

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

JAMAL MANSARAY,  
Defendant.

Criminal Case No. 23-CR-69 JJM

**GOVERNMENT’S SENTENCING MEMORANDUM**

Nearly seven years ago, Defendant Jamal Mansaray stood before this Court, describing his criminal sentencing for Bank Fraud Conspiracy and Aggravated ID Theft as “probably the worst day[] of my life.” Exhibit 1 (Transcript) at p. 30. He denied being a leader of the scheme he had been convicted of—a scheme to pass fraudulent checks<sup>1</sup>. *Id.* He also apologized and claimed to recognize the distress his criminal actions caused others: “For the past 13 months, the bad choices I have made have haunted me both mentally and emotionally every day . . . I wish I could have alleviated the pain . . . . Never in a million years would I have thought the consequences to my actions would weigh so heavily on the families affected.” *Id.*

The Court ultimately sentenced Mr. Mansaray to 60 months’ imprisonment, stating:

It is a serious sentence. You have serious crimes in your past that nothing's stopped, and I'm hoping this will be the case; that that kind of period will send a message to you, Mr. Mansaray, that money and gold and silver isn't important in life when you're incarcerated and taken away from your children that need you.

*Id.*

Just one year after being released from BOP custody, the defendant was knee deep in criminal activity, again leading a check fraud scheme with astounding resemblance to that of his 2018 case. The government recommends a sentence of imprisonment of 110 months for the

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<sup>1</sup> The Court in 2018 found that Mr. Mansaray back then had, “working together with others, designed and executed a scheme to pass fraudulent checks” Tr. at 16.

defendant’s instant case, because the public must be protected from Mr. Mansaray. The defendant must be punished for his continued, brazen criminal conduct. The court’s sentence should further serve to deter his future crimes and garner Mr. Mansaray’s respect for the law.<sup>2</sup>

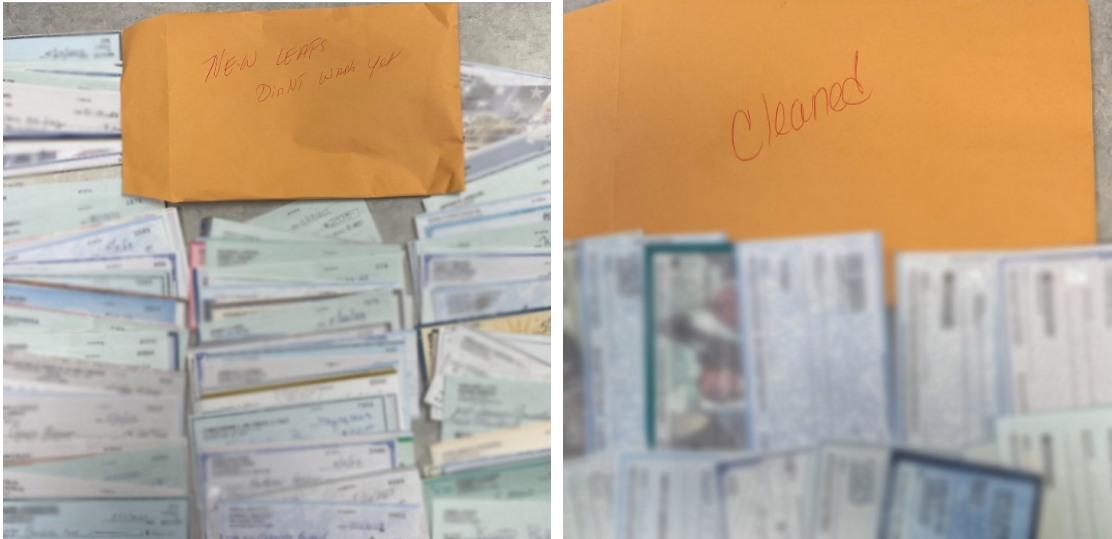
Nature and Circumstances of the Offense

The slew of evidence found in Mr. Mansaray’s home on May 25, 2023 establishes that the defendant ran a well-organized check fraud scheme from the comfort of his own home. His dining room table was set up with multiple laptops and printers, as well as hundreds of checks, in various stages of production and none of which was made out to or issued by Mr. Mansaray. Multiple manila folders on the table both handwritten labels (like “Washed Didn’t Come Off,” “Didn’t Wash Yet” and “Cleaned,”) and contained numerous checks inside:



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<sup>2</sup> It is entirely within the discretion of the Court after considering the Guidelines and the factors listed in 18 U.S.C. § 3553(a)(1)-(7), to fashion an appropriate sentence. United States v. Martin, 520 F.3d 87 (1st Cir. 2008).



In his kitchen, Mr. Mansaray kept multiple aluminum pans just over the stove with paint and varnish stripper nearby, and inside one pan was a check soaking in acetone:



Mr. Mansaray also kept the following within his apartment:

- More than 10 blank checks, which had no payee names listed and had been recently “washed,” and a large bottle of acetone on the floor near the checks;
- More than 1,000 blank check stock (used to print and create counterfeit checks);

- 2 social security cards belonging to other individuals;
- 2 DCU Debit cards with names of other individuals;
- 1 temporary RI driver's license of another individual; and
- Multiple printers surrounded by blank check stock

He enjoyed a wide array of luxury items, including handbags, shoes, and jewelry from companies like Louis Vuitton, Gucci, Dior, Nike, and Rolex:



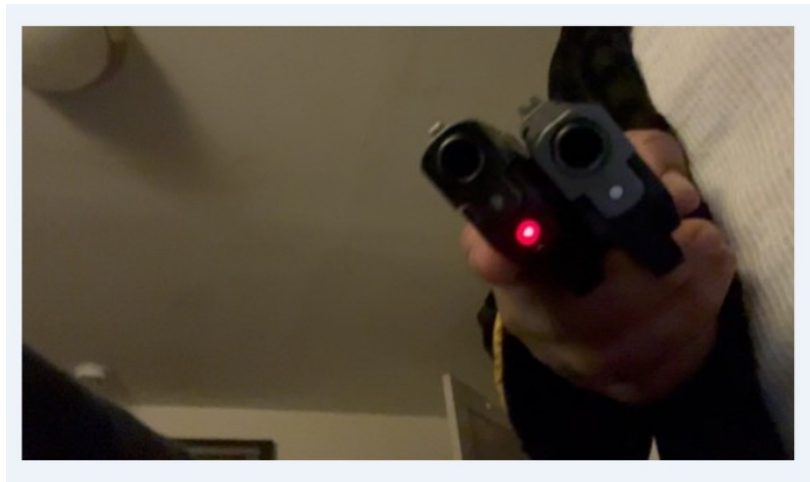
He kept hundreds of dollars of crisp cash, as well as fraudulent checks, in such luxury items:

