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8
9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**
13

14 UNITED STATES OF AMERICA,
15
16 Plaintiff,
17 v.
18 JOSE LUIS HUIZAR,
19 Defendants.

Case No. CR-20-326-JFW

**JOSE HUIZAR’S SENTENCING
POSITION**

PUBLIC REDACTED VERSION

20
21 Jose Huizar, through counsel, hereby files his sentencing position.
22

23 Respectfully submitted,

24 CUAUHTEMOC ORTEGA
Federal Public Defender

25 Dated: December 28, 2023

/s/ Charles J. Snyder

26
27 Charles J. Snyder
Adam Olin
Attorneys for Jose Huizar
28

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cmjosehuizar • Follow
Los Angeles City Hall

cmjosehuizar Happy 90th Anniversary City Hall! As a Mexican #immigrant, honored to serve in the City of #LosAngeles hallowed halls of government - a building my grandfather, Salvador Huizar, helped to build as a Mexican Laborer. #MexicanAmericanDream #HappyBirthday #CityHall #history #lahistory
Edited · 288w

codisinc 🍷
286w · Reply

savantofthespirits Play with your whisky 🍷
288w · Reply

emulsionbakeshop Wow!! That's beautiful! You're grandfather was on to something!! That's definitely the #mexicanamericandream
288w · Reply

nazaria412 Great story @cmjosehuizar ...thanks to your grandfather Salvador Huizar for his contribution in building this magnificent structure ...he would be very proud of your success story in this very building
288w · 1 like · Reply

iamgregweaver Hallowed, sir.
288w · Reply

chronoshorace Awesome!
288w · 1 like · Reply

luna.obsidiana Love this! We need to reclaim the spaces that have been historically denied to us. That we helped build brick by brick. It goes to show that we have just as much of a right to be here as anyone else. 🇲🇺
288w · 1 like · Reply

altiquity This is really neat
288w · 1 like · Reply

♡ 💬 📌

364 likes
APRIL 26, 2018

😊 Add a comment... Post



cmjosehuizar • Follow

cmjosehuizar Happy #FathersDay to all the dads and those serving as father figures. I'm thankful to my dad Simon Huizar for all he did for our family. Lots of sacrifices along the way. It takes a lot to move a family from one country to another. And although he only had a formal education up to third grade, he is still one of the wisest persons I have ever known. His advice and counsel throughout my life will forever be appreciated. #FathersDay2018
280w

frenchyfromfrance Beautifully said! ❤️ Happy Father's Day! Blessings to you, to your beloved wife @richelle_huizar and your entire family and loved ones! ❤️
280w 1 like Reply

gloria14g Amen. Mr. Huizar, I'm proud of the example my father has instill in us his children. Happy Father's Day to all the men in our life who take good care of us.
280w 2 likes Reply

magda2430 Me siento tan pero tan orgullosa de esta generación que lo dio todo, sin miedo, sin prejuicios, sin duda por lograr lo mejor para sus hijos y su futuro. Felicidades por ellos y por usted José Huizar un ejemplo en nuestra comunidad y en el mundo.HAPPY FATHERS DAY!
280w 1 like Reply See translation

gazella_13 What a beautiful picture. May God bless him. ❤️
280w 1 like Reply

relautumn Beautiful
280w 1 like Reply

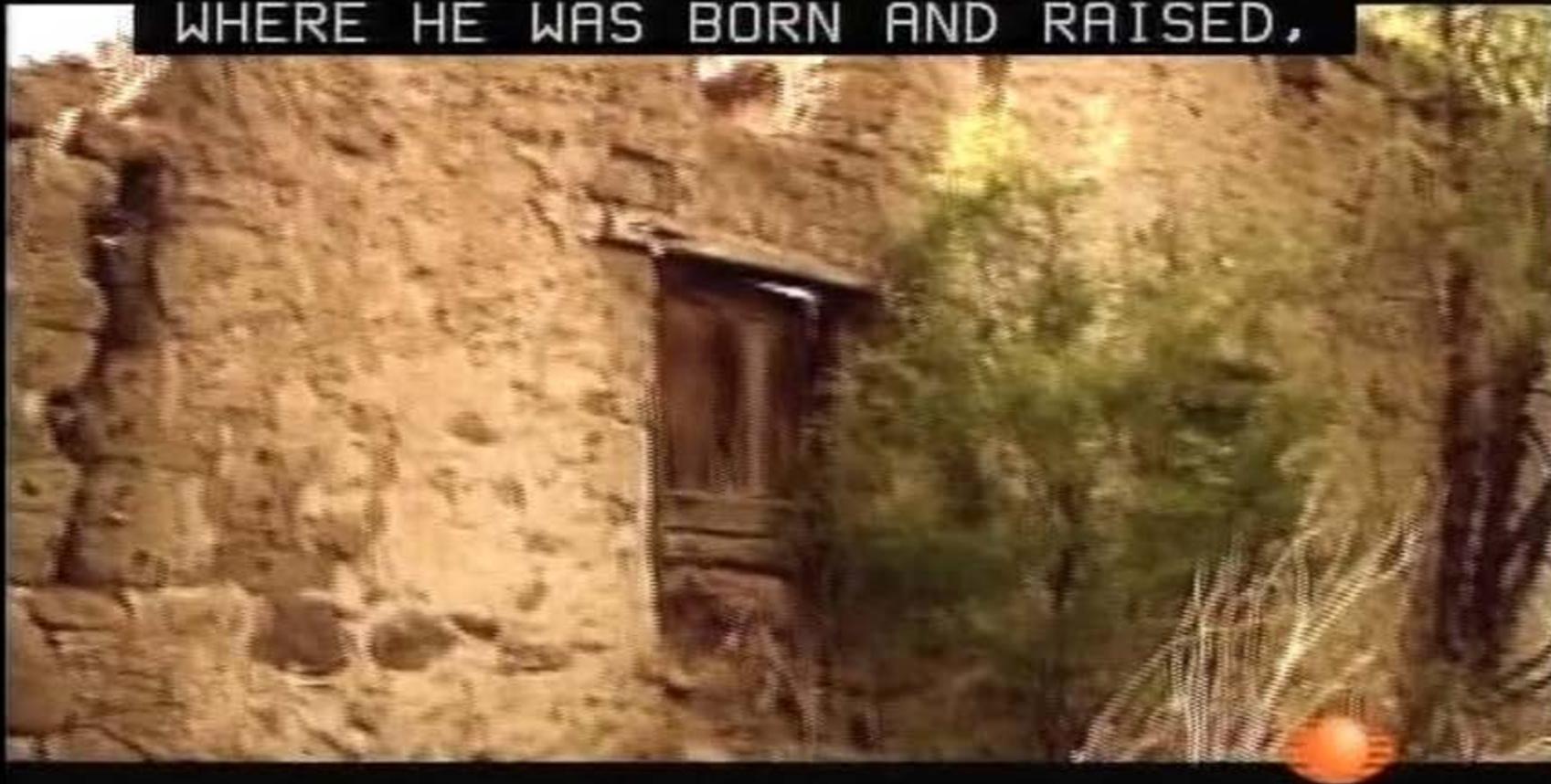
araceli.go.go.goza Such a wonderful picture 🙌
280w 1 like Reply

huizar.yolanda Happy Fathers day to my father who's in Heaven and I ask for his blessing everyday miss him Beond Words .
280w 2 likes Reply

358 likes
JUNE 17, 2018

Add a comment...

IT IS HERE IN LOS MORALES
WHERE HE WAS BORN AND RAISED,









View of bridge from Mr. Huizar's childhood home







FAMILY TIES: Jose Huizar is the small boy on the left in this 1971 photo. With him from left: Gloria, Sal, Leo and Yolanda. Behind them are their parents: Isidra, holding Jimmy, and Simon.

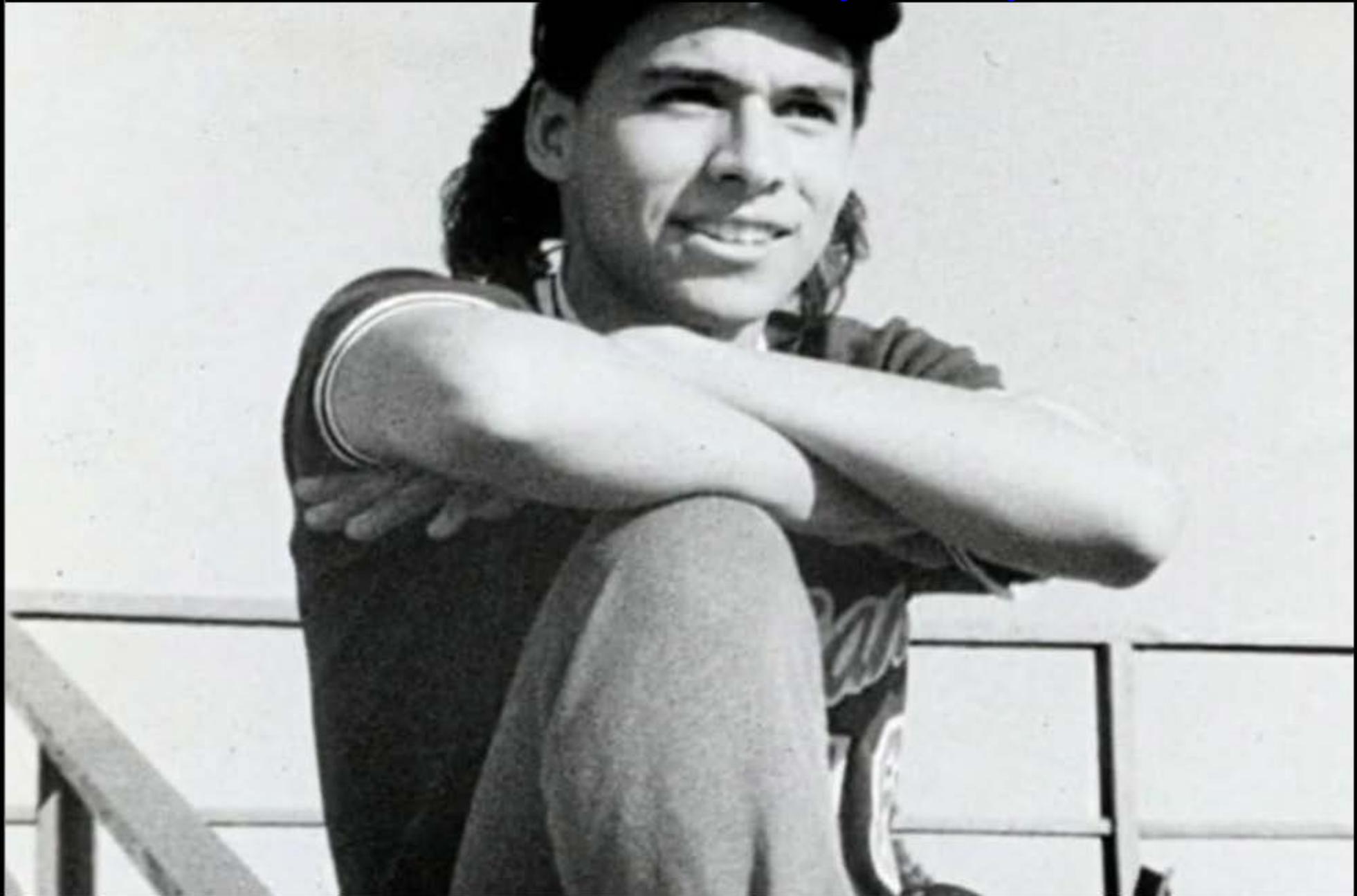


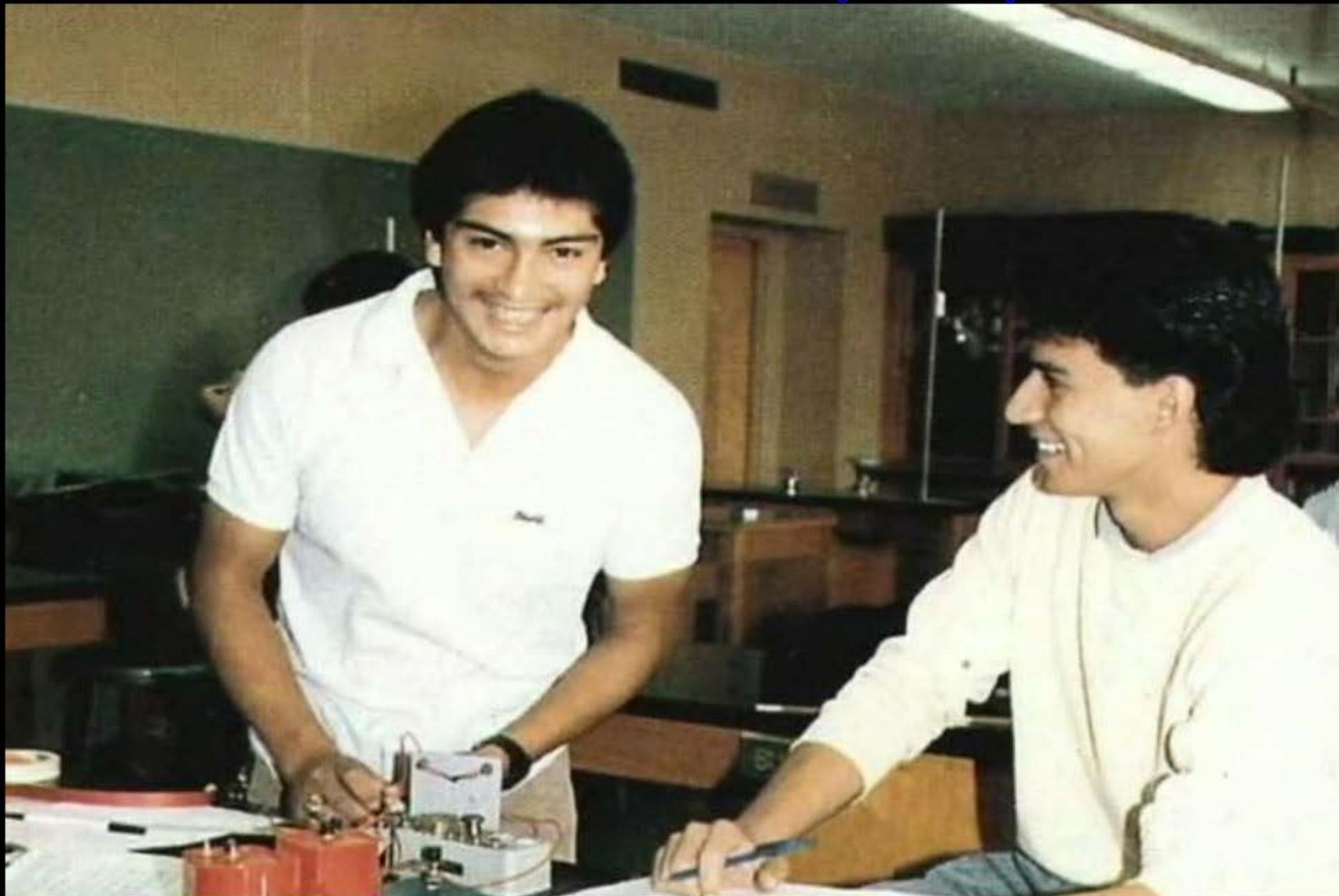












Salesian Honors

Jose Huizar



*"We are grateful that you have grown and developed and matured as young gentlemen.
Together with your teachers you have developed your God-given talents and skills.
We are grateful for your response and grateful to have been a part of your education.
Please you Alma Mater in mind and in heart as you leave and continue to uphold
her name wherever you go. "Viva our Lord!"*





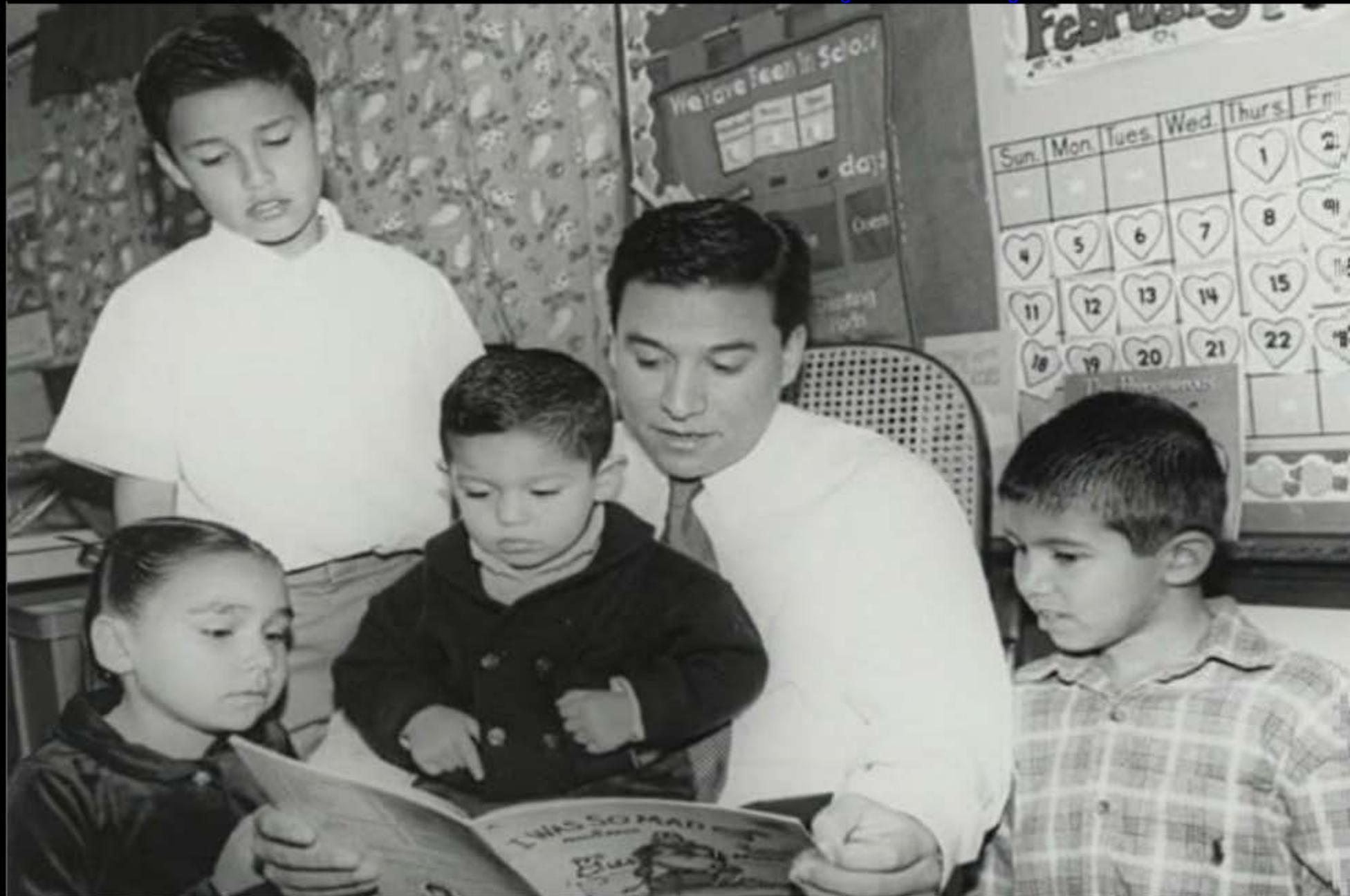




Law School Graduation

①















Photographs by Steve Frazier for the Times
GROUND BREAKERS: Civic Center Area District officials and staff had for Clark Street Elementary student Steven Barragan.

New high school a boon for Eastside

The \$71.4-million campus, set to open in 2009, will ease crowding at Roosevelt High. It'll have a science emphasis.

By Anne Green
Times Staff Writer

The Los Angeles Unified School District broke ground Wednesday on a new high school on the Eastside. One that is to be built in the area in 60 years about 100 Boyle Heights-area parents, students, school district and city leaders celebrated construction of the school with a Mexican breakfast, transcripts and balloons.

Residents and officials rejoiced that the new school would provide much-needed relief to overcrowded Roosevelt High School, which is currently the only regular Los Angeles Unified high school in the area.

"It's been said and said in Boyle Heights, and it's been the forever since we've had a new school," said Mary Suarez, 36. "It's a big step and a big step in the right direction."

An area elementary student entertained the crowd with a musical performance. Maria Diaz greeted with enthusiasm to the future about her daughter Angelina, a 5th-grader who is eager to attend the \$71.4-million school, slated to open in 2009. "At the time, I was like, 'Who is she and what?' It's so far away," Diaz said. But then the Boyle Heights resident remembered her daughter hearing about her older brother's frustration with overcrowding at Roosevelt. The then senior



ENTERTAINERS: Students from Clark Street Elementary sing during the groundbreaking ceremony for a new high school in Boyle Heights on Wednesday.

went able to enroll in Advanced Placement French last year because it wasn't offered in his semester track. However, his three semester tracks and one year school to accommodate its nearly 1,000 students, officials said the school was built for only 1,000 students. But Los Angeles Unified board David L. Brewer said that although groundbreaking to Roosevelt is significant, what's more important is the school's central location in Boyle Heights.

"It becomes an academic spirit right

away site at 1st Street and Mission Road, which is about two miles east of downtown.

The school -- which will include a parent center, gymnasium and underground parking -- is surrounded by residential complexes and is fronted by a transit station. The Metropolitan Transportation Authority is building a Metro Child Line stop in front of the school, which is helpful in a community that relies heavily on public transportation.

"This is a beautiful example where a community takes leadership in the development of its education," school board member Maria Gutierrez told the crowd, which included students who will be part of the school's business class. "We want to see you go to college."

The school, which has yet to be named, is the first of three to be built on the Eastside under the district's \$2.5-billion school construction effort.

The second school is scheduled to open in 2010 and will accommodate 2,022 students, and the third, to open in 2012, will serve 1,538 students, said Ron Bogel, the school district's director of new schools.

Under the school construction program, more than 145 schools will be built by 2012. To date, the district has completed 10 new schools.

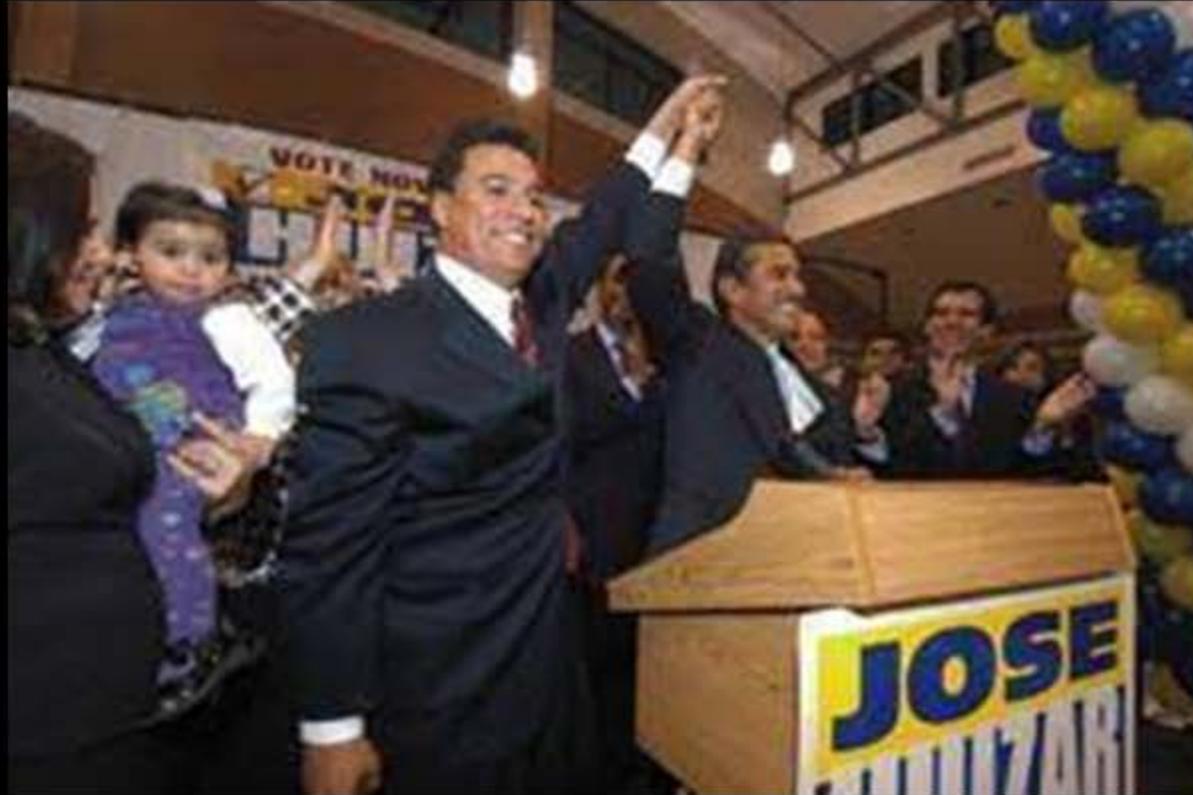
"This is a beautiful example when a community takes leadership in the development of its education."

Maria Gutierrez, school board member

here in the community," said Brewer, who active schools and the predominantly Latino students, and a few students in Spanish. He said he's most excited about the science emphasis the campus will have.

