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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
9 **FRESNO DIVISION**

11 UNITED STATES
12 Plaintiff,
13 v.
14 IRMA OLGUIN, JR.,
15 Defendant.

Case No.: 1:24-CR-00159
SENTENCING MEMORANDUM
Date: December 17, 2024
Time: 9:00 A.M.
Dept: Hon. John C. Coughenour

17 Defendant Irma Olguin, Jr., through counsel, respectfully submits this Sentencing
18 Memorandum to assist the Court with respect to the December 17, 2024, sentencing hearing in this
19 case. Ms. Olguin requests that the Court take into consideration this memorandum in determining
20 a reasonable, just, and appropriate sentence. For the reasons set forth below, Ms. Olguin
21 respectfully requests a sentence of 60 months in prison.

22 **I. PROCEDURAL HISTORY**

23 On June 28, 2024, Ms. Olguin was charged by Information with one count of violating 18
24 U.S.C. § 1349 (conspiracy to commit wire fraud) and one count of violating 18 U.S.C. § 1343
25 (wire fraud). *See* Docket No. 38. On July 12, 2024, Ms. Olguin pled guilty to both counts
26 pursuant to a plea agreement. *See* Docket No. 41. According to that plea agreement, Ms. Olguin
27 is free to recommend to the Court whatever sentence she believes is appropriate under 18 U.S.C. §
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1 3553(a), but not less than 60 months in prison. *Id.* The government agrees that it will recommend
2 that Ms. Olguin be sentenced to the low end of the applicable guideline range as determined by the
3 Court. *Id.* A sentencing hearing is currently set for December 17, 2024.

4 **II. BACKGROUND**

5 The charges in this case relate to investments that Ms. Olguin and her co-defendant Jake
6 Soberal solicited for Bitwise Industries (Bitwise). Bitwise was founded by Ms. Olguin and Mr.
7 Soberal with the goal of creating job opportunities for underserved communities of people.
8 Bitwise had three business functions: a workforce training program that prepared apprentices for
9 technology jobs; a consulting service that developed software and websites, staffed call centers,
10 and provided related technology services to customers leveraging that talent; and a business that
11 related to buying, renovating, and leasing commercial properties to house the technology industry
12 in underestimated cities. Ms. Olguin and Mr. Soberal shared the CEO title at Bitwise and,
13 throughout their tenures at the company, frequently discussed how to allocate and assign
14 responsibilities between them.

15 The gravamen of the allegations against Ms. Olguin and Mr. Soberal is that, during the
16 time period covered in the Information, they made misrepresentations to investors regarding the
17 financial health and viability of Bitwise which resulted in tens of millions of dollars being invested
18 on the basis of those misrepresentations. Ms. Olguin agrees that she is legally responsible for the
19 entire amount that these investors pledged to Bitwise. However, there is no evidence or allegation
20 that Ms. Olguin diverted any of this money for her personal benefit or use, nor is there evidence
21 that her conduct was driven by greed or a desire for personal enrichment. Rather, as the
22 Government acknowledges, all the money that was raised from the investors was put back into the
23 company in a misguided effort to keep the business afloat and the company's employees paid.

24 Very shortly after the scheme unraveled and the company failed, Ms. Olguin affirmatively
25 reached out to the Government through her attorney and offered to cooperate fully with the
26 criminal investigation against her. She followed through with that commitment and provided the
27 Government with all information that was asked of her, including much of the incriminating
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1 evidence that ultimately resulted in the charges against her and her conviction for them. Since
2 Bitwise's failing, Ms. Olguin has demonstrated her genuine and steadfast remorse for her conduct;
3 she pled guilty at the earliest opportunity, she has apologized publicly and countless times
4 privately to those who have been affected by her misdeeds, and she stands ready to accept the
5 punishment that this Court hands down.

6 **III. SOCIAL HISTORY**

7 **A. Early Life and Childhood**

8 Irma Olguin Jr. was born on November 3, 1980, in Fresno, California, to Santana Delgado
9 Olguin and Irma Lopez Olguin Sr., both first-generation Mexican Americans whose families
10 immigrated to the Central Valley to work as field laborers.

11 Ms. Olguin's mother, Mrs. Irma Olguin Sr., was born in Texas near the Mexican border.
12 She is the oldest of 11 children, which is to say she was often in charge of raising her siblings as a
13 child. The character of Mrs. Olguin Sr.'s upbringing was one of abject poverty and abuse. The
14 family worked in the fields as migrant laborers under inhumane conditions. Mrs. Olguin Sr. can
15 recall times the entire family lived out of their barely working station wagon, being turned away
16 from apartment buildings and other housing options, being hungry, and verbally and physically
17 abused.

18 Santana Olguin Sr.'s upbringing was also marked by poverty and trauma. Mr. Olguin Sr.
19 grew up a field laborer from a very young age, was subjected to physical and verbal abuse, and
20 escaped to the Army at the age of 18. As the only boy in the family, he was responsible for his
21 sisters' well-being, bringing in money for the household, and by all measures was required to be
22 the "man of the house" since early boyhood.

23 Mr. Olguin Sr. served four years in the Army as an infantryman and was deployed to the
24 Vietnam War effort before his service was done. Although his enlistment was over before his unit
25 landed in Vietnam, Santana is honored as a veteran of the wartime militia. He fell suddenly ill in
26 the winter of 2002 and died of the flu on January 13, 2003, at the age of 46.

1 As the middle child, Ms. Olguin grew up with her older brother Santana Jr. and younger
2 sister Sandi. Ms. Olguin looks back on her early life fondly, largely due to her close and loving
3 relationship with her family. In particular, she is grateful for the example set by her parents, who
4 were hardworking, family-oriented individuals who maintained a happy, though financially
5 strained, marriage for years until Mr. Olguin Sr.'s death.

6 Irma grew up in a very poor household. Her first taste of field labor was at the age of six,
7 when she, her siblings, her parents, and her extended family worked in the fields over the summer
8 rolling raisins. Ms. Olguin's parents often worked multiple jobs at a time to make ends meet, but
9 the ability to pay all the bills in a month was never part of her childhood. Ms. Olguin recalls
10 moving a lot as a kid. As often as once a year, she and her family would pick up and move to a
11 different rental or back in with her maternal grandparents when there wasn't enough money to rent
12 a place of their own. The houses they lived in varied in terms of their "niceness." Sometimes
13 those houses were newer built homes, and other times there were boards on the windows, roach
14 infestations, missing carpet, and holes in the walls. As the extended family was in the same
15 financial situation, Ms. Olguin and her nuclear family sometimes lived with two or three other
16 families in the same house. Ms. Olguin recalls pillowcases over windows instead of curtains,
17 bedrolls on the floor, and everybody pitching in to make the buildings as livable as possible.

18 To save money, the family would eat the same foods often and receive food from
19 community food trucks or "throw-away" boxes from packing houses a parent, aunt, or uncle
20 happened to be working in. New clothes, new shoes, sporting equipment, and the like were not
21 common in the household. Ms. Olguin recalls catching her mother crying in Mervyns one summer
22 during back-to-school season because she and her husband were denied layaway credit for school
23 clothes. Mrs. Olguin Sr. hid her face behind clothes racks to collect herself while the couple made
24 a new plan and left the clothes in the store for someone else to pick through.

25 Reliable vehicles, safe, dependable tires, and enough money for gas were also hard to
26 come by. Ms. Olguin recalls she, her mother, and her two siblings all cramming into a small
27 Toyota truck to get around town. Most of the time, Irma and her siblings walked to school or took
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1 the bus. Ms. Olguin recalls how the family would drive around together on the weekends to look
2 for loose recyclables to exchange for cash. This cash could be used for the occasional movie, fair
3 ride, or trip to a baseball game.

4 In the later years of Irma's young adulthood, her parents worked steady jobs. Ms. Olguin's
5 mother was an administrative worker for school districts, and her father was a laborer in various
6 industries such as manufacturing, construction, and road maintenance. Their combined income
7 was not enough to afford new things, but Mr. & Mrs. Olguin Sr. eventually bought a house
8 together before he died. Despite their financial struggles, Mr. & Mrs. Olguin Sr. enjoyed happy
9 lives, and they taught their children to value character, work ethic, and standing up for other
10 people over money. Though Ms. Olguin understood this, her family's financial insecurity affected
11 her mental well-being as a young child. Witnessing the hurt and panic her parents experienced not
12 knowing how to provide for their children left a profound effect on Ms. Olguin's psyche. It
13 became a primary aspiration to someday get to a place where she and her family could pay all their
14 bills in the same month.

15 **B. Education**

16 Ms. Olguin's parents valued discipline and toughness in all things, including chores,
17 sports, academics and more. They expected each child to do their very best no matter the task at
18 hand. Excuses had no place in her young life. However, they were very aware of their limited
19 ability to provide support beyond getting the kids to and from school and attending occasional
20 extracurricular events. Ms. Olguin recalls her dad specifically letting her know that, "If you plan
21 to go to college, you'll have to do that on your own" at a very young age. He knew then that, as
22 parents, they would not be able to financially assist their kids in things in which many other
23 children participated. From traveling sports teams to higher education, those experiences would
24 need to be awarded or earned through other means.

25 Ms. Olguin stood out at a young age for reading books far beyond her grade-level skill
26 would predict. She spent hours learning and understanding math and other subjects and earned
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1 excellent grades from kindergarten through high school. Ms. Olguin became known for her
2 scholastic ability and tutored other students constantly.

3 Ms. Olguin played sports in every season, though she recalls having the realization as she
4 got older that she was not working with the same set of tools as other athletes her age. When her
5 peers bought new cleats every season, Ms. Olguin's toes were poking holes in her canvas shoes.
6 Nonetheless, she spent countless hours running the track after school and staying in shape.

7 Ms. Olguin graduated as the valedictorian of her elementary school, was awarded
8 numerous Presidential awards, and then became Student Body President of her high school. She
9 continued her athletic endeavors in high school, joined the band, and competed in competitions
10 such as the Academic Decathlon.

11 Ms. Olguin came to understand herself in high school as being queer, but was too afraid to
12 tell anyone else after watching one of her childhood friends be terrorized in school for *appearing*
13 gay in an era when being queer was a dangerous thing to be. In addition to the many gangs and
14 thug groups that were prevalent in her elementary and high schools, Irma also recognized that her
15 family would not accept her as gay. Her family, both extended and nuclear, were outwardly
16 hateful toward the queer community at the time. Their hatred had a violent tone and, knowing
17 them to be hardened and brazen people who had taken to harming other people before, Ms. Olguin
18 feared that their aggression would be directed at her. Ms. Olguin became concerned for her
19 physical self in addition to fearing being cast out of the family. She recalls her dad calmly telling
20 her that no daughter of his would be gay.

21 The fear Irma lived with was damaging. She describes living in "the closet" as "its own
22 prison." One of her greatest triumphs in life comes from finally accepting herself as queer, living
23 that publicly and with pride, and eventually supporting other people in their extremely personal
24 journeys of self-discovery and freedom. One former Bitwise employee states in a character letter
25 to this Court: "My second daughter, who was 13 at the time, was deeply moved by Bitwise's
26 inclusive environment. Watching Irma, a brave, smart, successful queer woman, and seeing my
27 support for Irma and our community, she felt comfortable coming out to me."
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1 As Ms. Olguin advanced through school, she planned to apply to retail jobs to contribute to
2 her family's income and hoped that she would be able to work her way up to a managerial
3 position. This all changed during Ms. Olguin's junior year when her school held the PSAT for all
4 eligible students. Not considering herself a college-bound student, Ms. Olguin did not know what
5 the PSAT was but sat for the test nonetheless. This stroke of profound chance changed the
6 trajectory of Ms. Olguin's life.

