

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

03 Cr. 328 (RJD)

UNITED STATES OF AMERICA

-against-

SIMON MOSHEL, et al.,

Defendants.

**PRE-SENTENCE MEMORANDUM ON
BEHALF OF SIMON MOSHEL**

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Preliminary Statement

This memorandum is respectfully submitted on behalf of Defendant **Simon Moshel**, in furtherance of his anticipated sentencing, upon his earlier entered plea of guilty, which is now scheduled for March 15, 2005, at 11:00 A.M.¹

¹ Portions of this memorandum are extracted from those materials which had been earlier submitted to the United States Attorney and the Department of Probation.

I. Background

A. The Personal History and Character of Simon Moshel

1. Defendant's Loss of His Father and His Strong Efforts to Support His Family

Simon Moshel was born on October 7, 1950 in the Republic of Georgia in the former Soviet Union. He was the eldest son of four children born to Eliahu Moshiasvili and Nina Moshiasvili. Simon's sister, Nora, was born in 1948; sister Leah was born in 1953; and brother Michael was born in 1955.

Eliahu and Nina Moshiasvili were two young Georgian Russians who suffered the hardships of World War II. The Moshiasvili family was under the control of the communist Soviet Government and the accompanying rampant anti-Semitism that permeated that society. Simon's father worked in a cognac factory and his mother was a registered nurse. Together, they tried to provide their four children with the best life possible.

However, in 1963, Simon's father was arrested because of his involvement in Jewish movements in their community. For almost two years, the Moshiasvilis did not know whether Eliahu was dead or alive. No one informed them that Eliahu had been transported to Tbilisi for trial. Owing to what they later learned to have been the imposing of an eight year sentence on Eliahu, Nina sold the family home and eventually moved to Tbilisi where the whole family shared a one bedroom apartment.

Simon was only 14 years old when his father was arrested. However, as the oldest son he took it upon himself to help his mother make ends meet. Simon started earning extra money for his family on night shifts at a factory, while attending school during the day. He worked at the factory for four years. Nina was actually opposed to this, because she did not want him to forfeit his

education. However, as she explains, Simon insisted, and circumstances compelled her eventual acquiescence:

I knew I would have no choice because no relatives of ours had any extra means to help us. This was a very difficult time for everyone in Russia, especially in a small town like ours. In order to stay in school Simon began to work in a warehouse on night shifts so he could attend school classes in the daytime. He promised me he would try doing both but if it got too hard he would have to leave school. With G-d's help he managed to finish high school because he worked hard and managed to get accepted at a university in Moscow.

Exhibit N-1

Food was not provided in jail for Simon's father, so Simon and his mother would make weekly deliveries to him, while Simon continued to work extremely hard throughout this period. As recalled by **Ivan Milchutsky**, a friend of Simon's father and veteran of World War II:

I remember Simon was responsible for supporting his family of younger brother and sisters when his father Ilyia was in Russian jail. This family suffered very much in Russia.

Exhibit N-2

Ultimately, Simon successfully finished high school and attended a Moscow university. He studied machinery engineering during the day and worked in a bakery at night in order to help support his family.

2. The Moshiashvili Family Emigrates to Israel

Defendant Simon Moshel's father was ultimately released after having served five years. At the time, however, the family could no longer remain in the Soviet Union because of the stark dangers continually facing the Jewish community. Therefore, in 1971 the Moshiashvilis decided to emigrate to Israel. Managing to receive visas, which meant paying a large sum and losing their jobs, they finally arrived in Israel in 1973.

Once in Israel, the lives of the Moshiashvili family members temporarily improved.

Family members received a furnished apartment and began studying Hebrew. Simon met Nora Mirilashvili, who was likewise a nurse at the hospital where Simon's mother was working and who had also emigrated from Georgia. Simon and Nora were married in 1974. Their son, Morris, was born within the first year of the marriage.

Although Simon had tried to start a soft drink packaging business in Israel, due to the 1973 Yom Kippur war with Egypt he was required to join the army. Simon's military job was to remove mines from roads and fields. Every day, he would witness his friends and colleagues being blown to bits or seriously maimed as a result of this extremely dangerous work.

A few years later, in 1976, Simon and Nora's second son, Yaron, was born. Although Israel had welcomed Simon's family at the beginning, life was becoming unbearable. Therefore, in 1979, Simon decided to follow his brother's foot steps and emigrate to the United States.

