



I.

**INTRODUCTION**

Defendant, Mr. ANDRANIK AMIRYAN, by and through the undersigned counsel of record, George G. Mgdesyan, hereby submits the following Supplemental Memorandum of Points and Authorities in support of his requested sentence. Defense incorrectly read the Presentence Report and therefore, submits this following Supplemental Memorandum of Points and Authorities.

II.

**FACTUAL BACKGROUND**

On April 28, 2021, Andranik Amiryan pled guilty to Count One of Conspiracy to Commit Bank Fraud in violation 18 U.S.C. §1349.

Under the terms of the plea agreement, Mr. AMIRYAN and the USAO agreed to the following sentencing factors: a base offense level seven pursuant to USSG § 2B21.1(a) (1) and fourteen-level increase for loss of over \$550,000 pursuant to USSG § 2B21.1(a) (1). The parties a reserve the right to argue that additional specific offense characteristics, adjustments, and departures under the Sentencing Guidelines are appropriate.

On July 14, 2021, the United States Probation Office (“USPO”) filed its Presentence Investigation Report (“PSR”) in this matter. The USPO determined that: Andranik Amiryan’s total offense level was twenty five, minus three for acceptance of responsibility.

1 The USPO further found that Mr. AMIRYAN has a criminal history score of 9,  
2 which places him in criminal history category IV. The USPO also identified the  
3 applicable Guidelines range for a supervised release term to be 63 to 78 years.

4 In the case at hand, Defense is objecting to the Presentence Report's  
5 calculation of the loss amount of a level 14, plus 2-levels for Sophisticated Means and  
6 an additional 2-level enhancement for. Parties have agreed that the loss amount of this  
7 case should be level 14, as agreed upon in the plea agreement. \$650,600 of CARES  
8 Act relief funds was deposited into an fraudulently opened account.  
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10 Furthermore, the Defense agrees with the Government for a two-level  
11 downward variance for defendant's honest and good faith attempt to cooperate with the  
12 Government. Lastly, Andranik Amiryan should receive a three-level reduction for his  
13 acceptance of responsibly as the parties have agreed upon in the plea agreement. Which  
14 should bring the total Guideline level to 16, and not what the probation is  
15 recommending in their Presentence Report, of a level 21.  
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18 A. SOPHISTICATED MEANS ENAHANCEMENT UNDER USSG

19 §2B1.1(b)(10)(c) IS NOT APPLICABLE TO MR. AMIRYAN

20 Mr. Amiryan's role in this conspiracy does not constitute a Sophisticated Means  
21 Enhancement. Mr. Amiryan only opened bank accounts to transfer money to the much  
22 larger role players as he was not aware from where personal information and  
23 identification came from, how much money from the CARES Act would be deposited,  
24 how it was going to be deposited, who it was going to, for what purpose it will be used  
25 for, etc. Rather, Mr. Amiryan's role was analogous to that of a mule in a drug ring. Just  
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1 as a mule takes one thing from point A to B without all the knowledge of its source or  
2 destination, similarly, Mr. Amiryan did not play a role outside of opening account and  
3 transferring monies back, rather, those roles were filled by the masterminds behind this  
4 conspiracy, who hid behind the curtain and used Mr. Amiryan to take the blame as he is  
5 the one that is out in public. Clearly, from Mr. Amriyan transferring the money shows,  
6 that he does not significantly benefit from this conspiracy. If, as a whole the conspiracy  
7 is characterized as “Sophisticated”, then that does not necessarily imply that Mr.  
8 Amiryan’s role itself was also sophisticated. Even when Application Note 9(b) of  
9 USSG §2B1.1(b)(10)(c) states “Conduct such as hiding assets or transactions, or both,  
10 through the use of fictitious entities, corporate shells, or offshore financial accounts also  
11 ordinarily indicates sophisticated means,” it does not mandatorily categorize this entire  
12 conspiracy as “Sophisticated.” If the court determines that this conspiracy is  
13 “Sophisticated” under USSG §2B1.1(b)(10)(c) , at the minimum the defense requests  
14 the Court to find that Mr. Amiryan was a minor role player.

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18 B. SPECIAL OFFENSE CHARACTERIZATION of USSG §2B1.1(b)(11)(C)(i)

19 If the court finds that the Special Offense Characterization of USSG  
20 §2B1.1(b)(11)(C)(i) applies, defense requests for the Court consider Mr. Amiryan  
21 minor role in this complicity.  
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24 Dated: September 7, 2021

Respectfully Submitted,

25 MGDESYAN LAW FIRM

26 /s/ George G. Mgdesyan

27 George G. Mgdesyan

Attorney for Defendant

28 ANDRANIK AMIRYAN