

1 BILAL A. ESSAYLI
2 Acting United States Attorney
3 CHRISTINA T. SHAY
4 Assistant United States Attorney
5 Chief, Criminal Division
6 MARK P. TAKLA
7 Assistant United States Attorney
8 Chief, Orange County Office
9 MELISSA S. RABBANI (Cal. Bar No. 283993)
Assistant United States Attorney
Deputy Chief, Orange County Office
U.S. ATTORNEY'S OFFICE
411 West Fourth Street, Suite 8000
Santa Ana, California 92701
Telephone: (714) 338-3500
Facsimile: (714) 338-3561
E-mail: 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,

No. SA CR 23-06-FLA

15 Plaintiff,

GOVERNMENT'S SENTENCING POSITION
AND MOTION FOR DEPARTURE PURSUANT
TO U.S.S.G. § 5K1.1

16 v.

17 MELAHAT RAFIEI,

Hearing Date: August 22, 2025
Hearing Time: 9:00 a.m.

18 Defendant.

20
21 Plaintiff United States of America, by and through its counsel
22 of record, the Acting United States Attorney for the Central District
23 of California and Assistant United States Attorney Melissa Rabbani,
24 hereby files its sentencing position for defendant Melahat Rafiei,
25 which includes a motion for departure from the applicable Sentencing
26 Guidelines pursuant to U.S.S.G. § 5K1.1.

27 The government's sentencing position and motion are based upon
28 the attached memorandum of points and authorities, the files and

1 records in this case, the Presentence Report filed on July 29, 2024,
2 and such further evidence and argument as the Court may wish to
3 consider at the time of sentencing.

4 Dated: August 8, 2025

Respectfully submitted,

5 BILAL A. ESSAYLI
6 Acting United States Attorney

7 CHRISTINA T. SHAY
8 Assistant United States Attorney
Chief, Criminal Division

9 /s/ *Melissa S. Rabbani*
10 MELISSA S. RABBANI

11 Assistant United States Attorney

12 Attorneys for Plaintiff
13 UNITED STATES OF AMERICA

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

3 Defendant Melahat Rafiei ("defendant") is a former political
4 consultant in Orange County. In late 2019, the FBI approached
5 defendant regarding her involvement in a scheme to bribe two city
6 council officials in Irvine. Defendant quickly agreed to cooperate
7 with the government, and her cooperation led to charges against two
8 public officials: Todd Ament, former chairman of the Anaheim Chamber
9 of Commerce, and Harish "Harry" Sidhu, the former mayor of Anaheim.
10 Both Ament and Sidhu pled guilty to fraud charges; Sidhu was
11 sentenced earlier this year to two months' custody, and Ament is
12 still awaiting sentencing. See United States v. Sidhu, SA CR 23-114-
13 JWH, and United States v. Ament, SA CR 22-81-FLA.

14 In April 2023, defendant pled guilty to a single count of
15 attempted wire fraud. In her plea agreement, defendant admitted to
16 the facts surrounding the bribery scheme as well as the attempted
17 wire fraud charge. See Dkt. 14 at 6-9. In exchange, the government
18 agreed not to prosecute defendant for the bribery scheme and agreed
19 to recommend that the Court apply the Sentencing Guidelines range
20 applicable to the attempted wire fraud count only. See *id.* at 3, 10.

21 The United States Probation Office ("USPO") filed a Presentence
22 Report on July 29, 2024. Dkt. 54. In its report, the USPO applied
23 the Guidelines ranges applicable to the bribery scheme and the
24 attempted wire fraud scheme, ultimately concluding that the total
25 applicable offense level in this case is 24. Id. at 7-12. With
26 defendant's criminal history in category I, the USPO concluded that
27 the applicable Guidelines range in this case is 51 to 63 months. Id.
28 at 3.

