

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 1:19-CR-20693-SEITZ**

**UNITED STATES OF AMERICA**

v.

**PETER SOTIS and  
EMILIE VOISSEM,**

**Defendants.**

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**UNITED STATES' SUPPLEMENTAL NOTICE OF AUTHORITY**

The United States of America, by and through the undersigned Assistant United States Attorney, hereby files this supplemental notice of authority regarding Eleventh Circuit precedence on what constitutes “otherwise extensive” criminal activity, for purposes of the 4-level enhancement for defendant Peter Sotis’ leadership role in the conspiracy.

Multiple Eleventh Circuit cases have held that where, as here, there are at least two criminal participants in the criminal activity (in this case there are four participants) and several unwitting parties (here there are at least four unwitting parties), that is sufficient to constitute “otherwise extensive” criminal activity that warrants an enhancement for leaders or supervisors in the conspiracy. Moreover, in this case, the length of criminal activity, with an active cover-up and concealment on the part of Sotis with at least one other participant that lasted several years, that alone is sufficient to establish that it is “otherwise extensive” under Eleventh Circuit precedent.

In *United States v. Zada*, 706 F. App'x 500 (11th Cir. 2017), the Eleventh Circuit upheld an enhancement for an “otherwise extensive” criminal activity where there “at least two knowing participants, Zada and Wolfgang” and “at least four other unwitting participants provided services

that were essential to the fraudulent scheme, at Zada's direction.” *Id.* at 510 (noting that some other appellate courts consider there to be an otherwise extensive operation when the functional equivalent of knowing and unknowing participants is at least five people).

In *United States v. Lira Ferreira*, 268 F. App'x 829 (11th Cir. 2008), the district court's sentencing supervisor role enhancement for “otherwise extensive” activity was upheld. The Eleventh Circuit concluded that even if the district court based its enhancement solely on the fact that there were “several unwitting participants” to accept delivery of the packages of stolen good and a defendant who supervised three other people, that was sufficient. *Id.* at 831

In *United States v. Pegg*, 812 F. App'x 851 (11th Cir. 2020), the Court upheld a determination that the defendant's crime was “otherwise extensive in scope, planning, or preparation” “because his scheme involved an elaborate gathering together of lies and misrepresentations.” Among other things, the defendant in a Rule 35 fraud scheme established a “cover-up” story to conceal payments from investigators for several years. *Id.* at 860.

### **CONCLUSION**

For all the reasons states above, the Court should deny Defendants' Objections to the PSI.

Respectfully submitted,

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s/ Michael Thakur  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that the undersigned electronically filed the foregoing document with the Clerk of the Court using CM/ECF on January 10, 2022.

s/ Michael Thakur  
MICHAEL THAKUR  
ASSISTANT UNITED STATES ATTORNEY