

Senior District Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

No. 22-cr-49-RSM

Plaintiff,

v.

DEFENSE SENTENCING  
MEMORANDUM

RAJNISH JHA,

Defendant.

**I. Introduction**

In a culture where rampant corruption is the standard, it can be difficult distinguish laws that matter from those that do not. That is the circumstance that brought Rajnish Jha to this case.

As general matter, corruption in India is everywhere, and respect for the law is minimal. That was the day-to-day reality for Mr. Jha for all his life, and he had no significant experience outside of India to teach him otherwise. What he had instead was an environment in which inequality was both staggering and accepted.

As of 2023, the Indian GDP per capita was less than one thirty-third that of the United States, according to the World Bank. Middle-income wages ranged from \$3.65 to 6.85 per day, a range that itself was a triumph over the extreme poverty of a decade earlier. Ten percent of the population held 77 percent of the country's wealth.

1 In other words, a small fraction of the population has everything to protect, and a large  
2 fraction has nothing to lose. This is the ideal environment for relegating the rule of law to an  
3 afterthought.

## 4 5 **II. Recommendation**

6 The defense recommends that the court impose on Mr. Jha a sentence of time served  
7 without supervised release. This would be a essentially guidelines sentence that is sufficient —  
8 but not greater than necessary — to effect the Congressional sentencing objectives, and it is  
9 warranted by the best interests of the community and by Mr. Jha’s personal circumstances.

10 The government recommends a sentence of 30 months, but Mr. Jha has effectively  
11 already served more than a month beyond that, so he asks for “time served” to eliminate the  
12 possibility of any bureaucratic delay that might result from the need to calculate the sentence.

13 The court should also reject the government’s recommendations to impose a fine and  
14 restitution. Mr. Jha received only token payments for his participation in this offense, and his  
15 financial resources are a relative pittance in any circumstance but especially after two and a half  
16 years in custody.

## 17 18 **III. Facts**

### 19 **A. Personal History**

20 As he describes in his own letter, Mr. Jha was born in 1989 in the mid-sized town of  
21 Samastipur in eastern India near Nepal and Bangladesh. His educated family was part of the  
22 middle class, and Mr. Jha himself earned an engineering degree.  
23  
24

1 He has a wife and young daughter, and they all live with Mr. Jha's parents in Samastipur.  
2 Since earning his degree, Mr. Jha has worked as a tutor along with other odd jobs, and in 2021 he  
3 opened a motorbike repair shop that generated about \$600 per month for him.  
4

5 B. Offense Conduct

6 The plea agreement provides an effective snapshot of the allegations against Mr. Jha.  
7 Moreover, in an attached letter, Mr. Jha acknowledges his complicity and explains in his own  
8 words the personal circumstances surrounding this offense.

9 Mr. Jha came to the pharmaceutical industry in 2015 when his great-uncle needed  
10 treatment for leukemia. Though his uncle – because of his poverty – qualified for free oncology  
11 medication, there was none available through official channels, which is all too common in the  
12 Indian economy. With these common shortages, Indians often resort to buying their medications  
13 directly from a distributor for self-administration. That is how Mr. Jha went about getting  
14 medication for his uncle, and it worked. Ten years later, the uncle is alive and well.  
15

16 Based on this experience, Mr. Jha was confident that the medications he was selling were  
17 legitimate medicine even if they were unauthorized to be sold in this market. It simply never  
18 occurred to him that the pharmaceutical distributor who provided the medications that saved his  
19 uncle would risk the health of other people. Because he never had possession of the medication  
20 and was uninvolved in the packing and shipping, Mr. Jha had no way of knowing the condition  
21 of the medication until he learned through this prosecution.

22 In the end, Mr. Jha had a hard time believing that some of the medications he sold were  
23 substituted with spoiled drugs in an altogether different class of medicine. Now that he knows,  
24 Mr. Jha is very sorry for his role in the offense, and he is determined to be more careful about

1 any future entrepreneurial ideas to be sure that he does not endanger anyone else or his own  
2 freedom.

