**IN THE UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA : CRIMINAL NO. 17-CR-0003**

**V. : DATE FILED: 5/10/17**

**DENISE WIDENER : VIOLATIONS: 18 U.S.C. § 656 (embezzlement by : bank employee - 1 count)**

 **: Notice of Forfeiture**

**INDICTMENT**

**COUNT ONE**

**THE UNITED STATES ATTORNEY CHARGES THAT:**

From on or about November 2020 to in or about September 2021, in the Eastern

District of Pennsylvania, defendant

**DENISE WIDENER**

being an employee and Vice President, of PNC Bank, located at 1600 Market Street,

Philadelphia, Pennsylvania, a financial institution, the deposits of which were insured by the

Federal Deposit Insurance Corporation, knowingly embezzled, abstracted, purloined and

willfully misapplied approximately $138,869 of funds and monies entrusted to the custody and

care of PNC Bank.

In violation of Title 18, United States Code, Section 656.

**NOTICE OF FORFEITURE**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

1. As a result of the violation of Title 18, United States Code, Section 656, set forth in this indictment, defendant

**DENISE WIDENER**

shall forfeit to the United States of America any property that constitutes, or is derived from,

proceeds obtained directly or indirectly from the commission of such violations including, but

not limited to, the sum of $138,869.73.

2. If any of the property subject to forfeiture, as a result of any act or

omission of the defendant(s):

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States, under Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

Under Title 18, United States Code, Section 982.

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 **United States Attorney**

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INFORMATION

DESIGNATION FORM to be used by counsel to indicate the category of the case for the

purpose of assignment to appropriate calendar.

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Address of Plaintiff: 710 Walnut Street, Suite 1308, Philadelphia, PA 19106-4476

Post Office: Philadelphia County: Philadelphia

City and State of Defendant: Prospect Park, Pennsylvania

County: Delaware Register number: N/A

Place of accident, incident, or transaction: Eastern District of Pennsylvania

Post Office: Philadelphia County: Philadelphia

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RELATED CASE, IF ANY:

Criminal cases are deemed related when the answer to the following question is "yes".

Does this case involve a defendant or defendants alleged to have participated in the same

action or transaction, or in the same series of acts or transactions, constituting an offense

or offenses?

YES/NO: No

Case Number: N/A Judge: N/A

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CRIMINAL: (Criminal Category - FOR USE BY U.S. ATTORNEY ONLY)

1. Antitrust
2. Income Tax and other Tax Prosecutions
3. Commercial Mail Fraud
4. Controlled Substances
5. Violations of 18 U.S.C. Chapters 95 and 96 (Sections 1951-55 and 1961-68)

and Mail Fraud other than commercial

1. General Criminal

(U.S. ATTORNEY WILL PLEASE DESIGNATE PARTICULAR CRIME AND

STATUTE CHARGED TO BE VIOLATED AND STATE ANY PREVIOUS

CRIMINAL NUMBER FOR SPEEDY TRIAL ACT TRACKING PURPOSES)

18 U.S.C. § 656 (embezzlement by bank employee - 1 count); Notice of Forfeiture

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DATE: 5/10/17 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 United States Attorney

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA )**

**)**

**)**

**vs. ) PRESENTENCE INVESTIGATION REPORT**

**)**

**) Docket No.: 22-CR-0003**

**Denise Widener )**

**Prepared for:** The Honorable Mark A. Kearney

 U.S. District Court Judge

**Sentence Date:** February 6, 2022, 10:30 AM

**Offense:** **Count 1**:

Embezzlement by bank employee

18 U.S.C. § 656

Not more than 30 years imprisonment/$1,000,000 fine

(Class B Felony)

**Release Status:** $25,000 O/R effective October 20, 2021

**Detainers:** None.

**Date Report Prepared:** November 20, 2021 **Date Report Revised:** January 9, 2022

**PART A. THE OFFENSE**

**Charge(s) and Conviction(s)**

1. On September 28, 2021, the U.S. Attorney’s Office in the Eastern District of

Pennsylvania filed a one count Information charging Denise Widener with embezzlement by a bank employee, in violation of 18 U.S.C. § 656.

