

1 **DAVID Z. CHESNOFF, ESQ.**  
 Nevada Bar No. 2292  
 2 **RICHARD A. SCHONFELD, ESQ.**  
 Nevada Bar No. 6815  
 3 **CHESNOFF & SCHONFELD**  
 4 **520 South Fourth Street**  
 Las Vegas, Nevada 89101  
 5 **Telephone: (702)384-5563**  
 6 **rschonfeld@cslawoffice.net**  
**dzchesnoff@cslawoffice.net**  
 7 **Attorneys for Defendant, JAMAL RASHID**

8 **STEVEN H. SADOW, ESQ.**  
 9 **260 Peachtree St NW.**  
 Suite 2502  
 10 **Atlanta, GA 30303**  
 11 **404-577-1400**  
 12 **Fax: 404-577-3600**  
**stevesadow@gmail.com**  
 13 **Admitted Pro Hac Vice**  
**Attorneys for Defendant, JAMAL RASHID**

14 **UNITED STATES DISTRICT COURT**  
 15 **DISTRICT OF NEVADA**

\*\*\*\*\*

16	<b>UNITED STATES OF AMERICA</b>	)	
17		)	
18	<b>Plaintiff,</b>	)	<b>CASE NO. 2:19-CR-00246-GMN-NJK</b>
19	<b>v.</b>	)	
20	<b>JAMAL RASHID</b>	)	<b>DEFENDANT JAMAL RASHID'S</b>
21	<b>Defendant,</b>	)	<b>SENTENCING MEMORANDUM</b>
22		)	<b>AND REQUEST FOR A VARIANCE</b>

23 COMES NOW, Defendant JAMAL RASHID, by and through his counsel of record, DAVID  
 24 Z. CHESNOFF, and RICHARD A. SCHONFELD, of the law offices of CHESNOFF &  
 25 SCHONFELD, and STEVEN H. SADOW, of the law office of STEVEN H. SADOW, PC, and  
 26 hereby submits his Sentencing Memorandum and Request for a Variance.  
 27  
 28

1 This Sentencing Memorandum and Request for a Variance is made and based upon the  
2 papers and pleadings on file herein, the Guilty Plea that was entered by Jamal Rashid on October 21,  
3 2019, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), the accompanying Memorandum  
4 of Points and Authorities, cited exhibits, and any oral argument that may be heard.  
5

6 Dated this 10<sup>TH</sup> day of September, 2020.

7 Respectfully Submitted:

8 CHESNOFF & SCHONFELD

9  
10 /s/ David Z. Chesnoff  
11 DAVID Z. CHESNOFF, ESQ.  
12 520 S. 4<sup>th</sup> Street  
13 Las Vegas, Nevada 89101  
14 Attorney for Defendant  
15 Jamal Rashid

16 /s/ Richard A. Schonfeld  
17 RICHARD A. SCHONFELD, ESQ.  
18 520 S. 4<sup>th</sup> Street  
19 Las Vegas, Nevada 89101  
20 Attorney for Defendant  
21 Jamal Rashid

22 STEVEN H. SADOW, PC

23 /s/ Steven H. Sadow  
24 STEVEN H. SADOW, ESQ.  
25 260 Peachtree Street NW #2502  
26 Atlanta, Georgia 30303  
27 Attorney for Defendant  
28 Jamal Rashid

**TABLE OF CONTENTS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I. INTRODUCTION ..... 1

II. PLEA NEGOTIATIONS ..... 1

III. BACKGROUND ..... 2

    A. Mr. Rashid's Background ..... 2

    B. Reference Letters ..... 4

    C. Summary of Video Statements ..... 6

IV. STATEMENT OF THE LAW ..... 9

V. ARGUMENT ..... 11

    A. A VARIANCE IS WARRANTED UNDER 18 U.S.C. § 3553 ..... 11

        I. Application of the 3553 Factors ..... 11

            1. The nature and circumstances of the offense and the history and characteristics of the defendant. .... 11

            2. The need for the sentence imposed ..... 12

                (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense. .... 12

                (B) to afford adequate deterrence to criminal conduct ..... 12

                (C) to protect the public from further crimes of the defendant ..... 13

                (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner ..... 13

            3. The kinds of sentences available. .... 14

            4. Guidelines, Policy, and Other Criteria of Sentencing Commission ..... 15

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

5. The need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct . . . . . 15

6. The need to provide restitution to any victims of the offense . . . . . 16

VI. MEDICAL CONCERNS . . . . . 16

VII. CONCLUSION. . . . . 17

**TABLE OF AUTHORITIES**

**Cases**

*Gall v. United States*, 552 U.S. 38,128 S.Ct. 586 (2007) . . . . . 10, 11, 14

*Irizarry v. United States*, 553 U.S. 708, 128 S.Ct. 2198 (2008) . . . . . 10

*Nelson v. United States*, 129 S. Ct. 890 (2009). . . . . 10

*Rita v. United States*, 551 U.S. 338, 127 S.Ct. 2456, 168 L.Ed.2d 203 (2007) . . . . . 10

*Simon v. United States*, 361 F. Supp. 2d 35 (E.D.N.Y. 2005) . . . . . 13

*United States v. Anderson*, 533 F.3d 623 (8th Cir. 2008). . . . . 12

*United States v. Booker*, 543 U.S. 220, 125 S. Ct. 738 (2005) . . . . . 9, 16

*United States v. Brock*, 108 F.3d 31 (4th Cir. 1997). . . . . 12

*United States v. Core*, 125 F.3d 74 (2nd Cir. 1997) . . . . . 12

*United States v. Dorvee*, 616 F.3d 174 (2d Cir. 2010) . . . . . 11

*United States v. Gabella*, Slip Copy 2014 WL 7338797 (E.D.N.Y. 2014). . . . . 14

*United States v. Gaind*, 829 F. Supp. 669 (S.D.N.Y. 1993). . . . . 12

*United States v. Galvez-Barrios*, 355 F.Supp. 2d 958 (E.D. Wis. 2005) . . . . . 10

