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9 UNITED STATES DISTRICT COURT FOR THE  
10 NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, )

12 Plaintiff, )

13 vs. )

14 JAVIER SANCHEZ, )

15 Defendant, )

) No. 14-CR-00580-1 PJH

) SENTENCING MEMORANDUM

) Date: November 8, 2017

) Time: 2:30 p.m.

) Honorable Phyllis J. Hamilton

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1 INTRODUCTION

2 Mr. Sanchez is a 31 year old man who has a compelling personal history. His actions in  
3 the instant matter were a colossal error in judgment and one that has cost him many sleepless  
4 nights. In light of all of the circumstances surrounding the instant offenses and Mr. Sanchez's  
5 background, Mr. Sanchez now implores this Court to sentence him to probation.

6 STATEMENT OF CASE

7 On November 19, 2014, an eight-count Indictment was filed in the Northern District of  
8 California charging Mr. Sanchez with two violations of 15 U.S.C. § 1 (Bid Rigging in Alameda  
9 County and Contra Costa County), and two violations of 18 U.S.C. § 1341 (Mail Fraud). On  
10 September 8, 2016, the Court ordered that the mail fraud counts and the forfeiture allegations be  
11 dismissed on the government's motion. Several motions were filed, but the defense's contention  
12 that the case should be decided under a rule of reason theory rather than a *per se* theory was the  
13 main issue. The Court ultimately ruled that the case would be judged under a *per se* theory, thus,  
14 the government was not required to prove that prices were actually suppressed – as the  
15 government stated during its closing “the agreement was the crime.”

16 Prior to trial Mr. Sanchez attempted to resolve the case to preserve his right to appeal the  
17 rule of reason issue. Mr. Sanchez offered to enter into a conditional plea pursuant to Fed. R.  
18 Crim. Proc. 11(a)(2), thereby allowing him to preserve his appellate rights. The government  
19 declined to resolve the case pursuant to a conditional plea. *See* Exhibit A.

20 Mr. Sanchez then offered to do a trial by stipulated facts, where Mr. Sanchez would  
21 stipulate to the elements of the offense. *See* Exhibit B. However, the government refused to  
22 proceed by a stipulated fact trial and the case proceeded to a jury trial. At trial Mr. Sanchez was  
23 convicted of both counts.

1 **THE FACTS OF THE OFFENSE**

2 The facts of the offense are largely undisputed. Mr. Sanchez, in both Contra Costa  
3 County and Alameda County, participated in public auctions where he agreed not to bid so that a  
4 secondary auction or “round” could be conducted. The winner of the “round” received the  
5 property, while the losers of the round split the round proceeds amongst themselves based on a  
6 set formula. There were also times when a bidder would agree to stop bidding in exchange for a  
7 direct payment from another bidder.

8 **MR. SANCHEZ’S PERSONAL HISTORY**

9 Mr. Sanchez is 31 years old and has a minimal criminal record. PSR¶ 48. Mr. Sanchez  
10 was born in Columbia. PSR¶55. When Mr. Sanchez was approximately one year old his mother  
11 immigrated to the United States to seek a better life. PSR¶56. Mr. Sanchez stayed in Columbia  
12 and was raised by his grandmother until he was 10 years old. PSR¶56. Although he would talk to  
13 his mother on the phone during their separation he did not see his mother again in person until he  
14 was 10 years old when she returned to Columbia to bring him to the United States. PSR¶56, 57.

15 When Mr. Sanchez first came to the United States as a 10 year old boy it was difficult  
16 because he did not have a connection to his Mom, he did not know anyone else, and he did not  
17 speak English. PSR¶57. Over time Mr. Sanchez learned English and made friends, and he also  
18 established a relationship with his mom. PSR¶57, 58. Mr. Sanchez’s memories of his childhood  
19 are of his Mom working multiple jobs to support him, his elderly aunt, and his grandmother who  
20 all eventually moved to the United States. That sense of family and obligation is still strong in  
21 Mr. Sanchez as an aunt, uncle and their two kids live with Mr. Sanchez in Hayward. Moreover,  
22 as the character letters submitted in support of Mr. Sanchez demonstrate he provides financial  
23 support to his extended family. *See Exhibit C.*

24 Mr. Sanchez started working at Community Realty while he was still in high school.  
25 PSR¶76. Once he graduated from high school he started working at Community Realty full-time.