1. On October 12, 2021, the defendant pled guilty before the Honorable Mark A. Kearney to

the one count Information.

1. Under a written plea agreement, the defendant agrees to pay restitution in the

amount of $138,869.73 and a $100 special assessment. Under USSG §6B1.4, the

parties entered several stipulations. The fraud loss caused by the defendant is

$138,869.73 and the defendant’s guideline range should be based on this amount, under USSG §1B1.3. The defendant agrees she abused a position of trust as the term is used in USSG §3B1.3. The government will recommend a three-level reduction for acceptance of responsibility. USSG §3E1.1. This is conditioned upon the defendant demonstrating acceptance of responsibility for the offense, and the defendant has assisted authorities in the investigation or prosecution of the misconduct by timely notifying authorities of intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently.

1. U.S. Pretrial Services records indicate the defendant has complied with the conditions of release.
2. The instant offense occurred from November 2020 through September 2021. Both the Sentencing Reform Act of 1984 and the Antiterrorism and Effective Death Penalty Act of 1996 apply. The edition of the Guidelines Manual used to calculate the guidelines incorporating amendments effective November 1, 2016.

**The Offense Conduct**

1. Denise Widener worked for PNC between 2019 and 2021 when she misappropriated more than $138,869.73.
2. PNC hired Ms. Widener in 2019 as an Assistant Vice President of Trust Tax. In 2020, she became a Vice President and Regional Manager. Her position is responsible for certain functions relating to the PNC customer accounts of non-resident aliens (NRA’s), including ensuring the federal taxes were withheld for these customers and the relevant IRS forms for these accounts were filed with the IRS, causing payment to the U.S. Treasury. As part of her duties, Ms. Widener had the authority to request and approve check disbursements from PNC accounts, including from PNC’s NRA Master House Account (MHA). Ms. Widener could request and approve check disbursements to pay for cash deposits to trustee accounts.
3. Between 2020 and 2021, Ms. Widener requested 100 checks, totaling more than $138,869.73, for improper payments for her own benefit from the MHA account.
4. Specifically, between November 2020 and December 2020, Ms. Widener requested and approved 20 checks totaling $92,043.50, payable initially to Principle Realty Partners, to APT Management, Widener’s landlord, and later to her PNC corporate credit card. The checks were to cover Widener’s monthly rent and other personal expenses.
5. Between December 2020 and March 2021, Ms. Widener requested and approved 11 checks totaling $45,326.23 to pay for more personal expenses charged to her PNC corporate credit card.
6. Between March 2021 and September 2021, Widener requested and approved 2 checks for

miscellaneous personal expenses: one payable to Piazza Honda for $1,500, and the

other payable to T.D. for $1,550. T.D. did not receive the check due to a stop

payment order.

1. When Widener requested these checks from the MHA account, she provided false

explanations (alleged business purposes) for the expenses. For example, as to checks

she requested to cover her personal expenses on the corporate credit card, Widener

indicated the business purpose as “PNC Bank NA agent for trustee wire” or “PNC

Bank NA Nov NRA payment.”

1. PNC discovered the fraud in approximately June 2021, because of an inquiry by

T.D. concerning the check for $1,550. PNC then conducted an internal investigation. On

June 20, 2021, the PNC investigative team interviewed Widener, who admitted

making disbursements for her personal expenses and wrote a statement acknowledging

her guilt. PNC terminated Widener’s employment the same day.

