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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
HONORABLE GONZALO P. CURIEL**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NIKOLE EDWARDS,

Defendant

Case No.: 19-CR-2690 (GPC)

**NIKOLE EDWARD’S SENTENCING
MEMORANDUM**

I. Nikole Edwards’s Character Letters Support a Variance Under § 3553(a)

a. The people closest to Ms. Edwards, are all aware of what happened and support her through this.

Nikole Edwards makes no excuse to justify her conduct, but hopes the court understands what happened. Ms. Edwards’ actions were neither spontaneous nor malicious, but done out of panic and a lack of good decision-making skills and tools as documented throughout the PSR (Dkt. 14) and the poignant character letters written by her family and friends from all over the country.

Ms. Edwards’s father, Lanny Wagner (Exhibit A-1), her brother, Nathan Wagner (A-2), her friends, Emma Rosa Stuart (A-3), Carina Wayman (A-4), Melli Cady (A-5), Dr. Richard Odessey (A-6) all wrote letters detailing how loved Ms. Edwards is, and how she has been there for them or others in times of need without a thought for herself.

1 Ms. Edwards is currently living in Georgia with her friend, Teryn Kansa (A-7), who
2 opened her home to Ms. Edwards without hesitation when she needed a place to stay.

3 Most telling are the letters from Kaitlyn Moore and Taylor Van Winkle (A-8 and A-9,
4 respectively).

5 It appears from the letters that Ms. Edwards had very frank conversations with all of the
6 people in her life about what happened, what she did, and what might happen to her. Ms.
7 Edward's luckily has a support system full of people who know what she did and recognize she
8 needs help.

9
10 **b. Ms. Edwards is engaged in the cognitive behavioral therapy**
11 **recommended by probation with a licensed therapist and**
12 **continues to make real progress.**

13 The letter from Linda V. Emerson LCSW, LISW-S (Exhibit B), specifically addresses the
14 issues before the court and the concerns of probation. Ms. Edwards, with limited funds and
15 means, has found Ms. Emerson, who graciously works with Ms. Edwards for free. Ms. Emerson
16 cites her Christian faith as the reason for donating her time and services to Ms. Edwards.

17 The report does more than state Ms. Edwards has attended sessions. This report identifies
18 what Ms. Emerson referred to as a "thinking error" allowing Ms. Edwards to justify her actions,
19 offers eleven (11) separate and specific goals for treatment, and states that Ms. Emerson checks
20 with outside people to corroborate what Ms. Edwards tells her. The report suggests the cognitive
21 behavioral therapy in which Ms. Edwards is engaged, is quite comprehensive and willing to
22 address all of the issues head-on, with her entire support system engaged and keeping her
23 accountable as she progresses.

24 **II. WHY ARE WE HERE?**

25 Nikole Edwards takes complete responsibility for the fraud she committed in this case.
26 What Ms. Edwards wants the court to know is how she got here.

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1 **a. The months leading up to the COVID-19 shutdown.**

2 In June 2018, after 36 years of marriage, Ms. Edwards parents divorced. After a lifetime of
3 verbal and emotional abuse, and refusal to seek any treatment, her mother’s mental illness took
4 its toll. Though Ms. Edwards was an adult at this time, she was a part of this separation.

5 Troublingly, her mother disappeared after an episode and nobody has since or heard from her
6 since January 2019. As of right now, Ms. Edwards is unsure about the health, status, and
7 whereabouts of her mentally ill mother. The PSR and letters document and describe how toxic
8 and pervasive this relationship has been for Ms. Edwards.

9 On March 1, 2019, Ms. Edwards was forced to move.

10 On March 7, 2019 Ms. Edwards held her Maw Maw’s hand as she passed away. What
11 happened next could be described as what happens when a downward spiral meets a slippery
12 slope. Everything got worse, fast.

13 First and foremost, Ms. Edwards and her grandmother, Maw Maw, were incredibly close,
14 especially in the years before she passed. Ms. Edwards would either fly out herself or pay for
15 flights for her son Taylor and his girlfriend Kaitlyn to go in her stead. (Exhibit C, flight receipts
16 from visits to Maw Maw)¹.

17 Grief-stricken, later that year, her dog Ally developed cancer and the treatments were
18 expensive. Ms. Edwards did her best to pay for treatments, but she could not afford them on her
19 own. (Exhibit D, vet bills.) Her father started a GoFundMe to help pay for these, (Exhibit E,
20 GoFundMe for Ally) but the bills continued to mount. Her business suffered a number of
21 unexpected cancellations, (Exhibit F, cancelled contracts from 2019) while her bills began to
22 mount.
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28 ¹ Counsel can furnish receipts of flights for Taylor Van Winkle and Kaitlyn Moore upon request.

1 In February, 2020 her son Taylor and his girlfriend Kaitlyn moved in with her while they
2 searched for jobs. Ally was diagnosed with another auto-immune disease. By March 2020,
3 California was in lockdown, and all job offers for Taylor and Kaitlyn were rescinded.