1 PSR¶75, 76. He got his own apartment and he tried to follow in his mother's footsteps by  
2 becoming self-sufficient at an early age. When Mr. Sanchez started working at Community  
3 Realty he was doing manual labor. PSR¶76. For example he would do landscaping, general  
4 maintenance, and clean up properties so they could be rented or sold. PSR¶76. Mr. Sanchez  
5 eventually got his real estate license and learned the business of real estate from Michael Marr.  
6 PSR¶73. However at the time the charged conspiracy began Mr. Sanchez was only 22 years old  
7 and still learning the intricacies of real estate and foreclosure sales.

8 Mr. Sanchez has more than a professional relationship with Mr. Marr. Mr. Marr has been  
9 dating Mr. Sanchez's mother for the past 15 years. Thus, Mr. Sanchez has had a close  
10 relationship with Mr. Marr for many years and while he views Mr. Marr as a mentor he also  
11 views him as family. PSR¶58.

12 All of the character letters submitted on Mr. Sanchez's behalf demonstrate the positive  
13 role model that Mr. Sanchez has become. *See Exhibit C.* He helps take care of his family  
14 financially, but he is also a positive influence in their lives. Mr. Sanchez is also engaged to be  
15 married and about to become a father for the first time. His fiancé has submitted a loving letter in  
16 support of Mr. Sanchez and expressed her hope that Mr. Sanchez will be available to begin  
17 their journey together as a married couple and a family.

18 Mr. Sanchez also donates money to St. Jude's Hospital and helps with fundraisers at his  
19 nephew's school. PSR¶63. Moreover a story from Mr. Sanchez's Mother about how Mr. Sanchez  
20 got a tutoring job when he was a teenager to help his Mom with the bills demonstrates the type  
21 of person he was and continues to be today. *See Exhibit C, letter from Martha Sanchez.*

## 22 ARGUMENT

23 The ultimate goal of the court at sentencing is to impose a sentence that is reasonable.  
24 *See United States v. Mohamed*, 459 F.3d 979, 987 (9<sup>th</sup> Cir. 2006). A defendant's guideline range  
25 is a starting point, but there is no presumption that the guideline sentence is correct. *See United*

1 *States v. Carty*, 520 F.3d 984, 991 (9<sup>th</sup> Cir. 2008); *see generally United States v. Miqbel*, 444  
2 F.3d 1173, 1175 fn.1 (9<sup>th</sup> Cir. 2006) (all sentencing guidelines and policy statements are  
3 advisory). In the instant action there are several disputes about the appropriate guideline range.

4 In the PSR probation calculates Mr. Sanchez's offense level as 20 and recommends a  
5 sentence of 33 months. Based on the arguments made in this motion Mr. Sanchez submits that  
6 his offense level is 11 and his guideline range is 8-14 months based on a criminal history  
7 category of I. However, regardless of how the Court rules on the guideline issues based on the  
8 background and the personal characteristics of Mr. Sanchez a sentence of probation is an  
9 appropriate sentence and satisfies the sentencing goals set forth at 18 U.S.C. § 3553.

10 The PSR recommends a fine of \$207,259.93, which is one percent of the \$20 million  
11 volume of commerce number. Mr. Sanchez requests that the Court impose a fine of \$20,000  
12 since Mr. Sanchez was an employee during the time of the conspiracy and for the most part did  
13 not personally profit from the rounds.

14 **I. THE COURT SHOULD NOT INCREASE MR. SANCHEZ'S SENTENCE FOR**  
15 **VOLUME OF COMMERCE BECAUSE THE GOVERNMENT HAS NOT**  
16 **DEMONSTRATED THAT THE BID RIGGING CONSPIRACY NEGATIVELY**  
17 **IMPACTED PRICES.**

18 Initially it should be noted that it is not entirely clear what figure probation is using to  
19 determine Mr. Sanchez's volume of commerce ("VOC"). Paragraph 29 uses the \$20,725,993  
20 total, yet paragraph 38 uses \$11,186,490. The fine calculated in paragraph 90 uses the  
21 \$20,725,993 total. From an offense level perspective whether the total is \$20 million or \$11  
22 million it does not matter because the increase is still 4 levels. *See* USSG §2R1.1(b)(2)(B).