3. Simon Moshel Starts a New Life in America

Simon arrived in the United States in 1979 with his wife Nora and his two young children, Morris and Yaron. Simon's dream had always been to live in the United States, Simon's wife, Nora, explains:

Simon always insisted that his goal was to move to America. Ever since he was a child his dream was to live here. This is something he wanted and I went ahead with it because I realize even if I stopped him now that it would be temporary and that eventually it was going to happen anyways. We immigrated to the United States in 1979 and started our lives here as immigrants all over again.

Exhibit N-27

Simon's family initially resided with his brother, Michael, for a few months until he was able to rent a nearby one bedroom apartment in Forest Hills, Queens. The same year the two brothers started a business venture together, opening a fruit and vegetable store, wherein Simon and his brother worked 7 days a week, 19 hours a day.

Alter Wiener, a former controller for Rafaella Sportswear, Inc., in New York City, who has known Simon for over twenty years, recalls Simon's initial difficulties:

At the beginning, Simon Moshel could not find a job because of the language barrier and was prompted to try his own. Eventually Simon opened a small grocery store, with his brother, Michael. They worked very hard and for long hours to eke out a livelihood for their respective families... As an immigrant myself I have always been sensitive to the difficulties facing other immigrants during acclimatization, and I tried to the best of my ability to reach out to the Moshels.

Exhibit N-3.

Again, Nora, recalls her husband's efforts at the store in furtherance of his obligation to provide for his family:

Living in New York was hard at first because we did not know the language and I could not work because of the boys. Simon began working here immediately in a fruit and vegetable store seven days a week. Eventually he bought the store and worked very hard. His whole life here in New York was work. He would leave the house at 5:00 in the morning to buy goods at the market and return home at 11:00 at night just to sleep.

Exhibit N-27

In 1981, after a year and a half, Simon and Michael sold the store and began a plastic bag manufacturing business. Their factory ultimately employed more than 300 people in three shifts, while operating 24 hours per day. Simon also worked 7 days a week with no break. The brothers kept the factory for three years until circumstances compelled them to close it.

On February 23, 1982, Simon and Nora had their third and last child, a daughter, Sarah. Around this time, the Moshel brothers decided to open a retail discount store where they sold a variety of products. They ultimately owned three stores, one in Queens, another in the Bronx and the third in Manhattan. In 1985, Simon became a naturalized American citizen and decided to change his last name to Moshel. Thereafter, in 1987, Simon and his brother (who changed his name, as well) began a new business venture, Tran Sportswear, a company that imported denim jeans from South

America and Asia.

While the brothers were busy opening new business ventures, Simon never stopped helping his parents and sisters who had remained in Israel. Eventually Simon's parents and his sisters, Nora and Leah, along with their respective husbands and children, also emigrated to the United States. Simon continued to help each family settle in their new homeland, including assisting sisters Nora's and Leah's families to open discount stores. Simon's wife explains further her husband's devotion toward his siblings:

Simon also always made an effort to help his brother and sisters with whatever way possible. He helped bring them to the United States along with his parents. He helped everyone get settled down and find businesses for them. After Simon sold his factory, Simon opened up a discount store in New York. Once his two sisters moved here, Simon opened up a discount store as well. When Simon got out of the discount store business and began wholesaling he helped them also get in the wholesale business. Whatever business he found success in Simon would make sure that they got involved in also. He was always the leader coming up with an idea, taking a risk, making it work successfully and then bringing them in. They were grateful because they never took those first risks and always had guidance from Simon.

Exhibit N-27

Simon's parents resided with him for a few years until they eventually moved into Michael's house. However, Simon continued with what he viewed to be his responsibility of caring for his whole family. In 1988, at age 37, as a consequence of this mounting stress, Simon suffered the first heart of his two heart attacks.²

In 1990, the brothers discontinued Tran Sportswear. Thereafter, following the defeat of communism and the breakup of the former Soviet Union, Simon and Michael started a company that would export footwear to Russia. All went smoothly until 1997, when the Ruble was devaluated

² Simon Moshel suffered a second heart attack approximately six years ago, while on a business trip to Russia. He continues to take medication in order to control his blood pressure and other cardiac-related problems.

and the brothers incurred large financial reverses. From that point on, in the course of starting and operating various business ventures, Simon continued to encounter -- and endure -- great financial difficulties.

4. Simon Moshel is an Extraordinary Devoted Family Member

Simon and his wife Nora remain happily married today and are parents of three children, Morris, Yaron and Sarah, and the proud grandparents of two grandchildren, Nicole who is five years old, and Steven who is three years of age. Simon is well known to be a “dedicated husband, father and grandfather”. Exhibit N-4 (Letter of **Rabbi Aharon Chein**), and is a “family man... with good principles of love for the family.” Exhibit N-5 (Letter of **Nana Moshevili**).

