

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-60254-cr-DIMITROULEAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHANRIKA DUHART,

Defendant.

**SENTENCING MEMORANDUM AND  
MOTION FOR DOWNWARD VARIANCE**

Defendant, SHANRIKA DUHART, hereby files her Sentencing Memorandum and asks this Court to consider varying downward from the advisory guideline range. In support of this request, Duhart states as follows:

Duhart's advisory guideline range is 18 to 24 months. However, the law is well-settled that sentencing does not end with a guideline calculation. Once an advisory guideline is calculated, this Court must consider the factors set forth in Title 18 U.S.C. § 3553 when fashioning an appropriate sentence in this case. *United States v. Crawford*, 407 F.3d 1174, 1178 (11<sup>th</sup> Cir. 2005). While § 3553 sets forth a wide range of factors that must be evaluated, this Court may weigh some factors more heavily than others. *United States v. Clay*, 483 F.3d 739, 743 (11<sup>th</sup> Cir. 2007).

Duhart is extremely remorseful for her conduct. She accepted responsibility for her actions demonstrated not only by her agreement to plea to an Information but also to forfeit all proceeds related to the loan transaction. Duhart recognizes that she is an adult and knows the consequences of having agreed to apply for the PPP loan under these

circumstances. However, it is important to note that Duhart was recruited by others who repeated this conduct over and over again with individuals like Duhart. Duhart did not complete the loan application or create any of the paperwork herself and did not have a clear understanding beforehand of how much Stote was asking for.

Shortly before COVID-19 changed the world, Duhart had suffered financial setbacks and the end of a relationship. Then she was faced with the indefinite closure of business as a result of COVID-19. By the time Bostic recruited Duhart she was definitely in a state of desperation. Duhart is a mother of four children -- ages 19, 16, 9, and 8 -- who live with her. Although the fathers of these children provide some financial support, it is not court ordered and often inconsistent. Nor are any of them physically present to help. Thus, the children's care and day to day expenses falls on Duhart. She has, for quite some time, done the best she can to make ends meet, including living with a cousin to share expenses.

The fact she is the sole caretaker of her children is the driving force that will insure she does not repeat this conduct again. Being away from them for any period of time is also significant punishment. A lengthy prison sentence is not necessary to drive home the fact Duhart did wrong. That fact is already crystal clear to Duhart. Thus, she is asking this Court to consider varying below the low end of her advisory guideline range.

In terms of what that sentence should be, Duhart also believes this Court should be guided by the sentences of others who have been convicted of fraud in connection with the PPP loan program. For example, in *United States v. Walker*, Case No. 20-60159 (S.D. Fla.), the defendant used her medical billing services company to apply for a PPP loan in which she swore falsely that her business had 12 employees. She received \$258,575 in

loan proceeds. She sought a two-level minor role reduction which the government opposed. She was sentenced to 12 months and 1 day.

In *United States v. Cindy Denton*, Case No. 21-60171-cr-RS (S.D. Fla.), the defendant applied for and obtained a PPP loan in the amount of \$491,310 (approximately \$100K more than Stote sought through Duhart's company). The guidelines were calculated at a level 15 with a range of 18 to 24 months. The defendant sought a variance from her guideline range. The defendant, who personally received \$491K and was accountable for this amount, was sentenced to 6 months imprisonment. Certainly, Duhart should not be treated any more harshly than these individuals.

WHEREFORE, Duhart requests this Court consider these and any other factors argued at the hearing when fashioning an appropriate sentence in this case.

Respectfully submitted,

/s/ Michael Mirer

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically this 15<sup>th</sup> day of February 2022.

*/s/ Michael Mirer*  
**MICHAEL MIRER, ESQ.**