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14 IN THE UNITED STATES DISTRICT COURT
 15 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 16 WESTERN DIVISION

18 UNITED STATES OF AMERICA,
 19 Plaintiff,
 20 v.
 21 MARK RIDLEY-THOMAS, et al.,
 22 Defendants.

Case No. 2:21-cr-00485-DSF

**DEFENDANT MARK
 RIDLEY-THOMAS'S
 SENTENCING
 MEMORANDUM**

Date: August 21, 2023
 Time: 8:30 a.m.
 Courtroom: 7D
 Judge: Hon. Dale S. Fischer

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1 **I. INTRODUCTION**

2 Q. Ma'am, would you please tell us, did our client,
3 Dr. Mark Ridley-Thomas, pressure you in any way to
4 vote in support of this [telehealth] amendment?

5 A. No.

6 - *Sheila Kuehl*, Trial Tr. (Ex. A) at 2674:21-24.

7 Q. Did our client, Dr. Mark Ridley-Thomas, pressure you
8 in any way to vote in favor of this proposal [the telehealth
9 amendment]?

10 A. No.

11 - *Janice Hahn*, Trial Tr. at 2598:18-20.

12 Q. Bottom line, ma'am, you voted for this [the original
13 telehealth contract] because you thought it would be good
14 for the children of Los Angeles County?

15 A. I deeply believed that it would help the children,
16 especially those in our care.

17 -*Sheila Kuehl*, Trial Tr. at 2677:14-18.

18 Q. Would you please tell the jury why did you think this
19 [telehealth] amendment was a good idea?

20 A. ... So this was a motion to extend the contract, not put
21 any more money into it, but just to give them a longer
22 time to do more outreach like at places where kids really
23 were, like schools, and see if it would be increasingly
24 successful.

25 - *Sheila Kuehl*, Trial Tr. at 2674:25-2676:4.

26 *****
27

1 We are here because Dr. Mark Ridley-Thomas also supported the Telehealth
2 amendment. That is it. There is no evidence he sponsored the amendment because
3 he did not—Supervisors Barger and Solis did. There is no evidence he asked
4 anyone else to vote for it. And despite what the government claimed in its
5 Indictment, there was also no evidence at trial that Dr. Mark Ridley-Thomas
6 pressured anyone to support the amendment, including any staff. None. Instead,
7 multiple people testified that the normal procedures were followed. *See* Trial
8 Tr. 2545:17-2546:1 (senior deputy for human services and child welfare followed
9 normal procedures; not pressured); Trial Tr. at 2394:18-2395:15 (health deputy
10 followed normal procedures; not pressured). The evidence showed only that
11 Dr. Ridley-Thomas supported the Telehealth amendment along with all the other
12 supervisors. The jury found that support was corrupt. The jury, however, also
13 acquitted Dr. Mark Ridley-Thomas of 12 counts. Downward variances exist for
14 cases like this.

15 *****

16 Dr. Mark Ridley-Thomas has dedicated his life to serving the Los Angeles
17 community. More than 130 people submitted letters of support. They wrote about
18 some of the transformative things he has done for the community like rebuilding
19 Martin Luther King Jr. Hospital and forming the Empowerment Congress. They
20 wrote about how he took chances on people who may have been overlooked. They
21 wrote about how he listened, and about how they could count on him to respond
22 with action. They wrote about how he made it clear that he was invested in their
23 lives—be it by visiting every park and library in his district, or by spending
24 Sundays visiting sick constituents in the hospital. Above all, they wrote about how
25 lives in Los Angeles have been saved and forever changed as a result of his tireless,
26 decades-long commitment to service.

27 Nothing about those letters, Dr. Ridley-Thomas, or this case, is typical. This
28 is not a case about a public official diverting public funds for his own personal gain.

1 No one with the last name Ridley-Thomas made a dollar from the arrangement the
2 jury concluded constituted a bribe. The money at issue—a \$100,000 donation from
3 Dr. Ridley-Thomas’s ballot committee account—went to fund a non-profit devoted
4 to ensuring that the voice of African-American voters would be represented in
5 political polling. And the contract amendment Dr. Ridley-Thomas supported
6 extended a project expanding access to mental health care to a vulnerable
7 population in Los Angeles—a project that he spearheaded and had consistently
8 supported for years. The value of the bribe, and whether it even had a victim, is
9 unclear.

10 The atypical nature of this case and the profound impact Dr. Ridley-Thomas
11 has had on this community led the Probation Office to recommend a significant
12 variance from the Guidelines. The Court should consider these circumstances and
13 impose a significant downward variance.

14 **II. THE PROPER SENTENCING GUIDELINES RANGE IS 21 TO 27** 15 **MONTHS**

16 A district court must begin all sentencing proceedings by calculating the
17 applicable range using the United States Sentencing Guidelines (Guidelines).
18 While a court must consider the sentencing range for the offense of which a
19 defendant has been convicted, federal sentencing guidelines are effectively
20 advisory. *United States v. Booker*, 543 U.S. 220, 264 (2005); *see also* 18 U.S.C.
21 § 3553(a)(4)(A). In other words, a court “may not presume that the Guidelines
22 range is reasonable” and “must make an individualized assessment based on the
23 facts presented.” *Gall v. United States*, 552 U.S. 38, 50 (2007) (citation omitted).
24 Accordingly, after determining the applicable guideline and giving both parties the
25 opportunity to propose a sentence, a district judge must then consider the factors
26 laid out in 18 U.S.C. § 3553(a) to determine whether those factors support a
27 requested sentence. *Id.* at 49-50. A sentence should therefore reflect not only the
28 crime of which a defendant has been convicted, but also the defendant’s particular

1 circumstances. *See Concepcion v. United States*, 142 S. Ct. 2389, 2399 (2022). A
2 sentence should also be “sufficient, but not greater than necessary” to comply with
3 the purpose of sentencing. *United States v. Carty*, 520 F.3d 984, 989 (9th Cir.
4 2008); 18 U.S.C. § 3553(a).

5 **A. The Sentencing Guidelines and Guideline Policy Statements**

6 **1. The appropriate offense level**

7 Dr. Ridley-Thomas agrees with probation that his base offense level is 14.
8 He also agrees that a four-level increase applies because of his position as a Los
9 Angeles County Supervisor.

10 Dr. Ridley-Thomas submits that a two-level downward departure is
11 warranted here because of the pending zero-point offender amendment to the
12 Guidelines. Notice of Submission to Congress of Amendments to the Sentencing
13 Guidelines Effective November 1, 2023, and Request for Comment, 88 FR 28254-
14 01, 2023 WL 3199918 (May 3, 2023). The amendment will go in effect on
15 November 1, 2023. *Id.* Section 4C1.1 now instructs that a two-level downward
16 departure applies for zero-point offenders unless exclusionary criteria apply.¹
17 Because of Dr. Ridley-Thomas’s lack of any criminal history and because the
18 offense does not fit the exclusionary criteria, Dr. Ridley-Thomas respectfully asks

19 _____
20 ¹ (1) the defendant did not receive any criminal history points from Chapter Four,
21 Part A;
22 (2) the defendant did not receive an adjustment under § 3A1.4 (Terrorism);
23 (3) the defendant did not use violence or credible threats of violence in connection
24 with the offense;
25 (4) the offense did not result in death or serious bodily injury;
26 (5) the instant offense of conviction is not a sex offense;
27 (6) the defendant did not personally cause substantial financial hardship;
28 (7) the defendant did not possess, receive, purchase, transport, transfer, sell, or
otherwise dispose of a firearm or other dangerous weapon (or induce another
participant to do so) in connection with the offense;
(8) the instant offense of conviction is not covered by § 2H1.1 (Offenses Involving
Individual Rights);
(9) the defendant did not receive an adjustment under § 3A1.1 (Hate Crime
Motivation or Vulnerable Victim) or § 3A1.5 (Serious Human Rights Offense); and
(10) the defendant did not receive an adjustment under § 3B1.1 (Aggravating Role)
and was not engaged in a continuing criminal enterprise, as defined in 21 U.S.C.
848.

