No. 19-11333-HH

In the
United States Court of Appeals
for the Eleventh Circuit

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

NADINE BROMFIELD ALEXANDER & SHAMEER HASSAN,
Defendants-Appellants

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
NO. 6:18-CR-124-ORL-37GJK-5, 6

BRIEF OF THE UNITED STATES

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June 19, 2020

Certificate of Interested Persons and Corporate Disclosure Statement

In addition to the persons and entity identified in the Certificate of Interested Persons and Corporate Disclosure Statements in Nadine Bromfield Alexander and Shameer Hassan's principal briefs, the following persons have an interest in the outcome of this case:

1. Adams, Jennifer, victim;
2. Adams, Jennifer Nancy, victim;
3. Anderson, David C., victim;
4. Atanasu, Ronald D., victim;
5. Babcock, Bryce A., victim;
6. Barrett, Freddie, victim;
7. Brotherton, Estate of James, victim;
8. Breton, Theresa A., victim;
9. Brown, Michael W., victim;
10. Cabibbo, John, victim;
11. Cabrera, Angelina, victim;
12. Camejo, Larissa, victim;
13. Carbo, Judith, victim;
14. Carbo, Shannon, victim;

15. Cole, Eugenie, victim;

16. Coleman, Jacqueline, victim;

17. Cooke, Nathan E., victim;

18. Cornfield, Frederick, victim;

19. Cornfield, Steven, victim;

20. Daumke, Charlene, victim;

21. Desisto, Diane, victim;

22. Diegidio, Michael, victim;

23. Eger, Robert, victim;

24. Ellis, Robert, victim;

25. Elmore, Karen, victim;

26. Ertie, Betty, victim;

27. Flores, Delores, victim;

28. Glover, Soyini, victim;

29. Gray, Amanda J., victim;

30. Grimes, Tracey, victim;

31. Guzman, Maria, Assistant United States Attorney (interested solely in her capacity as former Assistant Federal Public Defender);

32. Hall, Rodney Mark, victim;

33. Haughton, Lisbon J., victim;

34. Herd, Benjamin, victim;

35. Hernandez, Roy C., victim;

36. Hoerler, Joline White, victim;

37. Horton, Michele, victim;

38. Howard, Deborah, victim;

39. Johnson, Michelle, victim;

40. Kinane, Sharon M., victim;

41. King, Christopher, victim;

42. Kutrillion, Wiley, victim;

43. Lamoureux, Jeannie, victim;

44. LaPalme, Barbara, Esq.;

45. Lyle, Estate of Barbara J., victim;

46. MacNamee, James Joseph, victim;

47. Mahler, Lore, victim;

48. Marolf, Mark, victim;

49. Mazzo, Stephen, victim;

50. McDonald, Nancy, victim;

51. McNamara, Linda Julin, Assistant United States Attorney, Deputy Chief, Appellate Division;

52. Meade, Jeffrey Stewart, victim;

53. Micone, A. Frank, victim;

54. Mondello, James, victim;

55. Mouakar, Nicole, Federal Public Defender's Office;

56. Murphy, Carole Ellen, victim;

57. Nas, Richard, victim;

58. Osberg, Luann, victim;

59. Panton, Jasmin, victim;

60. Patel, Jayraj, victim;

61. Powers, Stephen, victim;

62. Pulliam, Alfred, victim;

63. Renoldine, Supplice, victim;

64. Robitaille, Mark Edward, victim;

65. Rogers, Joyce, victim;

66. Roy, Suzanne, victim;

67. Santos, Quintana A., victim;

68. Seddon, Ryan, victim;

69. Seider, Germaine M., Assistant United States Attorney;

70. Shoup, Doris, victim;

71. Sihvola, Frances, victim;

72. Smith, Melinda, victim;

73. Snyder, Estate of Richard H., victim;

74. Spaulding, Hon. Karla R., United States Magistrate Judge (retired);

75. Supple, Charles Leroy, victim;

76. Sweeney, Sara C., Assistant United States Attorney;

77. Tucker, Jean Marie, victim;

78. Valko, Stephanie, victim;

79. Van Etten, Sophia L., victim;

80. Wallace, Marie, victim;

81. Weitzner, Sara K., victim;

82. Whitecotton, Leo N., victim;

83. Whittemore, Richard, victim;

84. Williams, Estate of Gary Rogers, victim;

85. Winn, George, victim;

86. Wolfe, Estate of Leroy E., victim;

87. Wood, Mary, victim; and

88. Zapata, Sandra, victim.

No publicly traded company or corporation has an interest in the outcome of this appeal.

Statement Regarding Oral Argument

The United States does not request oral argument.

Table of Contents

Table of Citations

Cases

Statutes

Rules

Other Authorities

Statement of Jurisdiction

This is an appeal from a final judgment of the United States District Court for the Middle District of Florida in a criminal case. That court had jurisdiction. *See* 18 U.S.C. § 3231. The court entered the judgment against Nadine Bromfield Alexander and Shameer Hassan on March 26, 2019. Docs. 325, 327. Alexander timely filed a notice of appeal on April 8, 2019, Doc. 336, and Hassan timely filed a notice of appeal on April 4, 2019, Doc. 332. *See* Fed. R. App. P. 4(b). This Court has jurisdiction over this appeal, *see* 28 U.S.C. § 1291, and authority to examine Alexander's challenges to her sentence, *see* 18 U.S.C. § 3742(a).

Statement of the Issues

I. Whether sufficient evidence supports the jury's verdicts finding Alexander and Hassan guilty of conspiracy to commit wire fraud and to launder money and finding Hassan guilty of concealing the proceeds of wire fraud and aggravated identity theft. (Alexander and Hassan's Issue I)

II. Whether the district court correctly instructed the jury on deliberate ignorance. (Hassan's Issue II)

III. Whether the district court correctly instructed the jury on aggravated identity theft. (Hassan's Issue III)

IV. Whether the district court clearly erred in holding Alexander accountable for more than $3.6 million in loss. (Alexander's Issue II)

V. Whether the district court erred in enhancing Alexander's guidelines range because she knew or should have known that some of the victims were vulnerable to fraud. (Alexander's Issue III)

Statement of the Case

Alexander and Hassan were convicted of conspiracy, aggravated identity theft, and other offenses related to a large fraud scheme that promised victims, many of whom were elderly and vulnerable, substantial lottery winnings after the victims paid supposed taxes and fees. Alexander participated in multiple

parts of the conspiracy, including applying for debit cards that the conspirators used to receive victims' payments, stealing identities from her employer for the conspirators to hide behind, and wiring fraudulently obtained funds to conspirators in Jamaica. Hassan regularly wired money for the conspirators through Jamaica National, a money-transfer business for which he was an agent, and he often used stolen identities, obtained from Alexander and elsewhere, as the wires' senders rather than using the conspirators' real names. He continued wiring money despite multiple trainings and warnings from Jamaica National about the prevalence of lottery scams centered in Jamaica.

Both now challenge the sufficiency of the evidence underlying their conspiracy convictions, and Hassan also challenges the sufficiency of the evidence for his convictions for concealing the proceeds of unlawful activity and aggravated identity theft. Additionally, Hassan contends that the district court's jury instructions on deliberate ignorance and aggravated identity theft were faulty, and Alexander challenges the court's calculation of loss at sentencing and its finding that she knew or should have known that some of the victims of the scheme were vulnerable.

Course of Proceedings

A grand jury returned an indictment charging Alexander, Hassan, and others with conspiring to commit wire fraud "by fraudulently inducing victims

to send them money in exchange for falsely promised sweepstakes prizes," in violation of 18 U.S.C. § 1349, and conspiring to conceal the proceeds of the wire-fraud scheme, in violation of 18 U.S.C. § 1956(h). Doc. 1. The indictment also charged Alexander with two counts and Hassan with eight counts of concealing the proceeds of unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(B)(i), and both of them with three counts of aggravated identity theft during and in relation to the wire-fraud conspiracy, in violation of 18 U.S.C. § 1028A(a)(1) and (b). *Id.*

Both Alexander and Hassan proceeded to trial, Docs. 366, 368, 370, 372, 374, 376, 380, while the other defendants pleaded guilty to various charges, Docs. 100, 103, 127, 138. Following a seven-day trial, the jury convicted Alexander of both conspiracy counts and the aggravated identity-theft counts[1] and acquitted her of the two counts of concealing the proceeds of the wire fraud scheme. Doc. 183. The jury convicted Hassan of all counts against him. Doc. 184. The district court later sentenced Alexander to a below-guidelines sentence of 84 months' imprisonment, Doc. 325 at 2; Doc. 326 at 1–2,[2] and

[1]Alexander does not challenge her convictions for aggravated identity theft. *See* Alexander's brief at 1 (challenging whether sufficient evidence supported only her conspiracy convictions).

[2]Page numbers refer to the numbers automatically assigned by the district court's electronic filing system and placed in the header at the top of the page of district-court filings.

Hassan to a below-guidelines sentence of 144 months' imprisonment, Doc. 327 at 2; Doc. 328 at 1–2.

Statement of the Facts

I. The Scheme

In 2012, Robert Madurie moved to Orlando from Jamaica. Doc. 376 at 9. Once in Orlando, he continued a scam he had been part of in Jamaica: contacting victims, directly and through call centers, and promising to pay them multi-million dollar sweepstakes or lottery winnings, but only if they would pay fees and taxes on the prizes first. Doc. 376 at 9–17. The promised prizes did not exist, though, and Madurie and his coconspirator, Vivroy Kirlew, were defrauding the victims, many of them elderly, vulnerable, or both. Doc. 376 at 11, 16–17, 21–22, 126; Doc. 374 at 241–43.

