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18 UNITED STATES DISTRICT COURT
 19 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 20 EASTERN DIVISION

<p>21 UNITED STATES OF AMERICA, 22 Plaintiff, 23 v. 24 JORGE SOSA, Aka "Jorge Vinicio Sosa 25 Orantes," 26 Defendant.</p>	<p>No. ED CR 10-49-VAP <u>GOVERNMENT'S SENTENCING BRIEF;</u> <u>EXHIBITS</u> Sentencing date: 2/10/14 Time: 9:00 a.m.</p>
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1 **I. INTRODUCTION**

2 The United States Probation Office ("USPO") in the Pre-
3 Sentence Report ("PSR") acknowledges that there are many bases
4 for an upward departure or variance in this naturalization fraud
5 case. However, the USPO defers to the Court in imposing an
6 above-Guidelines sentence.

7 It is the government's position that a statutory maximum
8 sentence of 10 years imprisonment is the only appropriate
9 sentence here. Defendant led and participated in the gruesome
10 massacre of an entire village of innocent people, more than a
11 third of whom were children; and then defendant lied about it in
12 order to obtain U.S. citizenship. This case falls far outside
13 the heartland of typical naturalization fraud cases contemplated
14 by the Guidelines. Accordingly, the government moves for an
15 upward departure pursuant to U.S.S.G. § 5K2.0. The government
16 also moves for an upward departure based upon under-
17 representation of defendant's criminal history, pursuant to
18 § 4A1.3(a)(1). In addition, the government moves for an upward
19 variance based upon the sentencing factors in 18 U.S.C.
20 § 3553(a).

21 In setting a statutory maximum sentence of 10 years'
22 imprisonment for obtaining naturalization unlawfully, Congress
23 clearly contemplated that certain cases would be sufficiently
24 egregious to warrant such punishment. It's hard to imagine a
25 more egregious factual scenario than that posed by the instant
26 case. This is the rare naturalization fraud case warranting a
27 10-year statutory maximum sentence.

28 / / /

1 **II. STATEMENT OF FACTS**

2 **A. Indictment**

3 On September 1, 2010, defendant was charged by a grand jury
4 in a two-count indictment with: (1) Count One: Making a false
5 statement in a naturalization matter, in violation of 18 U.S.C.
6 § 1015(a); and (2) Count Two: Procuring naturalization contrary
7 to law, in violation of 18 U.S.C. § 1425(a). On September 24,
8 2013, defendant proceeded to trial. On October 1, 2013,
9 defendant was convicted by a jury of both counts of the
10 indictment.

11 **B. Statement of Facts**

12 **1. The Guatemalan civil conflict and the Kaibiles**

13 From in or around 1960 to 1996, there was a civil war in
14 Guatemala with the military on one side and the rebels or
15 "guerillas" on the other. Within the Guatemalan military, there
16 was a special forces unit known as the "Kaibiles," who trained
17 at a facility in La Polvora, El Peten, Guatemala, known as "the
18 Kaibil School."

19 In or around the Spring of 1982, General Efraim Rios Montt
20 came into power in Guatemala through a coup and began a campaign
21 to crack down on the guerillas. As a result, the Kaibil School
22 was closed as an instruction facility and the Kaibil instructors
23 became a rapid reaction force that could quickly be deployed to
24 various areas to combat guerillas.

25 In or around November 1982, the Guatemalan guerrilla group
26 known as "Fuerzas Armadas Revolucionarias" (Revolutionary Armed
27 Forces or FAR) ambushed a Guatemalan military convoy near Las
28 Cruces, Guatemala, killing soldiers and taking their rifles. In

1 response, the Guatemalan military ordered the special patrol of
2 approximately twenty Kaibiles from the Kaibil School to find the
3 suspected guerrillas and recover the stolen weapons. The
4 special patrol deployed to a small village near Las Cruces named
5 Dos Erres, where the weapons were thought to be. Defendant was
6 one of the commanders of the special patrol.

7 **2. The Dos Erres massacre**

8 On or about December 7, 1982, the special patrol entered
9 Dos Erres with the support of approximately 40 additional
10 soldiers, who created a security perimeter around the village so
11 that no one could enter or escape. The members of the special
12 patrol searched all the houses for the missing weapons, forced
13 the villagers from their homes, and separated the women and
14 children from the men. No weapons were found and the villagers
15 put up no resistance.

