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

<b>United States of America,</b>	)	<b>Case No. 2:21-cr-00955-DLR-1</b>
	)	
Plaintiff,	)	<b>DEFENDANT WEBSTER BATISTA</b>
vs.	)	<b>FERNANDEZ’S SENTENCING</b>
	)	<b>MEMORANDUM</b>
<b>Webster Batista Fernandez</b>	)	
	)	
Defendant.	)	
	)	

Comes now, Defendant, Webster Batista Fernandez, by and through undersigned counsel, and hereby submits the following Sentencing Memorandum to this Court prior to his sentencing hearing. Undersigned counsel has reviewed the Presentence Investigation Report, hereinafter “PSR” with Mr. Batista Fernandez, and Defendant has no substantive objections to the Presentence Investigation Report.

Pursuant to the sentencing factors set forth in 18 U.S.C. §3553(a), Defendant Webster Batista Fernandez requests that this Court accept the plea agreement, grant a variance, and impose a reasonable sentence below the advisory guideline range. Given Mr. Batista Fernandez’s character, family support, strong work ethic, lack of criminal

1 history, acceptance of responsibility, and efforts towards rehabilitation, a sentence of 48  
2 months' imprisonment, combined with significant restitution, constitutes a reasonable  
3 sentence, which will provide sufficient punishment, promote respect for the law, and allow  
4 for adequate deterrence.  
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## 6 **I. FACTUAL BACKGROUND**

7 By way of background Webster Batista Fernandez, hereinafter "Mr. Batista  
8 Fernandez" is 35 years old and was born in La Vega, Dominican Republic to Jose Batista  
9 and Yoselin Fernandez. Webster's father Jose passed away in 2015, and his mother  
10 Yoselin resides in the Dominican Republic. Webster is the oldest of five children.  
11 Webster has three younger sisters who all reside in the United States: Lorimar (32) lives  
12 in Arizona; Issa (30) lives in California; and Amber (28) lives in New York. Webster's  
13 brother Jimmy, passed away when he was 17 years old.  
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16 As a child, Webster Batista Fernandez was raised primarily by his paternal  
17 grandmother, Melva Batista until he was 12 years old. To be sure, Defendant's father was  
18 often incarcerated during Webster's youth, and his mother left the home after he was two  
19 months old, and then came back into his life when Webster was 12. Webster later  
20 immigrated to the United States with his mother and sisters in 2002, when he was 14  
21 years old, due to violence in the Dominican Republic. Mr. Batista Fernandez settled in  
22 Phoenix, and then moved to California in 2015. After living in California for two years,  
23 Webster moved to Florida in 2017, where he remained until his arrest for the instant  
24 action. Webster maintains a close relationship with his mother and siblings.  
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1 Webster Batista Fernandez has been in a relationship with his girlfriend Nizza Pena  
2 for approximately three years. Webster and Nina have one child together, Prince Heaven  
3 Batista, who is 18 months old. At the time of his arrest, Webster was living with his  
4 girlfriend and son in Sunnyside, Florida. Webster also has two children as a result of a  
5 previous relationship: Armani Batista (16) and Melody Batista (12). Armani and Melody  
6 reside with their mother in Arizona. Webster remains in contact with all of his children.  
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8  
9 **Education and Employment History:**

10 Webster attended Thunderbird High School in Phoenix, Arizona until the eleventh  
11 grade. Mr. Batista Fernandez does not have a high school diploma.  
12

13 Following high school, Webster Batista Fernandez has been primarily employed in  
14 the music industry for the last seven years. In particular, from 2017 until his arrest for  
15 the instant action, Mr. Batista Fernandez was self-employed as a YouTube music  
16 influencer, earning approximately \$200,000 per month. Prior to this employment,  
17 Webster Batista Fernandez was self-employed in the music industry, producing music  
18 videos and working for his own company. Webster also worked for Sony and other big  
19 labels producing music videos. From 2005 until 2007, Webster held a variety of odd  
20 jobs, such as working at Goodwill, and for a carwash.  
21  
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23 **Efforts Towards Rehabilitation:**

