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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Appellee, v. LERONCE SUEL, Appellant.	No. 25-2664 D.C. No. 3:23-cr-00965-RBM-1 MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Ruth Bermudez Montenegro, District Judge, Presiding

Argued and Submitted July 6, 2026
Pasadena, California

Before: RAWLINSON, SANCHEZ, and TUNG, Circuit Judges.

Leronce Suel (Suel) appeals his wire fraud and tax-related convictions, the district court's jury instructions, and imposition of a two-level leadership enhancement. We have jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742(a), and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Following an investigation into Suel's use of the COVID-era Paycheck Protection Program's (PPP) loan and loan forgiveness programs, as well as his reporting of profits and expenses affecting tax liability, the government filed a thirteen-count indictment against Suel. The jury acquitted Suel of two counts of Money Laundering Conspiracy under 18 U.S.C. § 1956(h), but convicted him of Conspiracy to Commit Wire Fraud in violation of 18 U.S.C. § 1349; four counts of Wire Fraud in violation of 18 U.S.C. § 1343; Conspiracy to Defraud the United States in violation of 18 U.S.C. § 371; Tax Evasion in violation of 26 U.S.C. § 7201; two counts of Filing a False Tax Return in violation of 26 U.S.C. § 7206(1); and two counts of Failure to File a Tax Return in violation of 26 U.S.C. § 7203. Suel filed a timely appeal.

1. Suel's primary contention is that, for the wire fraud convictions, the government failed to establish the existence of an interstate wire transaction. "[V]iewing the evidence in the light most favorable to the prosecution," we hold that "*any* rational trier of fact could have found [this] element[] of the crime beyond a reasonable doubt." *United States v. Jinian*, 725 F.3d 954, 960 (9th Cir. 2013), *as amended* (citation omitted) (emphasis in the original).

Testimony at trial established that Suel submitted online applications that caused wire communications to be transmitted to Ventures Lending Technology's servers in either Washington, California, or Arkansas, and then to the Small

Business Administration's (SBA's) servers in Virginia or Oregon. Suel's argument that the criminal act was complete once his application was uploaded in California is unpersuasive in light of the relevant statutory language. *See* 18 U.S.C. § 1343 (punishing "[w]hoever, having devised . . . any scheme or artifice to defraud, . . . transmits or causes to be transmitted by means of wire . . . communication in interstate . . . commerce"). Suel's uploading of the application "cause[d]" the application "to be transmitted by means of wire . . . communication" to servers in various states. *Id.* Evidence that Suel's applications were received and processed out-of-state is therefore sufficient to meet the interstate jurisdictional requirement. *See Jinian*, 725 F.3d at 965.

Sufficient evidence also supports the other convictions. In challenging his tax-related convictions, Suel argues that the government failed to prove the willfulness element of his convictions both because the government did not show that his "expense information was actually inflated," and because his reported expenses were "mere *estimates*." But the jury heard sufficient testimony that Suel significantly overreported his business expenses and underreported his taxable income, such that a rational juror could have found him guilty of the relevant tax offenses. *See id.* at 960.

Suel's contention that there was insufficient evidence to prove his intent in the two wire fraud counts likewise fails. The jury heard testimony that Suel submitted false loan forgiveness applications, and he did not attempt to deactivate the applications after they were processed, despite a warning from his accountant.

2. Suel fails to demonstrate plain error for either jury instruction. *See United States v. Jaimez*, 45 F.4th 1118, 1122 (9th Cir. 2022) ("We review challenges to a district court's jury instructions for plain error when, as here, the defendant did not object below.").

Read as a whole and in context, *see United States v. Dencklau*, 160 F.4th 1046, 1061 (9th Cir. 2025), the jury instructions for the charge of Wire Fraud Conspiracy accurately conveyed to the jury the elements of the offense. *See United States v. Pelisamen*, 641 F.3d 399, 409 (9th Cir. 2011) (stating the elements of conspiracy to commit wire fraud).

In arguing that the district court committed plain error in its wording of the instruction on the charge of Conspiracy to Defraud the United States, Suel contends that the instruction erroneously required the jury to find there was "an agreement to deceive *or* cheat" rather than to "deceive *and* cheat." However, the district court correctly used and followed Ninth Circuit Criminal Jury Instruction 11.2. And, as conceded by Suel, neither of the cases he cited addressed conspiracy to defraud the United States. *See United States v. Miller*, 953 F.3d 1095, 1101 (9th Cir. 2020) (addressing substantive wire fraud); *see also United States v. Saini*, 23 F.4th 1155, 1160 (9th Cir. 2022) (addressing fraud in connection with access devices).

3. The district court did not clearly err in determining that Suel acted in a leadership role under U.S.S.G. § 3B1.1(c). *See United States v. Doe*, 778 F.3d 814, 826 (9th Cir. 2015) (applying clear error standard of review). The jury considered text messages in which Suel's romantic and business partner requested approval of various matters. Furthermore, Suel maintained authority to sign off on applications and transactions, and informed the accountant that he would "take his chances" in not correcting the relevant business documents. Suel argues that he and his partner had a professional and personal relationship with neither party controlling the other. The evidence nonetheless supports the finding that Suel "exercised some control over [another] involved in the commission of the offense." *United States v. Vinge*, 85 F.4th 1285, 1288 (9th Cir. 2023) (citation and internal quotation marks omitted). The district court therefore did not abuse its discretion by applying the enhancement. *See id.* at 1290.

AFFIRMED.