1 that the Court grant the downward departure. *See United States v. Ruiz-Apolonio*,
2 657 F.3d 907, 917 (9th Cir. 2011) (sentencing court has discretion to grant variance
3 from the Guidelines after promulgation but before adoption of a proposed
4 amendment); *United States v. Alexander*, 553 F.3d 591, 592 (7th Cir. 2009) (“judge
5 might be influenced by a proposed amendment to give a sentence below the
6 applicable guideline range”). Indeed, many courts and prosecutors are already
7 applying the downward departure in anticipation of it going into effect. *See United*
8 *States v. Dae Yong Lee, 940 Hill, LLC*, No. 2:20-cr-00326-JFW, Dkt. 1078, at 18-
9 19 (C.D. Cal. June 30, 2023); *United States v. Soong*, No. CR 22-00372 SI, Dkt. 41,
10 at 1-2 (N.D. Cal. Apr. 27, 2023) (government agreeing to a three-level variance in
11 light of pending amendment); *United States v. Curran*, No. 3:21-cr-00453-SI,
12 Dkt. 70, at 7 (N.D. Cal. July 7, 2023) (recommending downward variance in light
13 of zero point offender amendment).

14 The appropriate adjusted offense level under the Guidelines is therefore 16.

15 **2. Objection to the PSR’s upward enhancement**

16 **a. Standard of Review**

17 The government bears the burden of showing that an enhancement for loss
18 applies and the amount of such loss. *United States v. Lianidis*, 599 F.3d 273, 275
19 (3d Cir. 2010) (government bears burden of showing “benefit received”); *United*
20 *States v. Robles*, No. CR 04-1594 B SVW, 2015 WL 1383756, at *5 (C.D. Cal.
21 Mar. 19, 2015) (requiring government to produce evidence of net value of benefit
22 received). Although the preponderance of the evidence standard is generally
23 appropriate, courts may apply a clear and convincing standard when the
24 enhancement would have “an extremely disproportionate” effect on the sentence.
25 *United States v. Hopper*, 177 F.3d 824, 833 (9th Cir. 1999). The loss enhancement
26 calculated by probation increases Dr. Ridley-Thomas’s guidelines from 21-27
27 months to 78-97 months. As such, the Court should apply a clear and convincing
28 standard. *United States v. Robles*, No. CR 04-1594 B SVW, 2015 WL 1383756, at

1 *5 (C.D. Cal. Mar. 19, 2015) (applying clear and convincing standard when the loss
2 amount tripled the suggested sentence).

3 **b. Loss Amount Calculation**

4 The Presentence Report (“PSR”) recommends a 12-level upward
5 enhancement under § 2C1.1(b)(2) for a loss of \$530,323, the value of the
6 Telehealth Contract. PSR ¶¶ 58, 61. This is contrary to precedent and the
7 Guidelines commentary. *Stinson v. United States*, 508 U.S. 36, 45 (1993)
8 (Sentencing Guidelines commentary is given “controlling weight” unless the
9 commentary violates the Constitution or a federal statute or is plainly erroneous or
10 inconsistent with the regulation.); see *United States v. White Eagle*, 721 F.3d 1108,
11 1122 (9th Cir. 2013).

12 Courts must calculate the loss based on the “net value” of the benefit
13 received through the bribe, not the face value of the contract. See *White Eagle*, 721
14 F.3d at 1122 (improper to rest valuation decision on the face value of the loan and
15 not link its calculations to the “value of the benefit [defendant] received”). The
16 Guidelines also specify that simply choosing the face value of the government
17 contract to serve as the loss value is improper. See *id.* (“noting that where a
18 contract is awarded in exchange for a bribe, the “benefit” from the contract is the
19 profit made thereon, not the entire payment due under the contract”) (citing
20 U.S.S.G. § 2C1.1, cmt. n.3).

21 *United States v. White Eagle* is instructive. In *White Eagle*, the public
22 official received an expedited loan that appeared to have issued on better than
23 standard terms because of fraud. 721 F.3d 1108, 1122 (9th Cir. 2013). The Ninth
24 Circuit noted that the sentencing court failed to consider that (1) the defendant was
25 expected to repay the loan so relying on the face value was improper for
26 determining loss, and (2) it was unclear if the defendant would have received the
27 loan at all absent her co-conspirator’s intervention. *Id.* The Ninth Circuit
28 remanded the case for the sentencing court to instead calculate the “net value” of

1 the benefit received. *Id.*; see also *United States v. Lianidis*, 599 F.3d 273, 275 (3d
2 Cir. 2010) (“‘benefit received’ under § 2C1.1(b)(2) is the net value, minus direct
3 costs, accruing to the entity on whose behalf the defendant paid the bribe”); *United*
4 *States v. Ring*, 811 F. Supp. 2d 359, 375-76 (D.D.C. 2011)) (where defendant pays
5 a bribe for government contract, “value of the benefit” is the profit made on the
6 contract, not contract’s gross value).

7 *White Eagle* instructs that the face value of the contract should not serve as a
8 stand in for the “net value” of the benefit. Yet, that is precisely what the PSR did—
9 it chose the Total Contract Value of the Telehealth Contract without calculating the
10 net value. Instead, the Ninth Circuit instructs that courts must “link its calculations
11 to the ‘value of the benefit [defendant] received.’” 721 F.3d at 1122. The
12 Telehealth Amendment at issue here did not grant additional funds to USC. It only
13 extended USC’s ability to access funds for one year. See Ex. 576. The one-year
14 extension would allow the Department of Mental Health to continue to provide
15 telemental health services to at-risk youth through a partnership with USC’s School
16 of Social Work. *Id.* But it is unclear if any funds actually remained, nor if USC
17 received any profit on the contract or if, in fact, it lost money. The government
18 could have attempted to show loss by providing evidence of the amount of money
19 USC’s School of Social Work actually received because of Item 27, and any net
20 profit. See § 2C1.1, cmt. n. 3 (“A \$150,000 contract on which \$20,000 profit was
21 made was awarded in return for a bribe; the value of the benefit received is
22 \$20,000.”). The government chose not to do so.² The government does not even
23

24 ² Notably, the government’s own witness, John Clapp, testified that the maximum
25 amount of money USC could get from the Telehealth Amendment remained the
26 same as what was awarded for the original contract, and that if USC had already
27 been paid that maximum contract amount, USC would not get any additional
28 money from the contract amendment. Trial Tr. at 613:7-614:18; 647:25-648:3.
Mr. Clapp testified that he did not know if the Telehealth Amendment generated a
single dollar of revenue for USC. Trial Tr. at 647:25-648:3; see also *id.* at 612:21-
23 (Q. In fact, the amendment that was passed didn’t give USC any money at all,
did it? A. I don’t know.).

1 address *White Eagle* or the Guidelines commentary in its response to Dr. Ridley-
2 Thomas's objections to the PSR. *See* Dkt. 401 at 1-6. Moreover, the \$530,323
3 figure comes from the Department of Mental Health's recommendation in support
4 of the Telehealth Amendment, which stated: "There is no fiscal impact for this
5 extension of the agreement. The Total Contract Amount (TCA) will remain at
6 \$530,323 for the term of the agreement, fully funded by State MSHA
7 revenue." Ex. 576 at 3. Thus, it is simply unknown what, if anything, was paid to
8 USC's School of Social Work.