*United States v. Green*, 152 F.3d 1202 (9th Cir. 1998) . . . . . 12

*United States v. Hamilton*, 323 Fed. Appx. 27 (2d Cir. 2009) . . . . . 13

*United States v. Holt*, 486 F.3d 997 (7th Cir. 2007). . . . . 13

*United States v. Kapitzke*, 130 F.3d 820 (8th Cir. 1997) . . . . . 12

*United States v. Menyweather*, 447 F.3d 625 (9th Cir. 2006). . . . . 16

*United States v. Peterson*, 363 F. Supp. 2d 1060 (E.D. Wis. 2005) . . . . . 16

*United States v. Rhodes*, 145 F.3d 1375 (D.C. Cir. 1998) . . . . . 12

1	<i>United States v. Sally</i> , 116 F.3d 76 (3rd Cir. 1997) .....	12
2	<b><u>United States Code</u></b>	
3		
4	18 U.S.C. § 3551 .....	14
5	18 U.S.C. § 3582(a) .....	10
6	18 U.S.C. § 3553 .....	1, 9, 10, 11, 13, 14, 15, 16
7	28 U.S.C. § 994(j) .....	14
8	<b><u>United States Sentencing Guidelines</u></b>	
9		
10	U.S.S.G. 1B1.10 .....	15
11	U.S.S.G. 2E1.2(a)(2) .....	1
12	U.S.S.G. 2G1.1(a)(2) .....	1
13	U.S.S.G. 2G1.1(d)(1) .....	1
14	U.S.S.G. 2G1.2 .....	2
15		
16	U.S.S.G. 3E1.1(a) .....	1
17	U.S.S.G. 5F1.3 .....	15
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. INTRODUCTION**

3 Mr. Rashid is deeply remorseful and fully accepts responsibility for the offense of conviction.  
4  
5 The conduct at issue in this case ceased in September of 2014, as Mr. Rashid made a decision to turn  
6 his life around for the better. Since that time (a period of approximately 6 years), Mr. Rashid has  
7 focused on his talent in the music industry and has produced music with numerous Grammy award  
8 winning artists. Mr. Rashid has also shifted his focus to his family and to helping people in his  
9 community. Furthermore, Mr. Rashid has conducted himself in an exemplary manner while on  
10 pre-trial supervision.  
11

12 It is respectfully submitted that the voluntary post-offense rehabilitation that Mr. Rashid has  
13 engaged in over the last 6 years, along with the factors outlined in 18 U.S.C. § 3553(a), warrant a  
14 downward variance to a sentence of one month of imprisonment, house arrest, community service,  
15 and supervised release. It is submitted that a combination of these conditions are sufficient, but not  
16 greater than necessary to comply with the purposes of 18 U.S.C. § 3553(a).  
17

18 **II. PLEA NEGOTIATIONS**

19 On October 21, 2019, Mr. Rashid entered a guilty plea to one count of Use of an Interstate  
20 Facility in Aid of Unlawful Activity. *See* ECF 10. The plea agreement was entered pursuant to  
21 Federal Rule of Criminal Procedure 11(c)(1)(C). *See* ECF 8. The government and Mr. Rashid  
22 agreed to a sentencing guideline calculation with a base offense level of 14 (USSG 2E1.2(a)(2) and  
23 2G1.1(a)(2)), and an increase of five levels (USSG 2G1.1(d)(1)), for a total offense level of 19. Mr.  
24 Rashid has accepted responsibility resulting in a decrease of 3 levels (USSG 3E1.1(a)) for an  
25 adjusted offense level of 16. The government is permitted to request an increase in the base offense  
26  
27  
28

1 level pursuant to USSG 2G1.2, comment (n.6) which Mr. Rashid can oppose.

2           The parties have stipulated pursuant to Rule 11(c)(1)(C) that this Honorable Court sentence  
3 Mr. Rashid to at least one month of imprisonment and not more than 33 months of imprisonment,  
4 with a supervised release term of three years thereafter. As further addressed in the Formal  
5 Objections to the Pre-Sentence Report, we believe Mr. Rashid has 3 criminal history points and is  
6 a Criminal History Category II with a sentencing range of 24 to 30 months.  
7

8 **III. BACKGROUND**

9 **A. Mr. Rashid's Background:**

10           Mr. Rashid is 45 years old and has three children. Mr. Rashid had a tough upbringing with  
11 his mother abandoning him when he was six months old. Mr. Rashid's father was very strict and  
12 imposed "heavy handed" discipline. As a result, Mr. Rashid was primarily raised by his  
13 grandmother. Mr. Rashid moved out of the house when he was approximately 16 to 17 years old.  
14

15           As reflected in the Pre-Sentence Report, Mr. Rashid does his best to have a good relationship  
16 with his children. To that end, approximately 3 years ago, when Mr. Rashid learned that he had an  
17 adult son, he immediately took steps to be a part of his life. Mr. Rashid's son, Malcom, is on the  
18 video testimonial (Exhibit 1) in support of Mr. Rashid.<sup>1</sup> *See infra*.  
19

20           Since turning his life around and focusing on his natural talent, he has become a successful  
21 music producer and writer. Mr. Rashid has produced songs for a number of artists including, but not  
22 limited to, Justin Bieber, Drake, Post Malone, Snoop Dogg, Usher, Chris Brown, Jason Derulo,  
23 E-40, 2Pac, Jeremih, and The Weeknd. *See, e.g.*, Exhibit 2. He recently completed a song with  
24

---

25  
26 <sup>1</sup> Said video will be provided on a USB and hand delivered to this Honorable Court and the  
27 government.  
28



1 Latin artist Ozuna called “Hasta Que Salga El Sol” that was Number 1 on the Latin Billboard charts.

2 Mr. Rashid has received three Grammy awards and more than twenty Grammy nominations.

3 Mr. Rashid has also been engaged in community service and charitable endeavors. For  
4 example, attached hereto as Exhibit 3 is a Certificate of Recognition from the Phoenix House  
5 Academy of California along with a letter from their Senior Director of Development, Natalie  
6 Dolishny.  
7

8 The Phoenix House Academy is a residential treatment program for adolescents with co-  
9 occurring mental health and substance use disorders. Mr. Rashid donated his resources and his time  
10 to visit during the holidays, spending one on one time with the teens. Mr. Rashid was also a guest  
11 speaker at one of the Academy’s events. *See* Exhibit 3.  
12

13 Ms. Dolishny’s letter states in part:

14 Jamal has donated his resources and time to visit during the holidays, to spend time  
15 with the teens, and was a guest speaker at one of our events. He has been an  
16 inspiration and role model and we are truly grateful for his commitment as we  
17 continue to help these young people take one step at a time to live extraordinary lives  
in recovery.