1. From 2020 until 2021, Ms. Widener, while holding a position of trust, caused an attempted loss of $140,419.73 and an actual loss of $138,869.73 from PNC Bank.[[1]](#footnote-1)

 **Victim Impact**

1. The provisions of the Mandatory Victim Restitution Act of 1996 apply to this Title 18

offense. The amount of the restitution is $138,869.73 and should be sent to the Clerk,

U.S. District Court to be forwarded as follows: PNC Bank ATTN: Ms. Lorretta Kane, 6855 Franklin Avenue, 5th Floor, Philadelphia, Pennsylvania 19135.[[2]](#footnote-2)

**Adjustment for Obstruction of Justice**

1. The probation officer has no information indicating the defendant impeded or obstructed justice.

 **Adjustment for Acceptance of Responsibility**

1. The probation officer interviewed the defendant and provided a statement wherein

the defendant admitted involvement in the offense. The defendant apologized for her

actions, noting she not only violated the trust of her employer but also her coworkers

whom she knew for many years. Ms. Widener reflected on how she engaged in this offense while suffering personal difficulties which included a long-term abusive romantic

relationship. Under USSG §§3E1.1(a) and (b), the defendant is eligible for a three-

level reduction for acceptance of responsibility.

**Offense Level Computation**

1. The 2016 Guidelines Manual incorporates all guideline amendments to

determine the defendant’s offense level. USSG §1B1.11.

**Count 1: Embezzlement by bank employee**

1. **Base Offense Level:** The guideline for a violation of 18 U.S.C. § 656 is USSG

§2B1.1. The base offense level is 7 because the offense of conviction has a

statutory maximum term of imprisonment of 20 years or more. USSG §2B1.1(a)(1). **7**

1. **Specific Offense Characteristics**: Because the loss is more than $95,000 but less than $150,000 the base offense level is increased by 8, under USSG §2B1.1(b)(1)(E). In this instance the attempted loss is $140,419.73. **+8**
2. **Victim Related Adjustment:** None. **0**
3. **Adjustment for Role in the Offense:** The defendant abused a position of public

or private trust, or used a special skill, in a manner significantly facilitating the

commission or concealment of the offense. This conduct increases the offense level by two levels. USSG §3B1.3. **+2**

1. **Adjustment for Obstruction of Justice:** None. **0**
2. **Adjusted Offense Level (Subtotal):** **17**
3. **Chapter Four Enhancement:** None. **0**
4. **Acceptance of Responsibility:** The defendant has demonstrated acceptance of responsibility for the offense. The offense level is decreased by two levels. USSG §3E1.1(a). **-2**
5. **Acceptance of Responsibility:** The defendant has assisted authorities in the investigation or prosecution of the defendant’s own misconduct by timely notifying authorities of the intention to enter a plea of guilty. The offense level is decreased by one additional level. USSG §3E1.1(b). **-1**
6. **Total Offense Level: 14**

**PART B: THE DEFENDANT’S CRIMINAL HISTORY**

**Juvenile Adjudication(s)**

1. None.

**Adult Criminal Conviction(s)**

1. None.

**Criminal History Computation**

1. The total criminal history score is zero. The sentencing table in USSG Chapter 5, Part A, a criminal history score of zero establishes a criminal history category of I.

**Other Criminal Conduct**

1. None.

**Pending Charges**

1. None.

**Other Arrests**

1. None.

**PART C. OFFENDER CHARACTERISTICS**

1. Counsel attended an interview of the defendant at the probation office on September 29, 2022.

**Personal and Family Data**

1. Denise Widener was born on April 18, 1978 in Pittsburgh, Pennsylvania to Lisa and

Tim Widener. Lisa Widener (age sixty-eight) resides in Clifton Heights, Pennsylvania, and has been receiving Social Security disability since 2006 due to cardiac problems. The

defendant reported her mother underwent heart surgery in 2009 and 2016 and is awaiting a pacemaker. Tim Widener, the defendant’s father, died in 2008 at the age of seventy. Mr. Widener, at the time of his death, worked as a retired automobile salesman. The defendant’s parents were still married at the time of Mr. Widener’s death.

1. The defendant has one brother, Tristan Widener (age thirty-seven). Tristan Widener resides with their mother Lisa Widener and works in the office of a car dealership. Mr. Widener had two additional children from a previous relationship. Lauren Widener (age fifty-three) resides in Springfield, Delaware County, Pennsylvania, and is a registered

nurse. Luca Widener (age fifty-one) resides in Springfield, Delaware County, Pennsylvania, and runs his own small business.

