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11 UNITED STATES OF AMERICA

12
13 UNITED STATES DISTRICT COURT

14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 MARKHAM DAVID BOND,
19 Defendant.

No. CR 23-615-WLH
GOVERNMENT'S SENTENCING POSITION;
EXHIBIT A (FILED UNDER SEAL)
Hearing Date: 10/03/25
Location: Courtroom of the
Hon. Welsey L. Hsu

20
21 Plaintiff United States of America, by and through its counsel
22 of record, the Acting United States Attorney for the Central District
23 of California and Assistant United States Attorneys Haoxiaohan Cai
24 and Daniel H. Weiner, hereby files its Sentencing Position with
25 respect to Defendant Markham David Bond ("defendant").

26 The Government's Sentencing Position is based upon the attached
27 memorandum of points and authorities, the files and records in this
28 case, the disclosed recommendation letter (Dkt. 178) and Presentence

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant Markham David Bond, whose steady drumbeat of armed robberies and federal drug offenses was abated only by his stints in prison, capped off a 40 year long criminal career by committing another armed robbery, just one year after he was granted compassionate release. On August 18, 2023 -- while he was on supervised release -- defendant held up a Brinks driver at gunpoint and drove away in a stolen getaway car with \$145,000 in cash. Defendant escaped detection long enough to buy tens of thousands of dollars of jewelry and a luxury vacation at the Ritz Carlton in St. Thomas. When he was caught with stolen cash and a second firearm at his residence, defendant denied his involvement in the robbery.

In a trifurcated trial, the jury convicted defendant of Count One: Hobbs Act Robbery; Count Two: Possessing, Using, Carrying or Brandishing a Firearm in Furtherance of a Crime of Violence; and Count Three: Being a Felon in Possession of a Firearm and Ammunition. For Count Three, the jury made a finding under § 924(e), the Armed Career Criminal Act ("ACCA"), that defendant had three qualifying priors. Later, the parties entered into a Post-Trial Agreement, where, inter alia, the government agreed to dismiss the ACCA enhancement to Count Three, which otherwise would have imposed a mandatory fifteen years of imprisonment, in exchange for defendant's agreement to waive certain post-trial motion and appeal rights.

In the 2025 PSR, the USPO assessed defendant an offense level of 24 prior to the application of the Armed Career Criminal guidelines at U.S.S.G. § 4B1.4, which the USPO applied to arrive at a total offense level of 33 and a Criminal History category of IV, plus a

1 mandatory consecutive sentence of 300 months, or 25 years. (2025 PSR
2 ¶¶ 40-64.)

3 The government would decline to apply the Armed Career Criminal
4 guidelines enhancements in light of the Post-Trial Agreement.
5 Accordingly, the government submits that defendant's offense level is
6 the USPO's initial calculation of 24, and his criminal history
7 category is II, which would result in a Guidelines range of 57-71
8 months on Counts One and Three, and a 300 mandatory consecutive
9 sentence on Count Two. However, the government recommends an upward
10 variance -- for a sentence of 108 months on Counts One and Three, and
11 a 300 month mandatory consecutive sentence on Count Two, for a total
12 sentence of 408 months -- to account for defendant's understated
13 criminal history and to reflect his breach of the Court's trust in
14 granting compassionate release.

15 **II. FACTUAL AND PROCEDURAL BACKGROUND**

16 **A. Factual Background**

17 1. Defendant Trafficked Heroin in 1984 and Committed Two
18 Armed Robberies in 1985

19 From September through November 1984, defendant and his father
20 worked together to sell heroin, which unbeknownst to them, were
21 purchased by undercover DEA agents. (1994 PSR ¶¶ 67-69.) Defendant
22 negotiated the sale of heroin on four separate occasions, culminating
23 in a final attempted sale of one kilogram of heroin for \$240,000.
24 (Id.) Defendant was arrested but granted bail, and one day after he
25 was released on bond, he was arrested and later pleaded guilty to
26 disturbing the peace. (1994 PSR ¶¶ 70-72.)