The scheme was successful, and Madurie typically kept 30 percent of a victim's money for himself, while sending about 70 percent back to the call centers or other conspirators in Jamaica. Doc. 376 at 11, 17–19, 22. Madurie instructed the victims to send him money by wire using a money-transfer business, such as Western Union or MoneyGram, or through Green Dot MoneyPaks.[3] *Id.* at 12–13. Madurie preferred those methods because they

[3]A MoneyPak is a debit-type card that may be purchased with cash. Doc. 368 at 57, 59. It is often used to electronically transfer cash, for example,

raised fewer "red flags" than having the victims wire the money directly to Jamaica. Doc. 376 at 12.

With respect to the MoneyPaks, Madurie instructed victims to buy them using cash and then to give him the account number and pin code. Doc. 376 at 20–21. Madurie quickly withdrew the funds from the MoneyPaks using the information the victims provided and put those funds on prepaid debit cards. Doc. 376 at 20–21; *see also* Doc. 374 at 250, 263–64. Madurie used the debit cards to withdraw cash, which he then wired to the conspirators in Jamaica, minus his share. Doc. 376 at 19–21, 24; *see also* Doc. 374 at 248.

As the conspiracy targeted more and more victims, Madurie became concerned that Western Union and MoneyGram would "block" his name as a sender because of the frequency and nature of his wires to Jamaica. Doc. 376 at 24–25. So he began using fake names to wire money to Jamaica. *Id.* at 24.

Madurie also recruited others to assist him with his scheme, including Oral Stewart. Doc. 376 at 17; Doc. 374 at 243–44, 246. Madurie, Stewart, and Kirlew knew each other from their childhoods in Jamaica and had reconnected in Orlando. Doc. 374 at 240–41; Doc. 376 at 16–17. Stewart later introduced Charlton Morris to the conspiracy. Doc. 374 at 246; Doc. 376 at 19. And

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to pay bills or to give a gift. Doc. 368 at 57.

Kirlew brought in Danny Lopez and Treysier LaPalme. Doc. 376 at 22, 23, 89, 106. Stewart, Morris, Lopez, and LaPalme, like Madurie, testified at trial that they had been knowingly involved in a scheme to defraud the victims. Doc. 370 at 305 (Morris); Doc. 374 at 243 (Stewart); Doc. 376 at 89–91 (Lopez); Doc. 376 at 107–08 (LaPalme).

Kirlew, Stewart, Morris, Lopez, and LaPalme were "runners" for the scheme, meaning that they were responsible for retrieving the money obtained by defrauding victims and then sending about 70 to 80 percent of it to Jamaica to pay the call centers. Doc. 376 at 11, 17–19, 22. As for the remainder of what they stole from the victims, the "runners" paid Madurie a fee as the "middle guy" and kept a portion of the fraudulently obtained money for themselves, too. Doc. 376 at 18–19; *see also* Doc. 374 at 248. LaPalme and Madurie also made calls directly to the lottery-scheme victims. Doc. 376 at 17, 108, 118–25.

To retrieve the stolen funds, the conspirators used stolen identities to obtain debit cards on which to load the MoneyPaks and wires sent by the victims. Doc. 374 at 245, 249–51; Doc. 376 at 45–46, 110. Alexander stole many of the identities used for this purpose from her employer, as will be described further below.

After they had the victims' funds, the conspirators initially had to go to many different locations to wire the money to Jamaica "to not make it that

obvious what we were doing" and to avoid suspicion. Doc. 374 at 247. And they would not use their real names as the senders of the money but instead would use made-up names. *Id.* at 247–48. Still, the money-transfer businesses nonetheless rejected some of their transactions. *Id.* at 247–49. The conspirators would then try to wire the money using different names. *Id*. Later, the conspirators primarily used Hassan for money transfers to Jamaica, as will be described further below.

For example, victim Richard Nas received a call from "the sweepstakes company" telling him that he had won $3.6 million. Doc. 368 at 41–42. "The IRS" later told him that he had to pay fees "and all of that stuff" to get the winnings. *Id.* at 41. In fact, the calls were fraudulent, and the "fees" that Nas paid went to the conspirators. *Id.* at 42. At the direction of the fraudsters, Nas bought dozens of MoneyPak cards and then provided the account and pin numbers to what he thought was the sweepstakes company so that he could collect his prize. Doc. 368 at 43–45; Gov't Exs. 49, 49C.

One of the MoneyPaks that Nas purchased was transferred on the same day— December 4, 2013—to a debit card in the name J.G. Gov't Ex. 6; Doc. 370 at 106–07. LaPalme used that debit card to purchase money orders. Doc. 370 at 104–111. Those money orders were deposited in a bank account that Hassan controlled and were used to fund wires to conspirators in Jamaica

through Jamaica National, a money-transfer business like Western Union. *See* Gov't Ex. 6; *see also* Doc. 372 at 230.

Nas also sent wire transfers, including some directly to Madurie, at the direction of the "sweepstakes company." Doc. 368 at 45–48; Gov't Ex. 49A at 1, 3, 8, 10–12, 14. Ultimately, Nas, who suffers from short-term memory loss as a result of a car accident in 1996, paid between $20,000 and $80,000 to the fraudsters in multiple transactions over a series of months. Doc. 368 at 52; *see also id.* at 40–41.

A. Alexander's Role

Alexander played multiple roles in the conspiracy, including stealing customer's identities from her job, applying for debit cards used to receive victims' money, and wiring fraud proceeds to conspirators in Jamaica.

(1) Identity Theft

Madurie, Kirlew, Stewart, and LaPalme used stolen identities to obtain debit cards and then funneled money they had stolen from victims to those debit cards. Doc. 374 at 245, 249–51; Doc. 376 at 45–46, 110. They had to use the identities of real people to apply for the debit cards because they knew that, otherwise, the applications would be rejected. Doc. 374 at 245–46, 250–51; Doc. 376 at 111–12.

Luckily for them, Alexander had access to identity information through

her job. Alexander worked at Mega Nursing from February 2012 to February 2013, and her duties included assisting customers with filling out background check forms and running background checks. Doc. 370 at 218, 259. Mega Nursing provided background checks using a database called "Live Scan," so customers filled out a form called a "Live Scan Validation Form" that contained their names, addresses, social security numbers, dates of birth, and other identifying information. Doc. 370 at 215–16, 20-22; *see* Gov't Ex. 38.

The evidence showed that Alexander obtained these forms from her job and gave them to Kirlew, who was her boyfriend at the time. *See* Doc. 376 at 109. LaPalme, who lived with Kirlew, saw Alexander bring Kirlew a box. *Id.* LaPalme later looked into the box and saw Live Scan Validation Forms in it. *Id.* Kirlew told LaPalme that Alexander had taken the forms from her workplace. *Id.* at 110. Kirlew also told Stewart and Lopez that he got the forms from Alexander. Doc. 374 at 252–254, 280; Doc. 376 at 92–93. And Madurie told Stewart that he and Kirlew planned to pay Alexander for the forms. Doc. 374 at 252.

Madurie, Kirlew, Stewart, and LaPalme all used "Live Scan Validation Forms" that Alexander had stolen to apply for debit cards in other people's names. *Compare* Gov't Ex. 38 (Mega Nursing records) *with* Gov't Exs. 10–10E; *see also* Doc. 370 at 220–22; Doc. 376 at 45–46, 93; Doc. 374 at 245, 249–50.

For example, they obtained debit cards in the names J.M., B.H., and J.C., among others. Gov't Exs. 10F, 10G, 10I, 40. Alexander was the assigned employee for all three of those background checks and many others. Doc. 38 at 3–5 (J.M.'s form), 6–8 (B.H.'s form), 9–11 (J.C.'s form).

The conspirators, including Hassan, also used the identities that Alexander stole to send over 600 wire transfers through Jamaica National worth more than $280,000. Gov't Ex. 50; Doc. 376 at 164–66. Jamaica National required senders to provide identification for wires of $1500 or more. Doc. 374 at 55. The materials that Alexander stole were ideal for these transfers because they sometimes contained copies of driver's licenses that could be used to comply with Jamaica National's identification requirement. *See, e.g.*, Doc. 374 at 221 (identity-theft victim testifying that a copy of her driver's license had been made for background check); *see also* Gov't Ex. 50 (listing multiple victims' driver's license numbers).

For example, J.C.'s identity was used to transmit $1500 through Jamaica National to Jamaica on March 1, 2013. Gov't Ex. 29, Transactions from February 2013 to Date spreadsheet ("Jamaica National spreadsheet"), Row 320; *see also* Gov't Ex. 38 at 11. And, although J.C. did not conduct this transaction herself—nor any of the many others in her name, *see* Gov't Ex. 29A—her correct name, address, and driver's license number was provided by

the sender according to Hassan, Gov't Ex. 29, Jamaica National spreadsheet, Row 320; *see also* Doc. 374 at 201–02, 209 (testimony by J.C.). But the conspirators had access to all of J.C.'s information from her May 2012 background-check application, which Mega Nursing had assigned to Alexander. *See* Gov't Ex. 38 at 9–11.