7 Ms. Olguin performed well on the exam and began receiving mail from colleges
8 encouraging her to apply for their programs. Some colleges also sent letters offering financial aid
9 and merit scholarships. Of these schools, two offered full academic scholarships. For the first time
10 in Ms. Olguin's life, she realized that college was possible for her—an exciting and terrifying
11 thought. She began researching the two schools that offered full scholarships and decided on the
12 University of Toledo in Ohio. When she brought the news of the scholarship and the possibility of
13 college to her parents, they responded with pride but delivered the news that she could not go.
14 “How,” they said, “could you possibly get to Ohio?” Once again, Ms. Olguin and her family
15 returned to the art of recycling. They spent hours in the dirt fields of rural California collecting
16 cans and bottles for the money to buy a bus ticket to Ohio.

17 At 17 years old, Ms. Olguin traveled across the country to begin her college career at the
18 University of Toledo – she rode over two thousand miles on the bus to get from California to her
19 new home. When she arrived at freshman orientation, she was overwhelmed by her unfamiliar
20 surroundings. Irma missed her family, who could not afford to travel across the country on a
21 whim. She also realized that the Toledo campus lacked the ethnic diversity and close-knit
22 community she had grown up with in Fresno. Most of the student body consisted of white
23 students who had been preparing for college for the better half of their adolescence. Many of them
24 were supported financially by their parents, unlike Ms. Olguin, who knew that she would have to
25 work throughout her undergraduate years to support herself.

26 Ms. Olguin felt similarly lost when it came time to choose her area of study at the end of
27 the orientation. She recalls scanning the university catalog and seeing a modern building made of
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1 glass. The modern structure inspired feelings of excitement amidst the daunting unfamiliarity.
2 Once Irma determined that the shiny building was home to the College of Engineering, she
3 decided to major in Computer Science and Engineering despite not having any prior training or
4 exposure to the subject. This somewhat arbitrary decision became the basis of her future career, as
5 well as her lifelong mission to make the technology industry accessible for all.

6 When Ms. Olguin began her classes, she realized that she was far behind her peers, most of
7 whom had not only gone to better-funded public and private high schools but also had prior
8 training in coding and computers, in general. She also found that the College of Engineering
9 severely lacked diversity—almost no people of color or women were in her classes. Toledo as a
10 city does not register Mexican or Hispanic people in numbers large enough to warrant a category
11 in its demographic breakdown. As a queer Latina, Ms. Olguin stuck out both in terms of her
12 outward identity and her lack of technical background. The struggle to be a student in an
13 unfamiliar environment and learning material that was new in every way amidst people who did
14 not look or sound like her, without any semblance of a support system, bred in Irma an
15 inescapable feeling that she did not belong.

16 Ms. Olguin also struggled with balancing her difficult courseload with her various part-
17 time jobs. Though her tuition was fully paid through her scholarship, Ms. Olguin had to work,
18 often several jobs at a time, to afford clothes and other necessities. During her studies, her jobs
19 included being a cashier at fast-food drive-throughs, a dishwasher, and a busgirl. Still, she
20 struggled to afford even the most basic provisions. Specifically, as a California native, Ms. Olguin
21 was unprepared for the harsh winters in Ohio and could not afford to buy a proper wardrobe like
22 appropriate shoes or winter coats. During the winter months, she did her best to keep warm. Most
23 of the time, however, she had no choice but to walk to class freezing. When she moved out of the
24 dorms and into her first apartment, she would sleep on the floor, making a tent over the only
25 heater in the space with a sleeping bag. In that cocoon that retained warmth, she would eat, study
26 and sleep.

1 As Ms. Olguin approached graduation, she felt herself gain the confidence she lacked
2 during her earlier undergraduate years. In her first true engineering job, while still a full-time
3 student, it became clear that the tech industry would change the trajectory of her life. She began
4 envisioning her future and realized that her dream of financial stability, with her since childhood,
5 was finally, improbably, a possibility. Her first paycheck working as an engineer for an
6 engineering firm was eye-opening. In the most entry-level job, she was earning more as a part-
7 time employee than anyone she knew back at home.

8 **C. Death of Father**

9 In 2003, the night before the beginning of her spring semester, Ms. Olguin's father, Mr.
10 Santana Olguin Sr., died suddenly. He had been rushed to the hospital when an untreated case of
11 the flu took a turn for the worse. He was 46 years old.

12 Mr. Olguin Sr.'s death was sudden and devastating. Ms. Olguin remembers calling her
13 parents the weekend before and hearing that her father had been chopping wood at home, though
14 he had come down with the flu and felt he could sweat out the illness. Upon hearing the news of
15 his hospitalization, Ms. Olguin borrowed money from a coworker to book an emergency flight
16 home. She was so consumed by shock and grief that she was unable to return to school and took a
17 leave of absence to mourn with her family. The scholarship she was using to attend school was
18 rescinded and Ms. Olguin had to make an appeal to ask for the scholarship to be reinstated.

19 Mr. Olguin Sr.'s death altered the Olguin family's lives in many ways. For one, they were
20 entirely unprepared to deal with the pain and grief that overtook them. Further, though Mrs. Irma
21 Olguin Sr. worked, Mr. Olguin Sr. was the family's primary breadwinner. Without his income, the
22 Olguins' ability to survive financially was in peril.

23 After the funeral and other related matters, and as the family began to accept this new
24 reality, Ms. Olguin began preparing to return to Ohio. Her family could not understand her
25 decision and begged her to stay, believing that her being home and contributing to the family was
26 worth more than higher education or a degree. Ms. Olguin felt guilty for even wanting to return to
27 school. A part of her wanted to stay, continue grieving with her family, and work an entry-level
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1 job to supplement their collective income during their dire financial situation. Deep down,
2 however, she knew that returning to school and obtaining her degree would be more helpful in the
3 long term. So in the fall, she returned to Toledo to earn her remaining credits. She was told it was
4 “the most selfish thing she’d ever done.”

5 **D. Beginning of Career**

6 When Ms. Olguin graduated in 2004, she was conflicted by her options. On the one hand,
7 she was extremely qualified and employable, with a network of professional support in the
8 Midwest spreading to the East Coast. On the other hand, all her family lived on the West Coast,
9 and she felt a responsibility to return home, earn money, and help support her family.

10 After graduation, Ms. Olguin sold all of her belongings, stuffed the rest of what could fit
11 into the back of her car, and drove back to Fresno. There, it was necessary to start all over again.
12 She had no network, no prospects, and no money. To earn money to afford gas to get to
13 interviews, she cleaned out people’s garages and pantries to find items she could sell at flea
14 markets. During that time, she applied for and interviewed at several tech jobs around the city.
15 For her first industry job on the West Coast, she was hired as a Computer Support Specialist at the
16 Washington Union High School District in Easton, California. Irma’s first job out of college was
17 difficult and time-consuming, largely because the school district was poorly funded and could hire
18 only one technology professional. Thus, Ms. Olguin was the only person in her entire department
19 and the only technical support for the entire district. In this role, she pulled cables through
20 ceilings, fixed computers, managed the network, and provided instructional support to teachers
21 and students.

22 After a year, she was asked to teach the pilot year of an Interactive Game Design lab at a
23 different high school. The pilot as an innovative elective for juniors and seniors at a joint-powers
24 effort between two school districts to provide young adults with a more hands-on and real-world
25 educational experience. This job was difficult in new ways. For the first four months of class, due
26 to some backorder issues and licensing complications, the students did not even have computers. It
27 was up to Ms. Olguin to find creative ways to teach the students hard and soft skills of game
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1 design, game theory, and more. The pilot year was a new experience for the students and for Ms.
2 Olguin as well. She challenged herself and her students to do things that mirrored the real world
3 by organizing into teams that functioned like a business. Students worked across labs and classes
4 to form a giant team that produced a working game that was based on the school's adopted
5 framework: The Habits of the Mind.

6 Though Ms. Olguin found her work in education extremely rewarding, she realized that
7 she wanted to impact her community elsewhere. After the pilot year, she left the school district
8 and began freelance work inside the Central Valley Business Incubator, which provided small
9 start-up businesses with operating space and management counseling. Specifically, Irma provided
10 IT support and was independently contracted by the businesses to code and design websites. A
11 few months later, Ms. Olguin caught the attention of one of the startup businesses at the Incubator
12 and was hired as a full-time programmer.

13 **E. Emerging Health Issues**

14 Two years later, Ms. Olguin experienced a medical emergency while working for the
15 startup. At 27 years old, she collapsed and suffered from her first transient ischemic attack. While
16 in the hospital, holding tenuously to her health, she learned that her employer had run out of
17 funding and was dissolving the company, that she had been let go, and that her health insurance
18 had been terminated as well.

19 During Irma's four-day hospital stay, her doctors discovered that she suffered from a
20 unique combination of complications including an incomplete Circle of Willis—a neurological
21 anatomical difference in which arteries of the brain do not fully connect to each other. While an
22 incomplete Circle of Willis is not a rare condition in and of itself, Irma's version is. Her brain's
23 left and right hemispheres are completely isolated from each other in terms of blood circulation.
24 To complicate matters further, the doctors also discovered that Irma's right internal carotid artery
25 is abnormally narrow. This, combined with the separation of her brain hemispheres, leaves her
26 brain vulnerable to suffocation and results in transient ischemic attacks (TIAs), a muscle
27 syndrome, and general epilepsy.

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1 Irma was devastated by this news. In many ways, she believed her career in technology on
2 the West Coast was just getting started and would now be on hold, but that was not her primary
3 concern. Irma was most worried about how she would afford her medical bills, considering she
4 was no longer steadily employed and had lost her health insurance. Above all, she stressed over
5 her long-term health. Having lived through the death of her father, she knew that no one in her
6 family had a practice of taking care of themselves medically. Major and minor illnesses were
7 treated similarly because resources did not allow for true, self-advocating care.

8 Irma immediately looked for ways to address the situation. Though she already did not
9 smoke or drink, she asked her doctors if she should make any lifestyle changes to mitigate the
10 effects of her condition. However, they explained that her condition was caused by anatomical
11 differences that could not be changed or improved by lifestyle changes. Though there were
12 medications they prescribed to help manage her symptoms, surgery was not viable without danger
13 to her brain, and they advised her that she would have to deal with her condition for the rest of her
14 life and be vigilant of the ways that it would manifest.

15 This news was difficult to accept for Ms. Olguin. As a young woman in her twenties, Ms.
16 Olguin led an active lifestyle. The condition irreversibly changed her life, and she began suffering
17 from migraines and seizures. She has had five TIA's since her initial diagnosis. Irma has been
18 prescribed a variety of management medications for stroke prevention, epilepsy, migraines, and
19 muscle control, but those medications have reduced her quality of life in the past and made it
20 difficult to perform even simple day-to-day functions. Irma weaned herself off all medications
21 when she realized the number of pills had gone too far. What had begun as a small set of
22 prescriptions evolved into a fistful of pills several times a day. She no longer felt like herself,
23 could not think clearly, and was often disassociated from real life.

24 Living on this tenuous edge, knowing that she is at significant risk of major health events,
25 and attempting to balance that with the desire to live a full and present life have affected Ms.
26 Olguin's mental and physical health. The see-saw of advocating for her best life and taking care
27 of her physical health continues to be a psychological drain.

