

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:24-CR-00029-BP
	)	
ROXANNE NAZIR	)	
	)	
Defendant.	)	

DEFENDANT’S 18 U.S.C. § 3553 SENTENCING MEMORANDUM

Comes now the defendant, Roxanne Nazir, by and through counsel, Matthew T. Merryman, and respectfully moves this Court to consider a non-guideline sentence in this case and sentence Ms. Nazir to a sentence that reflects the factors outlined in 18 U.S.C. § 3553(a)(2)(A)–(D).

PROCEDURAL HISTORY

On October 3, 2024, Ms. Nazir appeared before this Court and changed her plea to guilty on Count VI of the Indictment. On December 27, 2024 the Presentence Investigation Report (“PSR”) was filed with this Court. Ms. Nazir’s sentencing is scheduled on February 12, 2025.

SUGGESTIONS SUPPORTING SENTENCE

In imposing any sentence, 18 U.S.C. § 3553 generally directs that the Court shall impose a sentence sufficient, but not greater than necessary. Among the factors for the Court to consider are the nature and circumstances of the offense, the history and characteristics of the defendant, the need to reflect the seriousness of the offense, promote respect for the law, provide just punishment, afford an adequate deterrence to criminal conduct, to protect the public from further

crimes of the defendant, and to avoid unwarranted disparities in similar defendants convicted of similar conduct. *See* 18 U.S.C. § 3553(a).

The advisory sentencing guidelines are one of several factors for the Court to consider, but a district court may not begin with the presumption that those guidelines are reasonable. *United States v. Alvizo-Trujillo*, 521 F.3d 1015, 1018–1019 (8th Cir.2008) (*citing United States v. Gall*, 128 S. Ct. 586, 596–597 (2007) and *United States v. Rita*, 127 S. Ct. 2456 (2007)).

INTRODUCTION

The criteria enumerated at 18 U.S.C. § 3553(a) constitute the controlling framework for sentencing. *United States v. Booker*, 543 U.S. 220 (2005). 18 U.S.C. § 3553(a)(2)(A)–(D) identify the factors to be considered in imposing a sentence as needing:

- A. to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment for the offense;
- B. to afford adequate deterrence to criminal conduct;
- C. to protect the public from further crimes of Ms. Nazir; and
- D. to provide Ms. Nazir with educational or vocational training, medical care, or other correctional treatment in the most effective manner, (A-D),

Other sentencing factors found in 18 U.S.C. § 3553 include: the kinds of sentences available; the sentencing guideline range; the sentencing policy statements; the need to avoid unwarranted sentence disparity; and the need to provide restitution.

The overarching provision of this framework that guides the district court’s evaluation of an appropriate sentence is limiting: the court must impose a sentence that is “sufficient, but not greater than necessary” to satisfy the statutory goals of sentencing. *Dean v. United States*, 137 S.Ct.1170, 1175 (2017); *Kimbrough v. United States*, 552 U.S. 85, 101 (2007). The parsimony

principle operates to set an independent limit on the sentence a court may impose. *See United States v. Defoor*, 535 F.3d 763, 764 (8th Cir. 2008) (parsimony doctrine provides that “sentence imposed should be the least severe sanction necessary to achieve the purpose of sentencing); *United States v. Martinez-Garragan*, 545 F.3d 894, 904 (10th Cir. 2008) (parsimony principle guides review of sentencing factors).

HISTORY AND CHARACTERISTICS OF MS. NAZIR

As detailed in the PSR, Ms. Nazir is a 39-year-old resident of Grand Prairie, Texas and the mother of two children. Ms. Nazir has significant ties to her community including her children and her elderly mother for whom she provides care. Ms. Nazir has no substance abuse issues or criminal history beyond traffic related offenses.

In April 2021, Ms. Nazir defrauded the Government out of \$20,830 by means of applying for a PPP loan for which she was not entitled. Ms. Nazir was aware that the funds represented the proceeds of illegal activity and she used those funds for personal gain.

Since this incident, Ms. Nazir has worked hard to focus on her strengths. Ms. Nazir has endeavored to maintain her current employment at Right at Home Healthcare in Arlington, Texas where she has worked since July 18, 2017. Ms. Nazir continues to be a mother and daughter as she prepares for this next chapter of her life.

According to the PSI, Roxanne’s sentencing guideline range is 0–6 months and she is eligible for 1 to 5 years probation. According to the PSI, a probation sentence is generally appropriate for Ms. Nazir.

Prior to this offense, Roxanne had only been charged with traffic related offenses. Roxanne requests this Court to consider a sentence that gives her an opportunity to prove that she

is rehabilitated and capable of continuing to be a successful member of her community and society without further incarceration.

**TO REFLECT THE SERIOUSNESS OF THE OFFENSE,
TO PROMOTE RESPECT FOR THE LAW,
TO PROVIDE JUST PUNISHMENT FOR THE OFFENSE**

Ms. Nazir pled guilty to the Class C felony of Wire Fraud. Ms. Nazir faces a significant penalty in this case. The United States of America and our collective society consider this to be a serious offense and Ms. Nazir has taken full and complete responsibility for her actions in this matter before this Court and her community.