(2) Applying for Debit Cards

Kirlew told Stewart that he was "going to try to see if I can get [Alexander] to get some [debit] cards." Doc. 374 at 254. The evidence showed that Kirlew had been successful in convincing Alexander to apply for debit cards because multiple Green Dot cards had been opened using Alexander's name, date of birth, and social-security number. *See* Gov't Ex. 42 at 4–8. Two of those cards had been repeatedly loaded with MoneyPaks, one in March and April 2012 and the other in February 2014. *Id.* at 9–11. The first of those cards had been opened with an address that Alexander had used in association with her nursing license. *See* Gov't Ex. 43 at 3. And the second of those cards had been cancelled based on Green Dot's suspicion of fraud. Doc. 368 at 102; Gov't Ex. 42 at 5.

(3) Wiring Victim Funds to Jamaica

Kirlew told Stewart that he was going to have Alexander wire money to Jamaica for him. Doc. 374 at 253. LaPalme went with Kirlew and Alexander

when Alexander wired money for Kirlew. Doc. 376 at 110–11. And LaPalme knew that Alexander was paid for wiring the money. *Id.* at 111.

Alexander attempted at least 11 wires to Jamaica through MoneyGram between October 2012 and June 2014. *See* Gov't Ex. 53A. For example, on July 17, 2013, Alexander attempted to send $950 to someone named "Courtney Wilson." *See* Gov't Ex. 53A at 1. Anyone sending more than $899 via MoneyGram must present government-issued identification, Doc. 374 at 12, so Alexander presented her Florida driver's license, and the license number was recorded by MoneyGram, Gov't Ex. 53A at 1; *see also* Doc. 372 at 224 (confirming Alexander's driver's license number). Alexander also provided a phone number ending in 4298, which was the same phone number that she used for purposes of her employment at Mega Nursing. *See* Gov't Ex. 53A at 1; Doc. 187-1 at 34.

MoneyGram, though, did not complete Alexander's requested transaction to Courtney Wilson and refunded the money to Alexander later the same day. Gov't Ex. 53, row 40. Later that day, Alexander went to a different MoneyGram location and sent the same amount again, this time to "Danielle Spencer" in Jamaica. Gov't Ex. 53, row 41. Alexander's correct driver's license number was again recorded at the time of this transaction. *Id.* She also provided her phone number ending in 4298 and a mailing address on S.E.

Letha Circle, which was a mailing address she used for purposes of a claim for unemployment after she was terminated from Mega Nursing. *See* Gov't Ex. 53 at row 41; Doc. 187-2 at 99.

During other MoneyGram transactions in which she wired money to Jamaica, Alexander provided an address on Numilla Drive, sometimes with variations in the city name, and a phone number ending in 2938. Gov't Ex. 53A. She also provided this same address and phone number during the course of her employment at Mega Nursing and in conjunction with her nursing license. Doc. 187-1 at 33, 75; Gov't Ex. 43 at 1. And Alexander provided her driver's license at least one other time when she wired money to Jamaica. Gov't Ex. 53A at 2.

The recipients of Alexander's wires were associated with the conspiracy. For example, Alexander sent two MoneyGram transfers to Odaine Henry. Gov't Ex. 53A at 1. Odaine Henry also received more than 60 transfers from the Jamaica National terminal that Hassan operated. Doc. 376 at 144. And some of the Jamaica National transfers to Odaine Henry were supposedly sent by individuals whose identities Alexander had stolen from Mega Nursing. *Id.* at 144–45.

B. Hassan's Role

(1) Jamaica National

For a short time, Madurie worked for Hassan as a cook at the Golden Krust restaurant, which Hassan owned. Doc. 376 at 26. Madurie noticed that Hassan had a Jamaica National terminal at the restaurant. *Id.* at 28. Madurie began asking Hassan to wire money to Jamaica. *Id.*

After Hassan had sent many wires for Madurie, Madurie began texting wire requests to Hassan, rather than being physically present at the Golden Krust with the funds. Doc. 376 at 30–31. Hassan wired the money and then texted Madurie the confirmation number for each wire. *Id.* at 31. Hassan also "fronted" the money for the wires, and Madurie paid Hassan about $10,000 to $12,000 at a time to cover the multiple wires Hassan had sent. *Id.* at 33–34.

Madurie sometimes told Hassan to send money using an assumed sender name. Doc. 376 at 31–32. Hassan also occasionally pulled identities from Jamaica National's database to use as the senders of funds. *Id.* at 32. This process was easy for Hassan because the sender information "auto-populate[d]" into the wire request form from the Jamaica National database. *Id.* Hassan forged the signature of the "sender" on the receipts in front of Madurie. Doc. 376 at 37–38; *see also* Doc. 372 at 25 (Hassan gave Morris receipts that were already signed).

Initially, Madurie did not pay Hassan to wire-transfer funds for him; instead, Hassan was paid only his standard commission from Jamaica National. Doc. 376 at 35; Doc. 372 at 236. But, as Hassan began transferring more and more money, Madurie began paying Hassan a kickback of approximately 10 percent of the value of the wires, which Hassan made in addition to his commission from Jamaica National. Doc. 376 at 35. Madurie paid Hassan this extra money because Hassan was willing to wire money without Madurie being physically present for the transfer and to provide false information to Jamaica National about who was sending the wire. *Id.* at 35–36.

Madurie frequently paid Hassan using money orders, rather than cash, because Hassan had "trouble with his bank" because "the deposits and the withdrawals to them were suspicious." Doc. 376 at 43. As a result, Hassan told Madurie, he had "lost maybe two or three bank accounts." *Id.* And, in fact, Hassan's two bank accounts with TD Bank were closed in April 2014. Doc. 376 at 206; Gov't Ex. 30A at 50; Gov't Ex. 31A at 49.

Further, Hassan regularly deposited just less than $10,000 in cash with his bank. Gov't Ex. 55. Banks and other financial institutions are required to prepare and file currency transaction reports any time they receive more than $10,000 in cash, Doc. 376 at 193, and Hassan avoided this requirement and the

risk of further scrutiny by keeping his deposits under that threshold amount. Doc. 376 at 193, 196–97; Gov't Ex. 55. For example, on April 22, 2013, Hassan made three separate cash deposits at two separate branches into a single bank account. Gov't Ex. 55 at 1. Although his deposits on that day totaled more than $27,000, none of the individual deposits exceeded $10,000. Doc. 376 at 197.

Hassan also transmitted fraud proceeds for Stewart, Kirlew, Morris, and LaPalme. Doc. 376 at 28, 33–34; Doc. 374 at 261–62. At first, he did so based on texts from Madurie. Doc. 376 at 33. But later Hassan communicated directly with the others to set up money transfers. *Id.* at 36. Hassan kept track of which conspirator each transaction was for by placing the pertinent initials on the bottoms of the receipts. Doc. 372 at 23; Doc. 374 at 266; *see also* Gov't Exs. 24, 26.

Hassan provided sender names for these conspirators as well. Doc. 374 at 262. For example, over at least a five-month period, Morris exchanged text messages with Hassan in which Morris indicated how much money Hassan should transfer, but Morris only sometimes listed a name to use as the purported sender. Doc. 372 at 14; *see also* Gov't Exs. 11, 11A, 11B. Hassan would nonetheless transmit the money with a false name for the sender and text Morris the confirmation number. *Compare* Gov't Ex. 11 at 1, row 193

(Morris lists no sender), *with id.* at 2, row 191 (Hassan added a sender name and sent back a confirmation number). Text messages show that, from May 2014 to September 2014, Hassan provided sender names for Morris at least 40 times. Doc. 372 at 168, 172, 174, 175–97; *see also* Gov't Exs. 11, 11A, 11B.

Madurie did not tell Hassan that the money he was transferring was obtained from fraud, and neither did other conspirators. Doc. 376 at 28, 80, 98–99; *see also* Doc. 372 at 107; Doc. 374 at 269. But Hassan and Madurie had agreed that Hassan would not ask Madurie any questions about where the money came from. Doc. 376 at 80, 86–87, 279. And Madurie believed that Hassan knew the money was from fraud. *Id.* at 87.

Jamaica National also repeatedly educated Hassan about the signs and harms of lottery schemes like this one. Hassan had been a Jamaica National agent since 2008 and received yearly training about money laundering and fraud. Doc. 374 at 30–35.

In December 2012, Jamaica National informed Hassan that he had failed a "Mystery Shopping exercise" related to lottery scams originating in Jamaica. Gov't Ex. 14C. The mystery shopper's transaction "indicate[d] that they could be a victim of the Lotto Scam," but Hassan nonetheless had accepted the transaction in violation of Jamaica National's training and procedures. *Id.* at 1–2. Jamaica National thus required Hassan to attend

"refresher training … with special emphasis on the Jamaica Lotto Scam." Gov't Ex. 14C at 2. Hassan attended that training in January 2013, Doc. 374 at 41–42; Gov't Ex. 14D, but did not stop processing fraudulent transactions for the conspirators.

Similarly, in August 2013, Jamaica National warned all its agents, including Hassan, that "conducting transactions in someone[ ] else's name can expose you and your business to serious consequences." Gov't Ex. 14E; *see also* Doc. 374 at 42. Hassan was further specifically warned that transactions in others' names could be "the action of an unscrupulous person, who is trying to launder money using other people's names." Gov't Ex. 14E.

In April 2014, Jamaica National informed all its agents, including Hassan, that they were required to attend a training that would cover, among other topics, "Detecting Suspicious Activity and Consumer Fraud (Red Flags etc.); … Lotto Scam Money mules; Customer Identification Verification; [and] Suspicious Activity reporting responsibilities." Gov't Ex. 14G; Doc. 374 at 46. The training covered consumer-fraud schemes, including the lotto scam, and specifically covered "money mules … middlemen between the scammer … and the victim." Doc. 374 at 47.