18 *See* Exhibit 3.

19 Mr. Rashid also engages in charitable acts close to home. As reflected on the video  
20 testimonial (Exhibit 1), Mr. Rashid has helped several individuals that were homeless by providing  
21 them with a place to live, providing them with employment, and providing them with  
22 encouragement.  
23

24 Mr. Rashid’s transformation of character from who he was six years ago is a demonstration  
25 of his post-offense rehabilitation.  
26  
27  
28

1           **B.       Reference Letters:**

2   Exhibit 4.     Letter from Pastor Elder J. L. Sorrells, Sr. Of the Greater Holy St. John Missionary  
3                    Baptist Church. Pastor Sorrells outlines that he has worked with Mr. Rashid for the  
4                    past 2 years as his Mentor and that he has seen tremendous spiritual growth. He  
5                    states that “understanding that our dark past can be the stepping stone to our bright  
6                    future has emboldened his [Mr. Rashid’s] faith, and zeal for the work of being a  
7                    positive influence in his church, home, and surrounding communities.” He further  
8                    outlines the charitable work that Mr. Rashid has engaged in with the church.  
9

10   Exhibit 5.    Letter from Stacey Henley, Commissioner, Crenshaw Rams. This letter outlines that  
11                   the author has known Mr. Rashid for more than 15 years, and that he was invited to  
12                   be part of the organization. The letter recounts that “Mr. Rashid had carried out the  
13                   objective of the organization as a coach early on and has always been a mentor.  
14                   Aside from athletic knowledge, Mr. Rashid’s generosity to the families we serve has  
15                   been a key factor and that makes him valuable to the organization.” The letter also  
16                   states, “I have known Mr. Rashid to be a very peaceful person. In a situation during  
17                   one of our practices, Mr. Rashid became the mediator amongst irate parents” and that  
18                   he was “a part of a small group the organization had formed that provides strategies  
19                   when dealing with uncontrollable situations. Mr. Rashid’s devotion to serve the  
20                   Crenshaw Community is undeniable.”  
21  
22  
23  
24  
25  
26  
27  
28

1 Exhibit 6. Letter from Gordon Dillard of the Untld Grp. This letter explains that Mr. Dillard  
2 worked as Mr. Rashid's manager and found him to be a very passionate and  
3 hardworking individual. He states that "Mally worked day in and day out to ensure  
4 that he was reaching his goals and collaborating with people who shared his love of  
5 music and art." He further states "...beyond the professionalism and work ethic,  
6 Mally is a genuinely humble and generous human being."  
7

8 Exhibit 7. Letter from Cash Jones, CEO of 100 Entertainment. This letter explains that Mr.  
9 Jones' company has a working relationship with Mr. Rashid that can continue  
10 notwithstanding the conviction in this case.  
11

12 Exhibit 8. Letter from Jason Boyd of Black Star Music USA. This letter explains that Mr. Boyd  
13 is fully aware of Mr. Rashid's criminal case and they are willing to continue to work  
14 with him in the future.  
15

16 Exhibit 9. Letter from Nima Nasserri of Roc Nation. This letter states in part that "Our business  
17 is primarily artist management and label distribution. We look forward to a long and  
18 successful relationship with Mr. Rashid and can assure the Court that if the Court in  
19 its discretion were to grant him the privilege of house arrest as part of his sentence,  
20 his business activity with us will go uninterrupted." The letter also states "Mr.  
21 Rashid has been a pleasure to work with making amazing international Hit records...  
22 we have yet to work with anyone that has been able to complete the musical tasks Mr  
23 Rashid has. Jamal has made us fully aware of his criminal case, and we are looking  
24 forward to him successfully completing the sentence that will be imposed by this  
25 Honorable Court."  
26  
27  
28

1           **C. Summary of Video statements:**

2           As stated above, Mr. Rashid has provided a USB with video statements from people who  
3 can further attest to his character. These statements are provided for mitigation purposes. The  
4 following is a brief summary of the statements on the USB.  
5

6           **1. Fayeq Rashid - Mr. Rashid's Father**

7           Mr. Rashid's father's statement indicates that Mr. Rashid was well liked at school. He  
8 described that Mr. Rashid worked hard and that he was a "good kid."  
9

10           **2. Malcom - Mr. Rashid's Son**

11           Malcom is Mr. Rashid's 22 year old son. As stated above, approximately 3 years ago, Mr.  
12 Rashid learned that he had an adult son, and he immediately took steps to be a part of his life.

13           Malcom describes Mr. Rashid as generous and that he has learned a lot from him. He states  
14 that Mr. Rashid emphasizes the importance of being positive, having plans, and being organized.  
15

16           **3. Jaycen Joshua**

17           Mr. Joshua is a music producer and states that Mr. Rashid helped to change his life. He  
18 describes Mr. Rashid as genuine, kind, intelligent, and supportive. He further describes Mr. Rashid  
19 as a mentor and that he is a calming force and a peace keeper.  
20

21           **4. Gordon Dillard**

22           Mr. Dillard is a friend and former manager of Mr. Rashid. He describes that it is rare to see  
23 someone so kind and giving, especially to people that he does not know. He further describes Mr.  
24 Rashid as "extremely talented" and one of the greatest people he knows.  
25  
26  
27  
28



1 people.

2 **10. Tunde Akinwande - "Tune Da Rula"**

3 This witness is a music producer and writer. He met Mr. Rashid in a music studio about  
4 three years ago. He describes that Mr. Rashid took him in without anything to offer. As a result of  
5 working with Mr. Rashid, he is now a platinum producer. He describes that Mr. Rashid has switched  
6 his life around and that Mr. Rashid works hard and has a great work ethic.  
7

8 **11. Elijah Jones**

9 This witness has worked as a chef for Mr. Rashid. He describes Mr. Rashid as humble and  
10 caring. He describes Mr. Rashid as a "big brother" and that he has helped his family and his career.  
11

12 **12. Jasmine Jones**

13 This witness is the spouse of Chef Jones and has a Masters Degree in construction  
14 management. She works for the State of California as a branch chief for a transportation agency.  
15 She also helps her husband with his chef business. She describes that she met Mr. Rashid while  
16 assisting her husband with his business. She describes that Mr. Rashid is family oriented, down-to-  
17 earth, and humble. She recalls that sometimes they would stay for weeks at his home while working,  
18 and that Mr. Rashid would go above and beyond to make sure they were comfortable and safe. She  
19 also describes that he helped to grow their business immensely.  
20