1. Ms. Widener grew up in Delaware County, Pennsylvania with her parents and brother. She states she “had a good childhood with everything she needed.” The defendant stated her family is aware of her legal situation and remained supportive of her. As noted, her mother has significant cardiac health concerns, but reported no one else in the family has a criminal history or substance abuse concerns. Ms. Widener did note she believes her family has a history of “manic depressive” and reported her sister takes medicine for bipolar disorder. Ms. Widener reported suffering from depressive feelings but is not currently taking any medication.
2. Currently Ms. Widener spends most of her time with her own children, mother, and sister. She identified her parents as her role models. Ms. Widener noted her relationship

with her stepsister and stepbrother ended after her father’s death. Ms. Widener explained her step siblings, Lauren and Luca, did not care for her own mother, Lisa Widener, so

her relationship with Lauren and Luca “just faded away.”

1. Ms. Widener had maintained a long-term relationship with Mark Becker (age forty). This relationship produced two children Summer Widener (thirteen) and Monica Widener (age four). Summer suffers from depression and attends counseling at school. Ms. Widener thinks her daughter has recently started cutting herself. The defendant described her youngest daughter, Monica, as “laid-back.”
2. The defendant and Mark Becker had a long-term relationship which Ms. Widener

described as “violent and abusive.” Ms. Widener reported she is the victim of

physical violence as well as theft (of cash and cash via Widener’s debit card). Mr. Becker reportedly had a status of unemployed for most of their relationship. The defendant believes anything her daughter, Summer, witnessed in the household has contributed to her current emotional health issues. Mr. Becker had two arrests for assault. The defendant is not and has not been in counseling to address what she describes as years of physical and emotional abuse. Ms. Widener advised she ended her relationship with Mr. Becker in the summer of 2019.

1. On November 8, 2021, a probation officer conducted a home visit with Ms. Widener at 813 7th Avenue, Prospect Park, Pennsylvania. The rental property is a three-story, twin house with three-bedrooms and one-bathroom. There is an out-of-ground pool in the

backyard. The defendant lives in the rental property with her two children.

 Potential Reentry Needs

1. The defendant has a valid Pennsylvania Driver’s License, social security card, and a birth

certificate. The defendant is employed full time and has medical coverage for herself and

her two children. The two children have medical coverage, which she financially

contributes to, through the Pennsylvania Department of Public Welfare.

Physical Condition

1. Ms. Widener stands five feet, five inches tall, weighs 230 pounds, with brown eyes and

brown hair. She has an image of a rose tattooed onto her right shoulder and her

daughter’s names on her left shoulder.

1. The defendant reports she underwent a cholecystectomy (gallbladder removal) in 2000.

Dr. Ryan Wilson, Havertown, Pennsylvania, verified diagnosis of hypertension,

hypothyroid, and obesity. Prescribed medication includes Xanax (as needed) and

Synthroid (used to restore thyroid hormone levels).

Mental and Emotional Health

1. Ms. Widener advised she has experienced anxiety and panic attacks since her father’s

death in 2015. At time of the probation interview, Ms. Widener reported her last

panic attack in December 2021 which occurred in connection with a law enforcement interview associated with the instant offense.

1. As noted above, the defendant reported having a long-term abusive relationship

with Mr. Becker. She explained how she remained in the relationship due to her “low

self-esteem and insecurity.” The defendant described her relationship ending when Ms.

Widener stopped contact with Mr. Becker. Neither she, nor the children, has any

relationship with Mr. Becker and reportedly no child support is paid by Mr. Becker.

