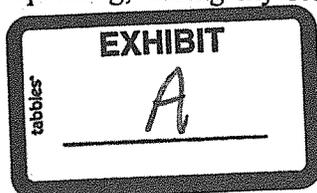
BRIEF

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STATEMENT OF FACTS DEFENDANT  
Pursuant to Rule 32(D)(4)

In late March /early April 2020, I first saw an advertisement on the Facebook page of The Governor of Oklahoma, Kevin Sttit, announcing the PPP loan for all Oklahoma residents with registered business to apply. I thought I couldn't qualify for the loan but I misunderstood a part of the publication and blindly interpreted as saying that everyone with an already registered business in the state was approved for the PPP loan.

Since no one I know then knew much about the PPP Loan, I decided to check out for more Facebook posts, discussions and groups to find out more details on the process and requirement for getting the loan. A few adverts from different banks pop up on my Facebook so I decided to first message them online and later called the banks for more details. The bank officers I spoke with then told me the guideline to receiving the loan was still very generic in scopes and the best bet would be for me to just send in my application. Next, I continued to searched locally to see if anyone was applying or about to apply for the loan. The search led me to Adewale Able's house, who at that time was my next-door neighbor at the Mansions Apartment at Riverside Tulsa, Oklahoma. (I had known Adewale for over year prior to that time and had plans to run a liquidation store business with him when I finish construction). When I arrived at Adewale's house to ask if he knew or knows anyone locally with information about the PPP loan, I met with Ojo Olusola at his apartment and they all said they didn't know much about the PPP loan but were curious if they may be able apply for it. Frankly speaking, during my research on the loan qualification, I



stumbled on a few information on different government assistances that were available during the pandemic but was curious about my qualification to apply. Time was running out the first week of the PPP loan offer, the money ran out within a few days. A few weeks before then I had submitted an application to Tulsa Federal Credit union for the building refinancing in November of 2019, and then requested for appraisal in February of 2020. By March, the pandemic hit and delayed the process. We couldn't close on the building. All the work I had put into the building, all the work I had put into my future career was rendered useless. I hadn't felt this hopeless since the darktimes two years into my marriage. To add to this, we had our third baby in March of 2020. The supermarket shelves were empty, and it was hard to find food for our child. It seemed like no matter what I did, things would not get better. I became desperate. However, I know my actions were of desperation, and that is what I am the most sorry for. I let my impulses, my random outburst impact my family and I for the rest of their lives. I have three children of 5 months, 2 years, and 3 years. They could never handle a deportation, and neither could my wife. She cannot work with her current blood pressure level nor provide from them. I now realize that even though my actions were out of desperation, I should have *never* went that far. I should have never failed in my duty as a father and needlessly endangered the futures of my children. I did this for my family, but I was so short sighted I didn't see how I was harming them. Now I am not writing this to make excuses. Regardless of what I intended, my actions were wrong, and they are harming people other than myself. That is the last thing I wanted. I have never before wanted to reverse something I have done like now, because never before has something I have done hurt the others closest to me like this.

I thought I needed to act fast, send in the application, get the money, reinvest most of it in my new construction business and pay back in a timely fashion. I was wrong, I made a terrible mistake, acted impulsively, risk my faith, without any deep considerations for the consequences afterwards.

### **GETTING READY TO APPLY**

I was sadly mistaken, I thought about all the names of people who had helped me with remodeling/construction of the building at 5553 S Peoria the last 10 months and thought I could qualify for the loan considering the fact that my business was registered a year before. I couldn't remember their surnames as they were mostly young men from the neighborhood whom we happen to share fellowship together. Again, time was running out and desperation had built in considerably and rational thinking seems to completely be fading away and I needed to act fast. I acted on impulse and out of pure desperation and wrote down random names on the PPP loan application, the payroll section.

I had failed woefully in February 2020, when I was unable to secure funding after personally working day/Night remodeling for over 10 months at the building with hopes of supporting my family after funding. When it failed my family was in terrible hardship, they were all waiting for the remodeling/funding to go through after so much hard work but it failed.