27 Three months later, on April 1, 1985, defendant and an
28 accomplice robbed the Security Pacific National Bank in Commerce,

1 California, at gunpoint. (1994 PSR ¶¶ 74-75.) A week later, on
2 April 8, 1985, defendant and his accomplice robbed another credit
3 union in Commerce for cash; in both instances, the teller was held at
4 gunpoint. (Id.) Defendant was sentenced to 4 years imprisonment on
5 his cocaine case, plus a ten year special parole term plus 15 years
6 probation. (Id. ¶ 67.) He was sentenced to 8 years in prison for his
7 1984 armed robberies, plus five years parole. (Id. ¶ 73.)

8 2. Defendant Commits Two More Armed Robberies in 1994

9 Three years after he was released on parole for the above
10 offenses, defendant embarked on another robbery spree, which resulted
11 in six federal felony convictions in the 1994 Case, Case No. 94-CR-
12 563-WLH.

13 On March 2, 1994, defendant disguised himself as a mailman and
14 robbed a Loomis guard who was making a cash delivery to a credit
15 union in Buena Park, California. (1994 PSR ¶¶ 9-12.) Defendant
16 pulled a handgun from his mailbag, pointed the weapon in the guard's
17 face, told him to turn around, drop to the floor, and assume a spread
18 eagle position. (Id.) Defendant told the guard, "don't be stupid,"
19 as he forcibly removed the guard's weapon from its holster, grabbed
20 the guard's satchel, containing \$73,000 in cash, and fled in a
21 getaway car. (Id.)

22 On July 5, 1994, defendant and a companion robbed two armored
23 guards working for Wells Fargo who were in the process of refilling
24 ATM machines at the Hollywood Park Racetrack in Inglewood,
25 California. (1994 PSR ¶¶ 15-19.) Defendant pointed a black pistol
26 at the guards and ordered them to get on the ground, head to head,
27 face down. (Id.) Defendant instructed his accomplice to handcuff
28 the guards' hands behind their backs and take their weapons. (Id.)

1 Defendant and his accomplice then took off with bags of cash totaling
2 \$380,000. (Id.; 1994 PSR ¶ 7.) Defendant was later apprehended that
3 day with cash and a gun in his car.

4 Defendant was convicted at trial of 6 counts related to this
5 slate of robberies, including two counts of Hobbs Act robbery, two
6 counts of armed bank robbery, and two counts of 924(c). At the time
7 he committed these robberies, defendant was still on probation for
8 his 1994 heroin case (1994 PSR ¶ 82), and was a career offender.
9 (Id. ¶ 80.) The Court sentenced him to 562 months, or approximately
10 46 years.

11 3. Defendant Is Granted Compassionate Release in 2022
12 After Promising He Is "Aged Out Of Crime"

13 Approximately 27 years into his 46 year sentence, defendant
14 successfully petitioned for compassionate release. Defendant argued
15 for release based on his kidney disease, and because "I am now aged
16 out of crime." See United States v. Markham David Bond, 94-CR-563
17 (Dkt. 220 at 7.) He also submitted a letter to Judge Kronstadt,
18 promising that he would not regret the decision to grant him release.

19 Dear Judge Kronstadt, . . . I take full responsibility for
20 what I did. I have deep regret for the harm I caused my
21 victims, my family, myself, and the community. And for my
22 past actions, **I ask for a second chance. A chance to build a**
23 **safe, law-abiding life outside prison** . . . Judge Kronstadt,
24 you are free under the law to undo this sentence and give me
the few remaining years that I have left to assist younger
people, to not take the path that I did . . . I do promise
that, if granted compassionate release, I will never become
an embarrassment to you for your decision in giving me,
Markham David Bond, another chance at life. Thank you.

25 Id. Dkt. 255-1 (emphasis added). Defendant was released in
26 approximately February 2022 and placed on supervised release.
27
28

1 4. Defendant Robs Brinks Victims at Gunpoint in 2023

2 On August 19, 2023, while on supervised release, defendant went
3 back on his promise to Judge Kronstadt. He brandished a gun at
4 victim D.M., a Brinks courier, outside of a Chase Bank near LAX and
5 robbed him of \$145,000. Defendant demanded Victim D.M. give him the
6 money at gunpoint, and yelled out, "give me the money!" When
7 defendant saw Victim D.M. reaching for his own service weapon for
8 protection, he commanded Victim D.M. "don't even try it, I got you!"¹
9 all the while maintaining the gun on Victim D.M.