Simon Moshel truly represents all that a father should be: supportive, encouraging, loving and caring. **Sarah**, Simon’s youngest child, provides insight into her father and explains why she and the rest of her family are so emotionally dependent upon him, beyond the need for financial support:

My father deeply invested in my life by always putting me through private yeshiva schooling so that I can be in an environment with exceptional education and a deep ethical code. From the time I was young I remember all the difficulties my father pierced through with only simple sweetness and happiness so that he can always provide for me a wealth of opportunity and encouraged me to pursue my career. My father taught me that education should be my priority and with this knowledge to always contribute to others. This lesson that he has ingrained into me is merely a small inkling of how much he has worked so that my siblings and I can contribute positively to our families and our society.

My father, Simon, has been a great source of happiness and emotional support in my life. I have a great deal of respect for him and always will. He is a man of his word and of his deep heart. He is wonderful father that has been there for me throughout. He is someone that my mother, my brothers, niece, nephew, and myself greatly need in our life. The absence of his presence is frightening and will weaken the fabric of my family and future, and leaves me helpless and unsure of our fate.

Exhibit N-6

Dr. Yaron Moshel, the second son of Simon and Nora, who is a neurosurgeon,

explains his father's passion to provide his children with the best education:

Although my father's life was preoccupied with supporting his family, there is no doubt in my mind that he has several academic interests that he never had the opportunity to fully pursue. Much of this energy was translated into his zeal for seeing through the education of his children... He always encouraged my siblings and I, to pursue higher learning, and worked quite hard to ensure that we went to good schools and that we took our education seriously.

Exhibit N-7

Simon's friend, **Mikhail Manilov** attests to Simon's boundless devotion to his family:

My family and I sincerely enjoy meeting Simon, his wife Nora, and his children every time we get a chance to see them. I know him as a very kind and joyful person, as well as a devoted family man who has raised three wonderful children whom he adores. Recently, he became a grandfather. I know that the time he spends with his grandchildren is the happiest time of his life.

Exhibit N-8

Michael Gober, a financial investor who is pursuing an MBA at Stanford and who has known the Moshel family since 1991 because of his friendship with Yaron, adds:

The Moshel family is, to all those who have the privilege of knowing it, a tight-knit and caring one, where Simon plays an active, exemplary, and reinforcing role. It has been a truly enriching and inspiring experience to grow close to Simon's family over [the] past twelve years.

Exhibit N-9

As seen, Simon Moshel has not only remained a supportive, committed, loving husband and father, but he has also played a critical role in the lives of his extended family. As explained above, Simon took it upon himself to help support his siblings while his father was unable to do so in Russia. Thereafter, when his siblings moved to the United States it was Simon Moshel again, who took it upon himself to help them start a new life. Simon's mother attests to this selfless commitment to his siblings:

Simon always had a lot of pressure on himself because he always thought that he needed to help his family. This was put in to his head from a young age because he

provided for them when my husband was in jail in Russia. As his mother I was always worried about this pressure and always working so hard and I always begged him to take it easy. I felt that this pressure of helping his brother and sisters was my fault because I needed him so much when he was a kid.

Exhibit N-1

Elena Moshel, Simon's daughter-in-law, provides further insight into Mr. Moshel's

endless commitment to his children and siblings:

I have known Simon for seven years. He is a good person to have as family. I feel quite lucky to have him as my father in law. Simon has always been good to me, he is respectful, kind and [sic] always willing to help with whatever I ask of him. After Morris and I were married, he and my mother-in-law along with my parents helped us purchase our first home. My husband and I were very grateful for their financial generosity.

Simon is a family oriented person, in addition to his immediate family's concerns, he feels he has a duty to help the family's [sic] of this [sic] brother and two sisters. He takes time out of his busy schedule to help them out any way he can. He has taken the role of his own father since his passing, as the head of the family. Simon was the first from his family to immigrate to the United States from Israel. After he had somewhat established himself in this country, his siblings also moved here with their families. In addition to having them stay at his home for as long as needed and eventually helping them find work and apartments, he helped by setting up similar small businesses.

At that time Simon had a successful wholesale business, and he helped his brother and two brothers-in-law establish themselves, by teaching them the workings of the business... He was setting up competition for himself, but he didn't see it that way. He said, how can I watch them struggle, when I can help.

Exhibit N-10.

Simon was also very devoted to his father, who passed away in 1987 of a heart attack.

