

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 3:23-cr-166-HLA-JBT

AMIT PATEL

UNITED STATES' SENTENCING MEMORANDUM

The defendant, Amit Patel, betrayed his former employer, the Jacksonville Jaguars, by embezzling over \$22,000,000 from the team. He spent that money to live in the fast lane for more than three years – all the while, covering his tracks by manufacturing fraudulent accounting records. The presentencing investigation report correctly calculates an advisory sentencing range of 78 to 97 months' imprisonment. A mid-range sentence of 84 months' would be fair and just in this case, given the immense scope of the defendant's crimes and his recent efforts to shift the blame to his victim.

To be sure (and to his credit), the defendant waived indictment and pleaded guilty. But one week before doing so, he took the unusual step of issuing a press release. See <https://www.actionnewsjax.com/news/local/cars-condos-crypto-former-jags-employee-accused-spending-22m-team-money-person-benefit/VZL3TAYMPVBOLE45LB23CKRVAE/> (quoting in full the defendant's Dec. 7, 2023 press release; hereinafter "Def.'s Press Release") (last reviewed Mar. 6, 2024).

The defendant's press release is a remarkable document. It presumably previews the defendant's sentencing arguments, which are largely without an evidentiary basis. The same is true of the defendant's sentencing guidelines objection concerning the application of the "sophisticated means" enhancement under Guidelines § 2B1.1(b)(10)(C). The United States addresses these claims below.

I. The Defendant Used the Fraud Proceeds to Gamble, But Also to Lead an Extravagant Lifestyle

Between September 2019 and February 2023, the defendant orchestrated a fraud scheme through which he embezzled \$22,221,454.40 from his employer, the Jacksonville Jaguars. Doc. 6 ¶ 12 (PSR). Specifically, the defendant used his role as the administrator for the Jaguars' virtual credit card program to make hundreds of purchases and transactions with no legitimate business purpose. *Id.* Then, to hide and continue to operate the scheme, he created and emailed falsified accounting records to Jaguars representatives. *Id.*

In his press release, the defendant dismissed the notion that he stole and spent the \$22 million "to live an extravagant lifestyle" *Id.* Instead, he casted himself as a tragic figure who engaged "in a horribly misguided effort to pay back previous gambling losses," specifically, by stealing even more money and then gambling it in hopes of winning, but ultimately losing. *Id.* In support of this claim, he alleged that "[a]pproximately 99%" of the money that he stole was lost gambling on the FanDuel and DraftKings websites. *Id.* This claim – which appears to be a centerpiece of the defendant's sentencing argument – is deceptive.

At least initially, most of the stolen money did flow to those two gaming websites, FanDuel and DraftKings. *See* Ex. 1 (attached summary of defendant's embezzlement).¹ But the defendant did not lose all that loot gambling. In fact, he transferred over \$5 million from those two sites to his PayPal and other financial accounts. *See* Ex. 2 (attached flowchart, providing overview of the defendant's embezzlement).

Once the Jaguars' money was in the defendant's personal accounts, he spent it to live a life of luxury. *See* Ex. 3 (attached summary of defendant's personal expenditures of fraud proceeds); Doc. 15 at 21 (plea agreement, recounting examples of lavish expenditures). Notable purchases included:

- Over \$278,000 for hotels, rental properties, and travel, including \$78,800 spent on private jet charters, *see id.* (admitting chartering jets and paying for luxury hotels and rental properties with fraud proceeds); Ex. 3 at 4; Ex. 4 (attached summary of payments to FBO Jets for round-trip travel on private jets); Ex. 5 (attached composite of photos of the defendant while travelling);
- Over \$200,000 for golf memorabilia, including \$47,113.92 paid for Tiger Woods' 1996 U.S. Amateur Champion Scotty Cameron

¹ An FBI forensic accountant reviewed and analyzed the defendant's fraudulent expenditures and prepared the accompanying summary charts. She will be available to testify at the sentencing hearing in the event that the defendant disputes any of these matters.

- gifted putter, *see* Ex. 6 (attached summary of payments to the Golf Auction, LLC and receipt for Tiger Woods' putter);
- Over \$77,000 at the exclusive Ponte Vedra Beach Inn and Club, including a \$25,581.30 initiation fee and \$5,508.35 for spa services, *see* Ex. 7 (attached summary of country club payments); Ex. 8 (attached composite of photos of defendant at the club); and
 - Over \$95,000 for a single wristwatch, *see* Doc. 15 at 22 (plea agreement factual basis), Ex. 9 (attached summary of payment to the RealReal, Inc. for the purchase of a Patek Philippe watch with fraud proceeds); Ex. 3 at 1 (summarizing \$569,963.96 in fraud proceeds spent shopping, including for the Patek Philippe watch).