24 In the instant case, Webster Batista Fernandez has been incarcerated since his arrest  
25 in November of 2021. During his incarceration, Mr. Batista Fernandez decided that he  
26 wanted to rehabilitate his life, and participated in Hustle 2.0, which is a self-directed  
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1 learning program designed for incarcerated individuals to give them the tools for  
2 rehabilitation. In particular, the program is designed to replace criminality with prosocial  
3 thinking and behavior, promote positive relationships and community, develop empathy  
4 and emotional awareness, provide effecting coping strategies, build good habits and break  
5 bad ones, and prepare incarcerated persons for reentry and post-release employment.  
6

7 On May 3, 2023, Webster Batista Fernandez received his certificate for  
8 completing the Preseason Program. The Huddle Preseason Program involves completion  
9 of a 348-page self-guided crash-course curriculum which includes self-assessments,  
10 journal exercises, case studies, testimonials, and success stories. After completing the  
11 course, each participant takes a final exam. As a result of completing the course and  
12 passing the final exam, Mr. Batista Fernandez earned his Certificate of Completion.  
13

14 Webster feels that he has benefitted from this self-help program, and plans to continue  
15 with the Huddle 2.0 Program during his incarceration. (*See Hustle 2.0 Preseason*  
16

17 *Program Certificate & letter, submitted to the Probation Department*)  
18

19 **Family and Character References:**

20 In the instant case, Webster Batista Fernandez has received an outpouring of  
21 support from family, relatives and friends who will vouch for his integrity, good  
22 character, generosity, strong work ethic, compassion for others, and devotion to his  
23 family.  
24

25 Yoselin Fernandez is Webster's mother. Yoselin shares a very close relationship  
26 with Webster, who is her first-born child. Yoselin shares that she has several significant  
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1 health issues, and when she was sick with COVID, Webster was there to share his support  
2 and help her. Moreover, Yoselin's mother died of COVID, and Yoselin appreciates that  
3 Webster was there to provide support throughout her grieving process. Yoselin shares her  
4 observations of Webster's character:  
5

6 "When I was sick with COVID he was so attentive asking if I needed help  
7 with anything he was there for me financially and emotionally. My mom  
8 passed away from COVID and at the time he was a huge support for me  
9 and I am forever grateful for that. I am so proud of that the man I raised  
10 turned out to be an amazing father, genuine, and loving and I believe he  
11 deserves another chance." *(See character letter from Yoselin Fernandez,  
12 submitted to the probation department)*

13 Lorimar Baez is Webster's sister. Lorimar is married and has four children,  
14 including a baby who is six months old. Lorimar describes Webster as one of her best  
15 friends, and maintains a close relationship with her older brother. Lorimar shares her  
16 observations of Webster's character, which is best exemplified through Webster's  
17 commitment to her family. To be sure, according to Lorimar, Webster served as a great  
18 role model for her husband on how to be a great father:  
19

20 "I believe Webster has always helped me as much as he could. One thing I  
21 am forever grateful is him being a great influence on my now husband.  
22 When I met my husband we were just 16 and he didn't have a dad around  
23 for most of his life so he saw Webster as a role model. Webster always had  
24 a job and was the best example by always being present and helping with  
25 the kids which I believe is a huge reason my husband is such a great dad  
26 now." *(See character letter from Lorimar Baez, submitted to the  
27 probation department)*  
28

1 Ramon Baez is Lorimar’s husband and Webster’s brother-in-law. Ramon has known  
2 Webster for 11 years. Ramon describes Webster as an honest man and someone who has  
3 always been there to help his family. Ramon considers Webster to be a brother to him and  
4 shares that Webster has made a positive impact upon his life, helping to mold him into the  
5 man he is today:  
6