9 Moreover, *White Eagle* further notes that courts calculating the "net value"
10 should consider what would have happened had the co-conspirator not intervened.
11 721 F.3d at 1122; *United States v. Pena*, 268 F.3d 215, 221 (3d Cir. 2001) ("The
12 Court's task is to determine the difference between what did happen as a result of
13 the bribe and what would have happened if not [for] the bribe."). This analysis is
14 particularly important here where the evidence at trial showed that regardless of the
15 bribe, the Telehealth Amendment would have passed. The Telehealth Amendment
16 (Item 27) was sponsored, not by Dr. Ridley-Thomas, but by Supervisors Barger and
17 Solis. Ex. 577A; Trial Tr. at 1810:24-1811:1. It was on the consent calendar and
18 unanimously passed because everyone thought it was a good county motion to
19 approve. Trial Tr. at 2395:5-7; Trial Tr. at 1811:2-5 (Item 27 passed unanimously).
20 Both the contract and its amendment provided legitimate services that addressed,
21 according to Supervisor Kuehl, the "deep mental health needs that young people
22 had." *See* Trial Tr. at 2676:18-22, 2675:6-24, 2677:11-13 (describing contract and
23 amendment).

24 Before the vote on Item 27 occurred, each supervisor's health deputies met
25 and discussed the amendment. Trial Tr. at 2392:20-24, 2393:6-12 (health cluster
26 meeting to discuss Telehealth amendment); Trial Tr. at 2394:9-16 (board offices
27 excited about using telehealth services for vulnerable populations). Dr. Ridley-
28 Thomas's health deputy—prior to any discussion with Dr. Ridley-Thomas—met

1 with his health team to discuss the amendment and ultimately concluded that it
2 “aligned with the supervisor’s goals,” it “was a good program,” and was “run by a
3 good group at USC.” Trial Tr. at 2394:18-2395:8 (“we recommended that it be
4 approved, that the supervisor vote for it.”). Dr. Ridley-Thomas’s health deputy
5 independently approved of the amendment and recommended approval to
6 Dr. Ridley-Thomas. *Id.* The evidence shows that the Telehealth Amendment
7 would have passed regardless of the bribe, and it is impractical to calculate the net
8 value of the benefit received when considering the factors *White Eagle* and the
9 Guidelines instruct courts to consider.

10 The government may argue that the Court should use \$100,000 as the loss
11 amount. *See, e.g.,* Gov’t Sentencing Position for Def. Marilyn Flynn, Dkt. 387 at 7
12 & n.2. While the Guidelines allow courts to use the value of the bribe for the loss
13 calculation when the value of the benefit received is too impractical to determine,
14 there is also no evidence of the value of the bribe here. *See* § 2C1.1(b)(2); *see also*
15 *White Eagle*, 721 F.3d at 1122. Dr. Ridley-Thomas stands convicted not for money
16 he gained as a result of the bribe, but for money he lost—he donated \$100,000 from
17 his ballot committee account to help fund the salary of a United Ways of California
18 employee. This employee, Zaneta Smith, was a community organizer who was
19 hired to assist Sebastian Ridley-Thomas on a community project to educate African
20 American voters. *See* Trial Tr. at 2090:21-25 (funds used for salary of Z. Smith);
21 *id.* at 2566:10-25 (nonprofit work history), 2571:1-12 (hiring), 2572:15-23 (PRPI
22 work duties). The donation complied with state campaign finance law and
23 Sebastian Ridley-Thomas, who held only a volunteer director position, received
24 none of the funds.³ It is simply illogical to use the face value of the \$100,000 as
25 the value of the bribe *to* Dr. Ridley-Thomas when the money came *from*

26
27 ³ The project Sebastian Ridley-Thomas ran, the Policy, Research and Practice
28 Initiative (PRPI), received funding that was held by United Ways of California
outside of his control. *See* Trial Tr. at 2053:16-20 (discussing fiscal sponsorship).

1 Dr. Ridley-Thomas. *See, e.g., United States v. Abbott*, No. 19-cr-10117-IT, 2019
2 WL 4394934, at *3 (D. Mass. Sept. 13, 2019) (where moneys were passed between
3 the co-conspirators rather than “gained”, no loss shown); *see also United States v.*
4 *Abbott*, No. 19-CR-10117-IT, Dkt. 440, at 3-5 (D. Mass. Sept. 11, 2019) (Probation
5 Department noting that one can only use gain as a measure of loss when there is a
6 loss).

7 The government recognized that the money came from Dr. Ridley-Thomas
8 and instead argued that the bribe was not the \$100,000 itself, but the “secret
9 funneling” of that donation through USC. But the government never even tried to
10 place a value on the act of “secret funneling” because no such value could be
11 ascribed. *See White Eagle*, 721 F.3d at 1121 (“While the district court’s cryptic
12 statement gives little insight into its methodology, it appears that it valued the loan
13 modification using standard ‘loss’ calculations instead of focusing on the ‘value of
14 the benefit’ White Eagle received as the Guidelines require.”); *see also United*
15 *States v. Jeffrey Bizzack*, No. 1:19-cr-10222-DPW, Dkt. 34 at 56:14-57:5
16 (sentencing hearing transcript) (money “sloshing around” in accounts cannot form
17 basis for calculating a guideline because not comprehended by guidelines).⁴

18 Section 2C1.1(b)(2) requires a showing that the value of the benefit received
19 or the value of the bribe be over \$6,500 for an upward adjustment to apply. There
20 is no evidence showing that the net value of the Telehealth Amendment was over
21 \$6,500. There is also no evidence showing what value the \$100,000 donation,
22 which came from Dr. Ridley-Thomas’s funds, could have had when he chose to
23 donate the money through the transaction. Accordingly, Dr. Ridley-Thomas
24 respectfully submits that the properly calculated adjusted offense level is 16.

25
26 ⁴ The jury acquitted on the fraud counts predicated on Sebastian Ridley-Thomas’s
27 positions with USC, including his admission, scholarship and professorship. The
28 PSR also acknowledges that “there appears to be insufficient information that these
items were in connection with a bribe.” PSR ¶ 57; PSR ¶ 61. Thus, they cannot be
used as an alternative means to determine loss under 2C1.1.

1 Because he has no criminal history, the Guidelines range is 21-27 months.

2 **B. Section 3553 Factors**

3 Under 18 U.S.C. § 3553(a), the Court must “impose a sentence sufficient, but
4 not greater than necessary” to comply with certain sentencing purposes. These
5 include: the nature and circumstances of the offense and the history and
6 characteristics of the defendant; the need for the sentence imposed; the kinds of
7 sentences available; the sentencing range as calculated in Sentencing Guidelines,
8 Sentencing Guidelines policy statements, the need to avoid unwanted sentence
9 disparities among defendants with similar records who have been found guilty of
10 similar conduct; and the need to provide restitution to any victims of the offense.

11 Courts have long recognized that alternative sentences to guideline
12 imprisonment are appropriate for a number of reasons. *See United States v.*
13 *Perella*, 273 F. Supp. 2d 162 (D. Mass. 2003) (departing downward to a sentence of
14 probation for five years with six months of home detention for a bank robber
15 addicted to opiates who had no other criminal history, achieved “exceptional”
16 progress in beating his addiction, helped others battling addiction, and had positive
17 reports from every professional with whom he interacted); *see also United States v.*
18 *Walker*, 252 F. Supp. 3d 1269, 1306 (D. Utah 2017), *aff’d*, 918 F.3d 1134 (10th Cir.
19 2019) (departing downward to probation “any term of imprisonment in this case
20 would be counterproductive to sustaining [the defendant’s] extensive rehabilitation
21 and would deprive the community of [his] productivity and contributions.”). For
22 the following reasons, a downward variance is appropriate in this case.

