

1 TRACY L. WILKISON  
 United States Attorney  
 2 CHRISTOPHER D. GRIGG  
 Assistant United States Attorney  
 3 Chief, National Security Division  
 DENNISE D. WILLETT (Cal. Bar No. 173491)  
 4 Assistant United States Attorney  
 Terrorism and Export Crimes Section  
 5 United States Courthouse  
 411 West Fourth Street, Suite 8000  
 6 Santa Ana, California 92701  
 Telephone: (714) 338-3540  
 7 Facsimile: (714) 338-3507  
 E-mail: dennise.willettt@usdoj.gov

8 Attorneys for Plaintiff  
 9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 AHMED BINYAMIN ALASIRI,  
 aka Kevin Lamar James,

17 Defendant.

No. SA CR 20-00118 (A)-CJC

GOVERNMENT'S SENTENCING POSITION  
REGARDING DEFENDANT AHMED BINYAMIN  
ALASIRI

Hearing Date: March 28, 2022  
 Hearing Time: 10:00 a.m.  
 Location: Courtroom of the Hon.  
 Cormac J. Carney

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 20 Plaintiff United States of America, by and through its counsel  
 21 of record, the United States Attorney for the Central District of  
 22 California and Assistant United States Attorney Dennise D. Willett,  
 23 hereby files its sentencing position regarding defendant Ahmed  
 24 Binyamin Alasiri.

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1        This sentencing position is based upon the attached memorandum of  
2 points and authorities, the United States Probation and Pretrial  
3 Services Office recommendation letter, the presentence investigation  
4 report, the files and records in this case, and such further evidence  
5 and argument as the Court may permit.

6 Dated: March 14, 2022

Respectfully submitted,

7 TRACY L. WILKISON  
8 United States Attorney

9 CHRISTOPHER D. GRIGG  
10 Assistant United States Attorney  
11 Chief, National Security Division

12        /s/  
13 \_\_\_\_\_  
14 DENNISE D. WILLETT  
15 Assistant United States Attorney

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17 Attorneys for Plaintiff  
18 UNITED STATES OF AMERICA  
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2 **MEMORANDUM OF POINTS AND AUTHORITIES**

3 **I. INTRODUCTION**

4 Approximately one year after being released from prison and  
5 while serving a term of federal supervised release, Ahmed Binyamin  
6 Alasiri ("defendant") sold methamphetamine to an FBI undercover  
7 employee ("UCE") on three occasions. The total weight of pure  
8 methamphetamine sold was 1,742 grams.

9 Defendant pleaded guilty pursuant to a plea agreement to  
10 distribution of methamphetamine, in violation of 21 U.S.C.  
11 § 841(a)(1), (b)(1)(A)(viii).

12 On February 22, 2022, the United States Probation and Pretrial  
13 Services Office ("USPO") issued its Presentence Investigation Report  
14 ("PSR") regarding this case. (Dkt. 51.) It determined defendant's  
15 total offense level under the United States Sentencing Guidelines  
16 ("U.S.S.G.") is 33 and his criminal history category is IV. The USPO  
17 also issued a letter in which it recommended the Court impose a low-  
18 end sentence of 188 months of imprisonment, followed by a five-year  
19 period of supervised release, and a \$100 special assessment. (Dkt.  
20 50.)

21 For the reasons set forth below, the government agrees with the  
22 USPO's calculations and joins in their recommendation that the Court  
23 impose a sentence of 188 months of imprisonment, followed by a five-  
24 year period of supervised release, and a \$100 special assessment.

25 **II. STATEMENT OF FACTS**

26 The United States requests that the Court adopt the USPO's  
27 statement of defendant's offense conduct set forth in paragraphs 9  
28

1 through 26 of the PSR. For ease of reference, the following fact  
2 summary appears in defendant's plea agreement:

3 On June 4, 2020, defendant met a UCE in person and they began  
4 sharing living space. On July 11, 2020, the defendant raised the  
5 topic of selling drugs to the UCE for the first time. Defendant  
6 explained he had family members who were drug traffickers and that he  
7 himself sold drugs to customers. Defendant told the UCE he was able  
8 to supply the UCE with any drug and provided price quotes. On July  
9 24, 2020, after agreeing to a price, defendant distributed 430 grams  
10 of pure methamphetamine to the UCE in exchange for \$3700. On August  
11 6, 2020, defendant distributed 435 grams of pure methamphetamine to  
12 the UCE in exchange for \$3700. On August 20, 2020, defendant  
13 distributed 877 grams of pure methamphetamine to the UCE in exchange  
14 for \$7,400. The total amount of pure methamphetamine defendant  
15 distributed was 1,742 grams.

