

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION
HONORABLE STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE PRESIDING

- - -

United States of America,)
PLAINTIFF,)
VS.) NO. CR 20-579 SVW
Armand Hayrapetyan,)
DEFENDANT,)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
LOS ANGELES, CALIFORNIA
MONDAY, OCTOBER 18, 2021

KATIE E. THIBODEAUX, CSR 9858
U.S. Official Court Reporter
Suite 4311
350 West 1st Street
Los Angeles, CA 90012

1 APPEARANCES OF COUNSEL:

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3 ON BEHALF OF THE PLAINTIFF, UNITED STATES OF AMERICA:

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5 U.S. DEPARTMENT OF JUSTICE
6 U.S. ATTORNEY'S OFFICE
7 BY: BRIAN FAERSTEIN, AUSA
8 312 North Spring Street
9 Twelfth Floor
10 Los Angeles, CA 90012

11 -and-

12 Christopher Fenton
13 US Department of Justice
14 1400 New York Avenue, NW
15 Washington, DC 20530

16

17

18 ON BEHALF OF THE DEFENDANT:

19 TAHMAZIAN LAW FIRM PC
20 BY: JILBERT TAHMAZIAN
21 1518 West Glenoaks Boulevard
22 Glendale, CA 91201

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1 LOS ANGELES, CALIFORNIA; MONDAY, OCTOBER 18, 2021

2 A.M. SESSION

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6 THE CLERK: Item 8, CR 20-579-SVW, United States
7 of America versus Arman Hayrapetyan.

8 Counsel, please state your appearances.

9 MR. FAERSTEIN: Good afternoon, your Honor. Brian
10 Faerstein and Christopher Fenton on behalf of the United
11 States.

12 MR. TAHMAZIAN: Good afternoon, your Honor.
13 Jilbert Tahmazian on behalf of Mr. Hayrapetyan.

14 THE COURT: And this is the time for sentencing.
15 Has defendant read the presentence report?

16 MR. TAHMAZIAN: I have helped him read the entire
17 thing. Yes, your Honor.

18 THE COURT: And I will hear from you and/or your
19 client. According to the pleadings, it appears that the
20 government is in agreement with the recommendation of a
21 10 month sentence.

22 MR. TAHMAZIAN: Thank you, your Honor. I believe
23 that my sentencing memorandum -- May I remove my mask,
24 Your Honor?

25 THE COURT: Yes.

1 MR. TAHMAZIAN: I believe that my memorandum
2 clearly states my position regarding what I would like
3 the Court to consider as to sentence for my client, and I
4 don't want to go through, repeat myself too many times.

5 But one of the impressive things about
6 Mr. Hayrapetyan in my opinion was when he was contacted
7 and found out that he had a warrant for his arrest, he
8 couldn't wait to come in and face the charges and speak
9 to the government about the case and try to solve this
10 issue because he moved here to make a life for himself
11 and his family to come here.

12 And he did that in fact immediately. Within
13 five or ten days he came in, he surrendered and he was
14 detained for about almost two-and-a-half months in
15 custody before Your Honor actually set bail for him to be
16 released on bond. And since then he has been able to
17 resume his life back in the sense that his employer did
18 give his job back to him. He is working on a full-time
19 basis. He has resumed supporting his family back in
20 Armenia, his mother as well as -- I'm sorry -- his wife
21 and his daughter and his parents, Your Honor, and he
22 intends on leading a life of crime free.

23 The Court can see from the reports that were
24 indicated to the probation officer as well as my
25 memorandum that he comes from a military family, and he

1 has always been a law abiding citizen. This what he did
2 is clearly out of character, and he has been remorseful
3 and has been waiting and impatiently wanting to accept
4 responsibility and put this past him and move on and live
5 in this country hopefully beyond his conviction and
6 sentencing here today, Your Honor.

7 I am asking Your Honor to consider that he has
8 spent enough time in custody, put him on supervised
9 release, your Honor, for two years, and if your Honor
10 wishes or thinks that additional time in custody is
11 required, I would hope that the Court would consider my
12 moving papers and allow him to serve that time in a home
13 confinement situation where he can continue to hold the
14 job and support his family, support his parents and
15 comply with the rules and regulations of probation, Your
16 Honor, and hopefully be able to put this behind him.

17 Submitted, Your Honor. Thank you.

18 THE COURT: Does he wish to be heard?

19 MR. TAHMAZIAN: Yes, briefly, your Honor. Please.

20 THE DEFENDANT: May I remove the mask?

21 THE COURT: Yes.

22 THE DEFENDANT: Thank you. Respectful U.S.
23 Attorney and the Court, I apologize for what I have done.
24 I understand my mistake. I hope -- I promise that I will
25 not take such a step again. Thank you.