3 C. Prior Custody

4 Mr. Jha was arrested on April 20, 2023. As of July 10, 2025, Mr. Jha will have served 26  
5 months, 21 days in custody for this offense. The first 22 or so of those months were spent  
6 awaiting extradition in Singapore, being held in isolation. He slept on the floor, and his jailers let  
7 him out of his cell for just an hour a day. They allowed him four letters per month and just two  
8 phone calls total.

9 Had Indonesian defense counsel painted an accurate picture of the purpose and legal  
10 standards of extradition (not to mention the substance of the U.S. charges), Mr. Jha would have  
11 readily waived his rights and come to the United States to face his charges. His experience in  
12 Indonesia was excruciating and – in retrospect -- pointless.

13 Instead, presumably motivated by the money they were charging his family back in India,  
14 Mr. Jha's extradition attorneys oversold the merits of their case and sought extensive delays to  
15 produce materials and reports that were of dubious relevance and never even admitted into  
16 evidence.

17  
18 **IV. Law**

19 A. Sentencing Guidelines

20 The advisory Sentencing Guidelines are the starting point for a district court's sentencing  
21 analysis. *Freeman v. United States*, 131 S.Ct. 2685, 2692, 180 L.Ed.2d 519 (2011).  
22

23 Here, the applicable provisions identified in the plea agreement amount to offense level  
24 of 19. Mr. Jha has no prior convictions, so his criminal history score of zero. The resulting

1 sentencing range is 30 to 37 months. Because he is deportable, the court should decline to  
2 impose a term of supervised release. U.S.S.G § 5D1.1(c).

3  
4 *B. Basis for sentence under 18 U.S.C. §3553(a)*

5 Ultimately, while a guideline sentence is presumptively reasonable, under 18 U.S.C.  
6 §3553(a), the court must “impose a sentence sufficient, but not greater than necessary,” to  
7 comply with the purposes articulated by subparagraphs (2)(A) through (D). Those four purposes  
8 are well known to the court and are addressed in turn below.

9  
10 *A) Just Punishment, Respect for the Law, & Seriousness of the Offense*

11 A sentence of 30 months here is sufficient to effect justice and promote respect for U.S.  
12 law. Given the culture of corruption in which Mr. Jha has spent his entire life, he frankly did not  
13 completely respect U.S. law or the seriousness of this specific offense, but he certainly gets it  
14 now.

15 In serving this sentence, Mr. Jha spent nearly two years awaiting extradition in  
16 Singaporean custody, which was extremely grueling because of the physical conditions and  
17 isolation. A 30-month sentence that includes such difficult circumstances taught Mr. Jha a  
18 profound lesson in how the rule of law in the U.S. differs from his native culture.

19  
20  
21 *B) Adequate Deterrence*

22 As described above, for Mr. Jha, this has been a trying episode, to say the least. He had  
23 no idea that arranging direct sales of pharmaceuticals to the U.S. was taken so seriously here,  
24 unlike in India. His ignorance made his arrest in Singapore all the more shocking and scary. Two

1 and a half years of hard time in foreign custody with little family contact is all the deterrence he  
2 needs to avoid any future offenses.

3  
4 *C) Protection of the Public*

5 If voluntary deportation works efficiently, Mr. Jha will be back in India within days of  
6 this sentencing and will pose no threat of any kind to the U.S. public. Having experienced this  
7 awful episode of arrest, extradition, and an especially difficult incarceration in the process, he  
8 certainly has no interest in returning to the field of pharmaceutical distribution from which he  
9 gained little other than pain and fear.

10  
11 *D) Rehabilitation of the Defendant & Necessary Correctional Treatment*

12 Mr. Jha has nothing to learn from correctional treatment in the U.S. He is well positioned  
13 to return home and apply his education in a safe, dependable business such as motorbike repair  
14 or the like. He otherwise has no educational, vocational, medical, or mental health needs that  
15 could be satisfied by the BOP.