7 “Mr. Batista welcomed me into his family which became mine with open  
8 arms and has always been there to offer support ever since. I consider him  
9 a brother and he has done many things to help mold me into who I am  
10 today. He helped me make my first resumes and would offer rides to and  
11 from work. I’m now a successful plumber thanks to Webster’s continued  
12 support and encouragement. I know if it wasn’t for his help I wouldn’t  
13 have stuck it out in the beginning. I feel indebted to Webster as now I can  
14 provide solely for my family. He’s been an amazing friend and brother to  
15 me over the years.” *(See character letter from Ramon Baez, submitted to  
16 the probation department)*

17 Orlando Batista is Webster’s uncle. Orlando lives in Florida and shares a close  
18 relationship with Webster and his family. Orlando describes Webster as a decent and  
19 responsible man who has always been there for his family and grandparents, and also is  
20 someone who is willing to extend himself to help those with whom he doesn’t share a  
21 close family bond:

22 “As a close acquaintance, I can testify to his character as a decent man who  
23 has lived his life up to the norms of this society. As a family, he has always  
24 been there for me and my parents, but even for the people that he isn’t in a  
25 close relationship with, Webster has always tried his best to serve  
26 humanity...He has grown to be a very decent and responsible man who  
27 would be a good contribution to the family and the society in future.” *(See  
28 character letter from Orlando Batista, submitted to the probation  
department)*

1 Solanyi Batista de Peralta is Webster's cousin. Solanyi has known Webster since  
2 his birth, and watched him grow up and become a teenager. Solanyi expresses that Webster  
3 was raised as part of an exemplary family, full of love, respect, and responsibility. Solanyi  
4 conveys that Webster's paternal grandparents taught him from an early age the value of  
5 hard work and responsibility, which has shaped his character today:  
6

7 "In the home that Webster Batista grew up in (the home of his paternal  
8 grandparents) he learned what work and discipline are and that everything  
9 one wants in life is achieved through work, sacrifices and efforts, that is  
10 why Webster, from an early age, has known how to work hard to achieve  
11 his goals, he was an enterprising boy who made candy to sell to his friends  
12 and thus be able to buy what he needed and help his grandparents. He  
13 learned to be responsible, supportive, kind and honest." (*See character  
14 letter from Solanyi Batista de Peralta, submitted to the probation  
15 department*)

14 Noel Valentin has been friends with Webster for 12 years. Noel first met Webster  
15 12 years ago in Phoenix before he started his career in music. Noel describes Webster as a  
16 great father, son, brother, and friend. Noel also shares her belief that Webster is a man who  
17 has always demonstrated an ability to learn from his mistakes:  
18

19 "I have always known Webster to be a great father to his kids, a great son  
20 to his mother and a great brother to his sisters, he has also been a great  
21 friend to me. He has always been a person to follow the rules and have  
22 very good standards in his life that's why this comes to such a surprise to  
23 me but we all make mistakes and as I know Webster, I know he is aware of  
24 his mistakes and is willing to make amends to make his life better he's  
25 always been a person to learn from his mistakes and always held his own  
26 self accountable to his mistakes." (*See character letter from Noel Valentin,  
27 submitted to the probation department*)  
28

1 Isidro Rosario has been a close friend to Webster Batista Fernandez and his family  
2 for the past 4 years. Isidro describes Webster as a man who is responsible, patient and  
3 caring. Isidro shares his reflections of Webster's character:

4  
5 "As a close friend to him and his family, I can say for sure to his character  
6 as a man who has lived his life up to the laws of this society. As a family  
7 member, he has always been there for me, but even for the people that he  
8 isn't in a close relationship with, Webster has always tried his best to serve,  
9 not only the loved ones, but even others not so close to him. I must confess  
10 I am not fully aware for all the proceedings being conducted against him,  
11 yet I'm pledging here with my words for his character as a person who  
12 cares a lot for his family, especially his grandparents. But one thing I am  
13 sure of is that he hasn't been this way all his life. He has grown to be a  
14 man responsible, patient and a caring person. Knowing him as I know him,  
15 I am sure that this experience serves to him to learn his lesson to be prudent  
16 with the decision he must face in the future." (*See character letter from*  
17 *Isidro Rosario, submitted to the probation department*)