21 **13. Robert Anderson**

22 This witness is Mr. Rashid's Nevada property manager. He met Mr. Rashid three and a half  
23 years ago while he was homeless in San Fernando, California. He previously did plumbing work  
24 and his boss at the time introduced him to Mr. Rashid. While they had never met before, Mr. Rashid  
25 brought him to Las Vegas and put him in charge of maintaining his property. He describes Mr.  
26  
27

1 Rashid as family, and that he has helped to drastically change his life for the better. He believes that  
2 Mr. Rashid is a different person from what he used to be, and that everyone around Mr. Rashid is  
3 better having him in their life.  
4

5 **14. Deja Hayes**

6 This witness is a friend of Mr. Rashid's. She describes him as selfless and caring.

7 Accordingly, the video statements support that Mr. Rashid is focused on changing his life  
8 for the better and helping others.  
9

10 **IV. STATEMENT OF THE LAW**

11 *United States v. Booker*, 543 U.S. 220, 125 S. Ct. 738 (2005) stated that the Sentencing  
12 Guidelines are advisory, and the Court has the discretion to sentence a defendant within the statutory  
13 limits. Since the Guidelines are now advisory, in cases sentenced after *Booker*, they are one factor  
14 among several that sentencing courts must consider in fashioning a sentence that is "sufficient but  
15 not greater than necessary" to achieve the purposes of sentencing set forth in 18 U.S.C. §3553(a)(2).  
16

17 Under 18 U.S.C. §3553(a) the key requirement is that the sentence in each case be sufficient,  
18 but not greater than necessary: a) to reflect the seriousness of the offense, to promote respect for the  
19 law, and to provide just punishment for the offense; b) to afford adequate deterrence to criminal  
20 conduct; c) to protect the public from further crimes of the defendant; and d) to provide the  
21 defendant with needed educational or vocational training, medical care, or other correctional  
22 treatment in the most effective manner.  
23  
24  
25  
26  
27  
28

1           It is important to remember that when judges factor into a sentence the best way to provide  
2 rehabilitation, as required by §3553(a)(2)(D), they are at the same time required to “recognize that  
3 imprisonment is not an appropriate means of promoting correction and rehabilitation.” *See* 18  
4 U.S.C. §3582(a).

6           In determining whether the sentence is minimally sufficient to comply with the §3553(a)(2)  
7 purposes of sentencing, the court must consider several factors listed in other subsections of  
8 §3553(a). These factors are: 1) the nature and circumstances of the offense and the history and  
9 characteristics of the defendant; 2) the kind of sentences available; 3) the advisory guidelines and  
10 policy statement issued by the sentencing commission; 4) the need to avoid unwarranted sentencing  
11 disparities among defendants with similar records who have been found guilty of similar conduct;  
12 and 5) the need to provide restitution to the victims of the offense. *See United States v. Galvez-*  
13 *Barrios*, 355 F.Supp. 2d 958, 960 (E.D. Wis. 2005).

15           These directives often conflict with the kinds of sentences previously required by the  
16 guidelines, which in most cases offer no alternative to lengthy prison sentence, even though in some  
17 cases, a defendant’s education, treatment or medical needs may be better served by a sentence that  
18 permits the offender to remain or return to the community sooner than contemplated by the  
19 Guidelines.  
20

21           The U.S. Supreme Court has stated clearly: “Indeed, a sentence outside the Guidelines carries  
22 no presumption of unreasonableness.” *Irizarry v. U.S.*, 553 U.S. 708, 128 S. Ct. 2198 (2008) (citing  
23 *Gall v. United States*, 552 U.S. 38, 51, 128 S. Ct. 586, 596-97 (2007); *see also Rita v. United States*,  
24 551 U.S. 338, 127 S. Ct. 2456, 168 L.Ed.2d 203 (2007); *Nelson v. United States*, 129 S. Ct. 890, 892  
25 (2009) (*per curiam*)).  
26  
27  
28



1           The *Gall* Court also recognized that Federal sentencing demands that every convicted person  
2 be treated as an individual and “every case as a unique study in the human failings that sometimes  
3 mitigate, sometimes magnify, the crime and punishment to ensue.” *Gall v. United States*, 128 S. Ct.  
4 586, 589 (2007). In addition to consulting the Guidelines, an “individualized assessment” of the  
5 situation at-hand “based on the facts presented” is required. *Gall*, 552 U.S. at 50. That analysis is  
6 guided by “[r]easonableness” and an “individualized application of the statutory sentencing factors.”  
7  
8 *United States v. Dorvee*, 616 F.3d 174, 184 (2d Cir. 2010) (citing *Gall*, 552 U.S. at 46-47).

9  
10 **V.     ARGUMENT**

11       **A.     A VARIANCE IS WARRANTED UNDER 18 U.S.C. § 3553**

12           **I.     Application of the 3553 Factors**

13           The instant offense is approximately six years old and Mr. Rashid is a changed person. Mr.  
14 Rashid is not a danger to the community, and since being charged, has remained compliant while on  
15 pre-trial release. As stated herein, it is respectfully submitted that a variance with a sentence of 30  
16 days of imprisonment, house arrest thereafter, community service, and supervised release for a period  
17 of three years is warranted after considering the §3553 factors.

18  
19 The following is an application of said factors:

20           **1.    The nature and circumstances of the offense and the history and characteristics of**  
21 **the defendant**

22           Here, Mr. Rashid has accepted responsibility and changed his ways. Even when the  
23 guidelines were mandatory, the courts were permitted to consider post-offense rehabilitation.  
24 “Post-offense rehabilitation-as distinguished from post-sentencing rehabilitation-can be a basis for  
25 downward departure.” *United States v. Thompson*, 315 F.3d 1071, 1077 (9th Cir. 2002) (concurring  
26 opinion).  
27  
28

1 Every circuit which has addressed the issue has held that post-offense conduct and  
2 post-conviction rehabilitation can form the basis for a reduced sentence. *United States v. Green*, 152  
3 F.3d 1202, 1207 (9th Cir. 1998); *United States v. Rhodes*, 145 F.3d 1375, 1379 (D.C. Cir. 1998);  
4 *United States v. Kapitzke*, 130 F.3d 820, 823 (8th Cir. 1997); *United States v. Core*, 125 F.3d 74, 77  
5 (2nd Cir. 1997); *United States v. Sally*, 116 F.3d 76, 80 (3rd Cir. 1997); *United States v. Brock*, 108  
6 F.3d 31, 35 (4th Cir. 1997).

