

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HONORABLE STEPHEN V. WILSON, JUDGE PRESIDING

UNITED STATES OF AMERICA,)
)
)
)
Plaintiff)
) **CR NO. 20-579**
VS)
)
EDVARD PARONYAN,)
)
)
Defendant)
_____)

Reporter's Transcript of Proceedings
SENTENCING
Los Angeles, California
MONDAY, SEPTEMBER 27, 2021
11:55 A.M.

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Federal Official Court Reporter
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
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1 MONDAY, SEPTEMBER 27, 2021

11:55 A.M.

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3 P R O C E E D I N G S

4 ~ ~ ~

11:54:38 5 COURT CLERK: Item 5. 20-579. United States of
11:54:42 6 America versus Edvard Paronyan.

11:54:46 7 Counsel, please state your appearances for
11:55:04 8 the record.

11:55:04 9 **MS. AHN:** Good morning, Your Honor. Catherine
11:55:07 10 Ahn, Scott Paetty, Christopher Fenton and Brian Faerstein.

11:55:12 11 **MR. FREEDMAN:** Good morning, Your Honor. Michael
11:55:16 12 Freedman on behalf Mr. Paronyan who's present with me.

11:55:20 13 **THE COURT:** Okay. There are some people mulling
11:55:23 14 around in the back of the courtroom. Would they either take
11:55:25 15 a seat or leave.

11:55:44 16 This is the time for sentencing.

11:55:50 17 Has the defendant read the Presentence
11:55:52 18 Report?

11:55:54 19 **MR. FREEDMAN:** Yes, Your Honor, he has.

11:55:56 20 **THE COURT:** And as the first matter, there is the
11:56:02 21 question of whether the Guidelines have been correctly
11:56:11 22 calculated.

11:56:13 23 The argument by you, Mr. Freedman, is that
11:56:18 24 putting him in Criminal History 3 in light of the rationale
11:56:27 25 overstates the seriousness of his history as a first -- as

11:56:43 1 a --

11:56:44 2 In order to make the Court's thinking
11:56:45 3 clearer, or clearly stated, the Court agrees with the
11:56:52 4 probation department that the Guidelines have been correctly
11:56:59 5 stated.

11:57:01 6 But under the Guidelines, the Court has some
11:57:08 7 discretion to consider whether the Guidelines have been
11:57:15 8 overstated. The calculation into criminal history 3 is based
11:57:34 9 on, in part, on his violation of probation for the DUI
11:57:46 10 conviction.

11:57:46 11 The Guidelines give some examples of where a
11:57:51 12 Court can exercise discretion. In the Court's view, they
11:57:58 13 don't precisely fit this situation, but it's my view that I
11:58:15 14 have some discretion in the matter based in part on the
11:58:25 15 Court's own experience with those who are in Category 3 and
11:58:30 16 lesser categories.

11:58:34 17 So, I'm going to consider a Category 2, which
11:58:45 18 I think, given offense level 16 would put him in the 24 to
11:58:53 19 30-month range.

11:58:54 20 Is that true? Am I correct in that regard?

11:58:57 21 **MS. AHN:** Yes, Your Honor, that is correct.

11:58:59 22 **THE COURT:** And the difference would be
11:59:01 23 Category 3 -- he would be 27 to 33 months, if I am correct.

11:59:06 24 **MS. AHN:** That is correct, Your Honor.

11:59:09 25 **THE COURT:** For purposes of beginning your

1 argument, I know that's not your recommendation, Mr.

2 Freedman, but that at least is the starting point. He's in
3 criminal history 2, and the range is 24 to 30 months.

4 Having said that, I'll hear from you and/or
5 Mr. Paronyan.

6 **MR. FREEDMAN:** Yes, Your Honor. Would you like us
7 to approach the lectern?

8 **THE COURT:** Yes.

9 **MR. FREEDMAN:** Good morning, Your Honor. Thank
10 you. My client would like to address the Court --

11 **THE COURT:** I'll give him that full opportunity,
12 but first I'd like to hear from you.

13 **MR. FREEDMAN:** I agree, obviously, with the
14 Court's consideration as Category 2 is the more appropriate
15 one here. I also think that the base offense level should be
16 adjusted downward based on the mitigating role of this
17 defendant which I laid out in detail in the brief. I'm happy
18 to address the Court's questions.