10 When Victim D.M. dropped his Brinks cash bag, defendant picked
11 it up, ran off to his getaway vehicle -- a stolen Green Chevy Tahoe²
12 -- and fled. At trial, Victim D.M. testified that he was sure it
13 was a real gun that defendant pointed in his face, and that "[i]f the
14 gun went off, it would have definitely shot me."³

15 After LAPD put out a Crime Alert Notification with images of the
16 Green Tahoe, and an image of the robber wearing a black Raiders
17 baseball cap, two LAPD officers on patrol found the car unlocked and
18 parked near defendant's residence in Inglewood. Inside the Green
19 Tahoe, officers found the Brinks bag, and clothes the robber wore on
20 the day of the robbery, including a black Raiders baseball cap, which
21 an LAPD criminalist testified contained DNA that was a match for
22 defendant's.

23
24
25 ¹ (Dkt. 167, Trial Tr. 171:10-13 (December 9, 2024).)

26 ² At trial, the rightful owner of the Green Tahoe, B.Q.,
27 testified that the Green Tahoe went missing in summer of 2023,
28 realized later that it was stolen, and did not give defendant
permission to take the car. (Dkt. 168, Trial Tr. 136-140 (December
10, 2024).)

³ (Dkt. 168, Trial Tr. 8:11-12 (December 10, 2024).)

1 On November 22, 2023, LAPD conducted a search of defendant's
2 apartment and found: (i) a Springfield, model XD-40, .40 caliber
3 semi-automatic pistol loaded with ammunition, (see Dkt. 86 (Trial
4 Stipulation 2)); (ii) the red maroon shirt he wore the day of the
5 robbery; and (iii) approximately \$9,000 wrapped in plastic bags
6 inside of a mini-fridge.

7 Further investigation revealed what defendant did with the
8 remaining robbery funds: an employee at Daniel's Jewelers testified
9 that on August 18, 2023, within a few hours of the robbery, defendant
10 made an all cash purchase of over \$10,000 of jewelry at the store,
11 including purchasing of the store's most expensive chains.⁴ The case
12 agent, FBI Special Agent Gary Wallace, also introduced defendant's
13 bank records, which showed that in the days following the robbery,
14 defendant deposited large sums of cash, and then spent the proceeds
15 on extravagant purchases, including multiple lavish buys at Louis
16 Vuitton, a trip to St. Thomas in the Virgin Islands,⁵ where defendant
17 stayed at the Ritz Carlton, spent thousands of dollars at a St.
18 Thomas jewelry store, and participated in an "Ocean Surfari."

19 **B. Procedural Background**

20 At the trifurcated trial, defendant was found guilty of all
21 three counts in the indictment. In Phase I, the jury returned a
22 verdict finding defendant guilty of Count 1, Hobbs Act robbery, in
23 violation of in violation of 18 U.S.C. § 1951(a), and Count 2, of
24 Possessing, Using, Carrying, or Brandishing a Firearm in Furtherance
25 of a Crime of Violence, in violation of 18 U.S.C. § 924(c). Both of
26

27 ⁴ (Dkt. 168, Trial Tr. 41:14-17 (December 10, 2024)).

28 ⁵ This appears to be unauthorized travel that is prohibited
under the terms of defendant's supervision in the 1994 Case.

1 these counts pertained to defendant's armed robbery of the Brinks
2 victims in August 2023. (Dkt. 159.)

3 In Phase 2, the jury returned a verdict finding defendant guilty
4 of Felon in Possession of a Firearm and Ammunition, in violation of
5 18 U.S.C. § 922(g)(1), relating to his possession of the Springfield
6 gun and ammunition in November 2023. (Dkt. 160.)