In May 2014, Jamaica National informed Hassan that the majority of his transactions between January 2014 and March 2014 were missing necessary

information about the senders, including contact telephone numbers and, where required, correct identification numbers. Gov't Ex. 14H at 1. Jamaica National also reminded Hassan of his obligation to report certain suspicious transfers, including "[c]ustomers using questionable identification documents; [c]ustomers that are being instructed by another, in person or by phone, to conduct transactions; and [t]ransactions that appear to be associated with the Jamaica Lotto Scam scheme … [by] suspected victims or money mules." *Id.*

Despite these warnings and trainings from Jamaica National, many of Hassan's transfers showed signs of being related to fraud. For example, Hassan was required to maintain receipts signed by the senders for all transactions. Doc. 372 at 241–43. But R.H. and J.C. testified that they did not sign any of the receipts for the dozens of transactions in their names through Hassan's Jamaica National terminal. *See* Gov't Exs. 18, 22, 23, 29A, 29C; Doc. 374 at 203–08, 227–34. Instead, Madurie witnessed Hassan forging signatures on many of the receipts himself. Doc. 376 at 37–38.

Additionally, Jamaica National required in-person interaction with the sender of a wire. Doc. 372 at 243; Doc. 374 at 45. Hassan regularly and repeatedly violated this rule by wiring money for Madurie, Stewart, Kirlew, Morris, and LaPalme without their presence in the store and based on text messages. Doc. 376 at 28, 33–34, 36; Gov't Exs. 11, 11A, 11B. Further, he

regularly agreed to send wires in names other than the conspirators', frequently using an identity that Alexander had stolen or providing a sender name himself. Doc. 376 at 32; Doc. 374 at 262; Gov't Exs. 11, 11A, 11B, 50. Hassan's actions were in direct contradiction to Jamaica National's warning to him that "conducting transactions in someone[ ] else's name can expose you and your business to serious consequences." *See* Gov't Ex. 14E.

In July 2014, Jamaica National terminated its arrangement with Hassan, meaning that he could no longer transmit money using Jamaica National. Gov't Ex. 14F. Jamaica National informed Hassan that the termination was "[b]ased on our assessment of money laundering risks posed at your location." *Id.* The decision was directly related to Hassan's ongoing failures to obtain necessary information from senders. Doc. 374 at 57.

Further, Jamaica National had observed a significant increase in the money transfers Hassan was conducting. Doc. 374 at 57. In 2011, before Hassan had begun transferring money for the conspirators, he had transmitted almost $100,000 through the Jamaica National system. Gov't Ex. 14I at 2; Doc. 347 at 59–60. The amount of money he transferred via Jamaica National dramatically increased in 2012, rising to more than $537,000. Gov't Ex. 14I at 4. And, in 2013, Hassan transferred more than $2.7 million via Jamaica National, the highest amount of any Jamaica National agent in Florida. Gov't

Ex. 14I at 5; Doc. 374 at 62. The raw numbers of transactions similarly increased, from 365 in 2011 to 4392 in 2013. Doc. 374 at 62–63. Because of this unexplained increase and Hassan's violations of its policies, Jamaica National terminated his authority to transfer money using its system. Doc. 374 at 57–58, 63.

(2) Western Union

In February 2014, Hassan obtained his own Western Union terminal, Gov't Ex. 32A, and thereafter began wiring money to Jamaica through Western Union on behalf of the conspirators, *see* Gov't Ex. 32, Subjects GoldenKrust WU spreadsheet ("Western Union spreadsheet"). Western Union required senders to appear in person to initiate a transaction and prohibited Hassan from allowing one person to wire money under multiple names. Doc. 374 at 197–98. Yet, similarly to how he operated using his Jamaica National terminal, Hassan agreed to wire money for the conspirators based on text messages and in other people's names through Western Union. *See, e.g.*, Gov't Ex. 11 at 7, row 140; *see also id.* at 8, row 130. Ultimately, Western Union suspended Hassan's account in November 2014. Doc. 374 at 187, 196–97.

(3) Specific Counts of Money Laundering and Aggravated Identity Theft

The evidence demonstrated that Hassan committed the specific acts of

money laundering and aggravated identity theft for which the jury convicted him. Hassan wired victim funds on June 6 and 15, 2013, on behalf of the conspirators as attributed to him in counts 12 and 13 of the indictment. Gov't Exs. 15, 16; *see also* Doc. 1 at 11.[4] He also wired the money set forth in counts 16, 17, 18, and 19 of the indictment on behalf of the conspirators. Gov't Exs. 18, 19, 20, 21.

As to his aggravated-identity-theft convictions, on August 22, 2013, Hassan transmitted money on behalf of the conspirators to Jamaica using M.R.'s name and address, which Alexander had stolen. Gov't Ex. 17; Gov't Ex. 38 at 58; *see also* Doc. 1 (counts 15 and 23). On September 20, 2013, Hassan transmitted money on behalf of the conspirators to Jamaica using R.H.'s name, address, and driver's license number, which Alexander had stolen. Gov't Ex. 23; Gov't Ex. 38 at 76; Gov't Ex. 50 at 20; Doc. 374 at 225–230; *see also* Doc. 1 (count 24). On April 18, 2014, Hassan transmitted money on behalf of the conspirators to Jamaica using J.C.'s name and address, which Alexander had stolen. Gov't Ex. 22; Gov't Ex. 38 at 11; *see also* Doc. 1 (count 25).

[4]Alexander was acquitted of these two charges. Doc. 183 at 2.

II. The Jury Instructions

During the charge conference, Hassan objected to the inclusion of an instruction on deliberate ignorance because "[t]here's insufficient evidence of my client's knowledge or that he should have known what was going on … [because] what was actually going on was kept from him deliberately by the co-defendants." Doc. 380 at 33–34. The court overruled the objection because it found that Hassan's argument "actually underline[d] the need for the instruction." *Id.* at 34.

The court then instructed the jury on deliberate ignorance as follows:

> If a Defendant's knowledge of a fact is an essential part of a crime, it is enough that the Defendant was aware of a high probability that the fact existed – unless the Defendant actually believed the fact did not exist.
>
> "Deliberate avoidance of positive knowledge"—which is the equivalent of knowledge—occurs, for example, if a defendant conducts financial transactions and believes that the funds involved in the financial transactions are the proceeds of unlawful activity but deliberately avoids learning that the funds involved in the financial transactions are the proceeds of unlawful activity so he or she can deny knowledge that the funds involved in the financial transactions were the proceeds of unlawful activity.
>
> So you may find that a defendant knew that the funds involved in the financial transactions were the proceeds of unlawful activity if you determine beyond a reasonable doubt that the defendant (1) actually knew that the funds involved in the financial transactions were the proceeds of unlawful activity, or (2) had every reason to know but deliberately closed his eyes.

> But I must emphasize that negligence, carelessness, or foolishness is not enough to prove that the Defendant knew that the funds involved in the financial transactions were the proceeds of unlawful activity.

Doc. 186 at 17–18; Doc. 380 at 66–67. The United States argued in closing that the evidence was sufficient to allow the jury to find that Hassan either had had actual knowledge of the lottery scheme or had deliberately maintained his ignorance to avoid knowledge. Doc. 380 at 85–87, 103–06, 110–11.

As to aggravated identity theft in violation of 18 U.S.C. § 1028A, the court instructed the jury that that offense had three elements:

> (1) the Defendant knowingly transferred, possessed, or used another person's means of identification;
>
> (2) without lawful authority; and
>
> (3) during and in relation to a felony violation of 18 U.S.C. § 1349, conspiracy to commit wire fraud, as charged in Count One of the indictment.

Doc. 186 at 13; Doc 380 at 62–64. With respect to the second element, the court further instructed the jury:

> The Government must prove that the Defendant knowingly transferred, possessed, or used another person's identity "without lawful authority." The Government does not have to prove that the Defendant stole the means of identification. The Government is required to prove the Defendant transferred, possessed, or used the other person's means of identification for an unlawful or ***illegitimate*** purpose.

Doc. 186 at 14 (emphasis added); Doc. 380 at 63. Hassan objected to the

inclusion of the word "illegitimate," arguing that the instruction allowed the jury to find him guilty based on "a violation of a bank rule or something that might be considered unethical." Doc. 380 at 37–38. The court overruled the objection. Doc. 380 at 38, 40–41.

III. Sentencing

At sentencing, the United States presented evidence about the loss amount attributable to the conspiracy and to Alexander and Hassan. Doc. 364 at 11–47. An IRS agent reviewed all 9900 money transfers that Hassan had made through Jamaica National between January 2013 through April 2014. Doc. 364 at 14. From that, she determined that approximately 6700 of those transfers, which totaled $3.6 million of fraud proceeds, related to the conspiracy because the transactions were made using the name of a known identity-theft victim, were from one of the defendants or using a variation of one of their names, or were to a known fraud recipient. Doc. 364 at 14–15; Gov't Sent. Ex. 1.[5] Based on the testimony from Madurie and others that the conspirators usually took approximately 20 percent (or more) of the victims' payments for their own benefit before transferring the rest, *see* Doc. 376 at 18–19; Doc. 374 at 248, the IRS agent calculated the additional amount of victim

[5]On the docket, this document is listed as Exhibit 2. Doc. 329-2. But, at sentencing, the United States presented it as Exhibit 1. *See* Doc. 364 at 14–15.

funds that had been retained by the conspirators directly, which was approximately $919,000. Doc. 364 at 15–16.