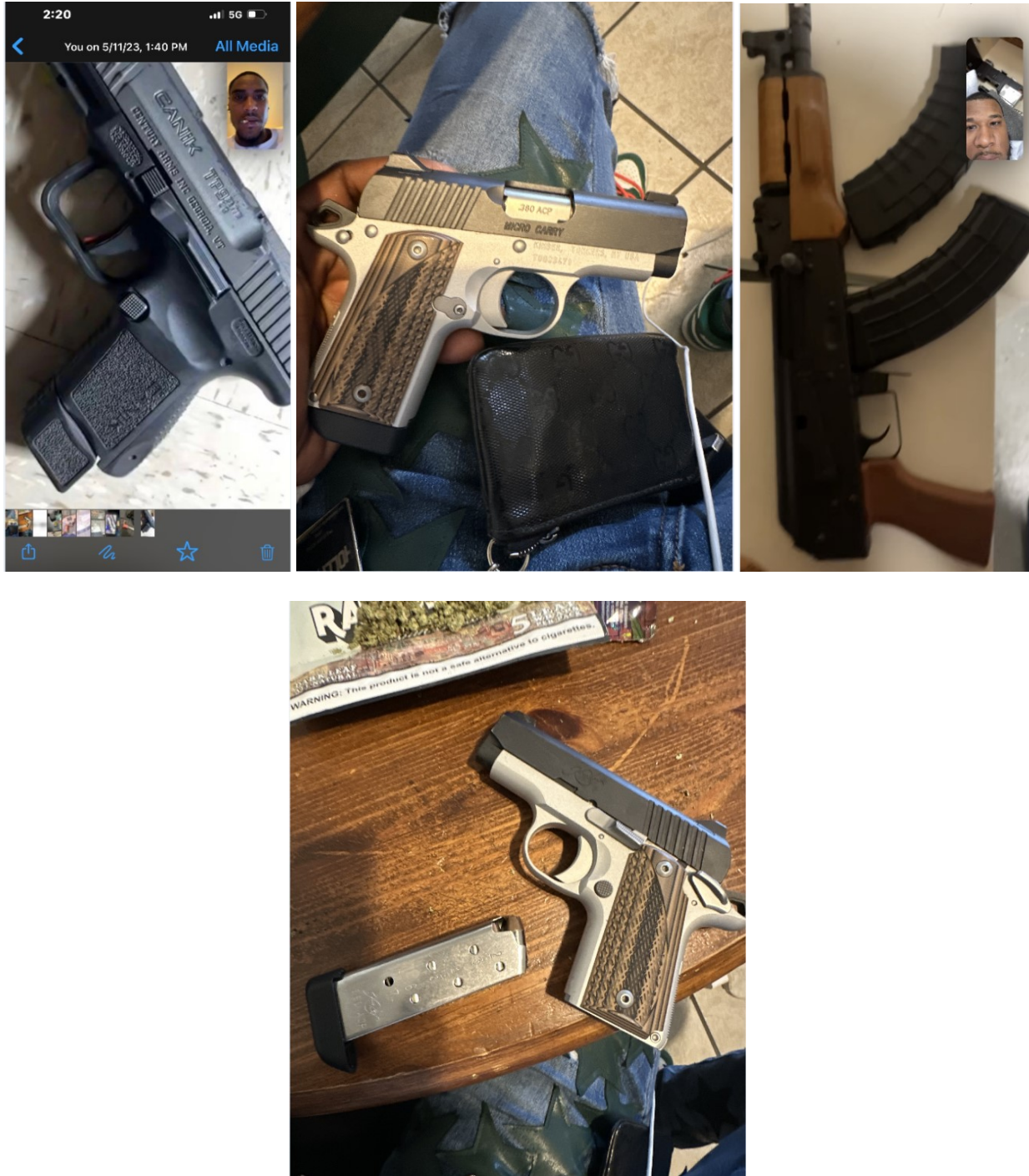


Despite his status as a convicted felon, Mr. Mansaray also possessed a Smith & Wesson, Model M&P Bodyguard, .380 ACP caliber pistol, with integrated laser sight. There were 3 rounds of .380 ACP caliber ammunition, bearing “Blazer” headstamps, inside the gun:



Photographs in the defendant's cell phone portrayed multiple firearms, including a photograph believed to depict the seized M&P Bodyguard pistol:





The defendant's cell phone also contained pictures of more than 10 third parties' RI driver's licenses and ID cards, as well as Social Security cards, and text conversations showing his active role in the conspiracy.

The Court should reject Mr. Mansaray's claim, once again, that an enhancement for his leadership role in a fraud conspiracy is unwarranted. In 2018, the defendant claimed that portraying him as a leader of a check fraud group "couldn't be further than the truth," Ex. 1 at 30, and he described himself as "nothing but a follower this whole time." *Id.* at 32. Today, the four-level role enhancement under U.S.S.G. §3B1.1(a) is factually supported and should be sustained against him. There were five or more participants in the charged check fraud conspiracy, including (1) Defendant; (2) J.D.; (3) J.C.; (4) C.R.; and (5), (6) & (7) the two unidentified male co-conspirators who drove with defendant to take J.D. to banks, plus the unidentified co-conspirator they were communicating with via FaceTime (see PSR paragraphs 13-17). In addition, the conspiracy was otherwise extensive, involving thefts from the U.S. mails, multiple banks, hundreds of stolen and altered checks, unlawfully used PII; and bleaching, printing and creating counterfeit and altered checks. The defendant was unquestionably a leader organizer of the conspiracy, directing others to give him the third-party names for him to place on washed checks, maintaining the stolen checks and bleaching operation in his home, and extorting J.D. to participate in the scheme to pay off a drug debt. This warrants the 4-point enhancement, nothing less.

History & Characteristics of the Defendant and the  
Need for this Sentence to Punish, Deter, and Impose Respect for the Law

The defendant is intimately familiar with the criminal justice system, given his lengthy criminal history spanning two decades and including a wide variety of crimes. Having been previously sentenced to 60 months for similar check fraud activity, Mr. Mansaray also knows the consequences, and risks, of his behavior. In 2018, this Court pointed out that the defendant had already "ignored 12 prior convictions" and previous terms of incarceration, Ex. 1 at 27, and yet had continued to commit financial crime. The Court rhetorically questioned, "What do you do

with someone like that[,] to stop such a brazen and intentional crime other than give a serious sentence?” *Id.* at 28.

Before Mr. Mansaray spoke at sentencing, he had also heard the victim impact statement of one check fraud victim, describing the effects that Mr. Mansaray’s criminal behavior had on her life. He heard her describe how serious of a crime his check fraud conspiracy was, how it created enormous vulnerability for her family, how it had ripple effects on their trust in the banking system, and how it had created long-lasting anxiety for them:

In one elaborate plan, you unraveled our financial security, destroyed our trust in the current banking system. Fraud by definition is a personal violation, and that’s exactly what you did. You took it upon yourself to . . . transfer money from one account to another, designed fraudulent checks, recruited fellow thieves to go on an elaborate check cashing scheme spanning three states. You have already been incarcerated for the same crime, but you have not been rehabilitated.

You forced me to spend countless hours and weeks fixing what you dismantled. Nine months of my precious time was needed to get our financial life back on track, and truthfully it will never be the same. We will be looking over our shoulders for the rest of our lives.

Ex. 1 at 18–19.

When given the microphone, Mr. Mansaray expressed apparent acceptance of responsibility and remorse:

Judge McConnell, I know we’re a long way from knowing each other, but I just hope you find -- I just hope that you find everything present in this – and everybody present in the courtroom can sense my sincerity in my words.

There isn’t a doubt in my mind that in time my behavior will show that they weren’t mere words because they will become a way of life and the positive qualities that I possess, and that is the part of me that I will nourish while I’m incarcerated.

Ex. 1 at 32. On multiple occasions during his sentencing, the defendant endeavored to apologize to the victim, the Court, and to his own family and kids, stating, “I realize what I did was wrong, I realize the pain I caused [the victim] and her family, and I realize the pain I caused everybody

in this courtroom to even be here today.” *Id.* at 32. “[M]y criminal history may seem some type of way; but, Judge McConnell, like I’m telling everybody, I am sorry and I apologize to everybody for even being here today.” *Id.* at 33.

In response, this Court was direct with Mr. Mansaray, telling him: “[T]he problem is that nothing seems to have stopped you during your short life in the last decade plus. As I said, you have 12 prior convictions, all – most, almost all of them economic-based, all apparently trying to live a life that you dreamed to have or wanted to have that you found through crime.” Ex. 1 at 35. It told him, “[Y]ou should know that this kind of action produces no good for you. It may have some momentary good. It may feel pretty good when you get the gold and silver pieces but doesn’t have good for you in the long haul and certainly doesn’t have good for your children.” *Id.* at 35-36. “I do believe something can deter you, and I think a serious sentence will help deter you and certainly send a message to the public.” *Id.* at 36.

