

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	Criminal No. 1:21-CR-00216
	:	
v.	:	(Judge Conner)
	:	
CHRISTINA MCCONNELL	:	(Filed Electronically)

**SENTENCING MEMORANDUM**

AND NOW, comes the defendant, Christina McConnell, by her attorney, Melissa B. Porter, Esquire, of the Federal Public Defender’s Office, and files this Sentencing Memorandum.

**I. Procedural and Factual History**

On May 11, 2021, Christina McConnell received a target letter from the U.S. Department of Justice informing her that she was the target of a federal criminal investigation relating to possible violations of wire fraud, bank fraud, false statements to a financial institution, and money laundering relating to funds received from the U.S. Small Business Administration’s Paycheck Protection Program (“PPP”) during the COVID-19 Pandemic.

On July 28, 2021, following plea negotiations, Mrs. McConnell signed a plea agreement waiving her indictment and pleading guilty to two counts of Title 18 U.S.C. § 1957—illegal monetary transactions.

On September 7, 2021, Mrs. McConnell entered a plea of guilty and was released on her own recognizance pending sentencing. The presentence report is complete, and Mrs. McConnell's sentencing guideline range is 12 to 18 months. This sentencing memorandum is offered in support of Mrs. McConnell's request for a variance from this sentencing range.

## II. 3553(a) Factors

### a. The Nature and Circumstances of the Offense

As stated in the presentence report ("PSR"), Mrs. McConnell was not involved in obtaining the fraudulent PPP Loan. *See* PSR, paragraph 4. The loan application was entirely completed and submitted by Mrs. McConnell's husband, Keith McConnell.<sup>1</sup> Mr. McConnell was, up until recent years, the sole financial provider in their marriage. At one point, Mr. McConnell operated a trucking company named KB Transportation LLC, but at the time of his loan application, that company was no longer operating and did not have any employees.

After the loan applications were approved, Mr. McConnell informed Mrs. McConnell that he had obtained a sum of money through loans, Bitcoin, and a 401K. Up until that point, Mrs. McConnell was not involved in managing the finances and took his word for it. Eventually Mrs. McConnell was made aware of

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<sup>1</sup> Mr. McConnell has pleaded guilty to violating one count of 18 U.S.C. § 1343 (wire fraud) and one count of 18 U.S.C. § 1956 (money laundering) and is scheduled for sentencing on March 22, 2022.

the source of and intended use for these funds, but after discussing the previously failed trucking business, they decided together that it would be best not to put any extra money into the trucking company and instead use the money for living expenses.

Between June 15, 2020 and July 8, 2020, Mr. McConnell transferred \$244,292 from his personal bank account to Mrs. McConnell's personal bank account. On June 16, 2020, Mrs. McConnell withdrew \$37,000 from her bank account to purchase two vehicles—one for herself and one for Mr. McConnell. On July 9, 2020, Mrs. McConnell transferred \$195,300 towards the purchase of a home. Those two transactions form the basis for the two counts and the dollar amounts represent the restitution attributed to Mrs. McConnell.

Mrs. McConnell accepts responsibility for her actions but wants Your Honor to understand that her husband has always been trustworthy and has always provided for her and her children, so she did not question the legality of his actions in obtaining the money. In hindsight, she acknowledges that she should have done more research or asked more questions to understand the terms and conditions associated with the loans prior to spending the money.

b. Ms. McConnell's History and Characteristics

Mrs. McConnell is a 43-year-old mother of three girls. She had a difficult upbringing and has had to overcome a lot. Mrs. McConnell was 4 years old when

her mother dropped her off at her father's house and the relationship with her mother deteriorated from that point on. While living with her father, Mrs. McConnell was subject to abuse and molestation at the hands of her stepmother's father from the ages of 10 to 12. No one intervened on Mrs. McConnell's behalf when she was brave enough to tell her parents what was happening to her.

Mrs. McConnell reconnected with her mother at 19 years old, and she moved to Nebraska to live with her mother and her mother's boyfriend. While in Nebraska, Mrs. McConnell met Keith McConnell, who is the son of Mrs. McConnell's mother's boyfriend. Mrs. McConnell became pregnant and got married almost immediately after moving to Nebraska.

Today, Mr. and Mrs. McConnell share three daughters, Natalie, 23, Breanna, 20, and Kylee, 14. Mrs. McConnell's main goal has always been to be the mother that she needed her mother to be and to provide the stability that no one in her life ever provided for her as a child. Until 2017, Mrs. McConnell stayed home and raised the girls while Mr. McConnell was the financial provider for their family. Since 2017, Mrs. McConnell has worked cleaning houses, providing in-home care, and now works as a package handler at UPS. Until these charges came about, she still largely relied on Mr. McConnell financially, which is why she never questioned him.

Since receiving the letter from the Department of Justice in May of 2021, Mrs. McConnell has had to reevaluate every aspect of her life. She and Mr. McConnell no longer live together, and Mrs. McConnell and their youngest daughter, Kylee, have their own apartment. She now works and pays her own bills and has a sense of independence and responsibility that she never thought to have before. She loves her job, and her employer is interested in promoting her to a supervisory position depending on the sentence she receives. Those things have been the silver lining in all of this and what has kept Mrs. McConnell going.

Despite trying to make the most of this situation, Mrs. McConnell has spent many days and nights crying and worrying over what the outcome will be for herself and her family. This situation has uprooted her life and impacted her children, her marriage, and her children's relationship with their father.

c. The Terms of the Plea agreement

In the plea agreement, the Government agrees that Mrs. McConnell's role in the charged criminal activity was that of a minor participant. Additionally, the Government agrees to recommend the "minimum term of imprisonment" within the guideline range. While this doesn't mean the Government agrees that Mrs. McConnell should not go to jail, it does support Mrs. McConnell's argument that she did not get involved in this with criminality in mind and that leniency is appropriate in her case.

d. The Need to Provide Restitution

Additionally, Mrs. McConnell agreed to make full restitution in the amount of \$232,300. As of the filing of this Memorandum, Mrs. McConnell's restitution has been paid in the amount of \$232,514.50. This shows that Mrs. McConnell has taken this situation seriously and is willing to do what is required of her. Likewise, it shows that she is capable of following court orders and is amenable to community supervision.

e. Incremental Punishment

Incremental punishment is a vital component of federal sentencing. Mrs. McConnell's criminal history only consists of a charge from 2005 for Issuing a Bad Check for Less Than \$100. *See* PSR, paragraph 27. Prosecution was declined in that case. *Id.* Mrs. McConnell has never even been on pretrial supervision, let alone probation, so she is asking Your Honor to consider how severe a guideline sentence of incarceration would be for her.

### III. Conclusion

Based on the foregoing, we ask the court to consider a variance to a sentence of probation or home confinement because Mrs. McConnell is not someone that needs to be incarcerated and probation or home confinement would be “sufficient, but not greater than necessary” to accomplish the purposes for imposing a sentence as outlined in 18 U.S.C. § 3553(a)(2).

Respectfully submitted,

Date: February 22, 2022

/s/ Melissa B. Porter

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**CERTIFICATE OF SERVICE**

I, Melissa B. Porter, Esquire, of the Federal Public Defender's Office, do hereby certify that I served a copy of the foregoing **Sentencing Memorandum**, via Electronic Case Filing, and/or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, and/or by hand delivery, addressed to the following:

SAMUEL S. DALKE, ESQUIRE  
United States Attorney's Office  
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CHRISTINA MCCONNELL

Date: February 22, 2022

*/s/ Melissa B. Porter*  
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