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11
12 UNITED STATES DISTRICT COURT
13 FOR THE DISTRICT OF ARIZONA
14

15 United States of America,

16 Plaintiff,

17 vs.

18 Jonathan VanScoyk,

19 Defendant.

Case No. 4:21-CR-01620-JCH

**DEFENDANT JONATHAN
VANSCOYK'S SENTENCING
MEMORANDUM**

20
21 Defendant Jonathan VanScoyk, by and through undersigned counsel, respectfully submits
22 his Sentencing Memorandum to the Court. After considering all of the sentencing factors contained
23 in 18 U.S.C. § 3553(a), Mr. VanScoyk respectfully requests the Court sentence him to a term of
24 probation as such a sentence is sufficient, but not greater than necessary, to comply with the
25 purposes of Section 3553(a).
26

27 Mr. VanScoyk spent his entire life in pursuit of family, faith and education. In the midst of
28 the pandemic, during a moment of fear and weakness, he agreed to assist his brother Austin

1 VanScoyk and their longtime friend Sam Fiedler by electronically signing federal loan documents
2 that were predicated on false information. Having accepted responsibility for his misconduct, he
3 now stands before this Court for his sentencing.

4 Without diminishing the severity of his conduct, however, some additional context
5 regarding this matter is required. Although Mr. VanScoyk will be sentenced by this Court on the
6 same day as his brother Austin, there are critical distinctions between their conduct. Unlike his
7 brother and/or Fielder, Mr. VanScoyk played a minimal role in this offense. Unlike his brother
8 and/or Fielder, Mr. VanScoyk did not prepare false schedules of employees, nor did he plan and
9 orchestrate this offense. Unlike his brother and/or Fielder, Mr. VanScoyk did not submit a myriad
10 of fraudulent loan applications containing bogus tax documents. Mr. VanScoyk did not use one
11 cent of illicitly obtained money for personal gain. And unlike his brother and/or Fielder, Mr.
12 VanScoyk made sure that the proceeds of the loan in which he participated was paid back in full –
13 **before he was even made aware of the existence of the criminal investigation.**¹
14

15
16 Nevertheless, Mr. VanScoyk accepts full responsibility for his misconduct. In fact, when it
17 became clear he was being investigated for this offense, he agreed to speak to the government and
18 he assisted them by providing them with relevant text messages. This shows that his regret and
19 remorse is real and significant. He is haunted by the fact that his actions have permanently impaired
20 his ability to provide for his family and ended his dream of becoming a medical professional. He
21 must also live with the shame that comes with his children knowing their father has committed a
22 federal offense. These and the countless other collateral consequences of his actions serve as
23 additional punishment in addition to whatever sentence the Court ultimately imposes.
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27 _____
28 ¹ Each of these actions were necessary to perpetuate the fraud and, while Mr. VanScoyk did not participate in them personally, he does not know for certain who performed each action.

1 **I. Background**

2
3 On December 10, 2020, Mr. VanScoyk was charged in a one-count criminal complaint
4 alleging that he participated in a conspiracy with his brother Austin VanScoyk and Samuel Fiedler
5 to commit bank fraud, in violation of Title 18, United States Code, Sections 1349 and 1344. ECF
6 Dkt. #1. Mr. VanScoyk eventually agreed to proceed by way of information in this case and, on
7 July 12, 2021, he was formally charged with one count of conspiracy to commit wire fraud, in
8 violation of Title 18, United States Code, Sections 371 and 1343. ECF Dkt. #34.² On that same
9 day, Mr. VanScoyk appeared before the Court and entered a plea of guilty to the one-count
10 information. ECF Dkt. #39.

11
12 On September 24, 2021, Mr. VanScoyk filed his Objections to the Presentence Investigation
13 Report, which raised factual and legal challenges to the Presentence Investigation Report (“PSR”)
14 filed by the Probation Office. ECF Dkt. #45. This matter is set for a sentencing hearing on
15 November 16, 2021 before this Court.

16 **II. Sentencing Procedure**

17
18 As this Court is well aware, the primary focus of the sentencing inquiry is to determine a
19 sentence that is “sufficient, but not greater than necessary, to comply with the purposes” of 18
20 U.S.C. § 3553. 18 U.S.C. § 3553(a). To assist with this determination, the statute provides seven
21 factors the Court should evaluate in considering an appropriate sentence:

- 22
- 23 (1) the nature and circumstances of the offense and the history and characteristics
of the defendant;
 - 24 (2) the need for the sentence imposed: (i) to reflect the seriousness of the offense,
25 to promote respect for the law, and to provide just punishment for the offense;
26 (ii) to afford adequate deterrence to criminal conduct; (iii) to protect the public
from further crimes of the defendant; and (iv) to provide the defendant with

27
28 ² References to “ECF Dkt. #” in this memorandum refer to docket entries for the criminal case against Mr. VanScoyk
– 4:21-CR-1620-JCH.