Simon had great respect for him and because he had promised to bury his father in Jerusalem, Simon was determined to fulfill his commitment when the time came to do so. Simon's mother explains:

Simon has made me proud many times but he made me most proud by keeping a promise he made to his father when we moved to America. My husband never wanted to move here because he wanted to stay in Israel. My husband made Simon promise that when he would die that Simon would take his body to be buried on Mount Olive in Jerusalem. Simon kept his promise and took his father's body to Israel

even though [sic] it was not easy.

Exhibit N-1

Finally, **Dr. Eli Menachemi**, Mr. Moshel's physician who has attended him since 1988 when Simon had his first heart attack, writes:

I have known Mr. Moshel and his entire family for several years. I have known Simon to be a dedicated family man, and I have watched his children grow, one of which graduated from medical school. Over the last 15 years, I came to recognize Mr. Moshel's generosity and selflessness, as he helped his mother, extended family and friends with care and devotion.

Exhibit N-11

**5. Simon Moshel is a Compassionate and
Generous Member of His Community**

Despite his continuing difficult efforts to earn a living, Simon has not only unhesitatingly devoted time to his family and business, he has also expended ceaseless efforts on behalf of the members of his community, friends and fellow immigrants. He has consistently provided support, guidance and has offered jobs to those in need. As president of the Congregation of Georgian Jews, he also took it upon himself to build a proper synagogue for the growing members of the Forest Hills community, and has thereby truly enhanced the lives of the many who have followed him to these shores.

Simon Moshel has personified all that a community member should be through his acts of selfless devotion to others in their time of need. In this regard, describing Simon as a "person with big heart and love to other people" (Exhibit N-2 [Letter of **Ivan Milchutsky**]), "a caring individual who always considers the well being of his family and his community as the highest priority in his life" (Exhibit N-9 [Letter of **Michael Gober**]) and a "community minded, philanthropic, and a giving and understanding person" (Exhibit N-5 [Letter of **Nana Moshevili**]), friends and community members alike attest to Mr. Moshel's truly extraordinary kindhearted and

generous nature.

As President of the Congregation of Georgian Jews in America, Simon was in charge of welcoming newcomers to the congregation. Many underprivileged, culturally unsophisticated and financially hapless families were helped by Simon when they immigrated to the United States. **Dr. Nathaniel Sustain**, a physician who has known the Moshel family since he was fourteen years of age, and who is a close friend of Simon's son Yaron, was among the many beneficiaries of Simon Moshel's caring and thoughtfulness:

Simon has always been generous to the less fortunate donating considerable time and resources to help people find jobs and feed hungry families. The Moshel household was always filled with guests that were so often new immigrants who had just arrived to the United States and needed support, guidance or simply a place to stay in their first few difficult months. It was not unusual for Simon to have such a family live in his home for several months at a time.

Exhibit N-12

Rabbi Aharon Chein was offered the position as Rabbi of the Georgian Community by Simon several years ago. He is now the Chabad Rabbi of the community as well as President of the International Federation of Georgian Jews. Rabbi Chein illustrates Simon's generosity:

During my first few weeks as emissary of the community, Simon and his wife *Mazel* hosted me, my wife and my six children to eat and sleep and [sic] his house. Simon was in charge of raising money to pay my salary as a Rabbi of the community, and often donated money from his own pocket. Simon realized that by bringing religious leader into the community, the community would surely grow in a spiritual and positive direction.

Exhibit N-4

Likewise, **Sveta Tsetshoshvili**, whose late husband was very close to Simon, provides yet another example of Simon's fundamental goodness:

In 1995 we got a visa to move to the United States. Simon and his family helped us in every way possible. We lived in his house for almost three months until we found a place of our own. He also helped us open our first business, a Georgian bakery, where I worked with my husband for almost 4 years. My family was always

welcomed in his home...

In May of 2000, my husband died of a heart attack on a trip in Moscow. Simon helped us so much by raising funds within our community and Roland's friends to have his body brought back here so he could be buried here in Queens.

Today, Simon and Nora are the same. They never changed towards me even after Roland died. They understand that I am lonely and work hard and they always care for me... I am very lucky and thankful to be so close with his family.

Exhibit N-13

Elena Moshel, Simon's daughter-in-law, further explains that Simon went beyond bringing Sveta Tsetshoshvili's husband to the United States, caring enough to ensure that she had a secure future:

Through the synagogue, Simon has helped many people in various ways. When his friend Roland passed away in Moscow, Simon helped Roland's wife, Sveta, with arranging for the body to be brought back to America. He quickly gathered a group of people who made financial contributions for the burial and cemetery costs. Simon had also done the same thing for another close friend. Ramaz Dzanashvili, who prematurely died of cancer three years ago. The synagogue today still helps Sveta and Lali and other widows and their families financially with donations. These programs were developed with the leadership of my father in law when he was president.

