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10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ZE'SHAWN STANLEY CAMPBELL,

16 Defendant.

No. CR 21-99-MCS

GOVERNMENT'S SENTENCING POSITION;  
MEMORANDUM OF POINTS AND  
AUTHORITIES

Hearing Date: March 27, 2023  
 Hearing Time: 3:00 p.m.  
 Location: Courtroom of the  
 Hon. Mark C. Scarsi

17  
 18  
 19 Plaintiff United States of America, by and through its counsel  
 20 of record, the United States Attorney for the Central District of  
 21 California and Assistant United States Attorney Rane A. Katzenstein,  
 22 hereby files its Sentencing Position for defendant ZE'SHAWN STANLEY  
 23 CAMPBELL in this matter.

24 //

25 //

26 //

27 //

28

1 This Sentencing Position is based upon the attached memorandum  
2 of points and authorities, the Presentence Investigation Report, the  
3 Victim Impact Statements lodged separately under seal, the files and  
4 records in this case, and such further evidence and argument as the  
5 Court may permit.

6  
7 Dated: March 17, 2023

Respectfully submitted,

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10 Chief, Criminal Division

11 /s/ Ranee A. Katzenstein

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. INTRODUCTION**

3 Defendant is a con man and a predator. He develops romantic  
4 relationships with his victims and then, exploiting the intimacy and  
5 trust he cultivates, lies to them to get their money. He presents  
6 himself as a successful businessman and makes himself look wealthy by  
7 driving fancy cars (leased in other people's names) and flashing  
8 account statements showing multi-million-dollar balances (which are  
9 fake). He cloaks himself in an aura of honor and respectability by  
10 claiming to be a military veteran who has served in Iraq and  
11 Afghanistan (he is not and has not). The picture-perfect self-image  
12 defendant presents is a tissue of lies, but once he induces his  
13 victims to believe it, he solicits money from them using more lies  
14 and false promises, for instance that he will pay the money back or  
15 will invest it on the victims' behalf. Defendant never repaid or  
16 invested the money as promised and, instead, spent it on himself.

17 Defendant's scheme caused losses of more than \$1.4 million to 19  
18 victims. But the harms defendant caused go further than these  
19 significant financial losses. The harms include the serious  
20 emotional damage, described in detail in the accompanying victim  
21 impact statements, which defendant inflicted on his victims. Most of  
22 defendant's individual victims were women he began dating,  
23 encouraging their affection only to exploit it and leave their self-  
24 esteem, as well as their finances, in tatters. The Court should  
25 impose a sentence that reflects the full scope of the harm defendant  
26 inflicted and deters others from engaging in similar schemes. Nothing  
27 less than the high end of the applicable United States Sentencing  
28

1 Guidelines ("Guidelines" or "USSG") range, or 71 months, is  
2 sufficient to accomplish these goals.

3 **II. DEFENDANT'S SCHEME TO DEFRAUD**

4 For over six years between 2014 and 2020, defendant defrauded  
5 women with whom he engaged in romantic relationships. He met many of  
6 his victims by chatting them up where they worked or through mutual  
7 acquaintances. Relying on the intimacy he had established with his  
8 victims -- and on the false image of success and respectability he  
9 had manufactured through his lies -- defendant would ask his victims  
10 for money.

11 Sometimes, defendant asked for "loans." He would promise to  
12 repay these "loans" quickly, and the victims believed his promises  
13 because he had deceived them into trusting that he was wealthy,  
14 creditworthy, and responsible. He would claim that he needed the  
15 loans for very specific purposes, which also reassured the victims --  
16 again, falsely -- that they would certainly be repaid. For instance,  
17 defendant frequently claimed that he needed the loans for his  
18 businesses and that the businesses would swiftly return significant  
19 profits, which would free up money to pay back the loans. Sometimes,  
20 defendant would prey on the affection he engendered in his victims  
21 through his lies by claiming that he needed the loans to pay his  
22 medical bills, including for treatment he was supposedly receiving  
23 for cancer he supposedly had. In fact, defendant did not use the  
24 money as he promised he would and did not repay the loans. Instead,  
25 defendant used the money to fund his lifestyle.

26 On other occasions, defendant solicited money from victims that  
27 he promised to invest on their behalf in a particular manner, e.g.,  
28 in bitcoin or a housing renovation business. Rather than investing

1 the money as promised, defendant would, again, spend the money on  
2 himself.