1 needed educational or vocational training, medical care, or other correctional
2 treatment in the most effective manner;

3 (3) the kinds of sentences available;

4 (4) the kinds of sentence and the sentencing range established for the applicable
5 category of offenses committed by the applicable category of defendant as set
6 forth in the [United States Sentencing Guidelines];

7 (5) any pertinent policy statement issued by the United States Sentencing
8 Commission;

9 (6) the need to avoid unwarranted sentence disparities among defendants with
10 similar records who have been found guilty of similar conduct; and

11 (7) the need to provide restitution to any victims of the offense.

12 18 U.S.C. § 3553(a)(1) – (7).

13 As is set forth below, the application of these factors to this matter demonstrates that a
14 probationary sentence is “sufficient, but not greater than necessary, to comply with the purposes”
15 of 18 U.S.C. § 3553.

16 **III. Sentencing Position**

17 A. Calculation of Advisory Guideline Range

18 On September 10, 2021, the Probation Office filed the PSR in this case. In computing the
19 advisory guideline range, the Probation Officer concluded that the base offense level for Mr.
20 VanScoyk’s offense of conviction was 6, pursuant to Guideline § 2B1.1(a)(2). Mr. VanScoyk
21 agrees with this determination. The Probation Officer then added an additional 14 levels because
22 the intended loss in the charged fraud scheme was \$594,830, which is more than \$550,000 but less
23 than \$1,500,000, pursuant to Guideline § 2B1.1(b)(1)(H). Mr. VanScoyk agrees with this
24 determination. The Probation Officer then reduced the offense level by two levels because she
25 determined that Mr. VanScoyk was a minor participant in the charged criminal activity, pursuant
26 to Guideline § 3B1.2(b). As stated more fully in his Objections to the Presentence Investigation
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1 Report filed on September 24, 2021, which are incorporated in full herein (*see* ECF Dkt. #45), Mr.
2 VanScoyk objects to this determination and instead takes the position that his offense level should
3 be reduced by four levels because he was a minimal participant in the charged criminal activity,
4 pursuant to Guideline §3B1.2(a). Finally, the Probation Officer determined the offense level should
5 be reduced by an additional three levels for acceptance of responsibility and timely plea, pursuant
6 to Guidelines §§ 3E1.1(a) and 3E1.1(b). Mr. VanScoyk agrees with this determination. The parties
7 further agree that Mr. VanScoyk falls within Criminal History Category I.
8

9 In the PSR, the Probation Officer determined that, based on a total offense level of 15 and
10 a Criminal History Category of I, the advisory sentencing guideline range should be 18 to 24
11 months. It is Mr. VanScoyk's position that, based on a total offense level of 13 and a Criminal
12 History Category of I, the correct advisory sentencing guideline range should be 12 to 18 months.
13 Mr. VanScoyk understands that it is the province of this Court to determine the applicable advisory
14 guideline range. With that being said, it is also important to note the plea agreement Mr. VanScoyk
15 entered into is controlled by Federal Rule of Criminal Procedure 11(c)(1)(B). Specifically, the
16 government and Mr. VanScoyk agreed (and agreed to be bound by) a determination that the
17 applicable guideline range in this case is 12 to 18 months.
18

19 B. The Application of the 3553(a) Factors

20 1. Nature and Circumstances of the Offense and History and Characteristics of the
21 Defendant

22 Both the nature and circumstances of the offense and Mr. VanScoyk's personal background
23 compel the conclusion that the only appropriate sentence in this case is one for a term of probation
24 to be decided by the Court. Starting first with Mr. VanScoyk's background, it is critical to note
25 this is the first time he has ever been in trouble with the law. The conduct and illegal activity that
26 now brings him before the Court is an aberration and completely divorced from what was, up until
27 he was criminally charged, a thoroughly law-abiding life devoted to his family, his education, and
28

1 his community. First and foremost, Mr. VanScoyk is a devoted and loving husband, father, and
2 son. He comes from a large family with a strong religious background with the Mormon church.
3 He participated in a two-year church mission to the Carlsbad, California area, where he actively
4 served the community in soup kitchens and food banks and otherwise assisted the needy and
5 homeless. After his mission was over, he continued to serve and help his community as part of the
6 Starkey Foundation, a part of whose mission was to provide hearing aids to low income individuals.
7 During his time working with the Starkey Foundation, he assisted in donating approximately 100
8 free pairs of hearing aids to those most in need. Mr. VanScoyk also is an active member of his
9 church where he teaches Sunday School and actively volunteers in the church's activities building
10 homes with Habitat for Humanity.
11

