

SENTENCING MEMORANDUM

United States v. Reshma Massarone 23 Cr. 448 (CS)



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BY ECF

The Honorable Cathy Seibel
United States District Judge
Southern District of New York
United States Courthouse
300 Quarropas Street
White Plains, NY 10601

July 24, 2024

**Sentencing Letter Memorandum in the Matter of:
*Re: United States v. Reshma Massarone 23 Cr. 448 (CS)***

Your Honor:

On March 15, 2024 Ms. Massarone pleaded guilty under a Pimentel letter before Your Honor to Count One of the indictment, namely, Murder-for-Hire under **18 U.S.C. §1958**.

Discussion of Guideline Calculation and Sentencing Range:

According to sentencing provision **U.S.S.G. §2A1.5**, places the base offense level at 33 because the underlying crime Solicitation to Commit Murder is 33. Adding an additional four levels because of the offer or receipt of anything of pecuniary value (\$10,000) the becomes 37 under **U.S.S.G. §2A1.4**.

Although the parties disagree, the Defense submits the Defendant qualifies for a three-point reduction for acceptance of responsibility and entering a timely plea under **U.S.S.G. §3E1.1(b)**. Her sentencing exposure under the U.S. Guidelines is 151-188 months because she has zero criminal history points. The Guideline calculation is somewhat academic in light of the fact that the statutory maximum sentence is 120 months for Count One under **U.S.S.G. §5G1.1(a)**.

The Government argues that Ms. Massarone is somehow avoiding taking responsibility by answering a question during her allocution as to the transfer of the first \$2500. When asked by the Court the defendant recalled that \$2500 being

used by a man in Guyana for the purpose of being her bodyguard. Later she corrected that statement during her allocution in the following manner:

THE COURT: Ms. Massarone, can you tell me in your own words what you did that makes you guilty?

THE DEFENDANT: On the morning of July 21st, I received a video call from Claxton that proposed me to send \$2,500 that he's going to use that to hire a hit man to kill my brother in law and I agreed.

THE COURT: Then did you in fact thereafter wire the \$2,500?

THE DEFENDANT: Yes

THE COURT: And you did that from a location in Orange County?

DEFENDANT: Yes

THE COURT: When you did that, did you know that what you were doing was wrong and illegal?

THE DEFENDANT: Yes

The mere fact that there was an initial discussion about coming to Guyana to attend a funeral and needing a bodyguard to protect her was why Ms. Massarone had earlier on in her allocution mentioned a July 19th date. It was not until after that date, July 20, and the 21st of July that Ms. Massarone agreed to pay "Claxton" for the murder for hire.

Importantly, she was never asked by the Court or Government whether she agreed on a larger fee of \$10,000 to carry out the murder for hire which is clearly in the discovery. She would have answered in the affirmative as well as admissions

concerning the use of poison. The fact that the Government is hung up on the fact that Ms. Massarone was either mistaken, did not recall her initial conversation, or believed the initial money was for the use of a body guard and later changed to be a down payment for the murder for hire does not change the fact that she allocated to the intent to carry out a murder for hire and used Western Union to do so. The acceptance of responsibility points are not an obligation to be able to admit to every fact of a case according to the Government's rendition but rather a calculus to assure the Court that the Defendant is taking responsibility for her actions as opposed to an individual who, for example, goes to trial, and up and through sentencing never seems to understand the consequence of his or her actions, and therefore, needs to be potentially incarcerated for a longer period of time and not be the beneficiary of the guideline reduction.

Additionally, we ask this Court to consider a further Guideline reduction under **§5K2.10**.

If the victim's wrongful conduct contributed significantly to provoking the offense behavior, the court may reduce the sentence below the guideline range to reflect the nature and circumstances of the offense. In deciding whether a sentence reduction is warranted, and the extent of such reduction, the court should consider the following:

- (1) The size and strength of the victim, or other relevant physical characteristics, in comparison with those of the defendant.
- (2) The persistence of the victim's conduct and any efforts by the defendant to prevent confrontation.**

- (3) The danger reasonably perceived by the defendant, including the victim's reputation for violence.
- (4) The danger actually presented to the defendant by the victim.
- (5) Any other relevant conduct by the victim that substantially contributed to the danger presented.
- (6) The proportionality and reasonableness of the defendant's response to the victim's provocation.