1. The defendant has no history of mental or emotional health treatment. Ms. Widener has

decided not to participate in any counseling associated with what she reports to be a 10-

year relationship. The defendant explained the steps she has taken to ensure she

will never be in an abusive relationship again. Specifically, Ms. Widener reports having

taken the following steps: (1) she has done research and educated herself on abusive

intimate relationships; (2) she persevered in her family life and career so she could

support her children; and (3) developed a personal life, reportedly, coaching a softball

team and pursuing and developing friendships.

Substance Abuse

1. Ms. Widener does not have a history of drug use and no history of treatment for substance abuse. The defendant advised she started drinking alcohol in college and

occasionally will have a drink of alcohol. She recalled her last alcohol drink sometime in

2016.

1. A September 4, 2021, urine specimen, submitted to U.S. Pretrial Services, tested positive for benzodiazepines.

Educational, Vocational and Special Skills

1. Springfield High School, Springfield, Pennsylvania, verified Ms. Widener’s graduation in

June 1996. The defendant’s class ranking is 50 out of 230 students with a grade point

average of 4.31.

1. Ms. Widener advised she enrolled at Lehigh University in Bethlehem, Pennsylvania, from 1996 until 2001. Verification of enrollment is requested from the university but has not been received. Ms. Widener advised she must complete three classes to obtain a college degree and anticipates taking and completing all three classes as soon as she can.

Employment Record

1. The defendant worked for PNC Bank from July 2019 through October 2021 as an assistant vice president of trust tax. The defendant worked in Philadelphia and earned $90,000 annually. Her responsibilities included the management of employees who managed 20,000 accounts. PNC Bank discovered the

fraud in the instant offense and fired Ms. Widener.

1. Ms. Widener recalled short-time employment, from December 10, 2021, through

December 31, 2021, as a tax manager with Pricewaterhouse Coopers in Philadelphia,

Pennsylvania. The defendant’s received an annual salary of $100,000. The defendant reportedly resigned after the company learned of the instant offense. No verification received.

1. Since January 2021, Ms. Widener has been employed by The Fairmen Group in Berwyn,

Pennsylvania, as a tax manager earning an annual salary of $110,000. The website of The

Fairmen Group describes itself as a providing “. . . comprehensive wealth advisory and

individual tax services to high-net-worth individuals and families.” Ms. Widener advised

as of September 29, 2021, the date of the probation interview, she had not discussed

the instant offense with her current employer and had no reason to believe The Fairmen

Group is aware of the instant offense. The defendant requested this position not be

verified, fearing a loss of the position. Ms. Widener did submit pay stubs for employment

verification. The defendant’s October 31, 2021, paystub reflects a year-to-date gross

income of $89,199.

Financial Condition: Ability to Pay

1. Ms. Widener submitted a personal financial statement on October 26, 2021. The

defendant also submitted financial documents in support of her financial status.

**Assets**

Cash $10,000.00

Vehicle Honda CRV $21,000.00

**Total Assets** $31,000.00

**Liabilities**

Personal Loans 5 Student Loans $101,492.00

Personal Loans Automobile Loan $20,293.00

Personal Loans Duvera Billing Service $1,241.00

**Total Liabilities** $123,026.00

**Total Net Worth**  ($92.026.00)

**Monthly Income**

Salary Net $6,780.00

**Total Monthly Income**  $6,780.00

**Monthly Expenses**

Loan Payment 5 Student Loans $911.00

Loan Payment Automobile Loan $541.00

Other Expenses Duvera Billing Service $142.00

Home/Rent $1,270.00

Groceries and Supplies $350.00

Utilities $350.00

Cellular Phone Two $178.00

Cable Bundle $162.00

Other Expenses Transportation $160.00

Auto Insurance $108.00

Health Insurance $264.00

Clothing $100.00

Other Expenses School lunches $50.00

Child Care/Schooling $240.00

**Total Monthly Expenses** $4,826.00

**Total Monthly Cash Flow** $1,954.00

1. The student and automobile loans and the Duvera Billing Service liability are from Ms.

Widener’s credit report.