16 **III. SENTENCING GUIDELINE CALCULATION**

17 The USPO calculates defendant's total offense level as 33. This  
18 offense level resulted from the following calculation: a base offense  
19 level of 36 based on the amount of methamphetamine defendant  
20 distributed on three occasions pursuant to U.S.S.G. § 2D1.1(c)(2),  
21 with a three-level reduction for acceptance of responsibility under  
22 U.S.S.G. § 3E1.1(a), (b). (PSR ¶¶ 34, 41-42.) The government  
23 concurs with this calculation, which is consistent with the parties'  
24 stipulated guidelines calculations. (Plea Agreement, ¶ 13.)

25 In addition, the USPO determined that defendant has eight  
26 criminal history points, resulting in a criminal history category of  
27 IV. (PSR ¶ 57.) The government agrees with the USPO's calculation  
28 of defendant's criminal history. At a total offense level of 33, in

1 criminal history category IV, the USPO correctly states defendant's  
2 sentencing guideline imprisonment range as 188 to 235 months. The  
3 government concurs with the criminal history category and guideline  
4 range calculated by the USPO.

5 **IV. ANALYSIS OF THE 3553(A) FACTORS**

6 **A. The Nature and Circumstances of the Offense**

7 Defendant distributed a total of 1,742 grams of pure  
8 methamphetamine in three transactions to an FBI undercover employee.  
9 In a recorded conversation, the defendant, not the UCE, first raised  
10 the idea of defendant selling drugs. Defendant told the UCE that he  
11 sold drugs directly to customers. Defendant also stated that, "I  
12 have connections to every single drug you can imagine." (PSR ¶ 12.)  
13 Fortunately, because he distributed this quantity and quality of  
14 drugs to a government agent, the methamphetamine in the instant  
15 offense did not reach actual users. The U.S.S.G. imprisonment range  
16 of 188 to 235 months is well-above the statutory mandatory minimum of  
17 120 months, thereby accounting for the seriousness and danger of  
18 methamphetamine distribution to society. As such, a low-end sentence  
19 of 188 months of imprisonment is sufficient to address this factor.

20 **B. History and Characteristics of the Defendant**

21 Defendant has a lengthy criminal history that dates back over 30  
22 years. (PSR ¶ 47.) Defendant was incarcerated continuously from 1996  
23 to 2019, because of offenses he committed while in prison that added  
24 custodial time to his original sentence. While in custody for  
25 robbery, he was convicted of possession of a deadly weapon by a  
26 prisoner. (PSR ¶¶ 52-53.) While in state custody for weapons  
27 possession, he conspired to levy war against the United States. (PSR  
28 ¶ 54.) While in federal custody, his conduct resulted in his

1 transfer to our Supermax facility in Florence, Colorado. (PSR ¶ 54,  
2 p. 17.) Upon release to a halfway house on July 30, 2019, defendant  
3 immediately began violating rules, ultimately resulting in court-  
4 ordered enhanced supervised release conditions. (Id.) One year  
5 later, while on supervised release, he approached the UCE to engage  
6 in drug trafficking. (PSR ¶ 12.) Defendant is scheduled for a  
7 supervised release hearing to address conditions violations  
8 immediately after his sentencing in this case. Defendant's criminal  
9 history and his inability to conform his conduct to law while in  
10 custody and on supervised release are aggravating factors.

11 Facts surrounding defendant's childhood provide context for his  
12 detailed criminal history. Defendant was raised by a single mother,  
13 who managed to provide for his basic needs. (PSR ¶ 70.) He lived on  
14 the infamous Hoover Street, the birthplace of the Hoover Street gang,  
15 also known as the Hoover Crips. (PSR ¶ 71.) At age 11, defendant  
16 joined the gang after a rival gang member attacked him at school,  
17 under the assumption he was already a Hoover. (Id.) It appears that  
18 gang membership in his neighborhood was essential for survival.  
19 Shortly after joining the gang, defendant began getting into trouble  
20 with the law and was arrested and detained multiple times as a  
21 juvenile. (PSR ¶ 72.) These unfortunately childhood circumstances  
22 and influences explain the genesis of defendant's criminal conduct.