1 Per the terms of the parties' plea agreement, the government
 2 respectfully recommends that the Court apply a total offense level of
 3 14, rather than 24; with defendant's criminal history in category I,
 4 the government believes the starting applicable Guidelines range in
 5 this case is 15 to 21 months. The government also believes that
 6 defendant has provided substantial assistance in the investigation or
 7 prosecution of another person, and a six-level departure is thus
 8 warranted under U.S.S.G. § 5K1.1. With that departure, the
 9 applicable Guidelines range is zero to six months' imprisonment, and
 10 a sentence of probation is authorized under the Guidelines.

11 Based on defendant's cooperation, the government respectfully
 12 recommends that the Court impose a sentence of one year of probation
 13 and order a special assessment of \$100, as well as a fine of
 14 \$10,000.¹ The government believes this sentence is sufficient, but
 15 not greater than necessary, to achieve the goals of sentencing set
 16 forth in 18 U.S.C. § 3553(a).

17 **II. SUMMARY OF RELEVANT FACTS**

18 The facts below are taken from the plea agreement filed on
 19 January 19, 2023. See Dkt. 14 at 6-9.

20 **A. Bribery**

21 In 2018, defendant agreed to give at least \$225,000 in bribes to
 22 two members of the Irvine City Council, in exchange for their
 23 agreement to introduce and pass a city ordinance that would allow
 24 defendant's clients to open a retail cannabis store in Irvine. In
 25 particular, in a recorded phone call, defendant asked a confidential
 26 source - whom defendant thought was her client, and not a

27
 28 ¹ Restitution is not applicable in this case.

1 confidential source working with the government - to pay her between
 2 \$350,000 and \$400,000 in exchange for getting the cannabis ordinance
 3 introduced. Defendant later told her client that one city council
 4 official had requested \$25,000, while another had requested \$200,000.

5 **B. Attempted Wire Fraud**

6 In 2019, defendant told the same confidential source - whom
 7 defendant still believed was her client, and not a confidential
 8 source working with the government - that in exchange for a payment
 9 of at least \$300,000, she would work to pass a cannabis-related
 10 ordinance in Anaheim that would benefit and be specifically tailored
 11 for the confidential source's business. In fact, defendant was
 12 already working on such an ordinance for other paying clients. And
 13 while defendant represented to the confidential source that she would
 14 only keep \$10,000 of the payment, she in fact intended to keep
 15 \$100,000 of that payment.

16 **C. Cooperation**

17 On October 28, 2019, FBI agents approached defendant with a
 18 sealed complaint, charging her with bribery, and an arrest warrant.
 19 See United States v. Rafiei, 8:19-mj-802.² Defendant immediately
 20 agreed to cooperate with the FBI and, that same day, participated in
 21 a lengthy interview with agents, providing detailed information
 22 about, among other things, the bribery scheme at the center of the
 23 complaint. Defendant also agreed to cooperate with the FBI and did
 24 so actively for over a year, including by engaging in covertly
 25 recorded meetings. As set forth above, her cooperation led to
 26 charges against Ament and Sidhu.

27
 28

² That complaint was dismissed following defendant's agreement
 to cooperate.

1 **III. THE GOVERNMENT'S POSITION**

2 As set forth above, the government believes that the total
 3 offense level in this case is 14. In particular, as set forth in the
 4 plea agreement, the base offense level for the attempted wire fraud
 5 scheme is 7, pursuant to U.S.S.G. §§ 2X1.1, 2B1.1. See Dkt. 14 at
 6 10. And pursuant to U.S.S.G. §§ 2B1.1(b)(1)(g), an increase of 12
 7 levels applies because the intended loss amount was over \$250,000.
 8 The government also agrees with the USPO that defendant is entitled
 9 to a three-point reduction for acceptance of responsibility and an
 10 additional two-level decrease because she is a zero-point offender.
 11 See Dkt. 54 at 11.

12 Thus, because defendant is in criminal history category I, the
 13 government believes that the starting Guidelines range for this case
 14 is 15 to 21 months' imprisonment.

15 Based on defendant's substantial assistance, the government
 16 moves for an additional six-level departure pursuant to U.S.S.G. §
 17 5K1.1.