18  
19 Angels Rates Borrás has been friends with Webster for the past two years. Angels  
20 met Webster in 2020 when he wrote, directed, and produced a film where he cast Angels  
21 as a lead actress. During the time that they worked together, Angels had the opportunity to  
22 witness firsthand Webster's character as a hardworking individual who was always  
23 professional and exhibited a strong work ethic. Angels also had the opportunity to observe  
24 Webster around his children, and found him to be a loving husband and father. Moreover,  
25 Angels shares her observations after speaking with Webster, that Webster is remorseful for  
26 his conduct and is working towards rehabilitation:

27  
28 "Since I met him, he has always been responsible, focused and one of the  
most hard-working men I have ever known. During the time that Webster  
and I worked together, there wasn't a single day that Webster wasn't kind  
to me, or to anyone else around him. I was able to observe him around his  
children and wife. He has only shown me to be a well-respected



1 professional and a lovable husband and father...I have also seen Webster in  
2 person recently since I have been able to visit him at Central Arizona  
3 Florence Correctional Complex, and he conveyed to me about his decisions  
4 and the shortfall of judgement and assured me that he wishes to rectify  
5 himself. I believe he will improve from his deeds and has shown to me a  
6 keen interest in developing his character and becoming a better human.  
7 The counseling that he is receiving will surely guide him in the right path  
8 and help him gain his name in the community.” (*See character letter from*  
9 *Angels Rates Borrás, submitted to the probation department*)

10 The above references constitute excerpts taken from character letters submitted on  
11 behalf of Webster Batista Fernandez. Every letter is written by someone who can attest to  
12 the true character of Webster as an individual, son, brother, family member, friend and  
13 professional. Every letter describes him as a caring and helpful man and trustworthy  
14 individual who continuously demonstrates his desire to help others. These character  
15 references all share their support for Webster and they express their belief that Webster is  
16 a good and responsible man who has done so much for his family and friends.

17 Webster feels sincere remorse for his conduct, and the instant offense is not  
18 representative of his true character. Fortunately, Webster understands the serious nature of  
19 his conduct, is taking responsibility for his actions, and will have the support of his family  
20 and friends as he makes positive changes for the future.

21 **Facts Pertaining to the Instant Offense:**

22 From 2016 until May 31, 2021, Internal Revenue Service-Criminal Investigation  
23 (IRS-CI) agents investigated Webster Batista Fernandez and Jose Medina Teran who  
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1 partnered to monetize music from several musical artists they did not have legal authority  
2 to monetize or otherwise control.

3         The investigation revealed the following: Defendants Webster Batista Fernandez  
4 and Jose Teran and other co-conspirators worked together to monetize music on  
5 YouTube (Y.T.) which they had no legal authority to monetize. Defendants searched for  
6 songs and uploaded them to Y.T. as mp3 files and falsely claimed ownership over 50,000  
7 songs, thereafter receiving royalty payments for these songs. Defendants falsely  
8 represented to YouTube (Y.T.) and AdRev (A.R.), an intermediary company which  
9 administers Y.T. royalty payments and makes disbursements to those who claim to own  
10 music assets, that they were entitled to collect any resulting royalty payments.  
11

12         The investigation further revealed that in 2017, Defendants Webster Batista  
13 Fernandez and Jose Teran created an entity called MediaMuv L.L.C. for the purpose of  
14 falsely claiming legal rights to music recordings, and entered into a contract with Y.T. to  
15 utilize their content management system (CMS). Once defendants gained access to Y.T.'s  
16 CMS, they began uploading mp3 files of music they fraudulently claimed to own.  
17 Defendants also hired co-conspirators to download mp3 files, which they then uploaded  
18 to Y.T. through their CMS access. Defendants paid the co-conspirators a percentage of  
19 the royalties they received for the songs they downloaded.  
20

21         In July of 2017, Jose Teran and Webster Batista Fernandez fraudulently created  
22 contracts with companies which purportedly managed certain artists, and then emailed  
23 the contracts to Y.T. and A.R. for the purpose of deceiving Y.T. and A.R., and continuing  
24