8 Here, as evidenced above, Mr. Rashid left the outcall service industry voluntarily in 2014,  
9 has since been focused on his career in the music industry, has engaged in charitable and community  
10 oriented work, and he has assisted individuals in life changing ways.

12 **2. The need for the sentence imposed**

13 **(A) to reflect the seriousness of the offense, to promote respect for the law, and to**  
14 **provide just punishment for the offense;**

15 **(B) to afford adequate deterrence to criminal conduct;**

16 As to these two sub-factors, this Honorable Court can impose a myriad of conditions that will  
17 deter criminal conduct to other defendants and to this defendant. Moreover, a combination of  
18 conditions described below will promote respect for the law, and provide a just punishment. *See,*  
19 *e.g., United States v. Anderson*, 533 F.3d 623 (8th Cir. 2008) (affirming a downward variance based  
20 on “other ways in which the defendant had suffered atypical punishment such as the loss of his  
21 reputation and his company, the ongoing case against him from the Securities and Exchange  
22 Commission and the harm visited upon him as a result of the fact that his actions brought his wife  
23 and friend into the criminal justice system”); *United States v. Gaind*, 829 F. Supp. 669, 671  
24 (S.D.N.Y. 1993) (granting downward departure where defendant was punished by the loss of his  
25 business).

1 Here, Mr. Rashid has changed his life over the last six years. Mr. Rashid has become a  
2 public figure in the music industry. The conviction herein has caused Mr. Rashid public shame and  
3 he will now be a convicted federal felon. Mr. Rashid has learned a very grave lesson and is deterred  
4 from future criminal conduct.  
5

6 **(C) to protect the public from further crimes of the defendant; and**

7 Mr. Rashid is not a danger to the public. As detailed herein this offense ended almost six  
8 years ago and Mr. Rashid has turned his life around for the better. Mr. Rashid has also remained  
9 compliant while on pretrial release. In addition, the fact that Mr. Rashid is now 45 years old and the  
10 conduct at issue dates back to a time period that ended when Mr. Rashid was 39, Mr. Rashid has a  
11 low level of recidivism.  
12

13 Accordingly, he is a fit candidate for a sentence of 30 days imprisonment, house arrest,  
14 community service, and supervised release. *See also Simon v. United States*, 361 F. Supp. 2d 35,  
15 48 (E.D.N.Y. 2005) (basing variance in part on defendant's age of 50 upon release because  
16 recidivism drops substantially with age); *United States v. Hamilton*, 323 Fed. Appx. 27, 31 (2d Cir.  
17 2009) ("the district court abused its discretion in not taking into account policy considerations with  
18 regard to age recidivism not included in the Guidelines"); *United States v. Holt*, 486 F.3d 997, 1004  
19 (7th Cir. 2007) (affirming below-guideline sentence based on defendant's age, which made it  
20 unlikely that he would again be involved in a violent crime).  
21  
22

23 **(D) to provide the defendant with needed educational or vocational training,**  
24 **medical care, or other correctional treatment in the most effective manner.**

25 As detailed above, Mr. Rashid has turned his life around during the course of the last  
26 nearly six years. As detailed below, there are medical concerns that the Honorable Court should  
27 take into consideration.  
28

1           **3. The kinds of sentences available**

2           This Court considers all of “the kinds of sentences available” by statute, § 3553(a)(3),  
3 even if the “kinds of sentence . . . established [by] the guidelines” zones recommend only a lengthy  
4 prison term. *See Gall*, 552 U.S. at 59 & n.11. Congress directed the Commission to “insure that the  
5 guidelines reflect the general appropriateness of imposing a sentence other than imprisonment in  
6 cases in which the defendant is a first offender who has not been convicted of a crime of violence  
7 or an otherwise serious offense,” and the “general appropriateness of imposing a term of  
8 imprisonment on a person convicted of a crime of violence that results in serious bodily injury.” 28  
9 U.S.C. § 994(j).  
10

11           Congress issued this directive in the belief that “sentencing decisions should be designed to  
12 ensure that prison resources are, first and foremost, reserved for those violent and serious criminal  
13 offenders who pose the most dangerous threat to society,” and that “in cases of nonviolent and  
14 nonserious offenders, the interests of society as a whole as well as individual victims of crime can  
15 continue to be served through the imposition of alternative sentences, such as restitution and  
16 community service.” *See* Pub. L. No. 98-473, § 239, 98 Stat. 1987, 2039 (1984) (set forth at 18  
17 U.S.C. § 3551 note).  
18

19           As one court has previously recognized:  
20

21           In view of the excessive incarceration rates in the recent past and their  
22 unnecessary, deleterious effects on individuals sentenced, society and our  
23 economy, parsimony in incarceration is to be prized. *See*, e.g., 18 U.S.C. §  
24 3553(a) (“The court shall impose a sentence sufficient, but not greater than  
25 necessary”); National Research Council of the National Academies, *The Growth*  
26 *of Incarceration in the United States, Exploring Causes and Consequences*, 8  
(2014) (“Parsimony, the period of confinement should be sufficient but not  
greater than necessary to achieve the goals of sentencing policy.”).

27 *U.S. v. Gabella*, Slip Copy 2014 WL 7338797 (E.D.N.Y. 2014).  
28



1           **6. The need to provide restitution to any victims of the offense.**

2           After *Booker*, the ability of a defendant to pay restitution is a factor that a district court can  
3 consider to impose a sentence outside the Guidelines. *See, e.g., United States v. Menyweather*, 447  
4 F.3d 625, 634 (9th Cir. 2006) (acknowledging district court’s discretion to depart from guidelines  
5 to impose probationary sentence, since the “goal of obtaining restitution for the victims of  
6 Defendant’s offense . . . is better served by a nonincarcerated and employed defendant”); *United*  
7 *States v. Peterson*, 363 F. Supp. 2d 1060, 1061-62 (E.D. Wis. 2005) (granting a variance so that  
8 defendant could work and pay restitution); 18 U.S.C. § 3553(a)(7).  
9  
10

11           By sentencing Mr. Rashid to 30 days of imprisonment, house arrest, and supervised release,  
12 he will be permitted to continue his music career, so that restitution can be paid.