4 With the state in lockdown by March, 2020 and most of the country to follow, job
5 prospects dried up for a large number of people. For small business owners, who do not have a
6 paycheck to rely on, and “eat what they kill” Ms. Edwards panicked.

7
8 **b. The COVID-19 shutdown.**

9 According to the National Endowment for Financial Education, by April, 2020, 88% of
10 Americans reported financial stress related to COVID; that number went to 84% when the same
11 survey was conducted in September, 2020. The level of economic anxiety, by those who felt it,
12 cannot be compared to anything most people experienced in this lifetime. This is not a matter of
13 a personal or regional tragedy; the entire world shutdown, and a lot of business owners were not
14 allowed to operate or earn a living. Regular household items disappeared from shelves without
15 assurances of when they would return, and when they did, without assurances of how safe it was
16 to go buy them.

17 Like most sole-proprietor, small business owners, Ms. Edwards experienced good months
18 and bad months. When there are too many bad months in a row, finances turn upside down
19 quickly. To say the COVID-19 shutdown created a panic does not address or express the
20 financial panic most Americans faced. With the entire world unsure of almost everything,
21 businesses shut down with \$1,200 to supplement months of lost income and earnings with no
22 plan or end in sight.

23
24 **c. Application for the loans.**

25 Ms. Edwards applied for the loans and admits the false claims orally and in writing, in
26 her efforts to obtain the loan. On June 22, 2020 after the loan finally went through, she panicked,
27 and actually called the loan company attempting to pay it back or cancel it. (Exhibit G, call log to
28 the loan company.) Albeit a half-hearted attempt, it was an attempt, to right the wrong.

1 **d. Out of the \$19,616.27, Ms. Edwards spent \$17,949.05 on back rent, utility bills**
2 **including past due balances, insurance, and veterinarian bills.**

3 \$5,888.67 went to repay veterinarian treatment & medication. (See, Exhibit D.) \$8,593.84
4 paid back rent (Exhibit H); \$1,343.42 paid groceries; \$987.69 paid past due and current balances
5 for cell phone and internet; \$488.45 paid past due and current balances for electric (Exhibit H);
6 \$396.21 went to car insurance; \$142.20 paid for life insurance; and \$108.57 paid for
7 medications. \$17,949.05 of the \$19,616.27 loan paid for living expenses. Ms. Edwards has made
8 full and immediate restitution of the loan, and is continuing to pay back her father, who lent her
9 the money for the immediate payment of restitution in full.

10 Ms. Edwards knows she fraudulently acquired the money. She asks the court to consider how
11 she spent the money. This was a person in dire financial straits before a pandemic hit. Once the
12 pandemic happened, she did what she thought at the time she had to do to make ends meet.

13
14 **III. Ms. Edwards reached out to her support network and has done**
15 **everything to change her circumstances and thinking.**

16 Since moving to Georgia, Ms. Edwards has been focusing on “overhauling her personal
17 and professional life” as she put it. She has made therapy, staying connected to her family and
18 friends – especially the people who wrote character letters to the court, her priorities. She has
19 been working as much as possible to pay back her father and all of the other debts she
20 accumulated of the last few years.

21 While residing with her best friend, Teryn Kansa, she has managed to pay off \$27,838 in
22 debt. Though Teryn does not accept rent from Ms. Edwards, insisting she pay off other debts
23 first, Ms. Edwards still contributes to groceries and gas. Ms. Kansa’s friendship is unwavering.
24 She loaned Ms. Edwards over \$2,000 in March, 2020 and another \$500 in April, 2020 when the
25 pandemic started and Ms. Edwards felt the panic set in. Exhibit I, loan from Teryn Kansa.

26 Through hustle and hard work, she added a new client in December, 2020 who pays
27 \$1,249 a month, and she added another client who will be paying \$10,000 a month, another
28

1 client that will pay \$29,500 for a mobile application development deal, and she recently
2 commenced a new book proposal that will pay \$2,500. Her monthly income will go from \$1,337
3 to \$12,586. She also published a book in December, one in January, another in March, and fourth
4 book in May.

5 Ms. Edwards attends therapy session once a week and is often assigned homework.
6 According to Ms. Edwards, Ms. Emerson, “has focused on deficiencies in my thinking and
7 processing in order to teach me how to make better decisions and take accountability, and forgo
8 justifications and excuses for poor judgement.” Fortunately, Linda Emerson is committed to
9 working with Ms. Edwards until she feels her services are no longer necessary.
10

11 **IV. CONCLUSION**

12 Ms. Edwards does not expect sympathy from the court for her mistake, but understanding
13 as to the events that led to it, her emotional state when she made that decision, and everything
14 she has done since then. Ms. Edwards is currently on a positive trajectory and not just because of
15 her financial success; she is facing the issues that brought her here for the first time, and making
16 meaningful strides.
17

18 She respectfully requests the court impose probation, and order the continuation of
19 cognitive behavioral therapy as a term of probation.
20

21 Dated: March 26, 2021

s./Melissa Bobrow
Melissa Bobrow
Attorney for Defendant,
Nikole Edwards