3 In addition to cash, defendant would obtain other things of  
4 value from the victims, specifically, cars, apartments, and credit  
5 cards, based on false representations. He would represent to the  
6 victims that his credit was tied up in other financial ventures and  
7 persuade them to allow him to lease the cars and rent the apartments  
8 in the victims' names by assuring them that he would make the  
9 required payments on the cars and apartments. In fact, he did not  
10 make the payments and his victims ended up holding the bag. When two  
11 of the victims stopped giving him money, defendant opened credit  
12 cards and obtained a line of credit in their names without their  
13 authorization and knowledge. He then charged thousands of dollars'  
14 worth of purchases and used the funds for his personal expenses.  
15 When defendant didn't pay for any of the charges, the victims were on  
16 the hook and their credit histories were compromised. The financial  
17 institutions ultimately bore the loss.

18 The Presentence Report ("PSR") details the ways in which  
19 defendant defrauded each of his victims. In sum:

20 Victim J.L.: Defendant induced J.L. to use her credit to obtain  
21 \$42,000 worth of electronics, furniture, and other goods and to lease  
22 a \$76,000 BMW, all of which he promised to pay for but did not. (PSR  
23 ¶¶ 21-22.)

24 Victim M.B.: Defendant persuaded M.B.'s parents to "lend" him  
25 \$20,000 and M.B. to add him to her credit cards and let him use her  
26 personal information to sign an apartment lease, again falsely  
27 promising to make all the required payments. (PSR ¶¶ 23-25.)

28

1        Victim M.G.: Defendant tricked M.G. into sending him \$582,000 as  
2 purported "loans" for his purported businesses. In fact, he used the  
3 money to pay for personal, often extravagant, purchases; his  
4 children's tuition; and some lease payments for the BMW he had  
5 obtained using victim J.L.'s name. M.G. lost this money and suffered  
6 other financial consequences as a result of defendant's scheme and  
7 has had to file for bankruptcy. (PSR ¶¶ 26-31.)

8        Victim J.Q.: Defendant cajoled J.Q. into sending him money from  
9 her IRA for defendant to supposedly invest in bitcoin on J.Q.'s  
10 behalf. He immediately spent the money on himself.<sup>1</sup> (PSR ¶¶ 32-33.)

11 \_\_\_\_\_  
12        <sup>1</sup> Defendant paid some money back to Victim J.Q. The government's  
13 restitution figures give defendant credit for \$8,000, which is the  
14 amount of the cashier's checks from defendant that were deposited  
15 into J.Q.'s bank account. J.Q. does not remember the precise amount  
16 she received but believes it may be between \$13,000 and \$15,000.

17        Defendant recently provided screenshots of text messages between  
18 J.Q. and a third party and a recording of a phone conversation  
19 between defendant and a different third party that defendant contends  
20 demonstrate he paid J.Q. back everything he owed her, *i.e.*, the full  
21 \$61,452 he obtained from her for the purported bitcoin investment.

22        The text messages and the recording do not support defendant's  
23 contention. Setting aside that the dates of the text messages and  
24 recording, the identities of the third parties involved, and their  
25 motivations are all unknown, the communications -- even taken at face  
26 value -- nowhere establish that defendant paid back the full \$61,452.

27        In the text messages (reproduced here as written), J.Q. states,  
28 "I had someone try to get my money back because I was so scared of  
him. He would call em and say he loves me and send me videos and I  
was terrified of him. I don't know what happened between him and the  
guy but I never got any money back. I needed that 60k to put back  
into my IRA account because I had a deadline. Otherwise I was going  
to get penalized by the irs another 30k -30% on top of the 60k." The  
unknown third party then says: "I get it but do you realize he gave  
this guy money he made payments to him he really tried to save face  
with you he told me he was hurt by you not trusting him." J.Q.  
responds "It's so much to explain - but he's full of shit he knows  
exactly what he did to em and the other girls. Same thing to each  
just a little different." When the third party says, "But he paid  
someone you told him to," J.Q. replies: "your missing the point.  
Whether he paid that guy or not idk [I don't know] I never got my  
money." The third party asserts that there is "evidence that the  
person you told him to pay was indeed paid" but there is no support

(footnote cont'd on next page)



1        Victims M.H. and K.H.: Defendant persuaded M.H. to give him  
2 \$60,000 for a supposedly can't-lose investment opportunity and  
3 another \$20,000 as a "loan" to pay for cancer treatment he was  
4 supposedly undergoing at Cedars Sinai hospital. He persuaded K.H.,  
5 who is M.H.'s daughter, to give him another \$60,000 for the  
6 investment and \$25,000 as a "loan" for his purported cancer  
7 treatment. The investment opportunity was bogus, and the "loans"  
8 were never repaid. Defendant also opened bank/credit card accounts in  
9 M.H.'s name, made unauthorized purchases, and did not pay the credit  
10 card balances. (PSR ¶¶ 34-36; 37-39.)

