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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) NO. 20 CR-0108 JD
15 Plaintiff,) 13-CR-0079 JD
16 v.) **UNITED STATES' SENTENCING**
17 MARK DJANGO HICKS A/K/A KAFANI,) **MEMORANDUM**
18 Defendant.)

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1 **I. INTRODUCTION**

2 Mark Hicks is a career criminal and an unrepentant fraudster. He has more than a half dozen
3 felony convictions for a series of increasingly sophisticated fraud schemes. He stands before this Court
4 now having pled guilty to orchestrating a sprawling two-year loan fraud conspiracy in which he directed
5 a team of criminals that stole \$2 million from banks and lenders in a complex scheme involving stolen
6 personal information, a web of false emails, phony phone numbers, and a series of fraudulent bank
7 accounts. He impersonated his victims in over a dozen phone calls with banks, lending institutions, and
8 gold dealers. Because Hicks was paralyzed and in a wheelchair from a 2013 shooting, he needed people
9 to help execute the scheme. He turned to his half-brother Demarcus Hicks and co-defendant Dionysius
10 Costello, using them to recruit their “workers,” homeless drug addicts they used to impersonate victims
11 to deceive notaries and at banks. *PSR* ¶ 16.

12 Over a two-year period, Hicks and his co-conspirators defrauded nine victims of almost \$2
13 million, and would have obtained over \$5 million had the financial institutions not caught several of his
14 attempts. Hicks used the stolen funds to buy gold bars and coins, which his co-conspirators sold for
15 cash. Over \$400,000 of the illicit gains were recovered from a safe deposit box controlled by Hicks’
16 mother and sister. The rest - over \$1.5 million in stolen funds - remains unaccounted for.

17 On March 21, 2022, Hicks pled guilty pursuant to a Fed. R. Crim. P. 11(c)(1)(A) and (c)(1)(B)
18 plea agreement to conspiracy to commit wire fraud, wire fraud, bank fraud, and aggravated identity
19 theft. *Dkt.* 289. He also admitted to the supervised release violation filed in his 2013 fraud case. *United*
20 *States v. Hicks*, 13-CR-0079 JD.

21 The United States respectfully submits this Sentencing Memorandum with a recommendation
22 that the Court sentence defendant Hicks to a term of imprisonment of 110 months, comprised of 100
23 months for the charges in this case, and 10 consecutive months for the violation of his terms of
24 supervised release, all to be followed by three years of supervised release (including 10-months of home
25 confinement), and restitution in the amount of \$1,904,988.79. The United States also asks that the Court
26 enter a forfeiture order in accordance with the parties’ agreement and as explained below.

1 **II. BACKGROUND AND OFFENSE CONDUCT**

2 **A. Hicks' Career in Fraud**

3 Mark Hicks' criminal history dates back to his juvenile days. At 20, he was arrested for bank
4 fraud and sentenced six months in jail. *PSR* ¶ 57. Less than two years later he was arrested, convicted,
5 and sentenced to 32 months in prison for Get Credit/Use Other's ID. *PSR* ¶ 58. He was on probation
6 for that offense when he was again arrested, this time for False Information to Law Enforcement. *PSR* ¶
7 59. One year later, in 2008, he was arrested yet again, this time charged with being a Violent Felon in
8 Possession of a Firearm. *PSR* ¶ 60.

9 None of these arrests or convictions deterred Hicks, and from 2008 through November 2012,
10 Hicks participated in a complex, multi-defendant scheme to defraud MoneyGram and USAA Federal
11 Savings. *PSR* ¶ 61. Employing the same *modus operandi* he would use in this case, in the USAA and
12 MoneyGram fraud Hicks and his co-conspirators obtained personal identifying information of his
13 victims, made telephone calls to the bank impersonating them, and, working with co-conspirators,
14 obtained fraudulent proceeds from the victims. *Id.* He was arrested in 2013. Despite this arrest, Hicks
15 continued to engage in sophisticated fraud schemes. In 2014, he was arrested and charged with Grand
16 Theft and Felon/Addict Possessing a Firearm. *PSR* ¶ 62. According to the *PSR*, Hicks would hack into
17 Federal Express's package tracking system, and was rerouting packages, where he had co-conspirators
18 pick them up. *Id.* Hicks was observed picking up one of the packages from his co-conspirators. *Id.* In
19 April 2015, the Honorable Phyllis J. Hamilton sentenced Hicks to 39 months in prison for the
20 MoneyGram and USAA fraud, and ordered restitution of \$258,400. *PSR* ¶ 61. In 2016, he was
21 sentenced to three years in prison on the state charges. *PSR* ¶ 62.