16 During the night, the Kaibiles began raping the girls and
17 women of Dos Erres. As a result, a decision was made to kill
18 everyone in the village. The killing began with the throwing of
19 live children into the village's well. Next, the special patrol
20 systematically led the men, women, and children of Dos Erres to
21 the well, where they were questioned about the rifles, then
22 killed, and their bodies thrown into the well. During this
23 time, the special patrol continued to forcibly rape the women
24 and girls of Dos Erres near the well before killing them.
25 Defendant oversaw the killing at the well, and participated in
26 the killing by firing a rifle and throwing a grenade into the
27 well to kill villagers who were still alive.

28

1 By the end of the day, the only villagers left alive: a
2 five-year-old boy named Ramiro and a three-year-old boy named
3 Oscar.¹ They were taken by two of the Kaibiles.

4 **3. Defendant's application for asylum**

5 On or about May 10, 1985, defendant applied for asylum in
6 the United States. Defendant claimed he feared retaliation from
7 guerillas for being a Kaibil in the Guatemalan military.
8 Defendant's application was denied and defendant departed for
9 Canada, where he obtained asylum.

10 **4. The discovery of remains at Dos Erres**

11 In or around 1994, a non-profit organization, the
12 Association of Relatives of the Detained and Disappeared of
13 Guatemala ("FAMDEGUA"), filed a criminal complaint in Guatemala
14 on behalf of the victims of Dos Erres and their families. In
15 July 1994, the Argentine Forensic Anthropology Team (Equipo
16 Argentino de Antropologia Forense or "EAAF") began exhumation of
17 the village well at Dos Erres. The EAAF recovered the skeletal
18 remains of at least 162 people, 42% of whom were children.

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1 Ramiro Osorio Cristales testified at trial. Oscar Castaneda
28 Ramirez will be present at sentencing and wishes to make a
statement to the Court.

1 **5. Defendant re-applies for U.S. status**

2 On or about October 22, 1997, defendant submitted a Form I-
3 485 Application to Register Permanent Residence or Adjust Status
4 ("Form I-485 Application") for lawful permanent resident status
5 in the United States based upon his marriage to a United States
6 citizen. On or about November 30, 1998, defendant appeared
7 before a United States Citizenship & Immigration Services
8 ("USCIS") adjudication officer for an interview based on his I-
9 485 Application. In the application and orally at his
10 interview, defendant responded "none" to the question in Part
11 3(c), which asked defendant about his prior military service:

12 List your present and past membership in or affiliation
13 with every political organization, association, fund,
14 foundation, party, club, society, or similar group in the
15 United States or in any other place since your 16th
16 birthday. Include any foreign military service in this
17 part. If none, write "none." Include the name of the
18 organization, location, dates of membership from and to,
19 and the nature of the organization. If additional space is
20 needed, use separate paper.

21 On or about November 30, 1998, defendant's petition for lawful
22 permanent residence was granted.

23 On or about April 18, 2007, defendant applied to naturalize
24 as a United States citizen. Specifically, defendant submitted a
25 Form N-400 Application for Naturalization ("Form N-400
26 Application"), which was processed by the San Bernardino Field
27 Office of the USCIS, located in San Bernardino, California.
28 Defendant was then residing in Riverside County, California.

 On or about March 18, 2008, defendant appeared before a
naturalization examiner at the San Bernardino Field Office of
USCIS in San Bernardino, California, for an interview based on

1 his Form N-400 Application. At that time, defendant swore under
2 oath to the answers he had made in the Form N-400 Application
3 and knowingly made the following false statements under oath:

- 4 (1) Part 10, Question (D)(15), that he had never committed
5 any crime or offense for which he had not been
6 arrested, when in truth and in fact, as he then well
7 knew, he had committed crimes, including but not
8 limited to murder, at the village of Dos Erres;
- 9 (2) Part 10, question (B)(8)(a), that he was not a member
10 of or associated with any organization, association,
11 fund, foundation, party, club, society, or similar
12 group in the United States or in any other place, and
13 failed to list his membership in a foreign military,
14 when in truth and in fact, as he then well knew, he
15 had been a member of the Guatemalan Army; and
- 16 (3) Part 10, Question (D)(23), that he had never given
17 false or misleading information to any U.S. government
18 official while applying for any immigration benefit,
19 when in truth and in fact, as he then well knew, that
20 he had falsely denied any foreign military service in
21 his Form I-485 Application to Register Permanent
22 Residence or Adjust Status in part 3(c).