See *US v. Koon*, 518 U.S. at 94, 116 S. Ct. 2035. Victim's wrongful conduct contributed significantly to the offense behavior. *US v. DeJesus*, 75 F. Supp. 2d 141 (S.D. N. Y. 1999). The provocation under which Ms. Massarone acted was the result of a twenty five-year systematic harassment which was completely unprovoked by Ms. Massarone. Although not violent in nature it is clear that Ms. Massarone felt nobody, including the courts, were able to put an end to the intentional infliction of cruelty brought about by Lutawan. It is difficult to put yourself in Ms. Massarone's place. Having spent the better part of her adult life keeping her distance from a man who was clearly scorned by not being given the opportunity to marry her (at age 15) he set out to stay close enough to control her for many years. After she worked hard to be a professional independent person while slowly untangling herself from his arranged marriages Lutawan continued to ruin her professional life by systematically calling her employment in an attempt to get her fired. It is unimaginable that a person would have to change jobs three

times and sell their home and move their family because of another person's harassment. If this case were more factually in line with a stalker, for instance, instead of a family member who was the intended victim, the Government would be taking an entirely different stance. The mere fact that the so-called victim was a brother-in-law excuses nothing. The man spent the last 25 years attempting to ruin Ms. Massarone in every way possible, including but not limited to, harassing her beautiful and highly intelligent eldest daughter who the "victim" attempted to get disqualified from a beauty pageant and is a Dean's List student in college. (**Exhibit O-Daughter's resume**) What prevents this man from calling up a law school she intends on applying to? What prevents this so-called victim from continuing his disparaging remarks on social media of Ms. Massarone's youngest daughter or husband? Nothing, is the answer. The twisted oddity of this matter is the misplaced focus on whether or not Ms. Massarone is a danger to others in the future, whereas, the absolute reality is that the person who created this environment will seemingly never be stop. He comes from a chauvinistic society that simply does not believe females can educate themselves, or be permitted to become employment professionals. In 2024 this man actually believes women should be told who they marry, where they work, if they go to school, and how they should act. It is this twisted antiquated world in which he lives that formed the genesis of this matter. The Court should take notice and exercise its discretion to

decrease Ms. Massarone's sentence because of the extreme provocation that Ms. Massarone acted under.

See also US v Summers 506 F. Supp. 2d 686 (D.N.M. 2007) Although that matter involved a case of retribution for sexual molestation, the molestation was never proven. It is clear the defendant in that matter would have never gone down the path she did, but for her firmly held belief and intense desire protect her granddaughter. As in our matter there were protracted legal matters between the parties which further intensified the frustration that the legal system was failing the defendant. Similar to our matter there is nothing in this record to ever suggest Ms. Massarone will be a further danger to society or to any individual. In point of fact, Ms. Massarone lived less than two miles from Mr. Lutawan for over ten years and she never lifted a finger to the man. It was only after this man placed Ms. Massarone in a situation where he was systematically trying to ruin her life did she act out. In the Summer's matter the Court saw fit to sentence Ms. Summers to a period of time served with 9 months home detention with three years of post-release supervision. Ms. Massarone has served close to one year in jail.

Our matter clearly lands outside the heartland of cases of Murder for Hire involving marital jealousy, or drug and gang warfare where defendants try to eliminate rivals. Additionally, as in the Summer's matter, the victim was never truly put in any danger. The so called hit man in our case was a friend of the

would be victim, Mr. Lutawan, and the hit man immediately reported all of the conversations Ms. Massarone was having with the victim. The hitman and Mr. Lutawan allegedly went and reported the phone calls to law enforcement in Guyana and US officials were notified. Ms. Massarone was thousands of miles away and the hitman had no intention of carrying out any plot.