11        Victim N.H.: Defendant convinced N.H. to lend him \$11,000 to  
12 pay for a supposed business trip. He never took any such trip, and  
13 never repaid the loan. He used N.H.'s name, social security number  
14 and date of birth to get a \$25,000 loan from USAA and two credit  
15 cards in N.H.'s name. Defendant did not repay USAA, and busted out  
16 (i.e., charged the maximum available balance and failed to pay it)  
17 the credit cards. (PSR ¶¶ 40-41.)

18        Victim D.W.: Defendant promised to make the payments on a BMW  
19 that he persuaded D.W. to lease in her name for him to use, but he  
20 didn't. He opened credit cards in D.W.'s name without her permission  
21 and ran up balances he didn't pay. (PSR ¶¶ 42-43.)

22        For this conduct, defendant was charged with multiple counts of  
23 wire fraud, bank fraud, unlawful monetary transactions, and  
24 aggravated identity, in violation of 18 U.S.C. §§ 1343, 1344(2), 1957

25  
26        \_\_\_\_\_  
27 for that assertion or that any payments defendant may actually have  
made reached the full amount (\$61,452) that defendant owed to J.Q.

28        The recording also fails to establish that defendant repaid J.Q.  
in full. Defendant states that "everything was paid," but offers no  
evidence to support his self-serving assertion.

1 and 1028A, respectively. (Indictment (Dkt. 1).) Pursuant to an  
2 agreement with the government, defendant has resolved his case by  
3 pleading guilty to one count of wire fraud and one count of unlawful  
4 monetary transactions. (Plea Agreement (Dkt. 57).)

5 **III. THE PSR AND DEFENDANT'S SENTENCING GUIDELINES RANGE**

6 The PSR calculated defendant's offense level under the  
7 Sentencing Guidelines by starting with a base offense level of 7 and  
8 then applying a 14-level enhancement because defendant caused losses  
9 to his victims of \$1,411,926.51, the amount of money he convinced his  
10 victims to give him outright as purported loans and investments in  
11 his companies and the unpaid balances on the credit cards and leases  
12 he obtained through fraud. (PSR ¶¶ 56-59.) The PSR also added a 2-  
13 level enhancement because defendant's offense involved more than 10  
14 victims; a further 2-level enhancement because the offense involved  
15 the use and transfer of means of identification (e.g., names, social  
16 security numbers) to obtain loans and credit cards, and a one-level  
17 enhancement because defendant was convicted under 18 U.S.C. § 1957.  
18 (PSR ¶¶ 60-66.) After applying a three-level reduction for  
19 acceptance of responsibility, the PSR calculated defendant's total  
20 offense level as 23. (PSR ¶¶ 70-74.) Defendant has stipulated that  
21 this calculation is correct, with the exception that defendant  
22 believes that the losses caused by his offense conduct are between  
23 \$250,000 and \$550,000 and therefore only a 12-level adjustment for  
24 loss applies. (Plea Agreement (Dkt. 57) at paragraph 14.) The  
25 government agrees with the PSR's offense level calculation and has no  
26 objections to the PSR.

27 With a total offense level of 23 and a criminal history category  
28 of III, defendant's total Guidelines range is 57 to 71 months'

1 imprisonment. (PSR ¶¶ 79-80, 134.) For the reasons discussed below,  
2 the government recommends a high-end Guidelines sentence of 71  
3 months' imprisonment.

4 **IV. THE COURT SHOULD IMPOSE A SENTENCE OF 71 MONTHS' IMPRISONMENT**

5 An examination of the sentencing factors under 18 U.S.C.  
6 § 3553(a), in particular the nature and circumstances of defendant's  
7 crimes and the need to provide adequate deterrence, demonstrates that  
8 a serious custodial sentence is necessary to address defendant's  
9 criminal conduct. A high-end sentence of 71 months is sufficient, but  
10 not greater than necessary, to achieve these goals.