23 On or about August 27, 2008, defendant's petition for
24 naturalization was granted. On or about September 26, 2008,
25 defendant became a naturalized citizen of the United States.

26 **6. Defendant's flight to avoid prosecution**

27 On or about May 4, 2010, defendant's home was searched
28 pursuant to a warrant issued by a magistrate judge. Defendant
was given a copy of the search warrant, which stated the crimes
under investigation, including naturalization fraud. The search
warrant also listed the items to be seized, which related to
defendant's service in the Guatemalan military. Defendant
consulted with an attorney and then vanished in mid-June 2010,

1 leaving behind his wife and all of his belongings, including his
 2 home, business, car, cell phone, reading glasses, and wedding
 3 ring.

4 Defendant fled to Mexico and, in January 2011, defendant
 5 submitted an emergency application for a Canadian passport at
 6 the Canadian embassy in Mexico City. Defendant then took a non-
 7 stop flight from Mexico to Canada. Defendant was arrested in
 8 Canada and extradited back to the United States to for trial.

9 **III. RECOMMENDED SENTENCE**

10 **A. Guidelines Calculations**

11 The government and USPO in the PSR calculate defendant's
 12 offense level in the same manner, under the November 1, 2007
 13 Guidelines in effect when defendant committed the offenses for
 14 which he was convicted:

15	<u>18 U.S.C. § 1015(a)</u>			
16	Base Offense Level	:	<u>8</u>	[U.S.S.G. § 2L2.2(a)]
17	<u>18 U.S.C. § 1425(a)</u>			
18	Base Offense Level	:	<u>8</u>	[U.S.S.G. § 2L2.2(a)]
19	<u>Multiple count adjustment</u>			
20	8		1.0 units	
21	8		+1.0 units	
22			2.0 units:	
23			<u>+2</u>	[U.S.S.G. § 3D1.4]
24	<u>Total:</u>		<u>10</u>	

23 Defendant would not receive an obstruction of justice
 24 enhancement under Section 3C1.1 for fleeing the country when he
 25 learned of his imminent indictment. U.S.S.G. § 3C1.1 n. 5(d).
 26 However, defendant's flight to avoid prosecution would warrant
 27 a greater sentence within the otherwise applicable guidelines
 28 range. Id. at n. 5; see also PSR letter p. 4. Defendant's

1 flight also establishes defendant's failure to accept
2 responsibility and, as noted in the PSR, defendant has never
3 accepted responsibility for the offenses. PSR ¶ 38. Thus,
4 defendant should not receive a two-level decrease for acceptance
5 under U.S.S.G. § 3E1.1. Id. At offense level 10 and criminal
6 history category I, defendant's Guidelines' range is 6-12 months
7 imprisonment.

8 The November 1, 2007 version of the Guidelines is utilized,
9 as opposed to the current version of the Guidelines, because
10 application of the current version would result in an ex post
11 facto violation. A recent amendment to Section 2L2.2 adds a
12 specific offense characteristic where a defendant committed a
13 naturalization fraud offense to conceal defendant's
14 participation in a serious human rights offense. A "serious
15 human rights offense" is defined as "(A) violations of federal
16 criminal laws relating to genocide, torture, war crimes ... and
17 (B) conduct that would have been a violation of any such law if
18 the offense had occurred within the jurisdiction of the United
19 States or if the defendant or the victim had been a national of
20 the United States." U.S.S.G. § 2L2.2 Application Note 4.
21 Serious human rights offenses can be committed in a variety of
22 ways, including, for example, assault, kidnapping, and murder.
23 U.S.S.G. Supplement to Appendix C, p. 14.

24 Here, defendant committed naturalization fraud to conceal
25 his participation in genocide, torture, and war crimes.²

26
27 2 Notably, other Kaibiles in Guatemala who participated in the
28 Dos Erres massacre were convicted of murder and crimes against
humanity in Guatemala, and sentenced to 6060 years imprisonment.

1 Specifically, defendant knowingly lied in his N-400 Application
2 for citizenship and accompanying interview by stating that he
3 did not commit a crime for which he was not arrested, when he
4 had been a commander and participant in the massacre of at least
5 160 unarmed men, women, and children civilians - basically the
6 entire village of Dos Erres - in Guatemala in 1982. Defendant
7 also oversaw the rape of numerous women and children, and the
8 kidnapping of two boys from Dos Erres. Defendant lied about
9 these crimes in order to obtain U.S. citizenship. Thus, had
10 this amendment been applicable, defendant's offense level would
11 have been 25 and his Guidelines range 57-71 months'
12 imprisonment.