16  
17 *C. "Time Served"*

18 Though a term of "time served" is legally longer than a term of 30 months, it protects Mr.  
19 Jha from any delays in calculating his release date by imposing and terminating the sentence at  
20 the same time.

21  
22 Under 18 U.S. Code §§ 3585 and 3621, a sentence officially begins when the Bureau of  
23 Prisons (BOP) receives the defendant after the court imposes the sentence, but when BOP  
24 calculates his release date the defendant is still entitled to credit for prior custody in official

1 detention for the offense. Under 18 U.S. Code § 3624 and 28 CFR §523.20, the defendant is  
 2 further entitled to additional credit of 54 days per year for good conduct time (GCT).

3 An official sentence of 30 months, therefore, in practice is presumptively reduced by 135  
 4 days to a length of no more than 25 months, 18 days. From April 20, 2023, that period expired  
 5 on June 7, which will have been 33 days before the date of sentencing. In effect, Mr. Jha's total  
 6 time in custody by sentencing will have equated to an official sentence of roughly 31.25 months.

7 If the court recognizes this conclusion through a sentence of "time served," then Mr. Jha  
 8 will be ready for immediate release for deportation, which itself will take an unknown amount of  
 9 time. If the court imposes "30 months," then his fate will be left to the BOP administrative  
 10 process of calculating the release date, which might or might not be a reasonably quick process  
 11 to reach a conclusion that is already known and then still to be followed by deportation.

12 To be fair to Mr. Jha, the court should impose a sentence of "time served" so that he does  
 13 not spend another day beyond the sentence that he already exceeded by 33 days.

### 14 V. Conclusion

15 For the reasons discussed above, the court should sentence Mr. Jha to time already served  
 16 without supervised release so that he can be sent home and reunited with his family.

17 DATED: July 3, 2025.

18 Respectfully submitted,

19 s/Sean P. Gillespie  
 20 Attorney for Rajnish Jha

21 I certify that this memorandum  
 22 contains 1,699 words, in compliance  
 23 with the Local Criminal Rules.  
 24



**June 28, 2025**

Your Honor,

Thank you for giving me the opportunity to put my words before you. I am highly obliged.

My name is Rajnish, and I am currently 36 years old. I was born on 13 May 1989 in the district of Samastipur in Bihar State of India. I was born into a "middle class" Hindu Bramin family. In my family, I have two more siblings besides my father and mother. My father is an ex-army and currently serving in the prisons department under Bihar government. My mother is a high school teacher also serving under Bihar government. My parents are university graduates. My siblings and myself are also university graduates. I have finished my engineering degree in computing multimedia. We are a close-knit family and understand the family values since my childhood. Although we are born into a middle class family, education has remained main focus for all of us and we have prioritised the learning in every stage of life.

After I graduated from the university (engineering college), I worked for a small technology company named NXI Technology for one year. Thereafter, I prepared for various competitive exams in government jobs for almost 3-4 years between 2014 to 2018. I was making money through part time jobs to meet my expenses during this period. I was tutoring high school students. Since 2021, I have owned a motorbike repair shop, earning about \$600 per month.

In 2015, I had met with the pharmacy owner to get medicines for my great-uncle. He was suffering from blood cancer (leukemia) and due to medicine shortage my grandfather asked me to look to his brother's medicines and the wholesale market. The medicines cured my great-uncle, and he is still alive today. Since I had purchased the medications for my family member, I had reasons to believe that the medications are authentic and genuine. Thereafter I had helped many people in my circle of friends, relatives, and my brother's colleagues to get the right medications at affordable prices. Therefore, my involvement with the pharmaceutical products was limited to placing the orders with the same pharmacy they used to send the products to the addresses. I believed that they had all the required licenses to sell and ship inside and outside the country. I have never involved in the packaging and procuring process. My payment was very small. I received some gifts such as a paid-for vacation and the equivalent of about \$1,000 in cash.