1 their fraudulent operation. Defendants and the co-conspirators created a false legitimacy  
2 for MediaMuv by sending interstate emails to A.R. and Y.T. from fictitious employees of  
3 MediaMuv, where Defendants did not have authority to use identities of real people in  
4 this manner. Defendants also directed interstate wire transactions of royalty payments  
5 into accounts in their name, under their control, which were later used to pay for luxury  
6 items and support Defendants' lifestyles. The fraudulent payments were made through  
7 interstate wire transactions, sometimes funneled through shell companies, and several of  
8 these monetary transactions involved proceeds exceeding \$10,000. Throughout the  
9 duration of the conspiracy, Defendants fraudulently received royalty payments of more  
10 than \$20,000,000.  
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13  
14 On November 16, 2021, a 30-count Indictment was filed in the U.S. District Court,  
15 charging Webster Batista Fernandez and Jose Teran with Counts 1, Conspiracy; Counts 2  
16 through 16, Wire Fraud; Counts 17 through 23, Money Laundering; and Counts 24  
17 through 30, Aggravated Identity Theft. A forfeiture allegation was also made.  
18

19 On November 18, 2021, Defendant Webster Batista Fernandez was arrested on the  
20 warrant in the Southern District of Florida, Miami where he subsequently appeared  
21 before a U.S. Magistrate judge and was ordered detailed. On December 14, 2021,  
22 Defendant's case was transferred to the District of Arizona for prosecution of the instant  
23 offense.  
24

25  
26 On April 21, 2022, Defendant Webster Batista Fernandez pled guilty to Counts 1  
27 and 2 of the Indictment, and entered into a written plea agreement. According to the plea  
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1 agreement, the parties stipulated that Defendant's sentence shall not exceed the low end  
2 of the applicable guideline range. The plea agreement also allows Defendant to argue for  
3 a downward departure, variance, or sentence below the cap, and the Court may impose a  
4 sentence below the cap. Pursuant to the plea agreement, the sentences for Counts 1 and 2  
5 shall run concurrently, and Defendant has agreed to pay restitution to the victims, in an  
6 amount not to exceed \$25,000,000.  
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9 In the instant case, Defendant Webster Batista Fernandez has no criminal history.  
10 Accordingly, Defendant's criminal history points total zero, establishing a Criminal  
11 History Category I. Defendant is facing his first felony conviction.  
12

13 According to the Presentence Investigation Report, Webster Batista Fernandez's  
14 applicable guideline range is 60 months for Count 1, and 97 to 121 months for Count 2,  
15 based on a Total Offense Level 30 and Criminal History Category I. The probation  
16 department has recommended a sentence of 60 months for Count 1, and 97 months'  
17 imprisonment for Count 2, to run concurrently, representing the low-end of the applicable  
18 guideline range.  
19

20 As acknowledged by the probation department, Mr. Batista Fernandez is sincerely  
21 remorseful for his conduct with respect to the instant offense. Defendant regrets his  
22 actions, and realizes that he will have to face a significant penalty as a result of his  
23 participation in criminal activity, including paying restitution to the victims. To be sure,  
24 Webster Batista Fernandez has demonstrated acceptance of responsibility and admitted to  
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1 the factual basis of the plea agreement. In addition, Defendant feels extreme regret for  
2 his actions, and is ashamed for his conduct.

3 In this case, notwithstanding his conduct in this instance, Mr. Batista Fernandez is  
4 a hardworking individual with good character who sincerely regrets his actions. Mr.  
5 Batista Fernandez has learned an important lesson, and realizes that he will have to  
6 change his life if he wants to be a part of his children's upbringing in the future. To this  
7 end, Defendant has participated in self-help classes while in custody, and has further  
8 agreed to make restitution to the victims in an amount to be determined by this Court.  
9

10 Considering the mitigating factors in this case, including Defendant's lack of  
11 criminal history, good character, acceptance of responsibility, and efforts towards  
12 rehabilitation, Defendant requests a variance and sentence of 46 months' imprisonment.  
13 Based on the totality of circumstances, a sentence not to exceed 46 months'  
14 imprisonment is sufficiently punitive for Defendant's first felony offense, and will  
15 provide adequate deterrence from future criminal conduct.  
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## 19 **II. DISCUSSION**