19 **THE COURT:** When you say mitigating, can you
20 explain that further in terms of how the Guidelines address
21 "mitigating"?

22 **MR. FREEDMAN:** Yes, Your Honor. The Guidelines, I
23 think, fit this case. As the Court is well aware, there's
24 numerous defendants, eight, in the case; and the bulk of the
25 case that was presented at trial involved far more egregious

12:00:33 1 conduct than my client, Mr. Paronyan.

12:00:35 2 **THE COURT:** Not all. I mean, there were some
12:00:40 3 defendants who were more egregiously involved, and of course
12:00:50 4 I presided at the trial, so I'm well aware of the evidence
12:00:56 5 and so forth.

12:00:58 6 But there are other defendants who are
12:01:06 7 similarly situated to this defendant, and if I'm not
12:01:11 8 mistaken, there is at least one or maybe more who just
12:01:21 9 provided false information for loans, but with Mr. Paronyan,
12:01:33 10 he did more. He contributed to the money laundering. And if
12:01:45 11 I remember correctly, even though he received a certain
12:01:51 12 loan -- about a 150,000, the evidence showed that he, through
12:02:03 13 some convoluted transactions, transferred much of it back to
12:02:15 14 Tamara Dadyan.

12:02:16 15 **MR. FREEDMAN:** Your Honor, I believe, first of
12:02:18 16 all --

12:02:19 17 **THE COURT:** Is that correct?

12:02:21 18 **MR. FREEDMAN:** There is a few --

12:02:22 19 **MS. AHN:** He transferred, I believe, \$150,000 to
12:02:25 20 Marietta Terabelian, Your Honor.

12:02:28 21 **THE COURT:** To Marietta Terabelian, yes, that's
12:02:31 22 correct.

12:02:31 23 Go ahead.

12:02:32 24 **MR. FREEDMAN:** Your Honor, first of all, with
12:02:33 25 respect to the Court's rough analysis of the culpability of

12:02:37 1 the defendants, I still think that even in the Court's view
12:02:41 2 Mr. Paronyan is quite at the low end in terms of culpability.

12:02:44 3 **THE COURT:** I mean, doesn't the sentencing range
12:02:47 4 reflect that? I mean, some of the other defendants probably,
12:02:53 5 even though I haven't seen the guideline calculation, knowing
12:02:58 6 from prior experience, their sentencing ranges are many,
12:03:06 7 multiple times greater than his.

12:03:09 8 So, I mean, this is a serious violation, and
12:03:14 9 he's in a 24 to 30-month window, and it doesn't appear to me
12:03:26 10 that that is not reflective of his role in the case.

12:03:34 11 **MR. FREEDMAN:** Your Honor, I'm not disagreeing
12:03:36 12 with that analysis, but I would just respond to the Court's
12:03:43 13 earlier point. At least with respect to the money
12:03:45 14 laundering, Mr. Paronyan -- as the Court I think reasoned in
12:03:48 15 not accepting the first Plea Agreement -- that Mr. Paronyan
12:03:53 16 doesn't deny responsibility and doesn't deny that it was an
12:03:58 17 improper purpose to give that money to Marietta Terabelian.
12:04:02 18 His understanding of it, though, was as a loan, and as the
12:04:06 19 Court pointed out, that was not sufficient to meet the
12:04:08 20 elements of the money laundering --

12:04:11 21 **THE COURT:** It was a loan from whom?

12:04:15 22 **MR. FREEDMAN:** From Dr. Mr. Paronyan. And he
12:04:17 23 admits that it was improper, he --

12:04:19 24 **THE COURT:** I don't --

12:04:20 25 Under the circumstances of this case and the

12:04:22 1 evidence, I just think that's not true. That's just not
12:04:27 2 true. It's not believable.

12:04:31 3 **MR. FREEDMAN:** Your Honor, I think that there is a
12:04:33 4 wide range of departures, and I do think that even if the
12:04:36 5 Court doesn't think a mitigating role of 4 is appropriate, I
12:04:43 6 do think that at least 2 or 3 is appropriate, given Mr.
12:04:46 7 Paronyan's low-level role compared to the overall conduct of
12:04:49 8 false identities and false companies which he wasn't involved
12:04:53 9 in.