Now, through this letter I wish to apologise for my actions that has led to such inconvenience to the U.S. government and its people. My country has very much corruption

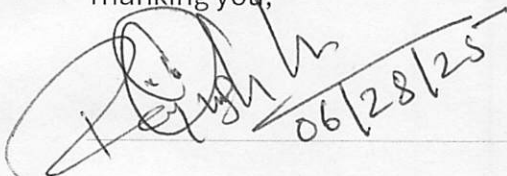


and we often have to pay extra to make government officials to do their jobs. Healthcare and medications are primarily available only to people who can afford them. We usually buy our medications without a prescription, even though they are technically required. That is why I had to shop for medications for my uncle. I did not understand that the U.S. treats these medications differently and is much more strict about its medications. Also, had I known anything about the non-authenticity I would have not involved in this whole activity. Here I would like to point out that I was involved into selling the medications with the belief of providing genuine and authentic products.

I have been in custody since April 2023 and have realised the value of human freedom, family values and affection. These years have made me a strong person and I am determined to not get involved in any activity that will take away my freedom and family's happiness. I have a daughter who will be turning three years in October, I clearly remember that she was just six months old when I got into this. My wife and parents have also suffered during this time and I simply can't forgive myself for putting them in such difficult situation. I am determined to make my and their life better after this phase of life. I am already in my late thirties and it is going to be a new struggle to make a living from scratch.

Therefore, I would kindly request your honor to be lenient in the sentencing and allow me to restart a new life considering above scenario and circumstances I promise to be a changed man for good in the future – for the sake of my family and a responsible person to do the right thing hereafter.

Thanking you,



Rajnish Kr. Jha

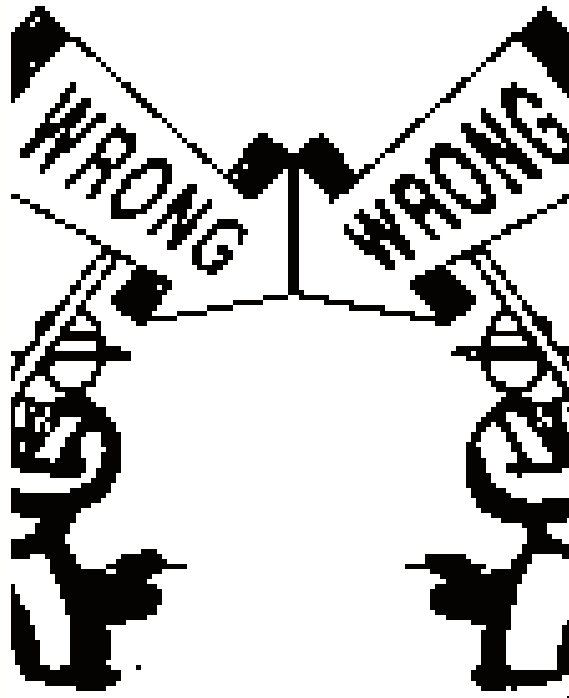
KNOWLEDGE AT WHARTON

A business journal from the Wharton School of the University of Pennsylvania

# Capital Plight: What Drives Corruption in India?

December 2, 2010 • 12 min read

A large number of business and political scandals have recently surfaced in India. While many believe that the country's culture of corruption runs so deep there is no solution, others say the fact that so many scams are being exposed is reason for hope. Experts agree that corruption in India has its roots in history, but complacency and a lack of social penalties encourage its continued growth.



## ● PUBLIC POLICY

### Written By

Knowledge at Wharton Staff

November has been a nightmare month for some Indian politicians, businessmen and bureaucrats. The cauldron of corruption, which in India is always bubbling quietly in the background, suddenly erupted — not once, but several times, in headline-hitting but unconnected instances. “It is a murky time,” Tata Group chairman Ratan Tata told news channel NDTV.

The biggest recent scam — and the largest in Indian history — involves the US\$40 billion 2G (second generation) spectrum allotment. Union telecom minister A. Raja was forced to resign on November 14 as a result. (See: “India’s 2G Telecom Scandal Spans the Spectrum of Abuse.”)