### **THE COMPANIES/ DOCUMENTS**

I initially choose one of the registered companies to apply for the first ppp loan (it was a trial and error approach not sure I would get anything from it), as they were denied I would resubmit with a different company. Also, because of the initial rush for the loan nationwide, my thought at the time was, the more banks I send the applications to more likely it will land at a bank with less backlog and quicker processing time, the higher the chances of getting approved before the funds run out again.

Suffice it to say that, the rest of the company documents was current, but there was no updated business tax form (941) or a real payroll document.

I started by googling banks accepting PPP loans and sent applications to as many as I could.

At this point I was ignorantly but completely resolved to get the loan. I picked random names of people that came to my mind, and used them on the payroll to submit the application before the money ran out. This was the most impulsive thing I've done in my life. I look back on it to see what could have possibly made me commit such an error, to sin and lie, but I can see there was no consideration at all. All my actions were based on pure desperation and fear of the future. All my actions are hurting my family, my dignity, and my faith and for that, I am the most sorry. I had planned to pay it back before the government had asked any questions.

#### **AT ADEWALE ABEL'S APARTMENT**

I and Adewale Abel spoke, so I went back to his apartment a few days after, he lamented about the hardship he was facing and the prevailing economy situation at the time. He then asked about the loan, I updated him that I have started the process of applying for it, the banks have heavy backlogs due to the rush and I wasn't sure the money will still be available if the application isnt processed asap.

He asked me to show him where to find the SBA application forms, to read the requirements and see if he can apply asap before funds run out again. I referred him to the SBA website at his house, he also read some online reviews, then asked his son to make ready the printer to print out the forms so he could start filling them out. It seem Ojo Olusola was already at the apartment or walked in while I and Adewale were still reading the PPP loan forms/guideline online.

Adewale didn't know where to start from, he instead asked me to rather show him how I filled out my own form, as the process was confusing to him and time was running fast to closing. At least he could follow my pattern to create his own application as well.

I printed out my forms and went through it with him. Ojo Olusola went through the forms together with us, upon reviewing a copy of my already submitted application they found out that I didn't fill out the PPP loan forms correctly, so I decided to redo the whole process from the scratch at their apartment so I can resend it again

### **I AND OJO OLUSOLA HAVE NEVER BEEN FRIENDS OR BUSINESS PARTNERS**

Like I said earlier, I had never known OJO OLUSOLA before this time, neither have we both been inside our different residents before. Between the time we met at Adewales place he has been to my office and indicated interest in renting one of the offices for his business. He went through a copy of the loan I submitted and found out that my application had many errors, from that moment he decided to apply. When I sent the application to any bank, he will find out which bank was accepting applications and the ones I sent to.

### **ME AND OJO AT FRONTIER STATE BANK OKC**

OJO Olusola initially told me he had an active business he was going to use to apply for the PPP loan and he also had in mind to rent one of my office spaces to run the business because at that time his business was still at a residential building. It sounded nice to me at the beginning but at the point of applying for the loan, he gave some excuses to Adewale and instead asked Adewale Abel (his friend) to ask me to give out one of the businesses he paid for to be registered to OJO to use. We both ended up sending application to the same bank. The next thing was to go to Oklahoma City and pay the taxes on the business and make sure they were up to date primarily because of the loan. Unfortunately, at that time I had no vehicle and he offered to pick me up to Oklahoma City. While in Oklahoma City my phone rang from State Frontier bank wanting to know when I might be able to come over to the bank in OKC to sign the paper work for my loan. I told the banker I was already in the OkC and could be there at the agreed time. It wasn't after a minute or two OJO Olusola (who was with me in the car) phone rang and was asked pretty much the same

questions as me from the same banker. We later got to the same bank the same day at different times as agreed with the bank officer. On our way back home, the bank officer sensed we were together and first reached out to OJO but he denied but when I was contacted by the same bank officer I said we share the building but were never business partners or close to each other.