An appropriate sentence will reflect the seriousness of the offense, promote respect for the law and provide just punishment for the offense. As stated above, Ms. Nazir has taken full and complete responsibility for her actions. Ms. Nazir is genuinely remorseful for her actions. Ms. Nazir has promoted respect for the law by accepting responsibility for her actions and timely notifying the government of her intentions to plead guilty and by working with the Government to plea to an Information. Further incarceration of Ms. Nazir will not provide just punishment for an individual fully committed to rehabilitating herself and those she has harmed. A probation sentence can accomplish the goal of deterrence. Studies have shown that “long sentences have little marginal effect on crime reduction through either deterrence or incapacitation.” National Research Council, J. Travis, et al., *The Growth of Incarceration in the United States: Exploring Causes and Consequences* 345 (2014). Instead, long sentences incur substantial costs and have been called an “inefficient way to prevent crime.” *Id.*

**TO AFFORD ADEQUATE DETERRENCE
TO CRIMINAL CONDUCT AND TO PROTECT
THE PUBLIC FROM FURTHER CRIMES OF MS. NAZIR**

Roxanne has no criminal history other than five traffic violations, five of which were for failure to have financial responsibility when she was a teenager. Since February 2024, Roxanne compliant with the Court's conditions for release and responsive to her pre-trial release officer. Roxanne acknowledged her guilt and accepted responsibility for her conduct. Roxanne has not given any indication that this offense is the beginning of a pattern of future criminal conduct and there is nothing in Roxanne's past, prior to this offense, that indicates she will commit future crimes of this or any other nature. Further incarceration of Roxanne will not generate adequate deterrence to criminal conduct or act to protect the public from further crimes because Roxanne has demonstrated to this Court she will not be engaging in future criminal conduct. A probation sentence will afford an adequate deterrence to criminal conduct and protect the public from further crimes while allowing Roxanne the opportunity to pay any restitution in a timely manner. The Court can sentence Roxanne to probation without further incarceration.

**TO PROVIDE MS. NAZIR WITH EDUCATIONAL OR
VOCATIONAL TRAINING, MEDICAL CARE, OR OTHER
CORRECTIONAL TREATMENT IN THE MOST EFFECTIVE MANNER**

Roxanne has demonstrated the ability to maintain employment as demonstrated by her continuous work history including her employment for Right at Home healthcare in Arlington, Texas since July 2017. Roxanne reported being a high school graduate and having received other degrees and certifications which have allowed her to pursue employment opportunities in home healthcare. The Court does not need to incarcerate Roxanne in order to provide her or encourage her to pursue educational or vocational opportunities. The Court can sentence Roxanne to a probation sentence without further incarceration. A term of probation can achieve the goals of

providing Roxanne with additional educational and/or vocational training while monitoring her employment and rehabilitation.

REHABILITATION

As discussed above, Roxanne has worked to maintain employment and continue her role as mother. Roxanne has demonstrated the behavior of one who is remorseful but also dedicated to her continued success.

DISPARITY

Ms. Nazir is unaware of any sentencing disparities in this case or in other cases with similarly situated defendants.

SENTENCING

The Court may sentence Roxanne to a period of incarceration of up to 20 years imprisonment and a fine of up to \$250,000 to be followed by a 3-year term of supervised release. Ms. Nazir is eligible for a term of probation of not less than 1 nor more than 5 years. Based on the above memorandum, Ms. Nazir respectfully requests this Court to sentence her to a term of probation.

CONCLUSION

The overarching provision of § 3553(a) that guides the imposition of a sentence emphasizes the need to impose a sentence that is “sufficient, but not greater than necessary.” *Kimbrough v. United States*, 128 S. Ct. 558 (2007). The statute as modified by *Booker v. United States*, allows judges “to tailor the sentence in light of other statutory concerns.” *Id.* (quoting *Booker*, 543 U.S. 220, 245–46 (2005)). The statute allows judges to consider circumstances that mathematical guidelines cannot. Considering the circumstances of Ms. Nazir’ case, her behavior while on bond, and in light of the court’s ability to correctly tailor a sentence and the criteria laid

out by 18 U.S.C. §3553, a probation sentence is both justified and more than sufficient to satisfy the goals of sentencing.

WHEREFORE, Ms. Nazir respectfully requests this Court to impose a sentence her to a term of probation.

Respectfully submitted,

/s/ Matthew T. Merryman

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ATTORNEY FOR DEFENDANT

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CERTIFICATE OF SERVICE

In accordance with FED. R. CRIM. P. 49(a), (b) and (d) and FED. R. CRIM. P. Rule 5(b), it is hereby CERTIFIED that on January 30, 2025, the foregoing motion was electronically filed and all parties were notified pursuant to the Electronic Case Filing System

/s/ Matthew T. Merryman

Matthew T. Merryman