

California man gets home detention in mortgage fraud case

BY SAM STANTON
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Hours after President Donald Trump confidante Roger Stone was sentenced in a Washington, D.C., courtroom to 40 months, a Sacramento defense lawyer seized upon the controversy to argue that federal sentencing guidelines have been tainted by the case and that his client should serve no prison time.

The surprising result? A 13-month sentence of home detention for Andrey Kim, who pleaded guilty in a massive mortgage fraud case that began in 2006 and is estimated to have cost banks more than \$16 million.

Kim, 36, was a loan officer whose involvement

in the case was relatively minor and began when he was 23, attorney Tom Johnson argued Thursday in federal court in Sacramento.

After years of cooperating with federal investigators and testifying in two trials that led to convictions of other defendants, Johnson argued that Kim had rebuilt his life, earning a college degree, finding an engineering job, marrying and having two children.

Johnson argued passionately that Kim should not have to lose all that by being sent off to prison.

Prosecutors already had recommended a 50 percent reduction in his sentence to 13 months, but Johnson decided to raise the Stone case as an argument for why federal sentencing guidelines

should not necessarily apply to his client.

The Stone sentencing has been enveloped in controversy since the president tweeted his displeasure about prosecutors' recommendation that he receive a seven- to nine-year prison sentence.

The Justice Department ultimately changed the recommendation to three to four years. Four prosecutors in the case quit over the move, and U.S. Attorney General Bill Barr has found himself facing calls for his resignation.

In Sacramento, Johnson argued that "this was a watershed moment for the guidelines" that govern how defendants are sentenced, and that although they are officially only recommendations for judges to follow they largely are followed to

determine sentences.

"We are constantly talking about the guidelines with the government," Johnson told U.S. District Judge Troy L. Nunley. "We're always told how important those guidelines are, that they are set in stone. ... As it turns out, in a case 3,000 miles away from here in U.S. v Stone, the U.S. Attorney's Office there has said that the guidelines are perhaps technically applicable."

Nunley did not mention the Stone case as he passed judgment. Instead, he told Kim that his actions were serious violations of the law, but that his role in cooperating with prosecutors and his efforts to rebuild his life were laudable.

"I don't think I'm going to see you here again," Nunley said in his 15th floor courtroom in the federal building downtown. "I really don't."

"I'm going to do something I rarely do. I'm going to give you home detention. You have your whole life ahead of you."

Kim, who will not have to submit to electronic monitoring, was ordered to pay \$284,945.17 in

restitution for his role in submitting fraudulent loan documents during the scheme, which contributed to the mortgage fraud crisis that enveloped the nation in 2008.

He pleaded guilty to a count of mail fraud and a count of wire fraud in a plea agreement, in the case, which led to lengthy sentences for other participants, including a 14-year sentence for Vera Kuzmenko, a licensed real estate agent from Loomis; a 19-year sentence for her brother Peter and an eight-year sentence for her sister Nadia.

Kim appeared overwhelmed when Nunley pronounced his sentence, patting Johnson on the back and later, in the courthouse hallway, saying over and over again, "I'm blown away."

As prosecutors Lee Bickley and Heiko Coppola walked out and smiled, Bickley told him she did not want to see him back in court for anything.

"You'll never see me again," Kim vowed.

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BACK SEAT DRIVER

No bridge planned over the American River



BY TONY BIZJAK
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Rancho Cordova resident Dave Wilkerson asked a simple question last week after reading our story about Sacramento County's proposed transportation sales tax measure for the November ballot.

"Your Measure A article mentioned a lot of 'fixes' but missed something big. From Highway 50 to cross over the American River there is a large area that's missed. The area between Watt Avenue and Sunrise Boulevard needs a