22 **B. The Charged Mortgage Loan Fraud Scheme**

23 Hicks was released from prison in February 2018, and within months he had hatched the current
24 fraud scheme. By July 2018, Hicks, having obtained personal and financial information for two victims,
25 IT Victim # 1 [J.D.], and IT Victim # 2 [G.C.], set about obtaining fraudulent mortgage loans in the
26 names of both, using fraudulent email accounts, fake Google voice numbers, and fraudulent bank
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1 accounts he and others had created in the victims' names. *PSR* ¶¶ 24, 25. He applied for a \$785,000
2 mortgage loan in IT Victim #1's name, and a \$250,000 fraudulent loan in IT Victim #2's name. *Id.*

3 As part of this scheme, Hicks began recruiting co-conspirators. Hicks admits that he provided
4 personal information for IT Victim #2 [G.C.] to co-defendant Dionysus Costello, who then recruited co-
5 defendants Susan Arreola-Martin and Leif Skorochoch, both homeless at the time and addicted to heroin
6 and methamphetamine, to impersonate victims and sign and notarize fraudulent loan documents. *Id.*
7 Costello and Hicks used Skorochoch to impersonate IT Victim #2 [G.C.] & IT Victim #3 [N.S.] (and later
8 Victim #4). *Id.* Arreola-Martin impersonated IT Victim #2's wife. *Id.* Hicks admits that he obtained a
9 fraudulent driver's licenses in the name of IT Victim #2 and IT Victim #3, but with Skorochoch and
10 Arreola-Martin's pictures, and using those IDs, along with the fraudulent email, Google Voice, and bank
11 account he and others had created, applied for a \$250,000 loan in IT Victim #2's name. *PSR* ¶ 25.

12 Hicks would use this *modus operandi* throughout 2018 and 2019 to continue his fraud scheme.
13 Using a fraudulent identification card in IT Victim #3 [N.S.]'s name, but with co-defendant Skorochoch's
14 picture, Hicks applied for a loan in IT Victim #3's name, fraudulently obtaining \$713,788. *PSR* ¶ 26.
15 Hicks spent \$6,731 of the funds before the bank discovered the fraud and seized the remaining proceeds.
16 Less than a month later, Hicks orchestrated a \$470,609 fraudulent loan in the names of IT Victims #4
17 [D.R.] & #5 [C.R.], creating fraudulent email, Google voice, and bank accounts in their names. Hicks,
18 through Costello, used Arreola-Martin and Skorochoch again, this time to impersonate IT Theft Victim
19 #4 [D.R.] and IT Theft Victim #5 [C.R.]. They directed Arreola-Martin and Skorochoch to meet with a
20 notary, using false identifications and victims' PII that Hicks had obtained. *PSR* ¶ 20, 27. That loan
21 was approved, and Hicks admits that he received these fraudulent proceeds, withdrew \$94,000 of the
22 funds, and then used additional proceeds to purchase \$73,000 in gold coins. *PSR* ¶ 27.

23 In 2019, Hicks' half-brother Demarcus "Smurf" Hicks joined the conspiracy. Demarcus Hicks
24 would work with Costello to obtain fraudulent driver's licenses using the personal information Hicks
25 provided, and would drive Skorochoch and Arreola-Martin to meet with notaries. *PSR* ¶ 28, 29, 30.
26 Mark Hicks and co-conspirators obtained four additional fraudulent loans: two using stolen personal
27 information of IT Victim #6 [D.A.T.] (fraudulent loans of \$290,806 and \$241,602), one using stolen
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1 personal and financial information and applying for a loan in the names of IT Victims #7 [B.M.] & IT
2 Victim #8 [L.M.] (\$301,582), and one by obtaining financial information and applying for a fraudulent
3 loan in the name of IT Victim #9 [D.B.] (\$964,513).

