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12 United States of America

13 **UNITED STATES DISTRICT COURT**  
14 **SOUTHERN DISTRICT OF CALIFORNIA**

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 SALAM RAZUKI (1),  
19 SYLVIA GONZALES (2),  
20 and  
21 ELIZABETH JUAREZ (3),  
Defendants.

Criminal Case No. 18-cr-05260-CAB

**UNITED STATES  
CONSOLIDATED SENTENCING  
MEMORANDUM**

Date: February 9, 2023

Time: 10:00 a.m.

Hon. Cathy Ann Bencivengo

DATE: January 6, 2022

TIME: 10:00 a.m.

22 The UNITED STATES OF AMERICA, by and through its counsel, Randy S.  
23 Grossman, United States Attorney, and Fred Sheppard, Shital H. Thakkar, and Derek Ko,  
24 Assistant U.S. Attorneys, files its Sentencing Memorandum.

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I.

**SUMMARY OF THE UNITED STATES RECOMMENDATIONS**

Defendants RAZUKI, GONZALES, and JUAREZ have pleaded guilty to Conspiracy to Kidnap, in violation of 18 U.S.C. § 1201. Defendants RAZUKI and GONZALES' guideline ranges are 70 to 87 months, and JUAREZ' is 57 to 71 months. The factors under 18 U.S.C. §3553(a) weigh in favor of an 87-month sentence for RAZUKI and GONZALES, and a 71-month sentence for JUAREZ.

II.

**THE OFFENSE CONDUCT**

In September 2018, RAZUKI and GONZALES met with a Confidential Human Source (CHS) requesting CHS arrange to kill one of their business associates, N.M. According to RAZUKI and GONZALES, they had invested in multiple properties and business ventures together and were now involved in a civil dispute over their assets. RAZUKI and GONZALES told CHS that they wanted CHS to "shoot him [N.M.] in the face," "to take him to Mexico and have him whacked," or kill him in some other way. RAZUKI and GONZALES provided CHS a picture of N.M., which CHS provided to the FBI.



*Photo of N.M. provided to CHS by RAZUKI and GONZALES in September 2018.*

1 On or about November 5, 2018, CHS met with GONZALES at The Great Maple in  
2 San Diego, CA. During the meeting, GONZALES asked if CHS could “get rid of Salam’s  
3 [RAZUKI] other little problem, [N.M.], because it looks like they’re going to appeal.... I  
4 would love for him [N.M.] to go to TJ and get lost. Just leave him over there.” GONZALES  
5 said the civil dispute between her, RAZUKI, and N.M. was over \$44 million dollars.  
6 GONZALES went on to say, “It’s no joke, Salam [RAZUKI] has a lot of money tied up  
7 right now, and he’s paying attorney fees. You need to get rid of this asshole [N.M.], he’s  
8 costing me too much money!” GONZALES wanted this to occur before the next court date  
9 in their civil suit scheduled on or about November 15, 2018. At a certain point during the  
10 conversation, a server was close to their table and GONZALES said, “You don’t have to  
11 kill him, you don’t have to put him off the face of the earth.” Despite her words at the time,  
12 GONZALES was making a slashing movement across her neck indicating she wanted  
13 N.M. to be killed. During the conversation, GONZALES advised that there was no reason  
14 to involve RAZUKI in planning for the kidnapping of N.M. because “I am the one with the  
15 balls, any time they [business partners, including RAZUKI] have a problem, they come  
16 after me ... they say Sylvia is like a little ... honey badger ... they’re like send the honey  
17 badger after them.”

18 On November or about 8, 2018, CHS met with GONZALES at Banbu Sushi Bar and  
19 Grill in La Mesa, CA. At the outset of the meeting, GONZALES continued to complain  
20 about N.M. and the ongoing civil lawsuit. According to GONZALES, another individual  
21 was coming, later identified as JUAREZ, to talk about how to handle N.M. GONZALES  
22 said, “Elizabeth [JUAREZ] right here, Elizabeth is going to give you a proposition also on  
23 that problem. She said all you got to do is get him to Mexico and she’ll take care of him  
24 over there.” CHS asked, “She will?” and GONZALES replied, “Yes, that’s why she’s  
25 coming.”