### 20 **THE SENTENCING FACTORS SET FORTH IN 18 U.S.C. §3553(a)** 21 **SUPPORT A VARIANCE AND REASONABLE SENTENCE** 22 **BELOW THE ADVISORY GUIDELINE RANGE**

23 In *United States v. Booker*, 543 U.S. 220, 125 S.Ct. 738, 160 L.Ed.2d 621 (2005),  
24 the Supreme Court held that the United States Sentencing Guidelines are advisory, not  
25 mandatory. In other words, the Guidelines are a required *consideration*, but district courts  
26 are permitted to tailor a particular sentence in light of other statutory concerns. *Id.* at 757.  
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1 “The district courts, while not bound to apply the Guidelines, must consult those  
2 Guidelines and take them into account when sentencing.” *Id.* at 767.

3       Ultimately, in arriving at a fair sentence, the Court is *required* to consider certain  
4 factors pursuant to 18 U.S.C. §3553(a), including but not limited to: the “nature and  
5 circumstances of the offense” (18 U.S.C. §3553(a)(1)); “the history and characteristics of  
6 the defendant” (18 U.S.C. §3553(a)(1)); the kinds of sentences available (18 U.S.C.  
7 §3553(a)(3)); the need to avoid unwarranted disparities between similarly situated  
8 defendants (18 U.S.C. §3553(a)(6)); applicable Guideline factors and policy statements  
9 (18 U.S.C. §3553(a)(4) and (5)); and the need to provide restitution to any of its victims  
10 (18 U.S.C. §3553(a)(7)).

11       While the Guidelines were designed to embody the §3553(a) considerations,  
12 judges in their discretion may differ on their approach as to how best reconcile “the  
13 disparate ends of punishment.” *Rita v. United States*, 551 U.S. 338, 127 S.Ct. 2456, 2457-  
14 58 (2007). Thus, the sentencing court is free to disagree with the Sentencing Guidelines,  
15 which should not be accorded greater weight than any of the other 18 U.S.C. § 3553(a)  
16 considerations. *United States v. Zavala*, 443 F.3d 1165, 1170-1171 (9<sup>th</sup> Cir. 2006). *See*  
17 *also, United States v. Plouffe*, 445 F.3d 1126, 1128 (9<sup>th</sup> Cir. 2006) (a sentence must be  
18 reasonable in view of all the factors in Section 3553(a)).

19       “[T]he appellate court “may consider the extent of the deviation [from the  
20 Guidelines], but must give due deference to the district court's decision that the [18 U.S.C.]  
21 § 3553(a) factors, on a whole, justify the extent of the variance.” *Id.* A district court's  
22

1 discretion under the § 3553(a) factors is quite broad.” *United States v. Orlando*, 553 F.3d  
2 1235, 1238-39 (9<sup>th</sup> Cir. 2009).

3 Pursuant to the sentencing factors set forth in 18 U.S.C. §3553, Defendant  
4 Webster Batista Fernandez respectfully requests that this Court accept the plea agreement  
5 and render a reasonable sentence below the advisory guideline range. The history of Mr.  
6 Batista Fernandez and circumstances of the case support that a sentence not to exceed 48  
7 months’ imprisonment, in conjunction with a sizable restitution order, will provide  
8 adequate deterrence, promote respect for the law, and constitutes an adequate disposition  
9 to address the seriousness of the offense.  
10

11  
12 **A. *Mr. Batista Fernandez’s History, Character, and Efforts Towards Rehabilitation***  
13

14 In the instant case, Webster Batista Fernandez is 35 years old and was born in La  
15 Vega, Dominican Republic. Webster’s father passed away in 2015, and his mother  
16 Yoselin resides in the Dominican Republic. Webster was the first born of five children.  
17 Unfortunately, Webster’s brother Jimmy passed away when he was 17 years old. Mr.  
18 Batista Fernandez has three sisters who all reside in the United States. Webster maintains  
19 a close relationship with his mother, sisters and extended family.  
20

