

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 21-CR-60211-MARTINEZ

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

JERICCA ROSADO,  
Defendant.

---

**SENTENCING MEMORANDUM AND REQUEST FOR DOWNWARD VARIANCE**

Jericca Rosado’s journey toward redemption began within days of her arrest. She is not your typical defendant. Despite her criminal actions, she has undoubtedly done more good than bad. She has spent the majority of her life as a hardworking, upstanding citizen in our community.

Jericca Rosado, a 28-year-old woman with no criminal history, was arrested on March 17, 2021, for her participation in a scheme that involved over 90 fraudulent Paycheck Protection Program (“PPP”) loan applications, and which sought, in total, over \$34 million. (PSI ¶ 27). Notably, however, Ms. Rosado’s participation in this scheme lasted approximately 2 months, and the actual loss attributable to her actions is \$1,337,664.37. (DE 33 ¶ 2 and PSI Addendum ¶ 3).

Every day since her arrest, Ms. Rosado has replayed in her mind all of the decisions that have led her to that day. She didn’t run. She didn’t hide.

She has waited, in a constant state of anxiety, for almost 9 months. The decisions she made in the summer of 2020, will haunt her, like a shadow, for the rest of her life. She does not attempt to justify her actions, she appreciates the seriousness of her crime, and she accepts full responsibility.

Through this memorandum Ms. Rosado hopes to explain, not excuse, how she ended up in the predicament she is in. Ultimately, she asks this Court to consider how she has otherwise led her life.

- 1) Ms. Rosado accepted responsibility for her crimes immediately, and has been trying to right her wrongs ever since;
- 2) The numbers do not lie: Ms. Rosado' age, criminal history, and prosocial support system suggest that she is unlikely to recidivate;
- 3) When compared to similarly situated defendant's, nothing suggests that a sentence of incarceration is necessary;
- 4) The collateral consequences of incarceration will have far-reaching, negative effects on her family and loved ones.

To that end, and for the reasons set forth below, Ms. Rosado requests that this Court vary downward, and sentence her to a term of probation, followed by a period of Supervised Release.

**MS. ROSADO ACCEPTED RESPONSIBILITY FOR HER CRIME IMMEDIATELY, AND HAS BEEN TRYING TO RIGHT HER WRONGS EVER SINCE.**

Born on August 15, 1993, to Mr. Jose Rosado and Ms. Cheyenne Molino in Martinez, California, Jericca Rosado had a good childhood. Despite never having a relationship with her father, Ms. Rosado's mother tried her best to provide her with a nurturing and loving environment.

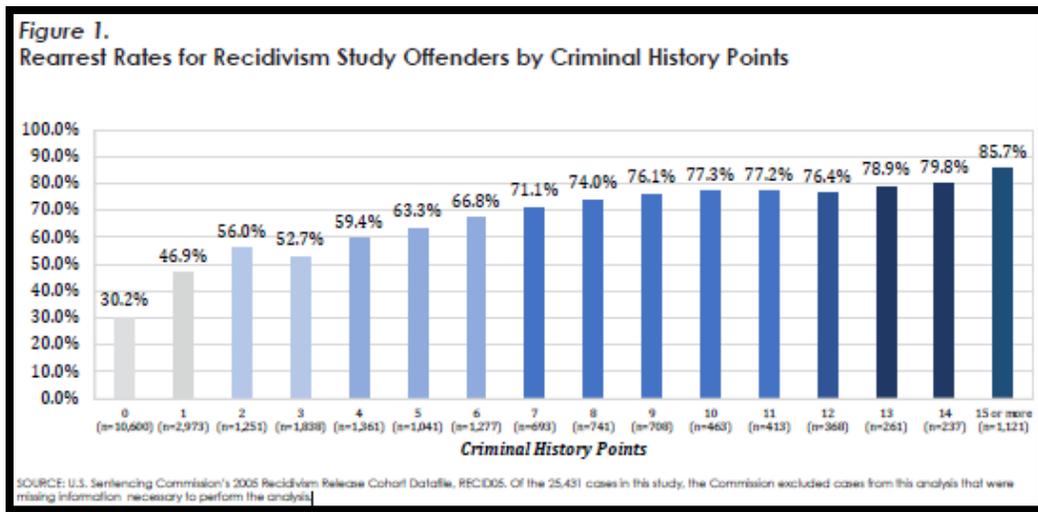
When she was 14 years old, however, Ms. Rosado began experiencing multiple health issues. In January of 2008, was diagnosed with Arnold Chiari Malformation Type 1 — a condition in which brain tissue extends into the spinal canal. This has resulted in consistent monitoring, multiple surgeries, and ongoing medication throughout her life. She routinely experiences seizures (including one on the day of her arrest), unbearable migraines and dizziness. She has had fluid drained from her brain on multiple occasions. Ms. Rosado's health is fragile, to say the least, and proper medical care is vital to her continued well-being.. (*See Defense Exhibit A: Kaiser Permanente Health Summary and PSI ¶ 97*)

Ms. Rosado graduated high school in 2011, and began attending Benedict College, in Colombia, South Carolina in the fall of that year. Although she earned enough credits to graduate, an outstanding tuition debt prevented her from receiving her diploma.