26 Approximately one hour, 20 minutes into GONZALES’ and CHS’s meeting at  
27 Banbu Sushi Bar and Grill, JUAREZ joined them. JUAREZ said that all CHS needed to  
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do was to get N.M. down to Mexico and she would take care of the rest. JUAREZ and GONZALES said a lot of people have it out for N.M. so nothing would come back on RAZUKI. GONZALES said she wanted to watch and wanted N.M. to know that it had come from them [GONZALES and RAZUKI], but JUAREZ cautioned GONZALES shouldn't watch because it would be gruesome and haunt her. JUAREZ said this "wasn't her first rodeo" and went on to talk about a previous incident involving a female from Vista, CA, who was drugged and kidnapped. CHS, GONZALES, and JUAREZ discussed a cost of \$2,000 for the job. CHS clarified whether GONZALES and JUAREZ wanted this to happen in the United States or Mexico. JUAREZ said, "No, I don't want it done here [in the United States]." GONZALES added, "No, let's do it in Mexico because we can't be charged in the US. Let's do it in Mexico in case anything comes back to us." JUAREZ said, "In Mexico it's easier to make things go away. You pay for your freedom." GONZALES and JUAREZ said they wanted to "put the turkey up to roast before Thanksgiving." After the meeting, CHS positively identified a driver's license photo of Elizabeth JUAREZ as the individual that joined them and talked of the kidnapping and murder of N.M. This is the same individual observed by FBI agents as joining the meeting as well. GONZALES advised that RAZUKI often referred to N.M. as "the midget" and near the end of the dinner, JUAREZ handed CHS her cellphone to take a picture of GONZALES and JUAREZ and said, "You can take a picture of us when we were going to get rid of the midget [decided to kidnap and kill N.M.)."



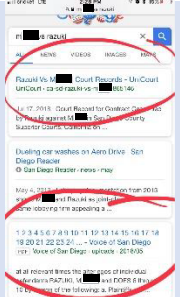
*The photo GONZALES requested to have taken by CHS at the conclusion of the meeting at Banbu Sushi.*

After dinner, CHS called GONZALES and confirmed that CHS could kidnap and murder N.M. During the call, CHS told GONZALES to provide information on N.M., including his address, what car he drives, and other identifying information. GONZALES asked to meet the next day so she could give CHS the information requested.

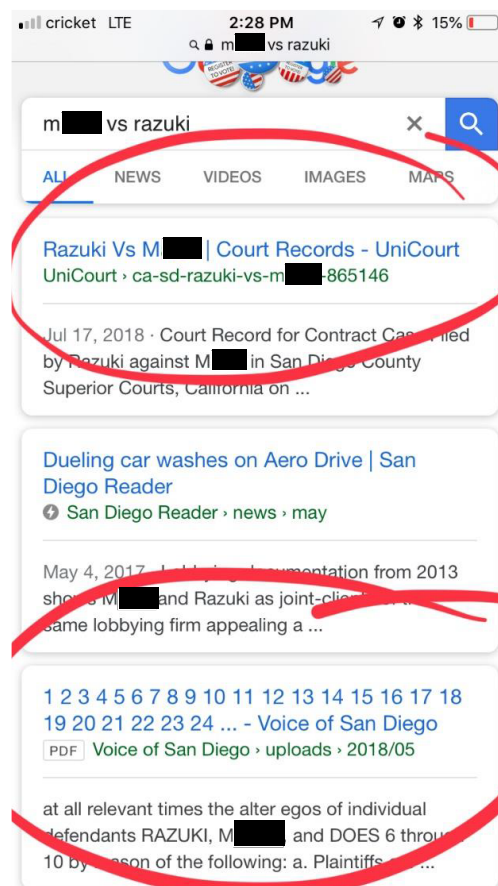
On or about November 9, 2018, GONZALES called CHS and asked CHS to meet her, RAZUKI, and JUAREZ. During the meeting, RAZUKI, GONZALES, and JUAREZ, discussed with CHS several loans they were trying to secure for their businesses, including cannabis dispensaries, as well as RAZUKI's frustration with the ongoing civil suit with N.M. At times during the meeting, RAZUKI went to the other side of the room to work, though CHS believes it was close enough to overhear the continued conversation between CHS, GONZALES, and JUAREZ. GONZALES asked CHS if CHS needed money [for the kidnapping of N.M.] and said she would go get \$1,000 but asked if CHS wanted the full payment instead. CHS indicated that \$1,000 fine for the time being and GONZALES went to the Goldn Bloom Dispensary and returned with \$1,000 cash. Surveillance agents observed GONZALES walk to the Goldn Bloom Dispensary across the street and return.