12 While Mr. VanScoyk has been an upstanding member of his community, the center of his
13 universe is and has always been his wife and children. Mr. VanScoyk married the love of his life,
14 Megan, in December 2012. Together they have three young girls (ages 7, 5, and 3) and one son
15 (age 1). Megan is currently pregnant with their fifth child who is expected in the spring of 2022.
16 Mr. VanScoyk is the strong nucleus of the family – serving as the rock for Megan as she has
17 suffered from postpartum depression and a difficult pregnancy and a doting and loving father to his
18 four young children. Megan said it best in her letter to the Court: “Jonathan has been such a strength
19 and example to me, and is one of my heroes.” It goes without saying that imposing a custodial
20 sentence on Mr. VanScoyk, even a modest one of just a few months, will have an incredibly
21 damaging impact on Megan and the VanScoyk children. Megan needs Mr. VanScoyk home with
22 her to help care for the kids they currently have and the newborn that will arrive in just a few
23 months.
24

25
26 Mr. VanScoyk previously held dreams of serving his community as a medical professional.
27 Mr. VanScoyk always had an aptitude for science and in 2019 he embarked on a medical career
28

1 when he enrolled in a Masters program in Biomedical Science at Midwestern University in
2 Glendale, Arizona. As Megan VanScoyk explains it, Mr. VanScoyk juggled studying 60 hours a
3 week for his Masters degree with all of his familial commitments to his wife and young children.
4 Through it all, Mr. VanScoyk never waived in his role as his family’s “rock.” His hard work paid
5 off when he graduated with a Masters in Biomedical Science on May 28, 2020. Unfortunately, as
6 Mr. VanScoyk admits, he destroyed his dream when he chose to commit this offense. Having now
7 been convicted of a federal felony offense, Mr. VanScoyk knows he will never be able to fulfill his
8 dream of going to medical school and becoming a licensed physician’s assistant.

9
10 Mr. VanScoyk is a solid and dependable man who loves his family and his children dearly.
11 While this case has been going on, he has done everything in his power to continue to provide for
12 his family in every possible way – be it financially, spiritually, or emotionally. His family needs
13 him where he can continue to do the most good for them – at home. A term of incarceration would
14 be devastating.

15
16 Saying all of this is not in any way intended to minimize the seriousness of the offense for
17 which Mr. VanScoyk stands convicted. He is deeply apologetic and remorseful for the part he
18 played in this PPP fraud. As he told the Probation Officer and is reflected in the PSR, Mr.
19 VanScoyk realizes and appreciates how important PPP loans were and are to companies all across
20 the country struggling to weather the current pandemic. As he said, he sincerely hopes that his
21 actions “did not prevent or hinder one of these businesses from obtaining a loan.” PSR at ¶ 43.
22 Mr. VanScoyk acknowledges that he “made the biggest mistake of my life when I helped my
23 brother (Austin VanScoyk) and our business partner (Sam Fiedler) secure a PPP loan that was
24 predicated on inflated payroll records.” *Id.* It is a significant reflection of Mr. VanScoyk’s
25 character that, when he learned there were improprieties in the PPP loan submitted for his company
26 Grand American Homes in early June 2020, he took steps to ensure that the full value of the PPP
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1 loan was paid back in full within two weeks of it being funded. Even more importantly, he made
2 sure the PPP loan was paid back in full before he was even aware he was a target of this federal
3 wire fraud investigation. In a similar vein, once it became clear to Mr. VanScoyk that he was
4 indeed a target of this federal PPP investigation, he sat for multiple proffers with the government,
5 including one during which he voluntarily provided the agents and prosecutor with valuable text
6 messages between Austin, Fiedler, and himself from the relevant time frame of the PPP fraud.
7

8 2. Need for Sentence to Reflect Seriousness of the Offense, Need for General
9 and Specific Deterrence, and Need for Training Services

10 As noted elsewhere in this memorandum, Mr. VanScoyk understands and appreciates that
11 PPP fraud is a very serious offense and that the government has a legitimate mission to ensure
12 disaster funding goes to the correct recipients, in the right amounts, and that those funds are used
13 as Congress intended. While the instant fraud is perhaps not as egregious as other PPP frauds the
14 government has elected to investigate and prosecute (*e.g.*, the PPP loan funds were not used to
15 purchase Lamborghinis or fancy jewelry), the fact still remains that Mr. VanScoyk participated in
16 a scheme to defraud the PPP loan program of \$594,830 – by any estimation a serious amount of
17 money. What sets this particular offense (and Mr. VanScoyk’s participation in it) apart from other
18 PPP loan frauds, however, is the fact that the full amount of the Grand American Homes PPP loan
19 was paid back to Celtic Bank by the middle of June 2020. Neither Celtic Bank nor the federal
20 government has suffered any actual financial loss associated with the Grand American Homes
21 offense.³ And Mr. VanScoyk himself never personally profited or gained anything from the fraud
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25 ³ This is in sharp contrast to the other PPP loan applied for by Austin VanScoyk and Sam Fiedler on behalf of Bright
26 Edge in the amount of \$638,300. There are two important things to note about this Bright Edge PPP loan. First, Mr.
27 VanScoyk had no involvement in submitting the application for this loan and he has neither been charged with PPP
28 fraud in connection with this Bright Edge loan nor did he plead guilty to any illegal conduct related to the Bright Edge
loan. Second, upon information and belief, unlike the Grand American Homes loan, the Bright Edge PPP loan has not
been paid back.

