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EDUARD GHIOCEL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE LARRY ALAN BURNS)

UNITED STATES OF AMERICA, Plaintiff, v. EDUARD GHIOCEL (1), Defendant.	**Case No.: 23-CR-650-1-LAB** **DEFENDANT'S SENTENCING MEMORANDUM** **DATE: November 20, 2023** **TIME: 1:30 p.m.**

TO: TARA MCGRATH, UNITED STATES ATTORNEY;
JESSICA SCHULBERG, ASSISTANT UNITED STATES ATTORNEY; AND
RYAN ALEJANDRIA, UNITED STATES PROBATION OFFICER:

Defendant EDUARD GHIOCEL (hereinafter "Mr. E. Ghiocel"), by and through his counsel, Roseline D. Feral, and pursuant to Local Criminal rule no. 32.1(a)(7), hereby submits Defendant's Sentencing Memorandum.

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I.

INTRODUCTION AND BACKGROUND

On April 11, 2023, the United States filed a one count Information against the Ghiocels charging them with 18 U.S.C. §1956 (h) [Conspiracy to Launder Monetary Instruments] and criminal forfeiture. Previously on February 10, 2023, the complaint charged Gabriel Ghiocel, Marius Ghiocel, Larisa Ghiocel, and Argentina Alexandru with violation of the same offenses. The instant case incorporates all of the incidents that occurred in different parts of the State of California. Some of the incidents have corresponding state court charges which are anticipated to be dismissed once the instant case is resolved.

On June 20, 2023 Mr. Ghiocel pled guilty to the one count Information.

II.

CURRENT CUSTODY STATUS

Mr. E. Ghiocel was taken into state custody on January 4, 2023, upon his attempted re-entry into the United States. The arrest warrant was initiated by the incidents contained in state court arrest warrant in case number CD297474 emanating from an incident that occurred on August 4, 2021 in San Diego, California, and are alleged as one of the predicate acts in the instant conspiracy. The Presentence Investigation Report references the incident and arrest of E. Ghiocel on January 4, 2023, at (Page 7: Paragraph 28) and (Pages 18-19: Paragraph 96) stating:" it appears this conduct (referring to the charges in CD297474) is related to the instant offense".

The attached San Diego Sheriff's Department's case summary for case number CD297474 indicates an arrest date of January 4, 2023 for an offense committed on August 4, 2021 (*See **Exhibit 1**: Case Information Display on Case Number CD297474).* The bench warrant in case CD297474 was issued on March 16, 2023 when Mr. E. Ghiocel was already in federal custody on the instant case. As such, Mr. E. Ghiocel

requests that he be granted additional credits for the period between January 4, 2023 to March 14, 2023, for a total presentence incarceration credits of 301 days.

III.
SENTENCING RECOMMENDATION

The plea agreement in this case contains the following application of the Guidelines:

Base Offense Level [USSG § 2S1.1(a)(2)/2B1.1]	22
Business of Laundering [USSG § 2S1.1(b)(2)(C)]	+4
Acceptance of Responsibility [USSG § 3E1.1]	-3
Appellate waiver [USSG § 5K2.0]	-4

Mr. E. Ghiocel requests additional variances and requests the Court to impose a twelve- months and 1 day sentence

IV.
SENTENCING MEMORANDUM
[ANALYSIS OF §18 U.S.C. 3553(a) FACTORS]

A. SOCIAL AND PERSONAL HISTORY

1. Social History of the ROMA People

The "ROMA" are an ethnic group of people who used to be called the "Gypsies". Their origins can be traced to the Indian Kings in the eleventh century A.D. who banned them from their native birthplace and thus condemned the ROMA to centuries of roaming without a country and subject to intense persecution by different governments at different times. When the ROMA arrived in Eastern Europe in the eleventh century A.D., their complexion was darker than the Europeans and they were called "Gypsies" because they were thought to have come from Egypt.