7 In Phase 3, the jury returned a verdict relating to the Armed
8 Career Criminal Act enhancement to Count 3, in violation of § 924(e),
9 that is, whether defendant sustained his 922(g) conviction after he
10 had been convicted of three prior violent felonies or serious drug
11 offenses that were committed on occasions different from each other.
12 The jury found that defendant had sustained three qualifying priors
13 for the enhancement. (Dkt. 161.)

14 **C. USPO Recommendation and PSR**

15 On August 8, 2025, the USPO issued the 2025 PSR (Dkt. 179), in
16 which it calculated defendant's Guidelines as follows: for Count One,
17 a base offense level of 20, per U.S.S.G. § 2B3.1(a), + 2 per U.S.S.G.
18 § 2B3.1(b)(7) for a loss exceeding \$95,000; for Count Three, a base
19 offense level of 20, per U.S.S.G. § 2K2.1(a)(4)(A). (2025 PSR ¶¶ 40-
20 54.) The USPO determined that these two counts grouped, and added +2
21 per U.S.S.G. 3D1.4, resulting in a combined adjusted offense level of
22 24. (2025 PSR ¶¶ 54-58.) The USPO also applied the Armed Career
23 Criminal guidelines at U.S.S.G. § 4B1.4, finding that defendant had
24 at least three prior convictions for a violent felony or serious drug
25 offense which were committed on different occasions, and assigned him
26 an offense level of 33. (2025 PSR ¶¶ 59-60.)

27 Despite his many felony convictions, defendant was only assigned
28 3 criminal history category points -- for the 1994 robbery spree in

1 Case No. 94-CR-563. (2025 PSR ¶ 76.) Applying the Armed Career
2 Criminal offender guideline, the USPO increased his criminal history
3 category to IV per U.S.S.G. § 4B1.4(c). (2025 PSR ¶ 81.) Based on a
4 total offense level of 33 and a criminal history category of IV, the
5 USPO found that the guidelines range is 188 months to 235 months,
6 before the application of the 25 year mandatory term of imprisonment
7 for Count Two.

8 The USPO also issued a disclosed sentencing recommendation, in
9 which it recommended a sentence of 188 months on Count One, 180
10 months on Count Three, to run concurrently, and a mandatory
11 consecutive 300 months on Count Two, to be served consecutively.
12 (Dkt. 178.)

13 **D. The Defense's Objections to the PSR**

14 On August 29, 2025, defendant submitted his objections to the
15 2025 PSR. The government agrees with two of the four issues raised
16 by defendant.

17 1. The Government Agrees that the Armed Career Criminal
18 Guidelines Should Not Apply

19 Defendant argues that the Armed Career Criminal guidelines do
20 not apply because the government has agreed to move to dismiss the
21 Section 924(e) enhancement to Count Three at sentencing. The
22 government agrees. If there is no conviction with a Section 924(e)
23 enhancement, then the guidelines do not apply. See U.S.S.G.
24 § 4B1.4(a) (applying to a "defendant who is subject to an enhanced
25 sentence under the provisions of 18 U.S.C. § 924(e)").

26 2. The Government Believes that Counts One and Three Do
Not Group And The Total Offense Level is 24, Not 22

27 Defendant's second claim is that Counts One (robbery at 22
28 levels) and Three (felon in possession at 20 levels) group under

1 U.S.S.G. § 3D1.2(c). Therefore, according to defendant, his total
2 offense level is 22, not USPO and the government's proposal of 24.
3 The Court should reject defendant's proposed grouping.

4 Counts involve substantially the same harm under § 3D1.2(c)
5 "[w]hen one of the counts embodies conduct that is treated as a
6 specific offense characteristic in, or other adjustment to, the
7 guideline applicable to another of the counts." That is not the case
8 here, where there was insufficient evidence and no argument at trial
9 that the gun defendant used in the robbery (Count One) and the gun
10 found in his apartment months later (Count Three) were the same gun.
11 In fact, defense counsel argued during closing statements that the
12 gun used for the August 18 robbery was never recovered, and was a
13 different gun than the one recovered at defendant's residence in
14 November 2023. (Dkt. 169, Tr. 150: 6-13 (December 11, 2025).)