The school, which will have 18 classrooms with 1,000 seats, was approved after about five years of planning and construction of it. The school district, in cooperation with area housing and transportation agencies, settled on a 3.4-

















DT
NEWS
DOWNTOWNNEWS.COM
OCTOBER 1, 2014 | VOL. 43 | #103

**MAKING IT BIG
ON BROADWAY**

*Councilman José Huizar's
Ambitious Plan Hits a
Pedestrian-Friendly
Milestone*

SEE PAGE 7

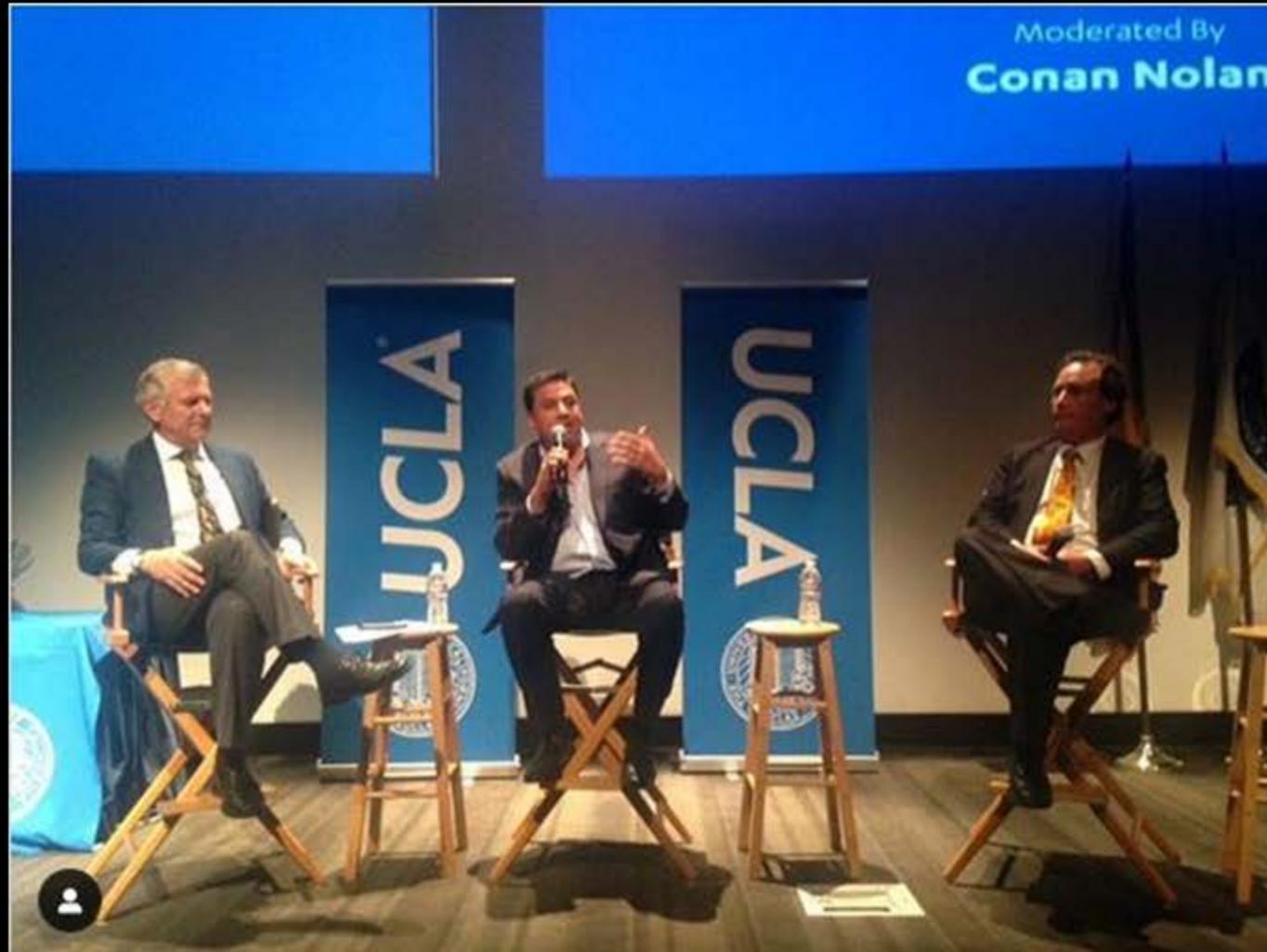
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Your Favorite Every Monday or Tue at DowntownNews.com

THE VOICE OF DOWNTOWN LOS ANGELES











cmjosehuizar • Follow
L.A. City Hall Council Chambers

cmjosehuizar Council voted for our plan to at long last write a #sidewalkvending ordinance for the #CityofLA! Today's vote will create a fair system to allow thousands of hardworking mostly #immigrant, low-income workers come out of the shadows and feed their families, while ensuring public health safety, regulation, enforcement and an appeal process.

Thanks to @currenprice for his leadership and partnership. It's been five years since he and I first introduced a motion to #legalizesidewalkvending!

What we have right now is chaos and unenforceable. Today we got the change we needed. One more vote to come once ordinance is drafted, but today was a huge step forward. #LA #TeamHuizar #CD14 #losangeles #streetvending

289w

latacocarts 🙌🙌
257w Reply

mysticcivic Thank you & @currenprice for sticking with it!
289w 1 like Reply

madteemakers @cmjosehuizar Ditto what @robertserbin said! #entrepreneur #entrepreneurship is what Los Angeles is built on... #losangeles #eastlosangeles #boyleheights #cityofla #fruta #elote #paleta #tacos #streettacos
289w 3 likes Reply

robertserbin 🙌🙌 Keep up the good work! @cmjosehuizar Myself and @madteemakers would like to donate a couple banners if needed for any future Meet or Rally for this cause. Please feel free to DM us if there is anyway we can help! Thanks for your support with the community!
289w 3 likes Reply

— View replies (1)

patricialunasol. 🙌🙌🙌
289w 2 likes Reply

260 likes
APRIL 17, 2018

Add a comment...





cmjosehuizar • Follow



cmjosehuizar 389w

The @americanplanningassociation - Los Angeles awarded our @bringingbackbroadway five-year development and successful adoption of the Historic Broadway Sign District with its "Best Practices Award." Congrats to the whole Broadway & #DTLA team! #DTLAFWD

No comments yet.

Start the conversation.



65 likes

June 16, 2016



September is
Leukemia
Awareness Month

Councilmember
JOSE HUIZAR



BoomTown L.A.

Downtown area hasn't seen this many big projects since 1920s



A CHINESE firm is erecting the four-tower Metropolis, left, by the 110 Freeway and north of Staples Center. It will have 350 hotel rooms and more than 1,500 condos. (Marcus Yam/Los Angeles Times)



cmjosehuizar • Follow

cmjosehuizar Excited to receive the River Champion Award tonight from Community Conservation Solutions. They're bringing #nature to the #river in #studiocity and will soon be planning a natural #park in #boyleheights with residents of #ramonagardens ! #waterfdn #CityofLA #senhertzberg #community

356w

comptonvaquero Congratulations. @cmjosehuizar Well deserved, brother.

356w Reply

freshprinceofdtla So awesome.

356w Reply

gabybbi 🍌🍌🍌🍌🍌🍌🍌🍌

356w Reply

189 likes
February 9, 2017

Add a comment...





cmjosehuizar • Follow



cmjosehuizar So happy to participate in the #Dodger's Dream Field opening at Ramona Gardens with our fantastic partners: the @bgcwsgr ,@dodgersfoundation ,@dodgers ,@majorleaguebaseball , @calripkensrfoundation , @scottslawn , and @mayorofla. Children of Ramona Gardens are so grateful for this major renovation on an old field and it will definitely be put to good use! Thank you all and let's play ball! #derrelthomas #dennispowell

Edited · 350w



fabz_photography_ ❤️ 🌐

350w Reply



herokafe Out of This World!

350w Reply



luckyandrags17 Skate park please & green spaces! People and children of Ramona Gardens deserve it! It's been too damn long!

350w Reply



moniquespanish 🙏

350w Reply



p_dub92 Firme. But what's up with that skate park. Been a few years now.

350w Reply



930 views

March 21, 2017



Add a comment...

Post





Los Angeles City Councilman Jose Huizar, left, applauds the unveiling of a scale model of a 19-foot monument depicting a Mexican bracero and his family. (Al Seib / Los Angeles Times)





 **cmjosehuizar** • Follow
El Pueblo Historical Monument

 cmjosehuizar Our goal was to get 100 volunteers and we're at 156 and counting! To #endhomelessness in #LosAngeles, we need #EveryoneIn.
•
Sign up to volunteer with a service organization in your area. #DTLA #ElPueblo #volunteer #TeamHuizar
276w

 lunchbunchla That's awesome!
276w Reply

 weirdwavecoffeebrewers At first I thought this was a global warming thing and I'm scratching my head thinking why is Huizar smiling like that!
276w 2 likes Reply

146 likes
JULY 14, 2018

 Add a comment...



EVERYONE IN
ENDING HOMELESSNESS
ACROSS L.A. COUNTY
POWERED BY UNITED WAY

DISTRICT 14
Jose Huizar

423 / 222 units approved
201 over goal **2956** existing units

100%

cmjosehulzar • Follow

cmjosehulzar Cool! With two years to spare before our #LA #EveryoneIn 2020 deadline, we are 201 units of permanent supportive housing for #homeless above our goal of 222! #CD14 also has more units than any other part of the City. Much more to do and we will keep building, but we also need to decentralize homeless services to reach every part of the City. @everyonein_la @launitedway #WeCanEndHomelessness #housingfirst #423AndCounting #HHH #TeamHuizar

276w

fuuunnn_starboy Last one lol .. as more Money people move into Downtown... every block huge expensive condo or Apt and as they come \$\$\$ So do Criminals ... more Sophisticated n more high tech oriented but Hard core be within since they get dumped at Skid row 🍷❤️ Need a Visionary to take LA into the future setting examples of advanced forward thinking. With God's Light 🙏

275w Reply

fuuunnn_starboy Oh .. id rather have gun point than physical theft . Ya lot of Crime report on LA weekly seem to be Cell phone theft .. gun point n physical. Like hit on head.. yaaaaa I don't need more Vertigo.. rather take my chance at gun point .. id just carefully toss the phone n say God bless n Run lol 🤔🤔

275w Reply

fuuunnn_starboy Congrats n God bless All 🙏 sorry to post this one .. I just has another bad incident app 2pm on Broadway after 2 hr using my new LG g7 which look just like I phone X. Blue is def hot spot for ID thieves etc . Lot of tourists. I'm walking to Metro PC to ask questions on LG. 10 min then I walked little further n stopped n turned sideways to look at boom speakers..app 5 min later .. I get severe bump on shoulder n 2 black dudes walking side by side with Swaagg. Guy who bumped me yells.. get the fukka out of my way after bump . I just stare at him n he stared back once.. lucky I had God n firm stance.. not 1 LAPD car n lot of People esp tourists. So true .. when u need em.. u never see one .. yet other walks. I see 3 in 30 min lol. I would never called em just for this incident .. been great if they saw n they took initiative . 90 % sure they got records. Either out of Pen or gang bangers.. my Point. To get LAPD to duplicate Japanese Kiosk police system .. more efficient foot or bike patrol.. def need state of art AI

152 likes
JULY 18, 2018

Add a comment...



cmjosehuizar • Follow
Los Angeles City Hall



cmjosehuizar It is going to take voters in #LosAngeles to demand we have Statewide action on #homeless housing for those struggling with #mentalhealth issues & #affordablehousing for our #veterans. In November, vote yes on Prop 1 & Prop 2! #YesOnProp1 #YesOnProp2 #Everyonein

275w



amplitevc well done!



275w Reply



86 likes

August 31, 2018

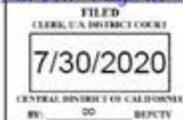


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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2019 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS HUIZAR,

Defendant.

CR 2:20-cr-00326-JFW

I N D I C T M E N T

[18 U.S.C. § 1962(d): Racketeer Influenced and Corrupt Organizations Conspiracy; 18 U.S.C. §§ 1341, 1343, 1346: Honest Services Mail and Wire Fraud; 18 U.S.C. § 1952(a)(3): Interstate and Foreign Travel in Aid of Racketeering; 18 U.S.C. § 666(a)(1)(B): Bribery Concerning Programs Receiving Federal Funds; 18 U.S.C. § 1956(a)(1)(B)(i), (a)(2)(B)(i): Money Laundering; 18 U.S.C. § 1014: False Statements to a Financial Institution; 18 U.S.C. § 1001(a)(2): Making False Statements; 31 U.S.C. § 5324(a)(3): Structuring of Currency Transactions to Evade Reporting Requirements; 26 U.S.C. § 7201: Attempt to Evade and Defeat the Assessment and Payment of Income Tax; 18 U.S.C. §§ 981(a)(1)(C), 982(a)(1), 982(a)(2), and 1963, 26 U.S.C. § 7301, 28 U.S.C. § 2461(c), 31 U.S.C. § 5317: Criminal Forfeiture]

Jose Huizar's brother to testify in L.A. councilman's sexual harassment trial

Chinese billionaire helped L.A. councilman settle sexual harassment suit, feds say



Corruption? In Los Angeles?

A city councilman faces federal charges for behavior that's become all too common.

U.S. Attorneys » Central District of California » News
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U.S. Attorney's Office
Central District of California

FOR IMMEDIATE RELEASE Tuesday, June 23, 2020

Los Angeles City Councilman Jose Huizar Arrested on Federal RICO Charge that Alleges He Agreed to Accept At Least \$1.5 Million in Illicit Benefits

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OPINION
Editorial: Los Angeles must take politics out of development decisions



L.A. Councilman Jose Huizar arrested in 'pay-to-play' corruption probe



L.A.'s corruption probe involves developers, a councilman — and an 80-year-old mom

Los Angeles City Councilman Jose Huizar addresses fellow council members at a meeting. By JOEL RUBIN, DAVID ZAHNISER, EMILY ALPERT REYES

The stunning fall of Jose Huizar and how it exposed corruption at L.A. City Hall



Jose Huizar (Kent Nishimura / Los Angeles Times)

She's been by his side for years. Now an L.A. councilman's wife figures in FBI probe



L.A. City Councilman Jose Huizar charged in federal corruption probe

Former L.A. Councilmember Jose Huizar pleads guilty in corruption case



Former Los Angeles City Councilmember Jose Huizar, left, arrives at court Friday where he pleaded guilty to a bribery and money laundering scheme. (Irfan Khan/Los Angeles Times)

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1 *And what we students of history always learn is that the*
2 *human being is a very complicated contraption and*
3 *that they are not good or bad but are good and bad and*
4 *the good comes out of the bad and the bad out of the*
5 *good, and the devil take the hindmost.*

6 Robert Penn Warren, All the King's Men

7 **I. INTRODUCTION**

8 Rather than subjecting the Court and the city to a drawn-out trial, a coordinated
9 media campaign focused on delegitimizing the judicial process, or years of defiant
10 post-trial litigation, Jose Huizar did what few high-profile officials in his position do:
11 he fully accepted responsibility for his wrongdoing without attempting to point fingers
12 or shift blame, signed an exceptionally-fulsome and -detailed factual basis, and entered
13 into a plea agreement with a binding range of 9-13 years. He agreed to this resolution –
14 which definitively ends his career and includes a sentencing range starting above the
15 post-trial sentences in most high-profile corruption cases – despite being a first-time
16 offender, a father of four school-aged children, and a once-prominent politician talked
17 about as future Mayor, or beyond. He also did this despite the deeply personal and
18 public nature of the prosecution, which has cast a near-amnesic pall over every aspect
19 of his life and flattened him into a one-dimensional caricature, knowing that it may
20 leave certain inaccuracies and misperceptions uncorrected. To say that Mr. Huizar is
21 chastened and remorseful – for committing crimes, for hurting his family, for
22 disappointing his friends and the community, for wasting his potential – would make
23 understatement blush. He has been publicly pilloried and subjected to the mob. He has
24 been personally humiliated and destroyed.

25 In a city of dazzling promise and maddening dysfunction, it is perhaps fitting that
26 Mr. Huizar has repeatedly found himself at the center of civic life. From immigrant
27 son, to first-generation graduate, to idealistic lawyer representing the working-class
28 district of his childhood, he was once a celebrated leader of unbounded energy and
charisma, involved in some of the most pressing issues that the city has faced. Even
apart from the DTLA renaissance, which has been the near-exclusive focus of this case,

1 he boasts an unrivaled record of public achievement, including a history of under-the-
2 radar good works. At the same time, he is a profoundly flawed man who, rather than
3 exiting public life through the revolving door to private riches, engaged in a pattern of
4 increasingly reckless behavior and abused his office for personal benefit. Effective
5 leader and convicted racketeer, loving father and an unfaithful husband, Mr. Huizar is a
6 person to whom many confounding descriptions apply – idealist, dealmaker, pro-
7 growth, pro-union, populist, capitalist, alcoholic, hard worker, Angelino, gambler, land-
8 use lawyer – with none being fully sufficient.

9 In a case like this one, where emotions run high and the public spotlight shines
10 bright, it is easy for simple labels or present appearances to override this nuanced
11 reality. But the role of a sentencing judge is not to act “as a hooded executioner for an
12 outraged populace.” United States v. Raby, No. CRIM.A. 2:05-CR-0000, 2009 WL
13 5173964, at *8 (S.D.W. Va. Dec. 30, 2009). It is to look deeper, and to carefully
14 balance justice with mercy, punishment with rehabilitation, and legal doctrine with
15 compassion and life experience based a more complex truth.

16 The truth in this case is that Mr. Huizar made grievous errors of judgment, for
17 which he deserves to be punished. The truth is also that he devoted his life to public
18 service, at great cost to himself and his family, and made significant and often-unseen
19 contributions to the city even as he tarnished his legacy. The truth is that Mr. Huizar
20 did not set out to break the law, but traveled the arc of idealism to cynicism to illegality
21 through a process of personal weakness and incremental self-justification. The truth is
22 that, like all of us, like the city of Los Angeles itself, Mr. Huizar is not easily
23 reduceable a single moral label. Instead, he is a “complicated contraption,” with
24 outsized positive and negative characteristics, who has overcome significant hardship
25 and achieved great things, failed in the most public and spectacular way, and accepted
26 responsibility. Balancing these competing truths is why “[i]t is often said the most
27 difficult task a federal trial judge must perform is deciding upon and then imposing a
28 sentence in a criminal case.” United States v. Rothwell, 847 F.Supp.2d 1048, 1050

1 (E.D. Tenn. 2012).

2 And yet, given the plea in this case, the difficult task is in some ways unusually
3 simple. § 3553(a)'s overriding command is that any punishment imposed must be
4 sufficient, but not greater than necessary, to achieve the multifaceted purposes of
5 sentencing. Unless the Court rejects the 11(c)(1)(C), the punishment question thus
6 reduces to the following formulation: taking everything into account, what necessary
7 purpose of sentencing would be served by incarcerating Mr. Huizar for 13 years that
8 would not sufficiently be served by 9?

9 Focusing in on that question gets at the heart of what this sentencing proceeding
10 is really about. A nine-year prison sentence is not necessary to achieve incapacitation
11 or specific deterrence. As a 54-year-old first-time offender accused of nonviolent
12 crimes committed in public office, who has performed perfectly on bond for more than
13 three years, Mr. Huizar poses no ongoing threat to society. A nine-year prison sentence
14 also is not necessary to achieve rehabilitation or contrition. Mr. Huizar has fully
15 admitted his wrongdoing, signed an expansive factual basis without shifting blame, and
16 agreed to a binding imprisonment range starting at nine years. A nine-year prison
17 sentence is not necessary to avoid unwarranted disparities and similarities. Not only do
18 the guidelines in corruption prosecutions commonly yield to other considerations, the
19 11(c)(1)(C) range in this case vastly exceeds national averages and starts above the
20 post-trial outcomes in most high-profile corruption cases nationwide. Moreover, while
21 the Court has described Mr. Huizar as the most-culpable participant in this case, the
22 range of culpability, and the present need for punishment, is more evenly distributed
23 than the preceding record suggests. Finally, a nine-year prison sentence is not
24 necessary to achieve revenge. While there is a legal victim, the victim is a municipal
25 entity that suffered an inchoate loss. And while Mr. Huizar accepted bribes, he did so
26 in connection with projects that he and others independently supported, which were
27 good for the city, rather than pushing harmful legislation or wasting public funds.
28 Indeed, except for the most biased partisans, nobody would have claimed before the

1 raids that Mr. Huizar’s record of public achievement, including the DTLA renaissance,
2 was anything other than positive. In fact, the government’s own witnesses touted Mr.
3 Huizar’s development track record and the virtues of the projects in this case. In any
4 event, if revenge were the goal, the complete professional, personal, and financial
5 destruction already visited upon Mr. Huizar and his family have achieved it many times
6 over.

7 At its core, what this sentencing proceeding is really about is the length of time
8 needed to send a fair but sufficiently punishing message – a message from a citizenry
9 that, on both a local and national level, is tired of dysfunction, corruption, backroom
10 deals, moneyed interests, and an amoral political class of which Mr. Huizar has, fairly
11 or not, been posited as the embodiment. That is not to say that this sentencing is not
12 about the real and specific crimes that Mr. Huizar himself committed. But an honest
13 accounting requires acknowledging that it will also be permeated by the misdeeds and
14 crimes, past and future, prosecuted and unprosecuted, of many offstage actors.

15 Whether phrased as general deterrence, retribution, or “promoting respect for the
16 law,” the desire to send a message is inarguably a legitimate consideration in a public-
17 corruption sentencing. But it is also a complicated one because, while the government
18 may suggest otherwise, sending a message with a criminal sentence doesn’t necessarily
19 lead in one direction. For example, what message does it send if a person fully accepts
20 fault without shifting blame, signs an extensive factual basis, and foregoes a trial and
21 post-trial litigation, but still gets a longer sentence than the worst offenders who never
22 admit fault through trial and appeal? What evidence is there that the length of a prison
23 sentence in this case, as opposed to the certainty of detection and prosecution, will have
24 any impact on future officials at all? What amount of additional punishment can justly
25 be imposed on one person as an instrument to deter another – or to express anger at the
26 many wrongdoers not prosecuted?

27 Maybe most importantly: what necessary message would not be sent by a 9-year
28 sentence that would be sent by 13? After all, the range in the (c)(1)(C) is not tied to the

1 guidelines, and it far exceeds the typical public corruption sentence even in cases that
2 go to trial. If the point of the message is that public officials who breach the
3 community's trust will be humiliated, lose everything, and receive substantial prison
4 terms, even on a first offense, one would be hard-pressed to explain why nothing less
5 than 13 years – a number plucked from the air by the parties – will possibly do. Indeed,
6 if 13 years is necessary, why is 13 years and one day not?

7 In short, while sending a message and deterring others are legitimate goals, they
8 are unquantifiable ones bounded by moral and practical limits. People are not stock
9 characters or vessels through which to transmit vague warnings to the public. And
10 hanging one man for the sins of another does as much to promote derision for the law
11 as it does respect. Five years from now, the only people who will remember whether
12 Mr. Huizar got 9, 10, or 13 years will be the parties and his family, the latter of whom
13 will grow up, grow old, and die in his absence. For everyone else, specific memories
14 will fade, and even with a 9-year sentence, the lasting message will be that Mr. Huizar
15 confessed and received a lengthy term in prison.

16 To be clear: everyone agrees that Mr. Huizar's conduct warrants a significant
17 custodial term. The question today is whether wisdom, justice, mercy, and common
18 sense require a sentence beyond 9 years. Given the unique circumstances of this case –
19 including Mr. Huizar's complete acceptance of responsibility, mitigating personal
20 history, nonexistent recidivism risk, positive record of public service, family ties and
21 responsibilities, significant collateral punishment, and the need to avoid unwarranted
22 disparities and similarities – the answer is no. A 9-year prison sentence would be
23 sufficient, but not greater than necessary, to achieve all of the multifaceted purposes of
24 sentencing. More than that, it would reflect a system of justice capable of nuance,
25 pragmatism, and redemption, which ultimately promotes respect for the law more than
26 unmitigated harshness or an overreliance on emotion or guidelines arithmetic.

27 ///

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1 **II. BACKGROUND**

2 **A. Born into poverty in rural Mexico, Mr. Huizar’s childhood instilled in him the**
3 **values of hard work, education, service, social justice, and a commitment to**
4 **bettering himself and the lives of others.**

5 Somewhat poetically, Mr. Huizar’s Los Angeles story begins and ends in roughly
6 the same place. In the 1920s, his paternal grandfather was one of many Mexican
7 laborers temporarily admitted to the United States to help construct Los Angeles City
8 Hall. Working with mules, he helped to excavate the site and construct the building’s
9 base. After completing his work, he returned home, eventually had 10 sons, and, 40
10 years later, one of those sons had a son named Jose Huizar.

11 At the time of his birth, Mr. Huizar’s parents lived in an adobe home in Los
12 Morales, a rural town in the central Mexican state of Zacatecas. Comprised largely of
13 ranchos without paved roads or running water, Los Morales was agrarian and poor. For
14 many years, Mr. Huizar’s father, like his own father, like 8 of his 10 brothers, traveled
15 seasonally to the U.S. to work in the fields as part of the Bracero program. Eventually,
16 when Mr. Huizar was three, his parents sought a better life for their children by moving
17 permanently to the United States.

