

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 21-CR-60126-RAR

UNITED STATES OF AMERICA, )  
Plaintiff, )  
 )  
v. )  
 )  
JIMPCY ONE, )  
Defendant. )  
\_\_\_\_\_)

**DEFENDANT JIMPCY ONE’S OBJECTIONS TO THE  
PRESENTENCE INVESTIGATION REPORT**

DEFENDANT JIMPCY ONE, by and through undersigned counsel, respectfully submits his corrections, clarifications, and objections to the presentence investigation report (“PSR”) for the Court’s consideration.

1. *Correction, page one* - defense counsel’s name should be spelled “Adriana.”
2. *Objection, paragraph 37* – Mr. One had no actual knowledge or involvement in the underlying fraud involving the email hack of the victim company. While Mr. One suspected that the funds came from illegal activity, he was unaware as to the actual source of funds.
3. *Clarification, paragraph 44* – While \$860,500 was deposited into the accounts for LAB and Tech Intel, Mr. One did not ultimately retain these funds.
4. *Objection, paragraph 51* – Mr. One objects to the two-level increase for use of identification and states that his base offense level should be 22. The Government did not file charges pertaining to use of identification in exchange for the plea agreement and Mr. One’s cooperation. Consequently, application of this enhancement deprives Mr. One of the most sought-after benefit of his bargain. While the Court is not bound by the plea

agreement, Mr. One respectfully asks that it give deference and weight to the parties' agreement. Moreover, as my learned colleague Leonard Sands stated in the PSR objections for Mr. Guillaume, "the essence of fraudulent conduct is ... that false representations are made and false identities are used. Using the name and/or social security of another during this type of offense is part of the *manner and means* by which the offense is committed." [DE 114, ¶¶ 9-10]. Consequently, adding this two-level increase for conduct already factored into commission of the offense amounts to double counting. The Government is not seeking this enhancement, and Mr. One respectfully asks the Court to decline its application.

5. *Objection, paragraph 57* – For reasons stated above, Mr. One avers that his adjusted offense level should be 26.
6. *Objection, paragraph 61* - For reasons stated above, Mr. One states that his adjusted offense level should be 23 (46-57 months).
7. *Correction, paragraph 69* – Mr. One's birth month is September, and his father died in 2013.
8. *Clarification, paragraph 72* – Mr. One's father arrived in the U.S. while Mr. One's mother was pregnant with Mr. One. When Mr. One came to this country, he lived with his stepmother for one month before his stepmother kicked him out of the house. Mr. One and his brother were then taken in by a friend's family. Mr. One adds that he does not practice voodoo and does not follow a particular religion. He attends prayer services in homes and some churches.
9. *Correction, paragraph 83* – The \$164,030 attributable to Mr. One's company FleetXpress was a profit, not a loss.

10. *Correction, paragraph 87* – The correct model number of the BMW is 428i.

11. *Objection, paragraph 93* – Mr. One’s correct offense level should be 23 (46-57 months),  
for reasons stated above.

WHEREFORE, Mr. One respectfully asks this Court to adopt his corrections, clarifications,  
and objections to the PSR.

**CERTIFICATE OF SERVICE**

I certify that on November 17, 2021, a true and correct copy of this document was filed  
via CM/ECF and thereby served on all counsel and parties of record.

Respectfully submitted,

/s/ Adriana Collado-Hudak  
Florida Bar No. 830461  
GREENSPOON MARDER, LLP  
600 Brickell Avenue  
36<sup>th</sup> Floor  
Miami, FL 33131  
305-789-2713  
adriana.collado-hudak@gmlaw.com