11 **A. The Nature and Circumstances of Defendant's Crimes and the**  
12 **Need to Reflect the Seriousness of the Crimes**

13 To begin, defendant's crimes were very serious. Standing alone  
14 as a financial fraud, the actual loss amount of over \$1.4 million  
15 makes them serious crimes. But it is the emotional impact that  
16 defendant's fraudulent conduct had on his victims that makes it  
17 particularly egregious. Defendant not only conned people out of their  
18 money, he did so by betraying their trust after forging intimate  
19 relationships with them. The impact of such a fraud is more than  
20 financial; it is personal, as painfully illustrated by the victim  
21 impact statements ("VIS") lodged under seal. For example:

- 22 • One victim reports that she "live[s] in constant fear of  
23 the utter humiliation" she would feel if "someone discovers  
24 what [she] went through." (VIS at 2.) She describes  
25 "work[ing] so hard to forget or work past" the pain  
26 defendant inflicted so that she can "hopefully become a  
27 whole person again." (Id.) Since being victimized by  
28 defendant, she has "mostly stayed home or worked, trying to

1 rebuild [her] life and sense of well-being.” (Id.) This  
2 victim reports that she “lost my home and had to declare  
3 bankruptcy.” (VIS at 5.) Worse yet, “his emotional and  
4 verbal abuse” led the victim to “devalue my self-worth to  
5 the extent that I was becoming suicidal.” (Id.) The  
6 victim also describes severe medical issues that she  
7 attributes to her interactions with defendant. (VIS at 6.)

- 8 • A second victim writes of the devastating consequences of  
9 defendant’s crimes: “I am over \$100,000 in debt, I can’t  
10 open up a bank account in my name, my credit has gone to  
11 shit and I have zero in savings!! I will not be able to buy  
12 my own home, open up a credit card, or buy another car for  
13 that matter. . . . I have no money left for me in my 401K,  
14 no savings left, and I owe the IRS for that money that I  
15 took out. I have since lost my job.” (VIS at 14.) These  
16 financial harms lead to more personal harms: “I have low  
17 self esteem, depression, and anxiety.. all which I never  
18 had before. I have gained 35 pounds and I hate myself!! I  
19 was suckered into believing someone who I thought was a  
20 friend of mine for 5 years. [H]e made me believe I could  
21 trust him. He made me promises, he played me!! I am a fool  
22 for being so naïve!! I never ever thought something like  
23 this would happen to me. [H]e is so good at lying! He  
24 stole from me! He ruined me!” (Id.)

- 25 • A third victim describes the emotional impact of  
26 defendant’s crimes: “Do you have any idea HOW HORRIBLE I  
27 feel as a Mother and Grandmother not to be able to afford  
28 to buy my children and grandchildren Birthday or Christmas

1 gifts?" (VIS at 10.) Defendant's lies about his purported  
2 military service were particularly painful: "My grandson  
3 served a tour in Afghanistan and Niger, Africa that had  
4 very challenging moments! HOW DARE Ze'Shawn!" (VIS at 9.)  
5 This victim volunteered for the American Veterans  
6 Assistance Group and arranged for a Quilt of Valor to be  
7 made for him. (See VIS Exhibit A.) She was "EXTREMELY  
8 mortified" because the organization "could have utilize[d]  
9 their time and energy to a Veteran that DESERVED it." (VIS  
10 at 9.)

- 11 • A fourth victim lists the damage defendant caused, which  
12 was especially harmful because she is a single mother  
13 trying to take care of her child: Defendant "calculate[d]  
14 and fully intend[ed] to damage a mother and child's life  
15 with no remorse." (VIS at 17.) Defendant "didn't  
16 hesitate" to take money needed for the child's tuition and  
17 the mortgage. (Id.) The devastation included "[t]aking  
18 out loans in my name and leaving it to me to pay back.  
19 Just leaving a path of destruction to a mother and child  
20 that did absolutely nothing to you but care about you when  
21 you lied about a brain tumor." (Id.)

22 These heart-wrenching accounts by the victims capture the harms  
23 that defendant's fraud caused in a way that the Guidelines simply  
24 cannot. Nothing short of a high-end Guidelines sentence would suffice  
25 to account for the nature and circumstances of defendant's crimes.  
26 Moreover, in the course of his fraud scheme, defendant committed  
27 additional crimes such as aggravated identity theft, by stealing the  
28 personal identifying information of his victims and using it to open

1 credit cards on which he incurred charges that he had no intention of  
2 paying. As the Court is aware, a count of aggravated identity theft  
3 under 18 U.S.C. § 1028A carries a mandatory two-year consecutive  
4 sentence. The government's agreement to forego that charge in the  
5 plea agreement was a significant benefit that reflects the value of  
6 defendant's early decision to accept responsibility. Defendant  
7 deserves no further leniency. The Court should therefore impose a  
8 high-end Guidelines sentence in order to adequately reflect the  
9 seriousness of defendant's crimes.

