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Attorneys for
ARTUR AYVAZYAN

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
vs
ATRUR AYVAZIAN,
Defendant.

Case No. 2:20-CR-00579-SVW-3

**MOTION TO MODIFY
CONDITIONS OF PRETRIAL
RELEASE**

COMES NOW, Defendant, Artur Ayvazyan by and through counsel Thomas A. Mesereau, Jr. and Jennifer J. Wirsching, and pursuant to the Federal Rules of Criminal Procedure, respectfully request this Honorable Court modify the terms of Mr. Ayvazyan's pretrial release to facilitate his compliance with the condition that he maintain employment. Circumstances have changed since Mr. Ayvazyan's initial release as his \$100,000 bond is now secured by property. Mr. Ayvazyan's current conditions include requirements that he remain within the Central District of California, and that he remain in his home unless he has pre-approval from Pre-Trial Services for exceptions such as

1 employment. Mr. Ayvazyan request that this Honorable Court remove the requirement that he remain
2 in his home without pre-approval from Pre-Trial Services, and asks that he be allowed to travel
3 within the state of California for work, rather than being confined to the Central District of
4 California.

5
6 Mr. Ayvazyan is a truck driver. His daily work schedule often varies significantly at the last
7 minute due to conditions outside of his control. When Mr. Ayvazyan arrives to work with his semi-
8 truck, he has no control over when the trailer will actually be loaded. Frequently, the shipper is busy
9 with other trucks, or the items to be loaded onto Mr. Ayvazyan's truck are late in arriving. When he
10 arrives with his trailer at his destination, he has no control over how busy the receiver's dock is, and
11 is frequently delayed waiting with his merchandise for long periods of time. This causes direct and
12 serious conflict with his requirement to both be at his residence at curfew, and his ability to get *pre-*
13 *approval* from Pre-Trial Services. Additionally, employment assignments for many companies
14 require travel into other districts of California. Mr. Ayvazyan seeks only to provide for his wife and
15 children.

16
17 Pre-Trial Services states that now that Mr. Ayvazyan's bond is secured by property, these
18 two modifications to his conditions of release would not cause any increase in risk of non-appearance
19 or in danger to the community. Pre-Trial Services has no objection to Mr. Ayvazyan being allowed to
20 travel within the state of California. Pre-Trial Services has no objection to Mr. Ayvazyan being
21 removed from home detention. Mr. Ayvazyan would remain on electronic monitoring. AUSA
22 Christopher Fenton advised counsel that the Government opposes the removal of the condition of
23 home detention.

24
25 Said Motion is based on this introduction, the attached Declaration of Jennifer Wirsching,
26 Esq., and the complete files and records of this action.

DECLARATION OF JENNIFER J. WIRSCHING

1. I, Jennifer J. Wirsching, an attorney licensed to practice law before all of the courts of the State of California, all federal District Courts in California, the District of Colorado, the Ninth Circuit Court of Appeals, and the Tenth Circuit Court of Appeals, am an attorney of record for Artur Ayvazyan.
2. On November 6, 2020, Mr. Ayvazyan was put under conditions of pretrial release (Doc. 5).
3. I have been informed and believe that Mr. Ayvazyan's bond is now fully secured by property.
4. The terms of release include home confinement with an exception for pre-approved times of employment.
5. I have been informed and believe that due to conditions outside of Mr. Ayvazyan's control, his work hours vary widely at the last minute, which makes it virtually impossible for him to both obtain "pre" approval, and for him to return to his residence at the "pre-approved" time.
6. I have been informed and believe that Mr. Ayvazyan has no control over when shippers load his truck, or when receivers unload his truck.

- 1 7. I have been informed and believe that trucking work often requires the truck driver to
- 2 transport goods outside the central district of California.
- 3
- 4 8. I have spoken to Pre-Trial Services officer Sandra Hege regarding this request to
- 5 modify the conditions of pretrial release.
- 6
- 7 9. Pre-Trial Officer Hege advised me that the condition that Mr. Ayvazyan obtain pre-
- 8 approval to be away from his residence for work is in direct conflict with the nature
- 9 of his work. That circumstances outside of his control change his work hours at the
- 10 last minute, resulting in an inability to obtain pre-approval.
- 11
- 12 10. Pre-Trial Officer Hege advised me that being confined to the Central District of
- 13 California also directly interferes with Mr. Ayvazyan's ability to work as a truck
- 14 driver who transports goods.
- 15
- 16 11. Pre-Trial Officer Hege advised me that because Mr. Ayvazyan's bond is now secured
- 17 by property, pretrial services believes removing Mr. Ayvazyan's home confinement
- 18 condition would not have any effect on his risk of non-appearance, nor of his danger
- 19 to the community.
- 20
- 21 12. Pre-Trial Officer Hege advised me that Pre-Trial Services has no objection to these
- 22 conditions being modified.
- 23
- 24 13. I communicated with AUSA Christopher Fenton who advised me that the
- 25 Government opposes any motion to eliminate home detention.
- 26

1 14. I have personal knowledge of the statements above, unless otherwise indicated as
2 based on information and belief.

3
4 I declare under penalty of perjury that the foregoing is true and correct.

5 February 12, 2021

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12 For the reasons set forth above Mr. Ayvazyan respectfully requests that this Honorable
13 Court:

- 14 1. Modify the terms of Mr. Ayvazyan's pretrial release by removing the requirement that he
15 remained confined in his home, and by allowing him to travel for work within the state of
16 California rather than being confined to the Central District of California.
17
18 2. GRANT all such other relief as it deems just and proper.
19
20
21

22 Respectfully Submitted,

23 /s/ Jennifer J. Wirsching
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CERTIFICATE OF SERVICE

I certify that on February 12, 2021, I electronically filed the foregoing document with the clerk of the U.S District Court, Central District of California, using the electronic case filing system of the court to the following parties.

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