The agent also considered Morris's text messages with Hassan about Jamaica National transfers after April 2014. Doc. 364 at 16–17. The text messages related to transfers of more than $25,000 of fraud proceeds, and the agent added almost $9000 to account for the conspirators' personal gain related to these transfers. *Id.*; Gov't Sent. Ex. 1.

The agent performed the same analysis on Hassan's Western Union account and Morris's text messages with Hassan about Western Union transfers and determined that more than $30,000 of fraud proceeds had been related to that account. Doc. 364 at 18; Gov't Sent. Ex. 1. Similarly, the conspirators had visited other Western Union locations; when the agent performed her analysis on those records, she determined that more than $55,000 in victims' funds had been transferred through those accounts. Gov't Sent. Ex. 1. The agent also evaluated Alexander's MoneyGram transfers to Jamaica, which totaled more than $4800, when the conspirators' cut was taken into account. Doc. 364 at 19–20; Gov't Sent. Ex. 1.

Based on all of her loss calculations, the IRS agent testified that the loss amount tied to the conspiracy was more than $4.7 million between January 2013 and September 2014. Doc. 364 at 20; Gov't Sent. Ex. 1. The court found

the agent's testimony credible, Doc. 364 at 67, and found that the conspiracy had caused more than $3.6 million in loss, *id.* at 169 (finding that $3.6 million was "obviously the low end of what was stolen").

Alexander argued that the district court should not hold her accountable for any loss that occurred before she had joined the conspiracy. Doc. 364 at 51. She also argued that the full amount of loss had been neither within the scope of her jointly undertaken criminal activity nor reasonably foreseeable to her. *Id.* at 54.

In opposition, the United States relied on evidence showing that Alexander had been involved in many different aspects of the scheme, including stealing identities from her job, opening debit cards on which victims' funds had been deposited, and wiring fraud proceeds to Jamaica. Doc. 364 at 66. The United States also relied on evidence showing that Alexander's active participation in the conspiracy had spanned at least from March 2012 through June 2014. *Id.* at 64–65. Alexander had sent wires to conspirators in Jamaica between October 2012 and June 2014. Doc. 364 at 22; Gov't Ex. 53A. And starting in March 2013, Hassan and the other conspirators had begun using the identities of Mega Nursing customers to transfer money through Jamaica National. Doc. 364 at 28–29; *see generally* Gov't Ex. 50. Further, in March 2012, Alexander had opened a debit card that conspirators used to steal

money from victims via MoneyPaks. *See* Gov't Ex. 42 at 4–6, 9–11. Alexander had obtained other debit cards as well throughout the conspiracy, and the identities that she had stolen from her employer had been similarly used to open debit cards that had been used to receive victim funds. *See generally* Gov't Ex. 42; Gov't Exs. 10F–10J, 40.

The court overruled Alexander's objection and found that "Ms. Alexander's participation in the conspiracy has been demonstrated by the United States … by a preponderance of the evidence sufficient to justify the allocation of the loss amount in its full measure to Ms. Alexander." Doc. 364 at 67–68; *see also id.* at 97 (finding that Alexander "knew about the scheme [and] knew how it operated"). The court acknowledged that Alexander's role may have been more limited than other conspirators' "by virtue of … both the number and the amount of the transactions" in which she had been involved but found that that consideration was relevant to whether she was entitled to a minor-role adjustment, not to the loss amount. Doc. 364 at 68; *id.* at 99 (finding that a minor role adjustment was appropriate because the loss calculation was "exceedingly punitive as it relates to this particular defendant in terms of her financial participation in the scheme").

Alexander also objected to the vulnerable-victim enhancement to her guidelines offense level. Doc. 364 at 74. She argued that insufficient evidence

showed that she had known about the victims' vulnerability and that that the conspiracy had targeted victims because of a vulnerability. Doc. 364 at 74. In response, the United States argued that the evidence showed by a preponderance that, because she had served multiple roles in the conspiracy, and because of her relationship with Kirlew, she, like the other conspirators, knew or should have known about how the scheme operated and how vulnerable victims were being targeted. *Id.* at 87–92.

The district court found that the evidence was sufficient to show that Alexander had "understood the type of victims that were being targeted." Doc. 364 at 97. "[W]hile Ms. Alexander may not have done it [contacted victims] firsthand, she was certainly involved in that activity that was happening all around her." *Id.* at 115. The court further found that Alexander had known that the victims were vulnerable based on her "involvement in the day-to-day operation of the conspiracy." *Id.*

And the court found that the conspirators had targeted victims who were vulnerable to fraud, including victims Richard Nas and Frederick Cornfield. Doc. 364 at 97–98; *see also* Alexander PSR at 26–27. As to Nas, the court found that he was vulnerable because of his head injury. Doc. 364 at 97–98. As to Cornfield, the court found he was vulnerable because he was "called over and over and over again." Doc. 364 at 98; *see also* Alexander PSR at

26 (describing "non-stop [calls], day and night" in which the conspirators spoke to Cornfield "for hours wearing him down, controlling his mind, making him believe they were his friend"). Ultimately, Cornfield's children estimated that he had personally lost over $100,000 to the conspirators. Alexander PSR at 27.

Standard of Review

I. This Court reviews a challenge to the sufficiency of the evidence de novo, considering "the evidence in the light most favorable to the government and draw[ing] all reasonable inferences in favor of the jury's verdict." *United States v. Wilson*, 788 F.3d 1298, 1308 (11th Cir. 2015).

II. and III. This Court reviews de novo the district court's jury instructions. *United States v. Stone*, 9 F.3d 934, 937 (11th Cir. 1993).

IV. This Court reviews for clear error a district court's determination of the loss amount attributable to a defendant for purposes of the sentencing guidelines. *United States v. Cavallo*, 790 F.3d 1202, 1232 (11th Cir. 2015). This Court should "affirm the finding of the district court if it is plausible in light of the record viewed in its entirety." *United States v. Whitman*, 887 F.3d 1240, 1248 (11th Cir. 2018) (quotation omitted).

V. The propriety of a district court's application of the vulnerable-victim sentencing-guidelines enhancement presents a mixed question of law

and fact that this Court reviews de novo. *United States v. Mathews*, 874 F.3d 698, 706 n.4 (11th Cir. 2017).

Summary of the Argument

I. Alexander participated in multiple parts of a large lottery scam, stealing the identities of her employer's customers, obtaining debit cards that were used to funnel victims' money to the conspirators, and wiring money to conspirators in Jamaica. Hassan wired millions of dollars of fraud proceeds to Jamaica for the conspirators, often in names other than the conspirators', enabling them to hide the source of the proceeds. Because a reasonable jury could conclude that Alexander and Hassan had knowingly and willfully conspired with others to commit wire fraud and to launder money, the evidence was sufficient to support all of their convictions.

II. The district court did not err in instructing the jury regarding deliberate-ignorance because the evidence supported a theory that Hassan had deliberately avoided learning the fraudulent source of funds that he had wired. Regardless, because the evidence also supported Hassan's conviction on the theory that he had actual knowledge, any error in giving the instruction was harmless.

III. The district court also correctly instructed the jury that, to prove that Hassan had committed aggravated identity theft, the United States had to

prove both that he had used, transferred, or possessed identity information in connection with a felony offense and that he had used, transferred, or possessed another person's means of identification for an unlawful or illegitimate purpose. This instruction appropriately informed the jury that, even if a conspirator had originally had lawful authority to possess the identity information, further possession, transfer, or use of it could be illegitimate and thus without lawful authority. That instruction was not erroneous.

IV. This Court should affirm Alexander's sentence because the district court did not clearly err in finding that Alexander had "involvement in the day-to-day operation of the conspiracy" as demonstrated by the multiple roles she played throughout the conspiracy. That evidence showed Alexander had agreed to the objectives of the conspiracies and thus was responsible for the full amount of loss.

V. The district court did not err in finding that Alexander knew or should have known that the conspiracies targeted vulnerable victims because of her substantial involvement in the conspiracies.

Argument and Citations of Authority

I. Sufficient evidence supports the jury's verdicts finding both defendants guilty of conspiring to commit wire fraud and to launder money and finding Hassan guilty of concealing the proceeds of wire fraud and aggravated identity theft. (Alexander and Hassan's Issue I)

In challenging the sufficiency of the evidence, Alexander and Hassan face a heavy burden because "the relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *United States v. Hernandez*, 433 F.3d 1328, 1335 (11th Cir. 2005) (emphasis in original; internal quotation marks omitted). "The evidence does not have to exclude every reasonable hypothesis of innocence or be wholly inconsistent with every conclusion except that of guilt." *Id.* at 1334–35 (internal quotation marks and alterations omitted). And this Court draws all reasonable inferences and credibility choices in favor of the jury's verdict. *United States v. Joseph*, 709 F.3d 1082, 1093 (11th Cir. 2013). This Court "must affirm a conviction unless there is no reasonable construction of the evidence from which the jury could have found the defendants guilty beyond a reasonable doubt." *Id.* (citing *United States v. Ignasiak*, 667 F.3d 1217, 1227 (11th Cir. 2012)).

Both Hassan and Alexander were convicted of conspiracy to commit wire fraud and conspiracy to launder money. Docs. 183, 184. To prove a conspiracy to commit wire fraud under 18 U.S.C. § 1349, the government must prove beyond a reasonable doubt "(1) that a conspiracy [to commit wire fraud] existed; (2) that the defendant knew of it; and (3) that the defendant, with knowledge, voluntarily joined it." *United States v. Vernon*, 723 F.3d 1234, 1273 (11th Cir. 2013) (quotation marks and citation omitted). To prove a conspiracy to commit money laundering under 18 U.S.C. § 1956(h), the government must prove: "(1) agreement between two or more persons to commit a money-laundering offense; and (2) knowing and voluntary participation in that agreement by the defendant." *United States v. Broughton*, 689 F.3d 1260, 1280 (11th Cir. 2012). The money-laundering offense that was charged as the object of the conspiracy here was the transfer of the proceeds of the wire-fraud scheme with intent to conceal the source of those proceeds. *See* Doc. 1 at 9.