At the same time that GONZALES and RAZUKI were meeting with CHS on November 9, 2018, RAZUKI was exchanging messages with JUAREZ in which RAZUKI pressed for updates about work related to N.M. that RAZUKI had commissioned.

From	Direction	Body	Timestamp-Time
+16197196661 Salam RAZUKI	Outgoing	Any updated today	9/25/2018 2:13:59 PM(UTC-7)
+16196461241	Incoming	Yes the computer guy is working on it	9/25/2018 2:14:25 PM(UTC-7)
+16197196661 Salam RAZUKI	Outgoing	Please ASAP	9/25/2018 2:15:03 PM(UTC-7)
+16197196661 Salam RAZUKI	Outgoing	Nothing yet	9/25/2018 2:27:22 PM(UTC-7)
+16196461241	Incoming	He is working on it now	9/25/2018 2:27:56 PM(UTC-7)

1	+16197196661 Salam RAZUKI	Outgoing	Ok let him clear all please	9/25/2018 2:28:27 PM(UTC-7)
2	+16196461241	Incoming		9/25/2018 2:29:08 PM(UTC-7)
3				
4				
5				
6				
7	+16196461241	Incoming	That's what he is working on	9/25/2018 2:29:11 PM(UTC-7)
8	+16197196661 Salam RAZUKI	Outgoing	Let him clear everything under my name profile that look bad	9/25/2018 2:31:27 PM(UTC-7)
9	+16196461241	Incoming	Ok babe	9/25/2018 2:36:30 PM(UTC-7)

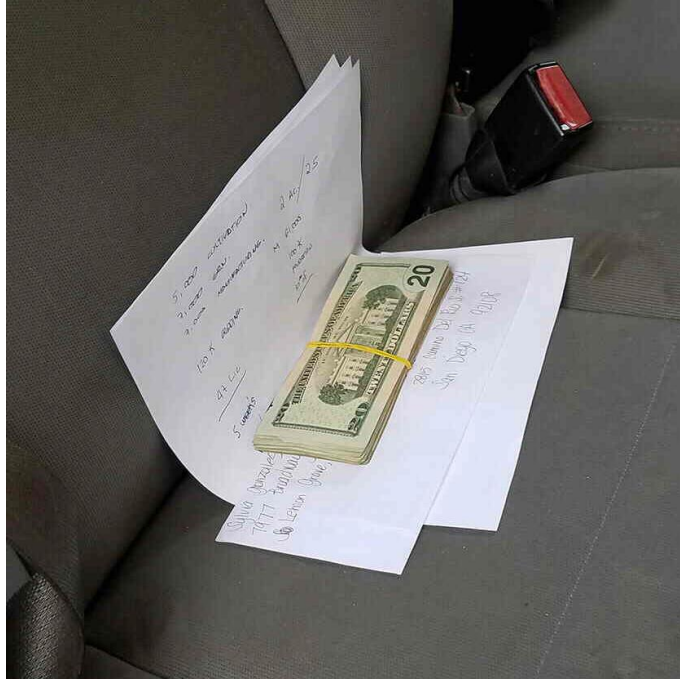
Text messages exchanged between RAZUKI and JUAREZ while RAZUKI and GONZALES were meeting with CHS.