12:04:53 10 He's prepared to address the Court in terms
12:04:56 11 of his own wrongdoing. But his own wrongdoing stands apart
12:05:01 12 from the other defendants in that he had a real company with
12:05:05 13 real employees, and he did provide false information and used
12:05:10 14 some of the proceeds for improper purposes, but I think that
12:05:13 15 distinction is sufficient under the Guidelines for a
12:05:15 16 departure. I also think that it's relevant to the 3553
12:05:18 17 factor, which I'm happy to address if the Court would like.

12:05:22 18 **THE COURT:** Well, this is your opportunity, so
12:05:25 19 anything you say that might be helpful to your client is
12:05:29 20 welcome.

12:05:31 21 **MR. FREEDMAN:** Yes, Your Honor.

12:05:32 22 So whether or not it's a minor role departure
12:05:34 23 under the guidelines, I think it's important context for the
12:05:37 24 Court to consider. And as the Court can see in the
12:05:39 25 courtroom, Mr. Paronyan's community is here to show support.

12:05:43 1 **THE COURT:** He has a tremendous number of letters
12:05:45 2 which I've read, that are appended to your pleading.

12:05:50 3 **MR. FREEDMAN:** And those letters, I think, make
12:05:53 4 clear his circumstances and his remorse for this wrongdoing,
12:05:57 5 and they also relate to the issue of the loan. Because Mr.
12:06:02 6 Paronyan, as he will explain to the Court, had a legitimate
12:06:06 7 business with employees when the Corona virus occurred, and
12:06:10 8 he's not in any way justifying the embellished numbers or the
12:06:17 9 improper use, but the motivation at the outset in getting a
12:06:21 10 PPP loan was based on the hardship that his employees were
12:06:25 11 going to face if he had to lay them off. And I think that's
12:06:28 12 an important factor.

12:06:29 13 The letters also make it clear what a pillar
12:06:33 14 of the community he is and what a hard working family man he
12:06:37 15 is, and really paint this conduct as an aberration in his
12:06:39 16 life, which is further demonstrated by the remorse that he's
12:06:42 17 already shared with me on numerous occasions.

12:06:45 18 He's wanted to take responsibility from the
12:06:47 19 beginning of this case. He's here for sentencing. All of
12:06:51 20 that stance him, I think, in great contrast to some of the
12:06:55 21 other defendants who have denied responsibility, who have
12:06:58 22 even fled in certain instances.

12:07:01 23 Mr. Paronyan takes responsibility for his
12:07:04 24 wrongdoing, but it's an aberration in his life, and he has
12:07:08 25 shared that remorse with numerous members of the communities

12:07:11 1 already, trying to help them avoid the mistakes that he's
12:07:14 2 made.

12:07:15 3 The mistake that he's made is particularly
12:07:18 4 catastrophic for him because he's not a citizen and he faces
12:07:25 5 almost certain deportation as a result of that. And I think
12:07:26 6 that's probably the most important factor for the Court's
12:07:29 7 consideration under the 3553(a) factors, is that form of
12:07:32 8 punishment is really quite severe, and that's a form of
12:07:36 9 punishment that the Court can look at in deciding whether a
12:07:40 10 lengthy prison sentence is necessary.

12:07:45 11 Mr. Paronyan has recognized that fact all
12:07:48 12 along, and his decision to take responsibility for his
12:07:50 13 conduct and to make restitution and all of that is in light
12:07:54 14 of that hanging over his head.

12:07:56 15 But that's an extremely severe consequence
12:08:00 16 that is -- again, puts him apart from the other defendants in
12:08:04 17 this case, almost all of whom are citizens.

12:08:06 18 And so to the Court's point, it's not exactly
12:08:09 19 an apples-to-apples comparison of the guidelines to the
12:08:13 20 guidelines to the guidelines because Mr. Paronyan has a far
12:08:18 21 more -- or an equally serious form of punishment that is
12:08:21 22 remaining for him after the term of imprisonment.

12:08:24 23 And so I think whether it's under the
12:08:26 24 Guidelines through a minor role or whether it's through the
12:08:30 25 3553(a) factors, a 24 to 30-month sentence is more than is

12:08:34 1 necessary to punish Mr. Paronyan in light of the punishment
12:08:37 2 he's going to receive with deportation as well as his
12:08:40 3 circumstances and his role in this offense.

12:08:45 4 **THE COURT:** All right. Thank you, Mr. Freedman.

12:08:46 5 Mr. Paronyan, this is your opportunity to
12:08:48 6 address the Court.

12:08:49 7 **THE DEFENDANT:** Good morning, Your Honor.