Neither Alexander nor Hassan challenges the sufficiency of the United States' proof of the existence of the two conspiracies. Instead, they both contend that they did not knowingly join them. *See* Alexander's brief at 17; Hassan's brief at 23. But the United States presented ample evidence from which the jury reasonably could infer both defendants' knowledge.

A. Alexander's Conspiracy Convictions

The evidence showed that Alexander contributed to both the wire-fraud and money-laundering conspiracies in multiple ways and that her active participation in both conspiracies between at least March 2012 and June 2014 spanned nearly the entire duration of those conspiracies (which had run from February 2012 through October 2014). *See* Doc. 1 at 3, 9. During that time, Alexander stole at least 35 identities from her employer and gave those identities to Kirlew. *See* Gov't Ex. 50. Madurie told another conspirator that he and Kirlew intended to pay Alexander for stealing those identities.[6] Doc. 374 at 252. Kirlew and others then used those stolen identities to apply for debit cards. Doc. 370 at 220–22; Doc. 376 at 45–46; Doc. 374 at 245, 249–50. And those debit cards were used to receive and conceal the victims' funds in furtherance of both the wire-fraud and the money-laundering conspiracies.

[6]Alexander has explicitly waived any argument that these statements constituted inadmissible hearsay. *See* Alexander's brief at 18 n.3. In any event, the court properly admitted these statements as statements of a coconspirator in furtherance of the conspiracy. *See* Fed. R. Evid. 802(d)(2)(E); Doc. 374 at 251, 306–08; *see also United States v. Wenxia Man*, 891 F.3d 1253, 1271 (11th Cir. 2018) (statements "that could have been intended to affect future dealings between the parties, that provide reassurance, that serve to maintain trust and cohesiveness, or that inform other conspirators of the current status of the conspiracy" are admissible under rule 801(d)(2)(E)) (internal quotation marks and alterations omitted).

Doc. 374 at 245, 249–51; Doc. 376 at 54–46, 110. The same stolen identities were also used hundreds of times to wire fraud proceeds to Jamaica through Jamaica National. *See* Gov't Ex. 50.

The evidence also demonstrated that, at Kirlew's request, Alexander applied for debit cards for the conspirators to use to receive the victims' payments. *See* Gov't Ex. 42. Alexander did so many times, using her actual name, birth date, and social security number, and MoneyPaks were directed to two of the debit cards in her name. *Id*. at 4–11.

And the evidence showed that Alexander wired victim funds to conspirators in Jamaica and that Kirlew also intended to pay her for this part of the conspiracy. Gov't Ex. 53A; Doc. 376 at 111. Alexander's name was linked to more than 10 wire transfers to Jamaica related to the fraud, and she regularly provided her actual name, address, and phone number when conducting the transactions. Gov't Ex. 53A. On three occasions, she provided her driver's license when she sent wires. *Id.*

Thus, the evidence showed that, over the course of the two conspiracies, Alexander, like her coconspirators, had served many essential roles. From this, a rational jury could—and did—reasonably infer that Alexander had understood the nature of "the full Jamaican sweepstakes conspiracy." *See* Alexander's brief at 15–16; *see also United States v. Reeves*, 742 F.3d 487, 497–98

(11th Cir. 2014) ("It is by now axiomatic that participation in a criminal conspiracy need not be proved by direct evidence; a common purpose or plan may be inferred from a development and collocation of circumstances.") (internal alteration omitted) (citing *Glasser v. United States*, 315 U.S. 60, 80 (1942)).

Indeed, the jury reasonably could find that Alexander would not have risked her job by stealing identities, provided debit cards in her name to receive funds from unknown sources, or repeatedly wired money to people she did not know in Jamaica if she had not known about the scheme. *See, e.g., United States v. Hawkins*, 905 F.2d 1489, 1496–97 (11th Cir. 1990) ("[C]ircumstantial evidence of criminal intent can suffice" to prove scienter.). The jury also could find that the conspirators would not have been willing to pay her for her services without her knowing participation. *United States v. Naranjo*, 634 F.3d 1198, 1207 (11th Cir. 2011) (citation omitted) ("Evidence that a defendant personally profited from a fraud may provide circumstantial evidence of an intent to participate in that fraud.").

Yet Alexander argues that the United States did not prove that she had joined the conspiracies at their inception in February 2012. Alexander's brief at 18–19. But "[a]n individual cannot escape guilt merely because he joined the conspiracy after its inception[.]" *United States v. Knowles*, 66 F.3d 1146, 1155

(11th Cir. 1995). And the jury could reasonably find here that Alexander had joined the conspiracies as early as March 2012, only a month after the scheme's inception, because that is when her debit card began receiving MoneyPaks. *See* Doc. 376 at 20–21.

Alexander also points out that LaPalme could not say whether the wires that he had seen her send were lawful or unlawful. *See* Alexander's brief at 7. This Court, however, is bound by the jury's "rejection of the inferences raised by the defendant," and "[t]he evidence does not have to exclude every reasonable hypothesis of innocence or be wholly inconsistent with every conclusion except that of guilt." *Hernandez*, 433 F.3d at 1334–35 (internal quotation marks and alterations omitted)). In any event, an inference that Alexander had thought she was acting lawfully would have been unreasonable here. Even now, she offers no reasonable explanation of why anyone would pay someone else to wire money that they could lawfully send themselves.

Alexander also argues that the evidence did not show that she had personally contacted any victims, received a percentage of the fraud proceeds, or been captured on surveillance video during the fraud. Alexander's brief at 17. But the United States was not required to prove that Alexander had participated in all aspects of the conspiracy, had known each phase or every detail of the conspiracy, or had known all of the participants. *See United States*

v. Hansen, 262 F.3d 1217, 1247 (11th Cir. 2001); *see also United States v. Wilmore*, 625 F. App'x 366, 369 (11th Cir. 2015) ("While [the defendant] disputes he was the person who actually submitted the fraudulent returns, as a member of a conspiracy he can be liable even if he did not physically press the button submitting the returns."). The evidence only needed to show, as it did here, that Alexander knew of the essential nature of the conspiracy. *See United States v. Pierre*, 825 F.3d 1183, 1193 (11th Cir. 2016) ("[T]he extent of participation in the conspiracy or extent of knowledge of the details in the conspiracy does not matter if the proof shows the defendant knew the essential objective of the conspiracy.") (internal quotation marks and alterations omitted).

Therefore, Alexander is not entitled to relief from her convictions on the wire-fraud and money-laundering conspiracy charges.

B. Hassan's Convictions

Hassan served a key role in both the wire-fraud and money-laundering conspiracies—he wired vast amounts of fraud proceeds to conspirators in Jamaica, frequently knowingly using a false sender's name to hide the true source of the money. Indeed, Hassan himself often provided the "sender's" name, doing so more than 40 times between May and September 2014 for Morris alone. *See* Gov't Exs. 11, 11A, 11B. In fewer than three years, Hassan

wired money thousands of times for the conspirators, sending millions of dollars of victims' funds to conspirators in Jamaica. *See* Gov't Ex. 14I.

At the same time that he was transferring these substantial fraud proceeds, Hassan was regularly receiving trainings and warnings from Jamaica National about lottery scams, specifically lottery scams centered in Jamaica, and money-laundering scams. He received warnings in December 2012, August 2013, April 2014, and May 2014, and he received training targeted to those scams in January 2013 and April 2014. *See* Gov't Exs. 14C, 14E, 14G, 14H. Despite these warnings and trainings, Hassan continued to wire millions of dollars using false senders' names for the conspirators. *See* Gov't Ex. 29, Jamaica National spreadsheet. And even after Jamaica National had terminated their agreement with Hassan, he continued to use his Western Union terminal to wire money for the conspirators. *See* Gov't Ex. 32, Western Union spreadsheet.

All of this constituted strong circumstantial evidence that Hassan knew the purposes of the conspiracies that he joined. *See Reeves*, 742 F.3d at 497–98 ("Participation in a criminal conspiracy need not be proved by direct evidence[.]"). And his profit from the scam, 10 percent of the wires he sent, also supports an inference of his knowing participation. *Naranjo*, 634 F.3d at 1207; *see also* Doc. 376 at 35.

Moreover, although Hassan leans heavily on some of the conspirators' testimony that they never told him the source of the funds they were wiring, *see* Hassan's brief at 23–25, the jury also could have found that the evidence showing that Hassan had learned all about lottery scams from Jamaica National overcame the lack of evidence showing that his coconspirators had told him about the fraud. Or the jury also could have reasonably relied on the evidence of Madurie and Hassan's explicit agreement not to discuss the source of the funds to find that, if Hassan had not actually known about the scheme, he had kept himself deliberately ignorant of it. *See* Doc. 376 at 80, 86–87, 279. The evidence that he had learned about lottery schemes from Jamaica National constituted additional evidence of his deliberate ignorance about the source of the money the conspirators were wiring. Thus, the United States presented sufficient evidence for the jury to find either that Hassan had known about the source of the funds he was wiring or that he had kept himself deliberately ignorant of it. Either theory supports the jury's verdict. *See United States v. Arias*, 984 F.2d, 1139, 1143 (11th Cir. 1993) ("This Court has consistently recognized deliberate ignorance of criminal activity as the equivalent of knowledge.").