13 **VI. MEDICAL CONCERNS**

14           As reflected in the PSR, Mr. Rashid suffers from serious health issues. Undersigned counsel  
15 are submitting additional medical information to this Honorable Court under seal.  
16

17           It is also respectfully submitted that Mr. Rashid has underlying medical conditions which  
18 increase the risk of serious COVID-19. While Mr. Rashid was recently infected with COVID-19 and  
19 was hospitalized, research is emerging that re-infection may still occur.<sup>2</sup> Moreover, Mr. Rashid  
20 remains in the high risk category and will be susceptible to potential re-infection while incarcerated.  
21 As a result of Mr. Rashid’s underlying medical issues, it is respectfully submitted that imposition  
22 of a sentence longer than 30 days would be detrimental to Mr. Rashid’s health and would impose  
23 a liability on the Bureau of Prisons.  
24

25 \_\_\_\_\_  
26 <sup>2</sup>  
27 *See, e.g.,*  
28 <https://www.reviewjournal.com/local/local-nevada/nevada-mans-covid-19-reinfection-said-to-be-first-confirmed-case-in-us-2106957/>

1 **VII. CONCLUSION**

2 In light of the material submitted in this Sentencing Memorandum, it is clear that Mr. Rashid  
3 has changed his life for the better and has engaged in post-offense rehabilitation. He is remorseful  
4 and accepts responsibility for the conduct which ended approximately six years ago.  
5

6 As stated herein, Mr. Rashid respectfully requests that this Honorable Court grant a  
7 downward variance and sentence him to a period of 30 days imprisonment, house arrest, community  
8 service, and supervised release.

9 Dated this 10<sup>TH</sup> day of September, 2020.  
10

11 Respectfully Submitted:

12 CHESNOFF & SCHONFELD

13 /s/ David Z. Chesnoff  
14 DAVID Z. CHESNOFF, ESQ.  
15 520 S. 4<sup>th</sup> Street  
16 Las Vegas, Nevada 89101  
17 Attorney for Defendant  
Jamal Rashid

18 /s/ Richard A. Schonfeld  
19 RICHARD A. SCHONFELD, ESQ.  
20 520 S. 4<sup>th</sup> Street  
21 Las Vegas, Nevada 89101  
22 Attorney for Defendant  
Jamal Rashid

23 STEVEN H. SADOW, PC

24 /s/ Steven H. Sadow  
25 STEVEN H. SADOW, ESQ.  
26 260 Peachtree StreetNW #2502  
27 Atlanta, Georgia 30303  
28 Attorney for Defendant  
Jamal Rashid

---

**EXHIBIT 1**  
**(USB) TO BE HAND DELIVERED**



## EXHIBIT 2



PRESENTED TO  
JAMAL "MALLY MALL" RASHID  
TO COMMEMORATE  
OVER 1 BILLION STREAMS OF THE  
WARNER BROS RECORDS  
SINGLE  
"ARMS AROUND YOU"