Jamal Mansaray is a 35-year-old defendant whose love for enriching himself, buying expensive luxury items, and running a check fraud scheme, is evidently much greater than his concern for enduring the detrimental consequences of his crimes. He has not bothered to change his criminal actions, despite claiming to have learned from his past, to want to improve his behavior, and to care about the anguish his actions cause others. The defendant’s repetitive and calculating illegal behavior is simply unacceptable. A harsh sentence is needed to protect society from his crimes, punish him, impose respect for the law, and prevent him from re-engaging in a life of crime.

#### Conclusion

The government recommends a sentence of 110-months’ imprisonment, a term of supervised release of 5 years, and a special assessment of \$100. Such a sentence is a sentence

“sufficient, but not greater than necessary” to comply with important statutory purposes of sentencing: reflecting the seriousness of the offense, promoting respect for the law, providing just punishment, affording adequate deterrence to criminal conduct, and protecting the public from further crimes of the defendant. See 18 U.S.C. § 3553(a)(2)(A)–(C).

Respectfully submitted,

UNITED STATES OF AMERICA  
By its Attorneys,

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**CERTIFICATION OF SERVICE**

I hereby certify that on the 14th day of July, 2025, I caused the within Government’s Sentencing Memorandum to be filed on CM/ECF and viewable to the attorney of record.

/s/ Christine Lowell.  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

\* \* \* \* \* C.R. NO. 18-60-JJM  
\*  
UNITED STATES OF AMERICA \*  
\*  
VS. \* OCTOBER 17, 2018  
\* 11:00 A.M.  
\*  
JAMAL MANSARAY \*  
\*  
\* \* \* \* \* PROVIDENCE, RI

BEFORE THE HONORABLE JOHN J. McCONNELL, JR.,  
DISTRICT JUDGE

(Sentencing Hearing)

APPEARANCES:

FOR THE GOVERNMENT: JOHN P. McADAMS, AUSA  
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50 Kennedy Plaza  
Providence, RI 02903

FOR THE DEFENDANT: VICTOR J. BERETTA, JR., ESQ.  
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Providence, RI 02909

Court Reporter: Karen M. Wischnowsky, RPR-RMR-CRR  
One Exchange Terrace  
Providence, RI 02903

1 17 OCTOBER 2018 -- 11:00 A.M.

2 THE COURT: Good morning, everyone. We're here  
3 for sentencing this morning in the case of the United  
4 States versus Jamal Mansaray, Criminal Action 18-60.

5 Would counsel identify themselves for the  
6 record.

7 MR. McADAMS: Good morning, your Honor. John  
8 McAdams on behalf of the United States.

9 THE COURT: Good morning, Mr. McAdams.

10 MR. BERETTA: Good morning, your Honor. Victor  
11 Beretta for Mr. Mansaray.

12 THE COURT: Good morning, Mr. Beretta.

13 Good morning, Mr. Mansaray. How are you, sir?

14 THE DEFENDANT: Good morning, your Honor. I'm  
15 all right, sir. Thank you very much.

16 THE COURT: Mr. Mansaray, did you receive a copy  
17 of the presentence report that the Probation Department  
18 issued in your case?

19 THE DEFENDANT: Yes, I did, your Honor.

20 THE COURT: And did you have a chance to review  
21 that with your attorney?

22 THE DEFENDANT: Yes, I did, your Honor.

23 THE COURT: And did he answer any questions you  
24 have about that?

25 THE DEFENDANT: Yes, he did, your Honor.

1 THE COURT: How we're going to proceed this  
2 morning is I'm going to review the guideline range.  
3 I'm going to hear if there are any objections to the  
4 presentence report. If so, I'll listen to the  
5 objections and then rule on them. The Government will  
6 then make its sentencing recommendation. Your attorney  
7 will be able to make its -- his sentencing  
8 recommendation. I understand that there's a victim  
9 that wishes to speak. She'll be allowed to speak.  
10 You'll then have a chance to speak, and then we'll get  
11 on with the business of sentencing. Okay?

12 THE DEFENDANT: Thank you very much, your Honor.

13 THE COURT: So the sentencing guidelines are  
14 calculated as follows: The base offense level in this  
15 case was calculated as a seven. There's a specific  
16 offense characteristic that adds 12 points because the  
17 Probation Department has valued the total intended loss  
18 at \$256,800.

19 There's a four-point adjustment for what we call  
20 a leadership role in a scheme that has at least eight  
21 individuals. There's a two-point reduction for  
22 acceptance of responsibility.

23 Mr. McAdams, does the Government wish to make a  
24 motion on the third point?

25 MR. McADAMS: Yes, your Honor.

1 THE COURT: That will be granted for a total  
2 offense level of 20. Mr. Mansaray has 13 criminal  
3 history points, plus two points added because the  
4 instant offense was committed while Mr. Mansaray was on  
5 a -- subject to a criminal justice sentence in a state  
6 court case. So he is a Category VI.

7 So a criminal offense level of 20, a criminal  
8 history category of VI has a recommended period of  
9 incarceration of 70 to 87 months, plus the mandatory  
10 consecutive 24 months as to Count II.

11 Mr. McAdams, any objection to the guideline  
12 range or any objection to the presentence report?

13 MR. McADAMS: No, your Honor.

14 THE COURT: Mr. Beretta?

15 MR. BERETTA: Yes, your Honor.

16 THE COURT: I'll hear from you.

17 MR. BERETTA: Thank you. Good morning, your  
18 Honor.

19 THE COURT: Good morning. How are you?

20 MR. BERETTA: Fine. Thank you. Your Honor, the  
21 Defendant in this case would ask that his arguments  
22 today be incorporated into his sentencing memorandum.

23 THE COURT: You laid out in a letter and the  
24 Probation Department in the PSR set forth --

25 MR. BERETTA: Certain objections.

1 THE COURT: -- certain objections. I understand  
2 that one of them they accepted and the PSR was amended.

3 MR. BERETTA: Yes, by two points. Today the  
4 objections involve paragraphs 23, 32 and 41 of the  
5 presentence report, your Honor.

6 The Defendant submits that his individual role  
7 in this offense and the loss calculation, the intended  
8 loss calculation are intrinsically tied together, your  
9 Honor.

10 He asks the Court to consider these factors: In  
11 April of 2015, the United States Sentencing Commission  
12 voted to fix portions of the guidelines. They felt  
13 that these portions of the guidelines had been in need  
14 of repair.

15 Specifically as it relates to this case, they  
16 addressed two areas, the area of jointly undertaken  
17 criminal activity, which is also sometimes referred to  
18 as co-conspirator liability, and they also addressed  
19 intended loss, your Honor.

20 As to jointly undertaken criminal activity, your  
21 Honor, the USSC clarified that for sentencing purposes  
22 and within the confines of a conspiracy, each  
23 co-conspirator should only be judged or held  
24 accountable for his own acts, okay, and any other act  
25 that he actually agreed to.

1           Those were promulgated by the United States  
2           Sentencing Commission in 2015, and I don't think  
3           Congress negated them. I can find nowhere that  
4           Congress said these clarifications shouldn't be put  
5           into the guidelines.

6           This clarification, your Honor, intended to  
7           reverse the trend in the district courts at sentencing  
8           of automatically holding one of the conspirators in a  
9           multi-conspirator conspiracy accountable for the role  
10          or unforeseen actions or conduct of other conspirators.

11          As it applies in this case to the intended loss,  
12          your Honor, Mr. Mansaray never discussed the \$140,000  
13          check that was tendered to Citizens Bank for cashing,  
14          was never informed about it by the other  
15          co-conspirators, never directed any of his  
16          co-conspirators to attempt to cash a check in that  
17          amount; and I'm suggesting that based on the language  
18          from those clarifications of 2015, Mr. Mansaray  
19          shouldn't be held responsible for that one check.