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1 **F. Entrepreneurial Track Record**

2 From surviving poverty, tragedy, intense medical trauma, and then moving into an industry
3 where she was “one of one,” Irma persisted and continued working to find her place in the
4 technology space. Once she recovered from her first transient ischemic attack, she returned to
5 freelance work and was eventually hired by another startup. Though the company closed its doors
6 five years later, it was the first venture that helped Ms. Olguin realize her true passion: wielding
7 technology's power to uplift the underserved communities in her hometown.

8 While working with the startups inside the Incubator, Irma became involved in several
9 other ventures related to these goals. She started and ran an event called 59DaysOfCode, which
10 later became a community-based nonprofit. 59DaysOfCode was an event born of a challenge. It
11 was in that era when Ms. Olguin was working for many companies, freelancing and endeavoring
12 to assist them with their growth goals through technology, that she was asked where “the rest” of
13 the technologists were. Ms. Olguin maintained that there were plenty of professional
14 technologists in and around the Fresno area, but that the business and technology communities had
15 yet to meet. That statement was met with much disbelief, so Ms. Olguin set out to prove it by
16 starting a competition that would draw out technologists. The competition would promote the
17 technology industry by awarding cash prizes to those who could build a market-ready technology
18 application in 59 days.

19 It was in this context that Irma met her co-defendant, Jake Soberal. They were introduced
20 through a mutual acquaintance and realized quickly that they shared the same dreams and
21 frustrations concerning what Fresno might be able to do with business and technology working
22 together. Ms. Olguin invited Mr. Soberal to help with 59DaysofCode, which he did with fervor.
23 The event was a success, it grew year-over-year, a non-profit was formed, and more money was
24 raised that could be used to produce bigger events and provide bigger prizes to competitors.

25 The technology industry in Fresno was beginning to attract attention. In this time, Ms.
26 Olguin saw that technologists and creatives were facing a knowledge-work problem: they had no
27 place to go to meet each other. Though she could name dozens of freelancers, remote workers,
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1 and tiny businesses too small for a corner office in a high-rise, she could not recall anyone
2 working anywhere other than home or a coffee shop. With the need being obvious to her, Ms.
3 Olguin and a partner formed The Hashtag, a 24-hour, open-seating coworking space in the heart of
4 the Tower District of Fresno. The space was designed specifically for Fresno freelance tech and
5 creative professionals to come together and share expertise, explore new ideas, and network. It
6 was spending time in this space and with these people that Ms. Olguin observed that businesses
7 were being formed by virtual simply “crashing into” the right people at the right time. Tiny
8 businesses that had launched in Hashtag needed more space to grow, were looking to hire the next
9 right talent, and were experiencing success in ways they hadn’t expected.

10 Between 59DaysOfCode and The Hashtag, the startup community was growing rapidly.
11 Mr. Soberal and Ms. Olguin began active conversations about what could be done if they were to
12 formally partner together in a concentrated effort to start something that would affect Fresno at a
13 city-wide level rather than working on project-level endeavors.

14 **G. Bitwise**

15 The next obvious problem, in Ms. Olguin’s eyes, was talent ripe for the picking. Having
16 experienced first-hand what the technology industry could do, Ms. Olguin wanted to solve two
17 problems: If Fresno could grow technical talent from its agricultural roots, and Fresno startups
18 could grow by hiring that talent, everyone would benefit. It was in that spirit that she began
19 teaching people on nights and weekends how to build websites and write code. At the time, it was
20 called Hashtag Academy. It was free and attracted students of all ages from various backgrounds.
21 A dancer learned to edit and maintain her own website; a salesperson was able to put in for and
22 then receive a promotion at work because he was able to help the marketing department with new
23 material; and a migrant farm laborer discovered his love of design and enrolled in nearby Fresno
24 City College.

25 While teaching at night, running a nonprofit event, freelancing for small businesses and
26 nonprofits, and opening and running a coworking space, Ms. Olguin was introduced to the board
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1 of a struggling startup. One board member recognized Ms. Olguin’s talent and recruited her for
2 freelance coding and design work for his various companies.

3 In 2012, the board member, Irma and one other technical partner started a company called
4 Edit LLC, which sought to build software and manage data for farms in the Central Valley. Ms.
5 Olguin developed and ran that company until 2017. In this role, she could see all the pieces
6 working together: talent and workforce development, space as a venue for growth and creativity,
7 and industry. Through these ventures, Ms. Olguin recognized the fast-growing tech community in
8 Fresno and its potential to transform the economic landscape of the Valley. She began thinking of
9 new ways to harness this power and support those interested in the industry, especially young
10 people like herself who come from underrepresented backgrounds.

11 She shared her ideas with Mr. Soberal, they discussed the ingredients they were each
12 working on, and together they hatched a new plan. A new business that would combine these three
13 critical elements and provide a springboard for the children of the Valley out of poverty and into
14 the technology industry. In 2013, Mr. Soberal and Ms. Olguin launched Bitwise Industries, which
15 did three things from the very first day: one – provide aspirational venues to the local technology
16 scene; two – teach underestimated students the skills they needed to succeed in the technology
17 industry; three – build and ship world-class technology solutions to clients around the country
18 leveraging exactly that same talent.

19 In the beginning, Ms. Olguin was Bitwise’s first instructor, offering classes during times
20 that were specifically designed to accommodate interested students’ existing school and work
21 schedules. Drawing from Ms. Olguin’s lived experience, Bitwise operated under the theory that
22 people from underrepresented backgrounds could not afford to choose between work and a class
23 that took away time from earning money or supporting family. The classes attracted not only
24 young, enthusiastic individuals who wanted to join the tech industry but also older members of the
25 community—single mothers, teachers, and laborers—who were looking for an opportunity to
26 change their circumstances.

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1 During this time, Ms. Olguin thought of other regions, like the Bay Area and Seattle, that
2 had been utterly transformed by the tech industry. However, she knew that these tech booms have
3 had few benefits for local residents, many of whom were pushed out when startups moved in,
4 altered the landscape, and drove up housing prices and cost of living. Conversely, Ms. Olguin
5 wanted to cultivate a tech-driven transformation in Fresno that included and uplifted the existing
6 communities.

7 While teaching, Ms. Olguin drew upon her own experiences to encourage her students. She
8 told the story of when she first stepped onto campus in college as a poor, first-generation student
9 with no tech background. She empathized with students in how it took courage and faith to try
10 something new and create a space in which she belonged. In 2017, after donating all her extra
11 hours to Bitwise for four years and functioning then as its CTO, Irma left Edit LLC and joined
12 Bitwise full-time. It was then that Mr. Soberal and Ms. Olguin took on co-CEO roles.

13 Ms. Olguin's desire to see Bitwise succeed was driven by the plain evidence that people's
14 lives were improved once they'd been introduced to Bitwise's system of support, education and
15 opportunity. She saw the transformation of thousands of lives and felt the work being done was
16 the right work at the right time. Ms. Olguin viscerally understood the effects of poverty and,
17 through lived experience, she knew that poverty is not solved by a single class offering. Mr.
18 Soberal and Ms. Olguin knew that many students would still lack things that make it possible to
19 show up to a class: reliable transportation, options for childcare, or even a predictable source of
20 food. The two insisted that those resources be built into the training. The company purchased
21 vans to give students free and reliable rides to class. When Bitwise failed it was making final
22 preparations to open a childcare program to provide free childcare to all employees and students.
23 Team members and students were given access to free and reduced-priced food options.

24 The whole-human approach to services was mirrored in how Ms. Olguin and Mr. Soberal
25 ran the company. If the CEO desired the health benefits for him and his family to be paid for by
26 the company, then the company would extend those same benefits to every employee. If the CEO
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1 benefited from an excellent 401k matching program, that same match should be extended to every
2 employee.

3 As the company grew, the disparities in salaries were a major concern for Ms. Olguin.
4 Team members who worked hard, did thankless jobs, and provided the infrastructure for the rest
5 of the team to operate often held jobs that were not typically high-dollar positions. Therefore,
6 Bitwise adopted a policy that, after a probationary period, every employee would earn a minimum
7 salary of \$70,000 a year (or its equivalent hourly rate) regardless of whether the team member
8 held a janitorial role or was a digital marketer.

9 Mr. Soberal and Ms. Olguin approached the physical spaces they built in a similar, justice-
10 oriented fashion. The buildings focused on providing inspirational, bright, and in-no-way-inferior-
11 to-a-primary-market venues, signaling to the people who used them that they were every bit as
12 worthy as anyone else to be there, hold that job, and take up space in that environment. Bitwise
13 built “castles for underdogs.” Bitwise was a cultural center that provided meeting space for the
14 entire community, whether they worked in the building or not. Companies and community
15 organizations utilized conference rooms, classrooms, and theaters. In this way, the business and
16 technology communities were fully intertwined.

17 Bitwise would go on to train thousands of students, many of whom would go on to earn
18 employment in the technology industry. These trainees were disproportionately from
19 underestimated backgrounds including women, people of color, LGBTQ folks, veterans, and the
20 formerly incarcerated. Ms. Olguin developed a hiring practice to maximize inclusivity. She
21 looked at all the applications, did not require that applicants hold degrees – knowing that such a
22 requirement filtered out talented individuals who may have come from underestimated
23 backgrounds – and instead focused on finding untapped potential. A former Bitwise employee
24 describes this culture: “One of Irma’s many strengths is her ability to SEE people. She sees a
25 person wholly, for who they are on a level deeper than most... The ability to see, relate and
26 empathize with humans – all humans – is rare.”

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1 Ms. Olguin is proud of how she and Mr. Soberal cultivated a company culture based on
2 inclusivity and progressive values. She genuinely felt that every one of her co-workers was part of
3 a larger community whose culture was anchored on the idea that, once you have found your
4 personal success or obtained stability, it is your moral and ethical responsibility to reach back and
5 help the next person in line find theirs. According to a former Bitwise employee who has written
6 a letter for this Court, “Before knowing Irma, and before working at Bitwise, I would have told
7 you I was a compassionate and open-minded person. By working alongside her, I saw what true
8 compassion and an unwavering dedication to creating equal opportunities for all looks like.” Mr.
9 Soberal and Ms. Olguin were adamant that Bitwise could not hoard resources for itself, but that it
10 must use all the resources available to it to serve those immediately involved in its work and,
11 wherever possible, the entire surrounding community.

12 This commitment is perhaps best exemplified in the way that Bitwise served formerly
13 incarcerated people. Ms. Olguin and Mr. Soberal sought ways for justice-involved people to
14 benefit from their training programs and eventually launched programs exclusively for formerly
15 incarcerated individuals. They learned that a class full of formerly incarcerated individuals
16 formed immediate bonds due to their shared experience and the instantly new feeling that no one
17 in the room was above them.

18 It was through these efforts that Ms. Olguin and Mr. Soberal would come to know Floyd
19 Muñoz. Mr. Muñoz was a unique individual in that he immediately saw the value of building
20 community and using your experiences to help others see themselves in new and better positions.
21 Mr. Muñoz was hired to grow and support Bitwise’s training programs for the formerly
22 incarcerated, where he excelled. While at Bitwise, Mr. Muñoz married a teammate, Mrs. Danita
23 Ramos-Muñoz, and had his first child. The extraordinary change in his life became only one in a
24 story of dozens of formerly incarcerated individuals who changed their lives in impressive and
25 profound ways. While employed with Bitwise, Mr. Muñoz was charged with a crime for actions
26 that took place prior to his joining the company. Ms. Olguin and Mr. Soberal directed that Bitwise
27 pay for his legal defense and mitigation strategy, rallied team members to support Mr. Muñoz and
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1 his family, and gave the Muñoz’s extended family leave time to focus on their family and legal
2 challenges. At the time of Bitwise’s collapse, Ms. Olguin and Mr. Soberal had pledged their
3 primary residences as collateral for Mr. Muñoz’s bond.

