

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA,	:	
Plaintiff	:	NO. 3:18-cr-00294 (JBA)
	:	
v.	:	
	:	
REZART RAKAJ	:	MARCH 19, 2019
Defendant.	:	

DEFENDANT REZART RAKAJ'S SENTENCING MEMORANDUM

The undersigned hereby submits this Memorandum in connection with the sentencing of Rezart Rakaj scheduled for April 1, 2019.

Mr. Rakaj is 35 years old and has resided in the Ansonia area his entire adult life, after emigrating from Albania to the United States with his mother and older brother in 1999, to join his father, Vasil Rakaj, who had been granted political asylum the year before. As noted in the Presentence Report, he began working almost immediately after arriving here, and has been employed full time ever since, working with his father and brother in the masonry business the elder Rakaj established in Connecticut shortly after his own arrival. PSR ¶¶ 64, 67. In addition, since 2010, he has also worked in the heating oil delivery business that he and his brother have more recently opened to service retail and commercial customers in the winter season. ¶ 66.

Mr. Rakaj comes before the Court with no criminal record, with a guidelines CHC score of zero. PSR ¶ 51. Following his waiver of indictment and guilty plea to the one-count Information, Mr. Rakaj was released on personal recognizance, with no pretrial supervision, and has remained in compliance with the terms of his release. PSR ¶ 5.

As confirmed in the attached letters from those who know him best, and as the undersigned has observed in the course of the present representation, Mr. Rakaj is a quiet, simple man, who believes in the virtues of hard work and caring for others – in the first instance his immediate family, but also members of the broader community. In terms of family, Rez has followed the example of his devoted parents, with whom he and his wife and children continue to reside in the modest one-family home owned by his parents (for which Rez pays the mortgage). PSR ¶¶ 58, 60. Like his parents, Rez has made family a priority, PSR ¶ 58, working 12 to 14-hour days to support them, but always finding the time to devote to his two young children, and to enable his wife, Aferdita, to pursue her own education and prospective career. **Ex. A**, pp. 1-2. *See also*, **Ex. B** (sister-in-law Luciana Coku-Rakaj: “We lived with Rez in the same house for 6 years. He has always treated me with respect and dignity and always been there for me in my hardest days and my happiest moments as well, . . . assist[ing] my husband in the business to allow [him] time to help me with the long recovery [from surgery]. . . Rez is the type of father to his children men aspire to be, I have seen Rez come from working all day to jumping right in and taking care of his at night[, and] on his days off planning adventures and outings for his children”).

As to the community of persons outside the immediate family, both Rez and his brother, Kliton, have accommodated customers unable to pay the market price for heating oil, regularly send funds to relatives and others based in Albania (where average wages are \$5/day), and care for those in need in a variety of other settings. Aferdita cites a recent example where, meeting a customer on a collection visit, he observed the poor condition in which they lived, and their disabled child, and ended up

donating “a considerable amount of money to help him with his hospital bills.” **Ex. A**, p.

1. And sister-in-law Luciana notes that “he cares for the people around him, not only friends and family, but neighbors, workers, clients as well, People call Rez because they like him, trust him, and know he is dedicated to all he does.” **Ex. B**, p. 2.

The letter submitted by Mr. Rakaj’s father, Vasil, **Ex. C**, attached, describes the challenges the family faced when it first arrived here twenty years ago. Rez’s studies in at the “Jordan Misja” school, and his predication for the fine arts, following in his father’s footsteps, and to be interrupted as the family fled to the United States, required him to start over in high school at age 16, because his grades from Albania were not recognized here. This came at the same time the entire family faced barriers in language and employment that Vasil describes as “very hard” new “beginnings” for the entire family – challenges that fell particularly hard on a sixteen-year-old in a new land. According to Vasil, it was in that setting of adversity, that his sons, Kliton and Rez, decided to start a small masonry business with him – a company that the two brothers continue to operate to this day, nearly 20 years later. Its success was earned through hard work, and, according to Vasil, “due to the honesty and the ability of Kliton and Rezart to interact with customers.” **Ex. C**. Close family friend Dalip Karameti confirms that the business was formed in the face of many difficulties (“as it usually happens with a lot of immigrants”), but that Rez, united with his father and brother, worked hard, “decorating outdoor and indoor environments, where they stood out for great behavior and high quality work,” and were thereby “able to secure with back breaking work, a normal . . . relatively modest . . .life style.” **Ex. D**, p. 1.

It is against this backdrop that Mr. Rakaj now comes before the Court for sentencing.