13 The Supreme Court has held that sentencing courts are
14 required to begin by calculating the Guidelines range, that
15 "[f]ailing to calculate the correct Guidelines range constitutes
16 procedural error," and that a court that imposes a non-
17 Guidelines sentence must "provide an explanation adequate to the
18 extent of the departure." Peugh v. United States., 133 S. Ct.
19 2072 (2013). "A retrospective increase in the Guidelines range
20 applicable to a defendant creates a sufficient risk of a higher
21 sentence to constitute an ex post facto violation." Id. at
22 2077. However, the Supreme Court has held that sentencing
23

24 Montt was convicted of genocide and crimes against humanity in
25 Guatemala in connection with his 1982-83 rule, which is regarded
26 as the bloodiest period of the Guatemalan civil war. Montt's
27 conviction was overturned on procedural grounds and he is
28 awaiting re-trial. The convictions of the other Kaibiles in
Guatemala - Reyes Collin Gualip, Manuel Pop Sun, Daniel Martinez
Mendez, and Pedro Pimentel Rios - all have been upheld on
appeal.

1 courts are "free to give careful consideration to the current
2 version of the Guidelines as representing the most recent views
3 of the agency charged by Congress with developing sentencing
4 policy" in deciding whether to vary from the Guidelines range in
5 effect at the time of the offense. Id. at 2087. Further, the
6 Supreme Court also noted that an ex post facto violation might
7 be harmless if the record made clear that the court "would have
8 imposed the same sentence under the older, more lenient
9 Guidelines that it imposed under the newer, more punitive
10 ones." Id. at 2088 n. 8.

11 **B. An Upward Departure Is Warranted**

12 First, the government seeks a 20-level upward departure to
13 a 10-year, statutory maximum sentence. The horrific nature of
14 the human rights offenses that defendant concealed in order to
15 obtain naturalization constitutes grounds for an upward
16 departure under the November 1, 2007 Guidelines as it is "an
17 aggravating or mitigating circumstance . . . of a kind, or to a
18 degree, not adequately taken into consideration by the
19 Sentencing Commission in formulating the guidelines that, in
20 order to advance the objectives set forth in 18 U.S.C.
21 § 3553(a)(2), should result in a sentence different from that
22 described." U.S.S.G. § 5K2.0(a)(1)(A). Among the examples
23 listed in the Guidelines for departing upward are: death,
24 physical injury, extreme psychological injury, abduction or
25 unlawful restraint, property damage, use of weapons and
26 dangerous instrumentalities, extreme conduct, and criminal
27
28

1 purpose. U.S.S.G. § 5K2.1-2.9.³ All of these are applicable
2 here. Defendant oversaw and/or participated in: forcing the
3 villagers of Dos Erres from their homes at gunpoint and holding
4 the men at the village's school and the women and children at
5 the village's church; murdering all the villagers, including
6 babies and children, and throwing their bodies into the
7 village's well; raping of women and girls; and abducting of
8 children. Specifically, as to extreme conduct:

- 9 • Defendant told Gilberto Jordan to "be a man" to encourage
10 him to throw a baby in the well.
- 11 • Defendant ordered the Kaibiles to bring more people to the
12 well to be killed.
- 13 • Women and girls were raped while waiting in line to be
14 killed, within sight and earshot of defendant at the well.
- 15 • Villagers were thrown into the well one on top of another.
16 Some villagers survived and could be heard screaming and
17 cursing from the well. Defendant cursed back in anger,
18 stating "Well you sons of bitches, die then," and fired his
19 high-powered automatic rifle into the well; defendant also
20 threw a grenade in for good measure.

17
18 As to a criminal purpose, it was established at trial that the
19 Kaibiles perpetrated this slaughter to cover up the fact that
20
21

22 ³ The related provision of U.S.S.G. § 5K2.21 also could be
23 applied to depart upward, but may be cumulative of 5K2.0 in this
24 case. That section provides that a court may depart upward to
25 "reflect the actual seriousness of the offense based on conduct
26 (1) . . . underlying a potential charge not pursued in the case
27 . . . for any other reason; and (2) that did not enter into the
28 determination of the applicable guideline range. The commission
mass murder by defendant constitutes uncharged conduct that did
not enter into the determination of the applicable Guidelines
range, but should be considered to reflect the seriousness of
the offense.