4 Ms. Olguin’s journey from poverty to accidental opportunity in the technology industry to
5 leading an exciting technology company in the heart of the Central Valley inspired many who
6 could relate to her experiences and see themselves potentially reaching for a better life. Though
7 Ms. Olguin was not interested in the limelight, she was keenly aware of the responsibility of
8 telling her story and using her lived experience to inspire others. The company adopted the slogan
9 “No one belongs here more than you” to emphasize the idea that everyone was welcome at
10 Bitwise and that people of all talents and backgrounds were encouraged to try.

11 Ms. Olguin found it difficult to balance the demands of being a figurehead when she truly
12 desired to be with the team, standing shoulder to shoulder with them and doing the hard work.
13 Though being the face of Bitwise was draining for her personality type, Ms. Olguin aimed to be
14 good at it, knowing that it would benefit the company to assume and perform in that role. In doing
15 so, Ms. Olguin gave a TED Talk, was invited to the White House, and appeared in Forbes to
16 promote the good work and expansion of Bitwise. Irma was named “Woman of the Year” by
17 California’s 2017 Assembly, served on Governor Gavin Newsom’s COVID Response Committee,
18 and was an honored board member for several organizations including California State University
19 Fresno’s President’s Advisory Board and The Central Valley Red Cross. In her words, these
20 accolades are attributed directly to the team's incredible talent who secured interest, prepped, and
21 made beneficial use of these opportunities.

22 **H. Accepting Responsibility**

23 The end of Bitwise came as a devastating shock to Ms. Olguin. Ms. Olguin felt – and still
24 feels – as though she personally had made promises to teammates and community members that
25 Fresno and other underestimated cities could be better, Bitwise could be a new kind of company,
26 and that people who believed in it could find a better life through hard work and support systems.

1 Among her regrets, Irma explains that not speaking to the team and having the ability to let them
2 know what was coming are among the most painful.

3 Though the company ran successfully for nine years and was an instrumental catalyst in
4 hundreds of lives, the collapse of the company was a traumatic and bitter end, caused by Ms.
5 Olguin’s inability to lead her team through the financial struggles, resorting to lies and fraud to
6 keep the company afloat, resulting in shock and hurt for countless people.

7 Ms. Olguin reflects on the extensive fallout of the collapse of Bitwise, knowing that it was
8 her failure and her actions that directly caused its end. Even though she can clearly detail how her
9 actions were wrong, illegal, and a break in the social contract of good business practices, she is
10 equally clear about how she completely misjudged the extent of that fallout, how far it would
11 reach, and how many it would hurt. She feels shame for her failures, the pain she has caused, and
12 the inability to account for the immense suffering her actions would bring. The tunnel vision of
13 “payroll at all costs” was unethical and short-sighted at best. Ms. Olguin was immediately
14 motivated to assist the government in discovering the truth of her wrongdoing and did so at the
15 first offered opportunity.

16 Ms. Olguin has since met with, shared her actions, and apologized to hundreds in the
17 community, including lenders and former teammates, for the calamity she has wrought. Ms.
18 Olguin and Mr. Soberal issued a public apology following their change of plea hearing, which
19 included an invitation to those who have been affected by their misdeeds to reach out. The public
20 apology has led to numerous fruitful, difficult, and sometimes painful conversations. *“As a former
21 employee of Bitwise... I felt deeply angry and disappointed, and I strongly believed that Irma and
22 Jake deserved the maximum sentence for their actions. After Irma and Jake publicly admitted their
23 guilt and apologized, I had the opportunity to speak with Irma directly on several occasions.
24 Through these honest and candid conversations, I have come to see a different side of her... I no
25 longer feel that the maximum sentence is the best course of action.”*

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1 Ms. Olguin has reflected deeply and with great pain on the plight she inflicted on her
2 victims, whom she will try in earnest to repay. Ms. Olguin is well aware that no volume of
3 apologies can be effective without an equal effort to fix.

4 In the fall of 2023, Ms. Olguin began volunteering with non-profits and small businesses,
5 once again offering her technical skills and business experience to help these entities grow or get
6 off the ground. She has consulted for non-profits and new businesses and built websites or written
7 content for several others. She is focused on helping a particular pair of entrepreneurs to build a
8 business that provides non-traditional housing to low-income and under-resourced individuals in
9 the Central Valley. At every turn, as she provides her expertise and experience, she also offers her
10 failures as a cautionary tale to aspiring founders.

11 Ms. Olguin has come to see Bitwise's failure as a tragic and painful ending—one she
12 caused—to a really wonderful story. She values standing with those who are underestimated more
13 than ever and is eager to once again earn a place in society as an active and contributing member.
14 In the last few years of Bitwise, as cash became increasingly tight, Ms. Olguin loaned much of her
15 savings and salary back to the company, and even stopped cashing her payroll checks during the
16 last months. During that year, she applied for and was approved for loans, which she passed
17 through to Bitwise to help make payroll. At the time of the crash, Irma had personally loaned
18 approximately \$800,000 to Bitwise. As a result, Ms. Olguin is financially insolvent but is working
19 to find ways to support herself. Her goal is to pay back as many people as she can, make amends
20 where able, reconcile with her community, and be a contributing member of the working class
21 once again.

22 As co-CEO of Bitwise, Ms. Olguin endeavored to promote equity and opportunity in
23 Fresno. Those goals were brought to life at Bitwise and impacted thousands of people, created
24 hundreds of jobs in some cases and prevented the economic terror that she herself experienced in
25 her formative years. Ultimately, her misconduct caused the same things she was aiming to
26 prevent. Ms. Olguin believes that she is capable of doing better than that, and looks forward to
27 demonstrating that following her incarceration. Ms. Olguin's upbringing gave her first-hand
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1 knowledge of inequity, hard work, standing up for others, and what it means to start over. She will
2 use that lived experience to learn, seek forgiveness, and begin again.

3 **IV. LEGAL DISCUSSION**

4 **A. Sentencing Guidelines and the Economic Loss Table**

5 The United States Sentencing Commission was charged by Congress with the task of
6 establishing guidelines that would carry out the basic sentencing objectives contained in 18 U.S.C.
7 § 3553(a). *See United States v. Rita*, 551 U.S. 338, 347 (2007). Those objectives include *inter*
8 *alia* “certainty and fairness,” avoiding unwarranted sentencing disparities, and permitting
9 “individualized sentences when warranted by mitigating or aggravating factors not taken into
10 account in the establishment of general sentencing practices.” *Id.* at 348. The primary tool used
11 by the Commission in creating the Sentencing Guidelines, the product of its congressional
12 mandate, was extensive and thorough examination of empirical data that included “tens of
13 thousands of sentences.” *Id.* at 349; *see also Gall v. United States*, 552 U.S. 38, 46 (2007)
14 (acknowledging that the Sentencing Guidelines are “the product of careful study based on
15 extensive empirical evidence derived from the review of thousands of individual sentencing
16 decisions”).

17 Section 2B1.1’s economic loss enhancement, however, is entirely untethered from its
18 empirical roots and has lost the confidence of many jurists. *See generally* Barry Boss & Kara
19 Kapp, *How the Economic Loss Guidelines Lost its Way, and How to Save It*, 18.2 *Ohio St. J. of*
20 *Crim L.* 605 (2021). The following is a brief summary of the history of § 2B1.1’s economic loss
21 guideline, which is described in far greater detail in Mr. Boss and Ms. Kapp’s article.

22 In cases in which the government can prove the intended or actual loss resulting from an
23 economic offense, the sentencing calculation includes an enhancement under § 2B1.1’s economic
24 loss table. *Id.* at 608. The enhancement calculations in the loss table are critical because they can
25 single-handedly drive the severity of sentences imposed on economic crime offenders such as Ms.
26 Olguin. *Id.* In preparing the initial loss table, which was previously located in § 2F1.1, the
27 Commission reviewed presentence reports from 10,000 prior cases in 1984. *Id.* However, after
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1 reviewing the empirical data, the Commission deviated in two substantial ways from its standard
2 practice of anchoring the Guideline ranges in the empirical data. *Id.* at 609. First, the
3 Commission excluded from its analysis every sentence in which a judge had imposed a sentence
4 of probation, which accounted for approximately 50 percent of the total data considered. *Id.*
5 Second, even after excluding half of the relevant data, the Commission chose to recommend more
6 severe sentences than the mean sentences of incarceration reflected in the remaining data. *Id.*

7 The resulting economic loss table topped out at \$5 million, with enhancements increasing
8 by one point for every loss bracket. *Id.* Under this initial table, a first-time offender involved in
9 an economic offense with a \$1 million-plus loss amount, with no applicable enhancements other
10 than loss, would have faced an Offense Level of 15 and a Guideline range of 18 to 24 months. *Id.*
11 at 610. A similarly situated offender with a \$20 million-plus loss amount would have faced an
12 Offense Level of 17 and a Guideline range of 24 to 30 months. *Ibid.* “The Commission’s initial
13 deviations from the underlying empirical data thus resulted in modest increases in the severity of
14 sentences, but these initial ranges were far from the arbitrary, disproportionate, and at times
15 draconian sentences produced under today’s loss table.” *Ibid.*

16 Since the initial loss table was created, there have been three significant amendments that
17 have dramatically increased the severity of sentences for economic offenses under § 2B1.1. The
18 first of these amendments occurred in 1989, in the wake of the savings and loan fraud crisis. The
19 new table increased enhancements for losses greater than \$40,000 and extended the loss table by
20 four brackets, topping out at \$80 million. *Ibid.* Under this revised table, a first-time offender with
21 a \$1 million-plus loss amount would face an Offense Level of 17 and a Guideline range of 24 to
22 30 months, the range that was previously reserved for offenders with a \$20 million-plus loss
23 amount. *Id.* at 611. A first-time offender with a \$20 million-plus loss amount would face an
24 Offense Level of 22 and a Guideline range of 41 to 51 months. *Ibid.* Those offenders in the top
25 bracket with a \$100 million-plus loss amount would face an Offense Level of 24 and a Guideline
26 range of 51 to 63 months. *Ibid.* This was more than double the range from the initial economic
27 loss table created just five years prior.

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1 In 2001, as part of the Commission’s “Economic Crime Package,” it merged three
2 guidelines and made the economic loss table even more severe. *Ibid.* The new table used two-
3 level increments instead of the former one-level increment for each loss bracket, and increased the
4 enhancement severity for losses greater than \$400,000. *Id.* at 611. Under the new table, a first-
5 time offender with a \$1 million-plus loss amount would face an Offense Level of 22 and a
6 Guideline range of 41 to 51 months. *Ibid.* A first-time offender with a \$20 million-plus loss
7 amount would face an Offense Level of 28 and a Guideline range of 78 to 97 months. *Ibid.* At the
8 highest end, a first-time offender with a \$100 million-plus loss amount would face an Offense
9 Level of 32 and a Guideline range of 121 to 151 months, more than double the range from the
10 previous economic loss table. *Ibid.*

11 The final significant amendment to the loss table occurred in 2003, after the passage of the
12 Sarbanes-Oxley Act. In addition to increasing the base offense level from 6 to 7, the Commission
13 extended the loss table by two brackets, making the highest loss bracket greater than \$400 million.
14 *Id.* at 612. A first-time offender with a \$400 million-plus loss amount would face an Offense
15 Level of 37 and a Guideline range of 210 to 262 months. *Id.* at 613.

