

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	
		:
		:
	Plaintiff,	:
		:
		:
-vs-		: NO. 3:21CR00157-001 (NDOH)
		:
		:
		: JUDGE JEFFREY J. HELMICK
SIR MAEJOR PAGE,		:
		:
		:
	Defendant.	:

DEFENDANT SIR MAEJOR PAGE’S SENTENCING MEMORANDUM

Introduction

This Sentencing Memorandum is submitted for this Court’s consideration in fashioning a sentence that is “sufficient but not greater than necessary” to serve federal sentencing purposes. The Presentence Report provides a Guideline Recommendation for an Offense Level 29 and a Criminal History Category of 1. This calculation provides a sentencing range of 87 to 108 months. Defendant Page believes that the Offense Level, as recommended, should be substantially reduced based on the objections he raised to the Presentence Report. As set forth below, the Court should grant a downward variance in order to achieve a fair and just sentence.

Case Background

Mr. Page is before this Court for sentencing following his jury trial for Count 1 of the Indictment in The Northern District of Ohio for Wire Fraud under 18 U.S.C. § 1343; Count 2 of the Indictment in The Northern District of Ohio for Concealment Money Laundering under 18 U.S.C. § 1956(a)(1)(B); Count 3 of the Indictment in The Northern District of Ohio for Money

Laundering under 18 U.S.C. § 1957; and Count 4 of the Indictment in The Northern District of Ohio for Money Laundering under 18 U.S.C. § 1957. Other than those issues raised in the defendant's objections, the Statement of Facts accurately outlines the offense conduct.

Personal Background

Sir Maejor Page is 32 years old. He was born as Tyree Conyers in Toledo, OH to a mother who abused drugs while she was pregnant causing Mr. Page to be born with fetal alcohol syndrome. Mr. Page also has albinism, which affects the pigment of his skin and has left him legally blind. When Mr. Page was five, he was adopted by Twila Page, which led him to change his name. While growing up, Twila taught Mr. Page how to stand up for himself when Mr. Page was bullied at school and elsewhere as Mr. Page was often the victim of racism. This led Mr. Page to begin speaking up for others and eventually he became a community leader and full-time activist for Black people and all marginalized groups. In 2016, Mr. Page took his desire and motivation to create positive social change to Atlanta, GA, where he began his nonprofit organization, Black Lives Matter of Greater Atlanta (BLMGA).

Sentencing Factors

The PSRI includes charges, their statutory sentence ranges in months, and final sentencing recommendation based on a level 29, category 1 offender. *United States v. Booker*, 543 U.S. 220 (2005) makes it clear the District Court is no longer bound by the provisions of the Sentencing Guidelines. However, The Guidelines are but one of many factors the Court may consider in determining an appropriate sentence. Title 18 U.S.C. §3553 provides:

(a) Factors to be considered in imposing a sentence. The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the need for the sentence imposed—

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant;

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

Nature and circumstances of the offense

All acts of wire fraud are deserving of punishment, but the severity of it should reflect the degree of intent that the defendant showed relative to the scheme to defraud and if “the offense otherwise involved sophisticated means, and the defendant intentionally engaged in or caused the conduct constituting sophisticated means.” U.S. Sentencing Comm’n § 2.B1(b)(10). The sophisticated means enhancement “is appropriate if the conduct was ‘more intricate than that of the garden-variety offense.’” *United States v. Dumouchelle*, E.D.Mich. No. 20-20245, 2022 U.S. Dist. LEXIS 133472, at *5-6 (July 27, 2022) (enhancement was appropriate when defendant sent fake emails and wire transfer instructions to victim); *see also United States v. Maxwell*, 579 F.3d 1282, 1302 (11th Cir.2009) (“financial loss is not at the core of these mail and wire frauds. Instead, the penal statutes also seek to punish the intent to obtain money or property from a victim by means

of fraud and deceit”). In 2023, the sophisticated means sentencing enhancement was used in 11.9% of § 2B1.1 offences, making it easily one of the most used enhancements.¹

This Court should grant a downward variance from the sentencing recommendations because Mr. Page did not show the level of intent to defraud that is typical of wire fraud. *See United States v. Bravata*, 636 F.App'x 277, 283 (6th Cir.2016) (where “ponzi-scheme” was created and defendant made material misrepresentations in marketing investments to draw in new investors); *United States v. Bertram*, 900 F.3d 743, 750 (6th Cir.2018) (where health care provider intentionally overbilled for insurance for procedures not performed); *United States v. Moses*, 2d Cir. No. 22-3141-cr, 2024 U.S. App. LEXIS 18482 (July 26, 2024) (defendant guilty of wire fraud in operating two nonprofits and creating fake invoices).