18 After relocating from Los Morales to unincorporated East L.A. – now across the
19 river from City Hall – the family initially lived in Mr. Huizar’s uncle’s home with 20
20 people. While neither of Mr. Huizar’s parents attended school past the third grade, they
21 were stubbornly proud and unwilling to accept government assistance. They got jobs
22 shortly after arriving in Los Angeles, later joined labor unions, and eventually bought a
23 modest home of their own in Boyle Heights. Before his death from alcohol-induced
24 liver cancer, Mr. Huizar’s father, Simon, worked as a machine operator. His mother,
25 Isidra, worked in a meatpacking plant in a formerly-industrial part of DTLA. As Mr.
26 Huizar’s sister recalls of this time:

27 Our house was tiny, and we ate almost the same food each day, my father
28 did most of the grocery shopping and cooking. He made sure there was
always a 5 lb bag of beans and rice in the kitchen. Our parents earned
minimum wage and somehow raised 6 children. I witness my parents
always working, in very difficult back breaking, labor intense jobs. They
would leave for work very early and did not see us in the morning.

1 Ex. 1-4 [Gloria Galvan].

2 Mr. Huizar’s childhood instilled in him the values of hard work, solidarity,
3 education, resourcefulness, and self-improvement. From a young age, he and his
4 siblings were expected not only to attend school, but to work and contribute to the
5 family. As a boy, he shined shoes and collected bottles and cans that he turned in for
6 money. Later, he got a job delivering newspapers. Over the summers, he and his
7 siblings traveled to Orange County to pick strawberries and other fruit. See Ex. 1-4
8 [Gloria Galvan]; Ex. 1-5 [Yolanda Huizar].

9 Largely of necessity – because neither of his parents spoke English – Mr. Huizar
10 navigated many aspects of life on his own. A lifelong baseball lover, he signed himself
11 up to play in a local league when he was eight. At 11 and 12, he ran for class President,
12 crafting a campaign, creating flyers, and marshaling support without assistance.

13 Despite his evident promise, however, Mr. Huizar grew up in a neighborhood
14 teeming with negative influences and potential pitfalls. As Mr. Huizar’s sister recalls:
15 “[O]ur home [wa]s located across the street from the 4th street bridge,” a location
16 known then as The Hole, “that [wa]s surrounded by different gangs. There were always
17 gang fights, drug sales and drug users in our neighborhood.” Ex. 1-4 [Gloria Galvan].
18 Mr. Huizar was constantly pushed to join a gang and use drugs at a very early age, but
19 he declined. Unable to completely avoid the pitfalls of his environment, however, he
20 was expelled from Stevenson Junior High in seventh grade.

21 While that setback could have sent Mr. Huizar down a starkly different path, as
22 at other times in his life, he responded productively and found redemption through hard
23 work and education. After leaving Stevenson, he started at Hollenback, where he tested
24 into honors classes. While there, for the first time, a counselor suggested that he may
25 be a candidate for college.

26 Had Mr. Huizar remained in public school, however, he would have matriculated
27 to Roosevelt High School, which was overcrowded and plagued by the same problems
28

1 as those afflicting the community. Motivated by the prospect of higher education, Mr.
2 Huizar instead applied to Salesian High School, got admitted on his own, and, over the
3 next four years, worked to pay for his education. As recalled by Masamichi Kiyomiya,
4 in whose Little Tokyo store Mr. Huizar worked during this time:

5 Jose worked after school every day and weekend for a little over 4 years. I
6 allowed him to study at shop any time when we did not have any
7 customers. We talked about many thing that happened at school including
8 his scores of tests and soon we set up a rule between us. He get a dollar
9 when he get A on test and A on report card for more money. Toward the
10 end of his high school year, it may be less than a year, we started to
11 exchange opinions about his future career and what to study at university.
He wanted to major business but I want him to go for politics. Sometime
we escalated to argue each other over this issue but eventually he
understood politic is much bigger world and complicated. Especially he
seemed to like the idea that politics can change communities for better
place and lives. He start having many imaginations what he could do.
Such as making East L.A to East Beverly Hills was big topics within us.

12 Ex. 1-25.

13 During his time at Salesian, Mr. Huizar excelled academically, emerged as a
14 leader, and developed important, lifelong relationships. Father Nieblas, who later
15 officiated Mr. Huizar's wedding and baptized his children, served as a guide and
16 mentor, helping Mr. Huizar navigate his teenage years and, at times, providing him
17 with financial assistance out of his personal funds. As recounted by Father Cotter,
18 another of Mr. Huizar's teachers at the school:

19 In class, Jose was a wonderful student, always eager to learn and to do his
20 best. Outside of the classroom, Jose always showed leadership amongst
his classmates and was kind, considerate and thoughtful.

21 He was chosen to go on a Kairos Leadership Retreat weekend because of
22 his leadership qualities and good moral character. He represented our
23 school well and we were always proud of him. He came from a wonderful
family and they were solid Catholic Christians, active in their faith and
expressive of their strong social justice concerns.

24 Ex. 1-33.

25 **B. The first in his family to go to college, Mr. Huizar attended U.C. Berkeley,**
26 **where he emerged as a leader in student government, Princeton, where he**
27 **studied public policy and planning with an analytical focus, and UCLA Law,**
28 **where he concentrated on public-interest, real estate, and environmental law,**
all of which would later coalesce during his tenures in LAUSD and Council.

At Father Nieblas's urging, Mr. Huizar applied to U.C. Berkeley and, somewhat

1 to his surprise, got in. The first in his large family to attend college, he was initially
2 shocked by the scale and diversity of the school, and overwhelmed with responsibility.
3 Quickly, however, he integrated into the community, joined student government, and
4 became active in political causes ranging from South African divestment to student
5 healthcare and ethnic studies. See Ex. 1-35 [Mark Raffield (“I was awed by how
6 quickly Jose took on a leadership role at UC Berkeley. By sophomore year, he was one
7 of the 12-member UC Berkeley’s student government association and became a visible
8 leader on campus. He was passionate about affordability of education and providing
9 academic services to low-income students.”)].

10 With no financial support from his family, Mr. Huizar funded his education and
11 living expenses through loans and scholarships, and by doing data entry jobs, research
12 studies, and working the graveyard shift at UPS. As recalled by Algernol Boozer, one
13 of Mr. Huizar’s fraternity brothers at Cal:

14 One poignant memory that stands out is an early morning we returned
15 from our physically demanding jobs at UPS. Mr. Huizar, clad in work
16 boots, spoke proudly about the hard work and how it would have made his
17 father proud. This moment revealed his dedication and work ethic, traits
18 that have undoubtedly contributed to his academic achievements and
19 commitment to community service.

20 Ex. 1-27.

21 At times during this case, Mr. Huizar has been cast as a planning and policy
22 diletante focused only on the ill-gotten spoils of his office – an accusation lobbed most
23 frequently, and most sardonically, by George Esparza. The reality is much different.
24 After graduating from Cal, Mr. Huizar won a Ford Foundation fellowship to obtain a
25 Masters in public policy from Princeton, where he explored a personal interest in policy
26 and planning with a focus on economic and statistical analysis. Intent on translating his
27 education into the real world, between his first and second years in the program, Mr.
28 Huizar also worked for a year in the California state legislature.

After completing his masters, Mr. Huizar returned to L.A. and enrolled at UCLA
School of Law. Living in the basement of his mother’s home in Boyle Heights, he took

1 courses focused on his disparate interests of real-estate, environmental, and public-
2 interest law. As at Cal, he financed his education through side jobs and student loans,
3 which he was still repaying until the final balance was discharged in 2022. Along with
4 obtaining his law degree, Mr. Huizar also met his wife, Richelle, an aspiring social-
5 justice lawyer focused on children's rights.

6 Upon graduation, Mr. Huizar hoped to work as a public-interest lawyer serving
7 the Boyle Heights community. But when that time came, he was newly married,
8 deeply in debt, and in need of money. For roughly five years, he worked at law firms
9 as a real-estate and environmental lawyer, while also taking on pro bono matters when
10 he could. During this time, while volunteering for a local organization responding to a
11 proposed Metro project, Mr. Huizar was recruited by former Mayor Riordan to run for
12 a LAUSD Board seat and help with the construction of schools in a badly-overcrowded
13 district.

14 **C. Mr. Huizar enters public life as a Board Member, then President, of LAUSD,
15 where his success leads to his election as the Councilmember for CD-14.**

16 Mr. Huizar began his public life when he was elected to the Los Angeles Unified
17 School District Board in 2001. Given the importance that education played in uplifting
18 his own life, it is no surprise that Mr. Huizar committed himself to the role with zeal.
19 Though his work spanned many issues, helping to resolve the chronic shortage of
20 schools was Mr. Huizar's crowning achievement. School overcrowding had become an
21 epidemic in Los Angeles. Thousands of children were bused for hours to far-flung
22 campuses that had space, and many schools instituted year-round schedules in a
23 desperate attempt to alleviate the overcrowding. The issue also had personal resonance
24 for Mr. Huizar, as his neighborhood high school in Boyle Heights, Roosevelt, was
25 infamous for its overcrowding, leading to unacceptably high levels of student dropouts.

26 During Mr. Huizar's tenure, the school district launched a \$14 billion campaign
27
28

1 to alleviate the overcrowding.¹ As a result of this massive investment, 131 new schools
2 were built and 65 campuses were expanded, adding 170,000 new seats for students.²
3 Mr. Huizar played an instrumental role in this plan, cutting through structural barriers
4 to development through aggressive negotiation and eminent domain to ensure the single
5 largest public education expansion in American history. Indeed, former school board
6 member Monica Garcia described Mr. Huizar as a leader “of the largest public works
7 program that built 131 new schools in LA.” Ex. 1-7. This achievement “ended forced
8 busing and the academically inferior concept 6 calendar, which offered students 163
9 days of instruction instead of 180.” *Id.* After decades of no growth that had harmed
10 the education of the poorest students in the community, Mr. Huizar was able to solve
11 these intractable problems and build schools.

12 Mr. Huizar also worked to improve the quality of education offered at LAUSD
13 beyond removing the need for the year-round schedule. When he arrived at the school
14 board, many LAUSD schools failed to offer a curriculum that would allow students to
15 matriculate at the Cal State or UC system. Instead, many students – primarily students
16 of color in schools like Roosevelt – were shunted into replacement-level courses that
17 inhibited their ability to go to college.³ As board president, Mr. Huizar championed a
18 proposal to require that all students be offered the necessary college preparatory
19 courses. While facing criticism that the move would challenge students in certain
20 schools beyond their capabilities, Mr. Huizar insisted that all students, not merely the
21 wealthier ones, have the opportunity to succeed. In Ms. Garcia’s telling, Mr. Huizar
22 “was a leader in the movement to create access to college going curriculum, removing
23 institutional barriers that discriminated against children attending underserved schools
24

25 ¹ Cara Mia Dimassa, An Education in Expansion, L.A. TIMES, Nov. 23, 2004,
26 <https://www.latimes.com/archives/la-xpm-2004-nov-23-me-building23-story.html>.

27 ² Howard Blume, Q&A: The huge L.A. school construction project is done, so
28 what does it add up to?, LOS ANGELES TIMES, Aug. 21, 2017, [https://www.latimes.com/
local/california/la-me-edu-la-school-construction-numbers-20170821-htmllstory.html](https://www.latimes.com/local/california/la-me-edu-la-school-construction-numbers-20170821-htmllstory.html).

³ Maria Jose Sullivan, LAUSD school board approves new college track
requirements, Daily Sundial, June 27, 2005, [https://sundial.csun.edu/9021/archive/
lausdschoolboardapprovesnewcollegetrackrequirements/](https://sundial.csun.edu/9021/archive/lausdschoolboardapprovesnewcollegetrackrequirements/).

1 in high need communities.” Ex. 1-7.

2 By 2005, key political figures in the city had begun recognizing Mr. Huizar’s
3 positive work in the community. After Antonio Villaraigosa was elected mayor in May
4 2005, thereby vacating his council seat in CD-14, he endorsed Mr. Huizar to replace
5 him for the remainder of his term.⁴ Indeed, Mr. Huizar’s work on the school board
6 inspired nearly the entire council, the Los Angeles Times, and other luminaries of east
7 Los Angeles politics to endorse him.⁵ Mr. Huizar’s record was so strong that he
8 defeated a former councilmember for CD-14.

9 **D. Mr. Huizar spends 15 Years on the Council working to help his constituents**
10 **throughout his district with issues large and small.**

11 It is impossible to comprehensively describe the work Mr. Huizar did on behalf
12 of both CD-14 and the city as a whole during his nearly fifteen years on the council
13 within the pages of a sentencing memorandum. But a summary of the breadth and
14 diversity of his work is necessary to provide the Court with an accurate understanding
15 of the public servant, though flawed as he became, that Mr. Huizar was. This case has
16 focused almost exclusively on four development projects downtown in a four-year
17 period. However, downtown revitalization represented only one of the many initiatives
18 Mr. Huizar championed, albeit one that garnered substantial press attention. And even
19 the portion which became the nucleus of this case is a sliver of the overall downtown
20 development taking place between 2012 and 2020.

21 At the time of his election, CD-14 was a very different district than the one
22 during the time of the offense conduct. It was primarily comprised of east Los
23 Angeles, including Highland Park, Eagle Rock, and Boyle Heights. Hence, it was not
24 until 2012, midway through his time on the council, that Mr. Huizar’s district
25 encompassed downtown and the development that entailed. By that point, Mr. Huizar
26

27 ⁴ Steve Hymon, Villaraigosa Backs Huizar for Council, L.A. TIMES, Aug. 2,
28 2005, <https://www.latimes.com/archives/la-xpm-2005-aug-02-me-huizar2-story.html>.

⁵ Editorial Board, For City Council, LOS ANGELES TIMES, Oct. 21, 2005,
<https://www.latimes.com/archives/la-xpm-2005-oct-21-ed-council21-story.html>.

1 had already been reelected twice in 2007 and 2011, reflecting his popularity and
2 success in working on behalf of his constituents. By 2015, the year of his final
3 reelection, Mr. Huizar was well-loved in the community for his work, including, but
4 not limited to, downtown. He was endorsed by a paper covering downtown, which
5 cited his “worthy gains,” including his stewardship of downtown’s boom.⁶ And the
6 Los Angeles Times recognized that Mr. Huizar was popular throughout his district
7 based on the sorts of bread-and-butter councilmember work that he was highly effective
8 at.⁷ Diverse groups like other members of the council, firefighters, and hotel workers
9 all combined to catapult Mr. Huizar to a double-digit victory over his opponent, a
10 veteran of eastside politics.

11 The reason is clear. Throughout these years, Mr. Huizar dealt with countless
12 issues, both grand and parochial, to improve the city. And his day-to-day work reflects
13 those priorities. Almost every minute of Mr. Huizar’s time was scheduled to various
14 causes and goals. Take, for example, a calendar covering January 22 to January 31,
15 2018, during the heart of the time of the offense conduct. Over the course of days
16 routinely lasting twelve or more hours, Mr. Huizar: attended council and committee
17 meetings, discussed potential legislation relating to short term rentals, had breakfast
18 meetings with other politicians, prepared for and attended the Night on Broadway
19 event, met with staff to discuss the Sixth Street Bridge project, attended a meeting to
20 address homelessness, met with developers seeking to build in his district, met with the
21 municipal employee labor union AFSCME, met with a Girl Scout troop, held a press
22 conference to reassure the community about a rash of church fires, and so on. Ex. 2.
23 Downtown development mattered, of course, but it was only one piece of the overall
24 puzzle. Simply put, Mr. Huizar’s days were bursting at the seams with the work of a
25

26 ⁶ Editorials, Endorsement: Jose Huizar for City Council, L.A. DOWNTOWN NEWS,
27 Feb. 16, 2015, https://www.ladowntownnews.com/opinion/endorsement-jos-huizar-for-city-council/article_da74eb9c-b3d4-11e4-b86a-87c7966c5479.html.

28 ⁷ David Zahniser, First & Spring: Why the gap between Huizar and Molina became a canyon, L.A. TIMES, Mar. 8, 2015, <https://www.latimes.com/local/cityhall/la-me-analysis-huizar-victory-20150309-story.html>.

1 committed public servant handling all matter of issues beyond development.

2 Mr. Huizar's attention was therefore split between the various segments of his
3 district, not simply downtown. Through staff reports, Mr. Huizar kept abreast of, and
4 took steps to resolve, issues affecting his constituents. Each week, Mr. Huizar received
5 staff reports covering Boyle Heights, Downtown, Northeast (*i.e.*, Eagle Rock, Highland
6 Park, etc.), planning projects, public works, and various constituent issues and
7 meetings. See, e.g., Ex. 3. Rather than relate to massive skyscrapers in a single corner
8 of downtown, the overwhelming bulk of the reports address the everyday sorts of issues
9 politicians solve. For example, in a single week in January 2018, Mr. Huizar's office
10 supported the building of a bracero statue on Spring/Cesar Chavez, interfaced with
11 parking enforcement downtown to make it safer for bicyclists dealing with illegally
12 parked cars, sponsored a blanket drive for the unhoused in Northeast, pushed for
13 graffiti abatement in El Sereno, and tracked planning projects throughout the city. A
14 similar description could be given for each and every of the hundreds of weeks Mr.
15 Huizar was in office. Whether it was dealing with a hole in the roof of a seniors center
16 in El Sereno, Ex. 4, pushing for a cleanup of the Exide toxic lead site near Boyle
17 Heights, Ex. 5, or attending an Eagle Rock Chamber of Commerce mixer, Ex. 6, Mr.
18 Huizar's time and focus was spread widely, with only a minority of it focused on
19 downtown development.

20 Even though this work garnered fewer splashy headlines, it made a world of
21 difference to the Angelenos who needed it. Margarita Amador is one of them. As a
22 lifetime resident of Boyle Heights, she is undoubtedly accustomed to her neighborhood
23 receiving the least attention and the fewest resources. But as she writes in her letter,
24 Mr. Huizar got results for Boyle Heights. He found funds to build a gym, fixed
25 basketball courts, lobbied the Los Angeles Dodgers to improve the local baseball field,
26 and even built a new crossing light needed to protect children. Ex. 1-9. In Ms.
27 Amador's words: "[o]ur mothers asked for this, and he delivered." Id. John Goldfarb
28 is another Angeleno whose life was bettered by Mr. Huizar's work. As he describes,

1 Mr. Huizar fixed Colorado Boulevard to add bike lanes, secured funding for a new park
2 on York Boulevard, created an off-leash dog park, and sponsored food giveaways
3 among other things. Ex. 1-16.

4 * * *

5 As described in numerous other letters referenced in Section III.A., the same
6 story holds true for other neighborhoods in Mr. Huizar’s district, from El Sereno, to
7 Highland Park, to DTLA. There are tens of thousands of people like Ms. Amador and
8 Mr. Goldfarb whose lives were enriched by the work Mr. Huizar did. While this case
9 will undoubtedly be the legacy of his public life, it is not the sum of his work in
10 politics, and the Court should consider Mr. Huizar the politician holistically in
11 fashioning the appropriate sentence.

12 **E. Mr. Huizar embraced a nuanced development policy oriented toward serving
13 the local community.**

14 Mr. Huizar had a simple policy when it came to development: build projects that
15 would benefit the city in places where the community was in support. In a district that
16 personified the contrast at the heart of Los Angeles – billion dollar towers a stone’s
17 throw from some of the city’s poorest neighborhoods – that policy necessarily led to a
18 nuanced approach. The inevitable result of the narrow context of this case is an
19 inference that Mr. Huizar was irredeemably corrupt, always on the side of developers
20 willing to pay, to the detriment of honest citizens. But that caricature of Mr. Huizar
21 ignores his actual approach to development throughout his large, diverse district. On
22 the one hand, Mr. Huizar is rightfully celebrated for overseeing the renaissance of
23 downtown Los Angeles which resulted in thousands of additional housing units in a
24 city in desperate need of more. But that same Mr. Huizar fought to protect his poorer
25 constituents in Boyle Heights and El Sereno, supporting rent control in the former and
26 preventing the development of treasured open space in the latter. Mr. Huizar accepted
27 benefits from developers who wanted to build developments that were good for the
28 city, and, in this case, he did so in a criminal way. But at the same time, he jealously

1 guarded the interests of his constituents in the poorer parts of his district.

2 **1. Downtown**

- 3 a. Mr. Huizar sought to make a Downtown Los Angeles befitting a world-
4 class city.

5 The core mantra of Mr. Huizar’s approach to downtown was simple: every great
6 city needs a great downtown. As anyone living here for longer than a decade can attest
7 to, Los Angeles did not have a great downtown at the turn of the millennium.
8 Competing business districts in Century City, Santa Monica, and elsewhere had robbed
9 downtown of its vitality. The more middle-class portions of downtown had turned to
10 outright blight in places. The opening of the South Park Ralphs in 2007 represented the
11 only supermarket downtown for years. Even the Los Angeles convention center, which
12 should have been a draw, was dilapidated and losing out on hosting conventions to
13 much smaller cities. By the time Mr. Huizar left office, downtown looked dramatically
14 different and for the better.

15 As the councilmember for CD-14 and the chair of PLUM, Mr. Huizar bore
16 primary responsibility for guiding development in downtown Los Angeles. Combining
17 his experience as a land-use attorney with his skill at resolving public policy problems,
18 Mr. Huizar fostered an unparalleled revitalization downtown. What had been a sleepy,
19 9-to-5 neighborhood abandoned on the weekends transformed over the course of the
20 2010s, at a time when the city needed badly to recover from a recent financial crisis.
21 Billions in investment caused downtown to “emerge[] as a vibrant destination replete
22 with residential projects, new restaurants, and cultural destinations.” Ex. 7. The
23 population of downtown surged; by 2017, the number of residents had tripled from
24 1999, reaching 60,000 people.⁸ But beyond simple census data, downtown Los
25 Angeles emerged as a major cultural destination in its own right during this period.

26 _____
27 ⁸ Scott Beyer, Downtown Los Angeles Is America’s Most Colorful
28 Neighborhood, FORBES, Apr. 28, 2017, <https://www.forbes.com/sites/scottbeyer/2017/04/28/downtown-los-angeles-is-americas-most-colorful-neighborhood/?sh=67180e62887b>.

1 New institutions like the Broad, the Wilshire Grand Hotel, and even the First Street
2 Courthouse opened during Mr. Huizar’s time at CD-14. The Arts District exploded
3 with some of the city’s best-known restaurants. Over a thousand restaurants, bars,
4 retail shops, and other amenities opened downtown between 2008 and 2018. Ex. 8 at 5.
5 It is little surprise that GQ Magazine called downtown Los Angeles “America’s Next
6 Great City.” Put simply, over the course of Mr. Huizar’s eight years as downtown’s
7 councilmember, it had radically changed for the better.

8 b. Mr. Huizar sought to build tens of thousands of homes in DTLA.

9 Downtown Los Angeles was a natural place to start building the many homes the
10 city desperately needs. After the flight from the urban core in the late twentieth
11 century, downtown Los Angeles was left with only 10,000 homes within its borders.⁹
12 But as the councilmember for downtown, Mr. Huizar helped shepherd through the
13 largest construction boom downtown had seen since the 1920s.¹⁰ Indeed, between 2013
14 and 2022, Los Angeles was second in the nation for new apartments built downtown,
15 representing nearly half of all apartments built in the entire city during that period.¹¹ In
16 2019, 3600 residential units broke ground with another 35,000 proposed. Ex. 8 at 8.

17 c. Building DTLA served the interests of the city as a whole.

18 Mr. Huizar’s approach of treating downtown as the economic engine of the city
19 redounded to the benefit of all. There was, of course, a generalized benefit by
20 providing Angelenos with a downtown they could be proud of. But there were also
21 significant tangible economic benefits. The billions spent downtown flowed back out
22 in the form of tens of thousands of high-paying construction jobs and all manner of
23

24 _____
25 ⁹ Kat Hanna & Andrew Altman, The reimagination of downtown Los Angeles,
BROOKINGS INSTITUTE, July 8, 2016, [https://www.brookings.edu/articles/the-](https://www.brookings.edu/articles/the-reimagination-of-downtown-los-angeles/)
26 [reimagination-of-downtown-los-angeles/](https://www.brookings.edu/articles/the-reimagination-of-downtown-los-angeles/).

27 ¹⁰ Andrew Khouri, Downtown Los Angeles hasn’t seen this much construction
since the 1920s, LOS ANGELES TIMES, Jan. 8, 2017,
<https://www.latimes.com/business/la-fi-downtown-boom-20161130-story.html>.

28 ¹¹ Steven Sharp, Study: DTLA ranked second in the country for apartment
construction in the past decade, URBANIZE LOS ANGELES, Sept. 15, 2023, [https://la.urb-](https://la.urb-anize.city/post/study-dtla-ranked-second-country-apartment-construction-past-decade)
[anize.city/post/study-dtla-ranked-second-country-apartment-construction-past-decade](https://la.urb-anize.city/post/study-dtla-ranked-second-country-apartment-construction-past-decade).

1 knock-on spending in the city. Developers moreover paid hundreds of millions back to
2 the city through linkage fees and TFAR payments which were used to support
3 affordable housing and public initiatives, respectively. In contrast, not building serves
4 no one. Failing to replace, for example, one of the many drab parking lots in South
5 Park with a largescale mixed-use building robs the city of housing, hotel rooms,
6 restaurants, and stores.¹² But it also stops the creation of thousands of good, well-
7 paying jobs to build, millions in TFAR payments, and ongoing tax revenues generated
8 by the businesses. Hence, by successfully shepherded these projects through Los
9 Angeles' byzantine and arcane development processes, Mr. Huizar significantly
10 contributed to the city's growth and betterment.

11 d. Mr. Huizar sought to improve DTLA through means besides major
12 development.