12:08:52 8 First I want to apologize to the Court, to
12:08:54 9 the government, to friends, families, especially to my wife
12:08:58 10 and kids that I've been through this the past eight months.

12:09:03 11 I know my mistake. I made it. I'm not going
12:09:07 12 to deny it.

12:09:08 13 Before the pandemic happened, everything was
12:09:11 14 perfectly fine in my life. When the pandemic happened, I
12:09:15 15 panicked a little bit because I didn't want to let my
12:09:17 16 employees go, even though, yes, the application -- we lied,
12:09:25 17 we said we had 11 employees instead of five. I take that
12:09:28 18 responsibility. But for my defense, I don't want to say --
12:09:32 19 goes under my name, under my corporation's name. I didn't --
12:09:38 20 it wasn't a run-away with that money. It was under my
12:09:42 21 information. I was going to pay that money back regardless.
12:09:46 22 That's my -- I just want to clear that out.

12:09:53 23 I mean, I know what I've done is wrong. I
12:09:55 24 want to pay for it. I understand that. And -- if you can
12:10:00 25 please have -- just -- uh -- please take it out -- take it

12:10:09 1 easy on me, I need to stay out of -- pay that money back, go
12:10:15 2 with the immigration. That would be great.

12:10:21 3 **THE COURT:** Paul.

12:10:22 4 (Discussion off the record.)

12:10:43 5 **THE COURT:** Any legal cause why sentence should
12:10:45 6 not now be imposed?

12:10:47 7 **MR. FREEDMAN:** No, Your Honor.

12:10:48 8 **THE COURT:** All right.

12:10:48 9 **MS. AHN:** No, Your Honor.

12:10:49 10 **THE COURT:** Thank you.

12:10:51 11 Pursuant to the Sentencing Reform Act of
12:10:56 12 1984, it is the judgment of the Court that the defendant,
12:11:02 13 Edvard Paronyan, is hereby committed on Count Six of the
12:11:05 14 First Superseding Indictment to the custody of the Bureau of
12:11:08 15 Prisons for a term of 30 months.

12:11:11 16 Upon release from imprisonment, defendant
12:11:14 17 shall be placed on supervised release for a term of three
12:11:18 18 years under the following terms and conditions: One, to
12:11:22 19 comply with the rules and regulations of the U.S. Probation
12:11:27 20 and Pretrial Services order and Second Amended General Order
12:11:31 21 20-04.

12:11:35 22 He shall pay the special assessment and
12:11:38 23 restitution in accordance with this judgment.

12:11:42 24 He shall cooperate in the collection of a DNA
12:11:47 25 sample.

12:11:47 1 Is there any evidence of drug abuse? I
12:11:51 2 didn't see any in the --

12:11:53 3 I'm not going to include the drug component.

12:12:00 4 He shall comply with the immigration rules
12:12:03 5 and regulations of the United States; and if deported from
12:12:06 6 this country either voluntarily or involuntarily, not reenter
12:12:10 7 the United States illegally.

12:12:14 8 He's required to report to the Probation or
12:12:19 9 Pretrial Services Office while outside the United States
12:12:23 10 within 72 hours of release from any custody or any reentry to
12:12:30 11 the United States during the period of Court ordered
12:12:34 12 supervision. That reporting should be to the probation
12:12:41 13 office in this courthouse.

12:12:45 14 He shall not obtain or possess any form of
12:12:49 15 identification other than that in his true legal name.

12:12:53 16 He shall apply all moneys received from tax
12:12:57 17 refunds, lottery winnings, inheritances, judgments, and any
12:13:02 18 other financial gains to the Court ordered obligations.

12:13:06 19 He shall submit his personal property, house,
12:13:10 20 residence, vehicle, papers, other areas under his control to
12:13:15 21 a search conducted by a U.S. Probation Officer or a law
12:13:19 22 enforcement officer. Failure to submit to a search may be
12:13:21 23 grounds for a revocation. He shall warn any other occupants
12:13:25 24 that the premises may subject to searches pursuant to this
12:13:30 25 condition.

12:13:31 1 Any search pursuant to this condition will be
12:13:33 2 conducted at a reasonable time and in a reasonable manner
12:13:36 3 upon reasonable suspicion that defendant has violated the
12:13:41 4 condition of -- a condition of supervised release and the
12:13:45 5 areas to be searched contain evidence of a violation.