23 Mr. Sanchez is objecting to any increase pursuant to § 2R1.1(b)(2), because the case was  
24 adjudicated under a *per se* theory and the government was not required to prove, and did not  
25 prove that Mr. Sanchez's actions actually suppressed prices.

1 Volume commerce is used because damages are difficult to measure. Since there is a  
2 presumed harm in bid rigging the volume of commerce is used because it is easy to determine.  
3 *See* § 2R1.1, Background para 4.

4 However, in the instant action the Andrien study demonstrated that prices were not  
5 negatively impacted by the conspiracy. Although the Court was not enamored with the Andrien  
6 study, that study does provide at least some evidence that the sales prices at the public auctions  
7 were actually higher prior to the government making its investigation public. If Mr. Sanchez's  
8 actions did not actually reduce prices then Mr. Sanchez's offense level should not be enhanced  
9 pursuant to § 2R1.1(b)(2).

10 **II. ALTERNATIVELY MR. SANCHEZ REQUESTS AN EVIDENTIARY HEARING**  
11 **TO DETERMINE THE APPROPRIATE VOLUME OF COMMERCE FIGURE.**

12 If the Court determines that a VOC figure must be calculated even though this was a *per*  
13 *se* case, Mr. Sanchez objects to the figures submitted by the government and apparently adopted  
14 in the PSR. The entire VOC calculation process has been chaotic. Initially, the government  
15 provided probation and defense counsel with a chart that listed 401 properties, and on that chart  
16 the government identified 76 properties that supported their VOC calculation against Mr.  
17 Sanchez. The government did not provide any information as to why they were including those  
18 properties. The VOC calculation from those properties was \$11,186,490.

19 When the parties submitted their objections to the PSR the government objected to their  
20 own figure, provided a different chart, and identified 121 properties that they believed should  
21 comprise Mr. Sanchez's VOC. That chart included bates numbers and exhibit numbers of  
22 supporting documents, but it did not specify the theory under which each property was being  
23 included.

24 In its objection to the PSR, the government stated that the \$20 million total included  
25 properties that Mr. Sanchez either participated in the round or bid-rigging payoff and a Marr



1 representative won the property. The government further asserted that within that \$20 million  
2 total, Mr. Sanchez personally won properties worth \$12,242,055 for Mr. Marr. Other than  
3 providing bates numbers and/or exhibit numbers the government has not identified whether a  
4 property is being included because Mr. Sanchez was present during the round or he participated  
5 in the bid rigging payoff.

6 To date defense counsel has identified 40 properties on the government's list that Mr.  
7 Sanchez either won or participated in the round. The VOC from those properties is \$5,001,082.  
8 However, there are other properties that defense counsel is at a loss to explain their inclusion on  
9 the list. For example the property located at 1500 40<sup>th</sup> Avenue, Oakland, is included on the  
10 government's list, yet the supporting documents cited do not make reference to Mr. Sanchez.  
11 Thus, if the Court determines that a volume of commerce number must be calculated even  
12 though the case was adjudicated under a *per se* theory defense counsel is requesting an  
13 evidentiary hearing.<sup>1</sup>

14 **III. THE COURT SHOULD NOT IMPOSE AN ENHANCEMENT UNDER USSG §**  
15 **3B1.1 AS MR. SANCHEZ DID NOT EXERCISE ANY SUPERVISORY OR**  
16 **MANAGERIAL AUTHORITY OVER ANY OTHER PARTICIPANTS IN THE**  
17 **CONSPIRACY.**

18 Probation recommends that Mr. Sanchez receive a three level adjustment for being a  
19 supervisor or manager. *See* USSG §3B1.1(b); PSR ¶40. To establish this enhancement the  
20 prosecution has to prove that Mr. Sanchez supervised or managed another person and that the  
21 criminal activity involved five or more participants. *See* USSG § 3B1.1(b). The PSR found that  
22 Mr. Sanchez had "a central role organizing the day-to-day operations of the conspiracy at the  
23 courthouse steps, recruited new members, and initiated and lead rounds and other bid rigging  
24 agreements." PSR ¶40.

25 <sup>1</sup> Defense counsel has been in contact with United States Assistant Attorney Alexis Loeb and suggested that the parties meet and go over the supporting the documents to try and determine whether they can resolve any disputes about specific properties being included in the

1           However, that characterization does not support a finding that Mr. Sanchez supervised or  
2 managed others who participated in the conspiracy. Mr. Sanchez certainly made offers to  
3 conduct rounds, but so did all of the other participants in the conspiracy. Rounds occurred  
4 regardless of whether Mr. Sanchez was present at the public auctions on any given day and no  
5 evidence was offered that others deferred to Mr. Sanchez before deciding to conduct a round.