4 **C. The Proceeds of the Fraud**

5 On multiple occasions, Hicks would contact gold dealers by phone, altering his voice and
6 impersonating the victims to order gold bars and gold coins, which he had delivered to a trailer home in
7 Vallejo, California owned by the sister of Demarcus Hicks' spouse. *PSR* ¶ 30. Hicks ordered \$964,000
8 in gold bars and coins through U.S. Gold Bureau, and at least another \$207,500 from Goldline Inc. *PSR*
9 ¶ 28, 30. Hicks also admits to spending parts of the proceeds from the \$241,602 loan to Victim #6 via
10 ATM withdrawals and other ATM card purchases. *PSR* ¶ 28. \

11 Finally, Demarcus Hicks and co-defendant Tyrone Jones (who remains a fugitive) took at least
12 some of the gold coins and bars and exchanged them for cash at a jewelry store. *PSR* ¶ 14. Some of that
13 cash, wrapped in distinctive colored rubber bands, was then deposited into a safe deposit box in the
14 name of Hicks' mother and sister. *PSR* ¶ 14. Law enforcement later searched the safe deposit box and
15 seized \$484,920 in cash. Hicks admits that all of it is proceeds of this fraud scheme. *PSR* ¶ 31.

16 **III. DISCUSSION**

17 **A. Sentencing Guidelines Calculation and Restitution**

18 The government agrees with Probation's calculation of the Guidelines, with one exception. The
19 government's plea agreement includes a two-point reduction for a Global Disposition, pursuant to
20 U.S.S.G. § 5K2.0(a)(2)(B). Probation takes no position on this reduction. Section 5K2.0(a)(2)(B)
21 provides that "[a] departure may be warranted in the exceptional case in which there is present a
22 circumstance that the Commission has not identified in the guidelines but that nevertheless is relevant to
23 determining the appropriate sentence."

24 In this case, in lieu of proceeding to trial, defendants Mark Hicks, Demarcus Hicks, and
25 Dionysius Costello agreed to jointly plead guilty and to pay full restitution. In other words, the
26 defendants agreed to a so-called "wired plea," where if any of three defendants balked, the bargained-for
27 benefit they would receive -- a possible two-level departure under the advisory Guidelines -- would
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1 evaporate. The defendants' wired agreement obviated the need for a complex and relatively lengthy
 2 trial, and it increased the chances that the victims of the frauds would be fully compensated for their
 3 losses. Such an agreement, while not unprecedented, is uncommon, and thereby satisfies the
 4 requirement under Section 5K2.0(a)(2)(B) that the departure apply in "the exceptional case." More
 5 importantly, the agreement – if honored by all three defendants -- is a circumstance that the Commission
 6 has not identified in the guidelines that is nevertheless relevant to determining the appropriate sentence.

7 Specifically, the government believes that the Guidelines calculation for defendant Hicks should
 8 be as follows:

9 Count Group 1 (Counts One and Eight)

10	a.	Base Offense Level, U.S.S.G. § 2B1.1(a)(2):	7
11	b.	Specific offense characteristics under U.S.S.G. Ch. 2:	
12		Intended Loss in this case was greater than \$3,500,000.	
13		U.S.S.G. § 2B1.1(b)(1)(J):	+18
14		Receipt of \$1Million or More From Financial Institutions:	
15		U.S.S.G. § 2B1.1(b)(17)(A)	+2
16		Possession of 5 or More Means of Identification:	
17		U.S.S.G. § 2B1.1(b)(11)(C)(ii)	+2
18	c.	Adjusted Offense Level:	29

19 Count Group 2 (Count Twenty)

20	a.	Base Offense Level, U.S.S.G. § 2B1.1(a)(2):	24 Months Consecutive Sent.
21	b.	Total Number of Units:	1.0
22	c.	Combined Adjusted Offense Level:	29
23	d.	Acceptance of Responsibility:	-3
24	e.	Global Disposition U.S.S.G. § 5K2.0(a)(2)(B)	-2
25	f.	Total Adjusted Offense Level:	24

26 The government's understanding, based on the criminal history information in the Presentence
 27 Report, is that Hicks is a Criminal History Category VI. *PSR ¶ 65*. As a result, according to the
 28

1 government's calculation, the Sentencing Guidelines range is 100 to 125 months, in addition to a
2 mandatory 24-month sentence for his conviction for Count Twenty-One (Aggravated Identity Theft).

3 In his plea agreement, Hicks agrees to pay restitution in the amount up to \$2,082,640. The
4 government calculates that the total actual loss from this fraud scheme was \$1,904,988.79 and asks this
5 Court to impose this amount in restitution.