23 **1. Section 3553(a)(1): The Nature and Circumstances of the**
24 **Offense and the History and Characteristics of the**
25 **Defendant**

26 **a. This is an abnormal bribery case**

27 The statute directs courts to consider the “nature and circumstances of the
28 offense” as well as the “history and characteristics of the defendant.” 18 U.S.C.
§ 3553(a)(1). This is particularly important when the federal crime, like mail fraud,

1 “can encompass a vast range of very different kinds of underlying conduct.”
2 *United States v. Booker*, 543 U.S. 220, 250-51 (2005). The offense here involved
3 bribery and honest services fraud, the latter of which the U.S. Supreme Court has
4 criticized for covering a “staggeringly broad swath of behavior.” *Sorich v. United*
5 *States*, 555 U.S. 1204 (2009).

6 This is not the prototypical corruption case. No lavish Las Vegas trips. No
7 cash in a paper bag. No illegal contributions from a wealthy donor. No money that
8 Dr. Ridley-Thomas received. The County did not lose any money because the
9 amendment at issue had no net county cost. The contract amendment to extend
10 Telehealth for one year extended the county’s ability to provide free telemental
11 health services to at-risk youth. It had the support of the Department of Mental
12 Health, which had previously requested that the Board of Supervisors grant it the
13 authority to extend the contract. DTX-1274. It had the support of all the
14 Supervisors and their health offices. Trial Tr. at 2394:4-16 (meeting with
15 Department of Mental Health and other board offices to discuss Telehealth).
16 Dr. Ridley-Thomas’s health deputy, Michael Hochman, M.D., remembered the
17 “enthusiasm” for the Telehealth program among the deputies for all the Supervisors
18 and that Item 27 was on consent, meaning it was approved as a matter of course.
19 *Id.* Both Supervisors Kuehl and Hahn testified that they were not pressured into
20 voting for it. Trial Tr. at 2674:21-24, 2598:18-20. And Supervisor Kuehl testified
21 that she “deeply” believed that the original contract would “help the children” of
22 Los Angeles County and that the amendment would allow the program “do more
23 outreach like at places where kids really were, like schools, and see if it would be
24 increasingly successful.” Trial Tr. at 2677:14-18, 2675:25-2676:4. This was a non-
25 controversial item that was unanimously thought to be a good idea.

26 Moreover, in this case involving bribery of a county official, it is noteworthy
27 that Dr. Ridley-Thomas derived zero financial benefit from the bribe. He lost
28 money. As the government put it, the bribe consisted of Dean Marilyn Flynn

1 “secretly funneling” the \$100,000 donation—money that originated from
2 Dr. Ridley-Thomas’s ballot committee account—from USC to United Ways of
3 California. But the donation complied with state campaign finance regulations and
4 neither Dr. Ridley-Thomas nor his son derived any personal financial benefit from
5 the donation. Trial Tr. at 2632:11-19, 2667:5-25 (donation complied with
6 campaign finance law); Trial Tr. at 2090:21-25 (donation for Z. Smith’s salary).
7 Dean Flynn derived no personal financial benefit from the donation. And neither
8 USC nor its School of Social Work lost any money from the transaction.

9 Section 3553 requires that the circumstances of the offense be considered
10 when evaluating an appropriate sentence. *See Gall v. United States*, 552 U.S. at 54
11 (noting that “‘sentence of imprisonment may work to promote not respect, but
12 derision, of the law if the law is viewed as merely a means to dispense harsh
13 punishment without taking into account the real conduct and circumstances
14 involved in sentencing.’”). The circumstances here must be considered as they vary
15 from bribery cases this Court has considered in the past. *United States v. Paradis*
16 involved a defendant who received over \$2 million in kickbacks and bribed
17 officials regarding a \$30 million contract.⁵ *United States v. Englander* involved a
18 councilman that lied and asked others to lie to the FBI about accepting thousands of
19 dollars in cash bribes and casino chips, hotel rooms, dinners, alcohol, luxury
20 vacations to Las Vegas and Palm Springs, and escort services.⁶ This is no such
21 case. Its closest analogues are the college admissions cases in which parents
22 crossed the line to help their kids. Those parents received sentences between one
23 year probation and 15 months imprisonment. *See Ex. B Investigations of College*
24 *Admissions and Testing Bribery Scheme*, U.S. Attorney’s Office, District of
25

26 ⁵ *See* Gov’t Sent’g Memorandum at 1-2, 4, *United States v. Paradis*, No. CR 21-
27 540-SB (C.D. Cal. June 13, 2013), Dkt. 42.

28 ⁶ Plea Agreement for Defendant Mitchell Englander, *United States v. Englander*,
No. 20-cr-00035-JFW (C.D. Cal. Mar. 27, 2020), Dkt. 24.

1 Massachusetts, (updated July 25, 2023).⁷

2 **b. The history and characteristics of Dr. Ridley-Thomas**
 3 **warrant a downward variance**

4 The Court also needs to consider the history and characteristics of the
 5 defendant. 18 U.S.C. § 3553(a)(1). And, in doing so, courts should consider
 6 whether the conduct at issue was aberrant. *See, e.g., United States v. Takai*, 941
 7 F.2d 738, 744 (9th Cir. 1991) (“entirely appropriate” to consider outstanding good
 8 deeds as a relevant factor in determining whether criminal conduct was a single
 9 aberrant act); *United States v. Howe*, 543 F.3d 128 (3d Cir. 2008) (variance based
 10 on “isolated mistake” in otherwise long and entirely upstanding life); *United States*
 11 *v. Davis*, No. 07-cr-727(HB), 2008 WL 2329290 (S.D.N.Y. June 5, 2008)
 12 (economic pressures prompted offense by first time offender who led otherwise
 13 upstanding life). Indeed, the Ninth Circuit and other courts frequently grant
 14 variances when the facts of the case diverge from the norm, including when the
 15 defendant has engaged in exceptional and outstanding civic and charitable
 16 contributions. *See United States v. Serafini*, 233 F.3d 758, 772 (3d Cir. 2000)
 17 (citing *Koon v. United States*, 518 U.S. 81 (1996)) (affirming district court’s
 18 recognition that downward departures for civic and charitable good works must be
 19 found to an exceptional degree). *United States v. Cooper*, 394 F.3d 172, 177 (3d
 20 Cir. 2005) (affirming a four level downward departure because of the defendant’s
 21 “hands-on personal sacrifices,” which included organizing and coaching a youth
 22

23 ⁷ Nearly all non-parent conspirators also received sentences of less than one year
 24 imprisonment. Of all defendants, including parents and conspirators in athletics
 25 and academics, nearly two-thirds were sentenced to three months or less of prison
 26 time, with many serving no time. Rick Singer, the mastermind of the racketeering
 27 conspiracy, received the highest sentence at 42 months.
 28 <https://www.justice.gov/usao-ma/investigations-college-admissions-and-testing-bribery-scheme#>; Tovia Smith, *Mastermind of the Varsity Blues College Admission Scandal is About to Learn His Fate*, NPR, <https://www.npr.org/2023/01/03/1146672235/varsity-blues-college-cheating-scandal-mastermind-rick-singer-sentence> (last accessed Aug. 2, 2023) (charting sentences and imposition of fines).

1 football team in a depressed area, mentoring youth, and assisting youth attend
2 college.).

3 This is such a case.⁸ Dr. Ridley-Thomas has made a historic impact in the
4 community. He has devoted decades to serving others, to empowering historically
5 silenced voices, to doing everything in his power to make Los Angeles a better
6 place. He is responsible for a host of programs—from the Empowerment Congress,
7 to the Blue Ribbon Commission, to Measure H, to Martin Luther King Jr.
8 Hospital—that have done just that. His work has changed and saved lives. But as
9 the letters make clear, he has also transformed many lives of people he has
10 interacted with on an individual level. There are people in this community who
11 were inspired to become public servants because of Dr. Ridley-Thomas. For
12 decades, he displayed a level of commitment to service that went above and beyond
13 any of his job descriptions. His sentence should reflect that.