12:13:49 6 He's ordered to pay a special assessment of
12:13:53 7 \$100.

12:13:56 8 He's ordered to make restitution in the
12:13:59 9 amount of a \$130,187 to Celtic Bank; \$299,900 to the United
12:14:11 10 States Small Business Administration.

12:14:13 11 A partial payment of \$15,000 shall be paid
12:14:17 12 immediately.

12:14:21 13 Restitution shall be due during the period of
12:14:24 14 imprisonment at the rate of not less than \$25 per quarter
12:14:29 15 pursuant to the Federal Bureau of Prisons Inmate Financial
12:14:34 16 Responsibility Program. If any amount remains unpaid after
12:14:38 17 release from custody, nominal payments of 10 percent of his
12:14:42 18 gross monthly income but not less than \$500, whichever is
12:14:48 19 greater, shall be made during the period of supervised
12:14:51 20 release and shall begin 90 days after the commencement of
12:15:00 21 supervision.

12:15:01 22 The justification for the sentence is the
12:15:04 23 Court's calculation of the guidelines. I have done that, and
12:15:14 24 I have concluded the calculation should be 24 to 30 months,
12:15:19 25 not 27 to 33 months as the report indicates for the reasons I

12:15:26 1 stated.

12:15:26 2 I have also considered the sentencing factors
12:15:31 3 under 3553(a) for Title 18. And this sentence is necessary
12:15:38 4 to reflect the seriousness of the offense, to promote respect
12:15:43 5 for the law and to provide just punishment for the offense,
12:15:49 6 to afford adequate deterrence to criminal conduct and to
12:15:54 7 protect the public from further crimes of this defendant.

12:15:58 8 I've considered other sentences available,
12:16:02 9 and in the Court's view, having had an -- a thorough
12:16:15 10 education as to the facts of this case from the trial and
12:16:25 11 from the factual basis, the Court is satisfied that this is
12:16:31 12 the most appropriate sentence. That's the sentence.

12:16:34 13 I'll give him 30 days to self-surrender to
12:16:37 14 the designated institution.

12:16:39 15 **MR. FREEDMAN:** Your Honor, could I ask for a
12:16:41 16 recommendation that he be designated to a facility in
12:16:44 17 Southern California?

12:16:45 18 **THE COURT:** Yes, I will make that recommendation.

12:16:46 19 **MR. FREEDMAN:** And then, finally, could I ask for
12:16:48 20 an order that once he's surrendered, his Green Card may be
12:16:53 21 returned to me and that his bond be exonerated at that time.

12:16:57 22 **THE COURT:** What would you do with his Green Card?

12:16:59 23 **MR. FREEDMAN:** I will either hold onto it or make
12:17:04 24 arrangements to give it back to his wife. So if the Court
12:17:04 25 wants to order it to me or his wife, that's what I would do.

12:17:06 1 I surrendered it for him when he was first arrested.

12:17:10 2 **THE COURT:** What's the government's position on
12:17:12 3 the Green Card?

12:17:13 4 **MS. AHN:** As long as it happens after he is
12:17:15 5 remanded into custody, we have no --

12:17:18 6 **THE COURT:** I see. Then, I'll follow your
12:17:20 7 suggestion. And the bond will be exonerated upon surrender.

12:17:25 8 **MR. FREEDMAN:** Thank you, Your Honor.

12:17:38 9 **THE COURT:** Oh, yes, and any -- as a --

12:17:41 10 **MS. AHN:** Your Honor, the government moves to
12:17:43 11 dismiss the remaining counts of the indictment.

12:17:46 12 **THE COURT:** I'll grant that motion.

12:17:48 13 There is one other condition of supervised
12:17:50 14 release, and that should be that he submits to a DNA test.

12:17:57 15 **MS. AHN:** Yes, Your Honor. I believe Your Honor
12:18:00 16 ordered that.

12:18:00 17 **THE COURT:** I see. All right.

12:18:03 18 (Proceedings concluded.)
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C E R T I F I C A T E

I hereby certify that the foregoing is a true and correct transcript of the stenographically recorded proceedings in the above matter.

Fees charged for this transcript, less any circuit fee reduction and/or deposit, are in conformance with the regulations of the judicial conference of the united states.

/S/Anne Kielwasser

Anne Kielwasser, CSR, RPR
Official Court Reporter

10/20/2021
Date

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