15 Indeed, the Application Notes to the section make clear that it
16 is the use of the same gun that triggers the enhancement: "use of a
17 firearm in a bank robbery and unlawful possession of that firearm are
18 sufficiently related to warrant grouping of counts under this
19 subsection." U.S.S.G. § 3D1.2, comment. (n. 5) (emphasis added).
20 This makes sense, as possession of the later-discovered, unrelated
21 firearm is not "conduct that is treated as a specific offense
22 characteristic in, or other adjustment to," the robbery count.
23 Tellingly, defendant cites to no case that supports his position.⁶
24 Accordingly, the counts do not group, there is a +2 multiple count
25 adjustment, resulting in a total offense level of 24.

27
28 ⁶ Defendant instead cites to two non-binding audio podcasts on
the Sentencing Commission's website discussing hypothetical
calculations.

1 3. Defendant's 25 Year Mandatory Consecutive Sentence On
2 Count Two For Being A Repeat § 924(c) Offender Is No
3 Reason to Vary Downward

4 Defendant's third claim is that the 25 year mandatory sentence
5 on Count Two is a reason for the Court to consider departing
6 downwards on the remaining counts. Not so. While the Court may
7 elect to vary downward in the Guidelines where the defendant is faced
8 with a significant mandatory minimum and where supported by the
9 Section 3553(a) factors, see Dean v. United States, 581 U.S. 62
10 (2017), that kind of clemency is not warranted in this case.

11 Unlike the defendant in Dean who was found to be "clearly the
12 follower," in a two-person robbery where the defendant never handled
13 the gun or held any victims at gunpoint, and who lacked "any
14 significant history of any violence," defendant has none of these
15 mitigating factors. Id. at 66. Quite the opposite. Defendant was
16 the sole perpetrator, he trained his gun at victim D.M. and
17 masterminded the getaway, and has a significant history of violence,
18 and was on supervised release.

19 In fact, defendant is no ordinary Section 924(c) defendant.
20 This is not defendant's first Section 924(c) conviction -- it's his
21 third. His earlier two Section 924(c) convictions the 1994 Case, for
22 which he was sentenced to a mandatory consecutive of 5 years (Count
23 3) and to a mandatory consecutive of 20 years for a subsequent
24 conviction (Count 6)⁷ were clearly insufficient to deter his violent
25 behavior. For the reasons discussed below, there are no § 3553(a)

26
27 ⁷ At the time of defendant's 1995 sentencing in the 1994 Case,
28 subsequent Section 924(c) offenses were only subject to a 20 year,
rather than a 25 year, mandatory minimum consecutive sentence. That
Congress chose to later amend and increase the penalties to 25 years
shows the legislative intent to criminalize successive infractions.

1 reasons to go under the guidelines range for defendant just because
 2 he is subject to the statutory mandatory consecutive sentence that
 3 Congress prescribed for recidivist offenders like defendant.

4 4. The Court's Restitution Order Should Direct LAPD To
 5 Release Seized Funds to Brinks

6 Defendant also argues that the Court's restitution order should
 7 be decreased by \$9,005 to reflect the cash seized by LAPD from
 8 defendant's fridge on the day of his arrest. (Dkt. 180 at 16.) The
 9 government has learned from the LAPD Detectives who initially
 10 investigated the case that the LAPD requires a Court order to return
 11 the cash seized in this case. To that end, the government requests
 12 that the Court to order the following at sentencing, and to notate
 13 the same in its Judgment and Commitment Order for defendant:

14 "The Court orders the money seized from Defendant Markham
 15 Bond's residence and booked into LAPD evidence under the
 16 corresponding DR number to be released to the victim
 17 institution, Brinks."