1. The defendant withdrew her retirement from PNC Bank and provided an IRS Form 1099-R for 2021 which reflects a gross distribution/ taxable amount of $58,401.70. The federal Income tax withheld is $11,680.34. Ms. Widener’s 2021 federal income tax return reflects $58,402 as a rollover amount, but no information is provided about the

rollover vehicle. Also, as noted in the below table, the gross distribution amount of

$58,401.70 is not included in the 2021 adjusted gross income (paragraph 60). Ms.

Widener’s 2021 federal tax refund is $18,802.

1. The defendant’s October 26, 2021, paystub reflects a year-to-date gross income of

$89,199. The defendant has medical coverage for herself from her employment, but

pays $264 monthly for medical coverage for her two daughters. The medical coverage for the children is from the Pennsylvania Department of Public Welfare. The defendant has retained counsel.

1. Highlights of the defendant’s personal federal income tax returns for 2020 through 2021

are reflected below. The federal income tax returns reflect head of household status. The

2019, 2020, and 2021 federal income tax returns reflect four exemptions: the defendant,

the defendant’s two minor children, and Mark Becker (former boyfriend). The 2015

federal income tax return reflects three exemptions: the defendant and the defendant’s

two minor children.

 2018 2019 2020 2021

*Wages, etc…:* $83,806 $86,312 $82,958 $79,338

*Taxable Interest:* $0 $0 $0 $0

*Pensions and* $58,402 $0 $0 $0

*Annuities:*

*Adjusted Gross* $83,806 $86,312 $82,958 $79,338

*Income:*

*Deductions:* $25,103 $20,639 $22,288 $19,614

*Taxable Income:* $46,703 $50,115 $45,070 $44,524

*Total Tax:* $3,601 $3,796 $2,267 $1,817

*Federal Income* $22,403 $15,781 $15,858 $15,317

*Tax Withheld:*

*Refund:* $18,802 $11,985 $13,591 $13,500

1. Ms. Widener submitted W-2s for 2018 through 2020. The 2020-2021 W-2s reflect wages

from PNC Bank, NA. Ms. Widener submitted W-2s for 2021 which reflects wages from

PNC Bank, NA, and Pricewaterhouse Coopers, LLP. The reported wages are as follows:

2021: $76,987.61 (PNC Bank, NA) &amp; $6,818.19 (Pricewaterhouse Coopers);

2020: $86,311.69 (PNC Bank, NA);

2019: $82,957.70 (PNC Bank, NA); and

2018: $79,337.55 (PNC Bank, NA).

1. The 2021 federal tax return reflects medical and dental expenses of $9,271. The 2018,

2019, and 2020 federal tax returns reflect no medical or dental expenses.

1. At the time of the probation interview, Ms. Widener reported residing at her current

residence in Delaware County since December 2014. Her 2018 through 2021 federal tax

returns reflect her current residence in Delaware County as her home address. The 2018

through 2021 federal tax returns reflect deductions for real estate taxes and home

mortgage interest and points. The defendant reported no real estate assets in her name and

no mortgage payments in her name. A November 7, 2019, credit report does not reflect a

mortgage.

(a) The real estate tax deduction on the federal income tax returns are as follows:

 2021: $4,386;

2020: $3,414;

2019: $4,163; and

2018: $3,843.

(b) The home mortgage interest and points on the federal income tax returns are

as follows:

2021: $10,986;

2020: $10,986;

2019: $11,912; and

2018: $10,157.

1. The defendant owes a substantial amount of restitution and does not appear to

be able to pay a fine within the guideline range. During the defendant’s incarceration,

payment on a fine or restitution can commence through the Bureau of Prisons Inmate

Financial Responsibility Program. An inmate participating in this program will be able to

contribute half-of monthly prison work earnings, for every month of imprisonment

served, toward any immediately due fine, restitution, and special assessment.

**PART D. SENTENCING OPTIONS**

**Custody**

1. **Statutory Provisions:** The maximum term of imprisonment is 30 years. 18 U.S.C. § 656.
2. **Guideline Provisions:** Based upon a total offense level of 14 and a criminal history

category of I, the guideline imprisonment range is 15 months to 21 months.