21 Webster was raised by his paternal grandparents for much of his youth, because  
22 his father was often incarcerated and his mother left the home when he was a few months  
23 old. Webster’s grandmother Melva Batista was an important influence on his life, and his  
24 grandparents taught him the value of hard work, honesty and how to be respectful to  
25 others. When Webster was 12 years old, his mother came back into his life. Thereafter,  
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1 Defendant immigrated to the United States with his mother and siblings when he was 14  
2 years old. To be sure, Webster and his family witnessed many friends being killed in the  
3 Dominican Republic due to violence, and his mother wanted to provide a better life for  
4 her family.  
5

6       Upon immigrating to the United States, Webster and his family settled in  
7 Phoenix, where he lived from 2002 until 2015. While living in Arizona, Defendant  
8 attended Thunderbird High School until the eleventh grade. Webster discontinued his  
9 education prior to graduation, and did not obtain his GED. In 2015, Webster moved to  
10 California for a few years, and relocated to Florida. Webster Batista Fernandez has lived  
11 in Florida since 2017.  
12

13       Webster Batista Fernandez has been in a relationship with his girlfriend Nizza  
14 Pena for the last three years. Webster and Nizza have one child together, Prince Heaven  
15 Batista, who is approximately 20 months old. At the time of his arrest for the instant  
16 offense, Webster was living with his girlfriend and son in Sunnyside, Florida. Webster  
17 also has two children, Armani Batista (16) and Melody Batista (12) as a result of his  
18 relationship with his wife, Oaeida Lopez Batista. Armani and Melody reside with their  
19 mother in Arizona. Webster maintains a good relationship with his children.  
20  
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23       With the exception of the instant action, Webster Batista Fernandez has held  
24 himself out to be a hard-working individual, law abiding citizen, and good father. To be  
25 sure, Webster has no criminal history, and has maintained steady employment in the  
26 music industry since 2017. Mr. Batista Fernandez has been self-employed as a music  
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1 influencer, and has also produced music videos. Unfortunately, Mr. Batista Fernandez's  
2 employment in the music industry led to his criminal activity in this case. Nevertheless,  
3 Defendant has learned an important lesson from his involvement in criminal activity and  
4 resulting separation from his family and children. Webster understands that his actions  
5 were wrong and that he will have to pay a significant penalty for his actions, which  
6 includes incarceration and substantial restitution to the victims in this case.  
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8  
9 In the instant case, Webster Batista Fernandez's family and friends are very  
10 supportive of him and confirm that Webster is a great father, hard worker, honest, and  
11 helpful to his family and friends. In addition, Mr. Batista Fernandez not only decided  
12 that he wants to rehabilitate his life, but in addition, he has taken the first steps towards  
13 rehabilitation. In particular, Webster enrolled in a self-directed curriculum course known  
14 as Hustle 2.0 while in custody. In fact, Defendant completed the first part of this  
15 program, passed the final exam, and received his Certificate of Completion on May 3,  
16 2023. Moreover, Webster understands that he will need to work hard for his own  
17 rehabilitation, and plans to continue with this self-help class so that he can better himself  
18 while in custody.  
19  
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21  
22 Webster is sincerely remorseful for his conduct and has learned an important  
23 lesson as a result of his actions and separation from his family. Webster is especially  
24 regretful for the impact that his conduct is having on his family, as he will be separated  
25 from his children, including his baby who is only 20 months old, who will be without a  
26 father during his period of incarceration. As a result, Webster has vowed that if given the  
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1 chance for a variance from the guidelines, he will do everything in his power to prove  
2 that he can be the dependable, hard-working father, and positive role model for his  
3 children.