Ms. Massarone was begging for the systematic abuse, harassment, and ruination of her hard earned career to end just as the defendant in Summer's wanted the abuse of a family member to end. Parenthetically, Summers had no proof abuse was even occurring, whereas Ms. Massarone was on the receiving end of various forms of unfounded abuse by this so-called victim, Mr. Lutawan.

Additional Comparable Case:

“On January 12, 2021, a Sun Prairie Police Department officer responded to a “suspicious persons” call at the residence of Travis Harper's (“KV”) girlfriend. (CR Dkt. #42 ¶ 8.) There, the police learned that an individual with the username “Malik8” had paid the equivalent of \$1,500 in Bitcoin for the murder of KV. (*Id.* ¶ 22).

On February 5, 2021, the FBI executed a search warrant at Kelly Harper's residence. During an interview of Harper, she admitted to searching the dark web for a hitman-for-hire on two separate sites. (*Id.* ¶ 23.) She also confessed to making a \$1,500 down payment to avoid getting scammed out of the full, \$3,000 price agreed upon with the anonymous hitman. (*Id.* ¶24.) Investigators further asked if Harper would have paid

the rest of the money had KV been killed, to which she replied, “depending, yeah.” (*Id.* ¶ 25.) The FBI arrested Harper following this confession, and soon thereafter, a grand jury returned a one-count indictment that charged her with using interstate commerce facilities in the commission of murder-for-hire, in violation of [18 U.S.C. § 1958](#). See *Harper v. US*, 22 CV-316 WMC (W.D. Wis. Feb. 23, 2024)

At sentencing, in the Harper matter, the court calculated Harper's advisory guidelines range at 151-188 months in prison, but noted the maximum statutory penalty of 10 years. The Government argued, among other things, that Harper's past theft conviction separately showed that she was a danger to her community. In rendering sentence, the court emphasized the evidence that Harper did not act out of impulse, but rather acted in a calculated manner, arranging KV's murder not once but twice by contacting a second site after the first transaction on a murder-for-hire site failed. Given all the facts, the court also expressed little difficulty in accepting the parties' plea agreement binding the court to a sentence of **36-months imprisonment** to be followed by three years of supervised release.

As in *US v DeJesus*, 75 F. Supp. 2d 141 (S.D.N.Y. 1999) the victim's wrongful conduct contributed significantly to provoking the offense behavior. The “persistence” of Lutawan's conduct was clear and unquestionable in this matter.

The effort of Ms. Massarone to prevent confrontation by taking out several orders of protection, going to the police in Warwick and in Queens, NY, the effort to attend Family Court in Kingston, New York seven times in order to finalize a Family Court Order of Protection, all failed to deter Mr. Lutawan from his continual harassment and his successful harassment leading to ruination of her employment and her family relationships as discussed within the enclosed family letters.

Our matter, although serious in nature, never involved actual violence. The law, of course, recognizes that an attempted crime can be serious, but we must recognize that an attempted crime and a crime that has been fully consummated are significantly different. A case before Your Honor involving a Hobbs Act Robbery where the defendant was given 24 months incarceration (US v Cruz , 23 CR 621 (CS)) involved actual completed acts of violence where an individual was shot during the purchase of marijuana. Although the defendant was not the actual shooter, an extremely violent act occurred during the robbery of a marijuana dealer. The victim of the shooting, as Your Honor is well aware, later passed away from a drug overdose. The prosecution claimed they could not make a causal connection between the the medical issues that the victim was suffering from as a result of the shooting and the overdose. The fact remains that someone was actually shot in that matter and the defendant was sentenced to 18 months.

Certainly the defendant in that matter was not forced to endure any systematic harassment, loss of jobs, or anything close to what Ms. Massarone has gone through. That matter was an unprovoked robbery/shooting where the defendant was clearly involved as an accomplice to an act of completed violent act and was finally sentence to 18 months. Ms. Massarone's case, on the other hand, did not involve a completed violent act.