The story of the ROMA is replete with intense persecution at the hands of the various governments where the ROMA settled. Never did any government give these

people legitimacy by either accepting their presence or by granting them any public status or government services such as education and so forth. The ROMA, like many other displaced people, were enslaved throughout the ages, and sent to the concentration camps during World War II. The ROMA were victimized themselves as no government would accept them as theirs. Romania, where the Ghiocel family is from, did not abolish slavery until the late nineteenth century. The ROMA in Romania are very cellular in that they the people from the same family stay together and have very tight knot family relations. The ROMA are deeply spiritual people. Their music which resonates for most people throughout the world, tells the suffering of a people doomed to roam around from country to country with no real sense of belonging.

Some European governments, having recognized the effects of centuries of non-acceptance, have started conferring to the ROMA legal status in hopes of equalizing the centuries of disadvantage. The ROMA today are considered a "protected class" by both the United States Immigration Service and the International Community (*See* ***Exhibit 2****:* "*Human Rights on the Margins:Roma in Europe"*). The fact that the ROMA have survived as a "people" to the present, some consider it a sociological phenomenon because of the long- term extreme suffering they have endured and yet survived despite their suffering.

2. Eduard Ghiocel and His Family

The Ghiocel family comes from the are of Volcea in Romania. The family tried to seek asylum in Canada and in the United States during the pandemic years. The Ghiocel's asylum application in Canada was annulled when they left the country in violation of the asylum rules. Mr. and Mrs. E. Ghiocel, given their lack of education, were not aware of the requirements of the asylum system.

The prosecution has painted the Ghiocel family as if they are an "organized crime" family, organizing others. In fact, there is nothing organized or centralized about

any of the Ghiocel family activities. They are not related to the other ROMA cases, including that of Constantin Sandu, who comes from an entirely different part of Romania. The families from different villages, contrary to the government's assertion, do not mix together let alone organize their criminal activity together. They are independent groups who have no relation to one another other than being "ROMA".

Mr. E. Ghiocel is relatively a young man. At 48, he appears much older than his chronological age. He suffers from heart issues and high blood pressure. While incarcerated at GEO Detention Facility, he has been hospitalized for heart condition related conditions several times. The poor physical health is indicative of the harsh realities of Mr. E. Ghiocel's life growing up, lack of resources for medical prevention and care, and then just trying to survive the harshness of his existence.

Mr. E. Ghiocel hopes to be able to return to his country upon completion of his sentence on the instant matter. Mr. E. Ghiocel is remorseful and realizes how he has broken the trust of a country which has welcomed him and his family. While in custody, he has worked as a trustee and has received good evaluation (*See* ***Exhibit 3****: Western Detention Facility Work Performance Evaluation).*

B. OFFENSE CONDUCT

Mr. E. Ghiocel adopts the factual basis portion of his plea agreement, the Presentence Investigation Report (hereinafter "PSR"), and proffers the following additional facts:

Wire Transfers: $24,035.00- (16 transfers in 2020, one in 2021)

The Ghiocels sent $24,035.00 between February 2020 through October 2020, with one wire transfer in March 2021. The transfers occurred in increments of no larger than 2,000; some of the transfers were as little as $500. These sums were used by the rest of the family to support and provide for the hospitalization of the family's matriarch who was hospitalized in Romania due to her heart condition.

GABRIEL Ghiocel is the youngest son of the family. But he professes to be the "one who everyone listens to because he is the only one who is educated" (*See Declaration of Roseline D. Feral*). During the pandemic, the ROMA were brought to the United States by different immigration groups who helped the different families with their visa applications and their residency requirements. Thus, different groups of ROMA families were resettled to the Fullerton area of Los Angeles, where others playing at a higher level of criminal conduct, recruited them in different ways.