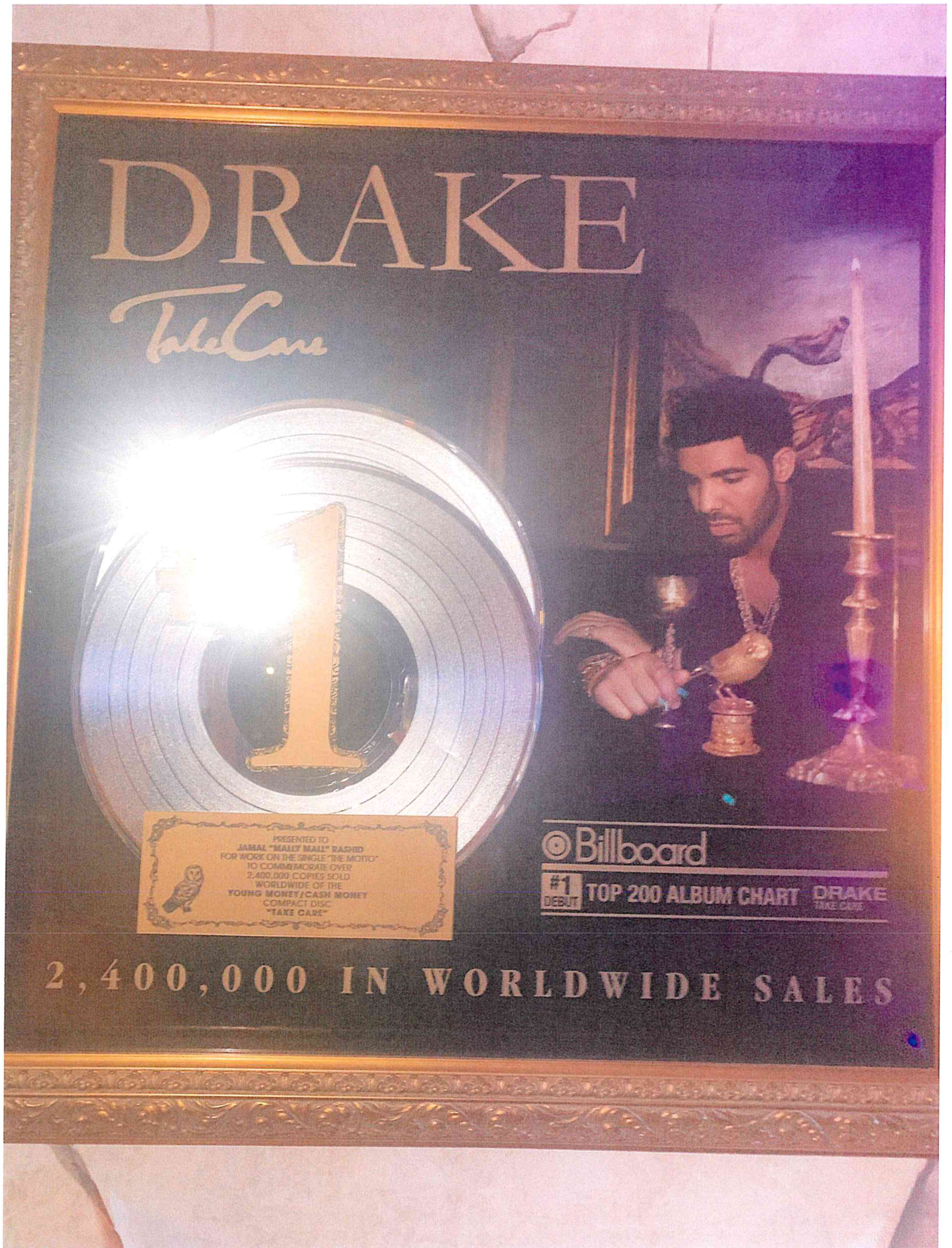
1,000,000,000 STREAMS



# billboard

R&B Streaming Songs				NOV. 10 2018	#1
LAST WEEK	THIS WEEK	ARTIST <small>REPRINT/LABEL</small>	TITLE		
NEW	1	xxxtentacion x lil pump ft. maluma & swae lee <small>bad vibes forever/capitol &amp; warner bros.</small>	ARMS AROUND YOU		

PRESENTED TO  
JAMAL "MALLY MALL" RASHID  
TO COMMEMORATE THE #1 POSITION FOR  
"ARMS AROUND YOU"  
ON THE BILLBOARD R&B STREAMING SONGS CHART  
THE WEEK OF NOVEMBER 10<sup>th</sup>, 2018



# DRAKE

*Take Care*



© Billboard

#1 DEBUT

TOP 200 ALBUM CHART

DRAKE  
TAKE CARE

PRESENTED TO  
JAMAL "MALET MALL" RASHID  
FOR WORK ON THE SINGLE "THE MOTTO"  
TO COMMEMORATE OVER  
2,400,000 COPIES SOLD  
WORLDWIDE OF THE  
YOUNG MONEY/CASH MONEY  
COMPACT DISC  
"TAKE CARE"

2,400,000 IN WORLDWIDE SALES



**EXHIBIT 3**



August 19, 2019

To Whom It May Concern:

We want to take this opportunity to recognize the generosity and commitment of Jamal Rashid to Phoenix House Academy in Lake View Terrace.

Phoenix House Academy is a residential treatment program for adolescents with co-occurring mental health and substance use disorders. They are youth whose lives have been severely impacted by a combination of complex issues. Many have witnessed or experienced traumatic, life-altering events that include domestic violence, sexual assault, physical assault, gang violence, or trauma associated with immigration. Teens attend a fully-accredited on-site high school while receiving comprehensive treatment: individual, group and family counseling, art and music therapy, and wellness and fitness activities.

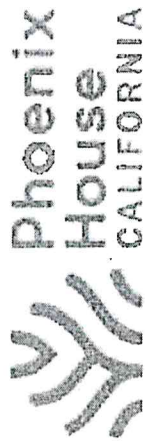
Jamal has donated his resources and time to visit during the holidays, to spend time with the teens, and was a guest speaker at one of our events. He has been an inspiration and role model and we are truly grateful for his commitment as we continue to help these young people take one step at a time to live extraordinary lives in recovery.

Phoenix House is a story of transformation. It's about igniting hope, inspiring lives, and fulfilling one's true potential, and we are grateful to Jamal for his help in making all this happen.

Best,

A handwritten signature in black ink, appearing to read "Natalie Dolishny", written over a horizontal line.

Natalie Dolishny  
Senior Director of Development



Certificate of Recognition

Presented to

**Jamal Rashid**

On behalf of Phoenix House California, we recognize your generosity and commitment to the young people we serve who are overcoming substance abuse to live extraordinary lives in recovery. You are an inspiration and we are truly grateful to honor you as an Inaugural Member of our Phoenix House Entertainment Circle.

A handwritten signature in black ink, appearing to read "Natalie", written over a horizontal line.

Natalie Dolishny  
Senior Director of Development

August 20, 2019



---

EXHIBIT 4



## Greater Holy St. John

### Missionary Baptist Church

5536 Morgan Ave. Los Angeles, CA 90011

Elder J. L. Sorrells, Sr.

Pastor/Teacher

February 14<sup>th</sup>. 2020

Abe Duncan  
Deacons  
Chairman

Elder  
LoneAllen Hall  
Trustee  
Chairman

Dorothy Ruffin  
Evangelist

Rev. Paul Beaman  
Minister

LoneAllen Hall  
Minister

Gloria J. Sanders  
Financial Sec.

Tracy Clemmons  
Church Clerk

Patricia Sorrells  
Women Ministry  
President

Clarence McGee  
Choir Pres.

Candy Hall  
Usher Pres.

Cora White  
Usher VP

LoneAllen Hall  
Super. Sun. Sch.

Yolanda Sorrells  
Mothers BD  
President


Jewel Smith  
Sun Sch Sec.

To The Honorable Judge Gloria M. Navarro,

I am proud to convey this character reference letter, RE: Mr. Jamal Rashid, a trusted steward. I have had the pleasure of working with Jamal for the past 2 years as his Mentor, and Overseer. I have been privileged to witness tremendous spiritual growth, and contrition in this young man. Understanding that our dark past can be the stepping stone to our bright future has emboldened his faith and zeal for the work of being a positive influence in his church, home, and surrounding communities.

We have had the pleasure of partnering with Jamal in charitable events such as our annual Back to School supplies give away, and our Christmas toy drive. Jamal is now using his influence to help our inner city youth have hope in their future.

I am Pastor of Greater Holy St. John Christian Church, testifying to the Glory of God for what we see in Brother Rashid. Any questions at all, just call

 (323) 581-8488.

In His Service

Elder J. L. Sorrells, Sr.  
Pastor/Teacher

---

EXHIBIT 5

**Developing Options**

A Division of EOFN 501C3

*Committed to the future of our urban communities.™*

**Crenshaw Rams  
Youth Football and Cheerleading  
Organization**  
*Student First, Athlete Second.™*

August 1, 2019

Re: Jamal "Mally Mall" Rashid

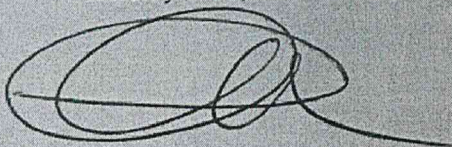
I am Stacey Henley, Commissioner of the Crenshaw Rams Youth Football and Cheerleading Organization. The Crenshaw Rams Youth Football and Cheer Organization works under auspices of Developing Options, a non-profit, volunteer-based organization serving the Greater Crenshaw Community of South Los Angeles that I've been actively apart of for more than 20 years. Crenshaw Rams Youth Football and Cheerleading participates in the Snoop Youth Football League, often recognized as SYFL and operates within the League Rules and Bylaws of the SYFL.