6 **B. Legal Standard**

7 The U.S. Sentencing Guidelines serve as “the starting point and initial benchmark” of any
8 sentencing process, and are to be kept in mind throughout the process. *See United States v. Carty*, 520
9 F.3d 984, 991 (9th Cir. 2008); *see also United States v. Kimbrough*, 522 U.S. 85, 108 (2007). The
10 overarching goal of sentencing, as set forth by Congress, is for the Court is to “impose a sentence
11 sufficient, but not greater than necessary.” *Carty*, 520 F.3d at 991. In accomplishing that goal, the
12 Court should consider the factors set forth under 18 U.S.C. § 3553(a), to include:

- 13 (1) the nature and circumstances of the offense and the history and
14 characteristics of the defendant;
- 15 (2) the need for the sentence imposed to reflect the seriousness of the
16 offense, to promote respect for the law, and to provide just
17 punishment for the offense;
- 18 (3) the need for the sentence imposed to afford adequate deterrence to
19 criminal conduct;
- 20 (4) the need to avoid unwarranted sentence disparities among
21 defendants with similar records who have been found guilty of
22 similar conduct.

20 **C. Sentencing Recommendation**

21 **1. The nature and circumstance of the offense**

22 A fraud of this scope and complexity, involving almost two years of continuous criminal activity,
23 multiple victims and seven charged co-conspirators, clearly justifies a significant sentence from the
24 Court. This was not a one-off, or a single event. Rather, it was a sophisticated and structured and
25 organized criminal cabal. It was a complex fraud scheme driven by Hicks, involving significant stolen
26 personal information on the victims, high-quality fraudulent driver's licenses, and a host of fraudulent
27 email, bank, and Google voice accounts. Hicks and his cohorts managed to deceive over a half-dozen
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1 financial institutions into parting with \$2 million, then concealed their ill-gotten gains through the
2 purchase and resale of over a million dollars in gold bars and coins.

3 Hicks' fraud led to significant losses to the lending institutions, their title insurance companies,
4 and to one set of individual victims. In addition to direct financial losses to four of the victim banks,
5 Fidelity National Title lost \$367,388 as part of an insurance claim on the loans to IT Victim #6. *See C,*
6 *Infra.* Placer Title paid out \$306,901 related to fraudulent loans in IT Victim #7 [B.M.] & IT Victim #8
7 [C.M.]'s names. *Id.* Separately, IT Victim #7 & IT Victim #8 both personally lost \$6,412.50 in legal
8 and other costs related to the fraud in their names. *Id.* And Hicks fraud had an additional personal
9 impact on the victims. In a victim impact statement submitted to the Court, IT Victim #1 [J.D.] wrote:

10 I spent countless difficult hours on the phones to contact the entities listed to inform
11 them of the fraud and get credit card accounts and loan requests cancelled, and the like.
12 All of this created significant emotional strains to try to say ahead of whomever was
13 fraudulently impersonating me.

14 IT Victim #6 [D.A.T.], an elderly woman living close to Hicks' mother's house in Oakland
15 whose name was used to take out two loans totaling over \$550,000, also wrote a victim impact
16 statement, stating in part:

17 The perpetrators had taken a staggering \$550,000 loans from my properties. We went
18 back and forth for months with the brokerage firm that provided the loan. I was riddled
19 with anxiety throughout the whole process. I felt deeply violated by these people who
20 have no idea how hard I have worked to achieve everything that I have. . . . my credit
21 report I had worked so very hard to maintain was irreversibly impacted immensely by
22 their actions.

23 The Court should weigh the nature of this offense, particularly its complex and long-
24 running nature and the impact on the victims, heavily at sentencing. It is a primary factor in
25 justifying a significant custodial sentence for Hicks.

26 **2. The History and Characteristics of the Defendant**

27 Mark Hicks is an unrepentant career criminal. His convictions span back decades,
28 beginning in 1999 when he was only 19. *PSR* ¶ 56. He has repeatedly offended throughout his
life, undeterred by multiple prison sentences, probation, and parole. He is currently a Criminal
History VI, reflecting decades of crime.

1 Hicks' history of fraud shows a defendant committed to a career in crime, undeterred by
2 prior convictions and repeated terms of imprisonment. Throughout his life, Hicks has
3 demonstrated a willingness to repeatedly turn to crime - with each turn more sophisticated and
4 damaging than the last.

5 Hicks has also provided no accounting for any of the stolen funds, leaving the
6 government able to trace only the \$484,920 in cash seized from a safe deposit box in his mother
7 and sister's name as direct proceeds to Hicks from the fraud.

8 Finally, Hicks shows no regard for his co-conspirators, his victims, or others. He
9 recruited Demarcus Hicks and Costello, and he oversaw the recruitment of Arreola-Martin,
10 Skorochood, and Pool. While each co-defendant bears responsibility for their role in the offense,
11 Hicks also bears responsibility for their recruitment into the scheme.