16 In 2015, the Commission issued amendments to § 2B1.1 that moderately addressed the
17 concerns raised about the operation of the economic loss table. *Id.* at 613. The most significant
18 changes were a narrower interpretation for “intended loss” and an adjustment to the loss ranges to
19 account for inflation. *Ibid.* However, these changes did little to correct the underlying problem—
20 that the loss table is entirely divorced from the empirical data that informed its creation.

21 The gulf between the recommended Guideline sentences and any grounding in empirical
22 data has resulted in a broad judicial consensus that § 2B1.1’s economic loss table very often
23 overstates defendants’ culpability. *See, e.g., United States v. Gupta*, 904 F.Supp.2d 349, 351
24 (S.D.N.Y. 2012) (“By making a Guidelines sentence turn on this single factor, the Sentencing
25 Commission ignored [§ 3553(a)] and . . . effectively guaranteed that many such sentences would
26 be irrational on their face.”); *United States v. Parris*, 573 F.Supp.2d 744, 745, 747-48 (E.D.N.Y.
27 2008) (“[W]e now have an advisory guidelines regime where, as reflected by this case, any officer
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1 or director of virtually any public corporation who has committed securities fraud will be
2 confronted with a guidelines calculation either calling for or approaching lifetime
3 imprisonment.”); *United States v. Adelson*, 441 F.Supp.2d 506, 509 (S.D.N.Y. 2006) (“What
4 drove the [] calculation in this case, more than any other single factor, was the inordinate emphasis
5 that the Sentencing Guidelines place in fraud cases on the amount of actual or intended financial
6 loss.”) Thus, defendants sentenced under § 2B1.1 are frequently sentenced below the applicable
7 Guidelines range, and almost never sentenced above it. *Boss & Kapp, supra*, at 620-622.

8 Accordingly, there is a groundswell of criticism and a renewed push to reform the current
9 Guidelines. James E. Felman, speaking for the American Bar Association, petitioned the
10 Sentencing Commission to “reduce the unwarranted emphasis on both loss and multiple specific
11 offense characteristics that, alone and especially in combination, tend to overstate the seriousness
12 of many offenses.” Mark W. Bennett et al., *Judging Federal White-Collar Fraud Sentencing: An*
13 *Empirical Study Revealing the Need for Further Reform*, 102 Iowa L. Rev. 939, 979 (2017) (citing
14 James E. Felman, Chairman, Am. Bar Ass'n Criminal Justice Section, *Testimony on Behalf of the*
15 *American Bar Association Before the United States Sentencing Commission for the Hearing on*
16 *Proposed Amendments to the Federal Sentencing Guidelines Regarding Economic Crimes* 9 (Mar.
17 12, 2015)). He was not alone in his motion for revision of the Guidelines. *See* Daniel S.
18 Guarnera, *A Fatally Flawed Proxy: The Role of “Intended Loss” in the U.S. Sentencing*
19 *Guidelines for Fraud*, 81 Mo. L. Rev. 715, 717 n.9 (2016).

20 Further criticism of Section 2B1.1 has been documented from its own creators. Frank O.
21 Bowman, III describes himself as “one of the principal architects” of Section 2B1.1. Frank O.
22 Bowman III, *“Loss” Revisited: A Defense of the Centerpiece of the Federal Economic Crime*
23 *Sentencing Guideline*, 82 Mo. L. Rev. 1 (2017). He describes the fraud Guidelines as being
24 “fundamentally broken,” especially for high-loss defendants. *Id.* at 4 (internal citations omitted).
25 Further, Bowman states that he is “far from satisfied with the current state of Section 2B1.1, the
26 economic crime guideline” and that he agrees with “many others that it can, in too many cases,
27 suggest unreasonable sentences.” *Id.* at 32; *See also* Frank O. Bowman III, *Damp Squib: The*
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1 Disappointing Denouement of the Sentencing Commission's Economic Crime Project (and What
2 They Should Do Now), 27 Federal Sentencing Reporter 270 (2015) (“Key to understanding the
3 current dysfunction of the fraud guideline for high-loss offenders is recognition that, because of
4 the logarithmic character of the 43-level Sentencing Table, each increase in offense level has an
5 even-greater absolute effect on sentence length, the higher one goes up the Table.”).

6 In the case of Ms. Olguin, the loss amount multiplies the base offense level by 343 percent.
7 Bowman, in addition to his disdain for the loss level enhancements, disagrees with the significant
8 increase in offense level due to the “factor creep” phenomenon. Bowman, “*Loss*” *Revisited* at 5
9 (“The inflated significance of loss in the current economic crime guideline has been exacerbated
10 by the creeping proliferation of non-loss specific offense characteristics.”). In addition to Ms.
11 Olguin’s 24-level loss enhancement, the “factor creep” phenomenon brings her base offense level
12 from 7 up to 34. To add perspective, Ms. Olguin’s adjusted offense level is higher than one would
13 receive for *inter alia* Second-Degree Murder, Criminal Sexual Abuse, Production or Distribution
14 of Child Pornography, Kidnapping, and Aircraft Piracy.¹ USSG § 2A.

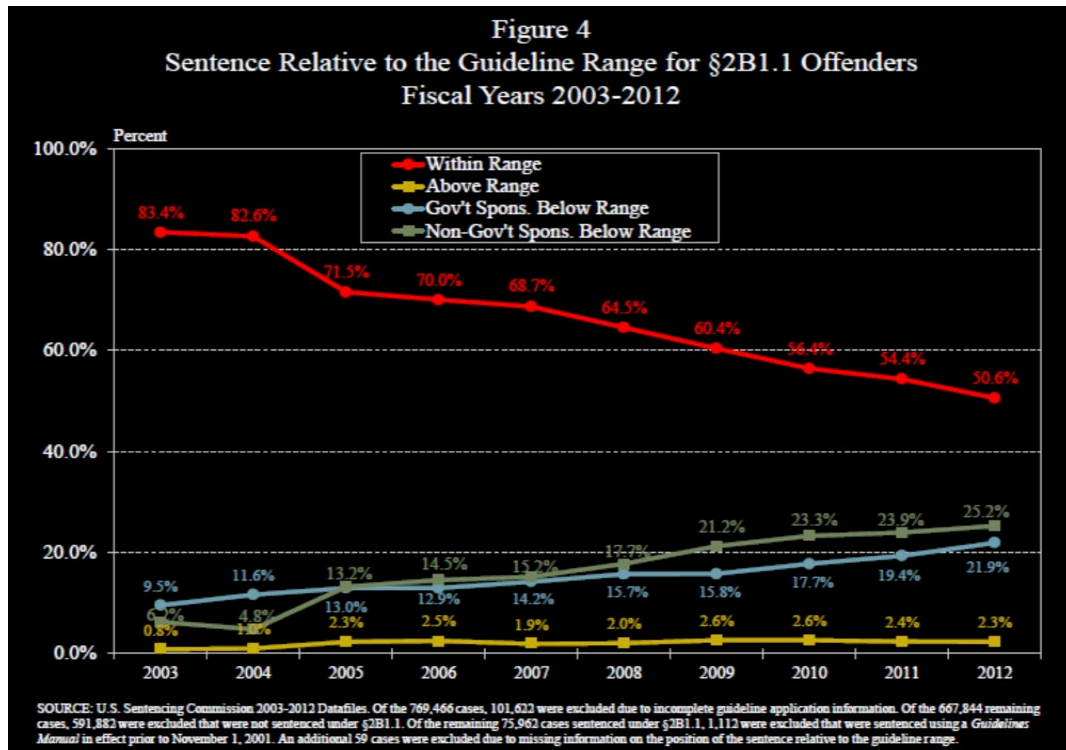
15 The Supreme Court has held that the Sentencing Guidelines must be solely advisory, ruling
16 that the mandatory Guidelines sentencing scheme was unconstitutional. *United States v. Booker*,
17 543 U.S. 220 (2005). Since *Booker*, federal judges have largely imposed sentences “far below the
18 guidelines range.” Jillian Hewitt, *Fifty Shades of Gray: Sentencing Trends in Major White-Collar*
19 *Cases*, 125 Yale L.J. 1018 (2016). An empirical study conducted by Jillian Hewitt found that non-
20 government-sponsored below-range sentences received by defendants in S.D.N.Y. “were, on
21 average, fifty to seventy percent short than the minimum Guidelines sentence.” *Id.* at 1051
22 (Comparing it to government-sponsored below-range sentences that were found to be
23 “consistently 90% shorter than the minimum Guidelines range.”). Hewitt concluded that S.D.N.Y.
24 sentencing data “empirically corroborate[d] scholarly criticism that the loss table often vastly

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26 ¹ The adjusted offense level referenced is before the 5 level deductions under USSG §§ 3E1.1(a)
27 and (b) and USSG §§ 4C1.1(a) and (b). The deductions finalize the total offense at 34 instead of
28 39. An offense level 34 is still higher than that of *inter alia* Voluntary Manslaughter, Conspiracy
or Solicitation to Commit Murder, Criminal Sexual Abuse of a Minor (Statutory Rape), Abusive
Sexual Contact, and Demanding or Receiving Ransom Money. USSG § 2A.

1 overstates the seriousness of an offense.” *Id.* at 1025. Mr. Boss and Ms. Kapp agree that “the loss
 2 enhancement exacerbates, rather than corrects, the underlying problem of unwarranted sentencing
 3 disparities that the Guidelines were designed to solve. Moreover, the loss enhancement results, at
 4 times, in draconian sentences for non-violent offenders that strain our correction facilities and do
 5 nothing to rehabilitate offenders.” Boss & Kapp, *supra*, at 628.

6 Because there is a growing awareness in the federal system regarding the over-reliance on
 7 the loss amount which is baked into the Sentencing Guidelines, defendants in § 2B1.1 cases are
 8 frequently sentenced below the applicable Guidelines range, and almost never sentenced above it.
 9 *See Sentencing and Guideline Information for § 2B1.1 Offenders*, United States Sentencing
 10 Commission Symposium on Economic Crime (2013). According to the Sentencing Commission’s
 11 statistics, for the roughly 8,500 federal fraud cases in 2012, over 47 percent of the defendants were
 12 sentenced below the applicable Guidelines range, while only 2.3 percent were sentenced above it.
 13 *Id.* The trend was moving increasingly toward more below-Guidelines sentences and away from
 14 within- or above-Guidelines sentences:

15 *Sentencing Trends for §2B1.1 Offenders: Fiscal Years 2003 – 2012*



1 *Id.*

2 These statistics and negative sentiments regarding Section 2B1.1's loss table are reflected
3 in the opinions of many federal judges. Judge Rakoff warns of "the utter travesty of justice that
4 sometimes results from the guidelines' fetish with abstract arithmetic, as well as the harm that
5 guideline calculations can visit on human beings if not cabined by common sense." *United States*
6 *v. Adelson*, 441 F. Supp. 2d 506, 512 (S.D.N.Y. 2006), *aff'd*, 301 F. App'x 93 (2d Cir. 2008). The
7 circuit court in *Ebberts* noted that "[u]nder the guidelines, it may well be that all but the most
8 trivial frauds . . . may trigger sentences amounting to life imprisonment." 458 F.3d at 129. The
9 court in *United States v. Parris* relays that while consideration of Congress' judgement is noted,
10 "[it] does not mean that the Sentencing Guidelines for white-collar crimes should be a black stain
11 on common sense." 535 F.3d 999, 1002 (9th Cir. 2008). Judge Underhill called the loss
12 enhancement Guideline "fundamentally flawed, especially as loss amounts climb." *United States*
13 *v. Corsey*, 723 F.3d 366, 380 (2d Cir. 2013) (Underhill, J., concurring); *see also United States v.*
14 *Gupta*, 904 F.Supp.2d 349, 351 (S.D.N.Y. 2012) (Rakoff, J.) ("By making a Guidelines sentence
15 turn, for all practical purposes, on [loss enhancement], the Sentencing Commission . . . effectively
16 guaranteed that many such sentences would be irrational on their face."). In *United States v.*
17 *Emmenegger*, 329 F.Supp.2d 416, 427 (S.D.N.Y. 2004), the court referred to the loss enhancement
18 as "questionable," noting many problems with the calculation such as lack of consideration for
19 moral seriousness. U.S. Court of Appeals for the Sixth Circuit in its 2016 *U.S. v. Musgrave*
20 decision, "there is reason to believe that, because the [fraud] Guidelines were not developed using
21 an empirical approach based on data about past sentencing practices, it is particularly appropriate
22 for variances."