18 **C. The Government's Proposed Guidelines Calculations**

19 The government's proposed Guidelines calculations align with the
 20 USPO's calculations, with the exception of the Armed Career Criminal
 21 guidelines. The government submits that the offense level should be
 22 calculated as follows:

| | | |
|---|----|-----------------------------|
| <u>Count One</u> | | |
| Base Offense Level (robbery after crime of violence) | 20 | U.S.S.G. § 2B3.1(a) |
| Loss Amount > \$95,000 | +2 | U.S.S.G. § 2B3.1(b) (7) (C) |
| Count One Group | 22 | U.S.S.G. § 2L1.1(b) (6) |
| <u>Count Three</u> | | |
| Base Offense Level (possession | 20 | U.S.S.G. § 2K2.1(a) (2) |

| | | | |
|---|-----------------------------------|----|------------------|
| 1 | after crime of violence) | | |
| 2 | Count Three Group | 20 | |
| 3 | Grouping, Based on 1.0 Units | +2 | U.S.S.G. § 3D1.4 |
| 4 | For Each of the Two Groups | | |
| 5 | <u>Total Offense Level</u> | 24 | |

6
7 The government also agrees with the USPO that defendant's
8 criminal history category is II, based on of 3 points for defendants'
9 convictions in the 1994 Case. However, for reasons discussed infra,
10 the government believes that this criminal history is vastly
11 understated.

12 The applicable Guidelines range is therefore 57-71 months, plus
13 a 300 months mandatory consecutive sentence, for a total range of
14 357-371 months.

15 **E. The Government Seeks An Upward Variance and A Sentence of**
16 **408 Months**

17 The government submits that a sentence of 408 months is
18 sufficient but not greater than necessary to comply with the
19 sentencing goals set forth in 18 U.S.C. § 3553(a).

20 An upward variance from the otherwise applicable range (357-371
21 months) is warranted here given each of the § 3553(a) factors. In
22 particular, the government submits: that (1) defendant's criminal
23 history category is vastly understated, (2) defendant must be
24 sanctioned for deliberately squandering the grant of his
25 compassionate release, and his broken promise to the Court to reform
26 his conduct.

1 1. Defendant's Criminal History is Vastly Understated

2 Defendant's criminal conduct spans decades, but his criminal
3 history category only counts the three points from his 1994 Case.⁸
4 This is because for the entirety of the last fifteen years -- the
5 countable period for criminal history per U.S.S.G. § 4A1.2(e)(1) --
6 defendant was incarcerated for his 1994 Case. But this fifteen year
7 limitation fits poorly in defendant's case, since it artificially
8 narrows the scope of his true scope of criminality. Because he was
9 in jail for the majority of the last forty years, his other
10 convictions were timed out: zero points were counted from the two
11 1985 armed robberies (otherwise 3 points), his 1984 heroin conspiracy
12 (otherwise 3 points), or the disturbing the peace misdemeanor from
13 that same year (otherwise 1 point).

14 If defendant's criminal history was based on the last fifteen
15 years that he was not in jail, all of convictions would be countable,
16 and he would have a total of 11 criminal history points, which
17 includes an additional + 1 point because the instant offense was
18 committed while defendant was on supervised release. See § 4A1.1(e).
19 Defendant's criminal history category would therefore be V. With a
20 total offense level of 24, defendant's Guidelines range would be 92 -
21 115 months on Count One and Two, and 300 months on Count Three, for a
22 total range of 392 to 415 months. The government submits that is the
23 appropriate Guidelines range for defendant, and accordingly
24 recommends a sentence of 408 months.

25
26
27 ⁸ The three points assessed for the 1994 Case is itself
28 understated. As described above, that case involved two separate
armed robberies that occurred months apart, but was counted as just
one three-point offense.

1 2. Defendant Breached The Court's Trust And Squandered
2 His Grant of Compassionate Release

3 Despite his repeated entreaties to Judge Kronstadt during his
4 bid to obtain compassionate release, in which defendant claimed he
5 would build a "safe, law-abiding life" outside of prison, defendant
6 did the exact opposite. Once he got released, defendant broke his
7 promise and returned to the same dangerous and terrifying behavior
8 that landed him in federal prison in the first place.

9 Defendant's breach of the Court's trust was particularly brazen.
10 He used the same modus operandi as years before. He secured a stolen
11 car and at least one firearm to commit the crime. He did all of this
12 while on supervised release.⁹ Not only did defendant resort to a
13 crime that left two victims with significant trauma, he did so to
14 gratify himself. He immediately spent the money on expensive gold
15 and diamond jewelry; he treated himself to tens of dollars of Louis
16 Vuitton goods; he took a vacation to St. Thomas and stayed at a 5-
17 star hotel and spent lavishly there as well. Far from being a
18 reformed man eager to pass on his lessons to youth, defendant modeled
19 the very behavior he promised to Judge Kronstadt that he had "aged
20 out of." This is a severe breach of the Court's trust -- and one
21 that must be met with an appropriately severe sanction.