### **WE ALL PARTED WAYS**

I later learnt that Ojo had helped Adewale obtain a loan through stride bank. I wish to affirm that I never sent the application or got the loan for Adewale Abel. I only got a message from Adewale Abel that his loan was approved. At this point we weren't in good terms any more since I wasn't going to help any of them again considering the implications I later got to know about the loan. and they presumed I was only about to help myself only and didn't want to help them for my selfish reasons.

A few weeks later it dawned on me that we were in trouble with the applications. I started sending them the bad news that was coming out of the applications in order to deter them from applying. They broke ties with me, thinking I was interested in helping myself and only myself. That is how they submitted the applications by themselves and lied that I did. I never meant for it to go this far. I was blinded by fear, pressured by the imminent future, and without hope. I lost sight of the morals that guided me, became a bad father and husband, and strayed from the Hands of God Almighty.

The real purpose of texting them about the consequences of getting the loan was to deter them considering if anything were to go bad they will say I brought up the idea – the leader . They seem to care less about articles I sent them on the bad news coming out of the loan. They continued ignoring the bad news text messages thinking I was only helping myself. I asked Adewale about

OJO, he said OJO needed a share of the loan he got and they had to break up as a result. I told Adewale to tell OJO not to use any of the companies associated with me for the loan and he said he is so sure OJO wasn't taking any loans. I repeatedly asked him to be sure Ojo wasn't using any company names associated with me and he repeatedly assured me he isn't going to take out any of the PPP loans. At some point I became comfortable with his response and moved on.

#### **TEOSHA, MY WIFE**

The past three years I and my wife have had babies back to back each year and all have been very high-risk pregnancies. Her last delivery was in March 2020, right in the midst of the beginning stages of pandemic and the loan offers from the government. She was still in pains from recovering

from 6 weeks of healing from preeclampsia and her blood pressure was still high after discharged from the hospital to come home in March 2020. When she was confined to wheel chair, I have had to wheel her around for everything including bathrrom. She was on a blood pressure medicine called METOPROLOL 100mg and Also CLONIDINE .3mg with great side effects causing long hours of sleep and drowsiness. Benny our first baby was in the NICU for 10 days and our last baby Hannah was in the NICU earlier this year for 5 days as they all came out premature at birth. Suffice it to say that my wife has always been there for our family through the thick and thin. She's done remote work from home customer service with Kelly Services, William Sonoma and Asurion.

I also wish to clarify that she had helped with making sure I understand all the documentation needed to be able to do refinancing on the building, including taxes. On the PPP Loan, I doubt she understood it more than a regular business loan. Like I said, I solicited the payroll and put in the names.

When the PPP loan was offered, she assumed it was an SBA loan given to everyone with a business and I don't think she knew any better especially considering the medical condition that she was at the time. Am sorry that my poor speaking ability at the proffer seems to implicate her triggering the indictment.

#### **MY LOAN AND WHY I DISCUSSED PPP TO THE OTHERS**

§ I regret how blinded I was then to even think of applying for the loan.

I finally got a loan from Chickasaw bank, the bank officer may be able to affirm how laid back I was in getting the loan. He was confused about my indecision after sending in the application. I did call him to cancel the loan at least twice but he was confused if I was scared of the reviews and said he thinks the government was going to review loans from \$2m upward and I wasn't nearly close to that range. I take full responsibility for the loan and do not mean to say my bank officer made me take out the loan.

#### MY APOLOGIES

I was cognizant of my wrongdoing the minute I did it. However, the string of bad luck, desperation, and the anxiety brought on by the current pandemic led me to make an innocent mistake. I have learned my lessons and now committed to staying on the right path. My prayer meetings have reached my Tulsa community's youth.

I deeply regret my applying for the PPP loan. Until the PPP loan, my vision was to remodel, raise significant equity, refinance and then start full time building and construction company while practicing and sharing my faith to the community. Unfortunately, the building project took longer than necessary. At that time, I was not thinking of the repercussions as I am thinking now. I only

saw that it would have helped my family, and given me a place to better practice and share my faith. I was blinded by what could have been, and did not consider the error of my ways. I knew of the sacrifice it would have taken, but was fully convinced that it would have payed off in the end.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.