23 **B. Section 3553(a) Factors**

24 While the Court must consult the Sentencing Guidelines in considering a fair and just
25 sentencing for Ms. Olguin, it should be guided primarily by the factors enumerated in 18 U.S.C. §
26 3553(a). *United States v. Gall*, 552 U.S. 38 (2007). Pursuant to § 3553(a), this Court must

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1 fashion a sentence that is sufficient but not greater than necessary to comply with the purposes of
2 the statute.

3 However, the Sentencing Guidelines are meant to be just a starting point for the sentence
4 calculation and district courts “may not presume that the Guidelines range is reasonable.” *Gall v.*
5 *United States*, 552 U.S. 38, 50 (2007). Instead, case law demands district courts to “make an
6 individualized assessment based on the facts” presented in the singular case at hand, as the
7 sentence prescribed by the Guidelines may greater than necessary. *Id.*; *Kimbrough v. United*
8 *States*, 552 U.S. 85, 91 (2007); *see United States v. Gupta*, 904 F.Supp.2d 349, 350 (S.D.N.Y.
9 2012) (“Imposing a sentence on a fellow human being is a formidable responsibility. It requires a
10 court to consider, with great care and sensitivity, a large complex of facts and factors.”); *United*
11 *States v. Dorvee*, 616 F.3d 174, 184 (2d Cir. 2010) (“[T]he amount by which a sentence deviates
12 from the applicable Guidelines range is not a measure of how ‘reasonable’ a sentence is.
13 Reasonableness is determined instead by the district court’s individualized application of the
14 statutory sentencing factors.”).

15 While a sentence within the applicable Guidelines range may be appropriate for many
16 crimes, courts across the United States have routinely concluded that sentences driven by the fraud
17 Guidelines – U.S.S.G § 2B1.1 – are unreasonable because the loss amount oftentimes increases
18 the offense level to such an extent that the resulting Guidelines range is entirely unhinged from the
19 § 3553(a) factors. *See, e.g., United States v. Gupta*, 904 F.Supp.2d 349, 351 (S.D.N.Y. 2012)
20 (“By making a Guidelines sentences turn on this single factor, the Sentencing Commission
21 ignored [§ 3553(a)] and . . . effectively guaranteed that many such sentences would be irrational
22 on their face.”); *United States v. Adelson*, 441 F.Supp.2d 506, 509 (S.D.N.Y. 2006) (“What drove
23 the [] calculation in this case, more than any other single factor, was the inordinate emphasis that
24 the Sentencing Guidelines place in fraud cases on the amount of actual or intended financial
25 loss.”) As such, district courts are permitted to vary from Guideline ranges “based solely on
26 policy considerations, including disagreements with the Guidelines.” *Kimbrough, supra*, 522 U.S.
27 at 101; *Cutler, supra*, 520 F.3d at 129. Notably, the Guidelines calculation in this case places an
28

1 “inordinate emphasis” on “putatively measurable quantities,” or the financial loss, which should
2 focus the sentence determination more on the §3553(a) factors. *United States v. Adelson*, 441 F.
3 Supp.2d 506, 509-12 (S.D.N.Y. 2006), aff’d, 301 F. App’x. 93 (2d Cir. 2008).

4 In this case, as reflected in the calculations enumerated in the Pre-Sentence Report, the loss
5 amount does disproportionately and unreasonably inflate the applicable Guidelines range, and the §
6 3553(a) factors taken as a whole strongly support a sentence of 60 months for Ms. Olguin. With
7 respect to § 3553(a)(1), Ms. Olguin has overcome significant hardships and obstacles from her
8 childhood, including financial insecurity, gang violence in school, and hatred from her community
9 due to her sexual orientation. Fueled in large part by her traumatic childhood, Ms. Olguin has
10 dedicated herself to numerous charitable endeavors which have focused on helping others be a
11 better version of themselves. Her offense, although certainly serious, did not involve violence,
12 firearms, or threats of any kind. Other than the conduct underlying this case, Ms. Olguin has no
13 criminal history whatsoever.

14 Next, a 60-month sentence would adequately reflect the severity of the crime and protect
15 the public from danger. Ms. Olguin has been chastened and humbled by this criminal prosecution.
16 “There is considerable evidence that even relatively short sentences can have a strong deterrent
17 effect on prospective ‘white collar’ offenders.” *See Adelson*, 441 F.Supp.2d at 514. Studies on
18 offender behavior show that while sentences of imprisonment may promote general deterrence,
19 there is no marginal deterrent effect from more severe prison sentences. *See, e.g., Michael Tony,*
20 *Purposes and Functions of Sentencing*, 34 *Crime & Just.* 1, 28–29 (2006) (three National
21 Academy of Sciences panels found no significant marginal deterrent effect from lengthier
22 sentences).

23 Since the collapse of Bitwise, Ms. Olguin has completely devoted herself to her core
24 mission—to help society. Not only has she cooperated with authorities and sought therapy to
25 understand her role in these offenses, but she has also dedicated herself to volunteering for small
26 businesses, nonprofits, and community support groups and forums. Examples of this include
27 using her technology skills and business experience to help grow local organizations, ghostwriting
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1 articles for several business and public figures, and building an app that helps white-collar
2 offenders calculate how much they can expect to serve accounting for *inter alia* Good Time,
3 RDAP, the Second Chance Act, and the First Step Act. Ms. Olguin is also an active participant in
4 a White-Collar Support Group that focuses on accepting responsibility and returning to society
5 with dignity and compassion and a Woman’s Justice Support Group. “*She was able to be honest*
6 *with herself, objectively grasp her situation, and ultimately reach a radical acceptance with*
7 *remarkable clarity. [..]She clearly understands the magnitude of her errors and has already begun*
8 *using the lessons learned to help those around her.*”

9 Ms. Olguin has dedicated her life to helping her community after an aberrant and isolated
10 period in which she acknowledges harming it, not knowing the difference between intention and
11 impact.

12 The wife of a former Bitwise employee and local community leader writes, “She helped
13 my husband make his own dreams a reality when he created Root Access Hackerspace in the
14 Tower District. To add to Irma's support for Root Access, we listed her as a reference for a home
15 we were hoping to rent that would put us closer to Root Access's location. I squealed with glee
16 when Derek told me that Irma helped us get the rental house that we wanted and needed at that
17 time in our lives.”

18 A sentence of 60 months in custody aligns with the purposes of sentencing set forth in 18
19 U.S.C. § 3553(a). Notably, a 60-month sentence would allow Ms. Olguin to continue to pursue
20 the admirable work to which she has wholeheartedly dedicated her life and, most importantly,
21 would permit her to continue fostering community and creating a better society for those who have
22 historically been spat on by it.

23 Further, there is precedent to support consideration of motivation and personal gain.
24 Courts have “concluded that the lack of personal profit and the Defendant’s motivation were
25 relevant to the nature and circumstances of the offense conduct, and could be considered along
26 with all the other appropriate factors regarding sentencing disparity.” *United States v. Connors*,
27 2007 WL 2955612, at *3 (E.D. Pa. Oct. 9, 2007) (concluding also “that consideration of the
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1 nature, circumstances, and seriousness of [the Defendant's] offense conduct had to include, inter alia,
2 consideration of the fact that the Defendant did not directly obtain the millions of dollars in fraud
3 proceeds, and that his conduct was essentially motivated by a desire to save the company and to
4 save the jobs of its employees." The First Circuit affirmed this logic and similarly took into
5 consideration their finding that the defendants had not "sought to enrich themselves." *United*
6 *States v. Prospero*, 868 F.3d 32, 50 (1st Cir. 2012).

7 **C. Character Letters**

8 In addition to meaningful and appreciated moral support, Ms. Olguin has also received
9 more than 60 character letters which as a whole amplify her character as being "a person of deep
10 compassion, intelligence, and one of the greatest humans," to quote Ali Thurner, a former
11 employee of Bitwise Industries.² Each of these letters is written with immense love, compassion,
12 and support for Ms. Olguin. Dr. Susan Napolitano, who has seen Ms. Olguin as a client for
13 clinical psychology, writes about Ms. Olguin's troubled background and provides insight on her
14 psychological profile. Perhaps most important, Ms. Napolitano writes about Ms. Olguin's
15 "unconventional lack [of] self-interest... She talked to me about specific people her actions hurt.
16 Only when discussing who she betrayed and how they were harmed was Irma brought to tears."
17 Ms. Olguin's partner, Kendra Cronk, describes Ms. Olguin as being "radically caring, deeply
18 determined, and extraordinarily thoughtful," while detailing that Ms. Olguin "has shown up, asked
19 to take responsibility, acknowledged the damage, grieved the suffering her actions caused, and
20 queried about how she could show up differently." Former employee Floyd Muñoz describes Ms.
21 Olguin as being his "hero," and describes how greatly Ms. Olguin altered his life for the better.
22 Mr. Muñoz's letter is one of several from former employees and team members, many of whom
23 were impacted by the Bitwise collapse, who describe the positive change Ms. Olguin has made in
24 their lives and the incredible, selfless person she is. Jeanine Halbrook writes, "On September 6th,
25 2020, my husband Sam and I were evacuated from our home near Shaver Lake, CA., as the Creek
26

27 ² Most of the letters were provided to the Court by the Probation Office. The remaining letters are
28 attached as Exhibit A to this memorandum.

1 fire ravaged our mountain. ...we were told that Irma had offered her home...She gave strangers
2 her home entirely and wholly and without a timeline. ... Knowing that we were not homeless and
3 our animals were not in kennels across Fresno County but with us brought relief indescribable.”

4 **D. Self-Surrender**

5 Ms. Olguin respectfully requests that she be permitted to self-surrender to the Bureau of
6 Prisons to serve whatever sentence this Court imposes. Ms. Olguin has been entirely compliant
7 with Pretrial Services and the Government. Ms. Olguin is not a flight risk – she is a long-time,
8 active, and well-known member of her community and is extremely close with her family,
9 particularly her sister, her sister-in-law, and her sister-in-law’s two children with whom she lives
10 with in Clovis, California.