23 In the short period of time defendant was recently out of  
24 custody, he was industrious and able to obtain employment. He  
25 started in parttime positions and became a security supervisor,  
26 working fulltime in the 7 months leading up to his arrest.  
27 (PSR ¶¶ 106-108.) Taking into consideration his lack of work  
28 experience and his criminal history, defendant's ability to obtain

1 and maintain employment is noteworthy and surprising compared to  
2 similarly situated defendants. Defendant was involved in a committed  
3 relationship, where he provided stability to his significant other,  
4 who is suffering with mental health and substance abuse issues. (PSR  
5 ¶¶ 75-77.)

6 A review of defendant's personal history reveals a life lived in  
7 the extremes: extreme childhood circumstances, extreme criminal and  
8 violative conduct, and extreme efforts to succeed when out of  
9 custody. While mitigative factors do not justify a below-guidelines  
10 range sentence when balanced against his aggravating criminal history  
11 and violative conduct, they do weigh in favor of a sentence of 188  
12 months of imprisonment, the low-end of the guideline range.

13 **C. Need for Adequate Deterrence and Respect for the Law**

14 Defendant was industrious and obtained legitimate fulltime  
15 employment, yet he did not hesitate to traffic in drugs to earn  
16 income. He valued his personal short-term goals over respect for the  
17 law, the societal and individual damage caused by narcotics, and the  
18 risk of arrest for drug trafficking. To deter defendant from future  
19 criminal conduct and promote respect for the law, a below-guidelines  
20 sentence is not appropriate. A sentence of 188 months of  
21 imprisonment is necessary and sufficient to accomplish these goals.

22 **D. Need to Protect the Public from Further Crimes and Avoid  
23 Sentencing Disparity**

24 Defendant's criminal history reflects a troubled individual who  
25 committed dangerous crimes. After serving a lengthy custodial  
26 sentence designed to protect the public from a violent conspiracy,  
27 defendant engaged in the instant offense, demonstrating the continued  
28 need to protect the public from the defendant. In terms of

1 sentencing disparity, while other defendants who commit this type of  
2 offense may deserve a below-guidelines sentence because a guideline  
3 sentence is greater than necessary, defendant is not similarly  
4 situated to those individuals. A sentence of 188 months of  
5 imprisonment is necessary to protect the public and avoid sentencing  
6 disparity.

7 **E. Fine and Supervised Release**

8 The government agrees with the USPO's assessment that a fine  
9 should not be imposed, as defendant is financially unable to pay a  
10 fine. The government also agrees with both the USPO's recommendation  
11 of a term of five years of supervised release and the supervised  
12 release conditions outlined in the USPO's recommendation letter.  
13 Defendant stipulated to imposition of the special conditions of  
14 supervised release as outlined in the written plea agreement. (Plea  
15 Agreement, ¶ 2h.)

16 **V. CONCLUSION**

17 For the foregoing reasons, the government recommends the Court  
18 impose a sentence of 188 months of imprisonment, followed by a five-  
19 year period of supervised release under the terms and conditions  
20 recommended by the USPO, and a \$100 special assessment.

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## Certificate of Service

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I am a citizen of the United States and am employed in the County of Orange, California. I am over 18 years of age, and I am not a party to the above-entitled action. My business address is the United States Attorney's Office, Ronald Reagan Federal Building and United States Courthouse, 411 West Fourth Street, Suite 8000, Santa Ana, California 92701.

I am employed by the United States Attorney for the Central District of California, who is a member of the Bar of the United States District Court for the Central District of California, at whose direction the service was made. On this date, March 14, 2022, I served a copy of the foregoing document(s), described as follows:

**GOVERNMENT'S SENTENCING POSITION REGARDING DEFENDANT AHMED BINYAMIN ALASIRI**  
in the following manner:

by placing a true copy in a sealed envelope, addressed to the person(s) specified below, and placing it for interoffice delivery within the courthouse to:

by placing the documents in a sealed envelope, bearing the requisite postage thereon, and placing it for mailing via the U.S. Postal Service addressed as follows:

by e-mailing a pdf. version of the document(s) to the e-mail addresses specified as:

Gregory\_Vidana@cacp.uscourts.gov (U.S. Probation)

I declare under penalty of perjury that the foregoing is true and correct, executed on March 14, 2022, at Santa Ana, California.

\_\_\_\_\_  
/s/  
JEAN KIM