

1 E. MARTIN ESTRADA  
 United States Attorney  
 2 MACK E. JENKINS  
 Assistant United States Attorney  
 3 Chief, Criminal Division  
 ANNE C. GANNON  
 4 Assistant United States Attorney  
 Chief, Santa Ana Branch Office  
 5 KRISTIN N. SPENCER (Cal. Bar No. 294692)  
 MELISSA S. RABBANI (Cal. Bar No. 283993)  
 6 Assistant United States Attorneys  
 U.S. ATTORNEY'S OFFICE  
 7 411 West Fourth Street, Suite 8000  
 Santa Ana, California 92701  
 8 Telephone: (714) 338-3500  
 Facsimile: (714) 338-3561  
 9 E-mail: kristin.spencer@usdoj.gov  
 melissa.rabbani@usdoj.gov

10 Attorneys for Plaintiff  
 11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT  
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,  
 15 Plaintiff,  
 16 v.  
 17 CHRISTOPHER JOHN BADSEY,  
 18 Defendant.

No. SA CR 21-124-JLS  
GOVERNMENT'S SENTENCING POSITION  
 Hearing Date: July 19, 2024  
 9:30 a.m.

21 Plaintiff United States of America, by and through its counsel  
 22 of record, the United States Attorney for the Central District of  
 23 California and Assistant United States Attorneys Kristin Spencer and  
 24 Melissa Rabbani, hereby submits its position regarding sentencing.

25 The government's position is based upon the attached memorandum  
 26 of points and authorities, the files and records in this case, the  
 27 revised Presentence Report ("PSR") and revised disclosed  
 28 recommendation letter filed on February 26, 2024, and any other

1 evidence or argument that the Court may wish to consider at the time  
2 of sentencing.

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Dated: July 5, 2024

Respectfully submitted,

E. MARTIN ESTRADA  
United States Attorney

MACK E. JENKINS  
Assistant United States Attorney  
Chief, Criminal Division

/s/ Melissa S. Rabbani  
KRISTIN N. SPENCER  
MELISSA S. RABBANI  
Assistant United States Attorney

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 In the height of the COVID-19 pandemic, defendant Christopher  
4 John Badsey ("defendant") falsely promised to sell millions of boxes  
5 of nitrile gloves - critical personal protective equipment that was  
6 in short supply worldwide - to buyers in the medical industry.  
7 Through his company, defendant accepted over \$3 million in deposits  
8 for those gloves from potential purchasers. But by his own  
9 admission, defendant never had possession of or access to any such  
10 gloves, never delivered any such gloves, and never returned the  
11 deposits he received. Instead, defendant and others used the deposit  
12 money to make expensive purchases, all while stringing would-be  
13 purchasers along with false stories, including absurd claims that  
14 government agents were blocking access to his warehouse of gloves.

15 Based on that conduct, in April 2023, defendant pled guilty to  
16 four counts of wire fraud in violation of Title 18, United States  
17 Code, Section 1343. Dkts. 57, 61.

18 Earlier this year, defendant submitted a sentencing memorandum  
19 attaching several "letters of support" and a purported medical record  
20 that were determined to be forged.

21 Following that revelation, the United States Probation Office  
22 ("USPO") filed a revised Presentence Report ("PSR") on February 26,  
23 2024. Dkt. 84. The USPO determined that the total applicable  
24 offense level in this case is 25 and that defendant's criminal  
25 history is in category II, resulting in a guidelines range of 63 to  
26 78 months. Id. at 4. The USPO recommends that the Court impose a  
27 high-end sentence of 78 months' custody, followed by a three-year  
28 period of supervised release, and order a special assessment of \$400.

1 Dkt. 83. The USPO further recommends that defendant be ordered to  
2 pay restitution of \$1,938,990 to three victims, as defendant agreed  
3 to do in the plea agreement. Dkt. 83; see also Dkt. 57 at 8.

4 The government agrees with the USPO's calculations and its  
5 recommended order of restitution. The government respectfully  
6 recommends a slightly lower, mid-range sentence of 72 months'  
7 custody, followed by a three-year term of supervised release, and  
8 believes this sentence is sufficient, but not greater than necessary,  
9 to achieve the goals of sentencing set forth in 18 U.S.C. § 3553(a).