12 All of this demands a significant custodial sentence.

13 **3. The need for the sentence imposed to reflect the seriousness of the offense, to**
14 **promote respect for the law, and to provide just punishment for the offense**

15 Mark Hicks has failed to reform in any way following his prior convictions. Rather, he
16 appears to learn from his past crimes, with each subsequent iteration of the fraud providing him
17 with tools and experience to incorporate into his next fraud scheme. At age 22, he was arrested
18 for Get Credit/Etc., in violation of California Penal Code Section 530.5, and was sentenced to 32
19 months in prison. *PSR* ¶ 58. Hicks committed a new offense while on Probation. *Id.* In 2008,
20 Hicks was charged with Violent Felon Possessing Firearm, and sentenced to 365 days in jail.
21 *PSR* ¶ 60. While on Probation, he began the fraud scheme that would result in federal mail, wire,
22 and bank fraud charges in 2013. *PSR* ¶ 61. While that case was being prosecuted, Hicks
23 continued to commit fraud, and was arrested again in 2014 and charged in Oakland Superior
24 Court with another sophisticated fraud scheme involving the rerouting of FedEx packages. *PSR*
25 ¶ 62. In that case, when he was arrested, a 40 caliber semi-automatic pistol loaded with nine
26 rounds was found in his residence. *Id.* For the federal charges, Hicks was sentenced to 39
27 months imprisonment, and released in February 2018. He began to reoffend almost immediately.
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1 Given this, a significantly longer sentence is warranted to provide specific deterrence
2 against Hicks' future offending.

3 **4. The Need to Protect the Public From Future Crimes of the Defendant**

4 Mark Hicks' fraud imposed real costs on his victims. His individual victims had their
5 identities stolen, their credit damaged, and their persons and properties subject to fraudulent
6 loans taken out in their names. The lender victims also suffered real costs, starting with the
7 \$1,904,988 that they lost as a result of this fraud. The lenders were forced to accept financial
8 losses themselves; or file insurance claims that had to be paid. As noted above, the individual IT
9 Theft Victims also suffered significant losses - both financial and emotional.

10 A significant custodial sentence is warranted here in order to protect the public from
11 future crimes of the defendant, which he invariably would commence if he were not incarcerated.

12 **5. Need to avoid unwarranted sentence disparities among similarly situated** 13 **defendants**

14 This case is somewhat unusual in that Hicks, along with Demarcus Hicks and Costello, all
15 agreed to plead guilty in exchange for, among other things, a two-level departure from the advisory
16 Guideline range. The best comparison of similarly situated defendants, therefore, would be to the other
17 defendants in this case. To that end, the chart below lays out the sentences imposed or recommended for
18 Mark Hicks and each of his codefendants:

19 Defendant	Statutes of Conviction	Guidelines Range	CHC	Sentence Recommended	Sentence Imposed
20 Mark Hicks	18 U.S.C. § 1349 18 U.S.C. § 1344 18 U.S.C. § 1028A	120 to 150 months (probation) 100 to 125 months (parties) plus 24 months consecutive	VI	100 months (plus 10 months for the SVR violation)	TBD
21 Demarcus Hicks	18 U.S.C. § 1349 18 U.S.C. § 1344 18 U.S.C. § 1028A	41 to 51 months (probation) 33 to 41 months (parties) plus 24 months consecutive	III	33 months	TBD

1 2 3	Dionysius Costello	18 U.S.C. § 1349 18 U.S.C. § 1344 18 U.S.C. § 1028A	51 to 63 months (probation) 41 to 51 months (parties) plus 24 months consecutive	III	41 months	TBD
4 5	Susan Arreola-Martin	18 U.S.C. § 1349 18 U.S.C. § 1344 18 U.S.C. § 1028A 21 U.S.C. § 841	51 to 63 months plus 24 months consecutive	III	78 months	84 months
6 7	Leif Skorochod	18 U.S.C. § 1349 18 U.S.C. § 1344 18 U.S.C. § 1028A	41 to 51 months plus 24 months consecutive	III	18 months (with cooperation)	14.5 months
8 9	Christopher Pool	18 U.S.C. § 1349 18 U.S.C. § 1344 18 U.S.C. § 1028A	37 to 46 months plus 24 months consecutive	VI	18 months (with cooperation)	15 months

10 As the chart demonstrates, a sentence of 100 months for Hicks (plus ten months for his
11 supervised release violation) does not create an unwarranted disparity with his codefendants. Mark
12 Hicks was the mastermind of the scheme, and was involved from the beginning until the end. He also
13 undoubtedly benefitted the most from the fraud. All of the proceeds recovered came from a safe deposit
14 box he controlled. Hicks also has, by far, the most significant criminal history of the defendants.

