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17 PAUL GARY WALLACE

18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA
20 (HONORABLE ANDRE BIROTTE)

21 UNITED STATES OF AMERICA,
22 Plaintiff,

23 v.

24 PAUL GARY WALLACE,
25 Defendant.

Case No.: 20-CR-00293-AB-1

DEFENDANT WALLACE'S
SENTENCING MEMORANDUM

Sentencing date: July 29, 2022

26 Defendant Paul Gary Wallace hereby files his Sentencing Memorandum.

27 **I. INTRODUCTION**

28 Paul Gary Wallace, 56 years old, is before the Court for sentencing on his charge of Racketeer Influenced and Corrupt Organizations Conspiracy and Use and

1 Carry a Firearm During and in Relation to, and Possess a Firearm in Furtherance of,
2 a Crime of Violence, Resulting in Death, Aiding and Abetting.

3 Mr. Wallace has distanced himself from gang life. His mother and family were
4 shocked when they learned of his arrest as he is a reformed gang-member who used
5 his organizations, Trucing the gangs, United We Stand Up, and his own prison
6 experience to spread peace and unity among gang members. Mr. Wallace's family
7 describes him as a positive role model to those around him. His family members
8 remain supportive during the instant offense.

9 Unlike the 120 months mandatory minimum sentence on Count 2 for the
10 section 924(c) offense, the advisory sentence of life is not mandatory on Count 1.
11 Given his traumatic life history including being shot several times as a teenager and,
12 later, his important gang peacekeeping efforts, a mitigated sentence is respectfully
13 requested.

14 **II. SENTENCING FACTORS**

15 Title 18 U.S.C. § 3553(a) directs the sentencing court to consider:

- 16 (1) the nature and circumstances of the offense and the history and characteristics of
17 the defendant;
- 18 (2) the need for the sentence imposed (A) to reflect the seriousness of the offense, to
19 promote respect for the law, and to provide just punishment for the offense; (B) to
20 afford adequate deterrence to criminal conduct; (C) to protect the public from further
21 crimes of the defendant; and (D) to provide the defendant with needed educational
22 or vocational training, medical care, or other correctional treatment in the most
23 effective manner;
- 24 (3) the kinds of sentences available;
- 25 (4) the [advisory] sentencing [guideline] range[;]
- 26 (5) any pertinent policy statement ... issued by the Sentencing Commission[;]
- 27 (6) the need to avoid unwarranted sentence disparities among defendants with similar
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1 records who have been found guilty of similar conduct; and
2 (7) the need to provide restitution to any victims of the offense.
3 18 U.S.C. § 3553(a).

4 After considering these factors, the court must impose a sentence sufficient,
5 but not greater than necessary, to satisfy the purposes of sentencing set forth in §
6 3553(a)(2). In making this determination, the district court may not presume that a
7 guideline sentence is the correct one. *Nelson v. United States*, 129 S.Ct. 890, 892
8 (2009) (per curiam). Ultimately, the district court must make an independent
9 determination as to the appropriate sentence, taking into account the types of
10 sentences available, the relevant § 3553(a) factors, and the arguments of the parties.
11 *See Gall v. United States*, 552 U.S. 38, 49-50 (2007).

12 Sentencing, that is to say punishment, is perhaps the most difficult task of a
13 trial court judge.” Jack B. Weinstein, *Does Religion Have a Role in Criminal*
14 *Sentencing?*, 23 *Touro L. Rev.* 539, 539 (2007). While there are many competing
15 considerations in every sentencing decision, a sentencing judge must have some
16 understanding of “the diverse frailties of humankind.” *See Woodson v. North*
17 *Carolina*, 428 U.S. 280, 304, 96 S.Ct. 2978, 49 L.Ed.2d 944 (1976) (plurality
18 opinion). In deciding what sentence will be “sufficient, but not greater than
19 necessary” to further the goals of punishment, 18 U.S.C. § 3553(a), a sentencing
20 judge must have a “generosity of spirit, that compassion which causes one to know
21 what it is like to be in trouble and in pain.” Guido Calabresi, *What Makes a Judge*
22 *Great: To A. Leon Higginbotham, Jr.*, 142 *U. Pa. L. Rev.* 513, 513 (1993); *see also*
23 Edward J. Devitt, *Ten Commandments for the New Judge*, 65 *A.B.A. J.* 574 (1979),
24 reprinted in 82 *F.R.D.* 209, 209 (1979) (“Be kind. If we judges could possess but one
25 attribute, it should be a kind and understanding heart. The bench is no place for cruel
26 or callous people regardless of their other qualities and abilities. There is no burden
27 more onerous than imposing sentence in criminal cases.”).