Hassan also argues that the evidence showed only that he had violated Jamaica National's policies for conducting wire transfers. Hassan's brief at 18,

24–25. Although the violation of those policies in and of itself undoubtedly did not constitute a crime, a reasonable jury could consider Hassan's policy violations as evidence of his deliberate attempts to avoid scrutiny of the transactions by Jamaica National or other authorities. That is especially true because Hassan violated Jamaica National's policies repeatedly and regularly for a profit of 10 percent. Doc. 376 at 35. He also structured his bank deposits to avoid the filing of currency transaction reports after he had lost two bank accounts due to suspicions about his unexplained cash deposits. *See* Gov't Exs. 55, 30A, 31A; Doc. 376 at 193. All of this evidence constituted circumstantial evidence of Hassan's knowledge or deliberate ignorance of his role in the two conspiracies.

Hassan also contends that no evidence showed that he knew that identities were being stolen. Hassan's brief at 28. That argument ignores the evidence showing that Hassan had wired money hundreds of times using the identities that Alexander had stolen instead of the names of his coconspirators as the senders. *See* Gov't Ex. 50. Hassan also forged the signatures of these identity-theft victims and sometimes used their driver's license numbers. Doc. 376 at 37–38, Doc. 372 at 25; Gov't Ex. 50. This evidence was sufficient for the jury to find that Hassan had known or had been deliberately ignorant that the identities he used to wire money were stolen.

Hassan argues further that the evidence did not support his money-laundering convictions because the United States failed to prove that he knew that the funds he was transferring had resulted specifically from wire fraud. Hassan's brief at 25–27. The plain language of the wire-fraud statute, though, states that the United States must prove that a defendant "knew the property involved in the transaction represented proceeds from *some form*, though not necessarily which form," of criminal activity. 18 U.S.C. § 1956(c)(1) (emphasis added). And the court instructed the jury of this principle as well. Doc. 186 at 12–13; Doc. 380 at 61.

Although Hassan relies on *United States v. Rahseparian*, 231 F.3d 1257 (10th Cir. 2000), for the proposition that the United States was required to prove that Hassan specifically knew that the funds at issue were wire-fraud proceeds, the specific language in the indictment there required the United States to prove the defendant's knowledge of "mail fraud." *Rahseparian*, 231 F.3d at 1265–66. Here, though, the United States charged Hassan with knowledge that "the property involved in the financial transactions represented the proceeds of *some form* of unlawful activity." Doc. 1 at 9 (emphasis added); *see also id.* at 10. Thus, the United States did not need to prove that Hassan knew the funds were wire-fraud proceeds. And in any event, as explained above, there was sufficient evidence that Hassan either had actual knowledge

or was deliberately ignorant of the source of the fraudulently obtained proceeds.

Finally, Hassan contends that his money-laundering and aggravated-identity-theft convictions also must fail because the United States failed to prove his knowledge of the charged conspiracies. *See* Hassan's brief at 27–28. But, because, as we discuss above, ample evidence supports the jury's verdicts on the conspiracy charges, Hassan is not entitled to relief from his other convictions on this basis.

II. The district court correctly instructed the jury on deliberate ignorance. (Hassan's Issue II)

The district court properly instructed the jury on deliberate ignorance, telling the jury that it could convict Hassan based on evidence proving beyond a reasonable doubt either that he had actual knowledge of the fraud scheme or that he had deliberately avoided knowledge for the purposes of being able to deny his understanding of the conspiracy. *See* Doc. 186 at 17–18; Doc. 380 at 66–67. "The deliberate ignorance instruction is based on the alternative to the actual knowledge requirement at common law that if a party has his suspicions aroused but then deliberately omits to make further enquiries, because he wishes to remain in ignorance, he is deemed to have knowledge." *United States v. Rivera*, 944 F.2d 1563, 1570 (11th Cir. 1991) (internal quotation marks

omitted). Although that instruction should not be given when the evidence "only points to either actual knowledge or no knowledge on the part of the defendant," it is appropriate where, as here, evidence shows that the defendant "was aware of a high probability of the existence of the fact in question and purposely contrived to avoid learning all of the facts in order to have a defense in the event of a subsequent prosecution." *United States v. Schlei*, 122 F.3d 944, 973 (11th Cir. 1997).

Although the United States in this case presented strong evidence of Hassan's actual knowledge of the unlawful scheme, sufficient evidence also supported a finding of his deliberate ignorance. Indeed, although Hassan contends in his brief at pages 20 and 30 that the United States pursued only an actual-knowledge theory, the United States actually argued that the jury could convict Hassan if it found either that he had actual knowledge or that he had been deliberately ignorant.[7] *See* Doc. 380 at 85–87, 103–06, 110–11. That argument was based on the testimony of Hassan's coconspirators that they had

[7]In any event, this Court should assess the appropriateness of the instruction in light of the evidence presented, rather than on the United States' theory of the case. *See Rivera*, 944 F.2d at 1571–72 (considering whether "the facts" and "the relevant evidence presented at trial" supported a deliberate-ignorance instruction). Because the trial evidence supported a finding that Hassan was deliberately ignorant, the district court did not err in giving the instruction.

not told him about the source of the funds and that Madurie and Hassan had explicitly agreed not to discuss the source of the funds that Hassan was wiring. Doc. 376 at 28, 80, 86–87, 98–99, 279. That testimony, coupled with the evidence showing that Hassan had nonetheless wired substantial sums of money under false names and in concert with the conspirators, *see* Gov't Exs. 11, 11A, 11B, 29 (Jamaica National spreadsheet), 32 (Western Union spreadsheet), supported a finding that, if Hassan had not known the source of the money, that was due to his deliberate ignorance of it. As such, the court properly gave the instruction.

Moreover, any error in giving an unwarranted deliberate-ignorance instruction is harmless if the jury could have convicted on an alternative, sufficiently supported theory of actual knowledge. *United States v. Hill*, 643 F.3d 807, 855 (11th Cir. 2011). That's true here, given the evidence showing the substantial fraud training and numerous warnings that Hassan had received from Jamaica National about this type of scheme. *See* Gov't Exs. 14C, 14E, 14G, 14H. Therefore, even if the record had been devoid of any evidence supporting a deliberate-ignorance instruction, any error in giving the instruction was harmless.

Hassan also argues that the district court's "decision to alter the instruction" from the pattern was error, but he abandons this argument by

wholly failing to explain why the instruction was legally incorrect. *See* Hassan's brief at 31; *see United States v. Copeland*, 662 F. App'x 750, 758 (11th Cir. 2016) (finding a similar challenge abandoned where the defendant failed to argue "why the instruction that was given failed to properly state the law").

In any event, the district court did not err by modifying the pattern jury instruction to include an example of deliberate ignorance in the context of a money-laundering crime, rather than the drug-trafficking example that is included in the pattern. *See United States v. Prather*, 205 F.3d 1265, 1271 n.1 (11th Cir. 2000) (rejecting a challenge to district court's "ad hoc examples" of deliberate ignorance); *see also* 11th Cir. Pattern Jury Instr. (Crim.) S8 (2016). Regardless, even if this change were error, it was harmless in light of the strong evidence from which the jury could have found either Hassan's actual knowledge or his deliberate ignorance.

III. The district court correctly instructed the jury on the elements of aggravated identity theft. (Hassan's Issue III)

Focusing on only a portion of the aggravated-identity-theft instruction, Hassan argues that the instruction improperly told the jury that it could convict him of that crime if he had used a means of identification for an "illegitimate" purpose, rather than during and in relation to the charged wire fraud. Hassan's brief at 32–36. The district court, though, correctly instructed the jury on that

charge. *See* Doc. 186 at 13.

18 U.S.C. § 1028A(a)(1) provides that, "Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years." In accordance with the terms of that provision, the district court instructed the jury that that offense had three elements:

> (1) the Defendant knowingly transferred, possessed, or used another person's means of identification;
>
> (2) without lawful authority; and
>
> (3) during and in relation to a felony violation of 18 U.S.C. § 1349, conspiracy to commit wire fraud, as charged in Count One of the indictment.

See Doc. 186 at 13; Doc 380 at 62–64.

But, because a defendant need not steal an identity for his possession of it to be "without lawful authority," *see United States v. Joseph*, 567 F. App'x 844, 848 (11th Cir. 2014), the court further instructed the jury with respect to the second element that:

> The Government must prove that the Defendant knowingly transferred, possessed, or used another person's identity "without lawful authority." The Government does not have to prove that the Defendant stole the means of identification. The Government is required to prove the Defendant

> transferred, possessed, or used the other person's means of identification for an unlawful or ***illegitimate*** purpose.

Doc. 186 at 14 (emphasis added); Doc. 380 at 63. This portion of the instruction, which appears in 11th Cir. Pattern Jury Instr. (Crim.) O40.3 (2016), was designed to fit a case like this one because, although Alexander's initial access to the victims' identity information in the course of her job was legitimate, her continuing possession of that information exceeded the scope of her permission to access the data and was therefore "illegitimate." *See Joseph,* 567 F. App'x 844, 848 (11th Cir. 2014) ("[T]he government can establish that a defendant used another's means of identification without lawful authority by showing that, even if he took the means of identification with permission, he used it for an unlawful or illegitimate purpose."). That instruction was entirely correct.