1 – not one cent of the proceeds of the PPP loan went into his pocket or that of his wife, either in the
2 form of salary or otherwise.

3 Furthermore, as even the Probation Officer acknowledges, Mr. VanScoyk's role in this
4 fraud was minor. For virtually the entire period when the fraud was being conceived and executed,
5 Mr. VanScoyk was a full time graduate student. The intricacies of perpetrating the fraud were left
6 to his brother Austin and/or Fiedler. Mr. VanScoyk admittedly spoke with Shane Britt about having
7 him join Grand American Home as a full-time employee. He also acknowledges that he gave final
8 approval, with his signature, to the Grand American Homes PPP loan application (after it was
9 completed and the required accompanying documentation assembled by Austin and/or Fiedler).
10 Mr. VanScoyk was far from the mastermind of this fraud scheme; instead he followed the directives
11 given to him by Austin and/or Fiedler when he was able to carve time away from his busy academic
12 schedule and important family commitments.
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15 Given these unique circumstances in this particular case, a custodial term of imprisonment
16 for Mr. VanScoyk is not necessary to ensure that a proper punishment is imposed that reflects the
17 seriousness of this offense. A probationary sentence comports with the seriousness of the Grand
18 American Homes PPP fraud.

19 With respect for the need to promote general and specific deterrence, again, given the
20 particular circumstances of this specific case, a term of probation ensures the general public
21 understands there are serious consequences that arise from engaging in PPP fraud. Mr. VanScoyk
22 will have a felony conviction on his record for the rest of his life. He will carry that with him during
23 every subsequent job interview, every time he applies for a loan. A felony conviction on his record
24 is a serious price he will live with every day. Under the circumstances presented in this particular
25 case, the Court need not compound the punishment Mr. VanScoyk is already facing by having him
26 serve a modest term of imprisonment. The aims of general deterrence do not require it.
27
28

1 With respect to the issue of specific deterrence, the Court can be assured that Mr. VanScoyk
2 personally has learned his lesson. This has been an excruciating experience for him. His reputation
3 is largely in tatters and his dreams of being a physician's assistant have been dashed. The Court
4 need only look at his spotless criminal record to date to know that Mr. VanScoyk will never commit
5 another crime and go through the criminal justice again. For him, once is enough. The Court can
6 be confident of that. Given what he has already gone through and suffered for his one incredibly
7 stupid decision, he does not need a term of imprisonment to reinforce the message that he needs to
8 live the rest of his life as an upstanding and law abiding citizen.

9
10 3. The Kind of Sentences Available and the Sentencing Range Established by
11 the United States Sentencing Commission

12 There are two potential types of sentence that are available to the Court when sentencing
13 Mr. VanScoyk – either a term of incarceration or a term of probation. As Mr. VanScoyk has stated
14 repeatedly throughout this memorandum, it is his position that the only appropriate sentence in this
15 case is probation. However, Mr. VanScoyk understands that, technically speaking, under the
16 Sentencing Guidelines, he is not eligible to receive a probationary sentence. Specifically, as was
17 discussed above, the parties have agreed that the applicable advisory sentencing guideline range in
18 this case is 12-18 months, which falls within Zone C of the Guidelines Sentencing Table. Under
19 the terms of Guideline § 5B1.1, a term of probation is only appropriate in cases that fall within
20 either Zone A or Zone B.⁴ However, it is critical to note that this provision, like all other provisions
21 of the Sentencing Guidelines, is advisory. *See Booker v. United States*, 543 U.S. 220 (2005). Thus,
22 the Court should view itself as free from the guidelines prohibition against sentencing Mr.
23 VanScoyk to a term of probation. To the extent the Court feels some term of imprisonment is
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26 _____
27 ⁴ Guideline § 5B1.1(b) also notes that probation is not available for offenses of conviction that have been defined in
28 the U.S. Code as Class A or Class B felonies. Mr. VanScoyk has been convicted of a Class D felony as the statutory maximum term of imprisonment for the offense of conviction is five years. Thus, the statutory restriction on a sentence of probation is not applicable in this case.

1 required, even a *de minimis* one, Mr. VanScoyk respectfully requests that he be sentenced to either
2 one day of imprisonment, which should be considered time served on the day he was “arrested”
3 and appeared on the criminal complaint filed against him on December 10, 2020, or to a period of
4 home incarceration. The Court could then impose an appropriate term of supervised release to
5 follow.