Employment Development Department (EDD): $32,250.00

GABRIEL Ghiocel was recruited by another ROMA person while barbequing at a park with his family. The person recruiting the Ghiocels, offered GABRIEL his services for obtaining COVID relief funds from the EDD. Later, two individuals came to the residence where Mr. And Mrs. Ghiocel were staying. The two individuals copied the information from their passports and collected $16,00.00 processing fee, $400 per person. GABRIEL ended with $28,350.00. Eduard GHIOCEL received $2,400 for the period of November 2020 through June 1, 2021. The document processing was completed by others as Mr. E. Ghiocel neither speaks not writes in English. Mr. E. Ghiocel does not contest the amounts, but rather, wishes to show the Court the extent of his involvement in the different aspects of the case.

Defense investigation has revealed that the EDD scheme was masterminded by an employee of the EDD who had a friend with a ROMA girlfriend who later recruited every one else. The parks were a fruitful recruiting grounds because during the pandemic, the Roma families would go to the parks with their families to take advantage of fresh air. It is unknown whether the government has been able to identify the mastermind or even arrested her.

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Grand Thefts Person: $143,600

Of the seventeen different counts of the thefts, Mr. E. Ghiocel was involved as a driver in only 3 of the counts. Mr. E. Ghiocel accepts the fact that he is responsible for the entire amount of the thefts committed by other members of his family.

Gold Exchange: $732,338 bought at Irvine Gold Mine

According to GABRIEL, he was buying the gold from Irvine Gold Mine and selling it to a David in the Los Angeles Jewelry Mart. GABRIEL would make a commission of no more than a thousand dollars. Had his cellular phone been allowed to be produced, it would have contained his text messages with David and David's estimate of the commissions GABRIEL would receive. GABRIEL abandoned the short-sell scheme because the price of gold increased to such a level that it was no longer possible to make any profit from its short-sale. GABRIEL took E. Ghiocel to show him the first time and Mr. E. Ghiocel used the funds from the thefts. After that first time, Mr. E. Ghiocel no longer participated because it was too complicated an endeavor for him to understand.

C. THE NEED FOR THE SENTENCE IMPOSED—

(A) To Reflect the Seriousness of The Offense, To Promote Respect for the Law, And to Provide Just Punishment for The Offense,
(B) To Afford Adequate Deterrence to Criminal Conduct;
(C)To Protect the Public from Further Crimes of The Defendant; And
(D)To Provide the Defendant with Needed Educational or Vocational Training, Medical Care, Or Other Correctional Treatment in The Most Effective Manner [18 USC 3553 (A)(2)]

A twelve- months- and- one- day sentence is long enough for a 48 -year- old man who will be deported upon completion of his sentence. The gravity of the charges, the media attention given to this case highlighting the ROMA people and holding them all responsible for the crimes of the others has been extremely harsh for Mr. E. Ghiocel. He has never served any sentence, let alone one this long, in his life **(*See Exhibit 4:*** *Police Clearance from Volcea County, Romania).*

A one- year long sentence is lengthy enough to not only punish Mr. E. Ghiocel but also to make an example of him for others who may be deterred by the seriousness of the U.S. law enforcement response to their unlawful activities.

The public's protection has been secured by the continuous incarceration of the Ghiocels. The public will be further protected by the certain deportation upon conclusion of the case.

Mr. E. Ghiocel's health is poor. He prays that he can see his family in Romania upon completion of his sentence. His heart condition, which appears to be hereditary given that other members of his family also suffer from the same ailment, is another factor the Court can consider in fashioning an appropriate sentence

V.
CONCLUSION

Mr. Eduard Ghiocel urges the Court to impose a just sentence that will not only punish and deter him from future criminal activity but will be uniform in its severity as to all the defendants similarly situated. A twelve- months and a day (12 months 1 day) would be appropriate given Mr. Eduard Ghiocel's background, his poor health, protected status of his people based on centuries long persecution, the collateral consequence of deportation and life-long exclusion from the country, his family ties, his lack of education and sophistication.

DATE: November 13, 2023

Respectfully submitted,
s/ *Roseline D. Feral*
ROSELINE D. FERAL
Attorney for Defendant
EDUARD GHIOCEL (1)