Moreover, the court further instructed the jury that, even if it found that the conspirators' possession of the identity information was "illegitimate," it then had to determine whether the defendants had possessed, transferred, or used the information in connection with a felony offense. *See* Doc. 186 at 13; Doc. 380 at 62–64. Thus, the district court's instruction did not allow the jury to convict Hassan for aggravated identity theft based on "illegitimate" activities, such as his violations of Jamaica National's policies. Instead, the jury was correctly instructed that, to convict Hassan, it had to find that his

possession, transfer, and use of those identities were in connection with a felony offense.

Therefore, Hassan is not entitled to relief from his aggravated-identity-theft conviction.

IV. The district court did not clearly err in holding Alexander accountable for more than $3.6 million in loss. (Alexander's Issue II)

For offenses involving fraud or deceit, the sentencing guidelines instruct a sentencing court to increase the defendant's offense level based on "the greater of the actual loss or the intended loss" for which the defendant is accountable. *See* USSG §2B1.1, comment. (n.3(A)(i), (iv)). "Actual loss" is the pecuniary harm that the "defendant knew or, under the circumstances, reasonably should have known, was a potential result of the offense." USSG §2B1.1, comment. (n.3(A)(i), (iv)). For loss amounts between $3.5 million and $9.5 million, 18 levels are added to a defendant's guidelines range. USSG §2B1.1(b)(1)(J). A defendant is accountable for all acts that she "committed, aided, abetted, … or willfully caused" and, in a case like this one that involved joint criminal activity, for the conduct of others, if that conduct was (1) "within the scope of the jointly undertaken criminal activity," (2) "in furtherance of that criminal activity," and (3) "reasonably foreseeable in connection with that criminal activity." USSG §1B1.3(a)(1).

"The Guidelines acknowledge that a sentencing judge is in a unique position to assess the evidence and estimate the loss and therefore 'the court's loss determination is entitled to appropriate deference.'" *United States v. Barrington*, 648 F.3d 1178, 1197 (11th Cir. 2011) (citing USSG §2B1.1, comment. (n.3(C))). Although the court may not speculate about the existence of facts and must base its findings on reliable and specific evidence, a district court may reasonably estimate the amount of loss based on the available information. *Id.* at 1198 (citing USSG §2B1.1, comment. (n.3(C))); *see also United States v. Ford*, 784 F.3d 1386, 1396 (11th Cir. 2015). In calculating the amount of loss attributable to a defendant, the district court may rely on "trial evidence, undisputed statements in the presentence report, or evidence presented at the sentencing hearing." *See United States v. Pierre*, 825 F.3d 1183, 1197 (11th Cir. 2016).

In this case, sufficient evidence supported the district court's factual finding at sentencing that Alexander was accountable for more than $3.6 million in actual loss. *See* Doc. 364 at 67–68, 97, 115. An IRS Special Agent testified at the sentencing hearing that she had reviewed many financial records and had determined that the conspirators had fraudulently obtained more than $4.7 million in proceeds. *See* Doc. 364 at 11–47; Gov't Sent. Ex. 1. The evidence at trial showed that, as the district court found, Alexander had

been involved in the "day-to-day operation of the conspiracy," given her multiple roles in the conspiracy and the fact that fraudulent activity was "all around her" while she repeatedly participated in the scheme. *See* Doc. 364 at 115; *see generally* Statement of the Facts, above. Because the evidence established that Alexander had known about, participated in, and could have reasonably foreseen all aspects of the conspiracy, the district court did not clearly err by attributing the losses from these transactions to her.[8]

Relying on *United States v. Hunter,* 323 F.3d 1314, 1320 (11th Cir. 2003), Alexander argues that, because the evidence did not show that she had agreed to all the acts in the conspiracy, the court should not have held her accountable for the entire amount of loss. Alexander's brief at 22–23. But *Hunter* does not hold that a defendant must explicitly agree to each act in a conspiracy to be held accountable for the entire amount of loss attributable to the conspiracy. Rather, in accordance with USSG §1B1.3(a)(1)(B), it says that a defendant may be held accountable for "jointly undertaken criminal acts" for which there

[8] Alexander was actively involved in the conspiracies from at least March 2012 through February 2014, Doc. 364 at 64–65, but no evidence suggested that she ever affirmatively withdrew from the conspiracies. Therefore, the district court properly held her accountable for the actual losses from the entire time of the conspiracy. *See United States v. Rodriguez,* 751 F.3d 1244, 1256 (11th Cir. 2014) (because defendant did not withdraw from conspiracy, district court properly held her accountable for all losses resulting from reasonably foreseeable acts of co-conspirators).

was an "implicit agreement." 323 F.3d at 1319–20. Alexander's implicit agreement to the acts of the conspiracy was show by her active involvement in multiple parts of the scheme over many months. *See* Doc. 364 at 64–66; *see also id.* at 115. Therefore, the district court did not clearly err in finding that she was accountable for the entire loss amount.

Moreover, Alexander is not similarly situated to the *Hunter* defendants who performed only one function in a cash-cashing conspiracy. Alexander did much more than perform isolated acts throughout the course of the lengthy conspiracies. Instead, she "was fully aware of the objective of the scheme and was actively involved in it." *Whitman*, 887 F.3d at 1249 (citing *United States v. McCrimmon*, 362 F.3d 725, 732 (11th Cir. 2004)).

Yet Alexander suggests that the court should not have held her accountable for that loss amount because she was a minor participant and did not receive a cut of profits from the scheme. Alexander's brief at 23–24. But a defendant who plays a minor role as Alexander did here may still be accountable for the entire loss amount attributable to a conspiracy. The pertinent inquiry for purposes of the loss determination is what acts were reasonably foreseeable to the defendant and in furtherance of the jointly undertaken criminal activity, *see United States v. Arias,* 431 F.3d 1327, 1333 (11th Cir. 2005), not what the defendant's role in the offense was. An

adjustment under USSG §3B1.2 accounts for that. The district court did not clearly err by applying these distinct inquiries separately rather than blending them together.

Moreover, although Alexander contends at page 23 of her brief that the district court's findings regarding the scope of her agreement were not sufficiently specific, the court actually explained those findings repeatedly during the course of the sentencing. *See* Doc. 364 at 67–68, 97–99, 115. But, even if this Court were to determine that the district court's findings were insufficient, "a sentencing court's failure to make individualized findings regarding the scope of the defendant's activity is not grounds for vacating a sentence if the record support[s] the court's determination with respect to the offense conduct, including the imputation of others' unlawful acts to the defendant." *United States v. Petrie*, 302 F.3d 1280, 1290 (11th Cir. 2002). And, as discussed throughout this brief, the evidence in this case clearly showed that Alexander had known about the extensive scope of the conspiracy and had actively participated in many aspects of it. Therefore, the district court did not clearly err in finding that she could have reasonably foreseen the losses that the court attributed to her. Because the district court's loss findings are "plausible in light of the record viewed in its entirety," this Court should affirm Alexander's sentence. *See Whitman*, 887 F.3d at 1248.

V. The district court did not err in enhancing Alexander's guidelines range because she knew or should have known that some of the victims were vulnerable to fraud. (Alexander's Issue III)

A vulnerable victim is "a victim of the offense of conviction … who is unusually vulnerable due to age, physical or mental condition, or who is otherwise particularly susceptible to the criminal conduct." USSG §3A1.1, comment. (n.2). "The vulnerability that triggers §3A1.1 must be an 'unusual' vulnerability which is present in only some victims of that type of crime." *United States v. Davis*, 967 F.2d 516, 524 (11th Cir. 1992). The United States does not have to show that the defendant targeted the victims because of their vulnerability for the enhancement to apply. *See United States v. Birge*, 830 F.3d 1229, 1233–34 (11th Cir. 2016). But, "a victim is not to be considered 'vulnerable' for purposes of sentencing enhancement based solely on his or her membership in a class." *United States v. Frank*, 247 F.3d 1257, 1260 (11th Cir. 2001). The United States must establish facts supporting the enhancement by a preponderance of the evidence. *United States v. Cooper*, 926 F.3d 718, 740 (11th Cir.), *cert. denied*, 140 S. Ct. 613 (2019).

Alexander does not challenge the district court's finding that the scheme's victims were vulnerable. Instead, relying on her lack of direct contact with victims, she disputes the court's finding that she knew or should have

known about those victims' vulnerability. Alexander's brief at 26–27.

The evidence showed, however, that the conspirators had repeatedly targeted some of the victims. In fraud cases, the repeated targeting of a victim, a practice called "reloading," constitutes evidence that the defendant knew the victim was particularly vulnerable to the fraud scheme. *See United States v. Day*, 405 F.3d 1293, 1296 (11th Cir. 2005). And here, the district court found that the conspirators had targeted victims Nas and Cornfield through "reloading." Doc. 364 at 97–97. The court further found that Alexander had been involved in the scheme "day-to-day" and was aware or should have been aware of "that activity that was happening all around her." *Id.* at 115. Based on Alexander's extensive and regular involvement in so many aspects of the scheme, the district court reasonably found that the targeting of vulnerable victims had been foreseeable to her. *See, e.g., United States v. Parkinson*, 657 F. App'x 853, 856 (11th Cir. 2016) (finding the defendant responsible for vulnerable victims based in part on the "reasonably foreseeable actions of [his] co-conspirator"); *United States v. Kallen-Zury*, 629 F. App'x 894, 914 (11th Cir. 2015) (same).

Therefore, Alexander is not entitled to relief from her sentence.

Conclusion

The United States requests that this Court affirm the judgements of the district court and Alexander's sentence.

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