1 **III. DEFENDANT’S POSITION ON SENTENCING FACTORS**

2 **A. THE NATURE OF THE OFFENSE**

3 Defendant Wallace was convicted of Count 1 and Count 2. As part of the
4 verdict on Count 1, RICO conspiracy, the jury found that Mr. Wallace murdered R.B.
5 R.B.’s murder took place on November 13, 2014. Count 2 was based on the
6 brandishing and discharge of a firearm in relation to R.B.’s murder. The Probation
7 Officer used that murder to calculate the starting base offense level of 43.

8 **B. THE DEFENDANT’S HISTORY AND CHARACTERISTICS**

9 Paul Gary Wallace, 56 years old was born in 1966, in Vivian, Louisiana. His
10 parents are William Gaye and Gertrude Jackson. Mr. Wallace’s parents were never
11 married to each other. When Mr. Wallace was 5 years old, his mother discovered that
12 Mr. Gaye was married and had another family. She broke off their relationship and
13 thereafter, moved with her seven children to Los Angeles. Mr. Wallace recalls only
14 one good memory of his father and they briefly attempted to mend their relationship
15 before his father died. Mr. Wallace suffered from depressive symptoms and feelings
16 of abandonment following his parent’s separation.

17 In 1982, when he was 16 years old, Mr. Wallace was shot. He was treated at
18 Centinela Hospital where he remained for two months. Mr. Wallace was told that he
19 would never walk again. After two months in the hospital, Mr. Wallace was
20 transferred to Rancho Los Amigos Rehabilitation Center. He remained at this facility
21 for one year. After leaving the rehabilitation facility, Mr. Wallace continued to
22 exercise and work towards walking again which he achieved shortly after returning
23 home. As a result of his injury, Mr. Wallace walks with a limp. Mr. Mr. Wallace
24 continues to suffer from pain in his left leg that he describes as a constant severe
25 burning pain. He takes pain medication daily.

26 Two years later in 1984, Mr. Wallace and a friend went to a park to celebrate
27 his rehabilitation and walking again. The celebration was short lived as rival gang
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1 members approached Mr. Wallace and his friend and opened fire. Mr. Wallace was
2 shot seven times – once in each hip and five times on the back of his right bi-cep.
3 Mr. Wallace was taken to Daniel Freeman Hospital where he remained for three
4 weeks. Later that same year, Mr. Wallace was shot in his lower back while waiting
5 on his bicycle in front of Fremont High School. Someone in a vehicle had shot him
6 with a shotgun.

7 Mr. Wallace did not receive any grief counseling or psychotherapy following
8 the traumatic family events in his life, including the several times he was shot at and
9 several of his friends' deaths. Mr. Wallace suffers from anxiety-related disorders
10 including PTSD; disorders involving excessive stress and worry such as obsessive-
11 compulsive disorder; and substance use disorders. These disorders have caused Mr.
12 Wallace anguish, but the mental toll from gun shots has proved to be deeper and
13 continues to impact his life daily.

14 Mr. Wallace had seven siblings, Janice Jackson (deceased); Desoto Jackson,
15 Jr. (deceased), Sharon Wallace, age 60, Ora Wallace, age 58, Vicky, age 54, Kenneth
16 Jackson, age 64 and Cornell Wallace, age 61. He lived with his mother, siblings, and
17 one of his mother's friend's children after his mother moved to Los Angeles. The
18 family relocated to South-Central Los Angeles at a time when the Crips and Bloods
19 were beginning to form and the crack epidemic was in its infancy. Mr. Wallace's
20 mother was physically and financially responsible for him. Mr. Wallace was close
21 to his sister Janice who cared for Mr. Wallace growing up. His brother Kenneth also
22 stepped up as a father figure after Paul's father's death. Mr. Wallace's psychological
23 wellbeing and social behavior suffered. Wallace began associating with gang
24 members when he was 6-7 years old when his mother was working. He round around
25 on the teenagers' handlebars as an elementary school student.

