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13 *Counsel for Artur Ayvazyan*

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,
17 Plaintiff,
18 v.
19 ARTUR AYVAZYAN
20 Defendant.

Case No. 20CR-00579-SVW

**DEFENDANT ARTUR
AYVAZYAN'S MOTION TO
CONTINUE SENTENCING
FROM OCTOBER 18, 2021 TO
NOVEMBER 15, 2021**

21 **MOTION TO CONTINUE SENTENCING**

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23 Artur Ayvazyan, by and through counsel, Jennifer J. Wirsching and
24 Thomas A. Mesereau Jr., move the Court to continue the date of sentencing for
25 Artur Ayvazyan from October 18, 2021 to November 15, 2021. November 15,
26 2021 is the sentencing date for Richard Ayvazyan and Marietta Terebelian.
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1 Should the Court not grant a continuance to November 15, 2021, the Defendant
2 asks the Court to continue the sentencing from October 18, 2021, to November 1,
3 2021.
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5 The Pre-Sentence Report (“PSR”) in this matter was disclosed to counsel
6 on September 22, 2021 for the currently set sentencing date of October 18, 2021.
7 This approximately three-week notice fails to comply with the *minimum* notice
8 requirement of 35 days prior to sentencing as set out in Federal Rule of Criminal
9 Procedure 32. The Government has advised that they do not oppose a
10 continuance to November 1, 2021 (the *minimum* amount of time for review of
11 the PSR,) but they do oppose a continuance to November 15, 2021.
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15 I. Counsel Requires More Than the Minimum Time to Review the
16 PSR
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18 “**Minimum Required Notice.** The probation officer must give the
19 presentence report to the defendant, the defendant's attorney, and an
20 attorney for the government at least 35 days before sentencing
21 unless the defendant waives this minimum period.” Fed. R. Pr. 32
22 (e)(2) (Emphasis Added)
23

24 As the Court is well aware, this is a certified complex case with multiple
25 defendants, complicated alleged connections between defendants, and even more
26 complicated sources of loss amounts. In order to provide effective assistance of
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1 counsel, the defense requires more than the minimum time frame with access to
2 the PSR to prepare for sentencing.

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4 II. Equality Requires That Artur Ayvazyan be Provided Preparation
5 Time Similar to Other Defendants
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8 Defendant Richard Ayvazyan's counsel filed objections to his PSR on
9 September 22, 2021. DKT. 990. Given that objections are due within 14 days of
10 disclosure of the PSR, Richard Ayvazyan's counsel may have received his PSR
11 as early as September 8, 2021. With a sentencing date of November 15, 2021,
12 Richard Ayvazyan's counsel will have over nine (9) weeks with the PSR to
13 prepare for sentencing.
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16 Defendant Edvard Paronyan's counsel received his PSR on July 26, 2021.
17 *Gov. Sentencing Memorandum* DKT 975. His sentencing was set for September
18 27, 2021. Mr. Paronyan's counsel had nine (9) weeks with the PSR to prepare for
19 his sentencing.
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21 Defendant Artur Ayvazyan is asking for approximately seven (7) weeks
22 with his PSR to prepare for his sentencing hearing – less than the time allowed to
23 both Richard Ayvazyan and Edvard Paronyan.
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3 For these reasons, Defendant Artur Ayvazyan moves the Court to continue
4 his sentencing hearing to November 15, 2021.
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9 Dated: September 27, 2021

Respectfully submitted,

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11 /s/ Jennifer J. Wirsching
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