Our objective as the Crenshaw Rams is to promote and instill sportsmanship in youth football and cheerleading, but not limited to being students first, athletes second. We encourage and promote the development of scholar athletes with leadership qualities, character, tolerance, discipline and athletic ability, and to nurture youth fitness, volunteerism, and a lifelong love of sports in their community. Knowing Mr. Rashid for more than 15 years I contacted him in the early 2000's and invited him to be a part of the organization when learning his love for football and the community where many of his peers grew up in. Mr. Rashid had carried out the objective of the organization as a coach early on and has always been a mentor. Aside from athletic knowledge, Mr. Rashid's generosity to the families we serve has been a key factor and that makes him valuable to the organization. Rashid has taken part in transporting players to and from games and practices, purchasing equipment items for those players whom family had financial issues, mentoring those players with behavior issues and in one situation, Mr. Rashid was and still is looked upon as a big brother figure to a player who at the time lost his brother- visiting his school as well as supporting him during an uncontrollable break down. Mr. Rashid continues to keep in contact with that child, who is now a young adult- through letters and phone calls periodically.

I have known Mr. Rashid to be a very peaceful person. In a situation during one of our practices, Mr. Rashid became the mediator amongst irate parents. Mr. Rashid has never been the type to resolve conflicts through violence and, in fact, he was a part of the small group the organization had formed that provides strategies when dealing with uncontrollable situations. Mr. Rashid's devotion to serve the Crenshaw Community is undeniable.

I am confident that this will remain a one-off incident for Mr. Rashid from which he has taken the time to reflect on his actions and is remorseful. The children in our organization love Mr. Rashid and admire his work put out for the organization. In July of this year, Mr. Rashid was one of our honorees at our banquet/award ceremony where we recognized those individuals who have dedicated their time to mentor and even help our organization to keep the youth in the Crenshaw District from turning to gangs as a way of self-expression.

Sincerely Yours,



**Stacey Henley**  
Commissioner, Crenshaw Rams  
4317 Crenshaw Boulevard  
Los Angeles, California 90043



# OUTSTANDING VOLUNTEER

Presented to

Jamal "Mally Mall" Rashid

for

Participation with Developing Options Community Events



Signature

July 27, 2019

Date



## EXHIBIT 6



Aug 19, 2019

To Whom It May Concern:

I worked as Mally's manager and in our time together, I found him to be a very passionate and hardworking individual.

Mally worked day in and day out to ensure that he was reaching his goals and collaborating with people who shared his love of music and art. But beyond the professionalism and work ethic, Mally is a genuinely humble and generous human being. He considers those he works with to be his family, and there is quite literally nothing Mally won't do for them, particularly in their times of need.

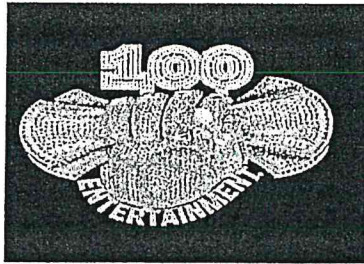
I consider myself very fortunate to have worked and grown with Mally- his energy is contagious and his capacity for giving and for love is unmatched by most, if not all.

Gordon Dillard

The Untld Grp  


EXHIBIT 7





400 South Beverly Dr. Beverly Hills, CA 90212 [REDACTED]

To the Honorable Judge Gloria M. Navarro,

We are presently engaged in professional business with Mr. Rashid. Our business is primarily in the entertainment industry as an artist management company and record label.

We look forward to a long and successful relationship with Mr. Rashid and can assure the Court that if the Court in its discretion were to grant him the privilege of house arrest as part of his sentence his business activity with us will go uninterrupted.

Mr. Rashid has been a pleasure to work with, has made us fully aware of his criminal case, and we are looking forward to him successfully completing the sentence that will be imposed by this Honorable Court.

Sincerely,

A handwritten signature in black ink that reads 'Cash M. Jones'. The signature is written in a cursive, flowing style.

Cash M. Jones, CEO

---

EXHIBIT 8



February 1, 2020

To the Honorable Judge Gloria M. Navarro,

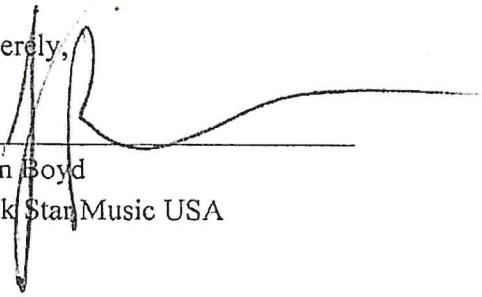
We are presently engaged in professional business with Mr. Rashid. Our business is primarily writing and producing songs.

We look forward to a long and successful relationship with Mr. Rashid and can assure the Court that if the Court in its discretion were to grant him the privilege of house arrest as part of his sentence his business activity with us will go uninterrupted.

Mr. Rashid has been a pleasure to work with, has made us fully aware of his criminal case, and we are looking forward to him successfully completing the sentence that will be imposed by this Honorable Court.

---

Sincerely,



Jason Boyd  
Black Star Music USA

---

EXHIBIT 9

# ROC NATION

8275 Beverly Blvd.  
Los Angeles CA 90048

To the Honorable Judge Gloria M. Navarro,

We are presently engaged in professional business with Mr. Rashid.

Our business is primarily artist management and label distribution. We look forward to a long and successful relationship with Mr. Rashid and can assure the Court that if the Court in its discretion were to grant him the privilege of house arrest as part of his sentence his business activity with us will go uninterrupted.

Mr. Rashid has been a pleasure to work with making amazing international Hit records we have yet to work with anyone that has been able to complete the musical tasks Mr Rashid has. Jamal has made us fully aware of his criminal case, and we are looking forward to him successfully completing the sentence that will be imposed by this Honorable Court.

Regards, Nima Nasserii Roc Nation

---