14 (i) Background on Dr. Ridley-Thomas

15 Dr. Ridley-Thomas was born as one of three to a single mother in South Los
16 Angeles. When he was six years old, his mother was diagnosed with breast cancer.
17 In those days treatment was limited, and he watched his mother suffer from the
18 disease. She passed away three years later. Dr. Ridley-Thomas was in the third
19 grade.

20 The family's living situation changed after his mother's death. His
21 grandparents took Dr. Ridley-Thomas and his brother Michael in and raised them.
22 His older sister Toni went to live with their uncle Eugene, a pastor, and his wife.
23 Four months after his mother died, Dr. Ridley-Thomas's grandfather passed away
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25 ⁸ The government relies on unrelated documents in its sentencing memorandum
26 regarding a "Company A" that it claims engaged in "pay-to-play" conduct with Dr.
27 Ridley-Thomas. *See* Dkt. 400 at 10-12. The Defense's position has been
28 previously addressed in its Motion to Exclude Rule 404(b) Evidence at Dkt. 239,
which the Court granted. *See* Dkt. 242. As shown in that motion, Company A did
not donate to PRPI and Dr. Ridley-Thomas did not put forward an amendment from
Company A for the county motion.

1 of a heart attack, leaving his grandmother—who had recently become blind—to
2 raise him and his brother Michael.

3 Dr. Ridley-Thomas’s upbringing had an indelible impact on his decision to
4 devote his life to public service. In the wake of his mother’s and grandfather’s
5 deaths, the church became the glue that held everything together for Dr. Ridley-
6 Thomas. His older sister Toni walked him to church every Sunday. And he started
7 learning about how central the church was to the narrative for Black America
8 overall—the same central institution that was spared during the Watts riots of 1965.
9 Dr. Martin Luther King Jr. spoke at his church. He and other formative voices of
10 the time like Benjamin Hooks and Jesse Jackson were all trained seminarians.
11 They captured Dr. Ridley-Thomas’s imagination. By the time he was a freshman in
12 high school, he knew he wanted to be part of that tradition.

13 He attended Manual Arts High School near Exposition Park. He was a leader
14—he served on Student Council, was elected President of his senior class, and
15 participated in Southern League, a high school leadership group consisting of
16 members from various South Los Angeles schools. One of those members was
17 Avis Felice Ridley, who later became his wife.

18 After high school, Dr. Ridley-Thomas enrolled at Immaculate Heart College.
19 The small liberal arts school was the only California college that he applied to, and
20 he was accepted on scholarship. He helped develop the Minority Students
21 Coalition. Inspired by the former nuns who taught at the school, Dr. Ridley-
22 Thomas graduated with teaching credentials and began teaching full time at
23 Immaculate Heart High School for four years. At the same time, he began pursuing
24 a graduate degree in systematics, scripture, and ethics. He eventually chaired the
25 Department of Religious Studies at Immaculate Heart High School.

26 Dr. Ridley-Thomas’s next moved on to USC, where he eventually earned a
27 PhD in social ethics. A year later, in 1981, his brother Michael was murdered—
28 stabbed to death in his home in the Crenshaw district. Michael was 37 years old.

1 The same year, Dr. Ridley-Thomas was asked to become Executive Director of the
2 Southern Christian Leadership Conference (SCLC) Southern California office. He
3 was hesitant at first because of his comparably young age for the leadership
4 position, but it was a natural fit. SCLC had been established by Martin Luther
5 King Jr. and other civil rights activists in 1957 to coordinate and assist local
6 organizations working for full equality of African Americans in all aspects of life.
7 It conducted leadership training programs, citizen education projects, and voter
8 registration drives. Dr. Ridley-Thomas had been involved in the organization for
9 years. And he spent the better part of the 1980s working to strengthen it and
10 complete his dissertation.

11 When a seat opened on the LA City Council in 1991, Dr. Ridley-Thomas's
12 constituents urged him to run. He did. And he won, starting a political career that
13 would continue for the next three decades. He would serve three four-year terms on
14 the City Council, two terms in the State Assembly, one partial term in the State
15 Senate, before winning election to the Los Angeles County Board of Supervisors.

16 **(ii) Dr. Ridley-Thomas's Contribution and Impact**

17 It is nearly impossible to properly chronicle the improvements Dr. Ridley-
18 Thomas has made in the lives of his constituents. He was instrumental in
19 rebuilding and reopening the new Martin Luther King Jr. Hospital. He led the
20 charge in passing Measure H, a county-wide ballot measure approved in 2017 to
21 raise \$3.5 billion for homelessness services over a 10-year period. He helped create
22 the Blue Ribbon Commission on Child Protection, which led to a complete
23 overhaul and reform of the Department of Children and Family Services and the
24 way Los Angeles County cares for foster youth. He helped found the
25 Empowerment Congress, the region's most successful initiative in neighborhood-
26 based civic engagement. The list goes on. Though perhaps the best account comes
27 from the over 130 letters of support submitted by community members. The letters
28 overflow with anecdotes about the extraordinary impact Dr. Ridley-Thomas has had

1 on the Los Angeles community. Here are just a handful of examples:

2 I first met Dr. Ridley-Thomas almost forty years ago,
3 when he was one of our central leaders in the civil rights
4 movement, heading up the Southern Christian Leadership
5 Conference (“SCLC”). From the start, I was struck by his
6 constant compassion and deep commitment to social
7 justice reform, the community, and to working to get our
8 state to help. I saw then, as I saw during our many years
9 in public service together, that Dr. Ridley-Thomas led
10 with his heart, and cared deeply about improving the lives
11 of often marginalized people and communities. His work
12 then and subsequently was heavily influenced by his
13 deep faith and empathy.

14 *Sheila Kuehl* (Ex. C at 92)

15 We have personally experienced chronic illegal dumping
16 in the alley behind our house, once the dumping starts and
17 goes unaddressed it attracts more illegal garbage on top of
18 what is already there. Before City Council Member
19 Ridley-Thomas became our representative, whenever we
20 called the city, it took weeks to have the alley cleared and
21 eventually they stopped responding to the illegal
22 dumping. After the non-response I resorted to calling the
23 previous District 10 Council person’s office, it was rare if
24 I received a call back from that office. After calling
25 numerous times the Council person’s representative
26 claimed that it was my responsibility to clean/clear the
27 alley. The last thing I needed was the responsibility of
28 removing mountains of illegal dumping or paying a
fortune to have other people’s trash removed from the
public alley behind our home.

Just weeks after Council Member Ridley-Thomas began
his term, I called to discuss the illegal dumping. His
office asked for my address and a photo of the alley, the
next day the trash was gone. From that time forward
whenever I called the office the trash would be removed
immediately. That lasted until the staff was fired abruptly
by the Los Angeles City Council due to the Federal
charges lodged against the Council Member. For my

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family and my district, the elimination of our elected District 10 Council Member continues as a harsh, stark and infuriating experience.

Bridget Gordon (Ex. C at 69)

No one in our community has been a stronger advocate for these often overlooked kids. Mark has been a leader who has delivered major reforms in our community related to education, health care, the arts, the unhoused, at-risk children, and much more. Without his leadership and advocacy, and his skills as someone who knows how to bring diverse entities together to realize major projects, we would not have some of our community’s most important landmarks and initiatives, which include Martin Luther King Jr. Community Hospital, the SEED School [public college prep boarding school], Freedom Schools, a county roadmap for equity in the arts, Measure H to increase services for the unhoused and the Blue Ribbon Commission on Child Protection with its legacy of important reforms.... For thirty years, I have seen but a small portion of Mark’s extraordinary achievements. He has fought honorably with everything he has to provide needed services and equitable treatment to LA’s poorest communities and its most at-risk children. His strong record of decades of service and sacrifice speak volumes about the kind of man that he truly is.