1 THE COURT: From the trial and the plea hearing,
2 this -- I am asking the government now, Mr. --

3 MR. FAERSTEIN: Faerstein, your Honor.

4 THE COURT: Mr. Faerstein. The -- his involvement
5 in a very significant crime overall appears to be the
6 most minimal of all the defendants in the sense that he
7 agreed to make the loan at Tamara Dadyan's request or
8 rather he gave this information to her. He claims
9 that -- and this is the part I need some input on.

10 He claims that Tamara Dadyan filled out the
11 application and that she changed the information to
12 reflect -- he had a real business -- but to reflect that
13 the business actually had more employees or other metrics
14 that would allow a larger loan.

15 He got the loan, the money, and then he -- I
16 remember he kept about 75,000 of it, and he -- the rest
17 of it was it about 150,000, something like that, the rest
18 of it went back to her; correct?

19 MR. FAERSTEIN: Your Honor, I didn't want to
20 interrupt you. I believe you are referring to defendant
21 Vahe Dadyan, and he is also --

22 THE COURT: I am glad I raised the point because I
23 want to make sure I have everything clearly in mind.

24 So this defendant was the Voyage Limousine;
25 correct?

1 MR. FAERSTEIN: No, your Honor. That is defendant
2 Vahe Dadyan.

3 THE COURT: So maybe I do need some help here. Go
4 ahead.

5 MR. FAERSTEIN: Yes, your Honor. Defendant
6 Hayrapetyan was -- he plead guilty to the money
7 laundering conspiracy. He was not involved in the PPP
8 EIDL fraud conspiracy. He was working with defendant
9 Grigoryan.

10 THE COURT: I remember now. So this was the
11 defendant who opened up bank accounts at Grigoryan's
12 suggestion or whatever, and these bank accounts were used
13 in the conspiracy to launder money.

14 MR. FAERSTEIN: Correct, your Honor.

15 THE COURT: And so -- let me make sure. In
16 this -- in his guilty plea, he admitted there came a time
17 when he knew the bank accounts were being used for an
18 unlawful purpose; correct?

19 MR. FAERSTEIN: That's correct, your Honor.

20 THE COURT: But at the beginning he claimed he
21 didn't know.

22 MR. FAERSTEIN: That's correct.

23 THE COURT: And how much money went through those
24 bank accounts that he opened up?

25 MR. FAERSTEIN: With respect to the PPP, EIDL loan

1 fraud loans, there was about 1.3 million. But as he
2 acknowledged and the government acknowledges in the
3 factual basis, he did not have access to the actual
4 online banking. He was going to the bank or ATM's and
5 doing withdrawals.

6 THE COURT: To get cash, and he gave it to
7 Grigoryan.

8 MR. FAERSTEIN: He gave it to an individual at
9 Grigoryan's direction understanding that individual would
10 then give it to Grigoryan.

11 THE COURT: And the amounts were more modest in
12 terms of withdrawals; correct?

13 MR. FAERSTEIN: Correct. They were around
14 \$110,000 plus or minus on different occasions.

15 THE COURT: So in order to be guilty of the crime
16 that he plead to, the money laundering, he didn't have to
17 know, as true with any conspirator, the full scope of the
18 conspiracy?

19 MR. FAERSTEIN: That's correct, your Honor.

20 THE COURT: But he knew at a point that Grigoryan
21 was using him for an unlawful purpose.

22 MR. FAERSTEIN: Correct, Your Honor.

23 THE COURT: And let me just see something here.
24 And what, he did plead guilty, he did implicate
25 Grigoryan?

1 MR. FAERSTEIN: That's correct, your Honor.

2 THE COURT: And did Grigoryan plead after or
3 before he implicated Grigoryan.

4 MR. FAERSTEIN: Defendant Hayrapetyan had a change
5 of plea which was not accepted and then defendant
6 Grigoryan plead guilty, and, then, after that, defendant
7 Hayrapetyan had a second change of plea.

8 THE COURT: I see. That is correct. And the
9 first go round, in order to satisfy the Court that there
10 was -- that he was in fact guilty, he responded to some
11 of my questions in a way that didn't satisfy me that he
12 understood what he was doing at Grigoryan's request was
13 the violation he was pleading to.

