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ARTUR AYVAZYAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARTUR AYVAZYAN,

Defendant.

Case No. 20-579-SVW-3

**DEFENDANT ARTUR
AYVAZYAN'S POSITION
REGARDING RE-SENTENCING**

Resentencing Date: April 15, 2024
Time: 11:00 a.m.

In advance of the resentencing scheduled for April 15, 2024, Defendant Artur Ayvazyan, through his counsel of record Deputy Federal Public Defender Elena Sadowsky, submits this supplement to his original sentencing position (Dkt. 1136).

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: April 8, 2024

By /s/ Elena Sadowsky

ELENA SADOWSKY
Deputy Federal Public Defender
Attorney for Artur Ayvazyan

SENTENCING POSITION

Artur Ayvazyan--a 44-year-old truck driver and father of two teenaged girls--was sentenced to 60 months for his role in a conspiracy to commit wire and bank fraud involving the PPP loan program. The sentence was devastating for the entire family. Having to watch his girls navigate high school without both parents and his aging mother move into Section 8 Housing by herself has been a type of punishment unlike any other and should be considered in re-fashioning a just punishment under § 3553(a). But, Mr. Ayvazyan did not let the shame and despair destroy him. He has approached his sentence with dignity, engaging in productive and meaningful programming with an eye toward the future. Once released, the Court can be confident that he will return to being a productive citizen who serves his community and that he will never return to this Court again.

On appeal, the Ninth Circuit remanded for the Court to allow and consider allocution but the Court expressly remanded “without limitation on the district court,” noting the general principle that a remand for resentencing will be on an open record. *United States v. Matthews*, 278 F.3d 880, 885 (9th Cir. 2002) (en banc). Indeed, when a defendant’s sentence has been remanded for resentencing, “a district court may consider evidence of a defendant’s rehabilitation since his prior sentencing and that such evidence may . . . support a downward variance from the advisory Guidelines range.” *Pepper v. United States*, 562 U.S. 476, 490 (2011). With this open record in mind, Mr. Ayvazyan requests that the Court convert the remaining time on his sentence to home confinement. The request is based on the following:

1. Rehabilitation: Mr. Ayvazyan has used his time in federal custody productively and has complied with the rules of his facility (FCI Yazoo City in Mississippi). He completed the highly-regarded 500-hour UNICOR work program. Although he completed the 500 hour requirement and thus reaped the benefit from the program, he continued working and has worked 640 hours and counting. He works full time and is proud of his work, sewing uniforms for the men and women of the U.S.

1 Army. He is paid 58 cents per bundle and usually sews an impressive 10-14 bundles per
2 day.

3 Mr. Ayvazyan is no stranger to hard work. As a young child, he helped his
4 seamstress mother with her sewing jobs by trimming excess threads on her finished
5 pieces. Her worth ethic was engrained in him from an early age and he entered the
6 work force early to help provide for his family, ultimately becoming a truck driver
7 providing the critical labor stocking our country's grocery stores with food and
8 produce. While in custody, without any prior experience with a sewing machine, Mr.
9 Ayvazyan quickly learned this new skillset and became certified in various techniques,
10 including zippers, J-stich, and pockets. The pride in his skill and craft has translated
11 into glowing reviews. He was awarded "Employee of the Month" in February 2024 and
12 received this high praise:

13 During a transitional time period where operations of the
14 factory were at risk, inmate Ayvazyan not only performed his
15 duties in an exemplary manner, but he continually showed
16 initiative to complete his operations and transactions while
17 training other inmates. Inmate Ayvazyan's work ethic
18 employed on the factor line, his leadership and "team first"
19 mentality have made him a highly valued team member.

20 See Ex. B (certificates). His commitment to his UNICOR job should give the Court
21 confidence that he will quickly return to productivity once released.

22 **2. Family considerations:** My Ayvazyan's two daughters, 16 and 17 years old,
23 are well-adjusted productive citizens who love their father dearly. Mr. Ayvayzan has
24 been a steady and loving presence in their lives. He has instilled the value of education,
25 encouraging their educational pursuits their whole lives as well as their other passions
26 and interests. They are finishing their high school careers and are both college-bound.
27 The eldest is set to graduate in a few weeks. She has already received several
28 scholarships and plans to pursue a degree in architecture. The youngest, currently a

1 junior in high school, is interested in becoming a dentist. Mr. Ayvazyan instilled in
2 them the same worth ethic that was instilled in him by his mother and also emphasized
3 the value of education. The girls are hard-working and poised for success in demanding
4 and difficult fields. Despite the incarceration of both of their parents, they have
5 remained productive, hardworking, and determined to succeed. A testament to Mr.
6 Ayvazyan's parenting and close-knit relationship with them. He will miss their high
7 school graduations, something he has dreamt about since they were born. Missing these
8 once in a lifetime moments is a punishment unlike any other. Those experiences have
9 been sufficient to accomplish many of the goals under 18 U.S.C. § 3553(a) because he
10 will never jeopardize his family's well being again.

11 Mr. Ayvazyan's wife is currently in custody with a projected release date in
12 2032. Because both Mr. Ayvazyan and his wife are in custody, the girls are cared for by
13 Mr. Ayvazyan's brother-in-law, which has put enormous strains on the whole family.
14 In addition, his brother, who has three teenage children, is in custody with a projected
15 release date in 2036. With both of her sons in custody, there is no one to care for Mr.
16 Ayvazyan's mother, who is aging and blind in one eye. Prior to his incarceration, Mr.
17 Ayvazyan was her primary caregiver, taking on her on essential errands and medical
18 appointments because she cannot drive due to her blindness. Without their support, she
19 often goes weeks without getting to the grocery store. And, she lives in Section 8
20 Housing. Mr. Ayvazyan is eager to get released so that he can be reunited with his girls
21 and his mother and provide for them all like he once did.

22 My Ayvazyan is set to be released before his wife, his brother, and his sister in
23 law. He will regain custody of his children and return as a father figure to his brother's
24 children and caretaker to his mother. Given this incredible hardship on the family and
25 that the time served thus far has accomplished several goals of sentencing, he requests
26 to serve the remainder of his time on home confinement.

27 **3. Health:** While at MDC - Los Angeles in 2022, Mr. Ayvazyan fell from a top
28 bunk bed and injured his knee, which has caused him pain ever since, especially while

1 serving his time in the more extreme climate of Mississippi. However, Mr. Ayvazyan's
2 knee pain has subsided from a "10" while in Mississippi to a "3" on the pain scale since
3 returning to Los Angeles. He only recently was given the opportunity for a MRI and is
4 waiting results, but he understands from x-ray results that surgical intervention is likely.
5 But given the slower pace of medical care in custody, it is unclear when he will receive
6 this surgery and how much longer he will suffer daily discomfort and pain.

7 **4. Future plan:** Mr. Ayvazyan is extremely eager to return to work to provide
8 for his two daughters and mother. His stable work history suggests he will have no
9 problem remaining productive while on supervision and beyond. He has two potential
10 job opportunities available to him. He can work at his brother-in-law's home care
11 business. In addition, he can return to trucking and is familiar with a waste-
12 management company that he believes is willing to hire him.

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15 Respectfully submitted,

16 CUAUHTEMOC ORTEGA
17 Federal Public Defender

18 DATED: April 8, 2024

19 By /s/ Elena Sadowsky

20 ELENA SADOWSKY
21 Deputy Federal Public Defender
22 Attorney for Arthur Ayvazyan
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