13 While massive project development has been the focus of this case, it reflects
14 only a small portion of Mr. Huizar's overall work downtown. Among his proudest
15 achievements was the creation of the Bringing Back Broadway initiative, which aimed
16 to revitalize the historic Broadway corridor in downtown Los Angeles. The Broadway
17 corridor, which at one point in the 20th century boasted the most theaters in the world
18 and high-end shopping, had fallen into blight in the 1980s as residents moved out of the
19 city center. In furtherance of his animating belief – that every great city needs a great
20 downtown – Mr. Huizar worked to breathe new life back onto Broadway.

21 In what would have proven to be the recurring challenge in Mr. Huizar's
22 professional career, his mission to fix Broadway required cutting through antiquated
23 and contradictory codes that made it too cumbersome to make productive use of nearly
24 a million square feet of space lining Broadway.¹³ Through his work with Bringing
25

26 ¹² Indeed, this scenario describes the billion-dollar Metropolis complex at 8th and
27 Francisco Streets, which employed 15,000 workers to replace parking lots with 1,500
condominiums, a 350-room hotel, and 70,000 square feet of commercial space.

28 ¹³ Roger Vincent, L.A.'s Broadway showing signs of reawakening, LOS ANGELES
TIMES, Feb. 6, 2014, <https://www.latimes.com/business/la-fi-property-report-20140206-story.html>.

1 Back Broadway, Mr. Huizar shepherded through new guidelines that would allow for
2 seamless transformation of the empty spaces.

3 The fruits of this work are self-evident to anyone comparing the Broadway of
4 2008 and the Broadway of today. As one downtown-focused publication described:

5 The changes are obvious, and benefit those who live, work in or visit
6 Downtown. Most notable is the influx of new businesses, highlighted by
7 the Ace Hotel, which arrived in 2013 and served as a catalyst for the
8 corner of Ninth and Broadway. A collection of high-end retail spots
9 followed, and in addition to drawing hotel guests, locals frequent the Ace
10 for the concerts and events in its refurbished theater.

11 Ex. 9. Moreover, “[c]redit for the turnaround goes to the office of 14th District City
12 Councilman Jose Huizar, who a decade ago launched the Bringing Back Broadway
13 initiative.” Id.

14 Night on Broadway, Mr. Huizar’s event celebrating the historic thoroughfare,
15 was also one of the city’s premiere cultural events. In conjunction with the
16 revitalization of the historic theaters lining Broadway, Mr. Huizar designed the Night
17 on Broadway festival as a “love letter” to Los Angeles. The annual event brought
18 hundreds of thousands of people to Broadway, which was limited to pedestrians to
19 enjoy live music, visit the theaters, and experience downtown in a way that was
20 unthinkable only a few years before. The event, which successfully ran for years,
21 demonstrated that downtown had its own cultural vitality and could contribute to the
22 city as a destination.

23 Mr. Huizar similarly worked to improve Pershing Square, the longstanding core
24 of downtown that had fallen into disrepair over the decades. The construction of the
25 underground Pershing Square parking lot raised the level of the park itself, functionally
26 separating it from the streets, a problem only exacerbated by a 1990s redesign that
27 turned the space into a maze. Mr. Huizar therefore held a design contest in 2015 for
28 plans to overhaul the square.¹⁴ Mr. Huizar moreover was instrumental in ensuring

¹⁴ Christian Martinez, Overhaul of Pershing Square, long a ‘concrete jungle’ in downtown L.A., finally breaks ground, LOS ANGELES TIMES, Sept. 1, 2023,

1 funding for the program, through his revitalization of Quimby fees, see infra, and
2 TFAR contributions. While construction was held up following the selection of the
3 plan, the city finally began to break ground this year and will change Pershing Square
4 into greener, more accessible park that Angelenos can be proud of.

5 **2. East and Northeast Los Angeles.**

6 Of course, Mr. Huizar represented more than downtown. His constituents in El
7 Sereno and Boyle Heights had markedly different priorities, which Mr. Huizar duly
8 protected. The residents of these neighborhoods rightfully feared gentrification and
9 losing their homes. In contrast to his approach downtown, Mr. Huizar worked to
10 ensure that his constituents in east Los Angeles were not victimized by predatory
11 development that did not serve their interests.

12 Mr. Huizar's approach to the Elephant Hill open space in El Sereno exemplifies
13 how he was no mere shill for development for development's sake. Elephant Hill, one
14 of the largest remaining open spaces close to downtown, was a natural target for
15 developers. A Newport Beach-based developer purchased the plot in 2003 and sought
16 to construct a new subdivision, which the City Council had approved prior to Mr.
17 Huizar's election in 2005.¹⁵ But after he reached the council, Mr. Huizar became a
18 fierce advocate against the development, even though the developer's lobbyist had held
19 multiple campaign fundraisers for Mr. Huizar.¹⁶ As part of the council, Mr. Huizar
20 reversed the Board of Public Works' approval of permits necessary to begin
21 construction.¹⁷ Mr. Huizar continued his opposition to the development until
22 orchestrating the city's decision to purchase the property and use it as a park, thereby
23

24 <https://www.latimes.com/california/story/2023-09-01/downtown-los-angeles-pershing-square-renovation-work-begins>.

25 ¹⁵ Louis Sahagun, El Sereno saves the Heavens, LOS ANGELES TIMES, Nov. 10, 2009, <https://www.latimes.com/local/la-me-outthere10-2009nov10-story.html>.

26 ¹⁶ David Zahniser, L.A. council to settle lawsuit by buying El Sereno property for use as a park, LOS ANGELES TIMES, Nov. 4, 2009, <https://www.latimes.com/archives/la-xpm-2009-nov-04-me-park4-story.html>.

27 ¹⁷ Staff and Wire Reports, City denies permit for Elephant Hill developer, LOS ANGELES TIMES, Oct. 25, 2007, <https://www.latimes.com/archives/la-xpm-2007-oct-25-me-briefs25.s1-story.html>.

1 maintaining the space in perpetuity.¹⁸ As described by a community organization
2 opposed to the development, Mr. Huizar provided “steadfast leadership as he
3 champion[ed] residents’ public safety and environmental concerns related to this
4 development.”¹⁹

5 **F. Mr. Huizar’s major policy initiatives bettered the city for all.**

6 As described above, it is impossible to fully catalog Mr. Huizar’s priorities and
7 achievements. But as the it fashions the appropriate sentence, Mr. Huizar asks the Court
8 to consider certain initiatives in which Mr. Huizar takes particular pride.

9 **1. Homelessness.**

10 Homelessness has proven to be the city’s defining and most intractable problem
11 for years. To say that Mr. Huizar placed special focus while on council to combat
12 homelessness is not to say that it has been solved. It is readily apparent that it has not
13 been. But Mr. Huizar was a committed advocate at council for trying to address this
14 issue, when many others would prefer to simply ignore it so long as it stayed out of
15 their district. The downtown development described supra played a role in that by
16 building thousands of new housing units in a city that barely builds anymore. But Mr.
17 Huizar also took other significant actions to try to solve an issue that challenges the city
18 to this day.

19 First, Mr. Huizar gave the issue special focus at council by spearheading the
20 creation of the city’s first Homelessness and Poverty Committee, of which Mr. Huizar
21 served as the first chair. Ex. 10. Working through that committee, Mr. Huizar issued
22 the city’s first Comprehensive Homelessness Strategic Plan in 2016. Id. Mr. Huizar
23 also successfully passed a motion to create the city’s first Homelessness City
24 Coordinator. Id. at 6.

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26
27 ¹⁸ Zahniser, supra.

28 ¹⁹ Damien Newton, City Council Agrees to Buy Elephant Hill from Developer and Preserve It As Open Space, Nov. 4, 2009, STREETS BLOG LA, <https://la.streetsblog.org/2009/11/04/city-council-agrees-to-buy-elephant-hill-from-developer-and-preserve-it-as-open-space>.

1 Second, Mr. Huizar championed the passage of Los Angeles's linkage fee to
2 generate badly needed funds for the city's affordable housing trust in 2017. The city's
3 affordable housing trust, which it used to support the development of affordable homes,
4 had shrunk from \$100 million in 2010 to nearly empty in 2017 due to the lack of a city-
5 based funding source and the end of federal and state contributions. Seeking to create a
6 new source of funding for the trust, Mr. Huizar pushed to add a fee that charged
7 developers on a square-foot basis for new buildings. He managed to do so even over
8 the opposition of the business community in 2017, which argued that the fee would
9 discourage development.²⁰ Now in effect, the linkage fee generates tens of millions of
10 dollars annually that supports affordable housing. Ex. 11.

11 Third, Mr. Huizar co-authored Measure HHH, a bond proposition to raise \$1.2
12 billion to build supportive housing for homeless residents of the city. Mr. Huizar
13 moreover led the way at council in implementing Measure HHH by approving
14 significantly more sites in his district for building than his colleagues.²¹ These funds
15 represent the largest infusion of homelessness-directed investment in the city's history.

16 Finally, with Mr. Huizar's assistance, his district saw the greatest number of
17 affordable housing units constructed during his tenure as compared to all the other
18 Council Districts, thereby preventing at-risk residents from becoming homeless.
19 Moreover, in Boyle Heights, nearly two thirds of the residents were renters subject to a
20 rent stabilization ordinance. Ex. 10 at 21. But many of residents did not understand
21 their rights, which left them vulnerable to predatory landlords and the possibility of
22 unfair evictions.²² Hence, Mr. Huizar launched an outreach program to address this
23

24
25 ²⁰ Craig Clough, LA's \$100 million affordable-housing 'linkage fee' could pass City Council, CITY NEWS SERVICE, Dec. 13, 2017, <https://www.dailybreeze.com/2017/12/13/las-100-million-affordable-housing-linkage-fee-could-pass-city-council/>.

26 ²¹ Emily Alpert Reyes, L.A. promised more housing for homeless people - but some neighborhoods are way behind, LOS ANGELES TIMES, Mar. 20, 2019, <https://www.latimes.com/local/lanow/la-me-ln-homeless-housing-hhh-20190320-story.html>.

27 ²² Groups aim to raise awareness of renters' rights in rent controlled areas such as Boyle Heights, ABC7 LOS ANGELES, Nov. 2, 2017, <https://abc7.com/southern-california-rent-boyle-heights-control-awareness-los-angeles-county/2597905/>.

1 issue. Mr. Huizar and his office managed to visit nearly every such unit, a stunning
2 nearly 15,000 homes. Id. Mr. Huizar also introduced legislation to prohibit owners
3 from wrongly manipulating the Ellis Act, which was being used to improperly evict
4 tenants from rent-controlled apartments. Ex. 13. And, on a number of projects, like
5 Mateo, Mr. Huizar sought and obtained direct payments into a CD-14 Affordable
6 Housing trust fund, which were meant to be repurposed to things like expiring rent
7 covenants and other community-stabilizing initiatives in other parts of CD-14.

8 **2. Parks**

9 Mr. Huizar also sought to beautify the city through a revitalization of its parks.
10 Despite its size and wealth, Los Angeles spent far less money on parks than its peer
11 cities. It moreover did so in a discriminatory way, as the wealthier westside possessed
12 more open space than the eastside. Mr. Huizar attacked this problem in two ways: (i)
13 increasing the city's park budget through additional fees on developers, and (ii)
14 building parks, large and small, throughout the city. The net effect of his work was to
15 interweave green spaces into the everyday lives of residents, allowing them to enjoy
16 greenery as they walked to work or to make a dedicated trip to one of the city's new
17 parks.

18 First, Mr. Huizar pushed to revitalize the city's collection of Quimby fees, a state
19 program requiring developers to make contributions to park development. For decades,
20 the city's implementation of Quimby fees sat stagnant. But Mr. Huizar orchestrated an
21 update of the policy that applied it more broadly to development and increased the fee
22 itself.²³ The changes moreover expanded the city's authority to deploy the funds in a
23 broader geographic area, allowing the city to build parks where they were needed most,
24 rather than next to the developments paying the fees.²⁴ As with Mr. Huizar's other
25

26 ²³ Alice Walton, First change to developer fees in 30 years could bring in \$30
27 million more for L.A. parks, LOS ANGELES TIMES, Sept. 7, 2016, <https://www.latimes.com/local/lanow/la-me-ln-developer-park-fees-20160907-snap-story.html>.

28 ²⁴ Damon Nagami, The New Quimby: Celebrating a Win for LA's Parks,
NATURAL RESOURCES DEFENSE COUNCIL, Sept. 27, 2016,
<https://www.nrdc.org/bio/damon-nagami/new-quimby-celebrating-win-parks>.

1 work, it had real-world, positive effects for the city. These same fees were used a year
2 later to complete the Arts District’s first park.²⁵

3 Second, Mr. Huizar was the driving force for the city’s parklet program. He co-
4 sponsored a pilot program at council to create “pocket parks” along the sidewalk in
5 densely populated areas that would give residents an outdoor area to relax without
6 having to travel to a more far-flung, larger park.²⁶ This need was particularly acute in
7 Los Angeles, where half of the city did not live within a ten minute walk of a park.²⁷

8 Third, Mr. Huizar pushed for the creation of larger dedicated parks in his district.
9 Elephant Hill, described supra, is one such example where Mr. Huizar opposed
10 developers to maintain open space in El Sereno. Mr. Huizar also orchestrated the
11 creation of other parks including at York Boulevard and 50th Avenue in Highland Park,
12 the Arroyo Playground in El Sereno, a dog park in Eagle Rock, the expansion of the
13 100-acre Ascot Hills in El Sereno, and more. Mr. Huizar was also the force behind the
14 Vista Hermosa Park just southwest of the First Street Courthouse when he solved the
15 Belmont Learning Complex issue while a member of the school board. Mr. Huizar also
16 used his mediation skills to resolve a dispute between USC and the residents of Boyle
17 Heights over the potential expansion of a road into Hazard Park. Mr. Huizar worked
18 alongside community activists, and, in the end, USC opted to build in a different
19 direction and donated more than a million dollars to the parks foundation.²⁸ The
20 President of the Hazard Park Preservation Committee credited Mr. Huizar with
21 negotiating through the tension and “bringing both sides together.” Through the
22

23 ²⁵ Christopher Hawthorne, Building Type: Long road to the Arts District’s first
24 park, LOS ANGELES TIMES, Jan. 19, 2017, [https://www.latimes.com/entertainment/arts/](https://www.latimes.com/entertainment/arts/la-ca-cm-building-type-hawthorne-2-2017-01-22-story.html)
[https://www.latimes.com/entertainment/arts/](https://www.latimes.com/entertainment/arts/la-ca-cm-building-type-hawthorne-2-2017-01-22-story.html)

25 ²⁶ Ann M. Simmons, L.A.’s pocket parks are flourishing, supporters say, LOS
26 ANGELES TIMES, Sept. 30, 2013, [https://www.latimes.com/local/lanow/la-me-ln-](https://www.latimes.com/local/lanow/la-me-ln-parklets-pocket-parks-20130930-story.html)
[https://www.latimes.com/local/lanow/la-me-ln-](https://www.latimes.com/local/lanow/la-me-ln-parklets-pocket-parks-20130930-story.html)

27 ²⁷ Dashiell Young-Saver, Through ‘lost lots,’ an effort to make L.A. more of a
28 park place, LOS ANGELES TIMES, Aug. 22, 2014, [https://www.latimes.com/local/](https://www.latimes.com/local/cityhall/la-me-small-parks-20140823-story.html)
[https://www.latimes.com/local/](https://www.latimes.com/local/cityhall/la-me-small-parks-20140823-story.html)

²⁸ Antonio Mejias, Hazard Park gets a \$1 million makeover, BOYLE HEIGHTS
BEAT, Feb. 14, 2015, [https://boyleheightsbeat.com/hazard-park-gets-a-1-million-dollar-](https://boyleheightsbeat.com/hazard-park-gets-a-1-million-dollar-makeover/)
[https://boyleheightsbeat.com/hazard-park-gets-a-1-million-dollar-](https://boyleheightsbeat.com/hazard-park-gets-a-1-million-dollar-makeover/)

1 donation Mr. Huizar helped secure, the city was able to fund a toddler playground,
2 improved walking paths, and new outdoor exercise equipment. He similarly secured
3 significant funds to improve existing parks, including, for example, a million dollars to
4 clean up Hollenbeck Park in Boyle Heights.²⁹

5 However, of all his contributions to Los Angeles' parks, Mr. Huizar's largest
6 legacy will likely be the Sixth Street Bridge replacement project that he shepherded
7 through council and numerous bureaucratic chokepoints to replace an earthquake-prone
8 historic bridge with a new landmark for the City of Los Angeles. Connecting the Arts
9 District and Boyle Heights, the Sixth Street Bridge was a Los Angeles landmark dating
10 from 1932 that featured prominently in movies and film but needed to be replaced due
11 to safety concerns.³⁰ Mr. Huizar saw an opportunity to build badly needed parklands in
12 two areas poorly served with respect to parks. Hence, the new Sixth Street Bridge
13 would combine an iconic structure linking downtown and the eastside to honor its
14 predecessor, with twelve acres of park below the massive edifice.³¹

15 Like most largescale public works projects, delay and challenges arose between
16 the selection of the design and the start of building. And so when the project's park-
17 like elements – stairs providing access to the top of the arches offering vistas of the
18 city, ramps linking the bridge with the park below, and the arts plaza on the west side –
19 were threatened by the state's determination that they were ineligible for state funds,
20 Mr. Huizar leapt into action. He sent staff to Sacramento and worked with then-
21 Congressman Becerra and the state senate to secure \$20 million to fill the

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25 ²⁹ Kris Kelley, \$1 million improvement effort begins at Hollenbeck Park Lake,
BOYLE HEIGHTS BEAT, June 30, 2015, [https://boyleheightsbeat.com/1-million-
improvement-effort-begins-at-hollenbeck-park-lake/](https://boyleheightsbeat.com/1-million-improvement-effort-begins-at-hollenbeck-park-lake/).

26 ³⁰ Yosuke Kitazawa, City Announces New Design for Sixth Street Bridge, PBS
SOCAL, Oct. 19, 2012, [https://www.pbssocal.org/shows/earth-focus/city-announces-
new-design-for-sixth-street-bridge](https://www.pbssocal.org/shows/earth-focus/city-announces-new-design-for-sixth-street-bridge).

27 ³¹ Steven Sharp, Final Design Concepts Revealed for Sixth Street Viaduct Park,
28 URBANIZE LOS ANGELES, Sept. 22, 2017, [https://la.urbanize.city/post/final-design-
concepts-revealed-sixth-street-viaduct-park](https://la.urbanize.city/post/final-design-concepts-revealed-sixth-street-viaduct-park).

1 shortfall.³²

2 The fruits of Mr. Huizar’s labor to build a new Sixth Street Bridge finally came
3 to fruition last year, with the opening of the bridge itself. And construction began this
4 year for the twelve acres of parks, which will provide open space to two communities
5 sorely lacking it.³³

6 **3. Other works.**

7 This sentencing memorandum could easily reach tome-like length through a
8 comprehensive review of Mr. Huizar’s time on council. This work – which has been
9 absent from the focus of the case until now – is an essential component of the man the
10 Court will be sentencing. For the sake of brevity, Mr. Huizar notes his involvement in
11 a select few of his other diverse policies and initiatives:

- 12 • ReCode L.A.: an initiative to update Los Angeles’s antiquated zoning laws to make
13 far more building as of right, thereby reducing Council’s (and Mr. Huizar’s own)
power in development, Ex. 12;
- 14 • Exide Battery Plant Cleanup: Mr. Huizar pushed the state to address the risk of toxic
15 contamination in Boyle Heights from the shuttered Exide battery plant in Vernon;³⁴
- 16 • Hybrid Industrial Ordinance: a city ordinance easing zoning restrictions in the Arts
17 District and industrial areas in return for various community benefits, further
accelerating the construction of housing without the need for discretionary
intervention by Councilmembers (or Mr. Huizar);³⁵
- 18 • DTLA Forward: an initiative to make downtown Los Angeles’s streets safer for
19 pedestrians and bicyclists, including by creating protected bike lanes;³⁶

20 ³² Sahra Sulaiman, Sixth Street viaduct expected early 2019, BOYLE HEIGHTS
21 BEAT, Oct. 9, 2014, <https://boyleheightsbeat.com/sixth-street-viaduct-expected-early-2019/>.

22 ³³ Gary Leonard, Construction begins for 12 acres of park space below the Sixth
Street Viaduct, URBANIZE LOS ANGELES, Aug. 7, 2023,
23 <https://la.urbanize.city/post/construction-begins-12-acres-park-space-below-sixth-street-viaduct>.

24 ³⁴ Emily Alpert Reyes, L.A. councilman joins calls to speed up toxic cleanup
around Exide plant, L.A. TIMES, Feb. 12, 2016, <https://www.latimes.com/local/lanow/la-me-ln-toxic-cleanup-exide-20160212-story.html>.

25 ³⁵ Council Approves Controversial Live/Work Ordinance, L.A. DOWNTOWN
26 NEWS, Feb. 18, 2016, https://www.ladowntownnews.com/news/council-approves-controversial-live-work-ordinance/article_391a171a-d4d8-11e5-95e4-abef7f35ae43.html.

27 ³⁶ Ted Chen & Paolo Uggetti, New Plan Seeks to Improve Bike and Pedestrian
Safety in Downtown Los Angeles, NBC LOS ANGELES, Mar. 23, 2016,
28 <https://www.nbclosangeles.com/news/dtla-forward-bike-friendly-pedestrian-initiative-downtown-traffic-transportation/59201/>.

- 1 • Clean Up Green Up: Mr. Huizar co-sponsored an environmental justice initiative to
2 remediate overly polluted areas in the city by enacting special-use restrictions,
3 economic incentives, and other measures;³⁷
- 4 • Self Help Graphics: Mr. Huizar secured city funds to prevent a venerable eastside
5 Los Angeles arts institution that supported Chicano art from losing its Boyle Heights
6 home due to gentrification;³⁸
- 7 • Murals: Mr. Huizar, working with advocates throughout Los Angeles, encouraged
8 the city to adopt a new ordinance permitting muralists to create new works and
9 removal of the city's ban;³⁹
- 10 • People Street Program: the city's Department of Transportation's People Street
11 program, which added parklets, bike corrals, and plazas, was first developed through
12 initiatives developed by Mr. Huizar, including the city's first bike corral on York
13 Boulevard in Mr. Huizar's district;
- 14 • Green Bike Lanes: Mr. Huizar piloted the city's first green bike lanes, which
15 provide bicyclists with increased safety on Spring Street downtown and First Street
16 in Boyle Heights;
- 17 • Pedestrian Headstart Signals: Mr. Huizar piloted the installation of pedestrian
18 headstart signals on Broadway, which give pedestrians a four-second window to
19 begin walking through crosswalks ahead of traffic, which increase visibility and
20 pedestrian safety.⁴⁰
- 21 • Operation Healthy Streets: an initiative to conduct outreach with the unhoused
22 residents of Skid Row and to do deep cleanings of the area to limit the spread of
23 disease among them;⁴¹
- 24 • Eagle Rock Vandalism: Mr. Huizar secured the assistance of the LAFD Search and
25 Rescue team to remediate vandalism of the Eagle Rock, a monument in the
26 neighborhood, which was too high for the city's normal staff to clean;⁴²

19 ³⁷ Tony Barboza, L.A. City Council adopts rules to ease health hazards in
20 polluted neighborhoods, L.A. TIMES, Apr. 13, 2016,
<https://www.latimes.com/local/lanow/la-me-pollution-protection-20160412-story.html>.

21 ³⁸ Brittny Mejia, Amid anxieties over gentrification, art institution is one step
22 closer to securing its future in Boyle Heights, L.A. TIMES, Dec. 5, 2017, <https://www.latimes.com/local/california/la-me-ln-self-help-graphics-20171205-story.html>.

23 ³⁹ CBS Los Angeles, Council Votes to Lift Decades-Long Ban of Murals on
24 Private Property in Los Angeles, CBS LOS ANGELES, Sept. 4, 2013,
<https://www.cbsnews.com/losangeles/news/council-votes-to-lift-decade-long-ban-of-murals-on-private-property-in-los-angeles/>.

25 ⁴⁰ Leslie Lopez, New traffic signals give pedestrians head start in downtown Los
26 Angeles, ABC7 LOS ANGELES, Mar. 2, 2016, <https://abc7.com/downtown-la-traffic-signals-crosswalks-pedestrians-jose-huizar-dtla/1227520/>.

27 ⁴¹ Editorials, Endorsement: Jose Huizar for City Council, L.A. DOWNTOWN
28 NEWS, Feb. 16, 2015, https://www.ladowntownnews.com/opinion/endorsement-jos-huizar-for-city-council/article_da74eb9c-b3d4-11e4-b86a-87c7966c5479.html.

⁴² The Eastsider, Fire fighters come to the rescue of The Eagle Rock, THE
EASTSIDER, Apr. 6, 2011, https://www.theeastsiderla.com/archives/fire-fighters-to-come-to-the-rescue-of-the-eagle-rock/article_b677ace4-4829-5613-a053-971afea8b6ef.html.