14 MR. FAERSTEIN: That's correct, your Honor.

15 THE COURT: And, then, when Grigoryan plead
16 guilty, he changed his mind.

17 MR. FAERSTEIN: Well, your Honor, with respect to
18 the first go round, I believe the entirety of the PPP,
19 EIDL fraud proceeds that were deposited into those bank
20 accounts were part of the factual basis.

21 The factual basis also included the defendant
22 acknowledging that he was conspiring with the other six
23 defendants besides defendant Grigoryan. And I believe
24 with respect to those two, those two factors in
25 particular, Your Honor had concerns that he understood

1 that full scope. He did not know those other names.

2 Subsequently, the money laundering conspiracy
3 to which he has plead guilty to just involves
4 Mr. Grigoryan by name and also a smaller amount of money
5 as he did not understand that the total amount of the --

6 THE COURT: So, really, in terms of the overall
7 fraud, I mean, the case, this was really just a very
8 small part of it.

9 MR. FAERSTEIN: With respect to his conduct.

10 THE COURT: Yes. Yes. I mean, you know, because
11 he didn't plead guilty to knowing that the bank accounts
12 he opened for Grigoryan were going to be used as they
13 were. He plead guilty to knowing Grigoryan opened those
14 bank accounts, that at some point he knew that the bank
15 accounts were open for an improper purpose, and then he,
16 at Grigoryan's direction, removed cash from those
17 accounts and gave it to persons that Grigoryan instructed
18 him to.

19 MR. FAERSTEIN: That's correct, your Honor.

20 THE COURT: What is the maximum period of home
21 confinement?

22 MR. TAHMAZIAN: In the sense of within the
23 guidelines, your Honor?

24 THE COURT: Well, I mean what is my discretion?

25 MR. TAHMAZIAN: Discretion, I believe in this --

1 in the category he falls under, the Court can sentence
2 him to the remaining of the time as home confinement,
3 your Honor. That is my understanding.

4 THE COURT: How much is remaining of the time?

5 MR. TAHMAZIAN: Well, at level 10, he is facing
6 about 10 months, Your Honor. So remaining time would be
7 about seven-and-a-half months approximately because he
8 did actually two-and-a-half months in custody.

9 THE COURT: I see.

10 MR. TAHMAZIAN: May I just add one thing, Your
11 Honor, very briefly. From what I remember, and this was
12 a very complicated case the Court knows. You tried this
13 case. The initial plea agreement that was not accepted
14 by Your Honor was not filed under seal, and Grigoryan was
15 implicated in that plea agreement. His name was in the
16 factual basis.

17 So when that plea agreement was filed with the
18 Court, it became a sort of public record for all the
19 defendants and at that time Grigoryan knew that my client
20 was giving the complete story to the government about his
21 involvement in this case. Just wanted to make sure the
22 Court understands that.

23 THE COURT: Well, of course, as in any case, I
24 know less about a particular defendant's actual
25 connection to a conspiracy, but, then, with regard to

1 those who went to trial, because he was in the charts but
2 he was very peripheral.

3 Anything else from the government?

4 MR. FAERSTEIN: The only thing I would mention,
5 Your Honor, is within the guidelines because this falls
6 as -- it is a Zone C, any term of imprisonment Your Honor
7 were to order, the maximum amount of home confinement
8 could be half of that if you were sentencing within the
9 guidelines.

10 THE COURT: So say that one more time.

11 MR. FAERSTEIN: Yes, your Honor. The guidelines
12 range in this case I believe is 10 to 16 months.

13 THE COURT: So let's assume I gave him 16 months.

14 MR. FAERSTEIN: Yes, your Honor. The term of
15 imprisonment, if it was 16 months, you could do half of
16 that within home confinement if you were staying within
17 the guidelines.

18 THE COURT: But the other part would have to be
19 imprisonment.

20 MR. FAERSTEIN: Correct, Your Honor.

21 THE COURT: And so if I gave him the minimum, it
22 would have to be five months home confinement and five
23 months of incarceration.

24 MR. FAERSTEIN: That's correct which is what
25 probation is recommending in this case.

1 THE COURT: But the Court has no discretion to
2 give him more than five months or eight months depending
3 upon the analysis for home confinement?

4 MR. FAERSTEIN: Well, as your Honor knows, the
5 guidelines are advisory so to the extent you were to vary
6 Your Honor could do whatever you saw fit.

7 THE COURT: I see. Does he have anything more to
8 say?

9 MR. TAHMAZIAN: My client, your Honor?

10 THE COURT: Yes.

11 MR. TAHMAZIAN: Your Honor, just I have set forth
12 some additional consideration for the Court in my moving
13 papers, the fact that he is a military man.

