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17 UNITED STATES OF AMERICA

18 UNITED STATES DISTRICT COURT

19 FOR THE CENTRAL DISTRICT OF CALIFORNIA

20 UNITED STATES OF AMERICA,

21 Plaintiff,

22 v.

23 EDVARD PARONYAN,

24 Defendant.

No. CR 20-579-SVW-3

GOVERNMENT'S OPPOSITION TO
DEFENDANT EDVARD PARONYAN'S EX
PARTE MOTION TO MODIFY CONDITIONS
OF PRETRIAL RELEASE; MEMORANDUM OF
POINTS AND AUTHORITIES;
DECLARATION OF CHRISTOPHER FENTON

26 Plaintiff United States of America, by and through its counsel
27 of record, the Acting United States Attorney for the Central District
28

1 of California, Assistant United States Attorneys Scott Paetty, Brian
2 Faerstein, and Catherine Ahn, and Department of Justice Trial
3 Attorney Christopher Fenton, hereby submits its opposition to
4 defendant Edvard Paronyan's ex parte motion to modify the conditions
5 of pretrial release. (ECF 864.)

6 The government's opposition is based on the attached memorandum
7 of points and authorities, the attached declaration, the files and
8 records in this case, and such additional evidence or argument as the
9 Court may permit.

10
11 Dated: August 11, 2021

Respectfully submitted,

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14 SCOTT M. GARRINGER
15 Assistant United States Attorney
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16 /s/
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MEMORANDUM OF POINTS AND AUTHORITIES

Defendant Edvard Paronyan has pleaded guilty to one count of wire fraud in connection with his role in a scheme to steal over \$400,000 in COVID-19 disaster relief loan proceeds intended for small business that needed the money to survive. (ECF 524.) The defendant is scheduled to be sentenced on September 27, 2021. Based on the U.S. Probation Office's calculated criminal history of III, his Guidelines imprisonment range is 27-33 months. (ECF 803 ¶ 120.)

This is the fourth ex parte motion to modify his conditions of pretrial release filed by the defendant. (See ECF 387, 561, 662, 864.) The government has been amenable to work with the defendant and his counsel with respect to reasonable modifications specific to address the needs of the defendant's family, so long as the defendant remained on location monitoring. Most recently, the government agreed not to oppose the defendant's request to modify his conditions from home confinement to curfew, so long as the defendant remained subject to location monitoring. (ECF 662-1 ¶ 9.)

Now, on the eve of his sentencing, the defendant asks the Court to terminate location monitoring altogether and lift his curfew. (ECF 864-1 ¶ 10.) The defendant's location monitoring is by telephone. (Id.) He claims he typically receives a location monitoring notification every night around 3:00a.m. or 4:00a.m. and that it is interrupting his sleep. (Id.) He also wishes to travel locally outside the home by car. (Id. ¶ 11.)

The Court should deny the defendant's motion for at least three reasons:

First, the location monitoring conditions initially imposed by the Court are still necessary to reasonably assure the defendant's

1 appearance at sentencing. Nothing has changed in recent months that
2 lessens or eliminates the risk of flight that is currently being
3 mitigated by the location monitoring condition. If anything, the
4 closer the defendant gets to his September 27 sentencing hearing, the
5 more likely he is to flee. The government has conferred with
6 Probation Officer Stacey Cooke, who is responsible for monitoring the
7 defendant's location, and she stated that she believes location
8 monitoring should remain in place. (Declaration of Christopher
9 Fenton ("Fenton Decl.") ¶ 2.)

10 Second, the defendant's claim that he typically receives
11 location monitoring notifications every night around 3:00a.m. or
12 4:00a.m. appears to be false. Based on government counsel's
13 communication with Probation Officer Cooke, the government
14 understands that the location monitoring notifications are random so
15 as to prevent the defendant from knowing precisely when he will be
16 required to check-in. (Fenton Decl. ¶ 3.) If, as the defendant
17 claims, the location monitoring notifications requiring him to check-
18 in took place every night at the same time, the defendant would be
19 able to ignore curfew and arrive home by 3:00a.m. (Id.)

20 Third, to the extent the defendant's concerns are uninterrupted
21 sleep and ability to travel outside his home by car, location
22 monitoring by ankle bracelet presents a reasonable alternative that
23 would address both issues. The government and Probation Officer
24 Cooke are agreeable to such a change from location monitoring by
25 telephone to location monitoring by ankle bracelet. (Fenton Decl.
26 ¶ 4.) The defendant, however, is not. (ECF 864-1 ¶ 12.)

27 In conclusion, for the reasons set forth herein, some form of
28 location monitoring remains necessary to reasonably assure the

1 defendant's appearance at his sentencing hearing. Accordingly, to
2 the extent the defendant is not agreeable to switch from location
3 monitoring by telephone to location monitoring by ankle bracelet, the
4 Court should deny the defendant's motion.