11 As the Federal Correctional Facility at Dublin has recently closed due to rampant sexual
12 abuse, we respectfully request that the Court recommend that the Bureau of Prisons assign Ms.
13 Olguin to the Federal Correctional Facility at Victorville.

14 **V. CONCLUSION**

15 For the foregoing reasons, Irma Olguin, Jr. respectfully requests a sentence of 60 months
16 imprisonment. A sentence of this nature would be sufficient but not greater than necessary,
17 honoring Ms. Olguin’s contributions to the community and her lack of personal gain.
18 Furthermore, a guideline range sentence would not align with the treatment of similarly situated
19 white-collar offenders who received below-guideline sentences. A 60-month sentence would be a
20 general deterrence, reflecting the seriousness of the offense while recognizing Ms. Olguin’s
21 dedication to the underestimated and her life of service, offering both just punishment and the
22 opportunity for positive change.

23 DATE: December 9, 2024

Respectfully submitted,

24 

25 Daniel B. Olmos

26 *Attorney for Defendant Irma Olguin, Jr.*

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EXHIBIT A

Andrew J. Chapin
2300 Walnut Street, #505
Philadelphia, Pennsylvania 19103

November 7, 2024

To the Honorable Judge and Court,

My name is Andrew Chapin. I'm a Philadelphia-based technology professional and, like Irma, I'm a member of the White Collar Support Group, a 501(c)3 non-profit organization which gathers to offer support to those navigating the white collar justice system. I write with hope that I can shed some light on the person I've come to know Irma to be.

My perspective is not one you often read in a character reference letter, primarily because of how and when I met Irma: we connected *after* she was charged with fraud, when she joined the White Collar Support Group. We immediately clicked because I, too, have been convicted of fraud for misrepresentations made while fundraising for a tech startup.

When we met, she was still digesting the fresh realities of her charges and I was a few months removed from federal prison. Both of our heads were spinning.

When someone joins the White Collar Support Group, it's not uncommon for that to be the case, for new members to be in denial or even indignant. That itself is one of the purposes of the support group: to help people accept responsibility for their actions, confront the emotional and practical challenges ahead, and find a way to move forward with their lives. Some members take a long time to reach that point of growth and acceptance. Frankly, some never do.

In that spirit, I often share a passage from *The Second Mountain: The Quest for a Moral Life* with new members of the group: "The right thing to do when you are in moments of suffering is to stand erect in the suffering. Wait. See what it has to teach you. Understand that your suffering is a task that, if handled correctly, with the help of others, will lead to enlargement, not diminishment."

As I got to know Irma, I saw she was standing erect in the suffering she caused. She was able to be honest with herself, objectively grasp her situation, and ultimately reach a radical acceptance with *remarkable* clarity.

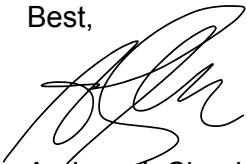
And on top of that, and despite being in a period of her life when she herself is in need of support, she has already begun to leverage this acceptance and responsibility mindset to begin giving back. Despite her present circumstances, Irma has found the energy to share what she has learned and use it as a force for good in our group. She has truly become an indispensable member of the White Collar Support Group.

I share all of that to say this: while I cannot speak for the mindset Irma was in while she broke the law, I can speak for how she responded when she hit rock bottom. She **clearly** understands the magnitude of her errors and has already begun using the lessons learned to help those around her.

And in a world where others struggle to come to terms with their mistakes when they find rock bottom, I have watched Irma bounce off of her rock bottom to become a better person, one who I greatly admire.

There is no question Irma must face the earned result of her poor choices and actions. And as you work to reach your decision on what that will be, please consider the serious commitment she has made to serving those in need. I am eager to welcome her back to our community when we can - we will all be better off for having her with us.

Best,

A handwritten signature in black ink, appearing to read 'A. Chapin', written in a cursive style.

Andrew J. Chapin
andrewjchapin@me.com

To Whom It May Concern,

I am writing regarding the sentencing of Irma Olguin. As a former employee of Bitwise, I want to share my perspective. When this situation first came to light, I felt deeply angry and disappointed, and I strongly believed that Irma and Jake deserved the maximum sentence for their actions. Like many others, I was vocal about the pain and harm caused to employees, families, and the Fresno community.

With time, however, my perspective has evolved. After Irma and Jake publicly admitted their guilt and apologized, I had the opportunity to speak with Irma directly on several occasions. Through these honest and candid conversations, I have come to see a different side of her. While I cannot condone or excuse what they did, and I firmly believe they must be held accountable, I no longer feel that the maximum sentence is the best course of action.

I believe justice can be served through a sentence that includes jail time, restitution to those impacted, and opportunities to make amends to the community. My personal experiences with the justice system, particularly regarding my brother's murder case, have shaped my understanding of fairness and grace even tho I did not agree. In that case, the perpetrator received only a four-year sentence despite the gravity of their crime. Which I did not agree with at all. However this has given me a broader perspective on justice and rehabilitation.

Irma's willingness to meet with me, answer my questions, and take responsibility for her actions has been meaningful in my own healing process. For these reasons, I ask the court to consider a balanced sentence that allows for accountability, restitution, and the possibility of redemption.

Thank you for your time and consideration.

Sincerely,

Jenn Guerra

LINDA BREITLAUCH
6059 CHERRY VALLEY ROAD
STROUDSBURG, PENNSYLVANIA 18360
(610) 663-2147

December 5, 2024

The Honorable Judge John C. Coughenour
United States District Court
Eastern District of California
Robert E Coyle US Courthouse
2500 Tulare Street
Fresno, CA 93721

In Re: Irma L. Olguin, Jr. (Case No. 1:24-CR-00159-NO DJ (BAM)-1

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Dear Judge Coughenour:

I am writing this letter on behalf of the above-defendant, Irma L Olguin, Jr., because I would like you to understand what an extraordinarily special person she truly is. Even though your knowledge of Ms. Olguin comes from the perspective of her criminal actions, it is my hope that I can also help introduce you to the person I have come to know and deeply respect as a good friend and assistant. I cannot say that I have known Irma well over many years; however, I can honestly say that I have come to know her very well in the past year-and-a-half. -I am a voluntary co-Administrator of a Skool website support group dedicated to aiding justice-impacted individuals as they navigate through the various stages of our legal system. Although open to anyone, the now 350-plus-member online group, which interacts through the site and meets regularly via Zoom through its association with the 501[c](3) group, *Prisonist.org*, is mainly comprised of white collar and drug-related low-level offenders and/or their family members who are looking for guidance. Most are first-time offenders who are unlikely to ever recidivate. While not offering legal advice, the purpose is to help members with guidance, information and, moreover, the kind of emotional support that comes from experiencing similar legal traumas, particularly in the federal justice arena. Irma has been instrumental in reaching out to fellow members to offer compassion, guidance, and empathy even while navigating her own difficult way through the federal judicial process. -One of our primary missions is to show others who are not as far along in the process that despite everything, the experience is somehow survivable. Irma can always be counted on to assist anyone in need of her help or expertise. Irma Olguin is one of those rare individuals who will reach out without necessarily expecting anything in return, always offering that help with kindness and humility. Although I am from the opposite side of the country, she and I met in person earlier this year when we both attended a sentencing hearing in San Diego as supporting team members. For many, including Irma and I, in helping others we are also being mutually supported ourselves as we continue on our way.

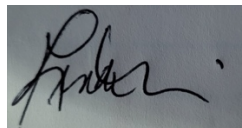
By way of introduction, please let me say that I am myself a felon, having recently served a year-and-a-day sentence in Danbury FCI for a tax-related crime. I am a 67-year-old former attorney and accountant from Northeastern PA and was a first-time offender. When I was released to home

confinement in December 2022 and looking for guidance with my own life moving forward, I rejoined a weekly webinar support group. Shortly thereafter, Irma joined the same webinar program, having just begun her own journey through the federal legal system. Throughout this past year-and-a-half, I have observed Ms. Olguin emerge as a leader who made a conscience decision to take the charges she faced and use her experience as a catalyst for change, not only in her own life but also in the lives of others. When one of our co-Administrators surrendered last May, she agreed to step in to her place. Irma is one of the people I can count on in both good and tough times to offer help to anyone in need of it. Being from PA, I was at first unaware of the huge legal and financial struggles Irma faces in her own life which to me makes her efforts on behalf of others that much more incredible. I know that she was not brought up wealthy and faced many hurdles to become educated and achieved that which she did through a lot of hard work.

Please understand that the gravity of the charges against Ms. Olguin, who until now has led and very respectable and law-abiding life, has had a profound effect on her. The acts in question were without doubt done in desperate attempts to save her company and the jobs of those many people it employed. Having dealt with some of those kinds of pressures, albeit on a much, much smaller scale, I can only imagine the angst she faced daily. The effort to save her business did not only result in financial losses to investors but also led to her personal financial demise as well, leaving her virtually destitute. It would have been very easy upon her indictment for Irma to curl up and wallow in pity. Many have done so, but to me, she is instead a "Carpe Diem" poster child. Irma has taken this challenge to find a new calling—sharing her superb tech skills along with her upbeat personality to support and help guide others experiencing similar legal traumas. It is someone like Irma, who leads by example, that allows others to realize that such hard times are survivable. For many in our group, her help has made a world of difference. She has mentored a number of people along the way as they face their legal woes and fears, always being an encouraging and calming influence, not just by leading but also by example. The seriousness of her crime is certainly not lost on Ms. Olguin, and her remorse for any of her victims is very real. She is sincerely dedicated to making amends. There are many people who get in trouble but then never contemplate the true consequences of their actions. Irma is not one of those people, and redemption is a powerful motivator for her. There is no doubt in my mind that she is very unlikely to ever again appear as a Defendant in a criminal action.

I hope this letter has given you some of my perspective of Irma L. Olguin, Jr. as a whole person. She is so much more than the criminal act she committed. Thank you for your consideration. It is very much appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Breitlauch", is written on a light-colored background.

Linda Breitlauch
#01222-509

9-3-2024

Moises Gutierrez

Administrative Assistant I/IV- Kings Community Action Organization.

1020 Blake St Apt 7g Lemoore, Ca 93245

Phone: 559-856-4269

Email: Moisesgutierrez87@gmail.com

To the Honorable Judge & U.S. Probation Office:

My name is Moises Gutierrez and Irma Olguin. I have known Irma as the cousin to my wife but more so through a working relationship as the CEO of Bitwise Industries.

I Acknowledge that Irma has pled guilty to the accusations brought against her and she has expressed that she is fully responsible for the wrongdoing. I am writing this letter to offer a fuller picture of who Irma is as a person. Irma is an extraordinary, humble and caring person, as well as a compassionate leader. There is so much more to Irma than the crimes that she has plead guilty too.

I came to know Irma through working at Bitwise but I think it's best to talk about what I did for work before I met Irma and became an employee there. I've known Irma for a little over 10 years through her relation to wife. At the time, all I knew was that she had this admiration for Fresno and the tech industry, nothing more, nothing less. Fast forward 10 years, I am working full time as a manager at a furniture delivering company trying to make ends meet with each paycheck living in a two bedroom studio in my in-laws back yard with 2 kids and a wife. I've heard about all the things Bitwise was doing in Fresno and neighboring cities and couldn't believe the impact that Irma had been able to make. I've heard countless stories of how Bitwise changed the lives of so many people thanks to Irmas vision of bringing high paying jobs to the underserved communities of Fresno that I had to take a chance on myself. I borrow 300 dollars and began to learn how to code a website in hopes that I too could break into the tech industry.