10 **B. Need to Provide Adequate Deterrence to Criminal Conduct**

11 Romance scams are schemes in which the perpetrator creates an  
12 illusion of a romantic or close relationship with a victim in order  
13 to manipulate and/or steal from the victim. According to the FBI's  
14 2021 Internet Crime Report, in 2021 the FBI's Internet Crime  
15 Complaint Center (IC3) received reports from 24,299 victims who  
16 experienced more than \$956 million in losses from Confidence  
17 Fraud/Romance scams. The FBI reports that his type of fraud accounts  
18 for the third highest losses reported by victims.<sup>2</sup> The numbers have  
19 been skyrocketing, having tripled since 2018, when the losses from  
20 this type of scam were approximately \$362 million.<sup>3</sup> These scams  
21 remain a significant problem, likely exacerbated by the isolation and  
22 on-going social upheavals caused by the COVID-19 pandemic.<sup>4</sup>

25 <sup>2</sup> [https://www.ic3.gov/Media/PDF/AnnualReport/2021\\_IC3Report.pdf](https://www.ic3.gov/Media/PDF/AnnualReport/2021_IC3Report.pdf)  
at 12.

26 <sup>3</sup> [https://www.ic3.gov/Media/PDF/AnnualReport/2020\\_IC3Report.pdf](https://www.ic3.gov/Media/PDF/AnnualReport/2020_IC3Report.pdf)  
at 22.

27 <sup>4</sup> The 2022 Internet Crime Report, which was just published,  
28 reports 19,021 victims of confidence/romance crimes suffering losses  
of \$735,882,192.

1 While the United States' efforts to address romance scams have  
2 seen success through robust prosecutions, that success is dependent  
3 on sentences adequate to deter con men in the first place and to keep  
4 offenders like defendant in custody long enough to keep the public  
5 safe. A 71-month sentence would appropriately accomplish that end  
6 here.

7 **C. Need to Promote Respect for the Law, Provide Just**  
8 **Punishment, and Avoid Unwarranted Sentence Disparities**

9 Defendant's fraud offenses evince a clear lack of respect for  
10 the law. A high-end Guidelines custodial sentence is therefore  
11 necessary to promote adequate respect for the law. A high-end  
12 Guidelines sentence would also provide just punishment and avoid  
13 unwarranted sentence disparities with similarly situated defendants.  
14 See United States v. Treadwell, 593 F.3d 990, 1011 (9th Cir. 2010)  
15 (court can rely on correctly calculated Guidelines range to avoid  
16 unwarranted sentencing disparities); United States v. Goff, 501 F.3d  
17 250, 258 (3d Cir. 2007) ("Part of 'just punishment' is the avoidance  
18 of unwarranted sentencing disparities.").

19 **D. Restitution and Supervised Release**

20 In addition to a high-end Guidelines term of imprisonment, the  
21 Court should impose a restitution order and a period of supervised  
22 release. As discussed in the PSR, defendant caused losses to his  
23 victims in the total amount of \$1,414,926.51. (PSR ¶ 146.) The Court  
24 must impose a restitution order requiring defendant to pay that  
25 amount in full to his victims, as specified in the PSR. (Id.)

26 To protect the community and to ensure that defendant pays off  
27 his restitution order to the best of his ability once released from  
28 custody, the Court should also impose a three-year period of

1 supervised release. Such a term of supervision will also provide  
2 defendant with oversight and supervision as he attempts to become a  
3 law-abiding and contributing member of society following his release  
4 from imprisonment. See United States v. Johnson, 529 U.S. 53, 59  
5 (2000) ("Congress intended supervised release to assist individuals  
6 in their transition to community life."); S. Rep. No. 98-225, at 124  
7 (1983) (describing the "primary goal" of supervised release as  
8 providing "rehabilitation").

9 **V. CONCLUSION**

10 For the foregoing reasons, the government respectfully requests  
11 that the Court impose a sentence of: (1) 71 months' imprisonment;  
12 (2) a three-year period of supervised release; (3) restitution in the  
13 total amount of \$1,414,926.51, as described above; and (4) a  
14 mandatory special assessment of \$200.