6
7 4. Need to Avoid Unwarranted Sentencing Disparities

8 18 U.S.C. § 3553(a)(6) requires the Court to evaluate the need to “avoid unwarranted
9 sentencing disparities among defendants with similar records who have been found guilty of similar
10 conduct.” Without the need to examine other PPP defendants in cases across the country, the Court
11 can satisfy this prong of the Section 3553(a) analysis by examining the defendants who have been
12 charged in this particular PPP fraud. As was discussed in more detail in Mr. VanScoyk’s Objections
13 to the PSR, Mr. VanScoyk’s brother Austin VanScoyk and their business partner Sam Fiedler were
14 charged in another criminal information also pending before this Court. That criminal information
15 charged a much broader and extensive scheme to defraud the PPP program in that Austin VanScoyk
16 and/or Fiedler submitted nine PPP loan applications on behalf of six different businesses owned
17 and/or controlled by the two men. The only overlap between the more expansive PPP fraud charged
18 against Austin VanScoyk and Fiedler and the PPP fraud scheme charged individually against Mr.
19 VanScoyk was the PPP loan application submitted on behalf of Mr. VanScoyk’s company Grand
20 American Homes. Mr. VanScoyk was not charged with, and he did not plead guilty to, any of the
21 illegal conduct his brother and Fiedler engaged in with respect to the other companies.

22 The reason this distinction is important for purposes of Mr. VanScoyk’s sentencing is that
23 the Court should assess the relative culpability of Mr. VanScoyk vis a vis his brother and Fiedler
24 with an eye toward the sentence(s) the Court has already imposed in the other case. By any normal
25 understanding of the term, Mr. VanScoyk is significantly less culpable in the charged PPP fraud
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1 than either Austin or Fiedler. Even with respect to the Grand American Homes PPP fraud, the PSR
2 has already concluded that Mr. VanScoyk was a minor participant (even though Mr. VanScoyk is
3 of the view he should properly be viewed as a minimal participant). He was a full time student
4 studying 60 hours a week while his brother and/or Fiedler concocted the scheme. While Mr.
5 VanScoyk certainly acknowledges and admits that he spoke with Shane Britt, an independent
6 contractor, about becoming a W-2 employee and he electronically signed certain loan documents,⁵
7 viewed holistically against the more significant fraudulent activity of Austin and/or Fiedler, Mr.
8 VanScoyk is not in their league.⁶ To top it off, when it became clear there were serious issues with
9 the Grand American Home loan application, Mr. VanScoyk took immediate steps to return the PPP
10 loan funds and make sure the bank and the federal government were made 100% whole.
11

12 With this background in mind, the Court is in a position to avoid unwarranted sentencing
13 disparities by considering the 8-month term of imprisonment this Court has already imposed against
14 Fiedler on August 13, 2021. *See* 4:20-cr-02736-JCH-BGM ECF Dkt. # 53, 59. Given the integral
15 role Fiedler played in a much more extensive scheme to defraud the PPP program, a sentence of a
16 term of probation for Mr. VanScoyk measured against the 8-month sentence Fiedler received makes
17 perfect sense. Unfortunately, at the time this memorandum is filed, the Court will not yet have had
18 an opportunity to render a sentence as to Austin VanScoyk. But given the role Austin VanScoyk
19 played in the larger Bright Edge companies PPP loan fraud, there can be little doubt that Mr.
20 VanScoyk's sentence must be more lenient than that of his brother. The final calculus leads to only
21 one justifiable conclusion – that Mr. VanScoyk receive a term of probation.
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24 _____
25 ⁵ By the time Mr. VanScoyk performed any act in furtherance of the fraud scheme, the fraudulent documents had been
26 prepared, the loan package had been submitted and approved and the only step remaining for Mr. VanScoyk to complete
27 was the electronic signing of the promissory note and other loan documents.

28 ⁶ Mr. VanScoyk similarly acknowledges that he participated in a phone call with Celtic Bank when they wanted to
discuss potential issues with the loan application. Because he knew so little about the Grand American Homes PPP
loan application, during the call, Mr. VanScoyk conferenced Fiedler into the call so Fiedler could answer the bank's
specific questions.

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IV. Conclusion

WHEREFORE, after reviewing all of the relevant factors contained in 18 U.S.C. § 3553(a), Mr. VanScoyk respectfully requests that this Court sentence him to a term of probation to be determined by the Court.

DATED: November 10, 2021

Respectfully submitted,
NIXON PEABODY LLP

By: /s/ John R. Sandweg
John R. Sandweg
Christopher P. Hotaling
*Attorneys for Defendant
Jonathan VanScoyk*

Copy of the foregoing served electronically
this 10th day of November 2021, to:

All ECF Participants

EXHIBIT A

Megan VanScoyk
megvanscoyk@gmail.com

October 4, 2021

Honorable John C. Hinderaker
United States District Court Judge
U.S. District Court for the District of Arizona
405 W. Congress Street
Suite 1500
Tucson, AZ 85701

Dear Judge,

I have known Jonathan since March of 2012. I knew very quickly that he was the man I wanted to marry and create a family with, and we married in December of 2012. We have the most beautiful family together: three girls ages 7, 5, and 3, and one sweetheart little boy who is 1. I am also pregnant with our fifth baby, we are hoping for another boy for our little guy to pall around with. This has been my most difficult pregnancy yet. I honestly could not have made it through this pregnancy so far without Jonathan. He has been my rock when I've been sick, taken me in for IV fluids whenever I needed them, and helped with the older kids whenever I was too sick. Jonathan is a very kind, patient, and compassionate man; he would have made a phenomenal doctor if our situation had been different. I say "our" situation because we are a family; this has not just impacted Jonathan, it has impacted our family. We love Jonathan very much, and want the best for him because that means the best for us.