Exhibit N-10

The reality is that Simon has helped any immigrant who needed a hand by sharing his own home, giving moral support or assisting in the securing of a job. **Nodar Daviti**, who moved with his family from the former Soviet Republic of Georgia in 1988, attests to these unceasing acts of generosity:

Simon and his wife, Nora, assisted my family both financially and morally at an incredibly difficult time of transition. Simon helped me procure an apartment when almost no one was willing to lease one to an immigrant with no credit and no history of income. He assisted us in finding employment and encouraged my wife, who is currently an attending physician at Brunswick Rehabilitation Hospital, and I to continue our education in the United States.

Simon has been and is one of the rare few who gives his time and effort, as opposed to just money, to those in need. If Simon could not help us or point us in the right

direction, he knew someone who could. Though, I can only speak for myself, I personally know that my family was just one of many he assisted in such a manner. Simons [sic] efforts have been integral to my families [sic] success in the United States, I would go as far to say that my family could and would not have achieved nearly as much without his heart and generosity.

Exhibit N-14

Simon's second son, **Yaron**, remembers how his father helped so many people by letting them stay in his home and even supporting their children throughout school:

Growing up in my parents' house, I recall my father simultaneously hosting as many as two to three families from Israel or Georgia for an extended period of time while they figured out how to establish themselves in this new country. He often supported their children through school and tried his best to help them find jobs and start family businesses. As such, evenings and weekends in our house inevitably included great amounts of food and many community members coming by to eat, seek advice about employment, and to discuss ideas about starting a small businesses with my father. My brother and I had great fun during these times, somehow managed to get our school work done amidst the raucous, and tried to help my mother with serving and washing dishes.

Exhibit N-7

Mikhail Manilov, a systems engineer who met Simon in Moscow in 1994, writes to express his gratitude for Simon's efforts:

I know personally many people whom Simon wholeheartedly helped and continues to help, asking for nothing in return. My family moved to America in 1995 and it was a very difficult transition for us. If not for Simon's unconditional assistance and support we would have had hardly been able to stay afloat and become successful. We are very grateful for everything that he has done for us.

Exhibit N-8

Sarah Moshel, Simon's only daughter adds:

... His only deep desire that I have carefully observed is his eagerness to give. His heart is filled with a deeply sincere character of empathy and love for humanity. I never remember my father denying a person aid in any way be it with his physical strength or community involvement. When asked to helped, I can honesty say that my father has never refused, even when he couldn't help himself.

Exhibit N-6

Simon Moshel has also consistently provided financial support and offered guidance to various organizations and events in his community. **Rabbi Aharon Chein** further explains:

In 1991, I organized a six-week trip to Georgia with seven Rabbis and teachers, to help increase the level of Jewish involvement within the community in Georgia. Simon Moshel was the primary benefactor of this expensive, but productive trip.

Exhibit N-4

Finally, **Alter Wiener**, who was Simon's neighbor for over twenty years, summarizes Simon's extraordinary charitable qualities:

Simon Moshel earned my admiration for his clinging to the tenets of his faith, despite the fact that he grew up in communistic USSR. I had the highest regard for Simon's respect accorded to his elderly parents. I recall Simon's contribution to build a House of Worship, an endeavor that was widely praised by all members in his community. Simon also made generous donations to other charitable institutions. He told me once "If I would have found a cure to cancer and not shared it with anybody what kind of man would I have been?" Simon was delighted to share his fortunes with the unfortunates and he believed God would continue to bless him and his family for whom he was dedicated to wholeheartedly.

Exhibit N-3

Simon Moshel has given so much of himself to his community, friends and even strangers that in 2001, Senator Chuck Schumer awarded him with a Lifetime Achievement Award.

Exhibit N-15

As described by **Nana Mosheshvili** "[Simon] is humble and understanding of those with problems. [He] is always coming to the aid of others." Exhibit N-5. She adds:

In addition to helping immigrants, being involved in building the congregation's synagogue and contributing substantially to community organizations, Simon Moshel symbolizes all that a bighearted person should be through his simple acts of kindness. Simon has always gone out of his way to help others in their times of need, whether it be receiving people from abroad in his home for several months, feeding a homeless man or just accompanying a lonely friend, Mr. Moshel has played a significant role in many people's life.