- 1 • Residential Beekeeping: Mr. Huizar led the successful effort to enact an ordinance
2 to permit residential beekeeping following outreach from his constituents;⁴³
- 3 • Farmers Markets': Mr. Huizar authored a successful motion to require farmers'
4 markets in Los Angeles to accept EBT, i.e., food stamps, thereby increasing low-
income residents' access to fresh food;⁴⁴
- 5 • Urban Gardens: Mr. Huizar helped develop an Urban Agriculture Incentive Zone
6 program that allows underutilized property to be used for farming within the city,
enabling the community to plant gardens to provide healthy sustenance;
- 7 • Illegal Dumping: Mr. Huizar pushed for increased funding to address and increased
8 penalties for illegal dumping, which had reached unacceptable levels in the city;⁴⁵
- 9 • Utility Box Murals: Mr. Huizar commissioned local artists to beautify the city by
10 painting murals on utility boxes throughout his district,⁴⁶ a program that has
expanded throughout the city with 200 in CD-14 and 600 throughout the rest of the
city;
- 11 • Valley Boulevard Bridge: Mr. Huizar secured \$50 million to build a bridge to
12 alleviate traffic and safety issues caused by a railroad crossing in El Sereno that
created bottlenecks that city officials had spent thirty years failing to solve;⁴⁷
- 13 • Ascot Hills Nature Park: Mr. Huizar helped bring the Ascot Hills Nature Park in El
14 Sereno to fruition, a 140-acre park whose development had languished for years due
to bureaucratic challenges until he took over CD-14;⁴⁸
- 15 • Scholl Canyon Landfill: Mr. Huizar lobbied against the expansion of a landfill in
16 Glendale which posed a significant health and environmental risk to his district in
Eagle Rock, including by authoring a unanimously approved motion;⁴⁹

18 ⁴³ Lucy Feickert, LA City OKs Urban Bee Keeping Ordinance, NBC4 LOS
19 ANGELES, Oct. 14, 2015, <https://www.nbclosangeles.com/news/city-council-to-approve-urban-bee-keeping-ordinance/63317/>.

20 ⁴⁴ Valentina Silva, Farmers Markets Are Now Accepting Food Stamps, But
That's Not Enough, L.A. MAGAZINE, May 24, 2016, [https://lamag.com/food/5-ways-
get-low-income-shoppers-farmers-markets](https://lamag.com/food/5-ways-get-low-income-shoppers-farmers-markets).

21 ⁴⁵ Contributing Editor, L.A. Councilman Aims to Increase Enforcement on
Illegal Dumping Downtown, MYNEWSLA, June 5, 2019, [https://mynews1a.com/
crime/2019/06/05/l-a-councilman-aims-to-increase-enforcement-on-illegal-dumping-
downtown/](https://mynews1a.com/crime/2019/06/05/l-a-councilman-aims-to-increase-enforcement-on-illegal-dumping-downtown/).

22 ⁴⁶ Lourdes Espinoza, Utility boxes along First Street become public art canvases
for local artists, BOYLE HEIGHTS BEAT, Nov. 15, 2013, [https://boyleheightsbeat.com/
utility-boxes-along-first-street-become-public-art-canvases-for-local-artists/](https://boyleheightsbeat.com/utility-boxes-along-first-street-become-public-art-canvases-for-local-artists/).

23 ⁴⁷ Hector Becerra, Valley Boulevard bridge unclogs a bottleneck in El Sereno,
24 L.A. TIMES, Feb. 2, 2009, [https://www.latimes.com/archives/la-xpm-2009-feb-02-me-
elsereno2-story.html](https://www.latimes.com/archives/la-xpm-2009-feb-02-me-elsereno2-story.html).

25 ⁴⁸ Esmeralda Bermudez, After numerous attempts, construction of Ascot Hills
Park begins, L.A. TIMES, June 28, 2010, [https://www.latimes.com/archives/la-xpm-
2010-jun-28-la-me-ascot-20100628-story.html](https://www.latimes.com/archives/la-xpm-2010-jun-28-la-me-ascot-20100628-story.html).

26 ⁴⁹ Lila Seidman, Glendale officials abandon plans to expand Scholl Canyon
Landfill, L.A. TIMES, Sept. 17, 2019, [https://www.latimes.com/socal/glendale-news-
press/news/story/2019-09-17/scholl-canyon-landfill-expansion-abandoned](https://www.latimes.com/socal/glendale-news-press/news/story/2019-09-17/scholl-canyon-landfill-expansion-abandoned).

- 1 • Northeast Hillside Ordinance: Mr. Huizar championed an ordinance to help protect
2 the hillsides in Northeast Los Angeles from overdevelopment, placing limits on the
3 amount of grading that can be done on hillside properties, as well as building height,
4 retaining wall height and square footage allowed for all new construction projects in
5 the area. The ordinance brings safe, uniformed standards to the communities while
6 protecting against over-development;⁵⁰
- 7 • Open-for-Business Initiative: Together with Mitch O’Farrell, Mr. Huizar was behind
8 a push to cut red tape and streamline regulations in order to make doing business in
9 the city easier, particularly for small operators, Ex. 14;
- 10 • Evergreen Cemetery: Mr. Huizar authored a motion requesting an ordinance to
11 prohibit used car sales that were monopolizing the parking around Evergreen
12 Cemetery, one of Boyle Heights’ few open spaces;⁵¹ and
- 13 • Finally, in addition to his role on PLUM, which has been the near-exclusive focus of
14 this case, Mr. Huzar was also a member of numerous standing committees during
15 the key time periods in the FSI, including Economic Development, Public Safety,
16 Housing, and the Environment, along with ad-hoc committees for issues including
17 the Los Angeles river, the football stadium, and immigration.

11 **III. ARGUMENT**

12 As this Court knows well:

13 Imposing a sentence on a fellow human being is a formidable
14 responsibility. It requires a court to consider, with great care and
15 sensitivity, a large complex of facts and factors. The notion that this
16 complicated analysis, and moral responsibility, can be reduced to the
17 mechanical adding-up of a small set of numbers artificially assigned to a
18 few arbitrarily-selected variables wars with common sense. Whereas
19 apples and oranges may have but a few salient qualities, human beings in
20 their interactions with society are too complicated to be treated like
21 commodities, and the attempt to do so can only lead to bizarre results.

22 United States v. Gupta, 904 F.Supp.2d 349, 350 (S.D.N.Y. 2012), aff’d, 747 F.3d 111
23 (2d Cir. 2014). Indeed, while the advisory guidelines introduce a machine-like
24 element, sentencing is a fundamentally human exercise in judgment and common
25 sense. The end goal of that exercise is not to tabulate numbers, but to measure a man
26 and his circumstances, in all their complexity, and arrive at a result “sufficient, but not
27 greater than necessary” to achieve all the goals of federal sentencing. 18 U.S.C. §

26 ⁵⁰ L.A. Dep’t of City Planning, Northeast Hillside Ordinance,
27 <https://planning.lacity.org/plans-policies/overlays/northeast-la-hillside-zone-change>.
28 ⁵¹ The Eastsider, Shopping for a used car? Perhaps it’s time to head to Evergreen
Cemetery, EASTSIDER L.A., Dec. 17, 2014, https://www.theeastsiderla.com/news/business/shopping-for-a-used-car-perhaps-it-s-time-to-head-to-evergreen-cemetery/article_f2584905-4357-5170-ba11-ee3dc84a87fb.html.

1 3553(a).

2 Here, the Court can achieve that objective by imposing a 9-year term in custody,
3 which would punish Mr. Huizar for his transgressions and send a meaningful deterrent
4 message, while also acknowledging his mitigating personal characteristics, positive
5 contributions to the community, nonexistent recidivism risk, family ties and
6 responsibilities, significant collateral punishment, and the need to avoid unwarranted
7 disparities and similarities.

8 **A. A 9-year sentence would fairly balance the wrong that Mr. Huizar has done in**
9 **this case with his mitigating personal history, lifetime of good works, devotion**
to family and friends, age, health, and other laudable personal characteristics.

10 § 3553(a)(1) requires courts to consider the “history and circumstances” of each
11 defendant. This command reflects the uniform and constant federal judicial tradition
12 for the sentencing judge to view “every convicted person as an individual and every
13 case as a unique study in the human failings that sometimes mitigate, sometimes
14 magnify, the crime and the punishment to ensue.” Gall v. United States, 552 U.S. 38,
15 52 (2007). In particular, the Supreme Court has emphasized that possessing “the fullest
16 information possible concerning the defendant’s life and characteristics” is “[h]ighly
17 relevant – if not essential – to [the] selection of an appropriate sentence.” Pepper v.
18 United States, 562 U.S. 476, 488 (2011) (everything omitted). Underlying this notion
19 “is the principle that the punishment should fit the offender and not merely the crime.”
20 Id. at 487-88.

21 While it is rarely possible to capture the richness and complexity of a person’s
22 life in a legal filing, that is perhaps uniquely true for Mr. Huizar. As described above,
23 he has lived a remarkable life of almost novelistic proportions. Born into poverty in an
24 adobe home in rural Mexico, he immigrated to the United States as a toddler, overcame
25 extraordinary odds, and, lifted by the dreams and aspirations of his family, made his
26 way in the world through hard work, education, and human connection.

27 In his adult life, he eschewed high-paying private-sector jobs principally out of a
28 desire to better the circumstances of families and communities like his own. For a

1 time, he was a beloved and highly-successful official representing his hometown
2 neighborhood – where he was formed and still lives to this day – and considered to be a
3 rising political star with limitless potential. As a representative, he was known for his
4 boundless energy and enthusiasm, and as a person who bridged divides, displayed
5 compassion for his fellow man, and achieved remarkable advancements for the city.

6 Once a respected pillar of the community, he enjoyed the love and support of his
7 wife and children, his extended family, and hundreds of friends, and was equally
8 comfortable in a City Hall meeting as he was at a punk-rock show or a religious festival
9 in his hometown. On a personal level, Mr. Huizar was – and remains – profoundly
10 interesting and charismatic, a person with a repressible wit and important perspective
11 whose knowledge of the city and its issues is immeasurable.

12 At the same time, Mr. Huizar was a philanderer, a gambler, and an alcoholic.
13 And while he did exceptional things in his public life, he also did inexcusable ones, and
14 he abused the position to which the community entrusted him. Through his actions, he
15 extinguished his once-promising potential and dashed the hopes of many.

16 Lately, he has experienced a downfall of almost-incalculable proportions.
17 Beginning with the raids on his home, his family has been slowly destroyed, his
18 children have been deeply affected, and, in his mid-50s, he is preparing to enter federal
19 prison – away from his elderly mother, whom he cares for, and his four school-aged
20 children who love their father and depend on him greatly – for no less than 9 years. He
21 has lost his reputation, his professional license, his career, his identity, his marriage,
22 and many longtime friends. And all of this has happened in the most public setting
23 imaginable.

24 This is a profoundly tragic story that has affected many people. It is also a story
25 that has been confounded by relentlessly negative publicity and simplistic narratives
26 that rush like the tides to declare a person as good or bad. In truth, as with all things
27 and people of consequence, Mr. Huizar is “not good or bad but good and bad.” And,
28 perhaps at a certain level, “the good comes out of the bad and the bad out of the

1 good[.]” Whatever the case, in the real world, few people are all one thing or another.
2 And that is rarely more true than it is for Mr. Huizar. He is a deeply human and
3 uniquely “complicated contraption,” who has overcome significant odds, done great
4 things, failed spectacularly, and confessed completely.

5 The dozens of letters compiled in Exhibit 1 sketch in some of the details of Mr.
6 Huizar’s life. In addition to these letters, the Court should know that there remains a
7 substantial-but-silent wave of community appreciation – from small business owners,
8 community activists, prominent officials, and everyday people positively affected by
9 Mr. Huizar’s past efforts or acts of kindness – which continues to support Mr. Huizar,
10 but feels reluctant to say anything publicly due to negative publicity.⁵² Still, through
11 memories and anecdotes, the letters that have been submitted share powerful themes of
12 devotion to family and friends; industriousness; good works; passion for people;
13 compassion for the unfortunate; resilience in the face of adversity; and caring for loved
14 ones.

15 **Devotion to family and friends.** One of the most prominent threads tying
16 together the sentencing letters is Mr. Huizar’s love for his children and extended
17 family, the positive impact that he has had on their lives, and their love and admiration
18 for him in return. Indeed, despite the turmoil that this case has caused, Mr. Huizar’s
19 older children all submitted letters describing their love for their father, the important
20 role that he plays in their lives, and their belief that he is fundamentally a good person
21 and a loving dad who has tried to do his best. [REDACTED]

22 [REDACTED]
23 [REDACTED]
24 _____
25 ⁵² Characteristic of many responses received by the defense in preparation for
26 sentencing is an email that Mr. Huizar’s counsel received from the leader of a
27 prominent local organization: “I’ve been advised by my legal counsel at work and board
28 members not to submit a letter for [Mr. Huizar’s sentencing]. They understand that
Jose Huizar has made valuable contributions to our society but worry that this case
might impact our organization, even if i do write it as an individual. Please know that it
hurts me to send this response to Jose, as he and his family have been such special
people to my [spouse] and I, and as you and I discussed, has made countless
contributions to the betterment of education and equity in Los Angeles.”

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Other younger members of Mr. Huizar’s family similarly describe Mr. Huizar’s parental love and positive impact on their own lives. His niece, Maura Morales, writes:

When my mother, his cousin, faced the challenges of single parenthood, Jose generously took me under his wing, providing me with life-changing opportunities. His support extended beyond mere words; he clothed me, fed me, and served as a father figure during a crucial time in my life. Jose’s encouragement and guidance were instrumental in helping me navigate through college, culminating in my current status as a senior at UCLA. I can confidently say that without his support, I would not have reached this point in my academic journey.

Ex. 1-39. Mr. Huizar’s younger cousin, Mario Barrios, tells a similar story:

As busy as he was with his career, Jose seemed to make time to evaluate my academic work throughout my early childhood education leading into my tertiary education where I ended up receiving my associate’s,

1 bachelor's, and master's degree in environmental policy with his help. His
2 assistance throughout the past 40 years of my life has significantly
3 impacted the quality of my life, ensuring I became a respectable person in
4 society and made a positive contribution to my community. It is because
of Jose that I became a public servant, I work for the Arizona Department
of Environmental Quality where I have the privilege of protecting and
enhancing public health and the environment in the State of Arizona.

5 Ex. 1-43.

6 Older members of Mr. Huizar's family praise his lifelong commitment to hard
7 work, education, and helping others, describing him as a loving family member, the
8 "favorite son" to his parents, and "the joy and pride of the family." Ex. 1-50 [Norma
9 Montero]; Ex. 1-4 [Gloria Galvan ("My brother Jose is the 5th of 6 children; however,
10 due to his kind heart and soft heart for animals and people, he was, is and continues to
11 be my mother's favorite son")]; Ex. 1-5 [Yolanda Huizar ("Once he was in politics and
12 I attended lots of his events and saw the tremendous amount of people that followed
13 him and loved him for the humble person he is it would bring tears of joy to my eyes of
14 just thinking he was my brother")]; Ex. 1-6 [Isidra Huizar ("My son Jose was the
15 easiest son to raise of all our 6 kids. He was humble and kind, he listened to me and his
16 father and did what he was told. Even though his father would yell at him and scold
17 him for being so quiet Jose is a very agreeable son and has always been very
18 studious. He is the most studious of all our kids. My son Jose is different, he has
19 discipline and always worked on his studies or work. He was the only child that would
20 study late through the night. My son Jose took care of himself, from getting his clothes
21 ready and everything.")]; Ex. 1-40 [Porfirio Serrano ("He is a hero in his Los Angeles
22 and the Jerez community) and just as importantly he is his extended families' hero,
23 pride and joy")]. As aptly summarized by his cousins, Efrain and Claudia Huizar:

24 He is a son, a father, a brother, an uncle and cousin. He grew up humble,
25 hardworking and honest[.] He shared the same struggles and experiences
in life as we did. He is loved and respected to this day[.]

26 Ex. 1-38.

27 In addition to letters from his family, Mr. Huizar has also submitted letters from
28 several longtime friends. Mr. Huizar's ability to maintain these close, decades-long

1 friendships says something in itself. But the letters say much more. They describe an
2 innate leader who, from his early days, felt a deep commitment to social justice and
3 bettering the lives of his friends and others. See, e.g., Ex. 1-31 [Mauro Arteaga (“At
4 Salesian, he was everyone’s friend and had no problems befriending students from all
5 grades As a young freshman he displayed natural leadership skills and was
6 encouraged to run for Associated Student Body (ASB) president and did so for four (4)
7 years. He took the position to initiate changes that would benefit his class and the
8 school at large.”)] For example, one of Mr. Huizar’s friends from Salesian High
9 School writes:

10 I first met Jose at Salesian high school as we both grew up in Boyle
11 Heights. Jose Huizar changed my life during a tough time in my life.
12 Unbeknown to Jose, during high school, he helped many teenage students,
including myself, in dealing with our insecurities of growing up in an
impoverished neighborhood.

13 Ex. 1-30 [Martin Arteaga]. Mark Raffield, a friend from college, describes how he and
14 Mr. Huizar connected over their “modest immigrant childhood[s]” and desire to
15 improve the lives of those less fortunate: “We both understood how fortunate we were
16 to attend a university given our humble background, and that we have a real
17 opportunity to make a difference in the world and to help the less fortunate people like
18 his parents in the society.” Ex. 1-35. Another friend, Algernol Boozer, writes:

19 From the early days of our friendship, Mr. Huizar and I engaged in
20 numerous discussions about our shared desire to be agents of positive
21 change in our community. I distinctly remember our late-night
22 conversations, fueled by our mutual passion for making a difference. Mr.
Huizar consistently expressed a strong commitment to service and
community betterment.

23 After completing my undergraduate studies, I pursued a career in the
24 military as an officer while Mr. Huizar continued his education His
25 academic pursuits have consistently aligned with his mission to serve the
26 community, exemplified by his involvement in student government during
27 his time at Berkeley.

28 Ex. 1-27.

Industriousness and good works in the community. Along with devotion to
family and friends, another theme running throughout Mr. Huizar’s sentencing letters is

1 a history of good works in the community. While it is virtually impossible to catalogue
2 all of the positive contributions that he has made to the city during his nearly 20 years
3 in office, a small sampling of his major accomplishments is discussed above. Equally
4 important, however, were Mr. Huizar’s tireless efforts to better the lives of everyday
5 people across his diverse district in ways that frequently received little attention, as
6 recounted in several constituent letters.

7 In Highland Park, for example, Yolanda Noguiera, President of the Chamber of
8 Commerce, recalls Mr. Huizar’s positive role in several community projects and events,
9 summarizing her feelings as follows:

10 Jose Huizar was connected to his entire community, like he was part of the
11 family, so many people loved him and still do. Jose has a warm sense of
12 humor that kept us laughing at meetings, he was magnetic, compassionate,
13 and loyal. We never had a councilmember work so hard for us and fight
14 for us, who sincerely cared for the well-being of our community than Jose
15 Huizar. After the news broke our hearts dropped. We knew this was
16 totally out of character for him, it was shocking to us, we were stunned but
17 we did forgive him. He has done so very much for our quality of life in our
18 neighborhoods. An exceptional human being. We have hope for him and
19 believe in him.

20 Ex. 1-20. Trish Gossett, a former member of the Neighborhood Council, writes that
21 Mr. Huizar’s “[l]and [u]se knowledge was valuable” to improving Highland Park, and
22 that he “always found resources to make our community better”:

23 He provided funding needed to implement a Historic Protected Overlay
24 Zone in our historic district, which the community will always be thankful
25 for. After decades of dereliction and toxicity, Jose masterfully turned a
26 vacant lot which required endless remediation and funding into a very
27 popular and beautiful playground in the center of our community. No easy
28 feat. He did this because he was sensitive to the needs in the community.
For me personally, he then orchestrated the funding for a beautiful mural
on an ugly building overlooking our beautiful playground. Jose
implemented bike lanes, and much needed safety measures. He supported
our Seniors, via our Senior Center, with funding for new programs. He
also supported Veterans, via his participation and contributions to Veteran
events. He was liked for his attention paid to them on a personal level. He
earned the respect of the community through the many positive changes he
helped us with, and so was easily re-elected until his term was over due to
term limits.

29 Ex. 1-21.

30 In Eagle Rock, a former member of the Neighborhood Council, John Goldfarb,

1 writes similarly of his experiences with Mr. Huizar:

2 In an eclectic council district of diverse neighborhoods with a total
3 population of over 260,000, Jose consistently “showed up” for Eagle Rock
4 in a variety of ways, sponsoring public events like concerts in the park,
5 Fourth of July fireworks, the annual Christmas tree lighting ceremony, and
6 the Eagle Rock Music Festival, and formally honoring local businesses
7 and residents who made special contributions to our neighborhood. He
8 took principled positions on issues he believed would benefit his
9 constituents, such as the reconfiguration of Colorado Boulevard to include
10 bike lanes; advocating for the reduction of pollution from the Scholl
11 Canyon landfill; and many street improvements encompassed by Take
12 Back the Boulevard. He endorsed and secured funding for a new park at
13 the corner of York Boulevard and Avenue 50; the creation of an off-leash
14 dog park at the Eagle Rock Recreation Center; and parklets in various
15 locations which have improved the quality of life for residents and visitors
16 to our district. He sponsored food giveaways for needy residents and in
17 his public and private remarks always displayed genuine concern for the
18 welfare of the people he served.

19 Ex. 1-16. Michael Nogueira, President of the Chamber of Commerce concludes: “Our
20 neighborhood began to thrive because of the care and consideration of a man who
21 understood the importance of family and community.” Ex. 1-17.

22 In Boyle Heights, Mr. Huizar’s own neighborhood, the aforementioned Ms.
23 Amador (Section II, supra.) praised Mr. Huizar’s “passion to help those in need and to
24 deliver for his constituents,” and, in a must-read letter, describes a compendium of
25 specific achievements ranging from installing traffic lights and bike lanes to ushering in
26 the new 6th Street bridge. Ex. 1-9. Longtime resident, Antonio Garcia, recounts Mr.
27 Huizar’s positive impact on the community dating back to the early 2000s:

28 He triumphed in 2004, and almost from the beginning as a new
councilman, our community began to see great changes that we are very
grateful for. He helped our dark and unsafe streets with new lights,
installed stop signs at our local schools for the safety of our students,
created a bin cleanup program so that the community can dump large
items and keep our neighborhoods clean, fixed sidewalks broken by trees
for the safety of pedestrians, and paved streets that were badly damaged.
Jose Huizar also had all of our public parks cleaned up so that families
would feel safe to bring their families again, as well as installed exercise
equipment around our community to keep our community active. The
most important project for me personally was the cleanup program that he
created by hiring members of our community to clean the streets of Boyle
Heights, El Sereno, and Eagle Rock. This was a great idea because who
else to keep the city clean than its own inhabitants? Jose Huizar gave the
retired men and women the opportunity to feel useful again by returning to
the workforce and not feeling displaced by hiring them for this project that
still operates to this day with at least 23 members of the community.
Thanks to Jose Huizar, our community began to feel safe again and finally

1 welcomed by the first councilor who made a great change and who is still
2 very loved and respected in our community.

3 Ex. 1-12. Caridad Vasquez, a street vendor, writes on behalf of Vendedores in Accion
4 about Mr. Huizar’s support for largely-immigrant and women street vendors:

5 As a community of immigrants and most vulnerable women of color
6 whom had to create our own alternative to form part of the non-informal
7 economy, we believe it is our duty to share all the positive support that
8 enabled our campaign to thrive was immensely due to the support of Jose
9 Huizar. When we were hiding in the shadows of oppression and
10 criminalization of street vendors, Jose Huizar was our beacon of hope in
11 creating the pathway for the legalization of Street Vending. Many times
12 when we needed economic support Jose Huizar would resiliently connect
13 us to job opportunities to keep ups afloat in having sustainability to feed
14 our families. We hope that our letter brings light to the amazing work that
15 was done in transforming not only the lives of the street vendors in CD14
16 but as our work was successful in legalizing street vendors statewide and
17 Jose Huizar was very much part of the success.

18 Ex. 1-11. Father Gabrielli, of the Dolores Mission, recalls Mr. Huizar using his land-
19 use knowledge to expedite the entitlement of a school and personally engaging with the
20 community on numerous pressing issues:

21 On multiple occasions I was aware of the presence of Mr. Huizar on the
22 streets and in the projects at times when the community needed support
23 because of shootings, killings, and increased violence. Mr. Huizar often
24 sought input from community residents, leaders, and people serving the
25 community through churches, schools, and other nonprofit organizations.
26 Mr. Huizar and his staff were always quick to respond to our requests for
27 urgent graffiti removal when tensions were escalating in our community.
28 As community groups came together to offer children in the community
programs throughout the summer to help keep them out of reach from the
gangs and therefore on a safer path toward their future, Mr. Huizar and his
office provided programing support, helped find transportation for outings
for children from the projects, and Mr. Huizar and his staff would often be
visible at events in our parks, playgrounds, and even walking through the
streets as we gathered the community to walk for hope and peace on our
streets.

Ex. 1-8. Raymond Rios, a longtime community advocate, writes of Mr. Huizar’s
efforts to protect the poor and vulnerable against powerful interests:

Whenever there was a community battle, he defended his constituents and
valued their concerns, often against very powerful forces, such as USC,
and Union Pacific Railroad. When our city was in a financial crisis and
began cutting vital emergency services to residents referred to as, “Brown
outs”, he was one of the few Councilmembers who objected to these cuts
that jeopardized the welfare of residents. He fought hard to restore
adequate funding for these vital city services.

1 Ex. 1-10. Reflecting the feelings of many, Father Greg Boyle of Homeboy Industries
2 writes: “I can’t think of any office holder who was more of a beneficial presence in
3 Boyle Heights than Jose Huizar.” Ex. 1-7.a.; Ex. 1-32 [Sergio Diaz (“As a business
4 owner in the Boyle Heights area since 1968, I can adamantly say that I had never seen a
5 more capable community leader than Mr. Huizar”)] .