Aileen Adams (id. at 10, 12)

I am a pastor who works outside the bounds of the local church, primarily to the fallen, the addicted, the indigent, the abused, and incarcerated women. Mark has been a source of encouragement to me and a vast integrated system of women who I work with from various occupations, organizations, and backgrounds.... Mark always made the time, whenever possible, to personally attend and address the needs affecting our children, youth, and families. He has been a consummate source of encouragement. His unwavering advocacy for mental health services has helped our network of women provide proactive intervention in helping women who are in a

1 tremendous battle for their lives. Mark’s passion for the
2 people he serves also provoked him to champion the fight
3 to reopen Martin Luther King Hospital which serves not
4 only as a trauma center, but also provides comprehensive
5 medical care for the underserved community.

6 *Dr. Beverly Crawford (Ex. C at 42-43)*

7 Before Mark Ridley-Thomas was elected to the Los
8 Angeles County Board of Supervisors (BOS) in 2008, I
9 met with him to describe the unacceptable conditions
10 experienced by the more than 3,000 incarcerated youth
11 detained in the halls and camps supervised by the Los
12 Angeles County Probation Department. I wondered what
13 would happen after the election was held. I should never
14 have doubted the future. Soon after he was elected,
15 Supervisor Mark Ridley-Thomas focused on this crisis,
16 visiting these grim and dysfunctional facilities and talking
17 directly with youth who had been deeply affected by the
18 abusive practices they encountered. This was not an
19 engagement of a few months. MRT – as he is well-
20 known – began what was to be a passionate and dedicated
21 12-year effort to attract quality leadership and reform the
22 system which was harming most of the youth under the
23 “care” of the Probation Department. I worked with him
24 weekly and sometimes daily when I was a Commissioner
25 of the LA County Commission for Children and Families,
26 a member of the CSA- what is now known as the Board
27 of State and Community Corrections, and as a member of
28 the State Advisory Committee on Juvenile Justice.... The
long-term commitment of this man to these young people
and their families has been extraordinary. He is the
embodiment of compassion and leadership – a man who
works for the marginalized, the homeless and the youth of
LA County. I admire him profoundly for his dedication
and his integrity.

Carol Biondi (Ex. C at 27)

I can say with confidence that MLK Jr. Community
Hospital simply would not exist but for the work of Mark
Ridley-Thomas. Throughout my dealings with him, he

1 was always committed to ensuring the Hospital would
2 operate independently with the sole focus of providing
3 high quality care to its patients. He always insisted that
4 politics not intrude into the Hospital's operations and that
5 we remain focused on quality. He was at all times honest,
6 sincere, genuine, and mission driven. His focus in our
7 dealings was always on the Hospital, its success, and the
8 needs of the community, and not on his personal self-
9 interest.

Manuel Abascal (id. at 5)

10 When I joined the [Empowerment Congress] the year
11 after it was founded by MRT, I did so without hesitancy
12 because it just made sense as a mechanism for partnership
13 between the elected official's office and the constituents.
14 But after being involved for several years, I wondered...
15 since it is so right, why didn't other elected officials
16 organize similar grassroots partnering organizations? So, I
17 asked another elected official (that will remain nameless)
18 why no others were doing it. He replied that most
19 politicians are scared to death of organizing an army of
20 constituents that not only might groom potential
21 competitors but also would constantly hold them
22 accountable! But those personal hazards were never an
23 issue for MRT because he is always insistent on doing
24 what is right by the people.

Harry McElroy (id. at 110)

25 Mr. Ridley-Thomas was working to provide support for
26 vulnerable Children and Older Adults who had suffered
27 losses during the riots. There was tremendous damage to
28 physical structures as well as widespread psychological
trauma caused by the violence. I saw it and felt it every
time I drove to USC; burned out structures surrounded the
school. Mr. Ridley-Thomas's efforts toward rebuilding
and his nonviolent message gained my admiration and
support.

Wendy Goldman (Ex. C at 67)

1 My family and I have directly benefited from many of the
2 amenities that Mr. Thomas brought to our neighborhoods.
3 For example, Mr. Thomas has brought parks, hiking trails
4 and sponsored outdoor events for the community like
5 movie nights at local parks. These parks and hiking trails
6 that Mr. Thomas has commissioned and championed have
7 beautified our communities and have created beautiful
8 spaces that did not previously exist in South Los Angeles.
9 Consistently, Mr. Thomas not only talked about great
10 ideas but brought those great ideas to fruition.

11 *Banch Abegaze (id. at 9)*

12 One of the first specific improvements I recall my mom
13 and her neighbors accomplishing with Mark's help was
14 the closing of the alley running behind their homes on
15 91st Street. My mom had complained for years that the
16 alley had become such a haven for nighttime drug
17 dealing, prostitution, and other criminal activity, as well
18 as a dumping ground for people's waste, that she couldn't
19 go into her backyard after dark and was afraid to go to
20 sleep at night. Not only was the alley sealed off, but it
21 was cleaned up, and planted with grass and flowers,
22 becoming a mini park to be enjoyed by the residents
23 instead of feared. The pilot project was such a success
24 that Mark's colleagues on the city council agreed to
25 replicate the project in other alleys.

26 *Rosalie Penner (Ex. C at 128)*

27 On a personal level, I experienced 21 years homeless, 21
28 years using drugs, out of my mind and many times
29 arrested. He helped me immensely. He and his staff
30 always listen attentively to the issues I'd bring to their
31 attention and actively work towards finding a solution.
32 The compassion and empathy that Ridley Thomas shows
33 towards the less fortunate is truly remarkable. It was the
34 voices of those of us with lived experience.

35 *Reba Stevens (id. at 156)*

36 Just as one example, Mark spearheaded what became
37 permanent funding throughout the entire City of Los
38

1 Angeles for domestic violence shelters in order to meet
2 the dire and growing need. That initiative alone, in our
3 estimation, has saved the lives of thousands of families
4 impacted by terrible acts of violence and abuse, sexual
assault and exploitation, including even to infants.

5 *Ronald Troupe, Carol Adelkoff (id. at 168)*

6 Through multiple elected offices, MRT worked to
7 develop a forum to address problems in South Los
8 Angeles through his Empowerment Congress. This
9 wonderful effort to provide a forum for citizens to voice
10 their opinions of how local government can better meet
11 their needs was very inspiring. Among the many
12 outcomes were his tireless effort to successfully rebuild
13 the Martin Luther King Hospital. No one else has done
that. No one else has had the vision and the stamina to
mobilize a community to reach those levels of
participation, and sadly no one else may continue that.

14 *Michael Watanabe (id. at 176)*

15 [I]n my 40-year career in electoral politics, I have never
16 seen a leader more determined and driven than Dr.
17 Ridley-Thomas to tackle such an overwhelming human
18 crisis [homelessness]. Nobody thought he would be
19 successful, and he alone led the effort in a very
20 challenging campaign. To everybody's surprise –
21 including my own, and I served as campaign consultant –
22 Measure H earned 69.34% of the vote. Because of Dr.
Ridley-Thomas' passion to serve those most in need, tens
of thousands of people without homes received essential
services, shelter, and/or permanent supportive housing.

23 *Steve Barkan (Ex. C at 22)*

24 But in addition to serving and impacting the Los Angeles community at
25 large, Dr. Ridley-Thomas has also positively impacted lives on an individual level.
26 Letters from former employees abound with examples of his mentorship and
27 loyalty. And letters from constituents illustrate his consistent commitment to
28 showing up—whether it be delivering food to those in need, walking

1 neighborhoods and talking to individual constituents, or visiting folks in the
2 hospital.

3 On any given Sunday after leaving 1-2-3 different church
4 services in his district, you will find him in hospitals
5 visiting constituents who are sick. . . . Most touching and
6 revealing about his true character, is that while his life has
7 been turned upside down with this case, he still finds time
8 to comfort and offer support to others.