I have been with Jonathan every step of the way for his future. We decided as a family that it was time for Jonathan to fulfill his dream of becoming a doctor, and in August of 2019 moved to Phoenix so he could take part in a year long biomedical program that, if successful, would open up medical school or PA school for him. The program was extremely rigorous, with about 30% of the students dropping out after the first semester. As he was spending about 60 hours per week just on school work, most of our evenings were spent sitting quietly next to each other while he studied. It was a very demanding time for him, and we tried to spend time with each other in whatever way we could. When Arizona Midwestern closed in March 2020 due to the start of the Covid-19 pandemic we made the difficult decision to move back to our small town: it would be closer to family, and easier to weather the storm we knew was coming because of the pandemic. We lived in a 29 foot camper for six weeks (all five of us) while waiting for a larger place to open up, and saw less of Jonathan due to the confined space and his need for quiet study time. It was very difficult. He graduated that June just before our son was

born and we were thrilled! Although he will no longer be able to attend medical school or become a doctor, I am still incredibly proud of him. The fact that he was able to finish the most demanding and grueling year of school that anyone could imagine, especially through a pandemic, is incredible. Add to it that he chased his lifelong dream. He has been such a strength and example to me, and is one of my heroes. I love him more than I will ever adequately be able to express, and look forward to a long and beautiful future with him and our children.

Sincerely,

Megan VanScoyk

Norma VanScoyk
vanscoyknj@gmail.com

Honorable John C. Hinderaker
United States District Court Judge
U.S. District Court for the District of Arizona
405 W. Congress Street
Suite 1500
Tucson, AZ 85701

Dear Judge,

Jonathan was our first grandchild and we were delighted to welcome him to our family. It is very rewarding to see your children become parents. Jonathan was the oldest of three little boys who all arrived in three years. Three little boys can be a handful but they had wise parents to guide them. They were taught at an early age that hitting was not allowed. Disputes were solved at the kitchen table where each could voice their feelings and peace was restored

We lived in Wyoming and Jonathan would come during the summer and spend several weeks with us. Grandpa would load us up and head to the meadows where the Frogs were in harmony and waiting to be caught. He knew where there was a little stream of water with Rainbow Trout and showed Jonathan how to gently tickle their tummy and catch them with his hands and how to gently put them back in the water after the excitement of such a beautiful fish. One visit Jonathan was determined to learn how to ride a bike. Grandpa ran behind that bike for hours and all of a sudden it clicked and Jonathan was riding by himself. We were all elated.

In 1998 my husband was diagnosed with pancreatic cancer and three months later passed away at the age of 54. It was tradition that everyone in the family always came for Christmas. Jonathan was 12 years old and previous years had gone with his grandpa to the forest and cut down a Christmas tree. He was determined that I should have a live tree as usual that year. It took great determination and persuasion to talk an adult into taking him to get a tag and help with getting the tree. They returned cold, wet, but happy with that little tree. We decorated it with candy canes and put a star on top. It really touched my heart that he cared so much.

I eventually moved to Arizona and lived next door to my Son and family. Jonathan was always available to help me with anything. He was always serious and dependable. After he got his Driver's License he and I took some road trips together. Even now with his little family he has room to take me with them on trips and events that are here in our community. I can no longer drive after dark but I can depend on Jonathan to take me when needed.

I am now 77 years old. I live by myself. I have some health issues, arthritis, autoimmune attacks and, atrial fibrillation. I often need help with things that I can no longer do by myself. Jonathan lives about 15 minutes from me and has come anytime I called him for help.

Jonathan has always been an avid reader and worked hard on learning. In 2020 he earned his Master's degree in biomedical Science. His goal was to become a Medical Doctor but a Felony charge may make that impossible.

As a family we have supported and helped each other through this hard year. We have continued our Sunday Dinners together after attending church. Having the very uncommon name of VanScoyk and living in a small valley makes it impossible to have any anonymity. I am praying that there is a way for Jonathan to still be able to work and support and help his little family.

Sincerely,

Norma VanScoyk

Ruth VanScoyk
rhv800a@gmail.com

October 5, 2021

Honorable John C. Hinderaker
United States District Court Judge
U.S. District Court for the District of Arizona
405 W. Congress Street
Suite 1500
Tucson, AZ 85701

Dear Judge,

I would like to submit a letter for Jonathan VanScoyk in regards to his charges in the PPP fraud case. Jonathan is the oldest of the 3 boys in our family and has always had very much of a responsible attitude toward his duties as the oldest. He loves his brothers, likes to watch out for them and really has always been a good example of doing the right thing.