Background: Specific Incidents which Led to this Matter

The factual backdrop which led to the events of this matter are relevant for the Court's consideration. Importantly, the Defense is not claiming in any way the conduct involved in this case is excusable. Nevertheless, the facts which lead up to this case cannot be comparable to a narcotics dealer attempting to get rid of his competition by hiring local thugs to wipe out a rival narcotics dealer.

Ms. Massarone grew up in Guyana where arranged marriages are commonplace. The local society is male dominated. Parmanand Lutawan approached Reshma Massarone's parents and requested to marry her. Reshma's parents were offended that Mr. Lutawan would request such a thing in light of the fact that Reshma was only 15 years old at the time. Despite being openly upset Parmanand Lutawan then asked the parents if he could marry the eldest daughter, age 16! Mr. Lutawan ended up marrying Reshma's sister but Mr. Lutawan's desire to court Reshma

never ended there. To understand this case is to understand the complex jealousy Mr. Lutawan has to this day that he was not able to marry Reshma Massarone. Upon coming to this country, Mr. Lutawan set out on a course to constantly attempt to get close to Reshma even though he was married to her sister. The gift giving and financial control he attempted to exert never stopped. When the multiple attempts to get closer and closer to Reshma failed, along with Mr. Lutawan's see through efforts to arrange marriages when her first two marriages failed miserably (both to relatives of Mr. Lutawan's) the relationship between Ms. Massarone and Mr. Lutawan began to sour. Particularly aggravating was the fact that Ms. Massarone married a man who was highly educated and outside of the control of Lutawan because he had orchestrated Ms. Massarone's failed marriages to Lutawan's relatives. Mr. Lutawan was continuously disrespectful to Jeffrey Massarone whenever the extended family got together.

Mr. Lutawan began to attack Ms. Massarone through various social media accounts claiming she was promiscuous and had been married too many times, of course failing to realize the marriages were arranged by Mr. Lutawan himself to members of his family. Of course, Mr. Lutawan fails to appreciate the fact that he himself has been divorced and re-married. Ms. Massarone's first two marriages were to men who were both alcoholics and at times unemployed. They simply

were not the type of men Ms. Massarone was compatible with yet Mr. Lutawan arranged these marriages and told Massarone this is who she was going to marry. Additionally, Mr. Lutawan was aggravated by the fact that Ms. Massarone had respectable employment positions at various banks. Mr. Lutawan sought to hold Ms. Massarone down as he systematically contacted various employers in an attempt to get her fired. Ms. Massarone was forced to move from Bloomfield, New Jersey where she lived for ten years but was forced to relocate to Pine Bush , New York in January of 2022. Ms. Massarone not only had to relocate her entire family to avoid this continuous onslaught of defamation, but she took out orders of protection to prevent further abuse.

This federal case simply never occurs but for the continuous, purposeful, and intentional abuse by Parmanand Lutawan of Ms. Massarone. This is not some backhanded attempt to blame the victim of a crime. This is to explain the events which led up to this incident for the Court's better understanding. The following set of facts are not excuses by the defendant but rather a chronology of what drove her to do such a drastic thing. Ms. Massarone was not the person within this matter attacking or aggressively seeking to hurt or destroy Mr. Lutawan. Quite the opposite is true. Mr. Lutawan in his crazed aggressive domineering way sought to ruin Ms. Massarone by disgracing her through social media, calling her places of employment, forcing her to relocate her entire family, disgracing her daughter, and

disgracing her husband. Mr. Lutawan's male chauvinistic attitudes created a living hell for Ms. Massarone and her family.

In March of 2022, Ms. Massarone reported the fact that Mr. Lutawan had sent emails to her place of employment alleging several claims that had no basis in truth in an attempt to get her fired yet again. Fortunately, the bank and Ms. Massarone's manager were well were of the systematic harassment and pending orders of protection. The bank even went as far as posting Mr. Lutawan's photo in the lobby of the bank as a reminder that should he enter the bank the employees were to immediately call the police.