Tellingly, the defendant's press release never mentioned these millions in fraudulent purchases. *See generally* Def.'s Press Release. Instead, the defendant highlighted a claim that his "modest residence" – a condominium in posh Ponte Vedra Beach, Florida – "was paid for mostly with family money and other money earned." *Id.* Similarly, the defendant claimed that he "traded [a used Tesla] in to upgrade his vehicle" to a new Tesla Model 3. *Id.* These assertions omit the defendant's express admission in his plea agreement that the condo and new Tesla both "were purchased or funded *with proceeds* of the offenses . . . to which the

defendant . . . plead[ed] guilty” Doc. 15 at 5 (emphasis added). That admission is consistent with the FBI’s analysis of those purchases. *See* Ex. 10 (attached summary tracing the use of both fraud proceeds and a family member’s money to purchase the Ponte Vedra Beach condo); Ex. 11 (attached summary tracing the use of both fraud proceeds and a used car trade-in to purchase the Tesla Model 3).

The defendant’s press release also did not disclose that he continued to lead his luxurious lifestyle after the fraud was discovered and he was fired by the Jaguars. His last day on the job was February 2, 2023. His press release claims that he “loved working for the Jacksonville Jaguars and regrets his actions which have resulted in him both losing his dream job and damaging the organization.” Def.’s Press Release. But that’s not how he has acted.

In the months after the unravelling of the defendant’s crime spree, rather than attempt to make amends and pay the team back, the defendant continued spending (although he was no longer chartering private jets). *See* Ex. 12 (defendant’s credit and debit card transactions between Mar. 3 and Nov. 1, 2023). He continued to enjoy the finer things, regularly golfing, dining out, and enjoying his country club’s spa facilities. *See id.*; Ex. 13 at 18-20 (record of payments to club, including paying annual dues after Feb. 2, 2023). His penchant for collecting sports memorabilia did not wane after the fraud was discovered. The week before he pleaded guilty, he paid \$2,200 for a “game issued” Trevor Lawrence jersey being sold on eBay. *See* Ex. 14 (records of defendant’s payment for jersey). This was one of many eBay purchases

during this time period. *See* Ex. 12 at 3 (documenting more than a dozen eBay purchases, including one for \$2,130 on Sept. 13, 2023).

The defendant could have been gathering assets or saving money to try to pay some restitution to the Jaguars; instead, he was shopping on the internet, golfing, and getting spa treatments. His actions are contrary to the claim in his press release that “[h]e has fully cooperated, and will continue to cooperate, with the Jacksonville Jaguars” *See* Def.’s Press Release.

In sum, the defendant undoubtedly loves to gamble and lost the bulk of the money that he stole doing it (as recounted in his press release). But he also likes to live well and have other people pay for it (a fact not mentioned in his press release). He should admit how he actually spent the money he stole and accept responsibility for all of his egregious conduct. To date, he has not.

II. The Defendant Used Sophisticated Means to Perpetrate and Conceal His Fraudulent Scheme to Embezzle More than \$22 Million

In addition to issuing a press release, the defendant has objected to the PSR and probation department’s sound conclusion that a two-level “sophisticated means” enhancement applies under Guidelines § 2B1.1(b)(10)(C). Doc. 26 at 25 (PSR and appended objections). The defendant argues that the enhancement should not apply because his efforts to conceal the fraud were not particularly complex. *Id.* at 26. He claims that “[t]he only reason the fraudulent activity was not detected immediately was because nobody at the company reviewed the credit card statements or adequately supervised Mr. Patel’s work.” *Id.*

This is victim-blaming at its worst. As the MBA-trained, financial professional and the administrator of his employer's credit card program, the defendant was the one minding the till. He was best positioned to spot the fraud. He had an obligation to structure the program to prevent losses. Instead, using insider information, he identified a vulnerability and exploited it. He stole from the company hundreds of times and went to elaborate lengths to cover it up for several years.

Moreover, the defendant's objection misconstrues the relevant standard for the sophisticated means enhancement. The Guidelines commentary defines "sophisticated means" as "especially complex or especially intricate offense conduct pertaining to the execution or concealment of an offense." *Id.* cmt. n.9(B). Examples of sophisticated means listed in the commentary include "hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts." *Id.* But these examples are merely illustrative, that is, a "nonexclusive list" of "sophisticative means" of committing and covering up fraud. *United States v. Feaster*, 798 F.3d 1374, 1380 (11th Cir. 2015) (affirming application of the enhancement).

