

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 24-cr-545 (JMC)
	:	
NIKHIL PAREKH	:	

DEFENDANT’S MEMORANDUM IN AID OF SENTENCING

I. INTRODUCTION

Nikhil Parekh comes before this Honorable Court thoroughly humbled, exceedingly disappointed in himself for the poor decisions he made that have brought him to this moment, and utterly remorseful of his conduct. On February 4, 2025, he entered a guilty plea in this matter to one (1) count of Conspiracy to Sell Stolen Goods, in violation of 18 U.S.C. § 371.

II. THE LEGAL FRAMEWORK OF AN ADVISORY GUIDELINE RANGE

While this Court must still correctly calculate the guideline range, *Gall v. United States*, 552 U.S. 38, 39 (2007), it may not treat that range as mandatory or presumptive, *Id.* at 51; *Nelson v. United States*, 555 U.S. 350, 352 (2009), but as “one factor” among several” to be considered in imposing an appropriate sentence under § 3553(a). *Kimbrough v. United States*, 552 U.S. 85, 90 (2007). The Court must “consider all of the § 3553(a) factors . . . make an individualized assessment based on the facts presented,” *Gall* at 49-50, and explain how the facts relate to the purpose of sentencing. *Id.* at 53-60; *see also Pepper v. United States*, 131 S. Ct. 1229 (2011). The Court’s “overarching” duty is to “impose a sentence sufficient, but not greater than necessary’ to accomplish the goals of sentencing.” *Id.* at 1242-43.

“It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human

failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.” *Koon v. United States*, 518 U.S. 81, 113 (1996). Permitting sentencing courts to consider the widest possible breadth of information about a defendant “ensures that the punishment will suit not merely the offense but the individual defendant.” *Pepper*, 131 S. Ct. 1229, 1240 (2011) (citing *Wasman v. United States*, 468 U.S. 559, 564 (1984)).

In this regard, “the district court’s job is not [even] to impose a reasonable sentence. Rather, a district court’s mandate is to impose a sentence sufficient, but not greater than necessary, to comply with the purposes of section 3553(a)(2).” *United States v. Forman*, 436 F.3d 638, 644, n.1 (6th. Cir. 2006). Accordingly, “if a district court were explicitly to conclude that two sentences equally served the statutory purpose of § 3553, it could not, consistent with the parsimony clause, impose the higher.” *United States v. Ministro-Tapia*, 470 F.3d 137 (2nd Cir. 2006).

III. THE APPLICABLE GUIDELINE RANGE

Pursuant to the plea agreement filed with this Court on February 4, 2025, the parties agreed to the following calculation under the U.S. Sentencing Guidelines:

U.S.S.G. §§2X1.1(a) and 2B1.1(a)(2) – Base Offense Level.....	.6
U.S.S.G. § 2B1.1(b)(1)(B) – Loss of \$6,500-\$15,000.....	+2
U.S.S.G. § 2B1.1(b)(4) – Offense involving stolen property and defendant was a person in the business of receiving and selling stolen property.....	+2
U.S.S.G. § 3E1.1(a) – Acceptance of Responsibility.....	-2
U.S.S.G. § 4C1.1(a)(1)-(10) – Zero Point Offender.....	-2
<i>Total Offense Level</i>	6
(Advisory Guideline range of 0 to 6 months)	

PSR at 12-13, 19.

Mr. Parekh has no prior criminal convictions. *Id* at 13. His criminal history score is zero, and his criminal history category is I for sentencing purposes. *Id*. Thus, Mr. Parekh’s Advisory Guidelines, based on the above calculation, are zero to six months, in Zone A. In Zone A, a

sentence of probation is authorized by the Guidelines, as are sentences of community confinement, home detention, and intermittent confinement. *See* USSG § 5B1.1, Application Note 1(A).

IV. 18 U.S.C. § 3553(A) FACTORS

Section 3553(a)(1) provides a “broad command to consider ‘the nature and circumstances of the offense and the history and characteristics of the defendant.’” *Gall*, 552 U.S. at 50 n. 6. The command is consistent with the Supreme Court’s observation that “the punishment should fit the offender and not merely the crime.” *Pepper*, 131 S. Ct. at 1240 (*citing Williams v. New York*, 337 U.S. 241, 247 (1949)). It is similarly consistent with Congress’ express directive that “[n]o limitation shall be placed on the information” a sentencing court may consider “concerning the [defendant’s] background, character, and conduct.” *Id.* (*citing* 18 U.S.C. § 3661. Given Mr. Parekh’s lack of any prior criminal record, his early acceptance of responsibility, willingness and readiness to pay restitution, and the method used to determine the value of stolen property, the requested sentence of probation is appropriate in this case.

A. Mr. Parekh’s Personal History and Characteristics

Mr. Parekh was born in Trinidad and Tobago and was relocated to India with his father at the age of one where he primarily resided with his grandparents. PSR at 13-14. He lived with his grandparents in India and the United Kingdom until he moved to the United States with his father when he was nine years old. Since the age of twenty-one, Mr. Parekh has lived in Maryland with his mother and stepfather. He maintains a close and loving relationship with his family. Mr. Parekh completed the eleventh grade and earned his Class A Commercial Driving License. *Id.* He is presently employed by Gotham Greens, where he operates a box truck as a delivery driver. Presently thirty-seven (37) years of age, the instant offense is his first criminal offense, nor does Mr. Parekh have any juvenile history. PSR at 13.

From the onset of the government's investigation, Mr. Parekh has been cooperative and willing to accept responsibility for his choices. He voluntarily participated in an interview with the government and provided ready access to his home during the execution of the search of his residence. He immediately accepted responsibility and recognized the impact his decisions had upon the victims, himself, and his family.

Mr. Parekh makes no excuses for his choices and accepts whatever consequences the Court imposes. The requested sentence of probation would satisfy the requirements of U.S.C. 3553(a)(2).

I. Financial Sanction

Mr. Parekh is willing and prepared to pay restitution of up to \$10,000, as agreed upon *via* his plea agreement with the United States.

B. The Requested Sentence Reflects the Seriousness of the Offense and Provides Just Punishment for the Law

U.S.C. 3553(a)(2)(a) directs the court to impose a sentence that will "reflect the seriousness of the offense... and... provide just punishment for the offense." The requested sentence of probation accurately meets the requirements of U.S.C. 3553(a)(2)(a).

C. Deterrence

It is clear that a sentence of probation would provide Mr. Parekh with time to carefully reflect on his actions and damage he has caused to the victims and to himself. Incarceration is not necessary to deter Mr. Parekh from future criminal conduct.

V. CONCLUSION

For the reasons set forth above, Mr. Parekh respectfully requests that this Court impose a sentence of probation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Oleg Fastovsky', with a long horizontal stroke extending to the right.

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