6 In El Sereno, Joel and Therese Cano recall, among other things, Mr. Huizar’s
7 efforts to save their working-class neighborhood from a freeway expansion:

8 I am nearly a life long member of El Sereno, having grown up and
9 attended grade and high school here and returned as an adult to take care
10 of my mother. In early 2011, I informed my husband about a possible
11 critical event jeopardizing our neighborhood and our home. That threat
12 was the extension of the 710 freeway. I took this threat very personally, as
13 my parents were neighbors that fell in love, in Chavez Ravine. Having
14 lost my mother in 2006 and father in 2001, I knew their spirits would not
15 rest easily knowing eminent domain was again looming over our family.
16 Mr. Huizar was a constant and vigilant member of the MTA Board at the
17 time. He saw our concern and was instrumental in defeating the proposed
18 devastation. I also had heard that Mr. Huizar was proactive with our
19 senior citizen center. His generosity with his time and budget brought
20 much joy to our seniors. My personal gratitude to Mr. Huizar, was his
21 staff direction in supporting my beloved Dia de los Muertos event. This
22 free and family event brought more commerce to the neighborhood
23 specifically during the economic downfall and for years following. 2024
24 will be its fifteenth year. His vision in the bridge completion from Valley
25 Boulevard to City Terrace was a huge boon to our neighborhood.
26 Changing an unsightly space to the lovely El Sereno Arroyo Playground
27 and Garden Labyrinth nearby was another of his successful projects. His
28 proactivity in Ascot park by involving habitat restoration has renewed the
ecosystem in these hills. I believe the diagonal street parking also
implemented, has been a great visual and space improvement.

20 Ex. 1-18. Jackie Carillo, a former member of the Neighborhood Council, writes about
21 the absence she and other community members have felt since Mr. Huizar left office:

22 The community has not been the same since Mr. Huizar has left office.
23 The spirit of unity is missing & that since of belonging. Traditions that
24 have been started since he took office, established over the years when he
held the CD14 office position.

25 Ex. 1-19.

26 Finally, in DTLA, Betsy Starman shares a similar sentiment about her experience
27 during and after Mr. Huizar’s tenure in office:

28 During my 10 years downtown, I was lucky enough to get to meet our City
Council member of that time, Jose Huizar. He was personable and
professional and was able to actively listen to concerns about mental

1 health reform, the lack of treatment for the addicted and unhoused, and he
2 supported my view on our current process which is governed by the
3 Lanterman Act. He heard me. I engaged in his campaign and during that
4 time I witnessed the growth and hope for a city that had basically been
5 boarded up and forgotten. In the years I worked with Mr. Huizar, I
6 watched the City of Los Angeles turn around completely. It was an
7 amazing time. We had community, we had local and district meetings, we
8 were together in making DTLA a great place to work and live. Mr. Huizar
9 was able to create the motivation we needed to have hope for our city. All
10 of this does not negate what this court case is about, but to say that the
11 good that Mr. Huizar brought to the table far outweighed to the bad.
12 When he was moved out of his position, things turned around for all of us.
13 After a couple of years of him being removed, the progress stopped.
14 Completely stopped. He was gone. He had brought so much to the
15 businesses and residents of DTLA and it just stopped. He had worked
16 WITH us. He treated all people with unconditional high regard and was a
17 great example of what a representative could be. I understand that it is
18 now time for Mr. Huizar to be sentenced. I ask you to please take into
19 consideration the good, the community, his ability to be fair to ALL of us
20 and his dedication to all of us when you pronounce his sentence.

21 Ex. 1-24.

22 To be sure, Mr. Huizar's record of public service and good works in the
23 community – both large and small – does not cancel out his crimes. But it challenges
24 the caricature of him painted throughout this case, reflects his true character and the
25 value that he has and can continue to add to society, and should be considered
26 alongside his wrongdoing when fashioning a sentence. United States v. Rita, 551 U.S.
27 338, 365 (2007) (Stevens, J., concurring) (sentencing judge may consider public service
28 under § 3553(a)); United States v. Carter, 530 F.3d 565, 578 (7th Cir. 2008) (sane);
United States v. Adelson, 441 F.Supp.2d 506, 513-14 (S.D.N.Y. 2006) (recognizing
defendant's good deeds, including numerous acts of compassion and generosity, in
granting significant sentence reduction); United States v. Bennett, 9 F.Supp.2d 513
(E.D. Pa. 1998) (in largest charitable fraud in U.S. history, granting pre-Booker
departure from 232 to 92 months where defendant made substantial contributions in the
areas of substance abuse, children and youth, and juvenile justice).

Unseen compassion. Along with the good works that Mr. Huizar performed in
his public life, several letters describe private acts of human kindness. For example, a
childhood friend recalls Mr. Huizar helping him get a job after his father was laid off

1 from work:

2 Jose and I both came from families that could not afford the tuition to
3 attend a parochial school. However, we knew that attending Salesian High
4 School was our best opportunity to ensure we were accepted to esteemed
5 universities in order to pursue our career dreams In the beginning of
6 our sophomore year, my father was laid off and left unemployed. Jose
7 helped me to get a job at the video store which allowed me to continue to
8 attend Salesian.

9 Ex. 1-26 [Alberto Arteaga]. Decades later, Adam Acosta, writes similarly about Mr.
10 Huizar giving him a job during a time of need:

11 After 25 years of a career for AFSCME, I was abruptly terminated in
12 2018. One day in August, I was visiting with Mr. Huizar as we often spoke
13 about politics, the neighborhood and his kids. During our visit, I shared
14 that I was terminated abruptly from AFSCME. Within moments of I
15 sharing my news he stopped the conversation and said “what are you
16 doing for yourself”? “Do you have a paycheck, do you have health care
17 benefits”? I said, “ I have nothing, Jose!”. The next day, I got a call from
18 his chief of staff and I was offered a job working within the councilman
19 staff. I didn't ask for a job, rather Mr. Huizar and I were having a normal
20 conversation like we did so many times before that day in August of 2018.
21 Mr. Huizar getsure to offer me a job was so significant that allowed me to
22 continue to move forward and not fall into depression and desperation
23 because in the past several years prior to 2018, I lost my marriage in 2014
24 and 2016 my mother passed away and in 2018 I lost my career at
25 AFSCME.

26 Ex. 1-28. In a different setting with echoes to some of the events in this case, Mauro
27 Arteaga writes of Mr. Huizar’s kindness to his son:

28 A few memorable moments I will never forget were when he was asked to
be the keynote speaker at my son’s graduation ceremony at Salesian
Catholic High School. After delivering his powerful message to the
graduating students, he stood late at the ceremony to personally
congratulate each of the students including my son. My son to this day has
not forgotten the special moment he had with Jose. Another memorable
moment was when my son asked Jose if he would provide him with a
Letter of Recommendation for admissions to the UCLA school of law.
Not only did Jose take time from his busy schedule as Councilman to draft
the letter, but he also invited my son to lunch where he provided him with
meaningful career advice as my son prepared for his journey to become a
licensed attorney. Regardless of his busy schedule, Jose is known to find
the time to help his friends and the members of his constituency.

Ex. 1-31.

Notably, these acts of kindness were not done with an eye toward looking good
at a future sentencing. They were not done for powerful people or for people who had
given Mr. Huizar anything in return. Performed while nobody was watching, they are a

1 reflection of who Mr. Huizar really is – compassionate, generous, and deeply human.

2 **Resilience in the face of adversity.** As the Court has already read, Mr. Huizar
3 was born into poverty and overcame substantial hardships along the way to his former
4 career as a city leader. While in public life, he faced constant challenges, and, at times,
5 withering criticism. Other than recent events, however, no event in his life was harder
6 than the sickness of his young children, one of whom was diagnosed with kidney
7 disease and the other of whom was diagnosed with leukemia.

8 During this challenging time, Father Gabrielli of the Dolores Mission recalls that
9 Mr. Huizar was not only seeking blessings for his child, but “offering hope and support
10 for families in our community that were struggling with illness in their homes [and]
11 experiencing the loss of a loved one[.]” Ex. 1-8. “When I think of Mr. Huizar,” he
12 writes:

13 I remember him coming to the church asking for prayers and blessings for
14 the health of his child. I remember Mr. Huizar and his family coming to
15 our church to give thanks for the improved health of their child. I
16 remember Mr. Huizar sharing words of hope and support when speaking
17 with the distraught mother of one of our teens who was critically ill with a
18 very aggressive form of Leukemia. I remember Mr. Huizar walking down
19 the street with our community as we mourned the loss of another of our
20 young neighbors to violence.

21 Id.

22 Mr. Huizar does not suggest, fatalistically, that any of the hardships that he has
23 faced absolve him of misconduct. But they do in some way mitigate his culpability and
24 lessen the moral imperative for a lengthy custodial sentence. See Douglas v.
25 Woodford, 316 F.3d 1079, 1090 (9th Cir. 2003) (childhood adversity and other lifetime
26 difficulties reduce moral culpability); United States v. Carter, 560 F.3d 1107, 1118 (9th
27 Cir. 2009) (factors relevant to § 3553(a)(1) include mitigating childhood history and
28 difficult life events). More importantly, the difficulties that Mr. Huizar has faced are
relevant to measuring his character and potential, and to tracing the arc of his progress
over time. Against atypically-long odds, he emerged as a hard-working, caring, and
resourceful man, albeit one with lasting imperfections. His demonstrated ability to

1 respond positively to major disappointments reflects uncommon resilience, the
2 potential for positive change, and a redemptive capacity that substantially reduces the
3 need for a long term in prison.

4 **Caring for loved ones.** A final noteworthy theme running throughout Mr.
5 Huizar’s sentencing letters is the care that he provides for vulnerable members of his
6 family. As Mr. Huizar’s 83-year-old mom writes of her son:

7 He handles all my medical needs from my dentist, my optometrist, and my
8 heart doctor and knee, and primary doctor. He handles my prescriptions,
9 and he picks them up for me and he talks to my doctors about my medical
10 conditions, my son knows all my medical conditions. I call him for
11 everything, and he solves my problems. More than anything, at my age of
12 83 years old with my medical conditions I need him desperately, and I
13 don’t even want to think about life without him.

14 Ex. 1-6.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED] He is concerned that, as with his father,
6 he may not be there for his mother at the end of her life. See Ex. 1-5 [Yolanda Huizar
7 (“I told Jose that he needed to come home as soon as possible to say his goodbyes to
8 our Dad while he was alive. Jose booked a flight home for the next day but did not
9 make it on time before my Dad passed. It was very hard and sad that Jose was not able
10 to come visit and be with our Dad. That destroyed Jose even though he knew that it
11 was a sacrifice that he had to make due to being in school.”)]. He is concerned that his
12 four children will be left destitute following his sentencing, returning to the poverty
13 from which he temporarily escaped.

14 Mr. Huizar’s family members are likewise distraught at the prospect of losing
15 him for any time, let alone during his kids’ formative years and at the end of his
16 mother’s life. [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 [REDACTED]⁵³

26 ⁵³ Care for vulnerable people and impact on families is a well-recognized basis to
27 reduce a sentence. United States v. Autery, 555 F.3d 864, 874 (9th Cir. 2009); United
28 States v. Lehman, 513 F.3d 805, 807-09 (8th Cir. 2008); United States v. Baker, 502
F.3d 465, 469 (6th Cir. 2007); United States v. R.V., 157 F.Supp.3d 207, 255-60

1
2 Nobody disputes that Mr. Huizar has done many things wrong in his private and
3 public life or that, for the latter, he deserves to be punished. But sentencing is not only
4 about the bad things that a person has done to land himself or herself in federal court.
5 Rather, as one judge put it:

6 [I]f ever a man is to receive credit for the good he has done, and his
7 immediate misconduct assessed in the context of his overall life hitherto, it
8 should be at the moment of his sentencing, when his very future hangs in
9 the balance. This elementary principle of weighing the good with the bad,
10 which is basic to all the great religions, moral philosophies, and systems of
11 justice, was plainly part of what Congress had in mind when it directed
12 courts to consider, as a necessary sentencing factor, the history and
13 characteristics of the defendant.

14 Adelson, 441 F.Supp.2d at 513-14. Here, a sentence to the low end of the 11(c)(1)(C)
15 would appropriately balance the bad in Mr. Huizar’s life with the significant and
16 undeniable good.⁵⁴

17 (E.D.N.Y., 2016); United States v. Chambers, 885 F.Supp. 12, 14 (D.D.C. 1995);
18 United States v. Hammond, 37 F.Supp.2d 204 (E.D.N.Y. 1999).

19 ⁵⁴ Several other factors not captured in the letters also weigh in favor of a
20 reduced sentence, including Mr. Huizar’s age and health. Now in his mid-50s, Mr.
21 Huizar is not only highly unlikely to re-offend, see Section III.B., infra., he will suffer
22 outsized physical and dignitary punishment from even a brief time in prison. See
23 Human Rights Watch, Old Behind Bars: The Aging Prison Population in the United
24 States 7, 43-88 (2012). Along with having greater problems with day-to-day activities,
25 older inmates are more vulnerable to contagious diseases, the effects of inadequate
26 medical care, harassment by other inmates, and depression. Joann B. Morton, An
27 Administrative Overview of the Older Inmate, U.S. Dep’t of Justice, National Institute
28 of Corrections, 4 (1992); U.S. Dep’t of Justice, Nat’l Institute of Corrections,
Correctional Health Care: Addressing the Needs of Elderly, Chronically Ill, and
Terminally Ill Inmates 10 (2004); U.S. Bureau of Prisons, Management of Major
Depressive Disorder 2 (2014). For those reasons, among others, courts increasingly
vary downward to avoid sending older inmates to jail, or to limit the amount of time
they spend behind bars. See, e.g., United States v. Lee, 725 F.3d 1159, 1169 (9th Cir.
2013) (remanding for greater consideration of defendant’s advanced age); United States
v. White, 506 F.3d 635, 644 (8th Cir. 2007) (affirming downward variance in CP case
based partly on the defendant’s age, 51). Mr. Huizar’s health concerns also support a
lesser custodial sentence. As described at page 6 of the Recommendation Letter, Mr.
Huizar suffers from hypertension, high cholesterol, and anxiety, and is experiencing a
major depressive episode. He is also an alcoholic and, although never evaluated,
possibly a gambling addict as a result of the complete collapse of his life and his
family. While the Bureau of Prisons can theoretically treat these conditions, a reduced
custodial sentence is appropriate given § 3553(a)(2)(D)’s command to fashion a
sentence that provides “medical care . . . in the most effective manner.” See 18 U.S.C.
§ 3553(a)(2)(D); United States v. Edwards, 595 F.3d 1004, 1011 (9th Cir. 2010)

1 **B. A 9-year sentence is far more than necessary to prevent recidivism, protect the**
2 **community, and achieve specific deterrence**

3 A low-end sentence is also appropriate because, while some confinement is
4 necessary for punitive reasons, neither the need to protect the public nor the need to
5 prevent recidivism supports a lengthy custodial sentence. A shorter custodial term
6 would also balance punishment considerations with the equally-important public-safety
7 goals of maintaining family cohesion and promoting rehabilitation. See Pub. L. No.
8 98-473, § 239, 98 Stat. 1987, 2039 (1984) (note to 18 U.S.C. § 3551) (directing that
9 “sentencing decisions should be designed to ensure that prison resources are, first and
10 foremost, reserved for those violent and serious criminal offenders who pose the most
11 dangerous threat to society,” and that “alternative sentences” should be considered for
12 less serious offenders); 18 U.S.C. § 3553(a)(2)(D) (directing courts to consider whether
13 sentence will “provide defendants with needed education or vocational training,
14 medical care, or other correctional treatment in the most effective manner”); Edwards,
15 595 F.3d at 1017 & n.9 (9th Cir. 2010) (“It may very often be that release on probation
16 under conditions designed to fit the particular situation will adequately satisfy any
17 appropriate deterrent or punitive purpose”) (quoting S.Rep. No. 98-225, at 92 (1983) as
18 reprinted in 1984 U.S.C.C.A.N. 3182, 3274-75).

19 Initially, the empirical facts show that Mr. Huizar poses virtually no threat of
20 recidivism or endangering society through future criminal conduct. As a 55 year-old
21 college graduate with no criminal history points, Mr. Huizar is among the offenders
22 least likely to recidivate in the entire criminal justice system. See U.S. Sent’g Comm’n,

23 _____
24 (affirming probationary sentence for repeat-offending 63 year-old defendant despite 27-
25 33 month Guideline range because, while “Bureau of Prisons was capable of providing
26 for [his]” diabetes-related medical care, a “sentence of probation would satisfy the
27 requirement of providing needed care in the most effective manner,” and would avoid
28 “simply pass[ing] the cost of [his] medical care on to the taxpayers”); United States v.
Marsh, 820 F.Supp.2d 320, 387-88 (S.D.N.Y. 2011) (exercising discretion under §
3553 in fraud case and imposing 12-month sentence on 52-year-old defendant with
heart disease and related conditions notwithstanding 108-135 month Guideline range
because, among other things, the “defendant’s many health problems . . . make it harder
for him to serve a prison term”).

1 Measuring Recidivism: The Criminal History Computation of the Federal Sentencing
2 Guidelines at 7, 12-13 (2004); U.S.S.G., Supp. App. C, Amdt. 821 (explaining in the
3 context of new zero-point offender departure that “[r]ecidivism data analyzed by the
4 Commission shows, however, that offenders with zero criminal history points have
5 considerably lower recidivism rates than other offenders, including offenders with one
6 criminal history point”) (citing U.S. Sent’g Comm’n, Recidivism of Federal Offenders
7 Released in 2010 (2021)); United States v. Ruiz, No. 04-CR-1146-03-RWS, 2006 WL
8 1311982, at *4 (S.D.N.Y. May 10, 2006) (collecting cases “declin[ing] to impose
9 Guidelines sentences on defendants . . . over the age of forty at the time of sentencing
10 on the grounds that such defendants exhibit markedly lower rates of recidivism in
11 comparison to younger defendants”). And this is even truer given the nature of his
12 conviction. Measuring Recidivism, supra, at Ex. 11 (first-time fraud offenders least
13 likely to recidivate).

14 But the Court does not need empirical data to know that Mr. Huizar poses no
15 ongoing threat to society. Now 55, he has no connection to criminal activity other than
16 through a position that he will never again hold. He has also demonstrated a capacity
17 for responding positively to setbacks, sincerely acknowledged his wrongdoing,
18 expressed a desire for change, and performed perfectly on pretrial release. He
19 maintains strong family ties and support, and has every incentive to scrupulously obey
20 the law and any supervised-release conditions going forward. For these reasons, the
21 USPO rightly recognizes that a term of imprisonment is not necessary to protect society
22 or prevent Mr. Huizar from re-offending:

23 The likelihood of Huizar committing another related offense appears to be
24 extremely low given that he no longer holds a public position and there is
25 no information that his wrongful actions over his lifetime extended to
26 other activities, along with his age and personal background.

27 Disclosed Recommendation Letter at 8.

28 Not only is a lengthy custodial term unnecessary to protect the public,
countervailing public-safety considerations affirmatively counsel against one. As the

1 Court undoubtedly appreciates, families and communities are injured both by crime and
2 by the disruption wrought by excessive incarceration. United States v. Haynes, 557
3 F.Supp.2d 200, 207 (D. Mass. 2008); Donald Braman, Criminal Law and the Pursuit of
4 Equality, 84 Tex. L. Rev. 2097, 2115 (2006) (explaining that “extended incarceration . .
5 . has significant costs for non-offenders,” including lowering household income,
6 corroding family structures, increasing childhood abuse, straining familial bonds, and
7 distorting community norms); Todd R. Clear, Imprisoning Communities: How Mass
8 Incarceration Makes Disadvantaged Neighborhoods Worse (2007). Paradoxically,
9 empirical data show that overly-long sentences may erode public safety more than
10 shorter ones by severing a person’s ties with children and community life. P. Newton,
11 et al., Gender, Individuality and the Federal Sentencing Guidelines, 8 Fed. Sent’g Rep.
12 148 (1995) (“[T]he better family ties are maintained[,] the lower the recidivism rate”).
13 Needlessly long sentences also negatively impact the next generation by leaving
14 children without the support of a loving parent, exacerbating inequalities, and
15 perpetuating cycles of instability and family decay. United States v. Bannister, 786
16 F.Supp.2d 617, 653 (E.D.N.Y. 2011) (“Prisoners’ children may experience numerous
17 consequences of incarceration, including loss of contact with the incarcerated parent,
18 strained relationships with caregivers, a diminished sense of stability and safety,
19 economic insecurity, social stigma, shame, increased risk of drug involvement, and
20 susceptibility to adverse peer pressure and risky behavior. These children are at greater
21 risk of diminished life chances and criminal involvement, and at a greater risk of
22 incarceration as a result.”) (everything omitted). For these reasons, the 2016 Charles
23 Colson Task Force concluded that “that our over-reliance on incarceration may in fact
24 undermine efforts to keep the public safe.” See U.S. Dep’t of Justice, Transforming
25 Prisons, Restoring Lives: Final Recommendations of the Charles Colson Task Force on
26 Federal Corrections ix (Jan. 2016), <https://rb.gy/ttzmsb>

27 Of course, there are certain cases where a defendant’s conduct and character pose
28 such an acute and significant risk to society that the benefits of lengthy physical

1 custody outweigh the costs. But there is no credible suggestion that Mr. Huizar poses
2 any risk of endangering society through future criminal conduct at all, so physically
3 confining him provides virtually no safety benefit to the community. On the other side
4 of the ledger, he has several family members who depend on him for support and
5 guidance, including his elderly mother and four children.

6 The painful reality is that, even with a 9-year sentence, Mr. Huizar’s mother may
7 die while he is in prison, an incalculable loss that becomes likelier with each additional
8 day of his sentence. And every moment that he is separated from his children – to say
9 nothing of other family members for whom he has acted as a parental figure – will
10 negatively impact their development and make it harder for them to lead happy and
11 productive lives. “[W]hile prisoners are obviously not committing crime in their
12 communities while they are incarcerated, they also are not functioning as parents,
13 workers, consumers, or neighbors.” Haynes, 557 F.Supp.2d at 207.

14 In considering the types of sentences available, Congress has stated that “prison
15 resources are, first and foremost, [meant to be] reserved for those violent and serious
16 criminal offenders who pose the most dangerous threat to society.” Pub. L. No. 98-
17 473, § 239, 98 Stat. 1987, 2039 (1984) (note to 18 U.S.C. § 3551). Here, not only is a
18 lengthy sentence not necessary to protect the public or achieve specific deterrence, a 9-
19 year sentence, which represents the low end of the 11(c)(1)(C), would be more
20 consistent than a longer one with a holistic approach to public safety and community
21 wellbeing. See, e.g., Haynes, 557 F.Supp.2d at 203 (where defendant posed limited
22 risk to society and was actively involved in his kids’ lives, concluding that “public
23 safety [required] the opposite of the government’s request [for additional custodial
24 time]; it requires that [he] be permitted to return to his children so that they do not
25 repeat his errors”); United States v. Johnson, 964 F.2d 124, 125 (2d Cir. 1992) (pre-
26 Booker, affirming a 13-level downward departure for parent raising young kids while
27 emphasizing that “[t]he United States Sentencing Guidelines do not require a judge to
28 leave compassion and common sense at the door to the courtroom”); United States v.

1 Norton, 218 F.Supp.2d 1014, 1019 & n.2 (E.D. Wis. 2002) (“In fashioning an
2 appropriate sentence, a court must consider the public interest. . . . The court cannot
3 ignore the culpability of the defendant. But neither should it discount society’s strong
4 interest in stable families.”).

5 **C. A 9-year sentence would avoid unwarranted disparities and similarities**

6 A 9-year sentence is also appropriate in light of § 3553(a)(6)’s command to
7 avoid unwarranted disparities among similarly-situated defendants, see 18 U.S.C. §
8 3553(a)(6), as well as unwarranted similarities among dissimilarly-situated defendants,
9 see Gall, 552 U.S. at 55; United States v. Apodaca, 641 F.3d 1077, 1087 (9th Cir.
10 2011). And this is true regardless of whether the metric is aggregate national statistics,
11 high-profile corruption cases with comparable sentencing pressures, or the past and
12 likely future outcomes of other culpable participants in this case.

13 **1. A 9-year sentence would more than quadruple the national median and**
14 **average sentences for first-time offenders in a public-corruption cases,**
including for nearly-all high-profile public officials who went to trial.

15 While it is impossible to get national data beyond a certain level of granularity,
16 the Sentencing Commission’s Interactive Data Analyzer compiles nationwide statistics
17 based on primary offense type, criminal history, and other demographic criteria.
18 According to that data, between 2015 and 2022, 1,528 cases were reported to the
19 Sentencing Commission with a primary guideline of 2C1.1, a primary offense of
20 bribery or corruption, and a defendant in CHC I. Of the defendants who were
21 convicted in those cases, roughly 30% received no time in custody at all. U.S. Sent’g
22 Comm’n, <https://ida.usc.gov/analytics/saw.dll?Dashboard> (under the tab Sentence
23 Outcomes and sub-tab Sentence Type, select Fiscal Years 2015-2022, Crime Type:
24 Bribery Corruption, Primary Guideline: 2C1.1, Criminal History: Category I). Of the
25 remaining defendants who received custodial terms, 18.2% received a sentence within
26 the originally calculated guidelines, while a dominant majority received a sentence
27 below the guidelines, either as a result of cooperation or downward variances. Id.
28 (under the tab Guideline Application and sub-tab Sentences Relative to Guideline

1 Range, select Fiscal Years 2015-2022, Crime Type: Bribery Corruption, Primary
2 Guideline: 2C1.1, Criminal History: Category I and calculate the average for the Within
3 Range category ($145.3/8=18.1625$). For those defendants sentenced to prison, the
4 median term of imprisonment was 22 months, and the average was 31. Id. (under the
5 tab Sentence Outcomes and sub-tab Sentence Length, select Fiscal Years 2015-2022,
6 Crime Type: Bribery Corruption, Primary Guideline: 2C1.1, Criminal History:
7 Category I).⁵⁵ Out of the more than 1,500 defendants convicted of corruption offenses
8 nationwide, just 2.6% received a sentence above 119 months, and only 9.7% received
9 sentences between 60 and 119. Id.