**THE NUMBERS DO NOT LIE: MS. ROSADO’S AGE, CRIMINAL HISTORY, AND PROSOCIAL SUPPORT SYSTEM SUGGEST THAT SHE IS AMONGST THE LEAST LIKELY TO RECIDIVATE**

The factors promulgated by the U.S. Sentencing Commission, and in 18 U.S.C. §3553, work to further the basic purposes of criminal punishment: deterrence, incapacitation, just punishment, and rehabilitation.<sup>1</sup> Nothing suggests that in this case those purposes can only be met by incarceration.

In fact, multiple factors indicate that Ms. Rosado is already unlikely to reoffend. A U.S. Sentencing Commission 2017 study on recidivism, for example, found that offenders with a criminal history scores of 0 are the least likely to recidivate.<sup>2</sup> With a criminal history score of 0, Ms. Rosado falls among the group of offenders least likely to recidivate:



<sup>1</sup> USSG §1.A.2

<sup>2</sup> See U.S. Sentencing Commission, *The Past Predicts the Future: Criminal History and Recidivism of Federal Offenders* (March 2017). <https://www.ussc.gov/research/research-reports/criminal-history-and-recidivism-federal-offenders>

Ms. Rosado's strong social ties also suggest that she is unlikely to recidivate. Criminological research has shown that family support is a key factor in helping offenders find their way in society after a criminal conviction. An April 2011 study by Mark T. Berg and Beth M. Huebner (a sociologist and criminologist, respectively) came to three important conclusions:<sup>3</sup>

- 1) Offenders who were employed and had good quality ties to relatives were less likely to recidivate;
- 2) Offenders with good quality ties to relatives were more likely to be employed in the follow-up period;
- 3) A history of frequent unemployment reduced post-release employment.

They concluded that this is largely because, "...relative to the wider community, the family is more apt to overlook offenders' stigma—a phenomenon that facilitates the formation of social ties between offenders and members of their family."<sup>4</sup>

As evidenced from the character letters submitted along with this memorandum, Ms. Rosado has a very strong support network.<sup>5</sup> Her family and

---

<sup>3</sup> Berg, Mark T., Huebner, Beth M. (2011). Reentry and the Ties that Bind: An Examination of Social Ties, Employment, and Recidivism. *Justice Quarterly*, Volume 28, Number 2, 402.

<sup>4</sup> Eckland-Olson, S., Supancic, M., Campbell, J., & Lenihan, K. (1983). Postrelease depression and the importance of familial support. *Criminology*, 21, 253–275.

<sup>5</sup> See *Defense Exhibit B: Character Letters*.

friends are ready to support and encourage her as she continues to deal with the most difficult chapter in her life.

**WHEN COMPARED TO SIMILARLY SITUATED DEFENDANTS, NOTHING SUGGESTS THAT A SENTENCE OF INCARCERATION IS NECESSARY**

Over the last two years, judges across the country have sentenced defendants convicted of fraud related to PPP loans. Understanding their facts and outcomes may help ensure that Ms. Rosado's ultimate sentence is in line with other sentences doled out throughout the country.