18 "Upon motion of the government stating that the defendant has
 19 provided substantial assistance in the investigation or prosecution
 20 of another person who has committed an offense, the court may depart
 21 from the guidelines." U.S.S.G. § 5K1.1. In determining the
 22 appropriate reduction, the Court may consider, among other factors,
 23 the court's evaluation of the significance and usefulness of the
 24 defendant's assistance; the truthfulness, completeness, timeliness,
 25 and reliability of any information provided by the defendant; and any
 26 injury or danger incurred by the defendant in cooperating with the
 27 government. Id. Here, all of those factors weigh in favor of a
 28 significant departure for defendant.

1 On the same day she was initially approached by the FBI,
 2 defendant agreed to assist FBI agents in investigating public
 3 corruption in Orange County. Based on defendant's actions, including
 4 covertly recording meetings and phone calls, the government was able
 5 to charge Todd Ament, the former chairman of the Anaheim Chamber of
 6 Commerce, and Harry Sidhu, the former mayor of Anaheim. Both Ament
 7 and Sidhu resigned from their positions and pled guilty to fraud
 8 charges; Sidhu was sentenced to two months' custody, and Ament is yet
 9 to be sentenced. Without defendant Rafiei's actions, the government
 10 likely could not have charged Ament or Sidhu. Rafiei devoted a
 11 significant amount of time to her cooperation, provided information
 12 that was truthful and timely, and risked her own political, business,
 13 and personal connections and reputation to do so.

14 Given the above, the government respectfully submits that a six-
 15 level departure is appropriate here. With that departure applied,
 16 the total offense level is 8, and with a criminal history score of I,
 17 the applicable Guidelines range is zero to six months.

18 The government respectfully recommends that the Court impose a
 19 sentence at the low end of that range: one year of probation³ and a
 20 special assessment of \$100. The government believes this sentence is
 21 sufficient, but not greater than necessary, to achieve the goals of
 22 sentencing set forth in 18 U.S.C. § 3553(a).

23 Defendant engaged in serious and deceptive behavior,
 24 demonstrating complete disregard for the democratic process and the
 25 public interest and prioritizing only her own financial gain.
 26 Conduct like defendant's threatens to undermine public trust in

27
 28 ³ In recommending one year, the government notes that defendant
 has already been subject to pretrial supervision for over two years.

1 government and the political process, at a time when public trust is
2 already low.

3 Still, defendant immediately accepted responsibility for her
4 actions and spent over a year actively cooperating with the
5 government, leading to serious charges against two other individuals.

6 Under the particular circumstances of this case, the government
7 submits that a probationary sentence will appropriately reflect the
8 seriousness of this offense and promote respect for the law, deter
9 future criminal conduct from both the defendant and others without
10 imposing greater punishment than necessary, and serve to protect the
11 community from further crime, while minimizing sentencing disparities
12 among similarly situated defendants.

13 **IV. FINE**

14 With a total offense level of eight, the applicable Guidelines
15 range for a fine is between \$2,000 and \$20,000. See U.S.S.G.
16 5E1.2(3). In determining the appropriate amount of a fine, the Court
17 is instructed to consider, among other things, defendant's ability to
18 pay the fine and the burden a fine would place on the defendant and
19 his or her dependents.

20 As noted in the PSR, defendant has positive net worth, but is
21 primarily living off of her savings while supporting one child as a
22 single parent. Dkt. 54 at 19-22. The USPO concludes that defendant
23 has an immediate ability to pay a fine of \$5,000. Id.

24 Based on the above factors, as well as the nature and
25 seriousness of the offense, the government submits that a fine of
26 \$10,000 is appropriate in this case.

1 **V. CONCLUSION**

2 As set forth above, a sentence of one year of probation, a
3 special assessment of \$100, and a fine of \$10,000 is sufficient, but
4 not greater than necessary, to punish defendant, promote respect for
5 the law, deter defendant from committing similar crimes in the
6 future, and avoid sentencing disparities. See generally 18 U.S.C. §
7 3553(a).

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28