10 **II. SUMMARY OF RELEVANT FACTS**

11 The facts below relating to the offense conduct in this case are  
12 taken from the plea agreement defendant signed on April 7, 2023.

13 In June and July 2020, in Orange and Los Angeles Counties,  
14 defendant knowingly devised, participated in, and executed a scheme  
15 to defraud Victim Companies 1, 2, and 3 by means of material false  
16 and fraudulent pretenses, representations, and promises, and the  
17 concealment of material facts.

18 In particular, defendant falsely represented to Victim Companies  
19 1, 2, and 3 that he had access to millions of boxes of medical-grade  
20 nitrile gloves, personal protective equipment that was in high demand  
21 and short supply during the COVID-19 pandemic. Through the company  
22 that he owned and controlled, First Defense International Security  
23 Services Corporation ("FDI"), defendant entered into contractual  
24 agreements with Victim Companies 1, 2, and 3 to sell each company  
25 millions of boxes of gloves. Defendant then told representatives  
26 from Victim Companies 1, 2, and 3 that before they could inspect the  
27 gloves, which were stored in a warehouse in Los Angeles, the  
28 companies would be required to pay deposits upwards of \$1 million to

1 FDI. In fact, defendant did not have any gloves stored in any  
2 warehouse. Defendant knew that his statements were false and acted  
3 with the intent to defraud Victim Companies 1, 2, and 3.

4 To execute his scheme, defendant instructed representatives of  
5 Victim Companies 1, 2, and 3 to transmit the deposits by wire  
6 transfer to bank accounts controlled by defendant himself, a co-  
7 schemer, and/or FDI. Relying on defendant's false representations  
8 that he had millions of boxes of nitrile gloves to sell,  
9 representatives from Victim Companies 1, 2, and 3 made the requested  
10 wire transfers. In particular, defendant caused the transmission of  
11 the following items by means of wire communication in interstate and  
12 foreign commerce:

- 13 a. On June 15, 2020, a deposit of \$1,174,990 from Victim  
14 Company 1 to defendant's bank account;
- 15 b. On June 17, 2020, a partial deposit of \$787,000 from  
16 Victim Company 2 to defendant's bank account;
- 17 c. On June 17, 2020, a partial deposit of \$270,000 from  
18 Victim Company 2 to defendant's bank account; and
- 19 d. On July 2, 2020, a deposit of \$1,000,000 from Victim  
20 Company 3 to defendant's co-schemer's bank account.

21 As part of his plea agreement, defendant agreed that he would be  
22 required to pay full restitution to the victims of his offenses. See  
23 Dkt 57 at 8. Defendant also agreed to forfeit certain assets, at  
24 least some of which were purchased with the proceeds from his  
25 fraudulent scheme.<sup>1</sup>

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27  
28 <sup>1</sup> Those assets have been administratively forfeited to the  
Federal Bureau of Investigation. As such, no order of forfeiture is  
needed from this Court.

1 Defendant was set to be sentenced in February 2024. On January  
2 26, 2024, defendant submitted a sentencing position attaching a  
3 number of exhibits, including several "letters of support" from  
4 purported friends and acquaintances and a purported medical record  
5 documenting a brain cancer diagnosis from 2017. See Dkt. 72 at 3;  
6 Dkt. 72-1 at 10, 12-28. The USPO and the government contacted  
7 several of the purported authors of those character letters and  
8 learned not only that those letters had been forged, but that  
9 following his initial appearance in 2021, defendant forged the  
10 signature of his proposed surety and used a copy of the proposed  
11 surety's driver's license without his authorization. See Dkt. 85 at  
12 2-4. Defendant has provided no additional documentation supporting  
13 the purported medical record - which appears suspect on its face.  
14 See id.

15 In response to a motion by the government, this Court found that  
16 defendant had breached his plea agreement by submitting those forged  
17 documents and that the government was thus released from its  
18 obligations under the plea agreement. See Dkt. 86. As a result, the  
19 government is no longer bound by the terms of the plea agreement -  
20 which required, among other things, that the government recommend a  
21 low-end sentence under the Guidelines. See Dkt. 57 at 6-7.