When covid came and disrupted the lives of many Irma and Bitwise went full steam ahead in bringing as much help to the community as possible and there is when I came across an social media post that Irma was hiring for Executives Assistants. I did what any eager, hopeful, and broke parent would do and applied and immediately began the follow up process. When I was interviewed I spoke with Irmas EA (Executive Assistant) and was moved along the process to my final interview which was with Irma. That's when I really got to know who Irma was and how she felt about Bitwise and the expectations she had for people who wanted to work there.

Irma expectations for employees were simple. Care about the work that you do, and change lives around you by being your genuine self. I didn't know that those simple expectations were going to have such a profound effect on my life. Irma took a chance on me, a furniture delivery driver, and trusted that I would rise to the challenges of being an Executive Assistant. And because of the trust that was placed on me I wanted to rise to that occasion and I did. I would go on to C suite officers, Speak to our State senators offices during an advocacy day at our

nation's capital, that I also helped coordinate as an assistant, and was even trusted to carry out and help implement Bitwise's goals and principles at some of the companies expansion cities.

Irma changed the projection of my professional career simply by caring about who I was and believing me when I told her that I could and would rise to the expectations of an administrative professional. Irma knew that there were people like me bursting with potential who just needed an employer to encouraged them to be the best person they could be. Because of the position I was put it in, I was finally able to buy a new car, a house, and have an actual living. But most importantly, I was able to finally break free from working dead end jobs. When the company was furloughed I wasn't worried because I knew that I had acquired enough work experience that I would fall on my feet rather quickly. Over a year later I am the highest ranked administrative assistant in Kings County's action organization, Kings Community Action Organization. I currently assist the Deputy Executive Director, Manage and balance over 100 departmental contracts and grants, and also assist in reporting to our federally funded Community Service Block Grant. If it wasn't for Irma taking a chance on me I would never have been able to break through to this line of work.

Irma committed a crime, that is true. But Irma also wanted the very best for everybody that was willing and courageous enough to rise to their own potential. I am one of many lives that Irma has positively impacted regardless of the actions she took in order to keep her dream alive. If it wasn't for her, other employers would not think twice about hiring a 37 year old man as an administrative assistant.

Thank you Honorable Judge and US Probation Office for your careful consideration of this matter and taking the time to read my letter.

I have included my contact information for any further verification and follow-up.

Sincerely,
Moises Gutierrez

August 13, 2024
Shelley Manser
Assistant Superintendent
Caruthers Unified School District
6283 N. Monte Ave Fresno, CA 93711
559-930-3420

To the Honorable Judge & U.S. Probation Office:

I am writing this letter in strong support of Irma Olguin Jr. I have known Irma for over 15 years, initially through a mutual friend and later as a colleague. My admiration for Irma grew as I learned of her dedication to community service and innovative solutions, well before Bitwise Industries was established.

Irma's impact on my students was profound. She invited me to explore Bitwise's courses, which led to our students acquiring valuable skills over several years. When I joined Bitwise part-time in 2019, I saw firsthand the transformative effect of its training programs. The stories of those whose lives were changed were nothing short of inspiring.

I don't often write character references, but it is crucial to acknowledge Irma's integrity and responsibility. She has fully admitted her wrongdoing and is committed to accepting the consequences, including engaging in community service.

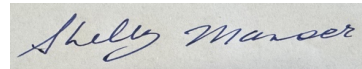
Irma's dedication to helping others is unmatched. Her generosity was evident through her open doors and support during times of need. This commitment was never self-serving but always aimed at the greater good. Her "servant attitude" speaks volumes about her character, as reflected in the media and her contributions.

Six months ago, I wrote directly to Irma, expressing my gratitude: "I am 'better' because of YOU!" Irma's selflessness, drive, and commitment to equity have profoundly influenced me and prepared me for my current role as Assistant Superintendent. Her example has made me a better leader and has inspired me to incorporate her values into my work.

I have never met anyone so selfless, driven, dedicated and determined to change the world in the name of equity and justice; one human or one experience or one encounter at a time. We all hear of people doing this or doing that but IRMA did the work, and lived the work.

Thank you, Honorable Judge and US Probation Office, for considering this letter. Please feel free to contact me for further verification or follow-up.

Sincerely,

A rectangular box containing a handwritten signature in blue ink that reads "Shelley Manser".

Shelley Manser



516 S. Dixie Hwy., Box 222
West Palm Beach, Florida 33401
918-212-6257 | prisonist.org

William Livolsi, Jr.
Deputy Director
info@prisonist.org

December 2, 2024

The Honorable John C. Coughenour
United States District Court
Eastern District of California
2500 Tulare Street
Fresno, CA 93721

Re: Irma Olguin, Jr
Case #1:24-cr-00159

Dear Judge Coughenour:

Thank you for this opportunity to provide a letter on behalf of Irma Olguin.

This letter makes three (3) pertinent points:

1. Irma is a member of our ministry serving the white collar justice community, and is regular member of our White Collar Support Group that meets on Monday nights. Through the group support, one-on-one phone calls and video chats, I have come to know her well. Irma has fully availed herself of community-based rehabilitative support, has accepted that she has a continuing need for such support, and is fully committed to accepting such.
2. That ample community-based therapeutic, spiritual, and related rehabilitative support exists that the court could consider as a lenient and diversionary option in sentencing.
3. It would be in the best interest of all concerned for the court to instruct Irma to continue such effective community-based support. This, together with her history of service and volunteerism in the community, make her a good candidate for such lenient and diversionary sentencing.

Progressive Prison Ministries, Inc., was incorporated in 2014 in Fairfield County, Connecticut and received 501(c)(3) status in 2015. I have been an active member of the Ministry's White Collar Support Group since 2016. I was appointed Deputy Director in 2021 and have extensive experience working with individuals prosecuted for white collar crimes and their families.

My experience with Irma: From the outset, I'd like the court to know that Irma is a remarkable and talented individual; she has evidenced an extraordinary and exemplary commitment to taking full responsibility for her behavior and crime, making full restitution and amends to those she has hurt and who have suffered losses as a result of her actions, righting the course of her life, uncovering the reasons that led to her maladaptive behavior, seeking and accepting help through professionals and peer support, committing to the service of others, and undertaking a proactive and dedicated daily course of life changes to ensure that she walks a narrow path and never again will be in her current situation.

I have known Irma since she first reached out to us in November 2023. She has shown the level of engagement that marks the type of commitment we look for in order to set up a community-based program of long-term success.

A key point I'd like to make on Irma's behalf is that she has been one hundred (100%) percent compliant in adherence with the rigors of our ministry, counseling, and other interventions she has voluntarily sought.

Irma has participated in our weekly online support group meetings, and in other interventions we provide and that are provided by others. She has assertively taken on increasing responsibilities in the betterment of her fellows. She has phone and video calls with other members of our support group (something we strongly encourage) and with others going through the throes of the criminal justice system, offering them her experience, strength and hope.

Irma is truly an example of someone who has learned to ask for help and help when asked. There are many examples of Irma's volunteerism and good works that I am sure have been offered in other letters submitted to the court on her behalf.

It is notable that she has maintained an upbeat and optimistic disposition and has continued to volunteer in the community and provide for her family, even as she is experiencing perhaps the biggest challenge of her life.

I have had several phone and video calls with Irma and learned the intimate details about their childhood poverty and dysfunction, the maladaptive coping mechanisms that resulted, and the tailspin this put her into when faced with the failure of the Company she founded (and its impact on the hundreds of employees that depended upon her). When Irma finally started to come out of the denial stage and into acceptance of what she had done and the wreckage she had caused, she has done everything in their power to do the right thing - namely, to accept responsibility for their wrongdoings and assist in restitution efforts. In my experience, this is an extremely rare thing and is exactly the kind of contrition that should be heavily considered, and encouraged by the court, in determining an appropriate sentence.

Indeed, the United States Sentencing Commission adopted amendments to its Guidelines Manual to include the addition of Section 4C1.1 – the Zero-Point Offender Adjustment and revised the §5C1.1 Commentary, advising courts to consider sentences without prison time for defendants who receive these adjustments. This type of leniency is not isolated and is, in part, a recognition that white collar prosecutions are often less about greed and more about human tragedies with complex pathological and environmental causes and histories. As a first-time offender without any prior criminal history points, it appears that Irma would be eligible for the court's leniency in this regard.



It is not always easy to understand how someone who led a life of high achievement in business, with such strong community ties and close family relationships could have done the things she admittedly did. And yet this a paradigm we see often in our ministry - a businessperson with limited (or no) supervision and compliance resources, an individual driven by the unreasonable expectations to be successful, untreated psychological issues, coupled with an inability to see how all of this was a one-way trip to self-destruction. These are strong mitigating factors.

I have concluded that Irma is a truly good person who was severely affected by her life difficulties, was a codependent people pleaser who made horrendous decisions she misguidedly believed were needed to make her family proud for all their sacrifices, and to save the jobs of the employees who depended upon her for their livelihood. I believe Irma's arrest and potential incarceration have been humbling experiences for her, and that she has learned, albeit the hard way, that she was absolutely wrong, and that in her efforts to please everybody, she pleased nobody.

I have extensively discussed all the above with Irma, and she offers none as an excuse for her behavior or her crime. To the contrary, Irma has told me that she accepts 100% responsibility for her actions and her crime.

I believe that the above, combined with Irma's continued willingness to seek and accept help from our ministry, support group, therapy, other available community-based resources and interventions, and the other reasons discussed above, make Irma an ideal candidate for the court's leniency.

Please feel free to contact me if I can provide any further information.

Thank you for your consideration.

Respectfully submitted,

William Livolsi, Jr.

William Livolsi, Jr.

cc: Daniel Barton Olmos, Esq.
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Progressive Prison Ministries, Inc., was incorporated in 2014 in Fairfield County, Connecticut and received 501(c)(3) status in 2015.

Progressive Prison Ministries, Inc. supports individuals and families through the various stages of the legal process, incarceration (or probation), reentry into society and the workforce, and all the way to a successful and fulfilling life on the other side of their issues. Among other initiatives, every Monday evening we host an online White Collar Support Group for individuals who have been prosecuted for white collar crimes. On February 19, 2024, we celebrated our 400th weekly support group meeting.

Our goal is to provide spiritual solutions and emotional support to those who are feeling alone, isolated, and hopeless. Our objective is to help them find a path to a healthy, spirit-filled place on the other side of what may seem like insurmountable problems. Many of those we counsel are in a place where their previous lives have come to an end due to their transgressions. In many cases their legal problems have led to divorce, estrangement from their children, families, friends and support communities, and loss of a career. The toll this takes on individuals and families is emotionally devastating. White collar crimes are often precipitated by other issues in the offenders' lives such as alcohol or drug abuse, physical or mental illness and/or childhood and other trauma that led to financial issues that overwhelms their ability to be present for themselves and their families, resulting in poor decision making, lack of good judgment, and irrational behavior. We recognize that life often presents us with such circumstances, sometimes which has led us to make decisions in violation of the law.

To date we have helped over one thousand two hundred (1200) persons prosecuted for white collar crimes to accept responsibility for their actions and to acknowledge the pain and loss they have caused to others. In accordance with our commitment to restorative justice, we suggest to our ministees that they make amends as a first step in changing their lives and moving towards a new spiritual way of living centered on hope, care, compassion, tolerance, empathy, and service to others. More information is available on our website, prisonist.org.