10 Of course, every case is different, and Mr. Huizar does not suggest that he is a
11 mine-run defendant. But he is a person who admitted fault, signed an extensive factual
12 basis, pleaded guilty, and has a number of mitigating characteristics. Even a 9-year
13 prison term would more than quadruple the median and average sentence nationwide,
14 and would approach the most extreme sentences in all cases prosecuted over, at least,
15 the last eight years.⁵⁶

16 The command to avoid unwarranted disparities and similarities focuses first on
17 national parity. United States v. Jaycox, 962 F.3d 1066, 1071 (9th Cir. 2020). At least
18 by the measure of national statistics, rather than individual cases, the low end of the
19 11(c)(1)(C) in this case would be a high-end end outlier.

20 **2. A 9-year sentence would exceed most post-trial outcomes in high-profile**
21 **corruption cases involving similar sentencing considerations.**

22
23 ⁵⁵ The Interactive Data Analyzer includes two different measurements: “average
24 and median sentence length” and “average and median imprisonment length.” The
25 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. Mr. Huizar
has conservatively used the latter number.

26 ⁵⁶ The government will presumably contend that this case is especially
27 aggravating. But the reality is that the participants in a case often overrate its
28 exceptionality based on their proximity to the action and comparative unfamiliarity
with the facts of other cases. The 1,528-case dataset contains many egregious
prosecutions involving high-ranking government officials who received personal
benefits, denied guilt, and lost at trial. And every case, including this one, has
aggravating and mitigating factors.

1 While national statistics are one way to analyze disparities and similarities,
2 another approach is to consider cases with similar sentencing pressures. In that vein,
3 other high-profile corruption prosecutions are particularly apt comparators because the
4 principal arguments in favor of a lengthy sentence – the need to send a message, to
5 deter other officials, and promote respect for the law – are uniquely at play. As shown
6 below, this comparison also suggests that a 9-year sentence would, if anything, produce
7 unwarranted disparities and similarities on the high end:

- 8 • **United States v. Ralph Inzunza; CR-03-2434-JTM (S.D. Cal.): 1.75 years after conviction at trial.** After litigating extensively, losing at trial, and with years of
9 appellate litigation to follow, former city councilperson sentenced to 21 months for
10 taking bribes from strip-club owners to change “no touch” laws.
- 11 • **United States v. Bob McDonnell; CR14-12-JRS (E.D. Va.): 2 years after conviction at trial.** After litigating extensively and losing at trial in a well-known
12 and highly-publicized “tawdry tales” prosecution, and with years of appellate
13 litigation to follow, former governor of major state sentenced to 24 months against
14 guidelines of 121-151 months and a government recommendation of a sentence
15 within the guidelines.
- 16 • **United States v. Paul Paradis; CR-21-540-SB (C.D. Cal.): 2.75 years after plea and cooperation.** After masterminding DWP scandal that cost ratepayers tens of
17 millions of dollars, receiving \$2 million in kickbacks, bribing a DWP official
18 regarding a \$30 million “no bid” contract, bribing a DWP board member to secure
19 his vote for the contract, and setting up a shell company to receive illegal kickbacks
20 – all of which spawned multiple extortion plots to conceal wide-ranging criminal
21 activity – lawyer sentenced to 33 months, with apparently no restitution, against a
22 government recommendation of 18 months, based on top-down cooperation by the
23 orchestrator and principal beneficiary of white-collar crime spree involving local
24 municipal agency.
- 25 • **United States v. Rick Renzi; CR-08-212-DCB (D. Ariz.): 3 years after conviction at trial.** After litigating extensively, losing at trial, and with years of
26 appellate litigation to follow, former congressman sentenced to 36 months against a
27 government recommendation of 9-12 years in prison for a case involving bribery,
28 insurance fraud, and money laundering in connection with a federal land exchange.
- **United States v. Kyle Foggo; CR-08-79-JCC (E.D. VA.): 3.1 years after pretrial guilty plea.** After litigating extensively, including successful motion to transfer
venue from San Diego to Virginia, former CIA Executive Director sentenced to 37
months after taking bribes to steer government contracts.
- **United States v. Ron Calderon; CR-14-103-CAS (C.D. Cal.): 3.5 years after pretrial guilty plea.** After litigating extensively, seeking dismissal on the basis of
outrageous government conduct, pleading weeks before trial to multiple bribery
schemes in a 24-count indictment, and undermining his acceptance of responsibility
through his sentencing position, former California Senator sentenced to 42 months
against a government recommendation of 60 months.
- **United States v. Mark Ridley-Thomas; CR-21-485-DSF (C.D. Cal.): 3.5 years**

1 **after trial.** After litigating extensively, conducting a media campaign focused on
2 delegitimizing the prosecution, and losing at trial, former City Councilmember and
3 County Supervisor sentenced to 42 months against a government recommendation
of 72 months in a case involving bribery and the allocation of millions of dollars of
public funds.

- 4 • **United States v. Jack Abramoff; CR-6-1-ESH (D.D.C.): 4 years after pretrial
5 guilty plea.** Perhaps the most notorious lobbyist in recent history accused of tens of
6 millions of dollars of bribes and kickbacks, sentenced to 48 months, which included
7 a six-level departure for substantial assistance (in revealing crimes that he directed),
8 ordered to run concurrent to a 70-month sentence in a separate case in a different
9 district, effectively making it a no-time sentence.
- 10 • **United States v. Dean Skelos; CR-15-317-KMW (S.D.N.Y.): 4.25 years after
11 two trials.** After litigating extensively, two trials, and with years of appellate
12 litigation after both trials, former Senate Majority leader in New York sentenced to
13 51 months in a case involving multiple schemes and hundreds of thousands of
14 dollars of payments, of which 18 months were served before release to home
15 confinement due to COVID-19. In its initial sentencing brief (Docket No 173
16 starting at 13), the government summarized 10 years of corruption sentences in New
17 York, finding that the average sentence was 6-10 years.
- 18 • **United States v. Leland Yee; CR-14-196 (N.D. Cal.): 5 years after pretrial
19 guilty plea.** Former state Senator sentenced to 60 months after pleading guilty to
20 multiple schemes involving bribery, money laundering, and illegal gun-running
21 involving weapons from the Philippines.
- 22 • **United States v. Jasiel Correia; CR-18-10364 (D. Mass.): 6 years after
23 conviction at trial.** After litigating extensively, losing at trial, and with years of
24 appellate litigation to come, former mayor sentenced to 6 years against a
25 government recommendation of 11 years for multiple schemes involving fraud,
26 bribery, and extortion valued at hundreds of thousands of dollars.
- 27 • **United States v. Sheldon Silver; CR-15-93 (S.D.N.Y.): 6.5 years after two trials
28 and three sentencings.** After litigating extensively, two trials, three sentencings,
and with years of appellate litigation after both trials, former Speaker of New York
Assembly ultimately sentenced to 6.5 years in a case involving multiple schemes
and \$4 million dollars in bribe payments.
- **United States v. Duke Cunningham; CR-5-2137-LAB (S.D. Cal.): 8.33 years
after pretrial guilty plea.** In wide-ranging corruption scandal involving millions of
dollars in bribes (including a yacht and Rolls Royce) from contractors doing
business with the government, Congressman sentenced to 100 months against a
government recommendation of 10 years.
- **United States v. Chakkah Fattah; CR-15-346-HB: 10 years after conviction at
trial.** After litigating extensively, losing at trial, and with years of appellate
litigation to follow, former Congressman sentenced to 10 years for wide-ranging
case involving multiple bribery and fraud schemes.
- **United States v. William Jefferson; CR-07-209 (E.D. Va.): 13 years, but later
reduced to time-served (5.5 years).** After litigating extensively and losing at trial,
with years of appellate and post-conviction litigation to follow, former United States
Congressman sentenced to 13 years for multiple bribery schemes involving
sovereign leaders, the Export-Import bank, and, memorably, cash stashed in a
freezer. Later, and with the government's agreement, Jefferson was re-sentenced to

1 time served, amounting to roughly 5.5 years of actual custody.

- 2 • **United States v. Rod Blagojevich; CR-08-888 (N.D. Ill.): 14 years, but later**
3 **commuted, resulting in release 4 years before scheduled release date (10 years).**
4 After litigating extensively, two trials, and with years of appellate litigation to
5 follow, former governor of major state sentenced to 14 years for multiple fraud and
6 bribery schemes, including selling a U.S. Senate seat for personal gain. Later
7 Presidential commutation resulted in release 4 years early, meaning in an effective
8 sentence of less than 10 years (with good-time credit).

9 While, again, every case is different in some ways, each of these high-profile
10 cases presented similar sentencing considerations to this one – the need to send a
11 message, to deter other officials, and to promote respect for the law – which the
12 government no doubt pressed with vigor. Nonetheless, a 13-year sentence would be on
13 par with the highest-profile public officials in the most egregious cases who denied
14 responsibility through the end, went to trial, in some cases multiple times, and lost,
15 often after testifying, and still served substantially less than the term imposed. Even a
16 9-year sentence would place Mr. Huizar near the highest end of the range – perhaps the
17 highest sentence for a noteworthy public official who pleaded guilty with a full
18 admission of fault – and well above many public officials who denied responsibility for
19 egregious conduct and lost at trial.

20 Along with national statistics, comparable high-profile cases thus also suggest
21 that a 9-year sentence would already be disproportionately long, and that any longer
22 sentence would exacerbate unwarranted disparities and similarities.

23 **3. A 9-year sentence would avoid unwarranted disparities and similarities**
24 **among the culpable participants in this case.**

25 Another lens through which the Court has suggested that it intends to evaluate
26 similarities and disparities is by comparing the culpable participants in this case to one
27 another. See, e.g., Docket No. 1173 Tr. at 56:3-57:9 (discussion of relative culpability
28 during David Lee’s sentencing). Broadly stated, the directly culpable participants fall
into four categories: (1) culpable participants who engaged in serious criminal conduct
but were not charged at all (Carmel, Neils Cotter, Hazens, Fuer Yuan, Businessperson
A, Ricky Zheng); (2) culpable participants who engaged in serious criminal conduct but

1 have sought to reduce their sentences on the premise of truthfully cooperating with the
2 government (George Esparza, George Chiang, Justin Kim, and Morrie Goldman); (3)
3 culpable and allegedly-culpable participants who did not admit fault after being
4 charged and either went to trial or fled (David Lee, 940 Hill, Wei Huang, SZNW, and
5 Ray Chan); and (4) Mr. Huizar, who alone was charged and accepted responsibility
6 without attempting to reduce his sentence by shifting blame.

7 Initially, as § 3553(a) makes clear, offense conduct and dispositions are not the
8 only factors relevant to comparative sentencing. And the broad categories of culpable
9 participants in this case encompass a remarkably-large range of conduct and
10 characteristics – from foreign billionaires to domestic perjurers. Mr. Huizar also has
11 unique mitigating circumstances, such as his life of good works and public service
12 (which distinguishes him from everyone but Mr. Chan), his mitigating personal history
13 and family responsibilities (which distinguishes him from several defendants), his
14 complete acceptance of responsibility (which distinguishes him from the Category (3)
15 defendants), and his truthful admission of his conduct and willingness to accept
16 substantial punishment (which distinguishes him from some of the Category (2)
17 defendants).

18 Still, Mr. Huizar acknowledges that his case also involves aggravating factors,
19 including his position of trust and role in the offense. And the Court has indicated that
20 it intends to weigh his criminal culpability against that of others when imposing a
21 sentence. In so doing, the Court has made fairly clear that, based on the information it
22 has received to date, and within the four corners of this case, it considers Mr. Huizar to
23 be the most criminally-culpable participant. Because he is only the second individual
24 to be sentenced in this case, and because, to date, the Court has not been made aware of
25 all of the information necessary to truly assess relative culpability, Mr. Huizar believes
26 that it is important to provide the Court with at least some information about other
27 culpable participants in this case as well. He has done so in a separate document
28 entitled Appendix A.

1 To be clear, his goal in providing this information is not to suggest that he does
2 not bear significant culpability. Indeed, he has signed a fulsome factual basis in
3 connection with an 11(c)(1)(C) committing him to no less than 9 years in prison.
4 Instead, it is to show the Court that the true distribution of culpability – and the present
5 need for punishment – is more even than has at times been suggested, implying greater
6 compression across the culpability continuum. In so doing, Mr. Huizar seeks to further
7 demonstrate that, by any comparative metric, a 9-year sentence, which will likely still
8 be the longest of any in this case, would avoid unwarranted disparities and similarities,
9 while a longer sentence would produce them.

10 **D. A 9-year sentence is more than sufficient to provide general deterrence,**
11 **particularly in light of the collateral punishment visited upon Mr. Huizar**
during this uniquely-public and -personal prosecution.

12 In connection with the notion that Mr. Huizar’s sentence must “send a message,”
13 the government will presumably argue that a 13-year sentence is necessary to promote
14 general deterrence. But other than emotional appeals or gestures toward the guidelines
15 – which the 11(c)(1)(C) tacitly acknowledges provide little assistance – the government
16 can offer no coherent explanation why, taking everything into account, an appropriate
17 deterrent message will not be achieved by a 9-year sentence.

18 Initially, empirical research has consistently found that, for economic crimes, it is
19 the fact of detection and conviction, rather than the length of the sentence, that
20 functions as the deterrent. See United States v. Yeaman, 248 F.3d 223, 238 (3d Cir.
21 2001) (Nygaard, J., dissenting in part) (“It is widely recognized that the duration of
22 incarceration provides little or no general deterrence for white collar crimes. For
23 individuals committing these types of crimes, the probability of being apprehended and
24 incarcerated is a powerful deterrent in of itself[.]”) (citing A. Mitchell Polinsky &
25 Steven Shavell, On the Disutility and Discounting of Imprisonment and the Theory of
26 Deterrence, 28 J. Legal Stud. 1 (Jan.1999)). For example, in a 2002 book entitled
27 Corporate Crime, Law, and Social Control, Sally Simpson, Chair of the University of
28 Maryland’s Department of Criminology and Criminal Justice, reviewed decades of

1 research and concluded that, for deterrence purposes, the severity of the sanction was
2 far less important than the certainty of punishment. Accord David Weisburd, et al.,
3 Specific Deterrence in a Sample of Offenders Convicted of White Collar Crimes, 33
4 Criminology 587 (1995) (finding no difference in the deterrent effect of prison and
5 probation for white-collar offenders); Zvi D. Gabbay, Exploring the Limits of the
6 Restorative Justice Paradigm: Restorative Justice and White Collar Crime, 8 Cardozo J.
7 Conflict Resol. 421, 448-49 (2007) (finding “no decisive evidence” supporting
8 “conclusion that harsh sentences actually have a general and specific deterrent effect on
9 potential white-collar offenders”); Symposium, U.S. Sent’g Comm’n, Federal
10 Sentencing Policy for Economic Crimes and New Technology Offenses, Plenary
11 Session I, “What Social Science can Contribute to Sentencing Policy for Economic
12 Crimes” at 23 (Oct. 12, 2000) (“[T]he general deterrent effect of sanctions stems not so
13 much from the length of the sentence but from fear of the social stigma and ostracism
14 that attends to their imposition”).

15 Consistent with this finding, numerous authorities have recognized that there is
16 “considerable evidence that even relatively short sentences can have a strong deterrent
17 effect on prospective ‘white collar’ offenders.” See Adelson, 441 F.Supp.2d at 514
18 (citing R. Frase, Punishment Purposes, 58 Stanford L. Rev. 67, 80 (2005), and E.
19 Szockyj, Imprisoning White Collar Criminals?, 23 S. Ill. U. L.J. 485, 492 (1998)). And
20 the sentencing commission itself has “concluded that the definite prospect of prison,
21 even though the term may be short, will serve as a significant deterrent” to serious
22 economic crimes. U.S.S.G. Ch. 1, Pt. A § 4(d) (2018) (emph. added). Even were the
23 general-deterrence conversation limited exclusively to Mr. Huizar’s custodial sentence,
24 therefore, the government can offer no persuasive explanation why a 9-year prison term
25 for a first-time offender following a fulsome guilty plea would not send an appropriate
26 deterrent message.

27 But the deterrent effect of this prosecution does not derive solely – or perhaps
28 even mostly – from a custodial sentence. This case began in earnest on November 6,

1 2018 when federal agents stormed Mr. Huizar’s family home and put guns in the faces
2 of his young children. [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED] Two years later, upon the
7 filing of a Criminal Complaint, the U.S. Attorney called a rare pandemic press
8 conference to declare Mr. Huizar a “cancer” and a “disease” upon the city. See Docket
9 No. 235 at 3 & n.1. For more than 10 years, federal agents probed every aspect of Mr.
10 Huizar’s life, sending grand-jury subpoenas to his children’s schools, listening to the
11 entirety of his phone calls with his medical providers, reading personal emails with his
12 friends and family, and soliciting any negative word that could be said about him from
13 any rival looking to settle a score.

14 At every step, the case was made public and personal in ways that few in this
15 District have been. Between prosecutors and the press, nearly every negative thing that
16 Mr. Huizar has ever done was paraded before the city, and many things that he did not
17 do were attributed to him as well. As a retrospective pall was cast over every aspect of
18 his life and career, he became a convenient receptacle for every local malady or
19 grievance about politics. And despite once being talked about as a rising star and
20 politician with national potential, he lost not only his reputation, but many longtime
21 friends, as well as his chosen profession and license to practice law.

22 Yet the most damaging punishment from this prosecution came not from its
23 impact on Mr. Huizar, but from its effect on his family. Once proud to bear the Huizar
24 name, Mr. Huizar’s children have lately worn it with shame and humiliation. They
25 have seen their father, a once-proud pillar of the community, caricatured and reduced to
26 a pariah. [REDACTED]

1 [REDACTED]
2 [REDACTED] They have watched their mother loudly
3 implicated in a RICO bribery scheme, ruining her reputation and making her virtually
4 unemployable, even as prosecutors cleared her silently and in private. See Ex. 15
5 (October 2020 letter describing extensive investigation and concluding that Ms. Rios
6 was “not a target . . . but rather . . . a potential witness”). Every problem in their
7 parents’ marriage has been on display for curious observers to inspect and ridicule. Mr.
8 Huizar’s elderly mother was threatened with prosecution for transmitting money at his
9 request. His brother was charged and pleaded guilty for lying in trial-preparation
10 meetings with prosecutors.

11 At 55 years old, Mr. Huizar has been federally prosecuted, pilloried in the press,
12 lost his career and professional license, and seen his reputation and family destroyed.
13 He is now preparing to enter federal custody for the first time in his life, from which he
14 will emerge in his 60s to experience the “civil death” of a felony conviction. United
15 States v. Nesbeth, 188 F.Supp.3d 179, 182 (E.D.N.Y. 2016) (“Today, the collateral
16 consequences of a felony conviction form a new civil death”). And although he is
17 already a pariah with limited time and future earning potential, the government is
18 seeking to hit him – and him alone – with crippling monetary penalties that, if imposed,
19 would ensure his and his family’s financial ruin as he enters old age.

20 The notion that any public official would look at this picture and say ‘well, Mr.
21 Huizar only got 9 years, so, even though his family was destroyed, he was dragged
22 through the public square, and his life was ruined, I will go ahead and engage in the
23 corruption that I definitely would not have engaged in had he gotten 10 years instead,’
24 is one with no connection to the real world outside the USAO. Even before Mr. Huizar
25 spends a day in prison, this case will satisfy any conceivable deterrent effect that any
26 prosecution possibly could. See, e.g., United States v. Gaind, 829 F.Supp. 669, 671
27 (S.D.N.Y. 1993) (pre-Booker, granting downward departure where defendant was
28 punished by the loss of his business); United States v. Vigil, 476 F.Supp.2d 1231, 1235

1 (D.N.M. 2007) (finding variance appropriate where defendant was collaterally punished
2 by loss of his position and reputation and widespread media coverage); United States v.
3 Smith, 683 F.2d 1236, 1240 (9th Cir. 1982) (“The stigma of a felony conviction is
4 permanent and pervasive.”).

5 Indeed, if anything, the messaging effect of a 13-year sentence in this case would
6 be far different than the government suggests. Rather than warning off wayward
7 officials – who, given the infrequency of charges and the nature of political
8 psychology, will likely continue to write off the prospect of prosecution as remote – the
9 true message for anyone unfortunate enough to be indicted may be that of Roy Cohn:
10 “1. Never settle, never surrender. 2. Counter-attack . . . immediately. 3. No matter what
11 happens, no matter how deeply into the muck you get, claim victory and never admit
12 defeat.” Vanity Fair, How Donald Trump and Roy Cohn’s Ruthless Symbiosis
13 Changed America (June 28, 2017), <https://rb.gy/bq4qso>. If officials in the Central
14 District who plead guilty and lose everything still receive the same sentence as William
15 Jefferson and Rod Blagojevich got after trial, the most specific and directly-applicable
16 message is, if you get charged: never admit, attack the prosecution and the proceedings,
17 pursue all-out war up to and including the Supreme Court.

18 Beyond public officials, there is also another audience for any sentence in this
19 case: the public itself. And while the community is rightly angered by Mr. Huizar’s
20 admitted misconduct, it is unlikely that it sees Mr. Huizar as the singular bad apple
21 deserving of criminal punishment. The simmering anger felt throughout the city and
22 the country rests on the perception that the political classes writ large have become
23 corrupt and unaccountable. And it is reasonable to think that that anger burns
24 especially bright not for the rare individual who has humbled himself, admitted fault,
25 expressed sincere remorse, and agreed to a lengthy term in prison, but for those who
26 continue to act with defiant impunity.

27 Indeed, the redemptive power of contrition and forgiveness are powerful threads
28 running through Mr. Huizar’s letters of support. See, e.g., Ex. 1-36 [Alonso Silva (“As

1 someone raised in the Catholic faith, I believe in the power of remorse and contrition.
2 Despite the serious nature of his offenses, I trust Jose’s remorse, contrition and
3 foundation of faith will guide him towards redemption through rehabilitation,
4 restitution, and restoration, especially with his family.”); Ex. 1-17 [Michael Nogueira
5 (“When the news broke, we as a community were broken-hearted to the core. So,
6 unlike his character. We were saddened. We prayed for him. He was part of our
7 community family. He, by far, was the most outstanding Councilmember our
8 community has ever experienced. I’m sure most of his district would welcome him
9 back. Lessons are learned and chances to redeem are there.”); Ex. 1-29 [James Kee
10 (“Jose carried immense burdens, did a tremendous amount of good for a very large
11 community, and made some mistakes along the way. We all bring plusses and minuses
12 to Judgment Day. His sins I can’t judge, but his contributions will do credit to him”)];
13 Ex. 1-24 [Betsy Starman (“I ask you to please take into consideration the good, the
14 community, his ability to be fair to ALL of us and his dedication to all of us when you
15 pronounce his sentence”)]; Ex. 1-8 [Father Gabrielli (“As Mr. Huizar has always been
16 there for our community, I believe the members of our community will look forward to
17 walking with and supporting Mr. Huizar when he is allowed to reintegrate into society.
18 We will be there for him as we are for others in our community, and together we all
19 will find healing and strength to continue our journey.”)]. Throwing the book at Mr.
20 Huizar despite his acceptance of blame because he is the one of many bad actors who
21 happened to be charged may be just as likely to send not a public message of justice,
22 but one of arbitrary harshness.

23 The “randomness [in] selecting certain offenders to serve as ‘examples’” also
24 raises moral questions about the fairness deterrent sentencing. J. Temkin, N.Y.L.J.,
25 Deterrence in an Age of Dwindling Enforcement (March 15, 2018). Several religious
26 traditions emphasize principles like discernment, forgiveness, and finding god in all
27 people and things. The principle of marginal general deterrence, by contrast, rests on
28 an exceedingly-rough utilitarian calculation that sentencing one person for longer than

1 he or she individually deserves will benefit society by warding off some other potential
2 offender in the future.

3 Moral philosophers have objected to this man-as-instrument practice for
4 hundreds of years. I. Kant, The Science of Right 195 (W. Hastie trans., 1790)
5 (“Juridical punishment can never be administered merely as a means for promoting
6 another good either with regard to the criminal himself or to civil society, but must in
7 all cases be imposed only because the individual on whom it is inflicted has committed
8 a crime. For one man ought never to be dealt with merely as a means subservient to the
9 purpose of another, nor be mixed up with the subjects of real right.”). And researchers
10 have rejected it as an economic theory unsupported by real-world evidence. E.g.,
11 Model Penal Code, Sentence of Incarceration § 6:06 (2023), cmt. (f)(2) (“The weight of
12 criminological knowledge teaches that marginal increases in the severity of criminal
13 sanctions rarely bring about marginal improvements in general deterrence in the
14 community. Criminologists over many decades have failed to find robust empirical
15 evidence in support of the deterrence-through-severity hypothesis The empirical
16 evidence does support the view that marginal general deterrence can be effected by the
17 increased probability of apprehension for criminal conduct, and accelerated swiftness in
18 the delivery of penalties – sometimes called the ‘certainty’ and ‘celerity’ principles.
19 These mechanisms of general deterrence, however, operate independently of the
20 quantum of punishment dispensed in particular cases.”) (collecting studies).