20          If that one check is subtracted from the total  
21          amount of money in the intended loss, it reduces his  
22          level of 12-point increase to only a level of an  
23          eight-point increase.

24          There's no evidence in this case that was  
25          presented to the Defendant or myself that would

1 indicate his co-conspirators ever said that he was the  
2 one who requested that the check in the amount of  
3 \$140,000 be tendered to Citizens Bank.

4 For that reason, I'm asking you to look at it  
5 subjectively as the clarifications suggest, and I'm  
6 telling you that Mr. Mansaray should not be held  
7 accountable for that one check.

8 As I said before, reducing the amount of  
9 intended loss by \$140,000 under the new loss table puts  
10 him at an eight-point increase in the guideline level.  
11 That would reduce his guideline level to level 16,  
12 which is I believe 47 to --

13 THE COURT: 46 to 56.

14 MR. BERETTA: 46 to 57 months. I'm sorry.  
15 Again, your Honor, there's no dispute as to  
16 Mr. Mansaray's criminal history. We all concur that  
17 it's rather lengthy and he falls into Category VI.

18 And finally, your Honor, I would say that unless  
19 the state is prepared to offer evidence or the  
20 department of probation that Mr. Mansaray actually  
21 directed anybody to tender that check to Citizens Bank,  
22 I'm telling the Court it was never his subjective  
23 intent to be involved in that transfer.

24 THE COURT: Thanks. Let me hear from  
25 Mr. McAdams on that issue.

1 MR. BERETTA: Thank you, your Honor.

2 MR. McADAMS: Your Honor, I didn't know until  
3 this morning that Mr. Beretta was going to make this  
4 specific objection, so I'm sort of going based on my  
5 knowledge of the case and just a quick review of the  
6 guidelines. I didn't have time to brief that.

7 I would say there's sort of a legal question and  
8 a factual question. I'll go with the factual question  
9 first because it might be easier for the Court.

10 I don't have evidence that he specifically told  
11 the people to go in and make that check out to be  
12 \$140,000. He wasn't specifically asked that in his  
13 interview, and so I don't know the answer to that  
14 question. So the evidence that he did or did not know  
15 that that check was going to be \$140,000 is just  
16 whatever is Mr. Mansaray's word that he didn't know  
17 about that check.

18 So that's the factual question. I can't prove  
19 to you that he, in fact, knew that that check was going  
20 to be \$140,000; but as he admitted in the scheme and as  
21 what is -- the evidence in the case is that he was the  
22 ringleader of this check fraud scheme.

23 He was the one who came up with the idea. He  
24 was the one who became the point of contact for -- that  
25 changed the people's bank accounts to have his phone

1 number so that when the bank tried to verify who the  
2 account was when a check attempted to be cashed, it  
3 went to his phone number and also -- and he was sort of  
4 the prime instigator of the scheme.

5 When you look -- and I did this quickly. If you  
6 look at the guideline, I think what we're talking about  
7 is in the guidelines 1B1.3. I think that what  
8 Mr. Beretta is referring to is, in fact, an  
9 implementation of the Sentencing Commission's changes  
10 to the guidelines, and it's reflected in 1B1.3.

11 I have the 2016 guidelines in front of me, and  
12 on page 29 it's Application Note 4. It's a long  
13 application note. It goes for several pages. But if  
14 you look at subsection (c), it describes requirements  
15 that the conduct of others be within the scope of the  
16 jointly undertaken criminal activity in furtherance of  
17 that criminal activity and reasonably foreseeable. I  
18 think the piece that Mr. Beretta was sort of leaving  
19 out is "reasonably foreseeable."

20 It's not uncommon for co-conspirators to not  
21 know the exact actions of other co-conspirators, but  
22 the law holds them accountable if that behavior is  
23 reasonably foreseeable to them. And so there's -- what  
24 you see going on at page 29 for several pages are  
25 specific examples that the Sentencing Commission put

1 forward to help the Court kind of answer this question.

2 And, again, just having looked quickly, I think  
3 the first two examples are the ones the Court kind of  
4 has to look at and see which does this case fit.

5 The first is an example of a scheme in which a  
6 co-conspirator steals a government check and  
7 fraudulently endorses it and gives it to another  
8 individual, that that other individual then uses that  
9 fraudulent check as a down payment on a fraudulent loan  
10 and -- in the amount of \$15,000. And the Sentencing  
11 Commission decided under that fact pattern, the first  
12 co-conspirator's not accountable for that \$15,000 loss  
13 because there's no evidence that the co-conspirator  
14 knew the other co-conspirator would get a \$15,000 loan  
15 with that example. So that's an example in sort of  
16 Mr. Mansaray's favor.

17 The next example I think is more akin to what  
18 we're dealing with here, and in that example the  
19 Sentencing Commission uses the example of a stock fraud  
20 scheme where both Defendants are working together on a  
21 similar scheme to sell fraudulent stocks by phone and  
22 one co-conspirator fraudulently obtains \$20,000, the  
23 other fraudulently obtains \$35,000. Each is convicted,  
24 and then they're each accountable for the total amount  
25 of \$55,000.

1           To me, that's the scenario we see here. It's a  
2 check fraud scheme. Mr. Mansaray is the one who, with  
3 the co-conspirator who worked at the bank, was able to  
4 get people's bank account information, change the  
5 security protocols, make himself the point of contact.  
6 He printed up the blank checks, and he sent people into  
7 the bank. I think that --

8           THE COURT: And what you just said about  
9 Mr. Mansaray's actions all apply to the \$145,000 check  
10 as well?

11           MR. McADAMS: That check is part of the scheme.  
12 It's one of the checks that came out of the accounts  
13 that they compromised together. I don't know that he  
14 specifically told the person who walked in with that  
15 check to make it out for \$140,000.

16           That check was rejected by the bank. I don't  
17 know that he actually -- you know, there was a bunch of  
18 people doing this. Mr. Mansaray was the ringleader,  
19 but I don't know and I don't have any evidence to tell  
20 you with respect to that \$140,000 check that he  
21 specifically sent the runner in, told him to put  
22 140,000 in, sent it in; but he's the one creating the  
23 checks, printing them on his computer, getting the bank  
24 account information.

25           THE COURT: But do you know, did he print the

1 check that was --

2 MR. McADAMS: I believe that check was one of  
3 the checks that was printed from his printer. I  
4 believe that to be the case.

5 THE COURT: Okay.

6 MR. McADAMS: So that's my position on that. I  
7 don't think there was any other objection that I  
8 haven't responded to that Mr. Beretta raised; but if  
9 there was, then I'm certainly happy to answer that.

10 I think that's the only question here, is what's  
11 the intended loss. Obviously the Court has to decide  
12 that to calculate the guidelines. Notwithstanding  
13 anything I said, obviously, the Court can consider in  
14 terms of determining the appropriate sentence whether  
15 or not it's -- it can look at the actual loss versus  
16 the intended loss in terms of determining an  
17 appropriate sentence; but in terms of calculating the  
18 guidelines, it's the intended loss that the guidelines  
19 require.

20 THE COURT: Mr. Beretta.

21 MR. BERETTA: May I just reply briefly, your  
22 Honor?

23 THE COURT: Of course.

24 MR. BERETTA: Your Honor, there were numerous  
25 checks tendered for cashing in this case. All of the

1 ones with Mr. Jamal's fingerprints on them --

2 THE COURT: Mr. Mansaray.

3 MR. BERETTA: Mr. Mansaray's fingerprints on  
4 them, and I don't mean literally, but all the ones he  
5 touched were for values one-tenth or a little more than  
6 one-tenth the value of \$140,000.

7 This check was not printed with a \$140,000 value  
8 on it in type. The check for \$140,000 that was  
9 tendered for cashing at Citizens Bank was written out  
10 by somebody else.

11 THE COURT: So, Mr. Beretta, do you have the  
12 guideline book? I have one. I just wanted to make  
13 sure Mr. Beretta had it in front of him.