15 In contrast, Costello and Demarcus Hicks were not the masterminds of the scheme, and played
16 no role in obtaining victim information, creating fraudulent bank, email and phone accounts, or
17 interacting with the lenders and banks. With both Costello and Demarcus Hicks were facilitators who
18 managed the low-level workers, co-defendants Pool, Skorochod, and Arreola-Martin, their involvement
19 in the fraud was far more limited than that of Hicks. As to the other co-defendants, Arreola-Martin's
20 sentence was driven less by her important but yet low-level role in the fraud and more by the
21 commission of a drug offense while on pretrial release that contributed to the death of her
22 granddaughter. Pool and Skorochod both cooperated with the government. Given these facts, a
23 sentence of 110 months for Mark Hicks is sufficient but not greater than necessary to fulfill the purposes
24 of sentencing, including avoiding an unwarranted disparity with his codefendants.

25 **D. Restitution**

26 In the plea agreement, Hicks agreed to pay restitution in an amount no less than \$2,082,640.
27 Since the parties reached that agreement, the United States has refined the restitution mount, and asks
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1 that the Court impose a restitution order in the amount of \$1,904,988.79 to the following victims in the
 2 following amounts:

Name of payee	Restitution	Defendants Responsible
B.M and L.M.	\$6412.50	Mark Hicks, Demarcus Hicks, Dionysius Costello Susan Arreola-Martin Christopher Pool
California Mortgage Advisors 4304 Redwood Highway Ste 100 San Rafael CA 94903	\$6019.50	Mark Hicks, Demarcus Hicks, Dionysius Costello Leif Skorochoch
Coast to Coast Lending Group, Inc. 27129 Calle Arroyo, Suite 1801 San Juan Capistrano CA	\$35,000.00	Mark Hicks, Demarcus Hicks, Dionysius Costello Susan Arreola-Martin Leif Skorochoch
MAE Capital Mortgage Inc. 4940 Pacific Street Suite A Rocklin CA 95677	\$6600.00	Mark Hicks, Demarcus Hicks, Dionysius Costello Susan Arreola-Martin Christopher Pool
Charger Funding 1106 2d Street #411 Encinitas CA 92024	\$6875.00	Mark Hicks, Demarcus Hicks, Dionysius Costello
Fidelity National Title Group 2533 North 117 th Avenue Omaha, NE 68164-3679	\$367,388.59	Mark Hicks, Demarcus Hicks, Dionysius Costello Susan Arreola-Martin
Placer Title Company 7643 North Ingram Avenue Fresno, California 93711	\$306,901.94	Mark Hicks, Demarcus Hicks, Dionysius Costello Susan Arreola-Martin Christopher Pool
Real Advantage Title Insurance Company 1551 N. Tustin Ave. Suite 300 Santa Ana, CA 92705	\$94,818.55	Mark Hicks, Demarcus Hicks, Dionysius Costello Susan Arreola-Martin Leif Skorochoch
First American Title Insurance Company 5 First American Way 2 nd floor Santa Ana, CA 92707- 5913	\$1,074,972.71	Mark Hicks, Demarcus Hicks, Dionysius Costello
Total	\$1,904,988.79	

E. Forfeiture

Pursuant to the Plea Agreement, United States asks that the Court order that the defendant's interest in the following property be forfeited to the United States:

- Gold bars and coins worth \$552,370 (as of February 7, 2022), that were obtained by the FBI as part of this investigation on November 19, 2020, from H. Bee Jewelers and are now in FBI custody;
- Cash in the amount of \$484,920 seized from safe deposit box number 2814A at Wells Fargo Bank as part of this investigation.

IV. CONCLUSION

For the foregoing reasons, the government recommends that the Court sentence defendant Mark Hicks to a sentence of 110 months. This sentence is comprised of 100 months' imprisonment in this case, to be followed by three years of Supervised Release, along with an order of restitution for \$1,904,988.79, and forfeiture of the gold bars and coins, and cash, as specified in the defendant's plea agreement. The government recommends that the Court impose an additional consecutive sentence of 10 months of incarceration, followed by three years of supervised release that includes 10 months of home confinement, for Hicks' violation of his terms of probation in his 2013 case.

DATED: August 29, 2022

Respectfully submitted,

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