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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,

Case No. CR-21-00955-PHX-DLR-2

Plaintiff,

v.

**DEFENDANT’S SENTENCING
MEMORANDUM**

Jose Teran,

*(Assigned to the Honorable Douglas
Raves)*

Defendant.

Defendant Jose Teran (herein “Mr. Teran”), by and through undersigned counsel, hereby submits his Sentencing Memorandum for this Court’s consideration at sentencing dated June 26, 2023.

MEMORANDUM OF POINTS AND AUTHORITIES

I. PROCEDURAL HISTORY

On February 3, 2023, Mr. Teran entered a plea of guilty to three counts of the indictment. Count 1 charged a conspiracy in violation of 18 U.S.C. §371, Count 2 charged Mr. Teran with Wire Fraud in violation of 18 U.S.C. §1343 and Count 23 charged a violation of Transactional Money Laundering, in violation of 18 U.S.C. §1957(a) . As indicated in the Plea Agreement’s factual basis the crux of Mr. Teran’s crime was his agreement with his co-defendant, Mr. Webster Batista, to monetize music on YouTube to which they had no right. The victims in this matter are persons and entities who owned rights to musical content the victims had not monetized on YouTube. While Mr. Teran admits to his involvement in the

1 relevant criminal activity, Mr. Batista was the mastermind of the fraud scheme. (See
2 paragraph 27 of the Presentence Investigation Report.)

3 **II. ANALYSIS OF THE OFFENSE AND MR. TERAN'S PERSONAL**
4 **CHARACTERISTICS**

5 As discussed below, Mr. Teran respectfully submits that when considering the
6 offenses to which he pled guilty to and taking into account his personal history and
7 characteristics, the Court could comfortably determine that a probation or alternatively home
8 confinement with work release grant or a split sentence could be an appropriate sanction.
9 Mr. Teran fully recognizes, and stipulated in his plea agreement that his role in the
10 conspiracy resulted in 6 million dollars of criminal profit, for which the Sentencing
11 Guidelines would apply an 18 point upward adjustment. If the Court were to apply a
12 guideline sentence such an upward adjustment would make Mr. Teran ineligible for a
13 sentence of probation, home confinement or a split sentence. But Mr. Teran respectfully
14 requests that the Court consider his history and personal characteristics when determining
15 whether the Sentencing Guidelines contemplate the most appropriate sentence in this matter
16 and vary downward based upon the below.

17 **A. Nature and Circumstances of the Offense**

18 Mr. Teran committed these offenses of conviction along with a co-conspirator who
19 was the scheme's leader and organizer. Mr. Teran believed Mr. Batista to be a successful
20 businessman in the music field with whom he could realize his dream of producing music,
21 movies and music videos. Believing the co-conspirator to be a close friend, Mr. Teran was
22 excited to be the recipient of the co-conspirator's advice and partnership. But the advice Mr.
23 Batista offered, and the partnership he created was criminal in nature.

24 Mr. Teran has always worked. His dream as a child was to work in the music industry
25 but before he broke into the entertainment field he worked at retail stores such as Best Buy
26 and Home Depot. The operative point is that he began working as a young man and always
27 has. His work provides him with a sense of accomplishment, as well as a means to support

1 his wife and two minor children. Mr. Teran readily admits that he committed the offenses of
2 conviction in the manner described in the factual basis for his plea agreement. He continues
3 to accept responsibility for his role in the offense.

4 **B. Mr. Teran's History and Characteristics**

5 Mr. Teran grew up with means in Southern California. He continues to maintain a
6 very close relationship with his mother, but was abandoned by his father as an infant, which
7 has been a lifelong struggle for him and which he does not want to repeat with his own
8 children. While attending high school, Mr. Teran was not terribly interested in his course
9 work, but had a dream to be involved in the music industry. Not having an immediate
10 mechanism to break into the field, he took entry level jobs at retail stores. He determined that
11 higher education was not his best option and dropped out of high school. Importantly, he did
12 not have the example of a father to follow or from whom he could seek advice and direction.
13 In time he was able, separate from the behavior that forms the basis of his conviction, to
14 obtain his dream job representing musical artists, producing music videos and organizing
15 concerts. In fact, with the Court's permission, he recently travelled to Guadalajara, Mexico
16 to produce two music videos and help organize a concert for an artist he represents.

17 Mr. Teran enjoys meaningful relationships with his mother, his wife and his two
18 young children. To her credit, and in a testament to the positive attitude she and Mr. Teran
19 share, they formalized their long-time relationship through marriage during the pendency of
20 this matter. The two had been a committed couple since their high school days, but had never
21 been married until after the indictment in this matter.

22 Mr. Teran respectfully asks the Court to recognize his sterling behavior since being
23 released on his own recognizance in December of 2021. During that time, he remained law
24 abiding, sober and forward leaning in his efforts to support his family. With the Court's
25 permission he travelled for work, including to Mexico, and faithfully returned to continue
26 observing his conditions of release.

27 As referenced in paragraphs 60 and 62 of the presentence report, Mr. Teran has a

1 history of anxiety, potentially depression, occasionally debilitating gout and an untreated
2 heart condition. Mr. Teran reports a successful history in treating his mental health and
3 physical ailments through diet and exercise. Such efforts will undoubtedly be exceedingly
4 difficult in a penal setting.

5 Lastly, Mr. Teran is embarrassed to be before the Court for having committed his
6 crimes, but he accepts that his actions have consequences. He is embarrassed to have
7 forgotten the lessons his mother imparted upon him and for letting his wife and children
8 down and putting them in jeopardy. He's fearful that a lengthy term of incarceration will
9 surely affect his ability to assist his mother as she ages and to support his immediate family.
10 There was no legitimate basis for him to have agreed to participate in the charged conspiracy
11 or the crimes that flowed from it. He hopes the Court gives great weight to his clean criminal
12 history and accepts his promise that he's learned a valuable lesson.

13 **III. CONCLUSION**

14 There is every reason to believe that Mr. Teran can be a productive citizen after
15 conviction. He has substantial skill in the entertainment field, coupled with an
16 entrepreneurial spirit. He respectfully asks that the Court exercise its discretion to sentence
17 him in a manner that allows him to continue supporting his family while working to make
18 the victims whole.

19
20 RESPECTFULLY submitted this 21st day of June, 2023.

21 **RYAN RAPP PACHECO**
22 **& KELLEY, PLC**

23 /s/ Andrew C. Pacheco

24 Andrew C. Pacheco

25 *Attorneys for Jose Teran*
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CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2023, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF Registrants:

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