In September of 2022, Ms. Massarone went to the police following Parmanand Lutawan's calls to Rhinebeck Bank. (**Exhibit A**-Email) The police in Warwick reached out to Mr. Lutawan advising him to stop emailing or communicating with her places of employment. The police officer drafting the report instructed Parmanand Lutawan to not drive to the Warwick Police Department because Mr. Lutawan had no business there. Nevertheless, Mr. Lutawan showed up at that precinct two and one half hours later with 7 family members to claim that it was Ms. Massarone that should be arrested. (**Exhibit C** contains the "Additional Narrative" section of the police report -**underlined in red**) The officer at the Warwick Police Department is confronted by Lutawan who admitted to contacting the Rhinebeck Bank. Importantly, not that his daughter contacted the bank, but

“he” contacted the bank. Asked if he had contacted the Rhinebeck Bank to which he replied, “yes”. Lutawan was ordered to stop communicating with the bank to which he became “aggravated”. He “started to yell” and said he (the officer) must “accept his charges” for defamation of character. The 7 family members “began to yell.” There can be no better example of who Lutawan thinks he is. He is confronted by his own criminal act and persist on blaming his unwarranted calls and emails to have Ms. Massarone fired from her job 120 miles from where Lutawan lives all the while twisting the incident in his mind to claim that it was his character that was defamed. He has violated numerous orders of protection. He has no respect for Reshma Massarone, law enforcement, orders of protection, or respect for his teenage daughter who he has used to draft an email to the bank in an attempt to have someone fired who has scorned him by refusing to be controlled. The officer called Ms. Massarone and advised her of this truly bizarre reaction by Mr. Lutawan. After systematically harassing Ms. Massarone and calling various places of employment he claimed that he was the victim. Obviously, the Warwick Police Department did not react at all to Lutawan’s baseless allegation and instructed him to return home. His persistent phone calls, emails, and social media posts concerning the baseless allegation that Ms. Massarone was promiscuous led to the bank manager inquiring of Ms. Massarone’s connection to “this person”. At first the bank officials believed Mr. Lutawan was ironically a scorned lover and

questioned why this man would be so persistently attacking Ms. Massarone. These communications by Lutawan give one an insider's look as to just how crazed Mr. Lutawan was about being rejected by Ms. Massarone. To think a brother in law has the right to call an employer to "complain" about a sister-in-law's marriage status is reflective of the extent to which the man attempted to ruin Ms. Massarone.

Ms. Massarone was granted an order of protection by Judge Rakov in Kingston, New York, Ulster County Family Court where the Rhinebeck Bank was located. Despite the explanations given by Ms. Massarone about the nature of this man's persistent efforts to ruin her, Ms. Massarone was forced to step down from her position at the bank. She immediately became gainfully employed at Mid-Hudson Valley Federal Credit Union.

In February of 2023, Ms. Massarone's best friend of over 20 years died. Ms. Massarone advised her sister when she would be attending the funeral service and that her sister's husband (Mr. Lutawan) should stay away from a funeral having no family connection to the deceased. Nevertheless, Mr. Lutawan intentionally showed up at the funeral. The police were called and Mr. Lutawan left through a rear door of the funeral home just as the police arrived. He was later arrested on March 8, 2023 for violation of the order of protection. The irony is that the Government presented this incident before Your Honor as an example of how emotional Ms. Massarone can be. She is seen telling Mr. Lutawan to, "Go to

Hell.” The reality of what had occurred at that funeral was that a man who had been systematically harassing Ms. Massarone purposely showed up at a funeral knowing Ms. Massarone’s best friend had died, and was mocking her as an order of protection was firmly in place. He knew she would be attending, he had no connection to the deceased, and an order of protection was in place. The attempt of the Government to twist this offensive and potentially criminal violation of an order of protection should be noted. Mr. Lutawan has no respect of the law and frankly never will have any respect for the law. A second order of protection was issued in Queens, NY emanating from the arrest surrounding the funeral. (**Exhibit B-Criminal Court Complaint-Queens**) Although Ms. Massarone called the prosecutor in Queens continually to make sure an order of protection was still in place; the case was suddenly dropped because the prosecutor felt he could not prove the case in light of Mr. Lutawan’s having left the funeral home before any obvious or intentional violation of the prior order had occurred. Parenthetically, everyone in the family knew Ms. Massarone was extraordinarily close to Ms. Singh who passed away. She was like a second sister to Ms. Massarone. The mere fact Mr. Lutawan thought it appropriate to attend a person’s funeral who was not his blood relative, but rather an extraordinarily close friend of Ms. Massarone, shows you the extent this man would go to harass Ms. Massarone.