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27 ⁹ Pursuant to the parties' Post-Trial Agreement, the government
28 has agreed to seek a concurrent sentence to the pending supervised
release violations in the 1994 Case. By stipulation of the parties,
the supervision in the 1994 Case has also been transferred from Judge
Kronstadt to this Court.

1 3. The Government's Sentence Comports With the § 3553(a)
2 Factors

3 a. *Nature and Circumstances Of the Offense and*
4 *Defendant's History And Characteristics*

5 The above addresses the nature and circumstances of defendant's
6 crime. His history and characteristics, while offering some measure
7 of mitigation, are simply insufficient to overcome his conduct.
8 Defendant appears to have had a promising start to life. He was
9 raised in a middle class environment, served in the U.S. Air Force
10 from 1981 through 1984, and appears to have been skilled in
11 construction. But after his honorable discharge from service,
12 defendant went down the path of crime.

13 At some point after his release from custody, defendant appears
14 to have been treated for paranoia, and was committed in March of
15 2023, where he was diagnosed with schizoaffective disorder and was
16 prescribed medication and deemed disabled. (2025 PSR ¶¶ 99-103).
17 Defendant also abused cocaine and methamphetamine. (2025 PSR ¶¶ 104-
18 107.) To his credit, in or about October 2023, defendant enrolled in
19 but did not complete a residential substance abuse treatment program,
20 and sought intensive outpatient treatment. (Id.)

21 Defendant's mental health and addiction struggles, which are no
22 doubt challenging -- especially in the context of his release
23 following long-term imprisonment -- are no excuse for his crime, do
24 not explain it, and provide little solace to his victims.
25 Defendant's armed robbery was carefully orchestrated so that he could
26 make his getaway undetected; he spent the stolen cash over a
27 significant period of time, and defendant had the wherewithal to lie
28 to LAPD Robbery Homicide detectives to cover up his tracks --
including by acting surprised when told that detectives found a bag

1 of cash inside of his refrigerator, and claiming in response that he
2 had absolutely "no idea" how much money might have been in there.
3 (Dkt. 168, Tr. 80-81; Ex. 66. (December 10, 2024).)

4 Moreover, the government's agreement to dismiss the § 924(e)
5 ACCA enhancement to Count Three more than adequately accounts for
6 defendant's age and personal circumstances. By so doing, the
7 government is relinquishing a 15 year mandatory minimum sentence,
8 which, in conjunction with the 25 year mandatory minimum for Count
9 Two, would have made defendant's mandatory minimum 40 years.

10 *b. Seriousness Of The Offense, Protection of the*
11 *Public, Deterrence, Respect For the Law*

12 Defendant's conduct is unquestionably serious, especially in
13 light of his clear pattern of recidivism. Indeed, defendant's
14 recidivism highlights the need for general and specific deterrence in
15 this case. While the defense is expected to argue that specific
16 deterrence warrants a shorter sentence, since defendant will be in an
17 advanced age at the end of his 25 year mandatory minimum sentence,
18 that argument should be rejected, because by committing this bank
19 robbery, defendant has proven that age is no barrier to reoffending.
20 What's more, equally important as specific deterrence is general
21 deterrence: a meaningful sentence is necessary to show other
22 defendants, who have been granted the golden ticket of compassionate
23 release, that there are serious consequences to abusing the court's
24 trust and reoffending after release. Defendant's utter disrespect
25 for the law warrants the government's proposed 408 month sentence.

26 **III. CONCLUSION**

27 For the foregoing reasons, the government respectfully requests
28 that this Court sentence defendant to a total of 408 months of

1 imprisonment, specifically, 108 months on Counts One and Three, and a
2 mandatory 300 month mandatory consecutive sentence on Count Two,
3 followed by a five-year period of supervised release.

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