#	Defendant <sup>6</sup>	DOJ Press Release	Case #	District	Actual Loss	Sentence
	<b>Jericca Rosado</b>		<b>21-cr-60211-JEM</b>	<b>S.D. Fla.</b>	<b>\$1,337,664.37</b>	
1	Ioannis Kralievits <sup>7</sup>	N/A	21-cr-20157-CMA	S.D. Fla.	\$824,750	19 months
2	<b>Dennes Garcia</b>	<a href="#">Press Release</a>	21-cr-60146-RKA	S.D. Fla.	\$285,742	18 months
3	<b>Tiara Walker<sup>8</sup></b>	<a href="#">Press Release</a>	20-cr-60159-RAR	S.D. Fla.	\$258,575	12 months +1 day
4	<b>Tonye Johnson<sup>9</sup></b>	<a href="#">Press Release</a>	21-cr-60017-RKA	S.D. Fla.	\$389,627	18 months
5	<b>Brian Arnold<sup>10</sup></b>	N/A	21-cr-20331-BB	S.D. Fla.	\$488,565	Time Served
6	<b>Cindi Denton<sup>11</sup></b>	<a href="#">Press Release</a>	21-cr-60171-RS	S.D. Fla.	\$377,883.91	6 months
7	<b>Andre Clark<sup>12</sup></b>	<a href="#">Press Release</a>	21-cr-60029-WPD	S.D. Fla.	\$2,975,086	33 months
8	Leonel Rivero	<a href="#">Press Release</a>	21-cr-20160-KMW	S.D. Fla.	+\$1 million	24 months
9	Justin Etwaru <sup>13</sup>	N/A	21-cr-20156-JLK	S.D. Fla.	\$57,750	2 yrs. probation
10	Latoya Stanley	<a href="#">Press Release</a>	21-cr-20067-MGC	S.D. Fla.	\$192,681	18 months
11	Casey David Crowther	<a href="#">Press Release</a>	20-cr-00114-JES	M.D. Fla.	\$2.1 million	37 months
12	Robert S. Stewart	<a href="#">Press Release</a>	21-cr-00005-RDA	E.D. Va.	+\$1 million	21 months
13	USA v. Jackson	<a href="#">Press Release</a>	20-CR-112-MJN	S.D. Ohio	\$2.3 million.	24 months
14	Benjamin Hayford	<a href="#">Press Release</a>	20-CR-00088-CVE	N.D. Okla.	\$8.2 Million. (sought)	24 months
15	USA v. Jaafar	<a href="#">Press Release</a>	20-CR-00185-CMH	E.D. Va.	\$1.4 Million	12 months

<sup>6</sup> The names of Ms. Rosado's co-conspirators are in red.

<sup>7</sup> The government filed a Motion for Reduction Pursuant to U.S.S.G § 5k1.1.

<sup>8</sup> Like Ms. Rosado, this defendant had no criminal history points. (DE 45 at 9).

<sup>9</sup> Like Ms. Rosado, this defendant had no criminal history points. (DE 45 at 9).

<sup>10</sup> Like Ms. Rosado, this defendant had no criminal history points. (DE 45 at 9).

<sup>11</sup> Like Ms. Rosado, this defendant had no criminal history points. (DE 45 at 9).

<sup>12</sup> This defendant had a significant criminal history. (DE 45 at 10)

<sup>13</sup> The government filed a Motion for Reduction Pursuant to U.S.S.G § 5k1.1.

**THE COLLATERAL CONSEQUENCES OF INCARCERATION WILL HAVE FAR-REACHING, NEGATIVE, CONSEQUENCES ON MS. ROSADO, HER DAUGHTER, AND HER FAMILY.**

Ms. Rosado's family and loved ones are eagerly awaiting her sentencing hearing. Knowing that she may be incarcerated, in the midst of a global pandemic, has kept them in a constant state of anxiety and worry.

Nothing in Ms. Rosado's past suggests she is destined to a life of crime. Her life story exemplifies why we are much more than the worst thing we have done. Did she commit a crime? Yes. Should she have known better? Of course. Yet, she also deserves credit for the otherwise exemplary life she has led.

Ms. Rosado therefore, respectfully requests that this Court vary downward, and sentence her to probation, followed by a term of supervised release. This is more than enough to achieve the goals of deterrence and just punishment.

Respectfully submitted,

MICHAEL CARUSO  
FEDERAL PUBLIC DEFENDER

BY: s/Juan J. Michelen  
Juan J. Michelen  
Assistant Federal Public Defender  
Florida Bar No. 92901  
One East Broward Boulevard, Suite 1100  
Fort Lauderdale, Florida 33301-1842  
Tel: 954-356-7436  
E-Mail: Juan\_Michelen@fd.org

**CERTIFICATE OF SERVICE**

I HEREBY certify that on December 1, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Juan J. Michelen  
Juan J. Michelen



## Jericca Rosado

Patient Health Summary, generated on Nov. 03, 2021

### Patient Demographics - Female; born Aug. 15, 1993

Patient Address	Communication	Language	Race / Ethnicity	Marital Status
[REDACTED]	[REDACTED]	English - Spoken (Preferred) English - Written (Preferred)	Black or African American / Not Hispanic or Latino	Single/Never Married

### Note from Kaiser Permanente Northern California

This document contains information that was shared with Jericca Rosado. It may not contain the entire record from Kaiser Permanente Northern California.