14 MR. McADAMS: You can take my copy.

15 MR. BERETTA: I don't have one with me today,  
16 your Honor.

17 THE COURT: So looking at 1B1.3, applicable  
18 note 4, the illustrations, and this is the one  
19 Mr. McAdams referred to.

20 MR. BERETTA: Yes, your Honor.

21 THE COURT: And looking at 4(c)(2), it says  
22 Defendants F and G working together design and execute  
23 a scheme to sell fraudulent stocks by telephone.

24 So let's instead put Mr. Mansaray and a  
25 co-conspirator working together designed and execute a

1 scheme to sell fraudulent stocks -- to pass fraudulent  
2 checks. Mr. Mansaray fraudulently obtains \$20,000.  
3 The person who came in and presented the check  
4 presented a check for \$145,000. How does that -- and,  
5 therefore, that amount is part of the intended loss.

6 How does that illustration not apply to the  
7 facts that are before the Court in Mr. Mansaray's case  
8 vis-a-vis the 145 check?

9 MR. BERETTA: One forty, I believe.

10 THE COURT: Okay. One forty.

11 MR. BERETTA: Doesn't make much difference.

12 Your Honor, they're not akin. They're not analogous.  
13 In this case a group of people got blank checks. Some  
14 of them were directed by Mr. Mansaray. Some of them  
15 were directed by other people.

16 THE COURT: Yeah, but it was all part of this  
17 scheme that Mr. Mansaray put together to defraud  
18 Citizens -- I think it's Citizens; right?

19 MR. McADAMS: Yes, your Honor.

20 THE COURT: Citizens Bank and its depositors,  
21 similar to what it says here, that he together with  
22 others designed and executed a scheme to commit this  
23 fraud. That's what the first sentence of that  
24 illustration points to. And some of them went and did  
25 it for a certain amount, and some of them went and did

1 it for another amount.

2 MR. BERETTA: Correct, but the clarifications to  
3 the guidelines from 2015 and contained in some of these  
4 notes indicate that subjectively -- unless he actually  
5 agreed, unless Mr. Mansaray actually agreed to have  
6 that check for \$140,000 tendered, which he never did,  
7 which was way outside of the scheme that these  
8 conspirators --

9 THE COURT: Only in amount.

10 MR. BERETTA: -- acted in in amount, but that  
11 has a huge bearing on intended loss.

12 THE COURT: But --

13 MR. BERETTA: Mr. Mansaray would have never  
14 agreed to tender a check for \$140,000, your Honor, nor  
15 did he know that his co-conspirators would. And one of  
16 the reasons is, is that in his long criminal history he  
17 knows that a check like that is going to immediately  
18 raise all the red flags at the bank. He was never  
19 talked to about this. He never directed anyone to do  
20 this.

21 THE COURT: Yeah, but the stupidity of a  
22 co-conspirator isn't a defense to what he did.

23 What I'm wondering, Mr. Beretta, is in  
24 Section 2, the example given, it seems to me clear that  
25 if that illustration still applies post April 2015

1 amendment, and I believe it does because I'm looking at  
2 the guidelines effective November 1st, 2016 --

3 MR. BERETTA: It does, but that particular  
4 scheme was a stock fraud scheme. This particular  
5 scheme, there was only talk of checks within a certain  
6 amount.

7 There was one rogue check that was never  
8 contemplated within the confines of this conspiracy,  
9 within the conversations about this conspiracy, and  
10 that rogue check has an unbelievable influence on the  
11 guideline calculation.

12 THE COURT: Mr. Beretta, I hear your argument.  
13 It's well made. The Court's going to overrule the  
14 objection. I believe that the illustration number 2 is  
15 spot-on given the facts in this case and Mr. Mansaray,  
16 working together with others, designed and executed a  
17 scheme to pass fraudulent checks and that as the  
18 illustration points out, that the passage of those  
19 checks, including the \$140,000 one, was within the  
20 scope of the jointly undertaken criminal activity and  
21 was in furtherance of that criminal activity and was  
22 certainly reasonably foreseeable in connection with the  
23 criminal activity, even though the magnitude of it may  
24 not have been.

25 So the Court's going to overrule the objection,

1 accept the presentence report as previously amended,  
2 and we'll hear from the Government on their sentencing  
3 recommendation.

4 MR. McADAMS: Thank you, your Honor. Your  
5 Honor, do you want to hear the sentencing  
6 recommendations before or after the statement from the  
7 victim?

8 THE COURT: Your decision. Would you rather  
9 make it now?

10 MR. McADAMS: I think Ms. Reddy would like to  
11 give her statement. If it's okay, we're going to have  
12 our victim assistant, Tara Ortiz -- excuse me, Tara  
13 Moniz, stand with her.

14 THE COURT: Absolutely.

15 MR. McADAMS: Thank you, your Honor.

16 THE COURT: Ms. Reddy, come on forward. You can  
17 either stand at the podium or if you're more  
18 comfortable sitting in the witness chair, whichever  
19 you're -- great. Just keep your voice up if you don't  
20 mind and speak right into the mike.

21 MS. REDDY: Good morning, your Honor.

22 THE COURT: Good morning. How are you, ma'am?

23 MS. REDDY: Good.

24 THE COURT: Take your time.

25 MS. REDDY: I want to first acknowledge that

1 what I say today may not have an impact on you for I  
2 believe you are not compassionate enough to recognize  
3 the pain you have caused. I say these words for myself  
4 and the presiding judge.

5 I need to state you didn't destroy our lives.  
6 We are resilient. It was yet another crime, a crime  
7 that unfortunately happens too often. In one elaborate  
8 plan, you unraveled our financial security, destroyed  
9 our trust in the current banking system.

10 Fraud by definition is a personal violation, and  
11 that's exactly what you did. You took it upon yourself  
12 to change our online contact information, transfer  
13 money from one account to another, designed fraudulent  
14 checks, recruited fellow thieves to go on an elaborate  
15 check cashing scheme spanning three states. You have  
16 already been incarcerated for the same crime, but you  
17 have not been rehabilitated.

18 Unlike your life of crime, mine consists of so  
19 many positive things. I am a decorated physical  
20 education health teacher for a local school system, a  
21 volunteer coach and, most importantly, a law-abiding  
22 citizen.

23 I educate all my elementary students on how  
24 imperative it is to make good choices, work hard and,  
25 most importantly, obey the law so they won't end up

1 like someone in your situation.

2           Shortly before this devastating event, I lost  
3 both my parents, my beloved parents. My dad was an  
4 accomplished athlete, a math professor, administrator,  
5 a coach and an Army veteran. He would look at you in  
6 disgust. My mom, a bookkeeper and a homemaker, would  
7 feel sorry for you and probably say, Where did he go  
8 wrong? Imagine grieving the loss of both beloved  
9 parents simultaneously dealing with this.

10           You forced me to spend countless hours and weeks  
11 fixing what you dismantled. Nine months of my precious  
12 time was needed to get our financial life back on  
13 track, and truthfully it will never be the same. We  
14 will be looking over our shoulders for the rest of our  
15 lives.

16           Unfortunately for you, you chose the wrong  
17 person to violate. My husband's year spent as an  
18 investigator and a task force officer with the federal  
19 agency Alcohol, Tobacco and Firearms enabled him to  
20 quickly track you all down, and there you sit.

21           So this leads me to this. I'm asking the Court  
22 to deliver the harshest penalty under law that can be  
23 delivered, not just time served. Send a message to  
24 other criminals who are planning elaborate schemes like  
25 yours that it won't be tolerated.

1 I don't want to see anyone else go through the  
2 financial disruption and the life-altering experience  
3 that I did. Maybe this time you will be rehabilitated.

