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 UNITED STATES OF AMERICA

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

13 UNITED STATES OF AMERICA,
 14 Plaintiff,
 15 v.
 16 AMIR HOSSEIN GOLSHAN,
 17 Defendant.

No. 2:23-CR-00085-ODW

**GOVERNMENT’S SENTENCING
 POSITION FOR DEFENDANT AMIR
 HOSSEIN GOLSHAN**

Hearing Date: November 27, 2023
 Hearing Time: 9:00 a.m.
 Location: Courtroom of the Hon.
 Otis D. Wright II

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 20 Plaintiff United States of America, by and through its counsel of record, the
 21 United States Attorney for the Central District of California and Assistant United States
 22 Attorney Andrew M. Roach, hereby files its sentencing position for defendant Amir
 23 Hossein Golshan.

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This sentencing position is based upon the attached memorandum of points and authorities, the files and records in this case, and such further evidence and argument as the Court may permit.

Dated: November 21, 2023

Respectfully submitted,

E. MARTIN ESTRADA
United States Attorney

CAMERON L. SCHROEDER
Assistant United States Attorney
Chief, National Security Division

/s/ Andrew M. Roach
ANDREW M. ROACH
Assistant United States Attorney

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UNITED STATES OF AMERICA

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Defendant Amir Hossein Golshan is a cybercriminal and scammer. For years, he
4 lied, stole, scammed, extorted, blackmailed, and victimized hundreds of people. He
5 attacked people where they felt safe, usually at their homes, and he did it not with a gun
6 or knife, but the tools of a modern cybercriminal, a computer, cellphone, and network
7 connection. Using these tools of the cybercriminal trade, defendant hacked into victims’
8 social media and other accounts; stole money, cryptocurrency, and non-fungible tokens
9 (“NFTs”) worth hundreds of thousands of dollars; and then used the victims’ very own
10 identities to victimize others. He did it for years, causing nearly a million dollars in
11 losses. He stole victims’ life savings and then threatened to release naked photos of their
12 infant children if they did not comply with his extortionate demands. Other times, he
13 targeted young women, threatening to expose their private messages and images if they
14 did not give him money or what he demanded. He tormented countless individuals,
15 causing them to fear the worse. He even forced at least two women to strip for him on
16 videochat while he masturbated, holding their social media accounts hostage unless they
17 acquiesced to his sick demands of sexual extortion.

18 Defendant’s crimes demonstrate an utter lack of respect for the law and basic
19 human dignity. He showed little remorse for his victims or being caught during his years
20 of crime, believing that he could hide behind the anonymity of online screennames or
21 VPNs, and that his victims—who were on the other side of the computer—would never
22 find him. Indeed, defendant continued to commit these crimes, becoming more
23 sophisticated and brazen in his actions, up until the FBI arrested him. Defendant, of
24 course, never expected to stand before this Court or his victims. He never expected to be
25 caught. Rather, he believed he was too smart. He was wrong. And now he must face
26 the consequences of his actions. He must face the Court, his victims, and justice.

27 Defendant deserves a serious sentence, one that reflects the gravity of harm and
28 impact on the victims, while achieving the goals of sentencing. Accordingly, the

1 government recommends that the Court sentence defendant to 72 months' imprisonment,
2 three years of supervised release, \$1,218,526.10 in restitution, and a \$300 special
3 assessment. The government also recommends the Court impose all the proposed terms
4 and conditions of supervised release except proposed Condition No. 16 ("The defendant
5 is restricted from engaging in educational pursuits that may enhance the defendant's
6 ability to do harm, steal, and commit further crimes") which the government believes is
7 too vague and overbroad to enforce.

8 **II. STATEMENT OF FACTS¹**

9 For nearly four years, between April 2019 through February 2023, defendant was
10 a serial cybercriminal and scammer. Defendant employed a variety of fraudulent means
11 to scam hundreds of victims over the years. Defendant started out simple, with Zelle
12 merchant fraud, in which defendant fraudulently offered fake and non-existent services
13 on social media. As defendant grew more sophisticated, he started SIM swapping
14 victims² and taking over their social media accounts. Defendant would take over social
15 media accounts to extort the account owners and defraud additional victims. Between
16 defendant's Zelle merchant fraud and SIM swapping/social media account takeovers,
17 defendant fraudulently induced approximately \$82,000 in payments from approximately
18 500 victims, usually in increments of \$300 to \$500 per victim.

19 In the months before his arrest, defendant was involved in even more sophisticated
20 spear fishing attacks, where he would target certain individuals with lucrative digital
21 property that he could steal. Under this scheme, defendant then impersonated support
22 personnel from Apple, Inc. to take over victims' iCloud accounts to steal NFTs,
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24 ¹ Unless otherwise indicated, all facts are from the agreed-upon factual basis in
25 defendant's plea agreement (Dkt. 49).