To determine whether this enhancement applies, courts "look[] to the conduct as a whole, not each individual step" that the defendant took to perpetrate and conceal the fraud. *Id.* (citation and punctuation omitted). In other words, the focus is on the "totality of the conduct." *Id.* (citation and punctuation omitted).

While conducting this open-ended inquiry, courts must consider the magnitude of the monetary loss. *Id.* at 1381. Likewise, the duration of the fraud is a relevant consideration. *Id.* In this regard, “when a larger amount of money is stolen gradually and is not discovered over a long period, the length of time for which the conduct is not detected can reflect on the sophistication of the scheme.” *Id.*

Also relevant are the number of actions that the defendant repeated to carry out the scheme. *Id.* So are the variety of types of actions that the defendant completed. *Id.*

Courts should also consider whether a defendant’s use of his or her employment by an institutional victim or “inside information” about the victim to perpetrate or conceal the fraud. *Id.*; see also *United States v. Dawson*, 588 F. App’x 890, 893 (11th Cir. 2014) (*per curiam*; unpublished) (affirming application of the enhancement in light of, among other things, the defendant’s use of his employment by the victim and “specialized knowledge” about its operations); *United States v. Cowling*, 239 F. App’x 549, 553 (11th Cir. 2007) (*per curiam*, unpublished) (affirming application of the enhancement because of, in part, the defendant’s “the use of her specialized knowledge of the business operations and the computer and bookkeeping systems” of her victims).

Notably, courts have rejected the notion (argued by the defendant here) that a scheme is not “sophisticated” simply because it could have been discovered through

an audit or a more vigilant victim. *See, e.g., United States v. Holland*, No. 21-13968, 2023 WL 110585, at *10 (11th Cir. Jan. 5, 2023) (*per curiam*, unpublished).

In this case, the undisputed facts require the application of the sophisticated means enhancement. The enhancement should apply to the defendant given (i) the long duration of his fraud – more than three years, PSR ¶ 18; (ii) his use of his trusted, insider position and knowledge of the victim’s operations to embezzle millions, *id.* ¶¶ 16-21; (iii) his use of that position and specialized knowledge to cover up these crimes, *id.*; (iv) the serial nature of the conduct – hundreds of fraudulent purchases made and then hidden through hundreds of fraudulent accounting entries, which were created and submitted to the victim each and every month, *id.* ¶¶ 12, 16-17, 20; (v) the variety of types of fraudulent entries that the defendant invented to insert in the victim’s records (such as fake transactions with real vendors; inflated entries for real transactions; fake transactions with fake (but real sounding) vendors; and real, but future, transactions that he booked early), *id.* ¶ 20; (vi) his payments to get the victim’s virtual credit card aggregate balance back below the credit limit to keep the fraud hidden, *id.* ¶ 21; (vii) his use of his insider position to increase the victim’s credit limit so that he could steal and spend even more, *id.*; and (viii) the amount that the defendant stole – \$22,221,454.40 – a staggering sum, *id.* ¶ 18.

These facts, taken together, show that the defendant used sophisticated means to commit his crimes and cover them up. The Eleventh Circuit has endorsed the application of this enhancement in far less complex cases. Indeed, insiders – like the defendant here – who embezzle money from an employer through multiple

transactions over years and then cover up the crime by altering records or manipulating accounts are paradigmatic examples of a fraudster employing “sophisticated means.” See *United States v. Kimbrough*, 297 F. App'x 960, 961-62 (11th Cir. 2008) (*per curiam*, unpublished) (affirming application of enhancement for victim’s bookkeeper who embezzled \$183,851.94 over two years by depositing 85 forged checks into her personal bank account and then deleting the entries for the checks from the victim records and reconciling its books to coverup the theft); *United States v. Goodwin*, 241 F. App'x 685, 686 (11th Cir. 2007) (*per curiam*, unpublished) (affirming application of enhancement for bookkeeper who used her access to her employer’s accounts wire money into her personal bank account and wrote herself and her husband unauthorized checks and then covered up the fraud by removing evidence from the office at night and installing new passwords on her employer’s trust and operating accounts so only she could access them).

The probation department has correctly applied this enhancement and accurately calculated the defendant’s sentencing range in the PSR. As such, the United States respectfully requests that the defendant’s objection be overruled.

CONCLUSION

The defendant was a trusted and valued member of Jaguars organization. He betrayed that trust and stole over \$22 million through hundreds of fraudulent transactions, which he skillfully concealed for over three years. He did not need that money. He did not use it to feed his family or care for sick loved ones. He did not

donate the loot to a charity or use it to perform good works. He had fun with it. He lived it up – gambling, travelling, and shopping. Under these circumstances, a lengthy prison sentence is warranted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2024, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will electronically serve a copy to the following:

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