4 Thank you, your Honor.

5 THE COURT: Thank you, Ms. Reddy. I appreciate  
6 that.

7 Mr. McAdams.

8 MR. McADAMS: Thank you, your Honor. Your  
9 Honor, as the Court is aware, in fashioning an  
10 appropriate sentence in this and any other case, the  
11 Court is required under -- to impose a sentence  
12 sufficient but no greater than necessary under the  
13 factors outlined in Title 18 United States Code Section  
14 3553, and I'll just briefly outline those.

15 First and foremost, the nature and circumstance  
16 of the offense and the history and characteristics of  
17 the Defendant; and then, second, the need to impose a  
18 sentence that reflects the seriousness of the offense,  
19 promotes respect for the law, provides just punishment,  
20 affords adequate deterrence to others and protects the  
21 public from future crimes of the Defendant as well as  
22 providing the Defendant with any needed education or  
23 vocational training or medical care.

24 Your Honor, the Government's recommending a  
25 total sentence in this case of 70 months, 46 months on

1 the underlying offense plus the mandatory 24 months for  
2 the aggravated identity theft count.

3 When you look at the nature and circumstance of  
4 the offense that you just heard from Ms. Reddy,  
5 aggravated identity theft is a very serious crime. It  
6 really creates enormous vulnerability in people.

7 And I know this Court has had a number of cases  
8 over the last few years involving identity theft  
9 situations. In fact, as I noted in my sentencing  
10 memorandum under -- according to the FTC, it's the  
11 second most commonly complained of crime.

12 And many Americans, unfortunately, suffer  
13 aggravated identity theft, almost it's becoming routine  
14 on some level, when their data is compromised at, you  
15 know, Target or they find out that their e-mail account  
16 information is compromised; and it can cause a great  
17 inconvenience.

18 But the type of identity theft in this case is  
19 much more intense and vulnerable. This is a  
20 hard-working middle class family, spent their entire  
21 lives working, a firefighter who retired and, you know,  
22 they've spent their whole life building up savings for  
23 retirement, and they're just about to enter that point  
24 in life which you're sort of getting to enjoy some of  
25 the fruits of your labor, and to have -- to find out

1 that somebody that you don't know infiltrated the  
2 bank's security protocols, changed your security  
3 protocols, changed the phone number so that when the  
4 bank calls the customer to try to find out are you  
5 authorizing this transaction, it's going to the  
6 personal cellphone of a person that's stealing your  
7 identity, it's a much higher level of identity theft  
8 than some of the run-of-the-mill, so to speak, identity  
9 theft that we see.

10 And you can hear it in the victim's voice that  
11 it's a very serious thing, and it creates enormous  
12 vulnerability, and it has a ripple effect towards  
13 people's respect for institutions in society and belief  
14 in, you know, the banking system, and it creates  
15 enormous anxiety. And so it's a very, very serious  
16 offense.

17 On the other side you have the characteristics,  
18 the history and characteristics of the Defendant which  
19 are, you know, very complex. This is a Defendant who  
20 grew up without essentially an intact family unit, who  
21 left the United States and went to Africa to a war-torn  
22 region from age four until age eight and then returned  
23 to the United States, never really had a true father  
24 figure.

25 So there's a lot of issues that he has in his

1 own personal background that contributed to his  
2 eventual, you know, decline into criminal behavior.

3 But he's not eight years old anymore. He's now  
4 29 years old. He has a criminal category history VI,  
5 which is the highest -- excuse me, it's the highest  
6 that the Court has.

7 He was on probation in three different criminal  
8 cases at the time that this offense occurred. He got  
9 this information -- we believe he got this information  
10 while he was in jail on a different sentence at the  
11 ACI.

12 You know, he's texting his friends, bragging  
13 that he's stealing rich people's money. And it just --  
14 it sort of goes to -- he's at a point in life where  
15 he's sort of accepted that he is a criminal, and that  
16 seems to be the life that he wants to live.

17 He's been in front of many, many courts and  
18 many, many judges over the years. He's been given many  
19 sentences, including probationary sentences. And so,  
20 you know, how do you balance those two things? That's  
21 the challenge the Court has in every sentencing.

22 And the Government's view is that in this case  
23 it calls for a significant punishment. It calls for a  
24 punishment that is going to promote respect for the  
25 law.

1 I don't think that Mr. Mansaray is personally  
2 deterrable anymore. His criminal history includes  
3 violent crime, nonviolent crime, stealing money,  
4 shooting a gun. He's got very, very many -- he's got  
5 almost every kind of -- type of offense that you can  
6 have.

7 So I don't think you're going to change him, but  
8 I think you can send a message to the public that we  
9 care, that the system cares when their -- when they are  
10 hurt by a criminal Defendant and we're going to hold  
11 that person accountable and we're going to provide just  
12 punishment.

13 And so where's the number 70 come from? It's  
14 always hard to pick these numbers. We kind of start  
15 and look at the guidelines as advice as to what the  
16 appropriate range is.

17 And it seems to me that when you look at some of  
18 the other cases of a similar nature that this Court has  
19 handled over the last few years, I cited two specific  
20 examples, your Honor may have others that you recall,  
21 but David Alcantara was convicted of a very similar  
22 crime and sentenced to 60 months. Ernest Kar was also  
23 convicted of a very similar offense and sentenced to 84  
24 months.

25 I think that Mr. -- I don't know that there's a

1 distinction between those cases. Judge Lisi gave Judge  
2 Kar (sic) the 84, and I believe your Honor gave  
3 Mr. Alcantara the 60 months.

4 THE COURT: He has a 2255 pending before me  
5 right now, Mr. Alcantara.

6 MR. McADAMS: So you're better acquainted with  
7 that case than I am; but I think it's in that range,  
8 and I think that's -- and then when you look at the  
9 guideline range and you look at the criminal history  
10 and you look at the seriousness of the offense, I think  
11 that 70 months is sufficient but not greater than  
12 necessary to achieve what the Court is trying to  
13 achieve in imposing sentence.

14 THE COURT: Mr. McAdams, thank you. I  
15 appreciate that.

16 Mr. Beretta.

17 MR. BERETTA: Your Honor, to give up on Jamal  
18 Mansaray as the Government suggests would be to turn  
19 your back on our system of justice.

20 Everybody is capable of the chance at recovery.  
21 Everybody is capable of, as U.S. Code 3553 says,  
22 rehabilitation. I believe that Mr. Mansaray, who's  
23 still a young man, is capable of rehabilitation.

24 The Government just gave you some sentencing  
25 statistics regarding financial fraud crimes. I'd like

1 to give you some statistics. It appears that records  
2 kept show that 90 percent of financial fraud cases  
3 result in sentences at or below the minimum guideline  
4 level.

5 It also appears that in nearly 60 percent of  
6 those 90 percent of cases, there is a significant  
7 departure or variance from the guideline range.

8 THE COURT: Right, but let's not forget the  
9 Government is actually recommending a below-guideline  
10 sentence here. So the guideline is actually 94 months,  
11 70 months on Count I, 24 consecutive on Count II.

12 So, in fact, the Government's analysis as  
13 Mr. McAdams just so well went through is similar to  
14 what the Court has to do, which is you start with the  
15 guidelines; but the guidelines we're starting with are  
16 94, not --

17 MR. BERETTA: I was addressing the numbers that  
18 they recited in cases that they claimed were similar,  
19 not on the recommendation of the Government.

20 And my reference to rehabilitation was not  
21 against Mr. McAdams personally, your Honor.

22 THE COURT: Oh, I know that.

23 MR. BERETTA: It's just that, you know, to  
24 suggest that rehabilitation is out the window for each  
25 Defendant that comes into the courtroom, as I said, I

1 think is assaultive of our system of justice.