Conversely, Mr. Page’s level of intent came nowhere near that of others who commit wire fraud. This includes much more sophisticated people like Sam Bankman-Fried or Elizabeth Holmes, who set out with an intent to use their businesses as a vehicle for fraud. *See United States v. Casey*, 480 F.App'x 811, 813 (6th Cir.2012) (“district court explained that it finds white collar criminals particularly unsympathetic because they are typically educated and relatively financially stable, meaning they make a conscious choice to engage in criminal activity despite having other options.”) Mr. Page on the other hand is not highly educated and coincidentally fell backwards into the donations. They came in based on the cataclysmic event of George Floyd’s murder and had nothing to do with Mr. Page’s deliberate effort. This was evidenced at trial during the cross examination by Attorney Charles Boss of FBI Agent Matthew DeSorbo:

¹ https://www.ussc.gov/sites/default/files/pdf/research-and-publications/federal-sentencing-statistics/guideline-application-frequencies/2023/Ch2_Guideline_FY23.pdf, p.27.

Boss: These donors that made those donations did not do so as a result of Mr. Page's solicitation; isn't that true?

Desorbo: Correct.

Boss: All of that money came in as a result of those donors' own choice, not because Mr. Page had solicited the money; isn't that true?

Desorbo: Not because Mr. Page had solicited the funds, correct.

Boss: In no instance did Mr. Page reach out to an individual donor first and ask for donations or otherwise solicit money; isn't that true?

Desorbo: Correct.

Boss: And so nothing that Mr. Page said or did had anything to do with their donation to the cause; isn't that true?

Agent Desorbo: Correct.

Boss: On any of the public Facebook posts did he make false or misleading statements that enticed people to make a donation?

Desorbo: No, sir.

Furthermore, the evidence presented at trial by Mr. Page's defense showed that for over four years after creating BLMGA, Mr. Page was a respected and effective social justice advocate who regularly led and attended community events. The numerous exhibits presented showed that

Mr. Page was working tirelessly as a local organizer and used BLMGA in good faith to further his goal of racial justice. Other evidence that was ruled inadmissible at trial showed Mr. Page not encouraging people to donate when they asked him what they could do to help his cause. It was only once Mr. Page received the money that he is alleged to have acted improperly by spending it in ways that did not align with BLMGA. Most of the government's case rested on character assassination and how Mr. Page spent the money and not on intentional statements he made to induce donors to donate. Much of that irrational spending can be attributed to Mr. Page being young and inexperienced at running a charitable organization.

This Court can also consider the losses sustained by the donors to BLMGA as another factor that warrants a less harsh sentence. *United States v. Meeker*, 411 F.3d 736, 747 (6th Cir. 2005) (recognizing that not all wire fraud cases include severe consequences to victims like emotional harm). The sentencing guidelines identify “cases in which the offense level determined substantially overstates the seriousness of the offense.” This includes cases “involving a fraudulent statement made publicly to the market” that may “produce an aggregate loss amount that is substantial but diffuse, with relatively small loss amounts suffered by a relatively large number of victims.” Of the thousands of people that donated to BLMGA during the summer of 2020, 99% donated \$100 or less, and 85% donated \$50 or less. One donor the Government called to testify donated \$39. None of these people could be said to have suffered a substantial financial hardship under U.S. Sentencing Comm'n § 2.B1b(10), comment 4(F)(i)-(vi). While total donations did reach \$500,000, this is far off from the \$4.164 million average for § 2.B1 offences.² Furthermore, the donors had access to the BLMGA public Facebook page and could have readily discovered who Mr. Page was before donating. This is unlike other cases where the perpetrator of the fraud

² <https://www.ussc.gov/sites/default/files/pdf/research-and-publications/annual-reports-and-sourcebooks/2023/TableE6.pdf>

owes a special duty to the victim. *United States v. Brack*, 651 F.3d 388 (4th Cir.2011) (abuse of trust sentencing enhancement was justified for bail bondsman who committed wire fraud with inmate's information).

History and characteristics of the defendant

As described above, despite the difficult upbringing Mr. Page experienced, he did everything he could to live an honest life by following his calling to be a social activist and community organizer. One example of what Mr. Page dedicated his life to can be seen in the video showed at trial of Mr. Page speaking on behalf of the mother of Kenneth Herring Jr., a black man killed by a white woman who was later found guilty of murder and sentenced to life in prison. Like so many others, Mr. Page spoke up for others when they could not speak for themselves. Mr. Page also attended some college and still hopes to return to obtain a degree in criminal justice. Mr. Page also spent time as an actor and appeared in multiple episodes of a show on the FX Network. Despite how Mr. Page was portrayed at trial, he is a mild-mannered, soft-spoken person who genuinely cares about the well-being of others. He sincerely hopes that after serving his sentence that he can return to Toledo, OH and be a valuable member of society.