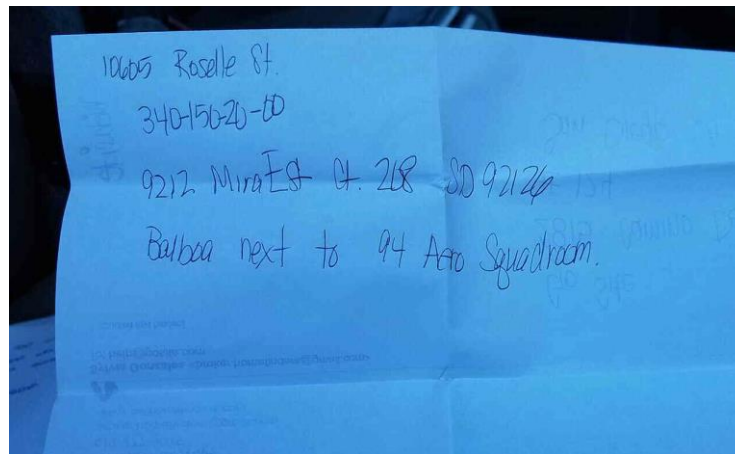
A closeup of the attachment that JUAREZ sent to RAZUKI during the November 9, 2018 text message exchange.



1 After the meeting, CHS provided agents with \$1000 cash provided by GONZALES  
 2 as well as an envelope with a piece of paper inside, which had also been provided by  
 3 GONZALES. The paper had two business addresses for N.M. according to GONZALES  
 4 in a later meeting.



16 Photo of the \$1000 provided by GONZALES to CHS at the conclusion of the November 9, 2018 meeting.



24 Photo of the addresses associated with N.M. provided by GONZALES to CHS on November 9, 2018.

25 On or about November 13, 2018, GONZALES contacted CHS again via phone and  
 26 informed CHS that RAZUKI and GONZALES would be with N.M. in court at the Hall of  
 27 Justice located at 330 West Broadway, San Diego, CA. GONZALES requested CHS join  
 28

1 them so CHS could see N.M. in person. CHS declined going into the courtroom, but agreed  
 2 to stand outside the building and wait for N.M. to exit. While inside the Hall of Justice,  
 3 GONZALES took a picture of N.M. with her phone and sent it to CHS and then called  
 4 CHS and described what N.M. was wearing at the hearing.



Text message exchange between GONZALES and CHS on November 13, 2018.

18 GONZALES exited the Hall of Justice and met with CHS to further discuss the  
 19 description of N.M., which was recorded. According to GONZALES, the information on  
 20 the envelope and back of the paper provided on November 9, 2018, was to assist CHS in  
 21 locating N.M. for the kidnapping and murder in Mexico. GONZALES also stated during  
 22 the meeting “if they take him now, it’s gunna be good.” GONZALES went back into the  
 23 courthouse and provided CHS with updates as N.M. was departing the Hall of Justice to  
 24 ensure CHS observed N.M. as he left. GONZALES told CHS that N.M. would be exiting  
 25 the courthouse and that GONZALES, RAZUKI, JUAREZ, and their attorney would exit  
 26 after him. FBI agents observed N.M exit the courthouse after CHS had been told this and  
 27  
 28



agents observed RAZUKI, GONZALES, and JUAREZ proceeded on foot to the vehicle they arrived in and departed.

On November 15, 2018, CHS met with RAZUKI, which was recorded and surveilled by FBI agents. CHS said, “I took care of it.” RAZUKI replied, “So he will take care of it, or it’s done?” CHS replied, “Done.” RAZUKI quickly changed the subject to discuss other business investments and pending loans. Later in the conversation, CHS said, “Well, when I talked to what’s her name, she said that she wanted to have proof. Do you want to see it, or are you ok with it?” RAZUKI replied, “No, I’m ok with it. I don’t want to see it.” Shortly thereafter, CHS requested the remainder of the agreed-upon payment and RAZUKI directed CHS to follow up with GONZALES for payment.

