

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,)	6:20-cr-537-7
)	
V.)	DEFENDANT’S SENTENCING
)	MEMORANDUM
DERICK KEANE)	
)	
DEFENDANT.)	

On June 21, 2021, Defendant Keane notified the probation office of his objections to the presentence investigation report in this case. On June 30, 2021, the probation office issued responses to Keane’s objections. This sentencing memorandum is written in reply to the probation office’s response to Objection 8. Keane believes that he should be given a downward adjustment to his offense level for having a mitigating role pursuant to USSG Section 3B1.2.

The indictment in this case alleges fraud by the codefendants. The main thrust of the indictment is an allegation of the fraudulent procurement of money through the Paycheck Protection Program (PPP). The indictment also alleges fraud by the illegal procurement of money through federal tax refunds. The face of the indictment itself clearly shows that Keane had a mitigating role in this case. All parties agree that Keane had no role in the PPP fraud at all. Keane also had a mitigating role in the tax refund fraud. The indictment and the presentence report allege a lot of illegal activity by the codefendants in which Keane had no part.

In paragraphs 19 through 24 (presentence report paragraphs 21 through 26), the indictment alleges Christopher Agard’s illegal activity in the fraudulent procurement of money through the PPP. All parties agree Keane did not play any role in this illegal activity.

Paragraph 28 and 29 (presentence report paragraphs 30 and 31) explain that Lauren Duhart, Joshua Smith, Steve Lewis, and Henry Duffield served as brokers in fraud schemes. They allowed their bank accounts to be used for their fraud schemes. They received a portion of the proceeds of the schemes for serving as brokers. All parties agree that Keane did not serve as a broker and did not allow his bank account to be used.

Paragraph 30 (presentence report paragraph 32) explains that Duffield gave checks to Roosevelt Hunt and Jeremy Latourneau for laundering at Harrah’s Cherokee Casino. These checks were not given to Keane. Keane was involved in the laundering of the money at the casino, and he was paid for his involvement. However, Keane was not entrusted with the money to be laundered.

Paragraph 32 (presentence report paragraph 34) alleges that Keane attempted to cash a \$50,000.00 check at Harrah’s Casino on October 7, 2019. Keane denies that he did this. He does admit that he helped with the laundering of money at the casino on October 4, 2019. That was the only time he went to the casino.

Paragraphs 33 through 35 (presentence report paragraphs 35 through 37) explain further fraud by Agard through the PPP. Again, all parties agree that Keane was not involved in this.

Paragraphs 36 and 37 (presentence report 38 through 39) explain the dissemination of the money fraudulently obtained through the PPP by Duhart, Smith, Lewis, and Hunt. Again, Keane was not involved.

The indictment also contains a forfeiture allegation at pages 11 through 14. All codefendants are listed in this allegation. However, no property was actually sought to be forfeited from Keane.

Paragraphs 124 through 128 of the presentence report summarize the roles of each of the codefendants. Paragraph 124 summarizes the role of Steve Lewis. This paragraph explains that Lewis was involved in the following fraudulent activity:

1. Looking for business bank accounts to accept transfers,
2. A proprietary interest in the fraudulently obtained money,
3. Recruiting others to participate in the scheme,
4. Orchestrating the transfer of funds,
5. Communicating with other members of the conspiracy,
6. Deciding which fraudulent schemes to undertake,
7. Deciding how the money would be divided, and
8. Deciding how the money would be deposited.

Keane was not involved in any of this activity.

The report holds Lewis responsible for \$1,134,900.10. The report only holds Keane responsible for \$378,000.00. This amount for Keane is overstated and is addressed in a separate objection.

Paragraph 125 of the report summarizes the role of Christopher Agard. The paragraph explains that Agard was involved in the following fraudulent activity:

1. He was the owner of Wild Stylz Entertainment, LLC through which money was laundered,
2. Transferring the fraudulently obtained money to others involved, and
3. Applying for and initially receiving money from the government.

Keane was not involved in any of this activity.

The report also holds Agard responsible for \$1,134,900.10

Paragraph 126 of the report summarizes the role of Henry Duffield. The paragraph explains that Duffield was involved in the following fraudulent activity:

1. Duffield was the owner of Dupont Customs and Dupont Tire and Auto through which money was laundered,
2. He allowed the transfer of fraudulently obtained money to his business account,

Keane was not involved in any of this activity.

Duffield received \$78,000.00 for laundering money through the casino. Keane received \$4,000.00.

Paragraph 127 of the report summarizes the role of Jeremy Latourneau. Latourneau had a similar role to Keane in this case. However, Keane had mitigating role even as to Latourneau. For example, before the conspirators laundered money at the casino on October 4, 2019, Duffield gave checks in the amount of \$100,000.00 each to Hunt and Latourneau. Indictment paragraph 30, report paragraph 32. Neither Duffield nor any other conspirator ever entrusted Keane with any of the fraudulently obtained money. Upon information and belief, this is one reason why Latourneau was paid \$5,000.00 for the trip to the casino on October 4, 2019, but Keane was only paid \$4,000.00. Keane was paid the least amount of anyone involved.

Keane respectfully requests that he be given at least a two-level downward adjustment to his offense level for having a mitigating role pursuant to USSG Section 3B1.2. Keane's objections to the presentence report and the foregoing memorandum demonstrate that he had a limited role in the criminal activity. He is being held responsible for a loss amount that greatly exceeds his personal gain. He had limited knowledge of the scope of the criminal scheme.

Respectfully submitted,

s/Andrew Mackenzie
Attorney for Defendant