2 THE COURT: Mr. McAdams doesn't need my defense,  
3 but that's not what he was saying. What he was saying  
4 was we have a criminal Defendant here who he  
5 acknowledged has had a less than, you know, less than  
6 helpful life and upbringing but who's got 12  
7 convictions on his record beginning as a juvenile and  
8 through his adulthood who was on probation when he  
9 committed the instant crime, has similar crimes in  
10 their background; and what he's saying is one of the  
11 3553 factors in his opinion the Court should not give a  
12 lot of weight to because he doesn't think anything's  
13 going to deter Mr. Mansaray from going back at it  
14 again.

15 And truth is, history would tell you that, you  
16 know, he's ignored 12 prior convictions, he's ignored a  
17 six-month sentence, he's ignored an 18-month sentence  
18 in his criminal history.

19 So I think all that Mr. McAdams was saying was  
20 that that factor shouldn't be weighed that heavily  
21 because personal deterrence here -- he's not looking  
22 for life without parole. He's clearly acknowledging  
23 that he's going to get out at some point.

24 MR. BERETTA: None of my comments were meant to  
25 suggest that, your Honor.

1 THE COURT: I mean, that's the struggle here.  
2 You know, and I was going to wait and mention this  
3 earlier, but there's a struggle with this one,  
4 Mr. Beretta, as I'm sure you know and can acknowledge;  
5 but Mr. McAdams kind of laid out the Court's thinking  
6 quite succinctly and that is what do you do with  
7 someone that has had that kind of record, that  
8 continued and hasn't stopped at anything that the  
9 system has thrown at him in those 12 convictions, be it  
10 cutting him a break with probation or other sentences,  
11 smaller sentences, six months, year and a half, what do  
12 you do with someone like that to stop such a brazen and  
13 intentional crime other than give a serious sentence?

14 And I'm not putting you on the spot,  
15 Mr. Beretta. Well, I guess I am. But you've already  
16 acknowledged that a substantial sentence should be  
17 given in your memo, but that's the rub here. Right?  
18 Isn't that the thing the Court's struggling with, which  
19 is, you know, what's that right amount of 3553 factor  
20 elements that can accomplish as many of them as we can  
21 with a picture that isn't quite so clean?

22 MR. BERETTA: Understood, and that's why I'm  
23 trying to highlight the areas of 3553 --

24 THE COURT: Go for it, Mr. Beretta.

25 MR. BERETTA: -- that call for hope and not

1 second chances because, as the Court has alluded to,  
2 there have been many chances.

3 Your Honor, the department of probation or U.S.  
4 probation has laid out a significant number of  
5 post-conviction supervision recommendations. I think  
6 Mr. Mansaray would benefit by all of them.

7 I don't think sentencing Mr. Mansaray to a  
8 sentence of 70 months will accomplish a great deal by  
9 way of deterrence. I think that a fair sentence in  
10 this case for his conduct would be in the range of 46  
11 months, and that would include the two years on the  
12 consecutive sentence.

13 Mr. Mansaray would like to address the Court.  
14 Thank you.

15 THE COURT: For sure. Thanks, Mr. Beretta. I  
16 appreciate it.

17 MR. BERETTA: Thank you, your Honor.

18 THE COURT: Mr. Mansaray, do you want to --  
19 obviously you do. Why don't you stand, and you can  
20 address the Court.

21 THE DEFENDANT: Yes, I do, your Honor.

22 THE COURT: Why don't you just stand right  
23 there. Thank you.

24 THE DEFENDANT: I want to start off by saying  
25 this is probably one of the worst days of my life.

1 THE COURT: Mr. Mansaray, can I just ask if you  
2 can just read slowly. It's difficult for the court  
3 reporter. Any time any of us read, we read fast; but  
4 if you could just go slowly, that would be great.

5 THE DEFENDANT: First off, I would like to say  
6 this is probably the worst days of my life. I would  
7 like to apologize to Ms. Reddy and every other person  
8 that was affected by my actions.

9 For the past 13 months, the bad choices I have  
10 made have haunted me both mentally and emotionally  
11 every day, as I'm sure Ms. Reddy and the others have  
12 felt the same way.

13 I wish I could have alleviated the pain and even  
14 if it meant shouldering it myself. Never in a million  
15 years would I have thought the consequences to my  
16 actions would weigh so heavily on the families  
17 affected.

18 I understand that the Government is portraying  
19 me to be a bad guy but also to be a leader of a group.  
20 That couldn't be further than the truth.

21 When I was growing up, my family did not have  
22 much money. There was four of us, five including my  
23 mother. I watched her work 70 hours a week every week  
24 just to barely get by. Some nights I had to massage  
25 her feet they were so swollen from standing up 12 hours

1 straight. It was on one of these days that I made up  
2 my mind not to be a burden on her anymore, so I  
3 resorted into stealing.

4 Of course as I got older I unfortunately  
5 progressed, but not once did I do it for the joy or the  
6 thrill to survive -- but to survive.

7 I take full responsibility for my actions, and  
8 by no means is this an excuse. I just wanted to give  
9 you a little glimpse into my mind and my thought  
10 process that led me here today.

11 The Government is saying I was a leader and  
12 organizer of this scheme, and honestly half the times I  
13 had no knowledge of checks that were being attempted to  
14 be cashed.

15 I take full responsibility, Judge McConnell, for  
16 providing and honoring most of them when the bank  
17 calls, but one that I did not honor or have any  
18 knowledge of it being cashed or no idea of was the  
19 \$140,000.

20 I'd like to once more apologize to Ms. Reddy and  
21 every other single victim, and I hope one day you could  
22 find it in your heart to forgive me because that would  
23 mean a lot to me.

24 I'd also like to take time to apologize to my  
25 family, especially my kids. I have come to the

1 realization they were much affected by this as well.

2 Judge McConnell, I know we're a long way from  
3 knowing each other, but I just hope you find -- I just  
4 hope that you find everything present in this -- and  
5 everybody present in the courtroom can sense my  
6 sincerity in my words.

7 There isn't a doubt in my mind that in time my  
8 behavior will show that they weren't mere words because  
9 they will become a way of life and the positive  
10 qualities that I possess, and that is the part of me  
11 that I will nourish while I'm incarcerated.

12 I just hope, Judge McConnell, that you can  
13 please have leniency on me and the Court and Ms. Reddy  
14 have leniency on me. I understand I have a lengthy  
15 record; and to be honest with you, Judge McConnell, I  
16 was nothing but a follower this whole time.

17 I finally realized I have no friends. The only  
18 friends I have is my children and my family. Ever  
19 since I've been incarcerated, everybody turned their  
20 back on me. The only people that did not turn their  
21 back on me was my kids and my family.

22 I realize what I did was wrong, I realize the  
23 pain I caused Ms. Reddy and her family, and I realize  
24 the pain I caused everybody in this courtroom to even  
25 be here today. And I apologize to the courts, to

1 Ms. Reddy and my family and my kids.

2 And I understand that, like, you know, I have,  
3 you know, like my criminal history may seem some type  
4 of way; but, Judge McConnell, like I'm telling  
5 everybody, I am sorry and I apologize to everybody for  
6 even being here today.

7 THE COURT: Mr. Mansaray, thanks. Why don't you  
8 remain standing.

9 MR. BERETTA: Judge, may I just put one more  
10 thing into the record that I forgot to include?

11 THE COURT: Absolutely.

12 MR. BERETTA: Mr. Mansaray has been held at the  
13 Adult Correctional Institution since September 27th of  
14 2017 on related state charges, the same charges that he  
15 was informed on in Federal Court. Those state charges  
16 have been dismissed. I'm told by his state court  
17 lawyer that both the violation and the state charges  
18 were dismissed.

19 And Mr. Mansaray also has some medical  
20 conditions. He's asking the Court to at least  
21 recommend a medical facility for his incarceration and  
22 close by, if possible, to Rhode Island so that he may  
23 visit with his family.