1 soldiers had raped women and girls at Dos Erres; and defendant
2 was part of the command group that made this decision.

3 Further, the stated rationale behind the recent amendment
4 to 2L2.2 indicates an aggravating circumstance not taken into
5 account by the November 1, 2007 version of the Guidelines. The
6 recent amendment resulted from the Sentencing Commission's
7 "multi-year review to ensure that the guidelines provide
8 appropriate guidelines penalties for cases involving human
9 rights violations." U.S.S.G. Supplement to Appendix C, p. 14.
10 "The new enhancement reflects the impact that such immigration
11 fraud offenses can have on the ability of immigration and
12 naturalization authorities to make fully informed decisions
13 regarding the defendant's immigration petition, application, or
14 other request, and is intended to ensure that the United States
15 is not a safe haven for those who have committed serious human
16 rights offenses." Id.

17 The government also seeks an upward departure pursuant to
18 Section 4A1.3 because defendant's conduct during the Guatemalan
19 civil war includes criminal activity that substantially under-
20 represents the seriousness of defendant's criminal history.
21 U.S.S.G. § 4A1.3(a)(1) ("STANDARD FOR UPWARD DEPARTURE.—If
22 reliable information indicates that the defendant's criminal
23 history category substantially under-represents the seriousness
24 of the defendant's criminal history or the likelihood that the
25 defendant will commit other crimes, an upward departure may be
26 warranted."). Such a departure may be made both horizontally
27 across the sentencing table (by increasing defendant's criminal
28

1 history), as well as vertically (by increasing the offense
2 level). Id. at § 4A1.3(a)(4)(B).

3 Finally, because the government seeks an upward departure
4 pursuant to § 5K2.0 based on the murders that defendant
5 committed and then concealed in order to gain citizenship, the
6 Court should look to murder as an analogous provision in
7 determining defendant's Guidelines sentence in this case. The
8 base offense level for murder is 43 (U.S.S.G. § 2A1.1), and the
9 applicable Guidelines range is life.

10 **C. An Upward Variance Is Warranted**

11 Secondly, the government seeks an upward variance to a 10-
12 year, statutory maximum sentence based upon the sentencing
13 factors of 18 U.S.C. § 3553(a). In determining an appropriate
14 sentence, the Court must consider the following factors:

- 15 (1)the nature and circumstances of the offense and the history and
16 characteristics of the defendant;
17 (2)the need for the sentence imposed—
18 (A)to reflect the seriousness of the offense, to promote
19 respect for the law, and to provide just punishment for the offense;
20 (B)to afford adequate deterrence to criminal conduct;
21 (C)to protect the public from further crimes of the defendant;
22 and
23 (D)to provide the defendant with needed educational or
24 vocational training, medical care, or other correctional treatment
25 in the most effective manner;
26 (3)the kinds of sentences available;
27 (4)[the Sentencing Guidelines range];
28 (5)any pertinent policy statement [of the Sentencing Commission];
(6)the need to avoid unwarranted sentence disparities among
defendants with similar records who have been found guilty of
similar conduct; and
(7)the need to provide restitution to any victims of the offense.

25 These factors all weigh in favor of an upward variance. The
26 offense is extremely serious as it involved defendant's
27 concealment of the murder of over 160 men, women, and children,
28 as well as rape, and kidnaping. A 10-year sentence is required

1 to achieve just punishment. Further, there is a need to deter
2 other human rights violators from finding sanctuary in the
3 United States. In addition, the most recent policy statement of
4 the Sentencing Commission is to add a specific offense
5 characteristic that greatly enhances the sentence of a defendant
6 who lies to conceal a serious human rights offense.

7 Finally, a 10-year, statutory maximum sentence is necessary
8 to avoid unwarranted sentencing disparities. In United States
9 v. Jordan, 432 Fed. Appx. 950 (11th Cir. 2011) (unpublished),⁴ a
10 former-Kaibil who participated in the Dos Erres massacre and
11 pled guilty to a single violation of 18 U.S.C. § 1425(a) was
12 given a 10-year, statutory maximum sentence. Jordan at 951. On
13 appeal, Jordan claimed that his 120-month sentence was
14 unreasonable given the applicable guidelines range was 0-6
15 months' imprisonment. Id. The district court had imposed the
16 statutory maximum sentence based on an upward departure under
17 U.S.S.G. § 5K2.0(a), stating that it also would have imposed the
18 same sentence under an upward variance. Id. The Eleventh
19 Circuit upheld the application of the upward departure and,
20 thus, did not address the variance. The Eleventh Circuit found
21 that the district court did not err in departing upward to the
22 statutory maximum for the following reasons:

23 "First, nothing in the guidelines contemplated the
24 particular factor relied on by the district court -
25 concealment of Jordan's membership in the military and his
26 participation in a massacre to fraudulently obtain U.S.
27 citizenship. As the district court explained, the case was
28 "well beyond the heartland of the applicable guidelines,"

4 A copy of this decision is attached as Exhibit A.

1 because "a case with these particular facts is virtually
2 unprecedented."