Id.

As noted above, **Shalva Adar** was also helped by Simon when her family had just moved to the United States. As further explained, however, Simon's extraordinary deeds did not end there:

The first few years in the United States were extremely difficult for me and my family. It was very unstable time and as a result I was always very nervous. Simon and his wife (Nora) always gave us moral support. I was always very thankful for that because we needed it greatly. Their moral support was more valuable than any money one could give us...

*** As the leader of the community, I called Simon regarding a friend of mine who needed an emergency bone marrow transplant. This procedure was to cost over a hundred thousand dollars and it involved my friend to travel from the Republic of Georgia to Seattle, Washington. As president of our community in Forest Hills, New York Simon took the initiative to try and raise funds. Although we did not raise all the funds, enough was raised to have the surgery performed. The operation was not successful but we still put in tremendous effort to help a dear friend. I have always known Simon to be caring and willing to go the extra mile to help others. That is very important because when people like Simon are involved in a cause, others jump in because they know it can be accomplished.

Exhibit N-16

Sophia Kaz, a friend of Simon's mother, explains how Simon and his wife have always looked after her:

In 1981 my husband who was always very sick died at the age of 61. My children did not live in the United States and Simon's family watched me. They never wanted me to be alone and always invited me to their house for Saturday afternoons. I always enjoyed going to their house on Saturdays after synagogue.... I bless Simon and Nora because they always gave me love and company. Simon would take me from time to time to visit my husband's grave as much as he could so I would not have to go by bus. He never gave me excuse. I will always be thankful for this. I know it is not easy to help people but he made time. He does not make pretend to be your friend. He always helps everyone. He always did this and never changes. His door is always open for me and others.

Exhibit N-17

Sandra Sustain, a retired English teacher, met the Moshels because her son, Nathaniel, attended high school with Simon's son, Yaron. She describes Mr. Moshel as a "charitable

man who always was willing to help out his friends and neighbors.” As further explained:

Whenever my son Nathaniel was having a difficult time in the arduous years of medical school, he not only relied on his friend Yaron, but also knew that he could depend on Yaron's father to help out. When he moved to Philadelphia, Simon Moshel and Yaron helped with the physical move and reassured Nathaniel that he would be happy and successful in his year's internship at Frankfurt Hospital. My husband and I enjoyed spending evenings with the Moshels and were always struck by their devotion to their children and their Georgian friends and culture.

Exhibit N-18

Simon Moshel not only helped his acquaintances; he assisted total strangers as well.

Simon's daughter-in-law, **Elena Moshel**, was a witness to one of his extraordinary-- and continuing -- acts of kindness:

I remember a couple of years ago, a homeless man would come to the Moshel's home. Simon would seat this man at the table, where he would be given food to eat. The man came every week for about three years (He has since stopped coming, we do not know what has happened to him). Not many people would go out of their way for a stranger, but Simon is always willing to help people in need.

Exhibit N-10.

6. Simon Moshel's Extraordinary Contribution Toward Building the Synagogue of the Congregation of Georgian Jews

As emphasized, from the very first day that Simon Moshel arrived in the United States he was greatly involved in his immigrant community. In 1991, Simon was elected President of the Congregation of Georgian Jews in Forest Hills. Perhaps one of his most notable contributions to his community, while serving in that capacity for four years, was his tireless commitment, both financially and organizationally, toward building the Synagogue for his congregation -- a beautiful edifice in which many Georgian Jews can now freely pray.

Mr. Moshel's personal efforts on behalf of the Georgian Jews' Synagogue have been essential in achieving this mission. When Simon Moshel arrived in the United States, the Georgian

Congregation contained barely twenty families who prayed in temple buildings owned by various local congregations. Today the structure which Simon played such an integral role in constructing is the spiritual home of more than 750 families.

Simon Moshel organized fund raisers and personally supervised the project. With respect to this endeavor, **Rabbi Abraham Ashvil**, who has been leading the Congregation of Georgian Jews and the Georgian Jewish community in the United States for the past twenty years, writes:

... I especially remember the devotion of Mr. Simon Moshel who was involved in developing the community and more importantly in building our new synagogue. The synagogue is the pillar of our community activities... Mr. Simon Moshel selflessly and voluntarily offered his commitment to the congregation from the beginning. He served a few years as the president of the Georgian Synagogue. The construction of the synagogue actually transpired during his presidency. Simon has always shown from time and again his continuous generosity and understanding, thus strengthening the congregations [sic] existence and creating a comfortable atmosphere to be proud of. Today our Synagogue is able to offer countless activities and events to satisfy the needs of our immigrant community. The existence of our community depends solely on the involvement and efforts of individuals such as Mr. Simon Moshel.