26 ² "SIM swapping" refers to the process of fraudulently inducing a mobile network
27 carrier to reassign a cell phone number from the legitimate subscriber or user's SIM card
28 and cell phone to a SIM card and cell phone controlled by a fraudster without the
legitimate subscriber or user's authorization. This allows the fraudster to take control of
the victim's various accounts through two-step authentication text messages sent to a
victim's cell phone.

1 cryptocurrency, and other digital property. Through this fraud, defendant defrauded
 2 victims of amounts between \$2,000 and \$389,000 each.³

3 All told, defendant’s scheme caused approximately \$740,000 in losses to hundreds
 4 of victims.

5 **III. PRESENTENCE REPORT AND THE GUIDELINES CALCULATIONS**

6 The presentence report (“PSR”) and plea agreement accurately summarize
 7 defendant’s conduct and the government incorporates both herein. Accordingly, the
 8 government requests that the Court adopt the factual findings and guidelines calculations
 9 in the PSR.

10 **A. Defendant’ Criminal History Category**

11 Defendant is in Criminal History Category I. (PSR at 4.)

12 **B. The Agreed-Upon Guidelines**

13 The government, defense, and the probation office agree to the following
 14 guidelines calculations:

15	Base Offense Level:	7	U.S.S.G. § 2B1.1(a)
16	Specific Offense Characteristics:		
17	- Loss more than \$550,000	+14	U.S.S.G. § 2B1.1(b)(1)(H)
18	- 10+ victims / Loss resulted in a substantial hardship to one or 19 more victims	+2	U.S.S.G. § 2B1.1(b)(2)(A)(i), (iii) ⁴
20	- Sophisticated means	+2	U.S.S.G. § 2B1.1(b)(10)(C)
21	- § 1030 involving personal 22 information	+2	U.S.S.G. § 2B1.1(b)(18)(A)
23	Acceptance of Responsibility:	<u>-3</u>	U.S.S.G. § 3E1.1(a), (b)
24	Total Offense Level	24	

25 ³ The extremely detailed PSR encompasses defendant’s conduct and the extreme
 26 suffering he brought upon his victims.

27 ⁴ Defendant is ineligible for the recently enacted Adjustment for Certain Zero-
 28 Point Offenders, U.S.S.G. § 4C1.1, because he personally caused substantial hardship to
 at least one of his victims. *See* U.S.S.G. § 4C1.1(a)(6); PSR ¶ 216 (Victim A.S. lost
 approximately 90% of his life savings).

1 Accordingly, at a total offense level of 24, defendant’s guidelines would be 51 to
2 63 months’ imprisonment with one to three year term of supervised release. (PSR at 4.)

3 **IV. GOVERNMENT’S SENTENCING RECOMMENDATION**

4 The government recommends defendant be sentenced to 72 months’ imprisonment
5 (six years), followed by three years of supervised release, \$1,218,526.10 in restitution,
6 and the special assessment of \$300. This recommendation is sufficient, but not greater
7 than necessary, to achieve the 18 U.S.C. § 3553(a) factors, namely, the nature and
8 circumstances of the offense, the history and characteristics of defendant, and the need
9 for the sentence to reflect the seriousness of the offense and to afford adequate
10 deterrence to criminal conduct.

11 **A. Nature and Circumstances of the Offense and the History and**
12 **Characteristics of Defendant**

13 First, the nature and circumstances of the offense demand a custodial sentence
14 above the advisory guidelines. *See* 18 U.S.C. § 3553(a)(1). Defendant committed a
15 sophisticated scheme of cybercrime—involving wire fraud, computer hacking, identity
16 theft, and money laundering—and he did it for years. The cumulative impact of
17 defendant’s years of crime is significant. Through his various cybercriminal schemes,
18 defendant stole nearly \$1 million from numerous victims. He had no shame in the
19 victims he targeted. He would steal from anyone to make a dishonest dollar, including
20 victims as young as 14-year-old aspiring models on Instagram, to young parents who
21 were depending on the stolen funds for childcare, to tech millionaires. (PSR ¶¶ 46–49,
22 120–125, 148–157.) He did this all with little remorse, and he would have continued to
23 do so had he not been arrested.

24 Defendant’s crimes, however, did not just include money. On many occasions,
25 defendant’s cybercrimes involved sexual extortion and other aggravating factors. For
26 example, after defendant stole one victim’s life savings, defendant threatened to release
27 naked photos of the victim’s toddlers if the victim did not take down online postings that
28 the victim made alerting others to his recent hack and the victim’s stolen NFTs that

1 defendant was now trying to resell. (PSR ¶¶ 148–157.) Defendant also forced multiple
2 women to strip for him on videochat, while he pleased himself, to get their stolen
3 accounts returned. (PSR ¶¶ 56, 76.) These are all aggravating factors not captured by
4 the present guideline calculation, and the government recommends an above-guidelines
5 sentence of 72 months’ imprisonment for this reason, among others.