(a)(2) the need for the sentence imposed—(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

Mr. Page recognizes that the charges brought against him are serious and he recognizes the mistakes he made. He also understands that his case is high profile, and his trial gained national media coverage. His sentence may likewise attract attention. Mr. Page also knows that a just punishment is important because those who consider committing wire fraud often weigh the

potential punishments before doing so. *United States v. Emery*, E.D.Mich. No. 18-20240, 2023 U.S. Dist. LEXIS 5917, 131 A.F.T.R.2d (RIA) 2023-345 (Jan. 12, 2023). However, with all this in mind, others who have committed much worse forms of wire fraud have received far less punishment than what Mr. Page faces. *See Jackson v. United States*, S.D. Ohio No. 2:18-CV-00465, 2019 U.S. Dist. LEXIS 80796 (May 14, 2019) (where defendant received 84 month sentence for eight counts of wire fraud, one count of money laundering, and one count of conspiracy following an eight day jury trial); *United States v. Rogers*, 769 F.3d 372 (6th Cir.2014) (defendant sentenced to 78 months after jury found him guilty of conspiracy to commit wire fraud and money laundering in complex scheme that resulted in \$700,000 loss to vulnerable homeowner); *United States v. Ediger*, 166 F.App'x 218 (6th Cir.2006) (defendant found guilty of one count of both mail and wire fraud received 36 months after court found that loss was based on what defendant gained and not what victim lost). Lastly, the average federal sentence for crimes under § 2B1.1 between 2014 and 2023 was 23 months.³ Over that same time, the number of total sentences under § 2B1.1 has dropped from 8,500 in 2013 to 5,000 in 2023.⁴ Therefore, there is evidence to show that more harsh punishments are not what will deter others from committing crimes of fraud.

(B) to afford adequate deterrence to criminal conduct;

General Deterrence

Admittedly, general deterrence is recognized as an important reason to punish crimes of fraud. This is because “economic and fraud-based crimes are more rational, cool, and calculated

³ <https://www.ussc.gov/sites/default/files/pdf/research-and-publications/annual-reports-and-sourcebooks/2023/FigureE4.pdf>

⁴ <https://www.ussc.gov/sites/default/files/pdf/research-and-publications/annual-reports-and-sourcebooks/2023/FigureE3.pdf>

than sudden crimes of passion or opportunity." *United States v. Musgrave*, 761 F.3d 602, 609 (6th Cir.2014). Here, however, there was nothing calculated about this particular scheme. BLMGA was incorporated over four years before any of the events of these schemes occurred. During that time, BLMGA and Mr. Page never had more than a few thousand dollars to their names. The donations came in completely unexpected based on the death of George Floyd and the donations ended just as quickly once the social unrest at that time ended. The scheme came about without a planned intent and the results were just as unintentional.

(C) to protect the public from further crimes of the defendant;

Specific Deterrence

This factor further supports a variance downward from the sentencing recommendations. While general deterrence may be needed to stop others from committing wire fraud, specific deterrence focuses on preventing further crimes of the defendant. *Watts v. United States*, 2d Cir. Nos. 21-2925, 21-3028, 2023 U.S. App. LEXIS 8730 (Apr. 12, 2023) (downward departure was unreasonable because trial court did not consider defendant's prior history of securities fraud). Mr. Page is a well-recognized individual and not someone who can easily fly under the radar to commit a future crime of fraud. Mr. Page's skin condition, blindness, and overall unique presence makes him easily identifiable to others. This is especially true within the Black community and nonprofit sector where it will be virtually impossible for Mr. Page to be able to engage in similar conduct based on his reputation.

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

A downward variance is also called for because rehabilitating Mr. Page can best be done while under supervised release. Mr. Page is legally blind and requires medical care that can readily be obtained within the local community. Mr. Page has friends and family in Toledo, OH who will be able to ensure he gets the support he needs.

Recommendations

This Court is requested to consider the following options and/or recommendations when imposing sentence:

1. That Mr. Page be granted a downward variance and be sentenced to below the recommended Guideline calculation.
2. That Mr. Page be subject to supervised release for three years after the end of his prison term.
3. That the Court recommends the Bureau of Prisons permit Mr. Page to participate in any program that reduces his term of confinement.
4. That the Court recommends the Bureau of Prisons permit Mr. Page to participate in an appropriate counseling program.
5. That the Court recommends the Bureau of Prisons permit Mr. Page to be sentenced to a facility nearest to Toledo, Ohio.
6. That the Court find Mr. Page does not have the ability to pay any fines or costs.
7. That the Court grant Mr. Page leniency.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that Defendant Sir Maejor Page's Sentencing Memorandum was filed electronically this 20th day of August, 2024. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

Respectfully submitted,

BOSS & VITOU Co., L.P.A.

/s/ Charles M. Boss

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