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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(A)-SVW-7

GOVERNMENT'S OPPOSITION TO
DEFENDANT EDVARD PARONYAN'S EX
PARTE APPLICATION TO MODIFY
CONDITIONS OF RELEASE RE: TRAVEL
TO PALM SPRINGS (ECF 900);
MEMORANDUM OF POINTS AND
AUTHORITIES; EXHIBIT

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

1 of California, Assistant United States Attorneys Scott Paetty,
2 Catherine Ahn, and Brian Faerstein, and Department of Justice Trial
3 Attorney Christopher Fenton, hereby submits its opposition to
4 defendant Edvard Paronyan's ex parte application to modify the
5 conditions of pretrial release regarding travel to Palm Springs. (ECF
6 900.)

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

11 Dated: August 31, 2021

Respectfully submitted,

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13 Acting United States Attorney

14 SCOTT M. GARRINGER
15 Assistant United States Attorney
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16 /s/

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The government respectfully submits this opposition to defendant
3 Edvard Paronyan's fifth ex parte application to modify his conditions
4 of pretrial release. (See ECF 387, 561, 662, 864, 900.) The
5 government concurs with the United States Probation Office's (the
6 "USPO") opposition to defendant's latest request, this time to travel
7 to Palm Springs for a four-day family vacation. (ECF 900.)

8 The Court should deny defendant's application for at least four
9 reasons:

10 First, as the USPO recognizes, defendant's sentencing hearing is
11 just weeks away, scheduled for September 27, 2021. (See Exhibit 1
12 attached hereto (email correspondence between defendant's counsel,
13 government, and USPO regarding requested modification).) Defendant
14 has pleaded guilty to one count of wire fraud in connection with his
15 role in a scheme to steal over \$400,000 in COVID-19 disaster relief
16 loan proceeds intended for small businesses that needed the money to
17 survive. (ECF 469, 524.) Based on the USPO's calculated criminal
18 history category of III, defendant's advisory Guidelines imprisonment
19 range is 27-33 months. (ECF 803 ¶ 120.)

20 On the eve of sentencing, the USPO believes defendant's request
21 for a further modification of his terms of pretrial release to allow
22 for a family vacation constitutes neither a "necessity" nor an
23 "emergency." (See Exh. 1.) The government agrees. The government
24 notes that it has been amenable to work with defendant and his
25 counsel with respect to reasonable modifications specific to address
26 the needs of defendant's family. For example, the government has
27 been willing to accommodate defendant's requests for modest
28 modifications to allow him to attend his children's school graduation

1 events during specific times of the day. (See ECF 387, ¶ 7; 561,
2 ¶ 9.) But the requested four-day family vacation here does not
3 reasonably serve the same limited purpose of allowing defendant to
4 participate in local school-related events for a finite period of
5 time. Rather, it presents an unnecessary opportunity for flight.
6 Indeed, the closer defendant gets to his September 27 sentencing
7 hearing, the more likely he is to flee.

8 Second, the government's concerns about risk of flight are
9 underscored by recent events regarding two of defendant's co-
10 defendants in this case, defendants Richard Ayvazyan and Marietta
11 Terabelian. Specifically, on August 29, 2021, the USPO reported that
12 defendants Ayvazyan and Terabelian had destroyed or removed their
13 location monitoring devices and absconded from supervision in advance
14 of their October 4, 2021 sentencing hearings. (See ECF 904-1, ¶ 2.)
15 As part of his plea agreement and change of plea in this case,
16 defendant admitted to having socialized with defendants Ayvazyan and
17 Terabelian in the past. (See ECF 469, ¶ 11.) Defendant also
18 admitted to providing defendants Ayvazyan and Terabelian with
19 \$150,000 from the proceeds of a COVID-19 disaster relief loan
20 defendant obtained, for purposes of defendants Ayvazyan and
21 Terabelian making a down payment on a new home. (See id.)
22 Defendant's apparent close relationship with co-defendants who have
23 already fled in this case gives the government significant concerns
24 as to defendant's own risk of flight, particularly considering
25 defendant is subject only to location monitoring by telephone and not
26 an ankle bracelet.

27 Third, in connection with its presentence investigation, the
28 USPO identifies certain financial factors underscoring its concerns

1 about defendant's proposed vacation at this stage of the proceedings.
2 Specifically, the USPO notes that defendant's monthly expenses exceed
3 his reported income, and he informed the USPO that he has outstanding
4 or unpaid taxes owed to the State of California in the amount of
5 approximately \$200,000. (See Exh. 1.) As part of his plea
6 agreement, defendant has agreed that he owes approximately \$430,187
7 in restitution to victims in this case. (ECF 469, ¶ 7.) Thus,
8 defendant's requested vacation is not appropriate in light of his
9 financial commitments to victims as part of restitution for which the
10 government anticipates the Court will soon be entering at sentencing.
11 The fact that defendant appears to be living beyond his means gives
12 the government further concern about his risk of flight as the
13 reality of the imposition of significant financial obligations (not
14 to mention time in prison) fast approaches.

15 Finally, the USPO also notes that defendant is currently on
16 probation for a California state driving under the influence
17 conviction he sustained as a result of an incident that took place in
18 Palm Springs - the intended location of his requested vacation. (See
19 Exh. 1.) Defendant's term of probation in that case is reportedly
20 set to expire in February 2022. Defendant's request to travel back
21 to Palm Springs for vacation, while under federal and state
22 supervision less than one month away from sentencing in this case,
23 should be rejected.

24 In conclusion, the government respectfully requests the Court
25 deny defendant's fifth ex parte application to modify the conditions
26 of his release.