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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

vs.

ARMAN HAYRAPETYAN,
DEFENDANT.

CASE NO.: CR 20-579(A)-SVW-6

**NOTICE OF MOTION AND
MOTION FOR SECOND
REVIEW/RECONSIDERATION OF
ORDER SETTING CONDITIONS OF
RELEASE/DETENTION**

Defendant, Arman Hayrapetyan, by and through the undersigned Counsel of record, hereby
submits the following memorandum in support of reconsideration of detention.

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I. INTRODUCTION

Defendant Arman Hayrapetyan (hereafter referred to as “Hayrapetyan”) submits the following brief of the Memorandum of Points and Authorities in Defendant’s Second Application for Review of Order setting release or detention. For the reasons set forth below, all previous applications and exhibits contained therein, defendant’s motion should be granted.

II. LEGAL STANDARD

The Bail Reform Act provides that a defendant shall be detained only if a judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the defendant as required for the safety of any other person and the community. 18 U.S.C. § 3142(e). Title 18 U.S.C. § 3142(g) “specifies the various factors to determine whether the court may impose conditions of release that will reasonably assure the appearance of the person.” *United States v. Keeton* (E.D.Cal. 2020) 457 F. Supp. 3d 855, 858.) These factors are (1) “the nature and circumstances of the offense charged;” (2) “the weight of the evidence against the person;” (3) “the history and characteristics of the person” including, among other factors, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and (4) “the nature and seriousness of the danger to any person or the community that would be posed by the person’s release.” 18 U.S.C. § 3142(g). The “weight of the evidence has the least force in the court’s analysis, in recognition of the presumption of innocence that attaches to defendant at the pretrial stage of a criminal proceeding.” *United States v. Keeton* (E.D.Cal. 2020) 457 F. Supp. 3d 855, 859 (citing *Bell v. Wolfish*, 441 U.S. 520, 533 (1979)).

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III. DISCUSSION

A. DEFENDANT'S DETENTION IS NOT APPROPRIATE: HE IS NEITHER A FLIGHT RISK NOR A DANGER TO THE COMMUNITY

a. DEFENDANT IS NOT A DANGER TO THE COMMUNITY

As discussed in Hayrapetyan's previous application for review, he neither the primary beneficiary, nor the architect of this scheme, therefore his degree of danger to the community is far lower than most, if not all, of his co-defendants. As previously noted, the Pre-Trial report prepared by Probation Officer Dalayna Ecklund, states that "although the instant allegations are concerning, as they involve a large loss amount and an economic danger to the community, the defendant has no criminal history. Furthermore, the defendant does not have any substance abuse issues or mental health history. Therefore, Pretrial Services believes conditions could be imposed to mitigate the risk of danger to the community." (PSR, pg. 5) Mr. Hayrapetyan is entirely willing to abide by any conditions suggested by Pretrial Services to abate any concern about his potential danger to the public.

As such, given the Government finds the release of all other Defendant's harmless, they should find the same for Mr. Hayrapetyan.

b. DEFENDANT IS NOT A FLIGHT RISK

In Hayrapetyan's first application for bail reconsideration, he agreed to sign an unsecured appearance bond ranging from \$50,000 to \$75,000. In addition, he offered to have a third party surety—Ashot Samsonian—sign an appearance bond on Mr. Hayrapetyan's behalf roughly in the amount of \$75,000. Now, Mr. Hayrapetyan is able to have the same third party surety sign an

1 appearance bond without justification in the amount of \$75,000, to be replaced by property owned
2 by Mr. Samsonian's wife in the amount of \$50,000 with justification.

3 The property offered—see Exhibit A—is a residential home located at 67110 Garbino Rd.,
4 Cathedral City, CA 92234. Attached as [Exhibit B] is a broker's letter from Alfred Bandari stating
5 that "based on comparable sales of the subject property, defined scope or work, statement of
6 assumptions, and limiting conditions, and appraiser's certification, [his] opinion of the market
7 value, as defined, of the real property that is the subject of this report is \$542,480.00." [Exhibit B]
8 Such an offering would mirror many of the co-defendant's bond conditionsⁱ, and given their release
9 was approved, it would only be appropriate that Mr. Hayrapetyan's is also approved. It is our belief
10 that the affidavit with justification for \$100,000 with full deeding of property should be sufficient.
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12 **CONCLUSION**

13 For the foregoing reasons, Arman Hayrapetyan, respectfully requests that this Honorable Court
14 grant the proposed bond package. The defense also respectfully ask that the Court grant oral
15 briefing/arguments for the reconsideration of the bond.
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18 Dated: May 20th, 2021

Respectfully Submitted,

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21 BY:


22 JILBERT TAHMAZIAN,
23 Attorney for Defendant
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25 ⁱ See Tamara Dadyan, Manuk Grigoryan, Edvard Paronyan etc.
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