

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL MINUTES

Date: December 14, 2022 **Time in Court:** 10:43 – **Judge:** EDWARD M. CHEN
12:42 = 1 hour, 59 minutes

Case No.: [19-cr-00621-EMC-1](#) **Case Name:** UNITED STATES v. AHMAD ABOUAMMO

Attorney for United States of America: Colin Sampson, Christine Bonomo

Attorney for Defendant: Angela Chuang, Jerome Matthews

Defendant: PRESENT NOT PRESENT

Defendant's Custodial Status: In Custody Not In Custody

Deputy Clerk: Bhavna Sharma

Interpreter: N/A

Court Reporter: Debra Pas

Probation Officer: Melissa Moy

PROCEEDINGS

1. Sentencing – held in person.

RESULT OF HEARING

Defendant indicated he reviewed the Pre-Sentence Report with his attorney.

Court overruled **government objection #1**. Court did not find significant significance to substantiate the enhancement based on other putative victims given the evidence of the limited scope of the conspiracy.

Court overruled **government objection #2**. Court found that majority of the conduct occurred within the United States.

Court sustained **defense objection #1** as to the one characterization change. Probation to amend PSR to include “It appears that..” in relation to the visit to Camp David. The remainder of the objection is overruled.

Court sustained **defense objection #2**. Court deemed Paragraphs 37 and 38 to be relevant to sentencing but not as victims of this defendant’s conduct. Probation to remove language.

Court overruled **defense objection #3**. Court agreed with probation; sufficient evidence found in the obstruction of justice issue.

Court overruled **defense objection #4**. For reasons stated on the record, gain can be measurable where, as here, loss is unattainable/unmeasurable. The calculated gain is accurate.

Court overruled **defense objection #5** regarding the sophisticated means issue.

Court overruled **defense objection #6**. Court found sufficient evidence of abuse of trust.

Criminal History Category: I. Adjusted Offense Level: 27. Guideline Range: 70 – 87 months.

The Court considered and discussed 3553(a) factors and acknowledged this was a serious offense, the need for punishment, and general deterrence against those serving as agents for the KSA in connection with the repression of dissent. The Court discussed mitigating factors as well including the personal hardship of the defendant, his relatively low level of culpability compared to his co-defendant, and the median and mean sentences imposed on those with similar guideline levels.

Court noted that while the court is not legally obligated to hear from the victim, the Court allowed a victim in connection with disclosures by others to the KSA to address the court.

Defendant addressed the Court.

Court found that the 3553(a) factors warranted a downward variance. Defendant committed to the Bureau of Prisons for a term of 42 months followed by 3 years of supervised release on counts 1, 4, 11, 20, 21, and 23; to be served concurrently. Special assessment fee of \$600 imposed. Fine waived. Court granted defendant's request for defendant to be placed in a BOP as close to Seattle as possible. Court noted that no victims were established, therefore no restitution would be ordered. Order of Forfeiture issued on 12/9/2022 deemed final and included in the judgment. See Judgment for special conditions.

Defense informed the Court the intention to file a Motion for Bail Pending Appeal. Court denied bail pending appeal under Section 3143. Although there is no risk of flight or danger to community, the Court found defendant had not raised a substantial question of law or fact likely to result in a reversal, new trial or shorter sentence. Defense requested a deferred voluntary surrender date of April 2023, to accommodate for defendant's medical procedure and to permit Defendant to file an appeal and seek bail relief from the Ninth Circuit. Government requested February 22, 2023. Court set voluntary surrender date of March 31, 2023 at 2:00 p.m. to insure clearance of Defendant's medical condition and opportunity to seek relief from the Ninth Circuit regarding bail.