It is customary in our church, The Church of Jesus Christ of Latter Day Saints, to serve missions at 19 for 2 years. Jonathan has always been a more sensitive soul, a trait which I have often admired in him but I know going on a mission was a real act of faith on his part. He did it not only because I believe he wanted to, but to be a good example to his brothers. And it was a great example for those following behind him. He also has a keen ability to watch for those details going on around us. One day, his brother was close to a very deep window well with sturdy looking Styrofoam over it. Alex was about 6 years old at the time and standing right by Jonathan. As soon as Alex stepped on to that Styrofoam to look into the windows above, the Styrofoam started to give way but Jonathan reached over with his arm and pushed him back before he ended up in a 6 foot window well. He's just always been super responsible and aware which is why I have trusted him in so many areas of his life.

He was also never one to neither stay out late, carouse the town nor get in trouble as a teenager or even into adulthood. He was happier being home or hanging out with his family. Jonathan's personality is very low key and constant. He is someone I would call when I would be in a bind, really stressed out or when we have a rattle snake show up on the property. He just deals with things and doesn't let the energy around him or what else is going on affect him. He has his beliefs and sticks with them.

As I have seen him with his 4 children (3 girls and one boy) those girls absolutely adore their dad. He is sensitive to their needs and enjoys spending time with them. He takes the time to read, laugh with them and takes them places. Davey, the youngest is his father's pride and joy.

Jonathan skipped high school and finished his Bachelors degree with NAU at 18, right before heading on his mission. He and Austin did it together. I often credit Jonathan for helping both of them get through because Austin was almost 2 years younger than he was. He has always been very attentive.

Jonathan loves all things medical. This has long been a dream of his to go to medical school and while he started a family right after getting married, and some of those plans were put on hold and he has worked with Austin doing real estate or construction for several years. He is often affectionately called "Dr John" with us because of all the things he already knows and can tell us about all things medical. Due to a very supportive wife, he returned to school the fall of 2019 to get his masters and hopefully have what he needed to get into medical school. He has always been super smart, absorbing information easily and being able to apply it. School comes easy for him and he has excelled. This has been such a sad situation for us to watch those dreams all just wash away. Oh how he has tried to get the charges down to anything less than a felony or even just a fine but to no avail. It has been very sad for us to watch this all transpire.

While again, I haven't been privy to all the details of the case, I can't imagine his involvement hasn't been minimal and his liability low. I ask the courts for leniency. He has always been a positive, people-helping person in society that truly loves to help people and loves his family...both extended and immediate. I have NEVER had to worry about what he was doing or the decisions he was making because he never gave me any reason to worry. Never any crazy things going on in his life so this is definitely against his nature of what I would expect of him. Again, I ask the Court for its leniency.

Thank you,

Ruth VanScoyk

David VanScoyk
djv800a@gmail.com

November 10, 2021

Honorable John C. Hinderaker
United States District Court Judge
U.S. District Court for the District of Arizona
405 W. Congress Street
Suite 1500
Tucson, AZ 85701

Judge Hinderacker,

This is a letter of character for my son, Jonathan VanScoyk. Jonathan is the eldest son in our family. Jonathan is a very devoted father and spends much time and care with his family of four. He definitely has the gift of intelligence and all things school has come very easy for him.

As the oldest son, he was a great example to his younger brothers. He was never mean to them, always looked out for them and was very aware of his role as the oldest. We can trust Jonathan implicitly in almost any situation. He seems to have the cool, calm, levelheaded attribute that just allows you to know how he will behave in any situation. Ninety nine percent of the time it was admirable and respectful. Being the perfect oldest brother I am sure wasn't always easy for him. We have lived a pretty busy lifestyle in their growing up years. My wife and I went to school in Tucson when Jonathan was starting 1st grade. We only had one car and there were lots of trips with all the kids in the back dropping me off at school or take me to work. He never complained about our crazy, "why are my parents still in college" lifestyle which helped so much with the other two. He was almost always a good sport about our crazy schedule. No matter how many rooms the house had, we always had them bunk up together and learn to just get along. Jonathan was always the leader to do just that.

He loves the sciences and all things medical. As mentioned in Austin's letter, he also had the opportunity to attend college instead of high school. I don't think he was super thrilled with the idea at the time since he was the one doing the first year by himself (Austin was still in middle school at the time) but Jonathan did it. He was always quick to do what was asked of him. One of his first classes was Chemistry and he was super excited to be taking a college chemistry class. I think he went through and read most of it before classes even started just to get a feel for it. He attended those college classes and did quite well that first year. The second year, Austin joined him and they finished their degree from Northern Arizona University together in 2004.

It was also during this time that he finished up his scouting and completed his Eagle Scout Project. Shortly after that, he put in his papers to go on a church mission for two years.