On November 15, 2018, GONZALES was arrested. On November 16, 2018, JUAREZ and RAZUKI were arrested.

## II.

### ARGUMENT

When taking into consideration the factors under 18 U.S.C. §3553(a) and the departures allowed under the United States Sentencing Guidelines (“USSG” or the “Guidelines”), a sentence on the high-end of the guideline range is warranted for all three defendants.

“A substantively reasonable sentence is one that is sufficient, but not greater than necessary to accomplish § 3553(a)(2)’s sentencing goals.” *United States v. Crowe*, 563 F.3d 969, 977 n.16 (9th Cir. 2009) (*quoting* 18 U.S.C. § 3553(a)). After determining the advisory sentencing range,<sup>1</sup> district courts are expected to consider the factors specifically identified in 18 U.S.C. § 3553(a) before imposing a sentence. *See Cunningham v.*

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<sup>1</sup> The United States has filed Sentencing Summary Charts (“SSC(s)”) for each defendant separately. *See* ECF Nos. 191 (RAZUKI SSC), 192 (GONZALES SSC), and 193 (JUAREZ SSC).

1 *California*, 549 U.S. 270, 286-87 (2007) (noting sentencing courts are “obliged” to  
2 consider the Guidelines range as well as sentencing goals enumerated in § 3553(a)).

3 **A. The Sentencing Factors Under 18 U.S.C. §3553(a) Support A High-end**  
4 **Sentence In This Case**

5 The Sentencing Guidelines are an important factor that must be calculated and  
6 considered by the Court in fashioning an appropriate sentence, but they are only one of the  
7 factors set out in 18 U.S.C. § 3553(a) that ultimately guide a district court in the exercise  
8 of its discretion. *See United States v. Sylvester Norman Knows His Gun, III*, 438 F.3d 913,  
9 918 (9th Cir. 2006). As reflected in the United States SSCs, Defendants RAZUKI and  
10 GONZALES’ guideline ranges are 70 to 87 months, and JUAREZ’ is 57 to 71 months.  
11 The following 3553(a) factors weigh in favor of an 87-month sentence for RAZUKI and  
12 GONZALES, and a 71-month sentence for JUAREZ:

13 **1) The Nature and Circumstances of the Offense Under §3553(a)(1)**

14 The nature and circumstances of the offense are extremely aggravating. All three  
15 Defendants conspired and planned to have N.M. kidnapped, taken to Mexico, and  
16 intimidated or murdered. Each Defendant now attempts to distance his/herself from the  
17 possibility [and likelihood] that N.M. could have been killed through the execution of their  
18 plan. Those efforts reflect a realization that their conduct justifies a high-end sentence.  
19 Their efforts are also in vain because the evidence supports the fact that their plan included  
20 the possibility of N.M.’s murder, and their acquiescence and support of his killing, should  
21 that have occurred. The following evidence highlighted in the Defendants’ PSRs, clearly  
22 shows their desire, or at the very least the likelihood, that N.M. could/would/should be  
23 killed:

- 24 1. According to the CHS, on October 17, 2018, RAZUKI and GONZALES  
25 asked CHS to kill N.M. and that they wanted CHS to “shoot him [N.M.] in  
26 the face,” “to take him to Mexico and *have him whacked*,” or to kill N.M. in  
27 some other way. ECF Nos. 173-5 at 4, par. 4 (emphasis added).