26 Mr. Wallace overcame difficult hardships and attended High School up to 10th
27 grade at a continuance high school in Huntington Park. He discontinued school after
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1 he was shot in 1982. Mr. Wallace plans to complete his GED and completed the
2 “Repeating the Cycles” class while at the Metropolitan Detention Center. Mr.
3 Wallace has specialized training and skill as a public and motivational speaker and
4 in mentoring at-risk youth.

5 Mr. Wallace was widely lauded as being instrumental in ending a 20-year war
6 between rival gangs, Florencia 13 and East Coast Crips. Mr. Wallace’s friends and
7 supporters knew him from his gang intervention work. He worked in the community
8 to help at risk kids not make the same mistakes he did. Mr. Wallace felt this was his
9 calling in life and that he was making great strides helping people. Mr. Wallace
10 sought the help of his friend Pastor Shep who allowed Mr. Wallace to speak at his
11 church on these issues. At Mr. Wallace’s church, the reverend spoke to the
12 congregation about Mr. Wallace’s good work in the community and he was doing
13 “big things” for the church. Mr. Wallace’s family supported him during this time and
14 he often times received standing ovations for his work.

15 Mr. Wallace also worked with Kim Magil and Skip Townsend at “Trucing the
16 Gangs.” Mr. Wallace took part in negotiating and organizing truces between various
17 gangs. Mr. Wallace started a non-profit organization, “United We Stand Up,” to
18 further his mission to secure truces between gangs. After his arrest, Pastor Shep took
19 over his organization.

20 With the Court’s permission, Skip Townsend, Pastor Shep and Ralph
21 “Hakeem” Haynes (Mr. Wallace’s friend) intend and request to speak at Mr.
22 Wallace’s sentencing about their first-hand accounts of Mr. Wallace’s peacekeeping
23 efforts.

24 Mr. Wallace is focused solely on bettering his life and that of his young family.
25 He had a difficult upbringing and trauma in his life that should be taken into account
26 towards a mitigated sentence. Throughout his struggles, his mother has been his
27 support system. He did not receive any grief counseling or psychotherapy following
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1 his various traumatic and unfortunate events that caused long-term effects after
2 surviving shooting after shooting.

3 While at the MDC, Mr. Wallace serves as the “trustee” for his module, and he
4 is responsible for cleaning up.

5 Mr. Wallace has a 17-year-old daughter, Aonyea from a previous relationship
6 with Crystal Johnson. Mr. Wallace’s daughter resides with his mother due to Mr.
7 Wallace’s ex’s problems with substance abuse. Mr. Wallace is currently in a
8 relationship with Mia Thomas. Their union produced three children, Amia, age 1,
9 Amani, age 12 and Emari, age 15. Mr. Wallace is motivated to get his life in order
10 and accomplish his goals.

11 **B. THE ADVISORY SENTENCING GUIDELINES**

12 **1. Objections To Presentence Investigation Report**

13 Mr. Wallace objects to the scoring of the following convictions for the reasons
14 noted.

15 ¶42. 10/21/1996 4600 PC, 496(a) PC, 4502(a) PC, 2 years’ prison; paroled
16 09/30/1999. PSR at 11. This offense should not score because his release on the
17 offense was not within 15 years of R.B.’s murder on 11/13/2014, which murder is
18 the basis of the starting base offense level used by the probation officer.

19 ¶44. 07/26/2006 12021(a)(1) PC: Felon in possession of firearm 08/04/2006:
20 16 months prison. PSR at 11. This offense should not score because it is not a “prior
21 sentence” as it was part of and not prior to the RICO conspiracy charged in Count 1
22 as presented by the government at trial (Trial Ex. 62). *See* U.S.S.G. § 4A1.2(a)(1)
23 (“prior sentence” means any sentence previously imposed upon adjudication of guilt,
24 whether by guilty plea, trial, or plea of nolo contendere, *for conduct not part of the*
25 *instant offense.*) (emphasis added).