**Impact of Plea Agreement**

1. None.

**Supervised Release**

1. **Statutory Provisions:** The Court may impose a term of supervised release of not more

than five years. 18 U.S.C. § 3583(b)(1).

1. **Guideline Provisions:** Since the offense is a Class B Felony, the guideline range for a

term of supervised release is 2 years to 5 years. USSG §5D1.2(a)(1).

**Probation**

1. **Statutory Provisions:** The defendant is ineligible for probation because the offense is a Class B Felony. 18 U.S.C. § 3561(a)(1).
2. **Guideline Provisions:** The defendant is ineligible for probation because the offense is a

Class B Felony. USSG §5B1.1(b)(1).

**Fines**

1. **Statutory Provisions:** The maximum fine is $1,000,000. 18 U.S.C. § 3571(b).
2. A special assessment of $100 is mandatory. 18 U.S.C. § 3013.
3. **Guideline Provisions:** The fine range for this offense is $4,000 to $1,000,000. If the

defendant is convicted under a statute authorizing (A) a maximum fine greater than

$250,000, or (B) a fine for each day of violation, the Court may impose a fine up to the

maximum authorized by the statute. USSG §§5E1.2(c)(4) and 5E1.2(h)(1).

1. Costs of prosecution shall be imposed on the defendant as required by statute. USSG

§5E1.5. In determining whether to impose a fine and the amount of such fine, the Court

shall consider the expected costs to the government of any term of probation, or term of

imprisonment and term of supervised release imposed. USSG §5E1.2(d)(7) and 18 U.S.C.

§ 3572(a)(6). These costs may include drug and alcohol treatment, electronic monitoring,

and/or contract confinement costs. The most recent advisory from the Administrative

Office of the U.S. Courts on June 24, 2021, provides the following:

 **Bureau of Community Supervision by**

 **Prisons Facilities Correction Centers Probation Officer**

Daily $88.00 $71.00 $11.00

Monthly $2,665.00 $2,174.00 $341.00

Annually $31,976.00 $26,083.00 $4,097.00

**Restitution**

1. **Statutory Provisions:** Under 18 U.S.C. § 3663A, restitution in the total amount of

$138,869.73 shall be ordered in this case. Restitution, as set forth below, is due and owing to the following victims:

Victim Name Amount of Restitution

PNC Bank $138,869.73

ATTN: Ms. Lorretta Kane

6855 Franklin Avenue

5thnd Floor

Philadelphia, PA 19135

1. **Guideline Provisions:** Restitution shall be ordered. USSG §5E1.1.

**PART E. FACTORS THAT MAY WARRANT DEPARTURE**

1. The probation officer has not identified any factors warranting a departure from the applicable sentencing guideline range.

**PART F. FACTORS THAT MAY WARRANT A SENTENCE OUTSIDE OF THE**

**ADVISORY GUIDELINE SYSTEM**

1. The probation officer has not identified any factors warranting a variance from

the applicable sentencing guideline range.

Respectfully Submitted,

Samantha G. Popper

Chief U.S. Probation Officer

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA )**

**)**

**)**

**vs. )**

**)**

**) Docket No.: 22-CR-0003**

**Denise Widener )**

1. **FACTUAL BACKGROUND**

On or about November 2020 to on or about September 2021, Defendant Denise Widener embezzled, abstracted, purloined, and willfully misapplied approximately $138,869 of funds and monies entrusted to the custody and care of PNC Bank. Ms. Widener was an employee and Vice President of PNC Bank, located at 1600 Market Street Philadelphia, Pennsylvania at the time of the offense.

1. **PRESENTENCE REPORT GUIDELINE SENTENCING RANGE AND OBJECTIONS**

The final *Presentence Investigation Report* provides the guideline range is fifteen to twenty-one months based on a criminal history category I and total offense level of 14.