Exhibit N-19

Simon's Mother, **Nina Moshiashevili**, also provides insight into Mr. Moshel's efforts to build the synagogue:

He organized all the plans to build our own Georgian synagogue where prayers and activities would be best for our immigrant community.

I am very proud today that when I pray in the synagogue that is filled with people every Saturday that Simon was so important in building it. I wish my husband would have been alive to see the synagogue built because this is what he dedicated his life to in Russia. In his memory Simon donated the main entrance doors of the synagogue in memory of my husband because of the suffering my husband went through in Russia to keep the Jewish tradition alive secretly.

Exhibit N-1

Former friend from the Soviet Union and physicist, **Shalva Adar**, comments on

Simon's devotion to the synagogue:

As president of the Georgian Synagogue, Simon directed the construction of our synagogue from an attached house into a 500 seat sanctuary. He was the president when the community needed a strong voice and direction most. Dealing with the construction on an everyday basis and with the financial debt of the synagogue took a lot out of him.

Exhibit N-15

Nodar Kozhin, a long-time practicing physician who has known Simon for the last sixteen years, adds:

... [Simon] has always impressed me by his kindness, readiness to help those in need and love for his community. He was elected and served 4 years as a president of Congregation of Georgian Jews in America. ... As a president, he was involved in welcoming newcomers to the Congregation, organizing special events and helping new members of our community to adapt to their new life in the United States. He has also been one of the most active members involved in the process of building our community center, and has donated endless hours as well as financial resources to this purpose.

Exhibit N-20

To summarize, Simon's wife, **Nora**, explains what it meant for her husband to build a synagogue for his community:

He always believed that our community did not just need a synagogue to pray in. Rather his vision was to build a community center where children of all these immigrants had a center to go to relate with others of similar backgrounds. He wanted a center for the community filled with all sorts of activities and lectures to keep everyone attached to their synagogue. He was very persistent in his vision and received tremendous support and help to build our center. Simon understood the importance of this center because he believed it would make people's lives much easier.

Exhibit N-27

7. Simon Moshel's Conduct in this case is Uncharacteristic of the Well Respected and Admired Person Whom Everyone Knows Him to be

Simon Moshel's character traits have always been those of an extremely kind, selfless, concerned, hard working and decidedly honest man. Therefore, to the people who have dealt with and known him for several years, the criminal conduct which underlies Defendant's conviction in this case is completely uncharacteristic of Defendant's true nature. Consequently, notwithstanding this conviction, they attest to Simon Moshel's integrity, professionalism and strong work ethic.

Michael Gober, a friend of Mr. Moshel's son, also admires Mr. Moshel's extraordinary effort to establish himself in this country:

Simon has also commanded my respect and admiration over the years based on his professional success in the United States after immigrating here with his family in 1985. Simon's hard work and commitment toward establishing himself and his family in New York, and supporting the community around him, is an exemplary testament to the values which our society holds dearest and which foster the opportunities for the many diverse peoples in all corners of the United States.

Exhibit N-9

Martin S. Turman, a Certified Public Accountant, who has known Simon for twenty years, shares these sentiments:

Simon was a very good client, someone who always met his obligations and conducted himself with integrity. I always had admiration for his ability to come to this country, not as a young man, and though there was a language barrier, establish himself as a businessman.

Exhibit N-21

Samuel Davit is a medical doctor who emigrated from the Republic of Georgia in the former Soviet Union. He met Simon in 1998 and was able to appreciate Simon's unparalleled traits. He explains:

Simon Moshel invited me along with my family at his residence numerous times. I have always been passionate about his family, as well as him being a father of his

children and as a son taking care of his mother. I have and always will appreciate his openness and helpfulness toward me as well as my family.

Simon Moshel is known in our community as a leader, hard working and honest individual and charitable person. When I learned of criminal conduct, I was in disbelief because it is so uncharacteristic of Mr. Moshel, since I know him as family man and a highly respected member of the Georgian Jewish Community.

Exhibit N-22

Ralph Braha, who is president of Braha Industries and has known Simon for over twenty years, in both professional and personal levels, writes:

In business I have found him to be honorable with respect to his dealings with me, my company and others. He has proven himself to be a man whose handshake is as good as a written contract.