On March 8, 2023 Reshma Massarone learned of yet another unauthorized communication sent to Ms. Massarone's employer under the email address of Mr. Lutawan's daughter Briana. The language used within the email is self-evident that a young teenager would not draft such a communication. This use of a third party by Mr. Lutawan is yet another example of the extent to which this man went to destroy Ms. Massarone's life and all that she had worked for. The email makes a series of baseless claims. The intent of Mr. Lutawan was clear. He attempted to get Ms. Massarone fired from her employment yet again. Ms. Massarone drove to the Warwick Police Department, as stated earlier, within the jurisdiction of her employer and explained the email. The police department claimed they could "do nothing" but forward the email to a prosecutor. (**Exhibit C-Three Police Reports** filed by Ms. Massarone).

Ms. Massarone went to Ulster County Family Court yet again to take out a restraining order against Mr. Lutawan's daughter Briana in light of the fact that it was clear Mr. Lutawan was now using his daughter's email to violate the orders of protection. (**Exhibit A-Email to bank by Lutawan**) Ms. Massarone was doing everything to protect her job. She has lost two prior jobs as a result of Mr. Lutawan's systematic harassment.

To understand what Ms. Massarone had endured during this matter one must be aware of the fact that two banks, Hudson Valley Credit Union and Rhinebeck

Bank, asked Ms. Massarone to step down. Ms. Massarone had an impeccable employment history. Human resources personnel from two prior employers asked numerous question about Parmanand Lutawan. Obviously banks do not want any undesirable attention drawn to their institutions as their business relies upon trust. There was simply nothing in Ms. Massarone's employment history to indicate these establishments would think she was a less than ideal employee.

Nevertheless, two banks asked her to step down. She not only stepped down but she relocated her family 120 miles away from Mr. Lutawan thinking the harassment would end. Simply stated the system set up to protect citizens from continuous attacks on her family, her character, and her place of employment was failing her. She lost jobs, paid attorneys, called the police, had orders of protection in place, relocated her family, had security systems installed in her home, and nothing stopped Lutawan from his continuous attack of her. She lost her job at Rhinebeck Bank in March of 2022 as a result of the calls from Lutawan to the bank which were continuously brought to her attention by supervision.

On July 10, 2023 Reshma Massarone's grandmother passed away in Guyana.

Parmanand Lutawan was obviously not a blood relative of Reshma Massarone's grandmother. Nevertheless, his attorney oddly called Ms. Massarone's Family Court attorney and advised the attorney that the orders of protection would not be valid in Guyana. One can interpret this call in various ways; however, it is

peculiar that a man who had systematically harassed Ms. Massarone for years was now attending a funeral of her grandmother, who helped raise her, knowing she would be present. Instead of flying to Guyana and attending her grandmother's funeral she was so scared of what could occur if she were to attend the funeral she decided to set up a Zoom call so she could view the funeral via video feed. This was particularly devastating to Ms. Massarone as she was very close to her grandmother. In the end, the Zoom call was blocked by Mr. Lutawan and Ms. Massarone never was able to view the funeral of her grandmother.

These are the facts of what led to this crime. Nobody, including the defendant, is offering excuses for her actions. The above chronology of irrefutable facts placed Ms. Massarone in a state of mind which drove her to do things she has never dreamt of doing. She was in such a state of rage that she acted completely out of character.

Victim Impact Statement

Mr. Lutawan claims in his victim impact statement that, "During an ongoing contentious family situation, I became aware that the defendant, Reshma Massarone, had contacted person in Guyana in July 2023 for the purpose of having