### 22 **III. PRESENTENCE REPORT**

23 The USPO determined the base offense level to be 7. Dkt. 84 at  
24 14. The USPO then applied a 16-level increase because of the loss  
25 amount resulting from defendant's fraudulent scheme, as well as a  
26 two-level increase for defendant's obstruction of justice in  
27 submitting forged documents to the USPO and to the Court. Id. at 14-  
28 16. Notably, the USPO declined to apply any decrease for acceptance

1 of responsibility, given that defendant has failed to withdraw from  
2 criminal conduct and has engaged in conduct constituting obstruction  
3 of justice. Id. at 16-17. Thus, the USPO calculated the total  
4 offense level in this case as 25. Id. at 17.

5 The USPO also determined that defendant's total criminal history  
6 score for this offense is two, resulting in a criminal history  
7 category of II and a guidelines range of 63 to 78 months. Dkt. 84 at  
8 19-21, 30.

9 The USPO recommends that the Court impose a high-end sentence of  
10 78 months' custody, followed by a three-year period of supervised  
11 release. Dkt. 53. The USPO also recommends that defendant be  
12 ordered to pay a total of \$1,938,990 in restitution to three victims:  
13 Terry Booth (\$668,990), Christiaan van der Velde (\$270,000), and John  
14 Anthony Bijan Faranghui (\$1,000,000). Id. at 1. Finally, the USPO  
15 recommends that all fines be waived, as defendant has no ability to  
16 pay. Id. at 2.

17 **IV. THE GOVERNMENT'S POSITION**

18 The government concurs with the USPO's calculations and its  
19 recommended order of restitution. However, the government recommends  
20 a slightly lower, mid-range sentence of 72 months' custody. The  
21 government believes this sentence is sufficient, but not greater than  
22 necessary, to achieve the goals of sentencing set forth in 18 U.S.C.  
23 § 3553(a).

24 Defendant took advantage of a global pandemic. While tens of  
25 thousands of Americans died of COVID, and millions of Americans  
26 upended their daily lives to mitigate its spread, defendant saw only  
27 an opportunity to line his own pockets. Through repeated and often  
28 fantastical lies, defendant obtained over \$3 million in deposit money

1 for products he never had. When confronted, defendant continued to  
2 lie and refused to refund any deposit money. Moreover, defendant's  
3 personal history, as discussed in the PSR, reveals a troubling  
4 history of deceit and theft - and an aversion to honest work.

5 In addition, nothing about this criminal prosecution seems to  
6 have deterred defendant's worst instincts. After his arrest,  
7 defendant submitted forged documentation to keep himself out of  
8 custody. And as his sentencing approached, defendant forged a number  
9 of character letters in the hopes of reducing his own sentence.

10 Based on those facts, the government believes that a sentence of  
11 72 months' custody is appropriate and necessary to, among other  
12 things, punish defendant and deter him from attempting similar  
13 schemes in the future.

14 In addition, as defendant himself has agreed, he should be  
15 ordered to pay restitution to the victims of his crimes. The  
16 government agrees with the USPO's recommendation that defendant be  
17 ordered to pay restitution as set forth in the USPO's disclosed  
18 recommendation letter. See Dkt. 83. The government further agrees  
19 that defendant has demonstrated an inability to pay any fine, and the  
20 government agrees with the USPO's recommendation that all fines be  
21 waived. See id.

22 **V. CONCLUSION**

23 As set forth above, the government respectfully recommends that  
24 the Court (i) impose a sentence of 72 months' custody, to be followed  
25 by a three-year period of supervised release; (ii) order a mandatory  
26 special assessment of \$400; and (iii) order defendant to pay  
27 restitution as set forth in the PSR and the USPO's disclosed  
28 recommendation letter. The government submits that this sentence is



1 sufficient, but not greater than necessary, to punish defendant,  
2 promote respect for the law, deter defendant from committing similar  
3 crimes in the future, and avoid sentencing disparities. See  
4 generally 18 U.S.C. § 3553(a).

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