### Allergies

- Ivp Dye, Iodine Containing** (Anaphylaxis) - High Severity
- Gadopentetate Dimeglumine** (Nausea/Vomiting)
- Shellfish Derived Products** (Anaphylaxis) - High Severity

### Medications

- EPINEPHrine (ADRENALICK/EPIPEN) 0.3 mg/0.3 mL Inj AutoInjector** (Started 3/18/2019)  
Inject 0.3 mL into thigh at the first sign of severe allergic reaction or as directed
- ibuprofen-diphenhydramine cit (ADVIL PM) 200-38 mg Oral Tab**  
last dose 04/01/2019
- Benzocaine-Menthol (Cepacol Sore Throat, benz-men,) 15-3.6 mg MM Lozenge** (Started 12/23/2019)  
Use as directed
- Naproxen (NAPROSYN) 375 mg Oral Tab** (Started 12/23/2019)  
TAKE 1 TABLET ORALLY 2 TIMES A DAY WITH FOOD AS NEEDED FOR PAIN
- Ipratropium-Albuterol (Combivent Respimat) 20-100 mcg/actuation Inhl Mist** (Started 12/23/2019)  
Inhale 1 puff by mouth 4 times a day

### Active Problems

- ARNOLD CHIARI TYPE 1** (Noted 1/30/2008)
- BIPOLAR DISORDER** (Noted 7/9/2013)
- COMPLICATED BEREAVEMENT** (Noted 7/9/2013)
- DISSOCIATIVE CONVULSIONS** (Noted 2/10/2008)
- GENERALIZED ANXIETY DISORDER** (Noted 2/11/2008)
- PANIC DISORDER** (Noted 7/9/2013)
- RIGHT BREAST LUMP** (Noted 3/26/2019)
- SLEEP APNEA DISORDER** (Noted 4/24/2008)

### Resolved Problems

- HYPERTROPHY (ENLARGEMENT) OF TONSIL AND ADENOID** (Noted 4/24/2008)

### Immunizations

- INFs pres free 3yrs-adult (Influenza)** (Given 12/11/2012)

11/9/21

Your Honor,

My name is Whitney Nichole Stevens and I am writing this letter on behalf of Jericca Rosado.

I met Jericca 2 years ago through a mutual friend that I've known for over 10 years and in the time that I've known her she has become one of my best friends. She is honest, loyal, generous, ambitious, courageous and one of the most supportive friends I've ever had. She has become like a sister to me and I feel blessed to have met her. Amongst my peers, Jericca is held in high esteem, often playing peacemaker and keeping our spirited, opinionated group centered in positivity and uplifted.

When I first heard of the charges Jericca is facing I was completely shocked because what she is accused of is totally out of her character. I am confident that if given another chance, Jericca will prove that she has learned from her mistake and get back to being the strong and smart young woman that I know she is.

Thank you for considering this letter on behalf of my dear friend. Please feel free to contact me if you have any additional questions.

Sincerely,

*Whitney Nichole Stevens*

Whitney Nichole Stevens  
300 Yoakum Parkway  
Apt. 807  
Alexandria, VA 22304  
(504) 877-0161

To the Honorable Judge Jose E. Martinez,

My name is Kristopher Welcome, author, producer, creative director and journalist from Los Angeles, CA. I have had the opportunity to know Jericca Rosado for the last 5 years. In this time I have encountered a smart, resilient, sweet, kind, and gentle soul. It is disheartening to hear that Jericca has found herself in such a predicament, but humans are complex and do some irrational things at times. However, we are not the sum of our mistakes and I know a Jericca different from the one you're seeing painted on your desk.

Jericca is a stupendous, daughter, aunt, niece, granddaughter, and friend. Ms. Rosado takes on a lot of responsibility when it comes to her mother and grandmother who are both dealing with various health issues such as diabetes and heart problems. As her mother's only child, she takes on a profound portion of the care it takes to ensure she is cared for and making her appointments possible. Imagining the trickle effect this whole ordeal could have on her family dynamic is a thought that is hard to grapple with.

Beyond her immediate family, she is a gem to those around her. She has completely stepped in to help an aunt care for her youngest daughter while she fights the pandemic head on as a traveling nurse. When no one is around to be a rock for those in need, you can rest assured Jericca is coming with no question. Selfishly, I can't imagine not being able to turn to Jericca to help sort out the craziness that life can bring as she is wise, compassionate, and understanding.

I know that the court feels they know a person based on a few wrong turns, but in totality she has taken so many steps to rectify the wrongs she's done. Jericca and I have been discussing plans to further her education to distance herself further from the person she's being painted to be. It's sad knowing someone has a less than favorable opinion of someone I would trust with my life. I don't take putting my name on endorsements that I truly cannot stand behind, but I wholeheartedly believe that Jericca has learned a valuable lesson to take with her as long as she shall live. I'm hoping that the court takes into account the entire person being judged and not just the mistake that's being alleged. I have faith that mercy from the court in this case would benefit more than just Ms. Rosado, but those who depend on her presence in their lives and the future she is building to improve the life of her family and posterity.

Warm regards,

Kristopher A. Welcome