Bev Rowe (Ex. C at 147)

9 I have witnessed Ridley-Thomas walking neighborhoods
10 with his constituents who complained of gangs and other
11 nuisance activities in their neighborhood. Ridley-Thomas
12 personally delivered food to homebound Seniors who
13 were hungry. He supported parents who could not afford
14 to participate in their High School students' college tours.
15 Ridley-Thomas brought an unprecedented level of
16 sensitivity, responsiveness and commitment to his
17 constituents and the people of Los Angeles County.

Mary Jones (Ex. C at 87)

18 When he first became a Supervisor, Dr. Ridley-Thomas
19 toured every single park and library in the Second
20 District. He understood that while many individuals
21 encountered local government in times of distress –
22 at our hospitals, when taxes were due, when interacting
23 with our justice system – the public sector could
24 also play a significant role in enhancing the quality of life
25 of residents by creating spaces for learning, for
26 recreation, and for joy, which was especially important
27 within communities impacted by high rates of
28 poverty, which he disproportionately represented. He
instilled in me that it was my responsibility, as his
representative, to ensure that public spaces in the district
were inviting and well-maintained. We wanted
our constituents to feel valued by creating dignified
spaces for them to spend time in.

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I have had the opportunity to work for elected officials and within government agencies for the entirety of my career. I have yet to work with another leader that embodies the skills, values and work ethic of Dr. Ridley-Thomas, nor have I seen a public servant have such a profound impact.

Karly Katona (id. at 88-89)

Dr. Ridley-Thomas gave me my first government job. He believed in me—this teen-mom who was destined to continue the generational cycle of poverty, with no college degree, but a resilience and strong ethic to stand up for people like me. This is what Dr. Ridley-Thomas’s policy-making approach and advocacy was based on. This energy of diligence, commitment, trust and ability to bring the very best out of anyone who met him and knows him.

Rachel Barbosa (Ex. C at 21)

In addition to the examples above, consider the case of Mohammed Al-Rawi. Mr. Al-Rawi was an Iraqi refugee who came to Los Angeles in 2010 in search of a better and safer life for his family. In Iraq, he helped American journalists report on the war and eventually helped establish the Los Angeles Times bureau in Baghdad. Upon arriving in Los Angeles, he needed a job. His colleague helped get him a lunch to meet Dr. Ridley-Thomas where Mr. Al-Rawi asked him directly for a job. Dr. Ridley-Thomas gave Mr. Al-Rawi a job on the spot. Over the years, Mr. Al-Rawi went on to reform the County’s technology systems. Like so many others, he credits Dr. Ridley-Thomas for his transformation, noting that he “inspired leaders like me to become devoted public servants and, like he did, work tirelessly to provide the best public service our communities deserve.” Ex. C at 13-16.

And, of course, Dr. Ridley-Thomas has, for the duration of his time in public office, remained a committed and dedicated husband and father of two. As his

1 daughter-in-law, Shaunicie Ridley-Thomas stated in her letter of support:

2 [T]o our family, he is more than MRT the politician – he
3 is ‘grandad’ to my three young children Duke (6), Maya
4 (3) and Miles (1). He is the person who methodically
5 removed the training wheels from Duke’s first bike and
6 urged him to keep trying until he found his balance and
7 rode on his own. He’s the grandad who sparks glee in
8 Duke’s face when he picks him up for a haircut and
9 quality time together....

10 My own father passed away when I was in my teens, so
11 MRT is the only living grandfather my children have.
12 MRT helps fill that void by showering them with love,
13 affection, and instilling wisdom about the importance of
14 strong moral character and integrity. And he has been a
15 father figure to me, providing unending support, care, and
16 guidance as I’ve navigated my legal career.

17 Ex. C at 2.

18 Mrs. Avis Ridley-Thomas, his wife of over forty years, writes:

19 Having known him since childhood, I have had the honor
20 of being his wife for nearly 44 years. He is an
21 exceptional father, caring and constantly concerned about
22 the well-being of our children and grandchildren. Our
23 children seek his counsel and express admiration for his
24 commitment to them and our grandchildren.

25 As both a community member and his wife, I can say that
26 my husband has demonstrated the qualities that I wish
27 everyone could expect in a life companion; he is kind,
28 compassionate and committed. He is a man of integrity.
Some years ago, I fell quite ill, *two* of my nurses actually
cried in my presence stating that they had never witnessed
a person so dedicated to the care of another as my
husband demonstrated to me. It still brings tears to my
eyes to think about that.

Ex. C at 1.

2. Section 3553(a)(2): The Need for the Sentence Imposed

Courts consider several statutory factors when determining the need for the sentence imposed. These include the need: “(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 U.S.C. § 3553(a)(2).

There is no need to incarcerate Dr. Ridley-Thomas to protect the community. He has been in the public eye for decades. His reputation was built on ethical community empowerment. The shame of his convictions is punishment and provides ample specific deterrence. With the felony convictions, his service in public office is over. He has lost his city council position and may lose his pension. Now nearing 70 years of age, he faces a desperately uncertain financial future. And a lengthy sentence is not needed to protect the public. As Probation noted in its recommendation letter, “[t]he likelihood of Ridley-Thomas committing another related offense appears to be extremely low given that he no longer holds a public position and there is no information that his wrongful actions over his lifetime extended to other activities...” Disclosed Recommendation Letter, Dkt. 389 at 5.

3. Sentencing Disparities

“Congress’ basic statutory goal—a system that diminishes sentencing disparity—depends for its success upon judicial efforts to determine, and to base punishment upon, the *real conduct* that underlies the criminal conviction.” *Booker*, 543 U.S. at 250. The Guidelines instructs courts to consider “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.” 18 U.S.C. § 3553(a)(6).

1 **a. Sentencing disparity related to Dean Marilyn Flynn’s**
2 **sentence of 36 months’ probation**

3 In assessing Role in the Offense, the Probation Officer found in the PSR that
4 neither Dr. Ridley-Thomas nor Dean Marilyn Flynn exerted any authority or
5 control over the other, that their involvement was mutually beneficial, and their
6 culpability was similar. PSR ¶ 67. From that standpoint, there is little rationale for
7 a vastly disparate sentence between the two especially where Dr. Ridley-Thomas
8 was found not guilty by the jury on 12 counts, including the ones referencing the
9 benefits to his son.

10 Given that Dean Flynn has been sentenced to probation and no time in
11 custody, a sentence involving multiple years in prison for Dr. Ridley-Thomas
12 would seem excessively and unduly disproportionate. Both individuals have highly
13 favorable, exceptional backgrounds defined by a lifetime of good works and no
14 prior problems with the law. The interest of avoiding unwarranted disparity among
15 like offenders strongly militates here for a sentence of little or no imprisonment.

16 As explained above, Dr. Ridley-Thomas’s guideline range is 21-27 months.
17 In light of the good life he has led; the exceptional contributions he has made to
18 helping others; the highly unusual, nuanced, and mitigating nature and
19 circumstances of the offense; and the health issues referenced in the PSR; a
20 variance from a low-end guideline sentence of 21 months to a non-incarceratory
21 term of probation, with substantial home confinement, community service, an
22 appropriate financial penalty, and any other punitive and restorative conditions that
23 the Court deems fit is fair and reasonable and meets all the requirements of Section
24 3553.

25 While the government argued that Dean Flynn’s early guilty plea warranted a
26 shorter sentence, suggesting that Dr. Ridley-Thomas engaged in “frivolous
27 litigation” that wasted the government’s time, *see* Dkt. 387 at 12, a defendant is
28 guaranteed the constitutional right to a trial. “To punish a person because he has

1 done what the law plainly allows him to do is a due process violation of the most
2 basic sort.” *United States v. Goodwin*, 457 U.S. 368, 372 (1982) (internal citation
3 omitted). Dr. Ridley-Thomas chose to exercise his constitutional right to trial on a
4 very close case. The jury deliberated for five days, submitted eight questions on the
5 jury instructions to the Court, and acquitted on 12 of the 19 counts. A just sentence
6 must consider whether imposing a significantly different sentence from that
7 imposed on Dean Flynn lends to the appearance of vindictiveness for proceeding to
8 trial.