I also know Simon to be a most charitable individual. I know that he has given extensively to his Synagogue as well as to other Jewish causes including Jews of the former Soviet Union. Simon's charity is not just of the check writing kind but, in my experience, is also of himself and his time... I believe most sincerely, that Simon is not a threat to society but, rather, that Simon is basically a good man who did something wrong.

Exhibit N-23

Saul E. Feder, Esq., Simon Moshel's civil attorney for the last two decades, observes:

During the past two decades of my practice, Simon Moshel has been one of my clients in many civil matters including real estate transactions, business transactions and civil litigation. I have had innumerable conversations, conferences, meetings and interactions with Simon Moshel throughout this period of time with regard to those matters, and have consistently and invariably found him to be honorable, reasonable, responsible and respectful.

... I strongly believe that Simon Moshel's actions leading up to these criminal charges were an aberration from the conduct I have known for the past two decades, and his conduct was completely uncharacteristic of the loving, dedicated, respectful family and societal man I know Simon Moshel to be.

Exhibit N-24

Baby Oren, who has known Simon for thirty years, since they lived in Israel, attests

to Simon Moshel's true character:

Mr. Moshel is a very kind, honest and sincere man. He has very high integrity. He is a religious man. Simon has helped and is helping to a lot of needy people worldwide, as well as religious institutions in many different ways. I also know him as a great son and caring husband and father. He has always been a dedicated friend to me.

Mr. Moshel has built his entire life on kindness, honesty, sincerity and integrity. Most important, he is a great citizen. To many people Mr. Moshel is a role model. I am and always have been proud to call Mr. Moshel my friend.

Exhibit N-25

Simon's daughter-in-law adds:

Simon is not only kind and helpful to his family, but to his friends and his community. His generosity is exceeded by his willingness to help others. I have often heard, from his friends and acquaintances, how he has given of himself for the sake of others. I see firsthand what a hardworking, committed, and praiseworthy person he is.

Exhibit N-10

Finally, Simon's daughter explains her father's kindheartedness:

It is because of his strong presence in my life and constant acts of giving and charity, not only monetarily, but by always giving anyone he meets advice, love, support, and optimism, that I have chosen my present path in life... He is a wonderful man and has always been there to guide me to be a simple, honest, and an upright individual. I would have nothing and be nothing without him.

Exhibit N-6

8. Simon Moshel is Overwhelmed with Shame and Remorse as a Result of his Criminal Conduct and Many Others Will be Effectuated by His Incarceration

As is readily evident, prior to this case, Simon Moshel was a complete stranger to the criminal justice system. Now, as a result of his conviction upon his plea of guilty, it is well known among his family and community that he is filled with remorse. "He is suffering and is very ashamed" for his criminal conduct," explains Nina Moshishvili, Defendant's mother. Exhibit N-1.

Additionally, she recounts her fears and pleads for leniency:

... I know he made a terrible mistake and I see how worried he is. I also fear for myself because Simon is my closest child and who will I have to rely on. He is the one who supports me and gives me comfort. He has always made sure to give me a good life.

I worry will he be able to also keep his promise to me and take me to be buried next to my husband when my time will come.

Exhibit N-1

Rabbi Aharon Chein, the President of the International Federation of Georgian Jews,

notes further:

Despite the serious nature of crime, this behavior is quite uncharacteristic of Simon Moshel. I can assure you that Simon has already suffered much punishment in the form of embarrassment and humiliation. It will be extremely difficult for our community to replace Simon as a leader, and I ask that you allow him to return to us as soon possible.

Exhibit N-4

Saul E. Feder, Esq., Defendant's attorney, further pleads for leniency:

I am writing to simply plead for leniency and mercy in Simon Moshel's sentencing, so as to allow him to return to his extended and loving family and community which relies so much on his strength, guidance and leadership at the earliest possible time. It is certainly eminently clear that Simon Moshel has already sustained extraordinary and crushing punishment as a result of the embarrassment, shame and humiliation his conduct has brought to himself, his family and friends, and to his entire community. It is clear to the undersigned that Simon Moshel's acts and omissions leading up to these criminal charges will never be repeated again by him, and that he is intent on spending the rest of his life seeking to redeem, restore and reestablish both his and his family's reputation in his community.

Exhibit N-23

Nathaniel Sustain, a physician who has been a friend of Simon's son Yaron since Dr.

Sustain was fourteen years old, writes:

Throughout my relationship with the Moshel family I have known Simon to be generous and selfless. He has helped his children to become successful professionals and great contributors to humanity. I modestly predict that after completing his residency in Neurosurgery Yaron will change medicine and neurosurgery while saving many lives in the process. I plead for sympathy on behalf of Yaron and his