6 Defendant’s history and circumstances also demand a custodial sentence. While
7 defendant certainly has some mitigating factors, including his young age of 25 years old,
8 his somewhat difficult upbringing and immigration to the United States, and his
9 emotional issues (which are further detailed in defendant’s under seal filing), those
10 certainly do not outweigh the harm that he has caused others. The sheer length of
11 defendant’s crime—at least four years—and the nature of them demonstrate his
12 callousness and require a just punishment. They cannot be trivialized as immaturity or
13 otherwise. They are crimes, plain and simple, and defendant must pay the price. As one
14 victim put it, “Don’t let his young age fool you as he is wise beyond his years,” “[t]his is
15 not just a business for him, this is a perversion and a game.” (PSR ¶ 192.)

16 In reaching its recommendation of 72 months’ imprisonment, the government is
17 mindful of the probation officer’s very thorough and detailed PSR and corresponding
18 recommendation of 96 months’ imprisonment. *See* Rec Ltr. at 2. Section 3553,
19 however, requires a sentence that is “sufficient, but not greater than necessary” to
20 comply with the purposes of sentencing. And here, the government believes that 72
21 months’ imprisonment, or six years, is more consistent with this parsimony principle.
22 Defendant is certainly deserving of an eight-year prison sentence, and few would view
23 such a sentence as unfair. But such a sentence would be excessive and more than
24 necessary in this case.

25 Importantly, the government believes the probation officer’s recommendation
26 overlooks several mitigating factors. First and foremost, defendant accepted
27 responsibility and promptly pleaded guilty, thereby saving prosecutorial, investigative,
28 and judicial resources. Defendant’s acceptance of responsibility was more than typical,

1 as explained in the defense’s sentencing position, and defendant is deserving of some
2 leniency. Second, defendant has put himself at the mercy of the Court. He agreed to
3 waive his right to appeal any sentence so long as the Court sentence him to an offense
4 level of 26, corresponding to 63 to 78 months. *See* Plea Agreement at ¶ 22. Defendant’s
5 acceptance of responsibility and waiver of appellate rights militate towards the
6 government’s recommended above-guidelines sentence of 72 months. Third,
7 defendant’s upbringing and emotional issues are somewhat mitigating. A 72-month
8 sentence will hopefully provide defendant time to work on those issues. Finally, a 72-
9 month sentence is sufficient to punish defendant but still allows defendant to lead a
10 productive life. It still gives him a chance. A 72-month sentence would mean that
11 defendant would likely be released in the summer 2028, a few months before his thirtieth
12 birthday. By then, he will have hopefully had sufficient time to reflect on his ways
13 before embarking on the next decade of the rest of his life.

14 **B. The Need for the Sentence to Reflect the Seriousness of the Offense,**
15 **Promote Respect for the Law, Provide Just Punishment, Afford**
16 **Adequate Deterrence, and Provide Defendant with Needed Training,**
17 **Care, or Correctional Treatment**

18 The government’s recommended 72-month sentence also appropriately accounts
19 for the other sentencing factors. This above-guidelines sentence reflects the seriousness
20 of defendant’s offenses and aggravating conduct, many of which are not fully captured
21 in the guidelines, e.g., defendant’s sextortion and threatening of victims. *See* Rec. Ltr.
22 at 9. Such a sentence will also instill defendant with a respect for the law. This is
23 important given defendant’s poor track record of compliance with court-ordered
24 supervision. A strong sentence is also necessary for both general and specific
25 deterrence. The Court should send a signal to others that computer crimes are serious
26 crimes and will be dealt with appropriately. At the same time, however, the Court
27 should remain mindful that other potential co-conspirators may escape justice and this
28 defendant need not take the entire brunt of it for deterrence. Finally, defendant’s six-

1 year sentence will allow him to get needed treatment to begin the rest of his life in a law-
2 abiding manner.

3 **C. Kinds of Sentence Available and Unwarranted Sentencing Disparity**

4 The recommended sentence is also appropriate in light of defendant's ineligibility
5 for probation under the guidelines. Moreover, the recommended sentence is not an
6 unwarranted disparity of similarly situated defendants. Indeed, another 25-year-old
7 defendant within this District received 41 months' imprisonment for a similar SIM
8 swapping scheme, involving a substantially lower loss amount (\$112,000) and less
9 egregious conduct. See U.S. Attorney's Office Press Release, [Michigan Man Sentenced](#)
10 [to 3½ Years in Prison for Role in 'SIM Swapping' that Led to Account Takeovers and](#)
11 [\\$122,000 in Losses](#) (last visited Nov. 20, 2023). Here, defendant's conduct is much
12 worse than that defendant, and much more deserving of the recommended sentence.