The offense of which he will stand convicted involved the acquisition and renovation of a long-vacant and neglected commercial building on Wallace Street in New Haven. At the time of the acquisition in November 2015, there were more than \$90,000 in unpaid property taxes, and the City had commenced tax foreclosure proceedings against the former owners. The company formed to acquire the property by Mr. Rakaj, his brother Kliton and an older cousin (Aleks Rakaj), 206 Wallace Street, LLC,¹ paid off those taxes and ultimately restored the property to the tax-paying rolls of the City, where it remains to this day.²

Mr. Rakaj has acknowledged the wrongfulness of his conduct in exposing himself and family members to the asbestos containing material located at the premises, and in failing to follow the proper procedures in seeking to remove it from the pipes and flooring at 206 Wallace Street. Following a cease and desist order imposed in November 2015, a hazardous materials firm was brought in to complete the work properly and to dispose of the material in accordance with proscribed regulations. The issue now before the Court, and which this Memorandum seeks to address, is the appropriate sentence for this single mar on the otherwise crime-free and positive life of this 35-year-old man. For the reasons set forth below, it is respectfully submitted that the appropriate sentence, “sufficient but not greater than necessary” to accomplish the purposes of sentencing under

¹ As noted in the PSR, Aleks Rakaj is no longer affiliated with the Wallace Street LLC, or any other business in which Kliton and Rez are involved. PSR ¶ 31a.

² In addition to the current real estate tax payments of approximately \$42,000 per year, the Rakajs’ oil delivery company pays additional thousands of dollars per year in personal property taxes to the City on its trucks and other equipment located at premises.

federal law, 18 U.S.C. § 3553(a)(2), is a sentence of probation,

First, a sentence of probations is expressly authorized by the sentencing guidelines applicable to this case, see PSR. ¶¶ 39-48, 5, 73; U.S.S.C. § 5B1.1(a)(1), in that the sentencing range under the guidelines falls squarely within Zone A of the Sentencing Table. U.S.S.C., Ch. Five, Part A – Sentencing Table.

Second, such expressly authorized sentence of probation, in conjunction with the federal felony conviction that Mr. Rakaj must live with the rest of his life, is hardly a de minimis event. A sentence of probation and the collateral effects of such a sentence (and felony conviction) are in themselves weighty consequences that will severely impact Mr. Rakaj in multiple respects. The Supreme Court in *Gall v. United States*, 552 U.S. 38 (2007), in the probation sentence in that case, involving a defendant's seven-month involvement in a conspiracy to distribute controlled substances, forcefully noted that fact, as follows:

Offenders on probation are . . . subject to . . . substantial[ly] restrict[ions on] their liberty. [They] may not leave the judicial district, move, or change jobs without notifying, and in some cases receiving permission from, their probation officer or the court. They must report regularly to their probation officer, permit unannounced visits to their homes, [and] refrain from associating with any person convicted of a felony. . . . USSG § 5B1.3.

Id. at 48.

Moreover, as the submissions in the present case indicate, in addition to the constraints of collateral consequences and probationary conditions, there is substantial evidence Mr. Rakaj has already suffered adverse consequences on a daily basis that will continue through any probationary period the Court may impose. The presentence report notes that the current prosecution “has been hard on [the] parents” that Mr. Rakaj holds in such high esteem and continues to reside with, PSR ¶ 58, as the concluding

comments in Vasil Rakaj's letter themselves indicate (the sons "should be more knowlidgable [sic] for the laws of this country", **Ex. C**); and Aferdita notes that she and Rezart "talk every night about the case . . . and he deeply regrets what he did," **Ex. A**, p. 2). In short, a sentence of probation in the prese4nt case will sufficiently serve the just punishment and general deterrence purposes under 18 U.S.C. § 3553(a)(2)(A) & (2)(B).

Third, as to concerns with recidivism (specific deterrence) under §3553(a)(2)(C), there is no basis to believe that, regardless of the sentence imposed in this case, Mr. Rakaj will ever offend again. Indeed, it is difficult to conceive of a defendant more unlikely to recidivate. As attested in the letters being submitted to the Court, Mr. Rakaj has consistently displayed integrity and solid moral character in all his dealings in personal and business settings – a quality ingrained and noted since childhood. See, e.g., **Ex. C & Ex. D**. Moreover, in addition to this lifelong track record of integrity, the unlikelihood of recidivism in the case of Mr. Rakaj is confirmed by the factors that the Sentencing Guidelines Commission studies have identified as correlating with lack of recidivism: age (approaching 36); stable employment history; family ties; abstinence from drug use; and non-violent offender. See U.S. Sentencing Comm'n, *Measuring Recidivism: The Criminal History Computation of the Federal Sentencing Guidelines* (May 2004), pp. 11-13.

Fifth, a sentence of probation will appropriately address the need to avoid unwarranted sentencing disparities pursuant to §3553(a)(3)(6) – a central purpose of the guidelines, reinforced by a sentence at the very level (the *lowest* level) that the guidelines calculations themselves support.

Finally, a sentence of probation will appropriately reflect the history and characteristics of the defendant – a lifetime of law-abiding, hard-working contribution to the welfare and betterment of everyone around him and the community in which he resides, as set forth above and confirmed by the PSR and the attestations submitted herewith from those who know him best.

Based on the foregoing, it is respectfully submitted that a sentence of probation would best comport with the letter and intent of § 3553 and should be the sentence imposed here.

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CERTIFICATE OF SERVICE

This is to certify that on March 19, 2019, a copy of the foregoing was filed electronically (and served by mail on anyone unable to accept electronic filing). Parties may access this filing through the Court's system.

s/Kenneth Rosenthal
Kenneth Rosenthal
Attorney for Defendant Rezart Rakaj