6           No evidence was introduced that suggested that Mr. Sanchez had more authority than  
7 anyone else who was at the courthouse steps, Mr. Sanchez was merely another participant. For  
8 example, none of the cooperators who testified at Mr. Sanchez's trial stated that he supervised  
9 them or managed them in any way.

10           The descriptions of Mr. Sanchez as Mr. Marr's right hand man are not dispositive and  
11 certainly don't suggest the Mr. Sanchez was making managerial decisions or supervising others.  
12 Mr. Sanchez did have a close relationship with Mr. Marr because his Mother and Mr. Marr were  
13 dating. However, a close or quasi-familial relationship with Mr. Marr does not make him a  
14 supervisor. Additionally Mr. Sanchez was 22 years old when the charged conspiracy started and  
15 he only had his real estate license for three years. Thus, this idea that he was somehow  
16 organizing the activities of others is not supported by the evidence or by his level of experience.

17           Another mischaracterization from the PSR was that Mr. Sanchez was making managerial  
18 decisions for Community Realty about how much money should be paid when a round amount  
19 was disputed. *See* PSR ¶25. The evidence established that Mr. Sanchez was given round sheets  
20 and he then entered that information into spread sheets. That was how Community Realty kept  
21 their records. However, Mr. Sanchez's role in disputes was akin to a bookkeeper. When a dispute  
22 arose between Community Realty and someone else there were times that Mr. Sanchez would  
23 produce his spreadsheets to show what Community Realty's records showed. However, that  
24 bookkeeping function does not equate with being a leader or supervisor. There was simply no

25  
government's VOC calculation. Ms. Loeb is open to that suggestion and the parties are in the  
process of setting up that meeting.

1 evidence that Mr. Sanchez was making managerial decision for Community Realty. Thus, the  
2 Court should find that Mr. Sanchez's role in the conspiracy does not satisfy any of the roles  
3 described in § 3B1.1.

4 **IV. MR. SANCHEZ SHOULD RECEIVE A REDUCTION FOR ACCEPTANCE OF**  
5 **RESPONSIBILITY DUE TO HIS REMORSE FOR HIS ACTIONS AND HIS**  
6 **MOTIVATION FOR GOING TO TRIAL WAS TO PRESERVE HIS RIGHT TO**  
7 **APPEAL SIGNIFICANT LEGAL ISSUES.**

8 A defendant who clearly demonstrates acceptance of responsibility for the offense should  
9 have their offense level decreased by two levels. *See* USSG § 3E1.1(a). Application note 2 to §  
10 3E1.1, states that a defendant who proceeds to trial is not automatically disqualified from  
11 receiving a reduction for acceptance of responsibility. For example, a defendant who proceeds to  
12 trial to preserve issues unrelated to factual guilt, such as a constitutional challenge to a statute,  
13 may be eligible to have their offense level reduced by two levels. *See* USSG § 3E1.1, App. nt 2.  
14 A defendant is not required to admit relevant conduct beyond the offense of conviction in order  
15 to obtain the reduction. *See* USSG § 3E1.1, App. nt. 1.(A).

16 The Ninth Circuit has held that the examples cited in § 3E1.1 are not exhaustive and even  
17 a defendant who goes to trial to contest factual guilt can receive a two level reduction. *See*  
18 *United States v. Cantrell*, 433 F.3d 1269, 1284-85 (9<sup>th</sup> Cir. 2006). The inquiry for a district court  
19 is whether a defendant who has gone to trial was "genuinely contrite" for their actions. *See*  
20 *United States v. Cantrell*, 433 F.3d at 1285. For example in *United States v. Hill*, 953 F.2d 452,  
21 461 (9<sup>th</sup> Cir. 1991), the defendant proceeded to trial, was convicted, and at his sentencing hearing  
22 expressed remorse for his actions. The trial court granted him a two level reduction pursuant to §  
23 3E1.1(a), and on appeal the appellate court found that was not clearly erroneous.