4  
5 In the instant case, based on the sentencing factors set forth in 18 U.S.C. §3553(a),  
6 Mr. Batista Fernandez requests that this Court accepts the plea agreement, and impose a  
7 reasonable sentence below the advisory guideline range. Based on Defendant's history,  
8 character, strong family support, lack of criminal history, and efforts towards  
9 rehabilitation, Webster Batista Fernandez should receive a variance and reasonable  
10 sentence below the advisory guideline range. Mr. Batista Fernandez is a peaceful man of  
11 good character and strong work ethic with definite potential for rehabilitation if given the  
12 chance. Based on the totality of circumstances, history of Defendant, and his  
13 demonstrated desire to rehabilitate his life, a sentence not to exceed 48 months'  
14 imprisonment will allow Defendant the opportunity to rehabilitate his life and find  
15 employment following his release from custody so that he can pay restitution to the  
16 victims after serving a significant sentence in this case.

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20 ***B. Mr. Batista Fernandez's Acceptance of Responsibility and Need to Avoid***  
21 ***Unwarranted Sentencing Disparities***

22 In the instant case, Defendant Webster Batista Fernandez has demonstrated  
23 acceptance of responsibility and provided a statement wherein he admitted involvement  
24 in the instant offense and assisted authorities with regard to his own misconduct by  
25 timely pleading guilty to the instant offense. Moreover, Defendant conceded that he had a  
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1 significant role with respect to the instant offense, and agreed pursuant to the plea  
2 agreement to pay restitution to the victims.

3 Mr. Batista Fernandez concedes that he made a terrible decision to become  
4 involved in criminal conduct, which has not only affected his family and children, but has  
5 also caused financial harm to the victims involved in this case. Nevertheless, the instant  
6 offense constitutes aberrant behavior, as with exception to this offense, Mr. Batista  
7 Fernandez has held himself as a law-abiding citizen for his entire life, by working hard,  
8 providing support for his mother and children, and helping with his sister's children,  
9  
10 Moreover, as demonstrated by the various letters of support, Webster has been a good  
11 role model for his family, and helped set a good example for his sister's husband, who  
12 did not have a strong father figure in his life. Unfortunately, Mr. Batista Fernandez  
13 exercised poor judgement by becoming involved in criminal conduct, which in turn has  
14 placed his future and entire family at risk. Fortunately, Mr. Batista Fernandez is a good  
15 man who has strong family support and much to live for. In addition, he will continue to  
16 have the support of his family and friends as he makes positive changes for the future.  
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20 Based on the sentencing factors set forth in 18 U.S.C. §3553, this Court should  
21 grant a variance and sentence Defendant Webster Batista Fernandez below the advisory  
22 guideline range. Given Defendant's acceptance of responsibility and need to avoid  
23 unwarranted sentencing disparities amongst similarly situated defendants, a sentence not  
24 to exceed 46 months' imprisonment will best support the statutory goals of sentencing.  
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26 While Defendant understands that he committed a very serious offense, Webster Batista  
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1 Fernandez is a man of good character and strong family support, with the chance for  
2 rehabilitation.

3           Clearly, Defendant Webster Batista Fernandez has learned a significant lesson and  
4 wants to reform his life, as demonstrated through his post-arrest conduct in this case.  
5

6 Ultimately, Mr. Batista Fernandez wants a second chance to be a positive role model for  
7 his children, and to provide substantial restitution to the victims. Based on the mitigating  
8 factors in this case, a sentence not to exceed 46 months' imprisonment will provide just  
9 punishment, allow for adequate deterrence, protect the public, and promote respect for  
10 the law. Such sentence also represents a significant sentence for Defendant's first felony  
11 offense.  
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13  
14 **III. CONCLUSION**

15           Based on the foregoing, Webster Batista Fernandez respectfully requests that this  
16 Court impose a reasonable sentence of 46 months' imprisonment, combined with a  
17 restitution order.  
18

19           Respectfully Submitted this 7 day of August, 2023.  
20

21 **SUZUKI LAW OFFICE**

22 /s/ Richard Suzuki  
23 Richard Suzuki, Esq.

24 Attorneys for Defendant *Batista Fernandez*  
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**CERTIFICATE OF SERVICE**

I certify that on the 7th day of August, 2023, I electronically transmitted this 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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