3 Second, "consideration of this factor is consistent with
4 the goals of the Sentencing Guidelines." We have explained
5 that upward departures under § 5K2.0(a) "are allowed for
6 acts of misconduct not resulting in conviction, as long as
7 those acts, whether or not relevant conduct in the section
8 1B1.3 sense, relate meaningfully to the offense of
9 conviction." By concealing his role in the murders, Jordan
10 was able to fraudulently obtain United States citizenship
11 and a virtual safe-haven.

12 Third, the upward departure was reasonable. The record
13 indicates the court properly considered the § 3553(a)
14 factors in determining Jordan's sentence. The district
15 court's explanation was also sufficient to support the
16 degree of the departure, as it is difficult to imagine "any
17 more serious basis for immigration fraud than an
18 individual's concealment of his prior participation in a
19 mass murder of innocent civilians."

20 Id. at 951-52 (internal citations omitted). These same reasons
21 apply here, as defendant similarly lied about his membership in
22 the Guatemalan military and his participation in the Dos Erres
23 massacre. However, the facts of this case are even more
24 egregious than in the Jordan case. That is because Jordan was a
25 lower-level Kaibil; he confessed to his involvement in the Dos
26 Erres massacre when first contacted by law enforcement; and he
27 later pled guilty. Here, defendant was a high-level Kaibil in
28 the command group and has never accepted responsibility for his
crimes, as proven by his flight to avoid prosecution. Thus, to
give defendant anything less than 10 years' imprisonment would
be unreasonable and create unwarranted sentencing disparities.

Although cases with facts as egregious as this case are
rare, there have been other similar cases where courts have

1 imposed an above-Guidelines, 10-year, statutory maximum sentence
2 for immigration crimes, such that giving defendant a lesser
3 sentence would create unwarranted sentencing disparities:

- 4 • United States v. Munyenyezi, CR No. 10-00085-SM (U.S.D.C.
5 New Hampshire 2013) (unpublished):⁵ Munyenyezi was given a
6 10-year, statutory maximum sentence for obtaining
7 citizenship unlawfully by lying about her role as a
8 commander of one of the notorious roadblocks where Tutsis
9 were singled out for slaughter in Rwanda and her
10 affiliation with the Hutu militia party.
- 11 • United Staes v. Horton, 497 Fed. Appx. 302 (4th Cir. 2012)
12 (unpublished): Horton's 10-year, statutory maximum
13 sentence for making a false statement in a passport
14 application, in violation of 18 U.S.C. § 1542, was upheld
15 where he forged his wife's signature on a passport
16 application for his daughter, which allowed him to take his
17 daughter from the United States to Thailand. According to
18 the Fourth Circuit: "guidelines just do not fit . . . what
19 has occurred here." Id. at 303-04. In particular, the
20 court relied on the following circumstances: (1) Horton
21 fled with his daughter and made no contact with his ex-wife
22 for several weeks, causing the child's family to wonder
23 whether she was even alive, (2) he relocated the child to
24 Thailand, on the other side of the world, for fourteen
25 months and had no intention of reuniting her with her
26 family, (3) he taunted his ex-wife by email, (4) he locked
27 the child in her bedroom so that she would not escape, (5)
28 he and a male companion sexually victimized the child, (6)
the child was reunited with her family only due to a

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5 A copy of the judgment in Munyenyenzi is attached as Exhibit
6 B.

- prolonged, diligent law enforcement campaign to locate her and apprehend Horton, and (7) expert testimony established that she would suffer lifelong trauma and need prolonged counseling. Id. at 304. In addition, the court considered Horton's contempt for the law, ... and the need to promote deterrence for this type of crime. Id.

IV. CONCLUSION

For the reasons set forth above, the government requests that the Court sentence defendant to 10 years' imprisonment.

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