21 While Mr. Huizar does not suggest that general deterrence should play no role in
22 his sentencing – the law says that it may – he does suggest that it must be thoughtfully
23 calibrated with an eye towards many considerations beyond simply the perceived in
24 terrorem effect of a custodial sentence. By the utilitarian logic of general deterrence,
25 sentencing every first-time offender to 50 years would rid society of criminal activity.
26 But few in this county would defend that approach as fair, or even effective. Here,
27 taking everything into account, a 9-year custodial term following a fulsome plea and
28 catastrophic collateral consequences, is more than sufficient to communicate not only a

1 message of justice, but one of fairness, proportionality, and redemption.

2 **E. The guidelines – which recommend a multidecade sentence for a nonviolent**
3 **first-time offender – provide little help in fashioning a parsimonious sentence in**
4 **this case.**

4 Although the Court must consider the advisory guidelines as one factor in
5 imposing a sentence, Mr. Huizar respectfully suggests that, for several reasons, the
6 guidelines provide little meaningful assistance in this case.

7 First, as with the high-loss fraud guidelines, which courts often ignore as
8 “absurd,” Adelson, 441 F.Supp.2d. at 515, and a “black stain on common sense,”
9 United States v. Parris, 573 F.Supp.2d 744, 754 (E.D.N.Y. 2008), exaggerated
10 guideline calculations frequently give way to other considerations in public-corruption
11 sentencings involving complex individuals who have a lifetime of good works. Indeed,
12 rather than the guidelines, the most common starting point in high-profile corruption
13 cases appears to be other high-profile corruption cases, a representative sampling of
14 which Mr. Huizar has provided above. See, e.g., Skelos; CR-15-317-KMW (after
15 calculating guidelines as 151-188 months for prominent official convicted of three
16 corruption schemes at trial, government recommending 6- to 10-year sentence based
17 not principally on the guidelines, but by comparison to precedent set by other
18 corruption sentences (4.25-year sentence imposed)); McDonnell; CR14-12-JRS (E.D.
19 Va.) (court imposing two-year sentence for major-state governor after conviction at
20 trial despite guidelines of 97-121 months); Renzi; CR-08-212-DCB (D. Ariz.) (court
21 imposing three-year sentence for federal official after trial conviction despite guidelines
22 of 9-12 years); Silver; CR-15-93-VEC (following trial conviction of prominent official
23 for what the government described in sentencing position as “egregious” crimes,
24 including multiple bribery schemes involving millions of dollars, probation office
25 recommended 10 years and court imposed 6.5 despite guideline recommendation of
26 262-327 months); United States v. Blagojevich; CR-08-888-JBZ, Docket No. 863 (after
27 prevailing at trial and advocating for a guideline level of 42 – the same as in this case
28 before acceptance – government nonetheless acknowledging “that, under the

1 circumstances of this case, the sentence recommended by the correctly calculated
2 guidelines is greater than necessary to achieve the goals of sentencing”); id., Docket
3 No. 1035 at 59:15-19 (Sentencing Tr.) (“[The Court:] And it should be noted that I
4 agree with the government, and with the defense for that matter, that the guideline that I
5 believe is correctly computed for this, which is 30- years to life, is simply not
6 appropriate in the context of this case”).

7 Second, a commonsense comparison to other crimes with similar offense levels
8 demonstrates the unhelpfulness of the guidelines in this case. Mr. Huizar’s offense
9 level before acceptance (42) is one shy of the offense level that would have been
10 calculated for the 9/11 attackers, as well as other terrorists and murderers. It is equal to
11 or greater than the offense levels for raping a child (§ 2A3.1; TOL: 42), participating in
12 a quarter-billion-dollar fraud scheme that causes substantial financial hardship to
13 100,000 working people (§ 2B1.1; TOL: 41), committing second-degree murder (§
14 2A1.2; TOL: 38), hijacking a commercial plane (§ 2A5.1; TOL: 38), kidnapping and
15 sexually exploiting someone for 30 days through the use of a weapon (§ 2A4.1; TOL:
16 38); and many other serious crimes with focused victims that few would consider
17 comparable or deserving of similar punishment.

18 Third, the very nature of the plea agreement – which stipulates to the guidelines
19 but includes a binding sentencing range far below them – reflects an understanding that
20 the guidelines produce a recommended sentence greater than necessary to achieve the
21 multifaceted purposes of federal sentencing. Indeed, by voluntarily agreeing to a
22 binding range that includes a 9-year sentence, rather than refusing a plea and insisting
23 on trial to seek additional time, the government has tacitly acknowledged that, while it
24 may request additional custody time, even 9 years would be sufficient to achieve the
25 purposes of federal sentencing.

26 While, again, the Court must consider the guidelines, the unique facts of this case
27 make a one-size-fits-solution drafted in the abstract by a committee in Washington,
28 D.C. minimally useful in fashioning a parsimonious sentence. Instead, as in other

1 public-corruption cases, the facts and considerations that should drive the sentence are
2 the ones discussed elsewhere in this sentencing position, which call for a 9-year term at
3 the low end of the 11(c)(1)(C).

4 **F. While the effect of Mr. Huizar’s conduct damaged the community’s trust, that**
5 **was not his intent; and his overall record, including on development, jobs, and**
6 **affordable housing, was one of transformative and positive progress.**

7 § 3553(a)(1) directs sentencing courts to consider the “nature and circumstances”
8 of the of the offense, and particularly the culpability of the offender, when fashioning
9 an appropriate sentence. United States v. Hack, 443 F.Appx. 304, 305 (9th Cir. July
10 18, 2011) (indicating that “nature and circumstances” includes intent). This analysis
11 makes a defendant’s motive and intent to do harm highly relevant. Wisconsin v.
12 Mitchell, 508 U.S. 476, 485 (1993); see also, e.g., United States v. Prosperi, 686 F.3d
13 32, 41 (1st Cir. 2012) (affirming downward variance to probation from guidelines range
14 of 87-108 months where “advisory guideline range, while accurately calculated, [was]
15 not a fair representation of the defendant’s culpability,” in part, absent evidence that the
16 defendant “intended to harm the . . . public”). In this case, while the selfish effect of
17 Mr. Huizar’s wrongdoing was damaging to the public trust, he did not commit his
18 crimes with a malicious intent to hurt the city by advancing negative policies that he
19 didn’t believe in or greenlighting projects that he felt were bad for the community. His
20 actions were not purposely evil, but indulgent, personally reckless, incrementally self-
21 justifying, and ultimately self-destructive.

22 Truly understanding the circumstances of this offense requires understanding the
23 day-to-day reality of Mr. Huizar’s life and career during the relevant time period. As
24 an elected official, he was expected to engage with his constituents, respond to their
25 concerns, and express policy and partisan preferences through his actions. From filling
26 potholes to approving skyscrapers, that often meant playing favorites and choosing
27 sides. It also meant brokering deals – between affordability and growth, between
28 competing factions, between idealistic demands and budgetary realities. All of this
occurred during 12-hour days fielding calls, meeting constituents, taking votes in

1 multiple Committees and Council, dealing with employee concerns, raising money, and
2 making countless decisions large and small.

3 Given the discretion vested in him, constituents and constituencies were
4 constantly seeking Mr. Huizar's favor and attention. In the real world, those efforts
5 often involved not only making campaign contributions, but sometimes hosting events
6 or providing gifts. As with any profession, Mr. Huizar also developed personal
7 relationships with numerous people, and those relationships sometimes also involved
8 the exchange of benefits and favors. It was easy for lines to get blurred, and they did.
9 Indeed, this was true not only for Mr. Huizar, but was and almost certainly remains true
10 for virtually all of the elected officials in L.A. and beyond.

11 When it came to development specifically, Mr. Huizar frequently found himself
12 courted by people of tremendous wealth, as well as other powerful interests that he
13 supported like construction and labor unions, all of whom were seeking his assistance
14 to make themselves wealthier still. Meanwhile, Mr. Huizar was in his late-40s, had
15 four kids, worked 80 hours a week, drank too much, and, for much of the relevant
16 period, was a termed-out incumbent who had already served on the Council for over a
17 decade.

18 As reflected in several sentencing letters, Mr. Huizar's nearly-two-decade tenure
19 in public life came at great personal and financial sacrifice to him and his family.
20 Many politicians are born into wealth or related by blood to other elected officials or
21 powerful people. Mr. Huizar, by contrast, had no family connections, was raised in
22 poverty, had substantial debt, and, with four children, forewent a lucrative career to
23 pursue a nearly-all-consuming life of public service. As one childhood friend writes,
24 this tradeoff was particularly significant for a person who, with no backstop, had the
25 opportunity to cash in on his hard-won credentials:

26 After he graduated from UCLA law, rather than choosing a lucrative
27 career as a private attorney, he chose to be a public servant. When friends,
28 including myself, asked him why he chose to be a public servant rather
than an attorney his response was that he felt his calling was to assist
others in need and what better place than to come back to his community
to serve. Even though his friends, including myself, moved on to "better"

1 neighborhoods, Jose remained in Boyle Heights determined that he could
2 use his education to make positive changes to the area where he grew up
and needed positive changes.

3 Ex. 1-31 [Mauro Arteaga]; see also Ex. 1-35 [Mark Raffield (“Most people with Jose’s
4 educational pedigree would have pursued high-paying career path of corporate jobs, but
5 I believe Jose’s heart was in improving the lives of working-class folks in his parents’
6 modest neighborhood in East Los Angeles.”)]. Mr. Huizar’s brother-in-law, James
7 Kee, writes astutely about the unflagging demands of the job as a councilmember that
8 he witnessed firsthand:

9 Being a politician is really two jobs, in my opinion: the campaigning and
10 the functions of the office. They are often overlapping, because the
11 networking that helps win elections also helps bring together projects for
12 revitalizing theater districts. I don’t know how he did it, and I didn’t see
13 the thousands of steps that he took along the way, but I occasionally got a
14 glimpse. I recall one weeknight years ago when I went to an event on
15 Olvera Street, and Jose was at the head table. He was constantly greeting
16 people, making introductions and listening to constituents while various
17 dignitaries came and went. For me, it was a dinner. For him, it was work.
18 When it was over, I went home to watch a hockey game, and there,
19 between periods, was Jose Huizar in the booth with Bob and Jim talking
20 about hockey in L.A. I was dumbstruck. Jose was on stage throughout
21 dinner and probably didn’t even eat, and then he went to at least one more
22 event and had to be on stage again long after I was home and comfortable.
23 It was a sobering realization of the difficulty of doing the job of
24 Councilmember. On top of all that, he had a daughter at home who was
25 suffering with a life-threatening kidney disease. He would later have a
26 [child] diagnosed with leukemia at the age of 3. Through the miracles of
27 modern medicine, both survived, thank God. Jose carried immense
28 burdens[.]

Ex. 1-29.

At some point along the way, as he was drinking every night, working around the
clock, and engaging in a pattern of increasingly-reckless personal conduct, Mr. Huizar
fell prey to that all-too-common cynicism and sense of entitlement that affects
numerous long-term elected officials. Surrounded by fabulous wealth, praised for the
spectacular transformation of DTLA, working constantly, he indulged, he skimmed off
the top both personally and for the benefit of a PAC, and he crossed bright lines that he
should not have crossed.

Importantly, however, Mr. Huizar did this while supporting projects that he

1 independently backed, which were good for the city and consistent with his merits-
2 based vision for developing DTLA, rather than pushing harmful legislation or wasting
3 public funds. Indeed, nobody would have credibly claimed before the raids that Mr.
4 Huizar’s record of public achievement, including the DTLA renaissance, was anything
5 other than positive. And any rhetorical suggestion or anecdotal claim that Mr. Huizar
6 was somehow a detriment to the progress of his district generally or affordable housing
7 specifically – which, as nearly every informed observer would agree, includes all
8 housing in a market economy – is belied by: a comparison of CD-14 before and after
9 his time in office; the widespread praise of DTLA’s transformation during his
10 appointment; a comparison of the progress in his district to that of the rest of the city;
11 the housing and affordable-housing-specific construction records set in CD-14 during
12 his tenure; and his role in major housing-related policy initiatives, like Measure HHH
13 and the Linkage Fee. Also, as discussed above, it was not the case that Mr. Huizar was
14 solely focused on a handful of projects in DTLA while ignoring everything else. He
15 engaged in this misconduct while, at the same time, continuing to address the many
16 specific concerns of his constituents elsewhere in his district.

17 To this end, Mr. Huizar feels compelled to address a recurring insinuation from
18 the government that the Mateo project was somehow damaging to goal of affordable
19 housing in L.A. Now being developed on what was formerly a dirt lot due to planning
20 and zoning dysfunction, the Mateo project will result in the construction of hundreds of
21 market-rate and affordable-reserved housing units, a unique affordable-commercial set
22 aside prioritized by the local community, and a \$2 million payment to the CD-14
23 Affordable-Housing Trust Fund meant to be redistributed to things like expiring rent
24 covenants in Boyle Heights.

25 The government’s false insinuation about the Mateo project appears to be based
26 on a change between the affordable-housing set aside demanded by the unelected and
27 noncareer Mayoral appointees on the CPC – against the wishes of the community and
28 recommendation of DCP staff – which Mr. Huizar (the official elected to represent the

1 Arts District) revised in PLUM.⁵⁷ The reality is far different from what the government
2 has suggested, and requires a fulsome understanding of the relevant players, the history
3 of the project, Los Angeles zoning, the impact of the Hybrid-Industrial Ordinance and
4 its failure, other concurrent approvals in the Arts District (like the Camden project on
5 1525 Industrial Street), the expressed desires of a vocal Arts District community, and
6 the multifaceted community benefits package that was ultimately approved. Because
7 this story is detailed, Mr. Huizar intends to submit a separate supplement focusing
8 specifically on Carmel. For now, he includes several emails, planning memoranda
9 from Shawn Kuk, letters of support for the final configuration from the community, and
10 official Council documents which tell just some of the story. See, e.g., Ex. 16.⁵⁸

11 As far as Mr. Huizar's other admitted criminal conduct, to reiterate, Mr. Huizar
12 has pleaded guilty with a fulsome factual basis that he does not dispute. But a plea
13 agreement's factual basis is necessarily an underinclusive summary meant to establish
14 the basis for the guilty plea, not a complete narration of the underlying events. Because
15 the Court must consider the complete nature and circumstances of the offense, and
16 because, like so many other things about this case, the reality is messier and less clear-
17 cut that has at times been suggested, Mr. Huizar provides the following additional
18 information about the crimes for which he has pleaded guilty.

19 Both the FSI and the plea agreement center around a RICO conspiracy involving
20 an in-fact organization comprised of Mr. Huizar, Raymond Chan, George Esparza,
21

22 ⁵⁷ Notably, this change was not even the subject of the bribe alleged in the FSI.
23 The FSI alleged that Mr. Huizar conditioned voting against a labor union appeal, which
24 would have been damaging to Ms. Rios's nascent base of support, on receiving a
\$50,000 campaign contribution (which was never made). See FSI ¶ 56; see also Docket
No. 235-1 ¶ 2 & Ex. 1.

25 ⁵⁸ The other projects were equally beneficial to the city. Indeed, several of the
26 government's witnesses agreed that, if realized, the skyscraper at the L.A. Grand would
27 have been a "dream" and a boon to the city. The Luxe Hotel redevelopment, which
28 included a number of significant community benefits as part of a Development
Agreement, was part of a critical push to construct not only housing, but additional
hotel capacity of different tiers near the convention center. Even 940 Hill – which
involves a much different story than the one told at trial – envisioned the construction
of housing units on a parcel that was formerly home to a parking lot and a substantial
TFAR payment.

1 Justin Kim, George Chiang, Morrie Goldman, Businessperson A, and others.
2 Operating from February 2013 to November 2018, the premise of the enterprise was
3 that Huizar was the leader, and that the other participants worked loyally and
4 collectively toward the common goal of advancing his, and thus their, political power
5 so that they could extract bribes and benefits. Generally, as admitted, this is true.

6 What is also true, however, is that the enterprise members were all grown men of
7 significant ambition who sometimes worked together, but often worked independently
8 and at cross-purposes. Their interactions were frequently transactional. Their
9 relationships and motives changed. And they lied to and hid things from each other –
10 perhaps foremost from Mr. Huizar. See, e.g., Exhibit 17.

11 Over time, as Mr. Huizar was perceived to be unhelpful, he became an
12 increasingly marginal participant. And to the extent that loyalty existed anywhere, it
13 did not run upward to the supposed “boss,” but instead ran sideways between self-
14 professed “brothers” Mr. Esparza, Mr. Chiang, Mr. Kim, and Ricky Zheng (a/k/a the
15 “Korean, Chinese, and Mexican Mafia”); diagonally between Mr. Chiang and “Dailo,”
16 Mr. Chan; and, in the case of Mr. Goldman, to whomever he happened to be speaking
17 at the moment. See generally Appendix A.

18 None of this means that Mr. Huizar is not guilty of a RICO conspiracy. Nor does
19 it mean that any of the facts in his plea agreement are untrue. He is guilty, and the facts
20 are true, which is why he entered a plea. But, as with most complex human endeavors,
21 the reality is not as simple as the story has sometimes been made out to be. And, as
22 with many RICO conspiracies in particular, it is easy for appearances, attributions, and
23 labels to get mixed up with a more nuanced factual truth. Indeed, the whole purpose of
24 charging a case as a RICO conspiracy is to cross-attribute the conduct of members to
25 other members – usually lower to higher – who may not be aware of the specific
26 conduct at the time.

27 There are also further complexities at the level of each individual scheme. For
28 example:

- 1 • **L.A. Grand.** After initially having a genuine friendship, Mr. Huizar and Wei
2 Huang had a personal falling out in 2017, before Wei Huang asked for anything
3 meaningful on the skyscraper. At that point, Wei Huang, the billionaire
4 developer who had spent half a decade softening Mr. Huizar up for the “big ask,”
5 began threatening to call Mr. Huizar’s loan – which involved an amount of
6 money that, to Wei Huang, was truly inconsequential. In April 2018, when
7 agents of Wei Huang filed planning applications for both of his hotels without
8 speaking to Mr. Huizar first, they did so not with the immediate intent to entitle
9 and develop both projects during Mr. Huizar’s tenure, but instead to “vest” the
10 projects in advance of the Linkage Fee deadline⁵⁹ and avoid the impending
11 transfer tax in the event that the properties were redeveloped in the future. None
12 of this means that Mr. Huizar did not accept benefits from Wei Huang with the
13 intent to be influenced in connection with the skyscraper project, which is the
14 bribe admitted in the factual basis. But the reality is simply more complicated
15 than the version that has at times been presented.
- 16 • **Luxe.** Although Mr. Huizar and Fuer Yuan developed a relationship over
17 several meetings and dinners, and although Fuer Yuan donated to other U.S.
18 officials through conduits and his domestic entities, neither Fuer Yuan nor any of
19 his proxies donated to Mr. Huizar’s PACS despite several requests. Indeed, the
20 total amount of money that the government contends Mr. Huizar personally
21 received in connection with the Hazens scheme is roughly \$10,000 in fringe
22 benefits and travel expenses related to a trip to China. When the Luxe project
23 came up for a hearing at CPC, Mr. Chiang, its chief consultant, relied not only,
24 or even mainly, on Mr. Huizar to push it through – as Mr. Chiang, Mr. Esparza,
25 and others perceived him as unwilling to take significant action to help the
26 project, Ex. 18 – but on Mr. Chan, staff from another council office,⁶⁰ and people
27 associated with the Mayor and DCP. When fully entitled, the Hazens project had
28 a Development Agreement, which most developers disliked, and was required to
comply with a number of significant conditions and make large payments to the
city that no informed observer could construe as unusually favorable. Again, to
be clear, none of this means that Mr. Huizar did not accept benefits for himself,
procure benefits for a friend, or solicit contributions with the intent to be
influenced in connection with the Hazens project; but the relationships and
interactions were more complex than they superficially seem.
- **940 Hill.** As alluded to in more detail in Appendix A, the actual facts of the 940
Hill scheme are different than the testimony previously offered at trial. Most
notably, the flow of traffic for that scheme was not running from Mr. Huizar to
Mr. Esparza – who, not coincidentally, had multiple undisclosed financial
interests in 940 Hill – but in the opposite direction. Of course, Mr. Huizar was a
knowing participant in the 940 Hill bribe, played a meaningful role, and later
asked for the money, all of which demonstrated catastrophic failures of judgment
and criminal intent, as admitted. But the surrounding circumstances and
progenitor of the bribe are different than suggested.
- **Businessperson A.** While Businessperson A paid Mr. Huizar and other officials
to set up meetings with developers related to his purported smart-cabinet

⁵⁹ As described elsewhere, the Linkage Fee was a transfer tax on large developments that required payments into a citywide affordable-housing trust fund. Scheduled to go into effect in May 2018, the fee prompted a wave of shell applications before the deadline to “vest” projects and avoid the tax.

⁶⁰ The government alleges that Mr. Chiang and Mr. Chan provided a staffer from this office gifts and gave one of his relatives a job.

1 business, littered throughout the discovery are comments by Mr. Esparza, Mr.
2 Chiang, Mr. Chan, and others that Businessperson A never followed up on the
3 meetings and may not have even had a saleable product. It appears that
4 Businessperson A, a serial campaign-finance violator, enjoyed the power
5 associated with having elected officials on his payroll. In a rare moment of
6 candor, Mr. Esparza said during an early cooperation meeting with the
7 government: “During these meetings Huizar would tell the developer that
8 [Businessperson A] was a good friend and thought it would be a good thing for
9 the introductory meeting. Huizar rarely pushed for anyone and to Esparza’s best
10 recollection he did not “know that [Huizar] ever made a strong push for
11 anyone,”” including Businessperson A. At the same time, of course, Mr. Huizar
12 did accept benefits from Businessperson A in connection with promises to set up
13 meetings with developers who Mr. Huizar knew would feel pressure to do
14 business with Businessperson A due to his official influence over their projects.

15 To again underscore the point above: Mr. Huizar does not offer this information
16 to say that he is not guilty, or to dispute that his misconduct warrants a substantial
17 prison term. Not only does he agree as a formal matter that he broke the law, he
18 understands in a broader sense that his conduct was and is corrosive to the health of our
19 democratic society because it dissuades people from believing and participating in
20 government, causing them to become atomized and cynical and believe that
21 government as a whole is irretrievably corrupt. He offers this information only to show
22 that the “nature and circumstances” of the offense were more complicated in the
23 moment, and that his motives and mindset, while inexcusably selfish, were less
24 calculating and consciously malicious, than they may now appear after the fact. See
25 Gall, 552 U.S. at 52 (in considering the nature and circumstances of the offense,
26 instructing courts to consider “the human failings that sometimes mitigate, sometimes
27 magnify, the crime and the punishment to ensue”).

28 **G. A 9-year sentence would promote respect for the law and honor the parsimony principle by sending an appropriately-calibrated message based on all of the circumstances in this case.**

In addition to general deterrence, § 3553 requires courts to consider whether the sentencing imposed will “promote respect for the law” and “just punishment for the offense.” 18 U.S.C. § 3553(a)(2)(A). While the government often treats this factor as unidirectional, promoting respect for the law is rightly understood as a two-way street. United States v. Stern, 590 F.Supp.2d 945, 956 (N.D. Ohio 2008) (“Respect for the law

1 is promoted by punishments that are fair . . . not those that simply punish for
2 punishment’s sake”) (emph. in orig.). A criminal-justice system seen as furiously
3 destroying the unlucky few while letting similar offenders walk free, or blindly layering
4 punishment upon punishment without regard for mitigation or contrition, does more to
5 deride the law than to promote respect. Gall, 552 U.S. at 54 (“[A] sentence of
6 imprisonment may work to promote not respect, but derision, of the law if the law is
7 viewed as merely a means to dispense harsh punishment without taking into account
8 the real conduct and circumstances involved in sentencing”).

9 In this case, a 9-year sentence would exemplify a criminal justice system capable
10 of nuance and thoughtful calibration. At the most basic level, Mr. Huizar is a
11 redeemable, if flawed man, who has overcome significant hardships and achieved great
12 things, tried to help his family, friends, and community, failed in the most public and
13 spectacular way, and fully accepted responsibility for his wrongdoing; this is his first
14 conviction and sentence of any kind; he has shown the potential for self-improvement;
15 and he is deeply committed to change, both for his own ends and so he can be there for
16 his family.

17 None of this means that he doesn’t deserve to be punished. But the parsimony
18 principle, which has roots in moral and religious philosophy, instructs courts to exercise
19 temperance where possible, and if necessary, to err on the side of leniency. A sentence
20 that balances justice with mercy, punishment with rehabilitation, and legal doctrine
21 with compassion and life experience would promote respect for the law far more than
22 one treating Mr. Huizar as a simplistic caricature or “a small set of numbers artificially
23 assigned to a few arbitrarily-selected variables.” Gupta, 904 F.Supp.2d at 350. As
24 Father Greg Boyle writes: “Mercy, as Pope Francis says, IS...who our God is.” Ex. 1-
25 7.a. Under the unique circumstances of this case, a 9-year sentence would be sufficient,
26 if not greater than necessary, to achieve the goals of federal sentencing.

27 ///

28 Respectfully submitted,

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CUAUHTEMOC ORTEGA
Federal Public Defender

Dated: December 28, 2023

/s/ Charles J. Snyder

Charles J. Snyder
Adam Olin
Attorneys for Jose Huizar