9 **b. Sentencing disparity with other corruption defendants**

10 A sentence of probation is further warranted based on the sentences imposed
11 on convicted politicians in other high-profile corruption cases that have drastically
12 different personal motives:

- 13
- 14 • Federal prosecutors for the Central District of California asked for a sentence
15 of 18 months for Paul Paradis, former Special Counsel to the City of Los
16 Angeles, who was the mastermind behind three bribery schemes in a multi-
17 pronged collusive litigation that cost ratepayers of the Department of Water
18 and Power tens of millions of dollars. *See* Gov’t Sent’g Memorandum at 1-2,
19 4, *United States v. Paradis*, No. CR 21-540-SB (June 13, 2013), Dkt. 42.
20 Paradis received over \$2 million in kickbacks from an Ohio attorney he
21 personally chose to be involved in the collusive litigation; he bribed a DWP
22 official regarding a \$30 million “no bid” contract, and bribed a DWP Board
23 Member by providing free legal services to secure his vote for the contract.
24 *Id.* at 4-9, 19. The scheme led to multiple extortion plots to conceal the
25 collusive litigation, and Paradis set up a shell company, lying about the
26 purpose of the company, to hold his illegal kickbacks. *Id.* at 1-2, 15. He
27 corrupted people who never would have been arrested, prosecuted,
28 incarcerated and disgraced but for Paradis seducing them with gratuities,
flattery, and the promise of high-paying future jobs with one of his
companies. The government argued for a 16-level downward departure and
variance because, although Paradis masterminded the scheme in the first
place and illegally received millions in city dollars, he cooperated with the
government. *Id.* at 10.
 - In *United States v. McDonnell*, the governor of Virginia was convicted after
trial of eleven counts relating to his acceptance of donations, including a

1 \$20,000 designer clothing shopping trip for his wife, a \$50,000 loan, a
2 \$15,000 gift to help pay for his daughter's wedding, and a Rolex watch for
3 himself. *See McDonnell*, 579 U.S. at 557-59. In competing filings,
4 McDonnell asked for a non-custodial sentence consisting of 6,000 hours of
5 community service, and the government requested a Guidelines sentence of
6 121 to 151 months of imprisonment. *See* Def. Robert F. McDonnell's Sent'g
7 Memorandum, *United States v. McDonnell*, No. 14-cr-00012-JRS (E.D. Va.
8 Dec. 23, 2014), Dkt. 582; *see also* Response of the United States to Def.'s
9 Sent'g Position, *United States v. McDonnell*, No. 14-cr-00012-JRS (E.D. Va.
10 Dec. 30, 2014), Dkt. 596. The court imposed a sentence of 24 months'
11 imprisonment—an 80 percent downward departure from the bottom of the
12 Guidelines recommendation for someone who corrupted the highest office of
13 the State of Virginia. *See* Amended Judgment in a Criminal Case, *United*
14 *States v. McDonnell*, No. 14-cr-00012-JRS (E.D. Va. Jan. 13, 2015), Dkt.
15 627.⁹

- 16 • In *United States v. Inzunza*, a former San Diego city councilman was
17 convicted of multiple counts of extortion, honest services wire fraud, and
18 conspiracy to commit honest services wire fraud for accepting thousands of
19 dollars from a strip club owner in exchange for efforts to repeal city
20 regulations that governed strip clubs. *See* Indictment, *United States v.*
21 *Inzunza et al.*, No. 03-cr-02434 (S.D. Cal. Aug. 28, 2003), Dkt. 1; *see also*
22 Verdict, Dkt. 469. Inzunza was ultimately sentenced to 21 months in prison.
23 *Id.*, Dkt. 554.
- 24 • In *United States v. Englander*, a former LA city councilman lied, and
25 counseled others to lie, to the FBI about accepting thousands in cash and
26 casino chips, hotel rooms, dinners, alcohol, luxury vacations to Las Vegas
27 and Palm Springs, and escort services. Plea Agreement for Defendant
28 Mitchell Englander, *United States v. Englander*, No. 20-cr-00035-JFW (Mar.
27, 2020), Dkt. 24. Englander was permitted by the government to resolve
his case through a guilty plea to a violation of 18 U.S.C. § 1001(a)(1). *Id.*
He received a fourteen-month sentence. Judgment and Commitment Order,
United States v. Englander, No. 20-cr-00035-JFW (Jan. 25, 2021), Dkt. 62.

25 These cases provide important bases for comparison. Each of these cases
26 involve the sentencing of central figures influencing local or state government. In

27 ⁹ The Supreme Court eventually vacated the judgment in *United States v.*
28 *McDonnell*, 579 U.S. 550 (2016).

1 each, the corruption is blatant: the official personally accepted money and/or lavish
2 gifts for political acts. In the *Paradis* case in particular, the official was responsible
3 for the loss of millions of city dollars. These cases are vastly different from the
4 instant one. Dr. Ridley-Thomas received zero financial benefit for his offense. The
5 county motion he supported would have passed regardless; it was non-controversial
6 and every supervisor voted for it. In each of the above cases, the court departed
7 significantly downwards (or the government requested it). It would be a travesty of
8 justice if Dr. Ridley-Thomas received a sentence above that imposed on much more
9 serious offenders.

10 **c. Statistical comparison to other corruption defendants**

11 According to the U.S. Sentencing Commission, the average sentence length
12 for “bribery/corruption” for the past five reported years (2018, 2019, 2020, 2021,
13 2022) was 20 months, and the median sentence length was 12 months. Within the
14 Central District of California, under the § 2C1.1 Guideline, the average sentence
15 length was 21 months, and the median length was 14 months.¹⁰

16 **III. CONCLUSION**

17 There is a longstanding tradition in American law, dating
18 back to the dawn of the Republic, that a judge at
19 sentencing considers the whole person before him or her
20 as an individual. In line with this history, federal courts
21 today generally exercise a wide discretion in the sources
22 and types of evidence used to craft appropriate sentences.

23 When a defendant appears for sentencing, the sentencing

24 ¹⁰ As of July 29, 2023, each of these sourcebooks is available online and the data is
25 also accessible through the Sentencing Commission’s Interactive Data Analyzer.
26 <https://ida.ussc.gov/analytics/saw.dll?Dashboard>. See Ex. D. The Sentencing
27 Commission includes two different measurements: “average and median sentence
28 length” and “average and median imprisonment length”. The difference between
them is that “average sentence length” includes sentences with zero months of
prison or conditions of confinement, while “average and median imprisonment
length” only includes sentences that include time in prison.

1 court considers the defendant on that day, not on the date
2 of his offense or the date of his conviction.

3 *Concepcion*, 142 S. Ct. at 2395-96 [internal citations and quotations omitted].

4 On the day of Dr. Ridley-Thomas's sentencing, the Court will consider the
5 fate of a man who devoted his life to serving the underprivileged and is now faced
6 with prison for using a private school to help his son. It will be a horribly sad day.
7 Whatever the Court decides, Los Angeles has lost one of its most effective public
8 servants ever; Dr. Ridley-Thomas will never hold office again. In deciding his
9 future, Dr. Ridley-Thomas simply asks that the Court follow the Supreme Court's
10 recent holding in *Concepcion*, and consider not just the vote that happened on
11 July 31, 2018, but the thirty years of service that happened before, and the years of
12 service that happened after, and in so doing craft a sentence that bridges
13 compassion, common sense, and justice.

14 Dated: August 7, 2023

MORRISON & FOERSTER LLP

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By: /s/ Galia Z. Amram
GALIA Z. AMRAM

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Attorneys for Defendant
MARK RIDLEY-THOMAS

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CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2023 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Galia Z. Amram

GALIA Z. AMRAM