14 THE COURT: I have that all in mind. I mean, I am
15 not trying to cut you off. I know his family background.
16 His father was a lawyer or he studied law and was in the
17 Armenian army and so forth.

18 MR. TAHMAZIAN: Other than that, your Honor,
19 submitted.

20 THE COURT: All right. Then does he want to be
21 heard?

22 MR. FAERSTEIN: Nothing further from the
23 government.

24 THE COURT: Yes.

25 MR. TAHMAZIAN: Thank you. Nothing further, Your

1 Honor.

2 THE COURT: All right. Pursuant to the Sentencing
3 Reform Act of 1984, it is the judgment of the Court that
4 defendant Armand Hayrapetyan is hereby committed on Count
5 26 of the first superseding -- of the indictment to a
6 sentence of home confinement.

7 Does that mean he gets probation or as a
8 condition of probation he gets home confinement.

9 MR. FAERSTEIN: Or supervised release.

10 THE COURT: Well, okay, then, I sentence him to I
11 guess it is probation I think or supervised release, and,
12 as a condition, he is to serve seven-and-a-half months in
13 home confinement. And that will account for the
14 two-and-a-half months he has already served in
15 incarceration.

16 All right. 10 months probation. I think that
17 is the way to do it. 10 months probation. As a
18 condition of probation, he is to serve eight months --
19 seven-and-a-half months in home confinement.

20 And then he is to be placed on supervised
21 release for two years under the following terms:

22 One, he comply with the rules and regulations
23 of pretrial services and Second Amended General Order
24 20-04.

25 Cooperate in the collection of a DNA sample.

1 He comply with the immigration rules and
2 regulations of the United States and if deported from
3 this country either voluntarily or involuntarily not
4 re-enter the United States.

5 He shall not obtain or possess any form of
6 identification other than that in his true and legal
7 name.

8 He shall submit his person, property, house,
9 residence, vehicle, papers, computers, cell phones, other
10 electronic communications or data storage devices or
11 media, e-mail accounts, social media accounts, cloud
12 storage accounts or other areas under his control to a
13 search conducted by a U.S. Probation officer or law
14 enforcement officer.

15 Failure to submit to a search may be grounds
16 for revocation. He shall warn any other occupants that
17 the premises may be subject to searches pursuant to this
18 condition. Any search pursuant to this condition shall
19 be conducted at a reasonable time in a reasonable manner
20 upon reasonable suspicion that the defendant has
21 committed a violation of his supervision and that the
22 areas to be searched contain evidence of this violation.

23 In paragraph 9 they said if there is a period
24 of home confinement, it includes electronic monitoring.
25 That isn't an ankle bracelet, is it? Or is it something

1 else?

2 MR. FAERSTEIN: I think there is two separate
3 types of electronic monitoring. There is the ankle
4 bracelet, and there is also the phone monitoring.

5 THE COURT: I will order the phone monitoring. In
6 other words that he, however the probation office does
7 it, he gets calls at random and he is supposed to
8 respond. If he doesn't in a timely way, or he has to I
9 guess he has to respond to their call.

10 So I think that -- this is an appropriate
11 sentence considering all the factors, the guidelines, the
12 sentencing factors, his personal characteristics, lack of
13 a criminal history, his acknowledgment of guilt, his
14 really peripheral role in this very serious offense, very
15 serious crime, and I think it is the right sentence.

16 MR. TAHMAZIAN: Thank you, your Honor.

17 Would it be the right time to ask for the bail
18 bond to be exonerated?

19 THE COURT: Yes. Bail is exonerated.

20 MR. TAHMAZIAN: Thank you, Your Honor. Thank you
21 for your time.

22 THE DEFENDANT: Thank you very much.

23 MR. FAERSTEIN: Yes. Your Honor, at this time the
24 government will move to dismiss as to defendant
25 Hayrapetyan Counts 1 through 20 and Count 25 of the first

1 superseding indictment.

2 THE COURT: That motion is granted.

3 MR. TAHMAZIAN: Thank you, your Honor.

4 (Proceedings concluded.)

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CERTIFICATE

I hereby certify that pursuant to Section 753, Title 28,
United States Code, the foregoing is a true and correct
transcript of the stenographically reported proceedings held
in the above-entitled matter and that the transcript page
format is in conformance with the regulations of the
Judicial Conference of the United States.

Date: December 14, 2022

/s/ Katie Thibodeaux, CSR No. 9858, RPR, CRR

MR. FAERSTEIN: [29]
 MR. TAHMAZIAN: [16]
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 THE COURT: [43]
 THE DEFENDANT: [3] 5/19
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