1. **MS. WIDENER MOVES FOR A DOWNWARD DEPARTURE**

*Defendant’s criminal history category I.*

The final *Presentence Investigation Report* provides Ms. Widener has 0 criminal history points and produces a Criminal History Category I.

*Nature and circumstances of the offense.*

Ms. Widener’s offenses are nonviolent and have no victims.

1. **APPLICATION OF THE STATUTORY FACTORS TO DEFENDANT DENISE WIDENER**

Denise Widener respectfully asks this Court to consider all 3553(a) factors and specifically those outlined below in fashioning a sentence that is sufficient but not greater than necessary.

Ms. Widener is thirty-nine years old. Her mother suffers from severe cardiac problems and has been receiving Social Security disability since 2006. Her father died when she was thirty years old. Ms. Widener’s parents were still married at the time of her father’s death. Ms. Widener has one brother and two step siblings. Ms. Widener believes her family has a history of manic depression and her stepsister takes medicine for bipolar disorder. Ms. Widener suffers depressive feelings but is not currently taking any medication. Ms. Widener has also suffered from anxiety and panic attacks since her father’s death.

She has two daughters from a past relationship. Ms. Widener states the relationship was violent and abusive. Ms. Widener was a victim of physical violence as well as theft of cash and cash via her debit card. Ms. Widener has not been able to receive any counseling to address the physical and emotional abuse she endured in the relationship. Ms. Widener has no current relationship with her abuser.

Her daughters are thirteen and four. Her older daughter also suffers from depression and attends counseling at her school. Ms. Widener believes any abuse her daughter saw in the household has contributed to her daughter’s current mental health issues. Ms. Widener lives in a rental property at 813 7th Avenue, Prospect Park, Pennsylvania with her two children. She is a dedicated and loving mother.

Ms. Widener is a high school graduate from Springfield High School and was enrolled at Lehigh University from 1996 until 2001. Ms. Widener has three more classes to complete before obtaining her college diploma. She plans on completing all three classes as soon as she is able. Ms. Widener is currently employed by The Fairman Group, a wealth management firm.

Ms. Widener stands before this Court remorseful, ashamed, and embarrassed by her actions and assures the Court wholeheartedly she will never be involved in criminal behavior of any kind ever again. Ms. Widener is committed to creating and maintaining a good for her and her daughters. Ms. Widener plans on obtaining her college diploma and continuing to work at The Fairman Group.

1. **RECOMMENDED SENTENCE**

For all the foregoing reasons, including Ms. Widener’s untreated mental health issues, her father’s death, her history of abuse, her successful raising of two daughters, and her continued effort to obtain a college degree, Defendant Denise Widener submits that a sentence below the guideline range is sufficient but not greater than necessary.

Respectfully submitted,

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July 26, 2022 Attorney for Defendant Denise Widener

The Honorable Mark A. Kearney

United States District Court

Eastern District of Pennsylvania

Dear Judge Kearney,

I, Lisa Widener, state with regards to Denise Widener that she is an incredible woman and loving daughter to me. I have severe cardiac issues preventing me from working and Denise finds time to assist me daily. She has two children of her own and a full-time job to worry about, but she always makes sure I am taken care of as well. Denise was there for me during my difficult recovery after undergoing heart surgery. She gave me my medications, cooked me food, and made sure I was not lonely. Denise and I have always had a very close relationship. No one knows a woman better than their mother and I know that Lisa is a hardworking, compassionate, and good woman. Please Your Honor, have mercy on her. Lisa is the backbone of our family. She cares so much for me, and her two children and we need her home with us.

Thank you for your time and consideration, Your Honor.

Sincerely,

Lisa Widener

3032 Whitaker Ave

Philadelphia, PA 19124

Cellphone 267-774-9334

1. The attempted loss is as follows: $92,043.50 + $45,326.23 + $1,500 + $1,550 = $140,419.73. [↑](#footnote-ref-1)
2. The actual loss and restitution is as follows: $92,043.50 + $45,326.23 + $1,500 = $138,869.73. [↑](#footnote-ref-2)