2. On November 5, 2018, during a recorded conversation, GONZALES stated I would love for him [N.M.] to go to TJ and get lost. ***Just leave him over there***” and that CHS “need[ed] ***to get rid of*** this asshole [N.M.], he’s costing me too much money!” *Id.* at 5, par. 10 (emphasis added).
3. Also on November 5, 2018, while verbally claiming that N.M. did not need to die, “GONZALES made a slashing motion across her neck, appearing to indicate she wanted N.M. to be killed.” *Id.* at 5, par. 11;
4. On November 8, 2018, during a recorded conversation, GONZALES (while waiting for JUAREZ to arrive, stated “Elizabeth [JUAREZ] right here, Elizabeth is going to give you a proposition also on that problem. She said all you got to do is get him to Mexico and she’ll take care of him over there.” *Id.* at 6, par. 13;
5. Also on November 8, 2018, JUAREZ confirmed that the CHS need only get N.M. down to Mexico, and that she would take care of the rest. JUAREZ and GONZALES indicated that a lot of people “had it out” for N.M., so nothing would “come back on RAZUKI.” GONZALES stated she “wanted to watch” and wanted N.M. to know “it” came from the Defendants. JUAREZ cautioned GONZALES not to “watch” because it would be “gruesome” and would “haunt” GONZALES. *Id.* at 5, par. 14. Although Defendants now claim that they were merely hoping to scare or intimidate N.M., “watch[ing]” a scare tactic in this context makes no sense. Common sense dictates that intimidation alone is not “gruesome,” nor is going to be “haunt[ing]” if someone watches it. Murder, on the other hand, can certainly fit those descriptions and warnings.
6. Also on November 8, 2018, JUAREZ, while explaining the benefits of committing such a heinous act in Mexico, stated, “In Mexico it’s easier to

1           *make things go away.*” *Id.* at 5, par. 14 (emphasis added). Intimidation alone  
 2           does not logically fit this comment. Murder, on the other hand, does;

3           7. Also on November 8, 2018, the CHS called GONZALES to discuss the  
 4           kidnapping *and murder* of N.M. *Id.* at 5, par. 16;

5           8. On November 15, 2018, the CHS and RAZUKI met after the CHS had  
 6           completed his “gruesome” assignment. During the meeting, CHS told  
 7           RAZUKI that N.M. had been “taken care of” and offered to show RAZUKI a  
 8           picture of N.M. as proof. RAZUKI declined to look at the picture but directed  
 9           CHS to meet with GONZALES to obtain payment. Again, common sense  
 10          does not support Defendants’ claims that their intent was merely to intimidate,  
 11          and nothing more. A “picture” of someone being only intimidated does not  
 12          fit the context of the many conversations the Defendants had with the CHS.  
 13          A picture of a murdered N.M., on the other hand, does.

14          The motivation for the Defendants was purely financial, which is additional  
 15          aggravation. Many times in the criminal justice system, violence leads to further violence  
 16          in the form of unjustifiable retaliation. Here, the Defendants were motivated by money,  
 17          and their brazen plan to kidnap, intimidate, and possibly murder N.M. was also fueled by  
 18          money.

## 19           **2) The Need For the Sentence Imposed Under §3553(a)(2)**

20          A high-end sentence is necessary under this factor because it would reflect the  
 21          seriousness of the offense, promote respect for the law, provide just punishment for the  
 22          offense, afford adequate deterrence, protect the public from further crimes of the  
 23          Defendants. As to the reflecting the seriousness of the offense, and providing just  
 24          punishments for the Defendants’ acts, the United States relies on the evidence and  
 25          arguments above. Deterrence and protecting the public, however, are especially important  
 26          considerations in this case. As all of the sentencing filings have clearly demonstrated, this  
 27          case is connected to significant civil litigation, and has gotten the attention of many in the  
 28

1 business community here in San Diego. That, coupled with the power of the media (social  
2 and mainstream), reveals that the Court's sentence for the Defendants' conduct is going to  
3 be examined. A high-end sentence would adequately reflect the Defendants' conduct, and  
4 would be sufficient, but not greater than necessary.

5 **III.**

6 **CONCLUSION**

7 For the foregoing reasons, the Government requests that Defendants RAZUKI and  
8 GONAZLES be sentenced to 87 months, and Defendant JUAREZ be sentenced to 71  
9 months.

10  
11 DATED: February 2, 2023

12 Respectfully submitted,  
13 RANDY S. GROSSMAN  
14 United States Attorney

15 s/ Fred Sheppard  
16 FRED SHEPPARD  
17 Assistant U.S. Attorney

18 s/ Shital H. Thakkar  
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