13 **D. Three Years of Supervised Release is Appropriate**

14 The government recommends the Court impose the maximum of three years of
15 supervised release. Such supervision is essential to ensure that defendant remains on a
16 law-abiding path and to protect the public from defendant's potential future crimes. The
17 government recommends the Court impose all the terms and conditions recommended by
18 the probation officer, including the computer monitoring terms, except proposed
19 Condition No. 16.⁵ The government believes Condition No. 16 is too vague to be
20 enforceable and requests the Court not impose it. See *United States v. Hugs*, 384 F.3d
21 762, 768 (9th Cir. 2004) (A condition of supervised release is unconstitutionally vague
22 and violates due process "if it either forbids or requires the doing of an act in terms so
23 vague that men of common intelligence must necessarily guess at its meaning and differ
24 as to its application.").

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27 ⁵ Condition No. 16 states: "The defendant is restricted from engaging in
28 educational pursuits that may enhance the defendant's ability to do harm, steal, and
commit further crimes."

1 **E. Fine and Special Assessment**

2 The government does not recommend the imposition of a fine because defendant
3 has established that he is unable to pay and is not likely to become able to pay any fine.
4 However, a special assessment of \$300 is mandatory.

5 **F. Restitution**

6 The government recommends the Court order defendant to pay \$1,218,526.10 in
7 restitution to the victims. This number is higher than disclosed in the PSR due to
8 additional information provided by victim A.S., including the cost of property stolen and
9 damaged.⁶ *See* 18 U.S.C. § 3663A(b)(1); *see* Ex. 2 of Under Seal Victim Impact
10 Statement of A.S. The chart below shows the changes in restitution between the PSR
11 and the government's recommendation.

	Restitution in PSR		Government's Recommended Restitution
G.N.	\$400.00		\$400.00
N.Z.	\$800.00		\$800.00
K.M.	\$400.00		\$400.00
A.H.	\$100.00		\$100.00
K.V.	\$1.00		\$1.00
L.M.	\$600.00		\$600.00
M.Z.	\$301.00		\$301.00
D.D.	\$444.00		\$444.00
A.W.	\$1,000.00		\$1,000.00
S.G.	\$389,000.00		\$389,000.00
H.K.	\$112,169.00		\$112,169.00
A.S.	\$156,447.63		\$704,591.80
S.H.	\$2,000.00		\$2,000.00
S.S.	\$1,000.00		\$1,000.00
E.W.	\$5,000.00		\$5,000.00
A.G.	\$719.30		\$719.30
Total	\$670,381.93		\$1,218,526.10

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⁶ The government filed these victim impact statements and their supporting
restitution requests under seal.

1 In addition, victim L.K. (L.G.) submitted a restitution request for \$180,837.40.
2 See Ex. 1 at 5 of Under Seal Victim Impact Statement of L.K. This request is based on
3 \$120,837.40 in lost income from defendant's hacking of victim L.K.'s social media
4 accounts which adversely affected her career and caused her to lose lucrative modeling
5 contracts and \$50,000 in statutory damages for defendant's individual crimes against her.
6 *Id.* Despite the clear negative financial impact on victim L.K.'s career and earnings, the
7 government is unable to currently find statutory authority to support an award of
8 restitution to victim L.K. To be eligible for lost income under § 3663A and 3663, a
9 victim must suffer "bodily injury." 18 U.S.C. § 3663A(b)(2)(C), § 3663(b)(2)(C);
10 *United States v. Dayea*, 73 F.3d 229, 231 (9th Cir. 1995) ("Therefore, to be eligible for
11 lost income compensation under § 3663(b)(2), a victim must personally suffer bodily
12 injury."). Here, victim L.K. did not suffer bodily injury. Accordingly, the government
13 cannot find authority to support an award to victim L.K. at this time. The government
14 reserves the right to supplement this position at the hearing with additional information.

15 **G. Forfeiture**

16 In his plea agreement, defendant agreed to forfeit all right, title, and interest in and
17 to all monies, and all property, and all assets which represent proceeds or
18 instrumentalities of the crimes for which he was convicted. Defendant also agreed to the
19 Court's entry of forfeiture at or before sentencing relating to the forfeited property. Prior
20 to sentencing, the government will file an application for preliminary order of forfeiture
21 and proposed preliminary order of forfeiture.

22 **V. CONCLUSION**

23 For the foregoing reasons, the government respectfully requests that this Court
24 sentence defendant to 72 months' imprisonment, three years of supervised release,
25 \$1,218,526.10 in restitution, and a \$300 special assessment.
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