24 THE COURT: On that last issue, Mr. Beretta, as  
25 I understand it, the Court has no say in the

1 calculation of what credit a Defendant gets for a  
2 period of incarceration. You certainly make a  
3 logical --

4 MR. BERETTA: I understand that, also.

5 THE COURT: I just want the record clear. You  
6 certainly make a logical argument for why it should be  
7 credited from that time in September versus the May '18  
8 period, but that is solely a function of the Bureau of  
9 Prisons who calculates that.

10 I will certainly make a Fort Devens or other  
11 appropriate recommendation for --

12 MR. BERETTA: Thank you, your Honor.

13 THE COURT: -- incarceration. It's both close  
14 and it's also a medical facility.

15 Mr. Mansaray, I tell every Defendant this, and  
16 I'll tell you. Usually I tell them later on, but let  
17 me just tell you up front.

18 I believe that we are all, every one of us in  
19 this room, the victim, yourself, your family, the  
20 staff, lawyers, we're all better as human beings than  
21 the worst things we've done in life. And as we know  
22 from your record, you've done a lot of bad things over  
23 time.

24 And I always try to take time now to acknowledge  
25 that we are better than that. We're all as human

1 beings better than that. You apparently appear to have  
2 been a really good dad to your two children and your  
3 spouse's child as well, the three children.

4 You clearly have a commitment to her that this  
5 Court doesn't always see, and that's appreciated and  
6 also acknowledged. I think you called it your positive  
7 attributes.

8 But the problem, I've already said it,  
9 Mr. Mansaray, to your lawyer and to Mr. McAdams, so  
10 I'll say it to you, is, the problem is that nothing  
11 seems to have stopped you during your short life in the  
12 last decade plus.

13 As I said, you have 12 prior convictions, all --  
14 most, almost all of them economic-based, all apparently  
15 trying to live a life that you dreamed to have or  
16 wanted to have that you found through crime.

17 You committed these crimes while on a  
18 probationary sentence. You went to jail for six  
19 months. You went to jail for 18 months. You got that  
20 sentence, I think, in state court. And you continued  
21 to do it, breaking and entering, receiving stolen  
22 goods, now these charges and others, and you've been  
23 shot.

24 You know that this kind of action or you should  
25 know that this kind of action produces no good for you.

1 It may have some momentary good. It may feel pretty  
2 good when you get the gold and silver pieces but  
3 doesn't have good for you in the long haul and  
4 certainly doesn't have good for your children.

5 I don't quite believe as far as Mr. McAdams went  
6 that nothing will deter you. I wouldn't sentence you  
7 if I didn't think anything could deter you. I do  
8 believe something can deter you, and I think a serious  
9 sentence will help deter you and certainly send a  
10 message to the public.

11 And the question I think -- Mr. McAdams, I could  
12 just adopt what he said because he logically laid out  
13 this Court's thinking and he very logically laid out  
14 the factors that I have to consider, all of which I  
15 consider in this instance.

16 I don't know whether that \$145,000 check in  
17 terms of sentencing should be considered or not. Your  
18 lawyer makes a good argument for why it shouldn't. My  
19 read of the sentencing guidelines tell me that it  
20 should and therefor I ruled.

21 So when you look at everything, the Court  
22 believes that a total period of 60 months, six zero, is  
23 appropriate in your case. That's the lessened  
24 guideline range on Count I without the 145, and it's  
25 the mandatory 24 added, just to give you some logic to

1 where that comes from.

2 It is a serious sentence. You have serious  
3 crimes in your past that nothing's stopped, and I'm  
4 hoping this will be the case; that that kind of period  
5 will send a message to you, Mr. Mansaray, that money  
6 and gold and silver isn't important in life when you're  
7 incarcerated and taken away from your children that  
8 need you.

9 The Court's going to impose a period of 46  
10 months as to Count I to be followed by 24 months as to  
11 Count II to be served consecutively. The Court will  
12 impose a period of three years of supervised release as  
13 to Count I, one year as to Count II, to be served  
14 concurrently.

15 The Court's going to order restitution to  
16 Citizens Bank of \$74,300, award the \$200 mandatory  
17 special assessment in addition. And in addition to the  
18 standard conditions of supervised release, the Court's  
19 going to require that you participate in a manualized  
20 behavior program as directed by the probation office.  
21 Such program may include group sessions led by a  
22 counselor or participation in a program administered by  
23 the probation office; that you shall participate in a  
24 program of mental health treatment, substance abuse  
25 treatment, inpatient or outpatient, and substance abuse

1 testing, up to 72 drug tests per year, all of the above  
2 as directed by the Probation Department; and you shall  
3 pay for the cost of such treatment and testing based on  
4 your ability to pay.

5 You are also to provide access to all financial  
6 information requested by the supervising probation  
7 officer, including, but not limited to, copies of all  
8 federal and state income tax returns. All tax returns  
9 shall be filed in a timely manner.

10 You shall not open new lines of credit, which  
11 include the leasing of any vehicle or other property,  
12 or use existing credit resources without the prior  
13 approval of the supervising probation officer until  
14 court-ordered financial obligations have been  
15 satisfied.

16 You will maintain one personal checking account.  
17 All of your income, monetary gains or other pecuniary  
18 proceeds will be deposited into this single account  
19 that will also be used for payment of all personal  
20 expenses.

21 Records of all other bank accounts, including  
22 business accounts, will be disclosed to the supervising  
23 probation officer based on her request.

24 You shall not transfer, sell, give away or  
25 otherwise convey any asset with a fair market value in

1 excess of \$1,000 without the approval of the  
2 supervising probation officer until all financial  
3 obligations are imposed by this Court -- that have been  
4 imposed by this Court.

5 And you will not hold employment having a  
6 fiduciary responsibility during the supervision term  
7 without first notifying the employer of this  
8 conviction, and you shall not hold self-employment  
9 having fiduciary responsibilities without approval of  
10 the supervising probation officer.

11 In addition, the Court will make a judicial  
12 recommendation, Mr. Mansaray, that upon your release  
13 that you participate in the HOPE Court program.  
14 Mr. Beretta can fill you in on that program.

15 I think it would be, in light of your history  
16 and your long period of supervised release, that it  
17 would be in your best interest to consider the HOPE  
18 Court program upon your release.

19 As part of your plea agreement, Mr. Mansaray,  
20 you agreed to waive the right to appeal the sentence  
21 the Court imposed if the sentence was within or below  
22 the guideline range. This is, in fact, a  
23 below-guideline range sentence, so you've waived your  
24 right to appeal the sentence. Do you understand that?

25 THE DEFENDANT: Yes, I do, your Honor.

1 THE COURT: Ms. Edgar, anything further for  
2 probation?

3 THE PROBATION OFFICER: No, your Honor.

4 THE CLERK: Did we do restitution?

5 THE COURT: Yes, 74,300 to Citizens Bank.

6 Mr. McAdams, anything further for the  
7 Government?

8 MR. McADAMS: No. Thank you.

9 THE COURT: Mr. Beretta, anything further for  
10 Mr. Mansaray?

11 MR. BERETTA: No, your Honor. Thank you.

12 THE COURT: Mr. Mansaray, I wish you well, sir.  
13 We'll stand adjourned. Thank you, Ms. Reddy.

14 (Recess)

15 THE COURT: Folks, my apologies. It was pointed  
16 out to me apparently I misspoke. The sentence the  
17 Court intended was for a total of 60 months. That  
18 should have been calculated as and the Court imposes a  
19 period of 36 months as to Count I to be followed  
20 consecutively by 24 months as to Count II for a total  
21 of 60 months, six zero.

22 Do you understand that, Mr. Mansaray?

23 THE DEFENDANT: Thank you very much, your Honor.

24 THE COURT: My apologies. Thanks, folks.

25 (Adjourned)

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C E R T I F I C A T I O N

I, Karen M. Wischnowsky, RPR-RMR-CRR, do hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes in the above-entitled case.

December 20, 2018

Date

/s/ Karen M. Wischnowsky

Karen M. Wischnowsky, RPR-RMR-CRR  
Federal Official Court Reporter