24 In the instant action, Mr. Sanchez has expressed clear remorse for his actions in his letter  
25 that was submitted to probation. See PSR ¶33. Mr. Sanchez apologized to the Court, the  
government and his family. He acknowledged that he crossed lines that put him in this situation

1 and he wished he could go back and do things differently. He also stated that the only reason he  
2 went to trial was to preserve his appellate rights regarding the significant legal issues that were  
3 raised, not because he disputed the elements of the offense. *See* PSR ¶ 33.

4 Moreover, Mr. Sanchez's pretrial actions demonstrate that he would have given up his  
5 right to a jury trial and been convicted of two felonies if he was able to preserve his appellate  
6 rights. Specifically, Mr. Sanchez offered to enter into a conditional plea pursuant to Rule  
7 11(a)(2), thereby preserving his right to appeal the rule of reason issues. *See* Exhibit A.  
8 However, the government decided it did not want to enter into a conditional plea.

9 Mr. Sanchez also offered to waive his right to jury trial and enter into a stipulation that  
10 would have admitted the elements of the offense. *See* Exhibit B. If the government had accepted  
11 that offer Mr. Sanchez would have been found guilty of both counts and still would have been  
12 able to litigate his appellate issues. However, the government's proposed facts went beyond  
13 those necessary for a conviction and that attempt to avoid a jury trial failed as well.

14 In light of all of the circumstances of this case, Mr. Sanchez is one of those rare  
15 defendants who should receive a two-level decrease even though he proceeded to trial. Mr.  
16 Sanchez's offer to enter into a conditional plea, or alternatively waive his right to a jury trial and  
17 do a stipulated fact trial, demonstrated that he was willing to take responsibility for his actions.  
18 The due process rule of reason motion, while denied by this Court, does raise substantial legal  
19 issues. Thus, because Mr. Sanchez has shown remorse for his actions and he only went to trial to  
20 preserve right to appeal substantial legal issue the court should grant him a two level reduction  
21 pursuant to § 3E1.1(a).

22 **V. MR. SANCHEZ SHOULD RECEIVE A SENTENCE OF PROBATION BECAUSE**  
23 **OF HIS BACKGROUND, THE NATURE OF THE OFFENSE, HIS**  
24 **INSIGNIFICANT CRIMINAL RECORD AND STRONG FAMILY SUPPORT.**

24 There is no limitation to the information that a court may consider when determining an  
25 appropriate sentence. *See* 18 U.S.C. § 3661; USSG § 1B1.4. Since Mr. Sanchez stands convicted

1 of two class C felonies, he is eligible for probation. *See* 18 U.S.C. § 3559(a)(3); 18 U.S.C. §  
2 3561. The court's discretion is guided by 18 U.S.C. § 3553, which sets forth several factors that  
3 should be considered. Specifically, the court should consider:

4 (1) the nature and circumstances of the offense and the history and characteristics  
5 of the defendant; (2) the need for the sentence imposed-- (A) to reflect the  
6 seriousness of the offense, to promote respect for the law, and to provide just  
7 punishment for the offense; (B) to afford adequate deterrence to criminal conduct;  
8 (C) to protect the public from further crimes of the defendant; and (D) to provide  
9 the defendant with needed educational or vocational training, medical care, or  
10 other correctional treatment in the most effective manner; (3) the kinds of  
11 sentences available; (4) the kinds of sentence and the sentencing range established  
12 for-- (A) the applicable category of offense committed by the applicable category  
13 of defendant as set forth in the guidelines-- (i) issued by the Sentencing  
14 Commission pursuant to section 994(a)(1) of title 28, United States Code, subject  
15 to any amendments made to such guidelines by act of Congress (regardless of  
16 whether such amendments have yet to be incorporated by the Sentencing  
17 Commission into amendments issued under section 994(p) of title 28); and  
18 (ii) that, except as provided in section 3742(g), are in effect on the date the  
19 defendant is sentenced; ...; (5) any pertinent policy statement-- (A) issued by the  
20 Sentencing Commission pursuant to section 994(a)(2) of title 28 United States  
21 Code, subject to any amendments made to such policy statement by act of  
22 Congress .... (6) the need to avoid unwarranted sentence disparities among  
23 defendants with similar records who have been found guilty of similar conduct;

15 In the instant action, when all of the relevant factors are considered this court should sentence  
16 Mr. Sanchez to probation.