26 ¶45. 01/23/2009 12316(B) PC: Illegally possess ammunition 01/04/2010: 16
27 months prison. PSR at 12. This offense should not score because it is not a “prior
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1 sentence” as it was part of and not prior to the RICO conspiracy charged in Count 1
2 as presented by the government at trial (Trial Ex. 63). *See* U.S.S.G. § 4A1.2(a)(1).

3 ¶46. 09/24/2011 11350(a) H&S: Possess cocaine, 2 years prison. PSR at 12.
4 This offense should not score because it is not a “prior sentence” as it was part of and
5 not prior to the RICO conspiracy charged in Count 1 as presented by the government
6 at trial (Trial Ex. 64). *See* U.S.S.G. § 4A1.2(a)(1).

7 ¶47. 02/05/2016 18 U.S.C. 922(g)(1): Felon in Possession of Firearms and
8 Ammunition. 04/27/2018: 30 months prison. PSR at 12. This offense should not score
9 because it is not a “prior sentence” as it was part of and not prior to the RICO
10 conspiracy charged in Count 1 as presented by the government at trial (Trial Ex. 65).
11 *See* U.S.S.G. § 4A1.2(a)(1).

12 Therefore, without scoring these convictions, his criminal history score is a 3
13 and his Criminal History Category is a II.

14 **2. Defendant’s Recommended Advisory Sentencing Guidelines**

15 Based on his history and the history and characteristics of the case, Mr.
16 Wallace would respectfully request the following downward departures and
17 variances.

18 **a. A Reduction Based on His Extra-Ordinary Traumatic** 19 **Upbringing Is Appropriate**

20 As stated above, Mr. Wallace never had a father figure and his mother left him
21 to be cared for by older siblings while she worked. This was crucial to Mr. Wallace’s
22 development and caused detrimental effects on him. The lack of a relationship with
23 his biological father was devastating and caused long-term grief upon Mr. Wallace.
24 As well, he was shot several times as a teenager leading to life-long, physical
25 disability. Evidence about the defendant's background is relevant to reduce his
26 sentence because of the belief “long held by this society, that the defendants who
27 commit criminal acts that are attributable to a disadvantaged background or to
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1 emotional or mental problems may be less culpable than defendants who have no
2 such excuse.” *Penry v. Lynaugh*, 492 U.S. 302, 319 (1989). For these reasons, a
3 significant reduction in his contemplated sentence is appropriate.

4 **b. A Reduction Based on His Good Deeds is Appropriate**

5 It is important to note that the instant indictment was based largely on conduct
6 that happened at or before Mr. Wallace’s arrest on his 2016 case. Mr. Wallace had
7 made strides to turn things around after his release from prison on his 2016 case. Mr.
8 Wallace’s extensive peacekeeping work including bringing about a truce between
9 two gangs is remarkable and should be considered to mitigate his sentence. Such
10 good deeds are not common in today’s society and a reduction based on these good
11 deeds is appropriate. *See United States v. Tomko*, 562 F.3d 558 (3d Cir. 2009) (*en*
12 *banc*) (where defendant convicted of tax evasion of \$225,000, court’s sentence to
13 probation with one year home detention was not unreasonable in part because of
14 defendant’s charitable activities and good deeds).

15 “[S]urely, if ever a man is to receive credit for the good he has done, and his
16 immediate misconduct assessed in the context of his overall life hitherto, it should be
17 at the moment of his sentencing, when his very future hangs in the balance. This
18 elementary principle of weighing the good with the bad, which is basic to all the great
19 religions, moral philosophies, and systems of justice, was plainly part of what
20 Congress had in mind when it directed courts to consider, as a necessary sentencing
21 factor, ‘the history and characteristics of the defendant.’” *United States v. Adelson*,
22 441 F. Supp.2d 506, 513-14 (SDNY 2006) (securities fraud case, where guidelines
23 call for life sentence, court imposed a 42 months sentence in part because of the
24 defendant’s past good deeds).

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IV. CONCLUSION

Based on the foregoing, the Defense recommends a mitigated sentence taking into consideration the minimum sentence of 120 months that is mandatory on Count 2. The Defense would also request the Court designate Mr. Wallace to a facility in Southern California to be closer to his family.

Respectfully submitted,

Dated: July 15, 2022

s/ Shaun Khojayan

s/ Amy E. Jacks

Attorneys for Defendant Paul Gary Wallace