Jonathan was the first one of our boys to go on a mission for our church. He was called to serve in the California Carlsbad mission and served for two years. I know this was hard for him to be the first one to leave. He didn't have the resources to pay for his mission since he had just graduated from school but we were able to help him with this. He grew tremendously in serving that mission. He was dedicated and did his best to teach and help others. We even got a few emails and letters from those

he was helping telling us how much they appreciated his service and love. As a parent that meant a great deal to me. Back then, we only had contact with him through weekly emails and he was allowed to call family on Mother's Day and Christmas so any other word from other about how he was doing was such a treat. He kept the rules of the mission and again was a great example to his brothers as they all served missions when their time came.

He has gotten along well with his brothers and it has been quite rewarding to watch all three of them work together and associate often. Many families seem to go their separate ways and just stay in touch here and there, but they have stayed close to each other both in the distance of their homes and in the things they do together. They have many of the same friends in this community they grew up in. We are grateful for the sense of family he brings to the table. He loves his brothers and I believe since they were born so close together, they really haven't known a lot of life without each other and they still really like that connection

You can be sure that if Jonathan tells you something, that is exactly what he is thinking. There is no ambiguity in what he says and he is very thoughtful about his conversations with others. He is more careful than Austin in just blanketly trusting others which has served him well. I really appreciate his dependability and the leadership he has shown in the family.

Although I am no lawyer or prosecutor, as his father and knowing the few facts that I know about the case, I believe the hand of justice has been heavy on him and what he has been dealt. Not really being involved in those decisions that was made by mostly Sam and again, both Austin and Jonathan believing that Sam was a CPA and knew the rules of those funds, I am not sure why he was pulled into these charges when he returned all those funds for the one loan he was involved in. I am sure he could have handled some things differently and I am not discounting that, but it still feels like all the facts were not taken into account.

As a family, we are choosing to focus on the good in our lives, healthy children, family that loves each other, and has weathered this very trying year together.

Thank you for your service and consideration to our family.

Sincerely,

David VanScoyk

Alexander VanScoyk
advanscoyk@gmail.com

October 5, 2021

Honorable John C. Hinderaker
United States District Court Judge
U.S. District Court for the District of Arizona
405 W. Congress Street
Suite 1500
Tucson, AZ 85701

Dear Judge,

My name is Alexander VanScoyk; I am one of the owners of Haven Home Health and Hospice. I am known in the Senior Healthcare industry throughout Arizona and Florida. I have grown to over a thousand full-time employees and service thousands throughout Arizona, focusing on the medicare benefit, covid-19, and the “hospital at home” model for those that are Medicare age. It’s been an honor to help grow a company and offer service to the seniors in this beautiful state.

I respect that a jury has found Jonathan guilty of the crime. I am writing this letter to offer a complete overview of Jonathan and his character both in the community, at church, and personally with family. He takes his children to service and he has served his church and community in multiple ways over the years without any motives other than contributing his time and talents to others.

In addition, he shows ongoing familial support to his wife and children, myself, our parents, and my grandma.

We had a family dinner this last Sunday; my father mentioned that he needed someone to check on my Grandmother. My brother was the first to volunteer and asked me if I would go, which I did. I have countless stories that are very similar to Jonathan helping others in the family or even in the church since I was one of the three foremost clergy leaders. He supported multiple individuals, he helped missionaries with meals, and he always put Megan and his children first before his wants or needs.

I see weekly how the news and outcome of this have negatively impacted Jonathan and his wife Megan. He has been emotionally impacted with all his friends and community members. Physical with all the stress and mental health. Financially with attorney fees, and lack of real estate work from his primary source of income. Even relationship-wise with his own family and kids that have felt the negative impact of this verdict. He has stayed stalwart in his willingness to serve and love his family and community regardless.

I am requesting leniency for Jonathan to serve his time at home under probation. That way he can still be the blessing that he is to his current family and the support system to his four children and his pregnant wife that desperately rely on him.

Sincerely,

Alexander VanScoyk

Jerry and Susan Hathcock
hathcock@frontiernet.net

November 8, 2021

Honorable John C. Hinderaker
United States District Court Judge
U.S. District Court for the District of Arizona
405 W. Congress Street
Suite 1500
Tucson, AZ 85701

Dear Judge,

We have known Jonathan VanScoyk for 9 years and have always known him to be an outstanding man. We have seen him deal with people through business transactions, personal dealings, family issues among others and have never seen him or known of him being dishonest, unfair, or have any manner of ill feelings toward others in any way. An example is after my aging mother got shingles, her hearing declined and she needed to be fitted with hearing aids. Since Jonathan was a hearing instrument specialist, he was able to help fit her with free hearing aids that greatly improved her quality of life.

He is my son in law. We have had business dealings together through buying and selling houses. We have never seen him be dishonest in any dealings with us or other people he has dealt with. He has been honest, upright and fair in each situation. He has truly been a man of high integrity.

If we could have hand picked a young man for our daughter to marry, it would have been him. He has been very kind and loving to our daughter as well as each of their children. We are proud to have him in the family.

Sincerely,
Jerry and Susan Hathcock