17 Mr. Sanchez made a mistake, a huge mistake. But his actions are not indicative of  
18 someone who is going to continue to offend. Due to the lengthy investigation conducted by the  
19 government and the volume of discovery that it generated Mr. Sanchez was convicted nine years  
20 after the offense began. Thus, it should be remembered that when Mr. Sanchez became involved  
21 in the offense he was only 22 years old. He was not a savvy real estate investor, or someone who  
22 had a lot of experience in trustee sales. When Mr. Sanchez started going to the trustee sales his  
23 main attributes were his willingness to work hard and his loyalty to Mr. Marr.

24 Based on Mr. Sanchez's background is not surprising that loyalty and hard work are traits  
25 that he values. When Mr. Sanchez moved to the United States as a 10 year old he was coming

1 here to live with a person he had only talked to on the phone since he was 1 year old. That  
2 adjustment would be difficult for any child, but it was made even more difficult for Mr. Sanchez  
3 because he did not speak English when he first arrived in the United States. Despite those  
4 challenging circumstances Mr. Sanchez became a U.S. citizen, graduated from high school, is a  
5 productive member of society, and he continues to follow his Mother's lead by working  
6 extremely hard and doing everything that he can to support his family.

7 As evidenced by the letter he submitted to probation he does not blame anyone else for  
8 his current situation and he is truly sorry for his actions. He has reflected on the events that have  
9 led him to this point in his life and he has vowed to never put himself in this position again.

10 From a personal standpoint Mr. Sanchez is engaged and his fiancé is expecting their first  
11 child in March 2018. Mr. Sanchez is now facing the prospect of not being there for his family,  
12 especially his new baby. That possibility is not something that Mr. Sanchez contemplated when  
13 he started working at Community Realty as a teenager.

14 As evidenced by the character letters submitted in support of Mr. Sanchez he has the total  
15 support of his family and they all recognize what a fine person he has become. Quite simply put  
16 Mr. Sanchez is not someone who will reoffend and if given the opportunity he will continue to  
17 provide for his family and be fantastic father to his new child.

18 The nature and characteristics of the offense are also such that Mr. Sanchez should  
19 receive a sentence of probation. At this point in the time the Court is well versed in what actions  
20 constituted the bid rigging offenses. However, it is worth highlighting that the banks never  
21 showed any inclination to run the foreclosure process in more efficient way. While the court has  
22 previously stated that it was not persuaded by the Andrien study, that study does provide at least  
23 some evidence that the banks made more money from auctions during the charged conspiracy  
24 than they did after the conspiracy was shut down.



1           Moreover, the “round” process existed well before Mr. Sanchez started attending the  
2 auctions and it was happening in multiple counties in California. This does not excuse anyone’s  
3 behavior, but it does provide some context for why so many people, including Mr. Sanchez  
4 became involved in this process.

5           A sentence of probation will deter future criminal conduct. Since Mr. Sanchez was  
6 charged he has experienced banks not wanting to work him, a problem that will only get worse  
7 now that he is a convicted felon. Moreover, now that Mr. Sanchez is convicted of two felonies he  
8 faces the very real possibility that he will lose his real estate license and have to pursue a new  
9 career. Real estate is all that Mr. Sanchez has done and while he is not old, starting over at 31,  
10 without a college degree and a new baby is a daunting task.

11           A jail sentence is not necessary to deter Mr. Sanchez from any further wrongdoing. Mr.  
12 Sanchez understands the seriousness of his transgressions and truly regrets the harm he has  
13 caused. Today, at 31 years old, Mr. Sanchez is at a low risk to reoffend as evidenced by the last 6  
14 years of his life. When his life is viewed as a whole there is simply no evidence from which it  
15 could be inferred that Mr. Sanchez is a danger to society and his actions since his arrest establish  
16 that he is not likely to commit any crime in the future.

17           There is also no need to protect the public from Mr. Sanchez. Mr. Sanchez is clearly not a  
18 danger to the community and he has lived crime free since he was first contacted by the  
19 authorities in January 2011. Sentencing Mr. Sanchez to probation will afford him the opportunity  
20 to support his family and find a career that suits his new reality.

21           A sentence of probation does not create a sentencing disparity between similar  
22 defendants. Mr. Sanchez started this journey when he was a 22 year old kid, without a college  
23 degree, and no prior experience in trustee sales. His personal background is unique, his age at the  
24 time he became involved in the offense and the circumstances surrounding the offense all  
25 support this Court exercising its discretion and sentencing Mr. Sanchez to probation.