In the Western state of Maharashtra, Chief Minister Ashok Chavan was another casualty. The issue: a housing cooperative society called Adarsh which had set up an illegal multistoried building in downtown Mumbai. It was originally intended for war widows, but was eventually occupied by bureaucrats and the well-connected. The members included three of Chavan’s relatives.

In another real estate related scam, on November 24 the Central Bureau of Investigation (CBI) arrested LIC Housing Finance chief executive Ramachandran Nair and seven others from the public sector insurance giant Life Insurance Corporation (LIC) and state-owned banks. Also rounded up were executives of non-banking finance company Money Matters. With Money Matters as middleman, Nair and the bank officials had been sanctioning large loans to builders in return for bribes. The Securities & Exchange Board of India (SEBI) has started an investigation into the companies named by the CBI and the stock market has taken a tumble. Realty firms and banks have been the worst hit. “There will be

repercussions in terms of increased caution by banks while lending to developers,” says Anuj Puri, chairman and country head of real estate services firm Jones Lang LaSalle India. “Borrowing will become more expensive.”

In Delhi, the continuing investigation into the Commonwealth Games (CWG) scam has seen three more arrests of members of the organizing committee. The net is spreading wider even as the CBI has been unearthing dozens of bank accounts and dubious deals. The chairman of the organizing committee, Suresh Kalmadi, has been forced to resign as secretary of the Congress Parliamentary Party.

In Bangalore, the rightist Bharatiya Janata Party (BJP) has been trying to rein in its chief minister, B.S. Yeddyurappa. Yeddyurappa stands accused of denotifying or changing the classification of land (in this case to commercially exploitable status) in favor of his family members. The US\$100 million scam was unearthed through the Right to Information Act. No one has denied the facts; the chief minister’s defense is that earlier chief ministers had done exactly the same thing. The case is now being actively followed by the Karnataka Lok Ayukta (ombudsman).

### **No Longer an Issue**

“Corruption has ceased to be an issue in Indian politics since 1989,” says M.R. Venkatesh, whose just-published book *Sense, Sensex and Sentiments: The Failure of India’s Financial Sentinels* explores corruption in India in the financial arena. “The attitude today is: ‘Your scam is bigger than mine.’” (In 1989, V.P. Singh defeated Rajiv Gandhi in the general elections over the Bofors scandal — one of the biggest defense kickbacks, involving Swedish armaments manufacturer Bofors. Large payments were made but the recipients have never been traced.)

If the November news was particularly eye-popping, it’s not as though this has been an otherwise barren year. In April, union minister of state for external affairs Shashi Tharoor resigned after his alleged involvement in facilitating the entry of a new team in the lucrative Indian Premier League (IPL). The IPL commissioner, Lalit Modi, was accused of corruption and sacked by the country’s cricketing authorities. And taking the action overseas, Swraj Paul and Amirali Alibhai Bhatia — both of Indian descent — were suspended from the House of Lords for falsifying expense statements. “Some things are in our blood,” says Venkatesh.

While the most recent scandals were surfacing, Global Financial Integrity (GFI) in Washington published a report titled *The Drivers and Dynamics of Illicit Financial Flows from India: 1948–2008*. The report’s findings are that during this period, India lost a total of US\$213 billion dollars due to illicit flows, the present value of which is at least US\$462 billion. “The total value of illicit assets held abroad represents about 72% of the size of India’s underground economy which has been estimated at 50% of India’s GDP (or about US\$640 billion at end 2008),” says the report. Interestingly, the outflow of illicit funds has actually gone up in the post-liberalization period.

### **What Drives Illicit Flows**

“There are three types of drivers of illicit flows — macroeconomic, structural and governance-related,” says Dev Kar, lead economist at GFI. “The corrupt are much more concerned about hiding their ill-gotten wealth from the law, and macroeconomic considerations are hardly taken into consideration. The drivers

of illicit flows are primarily structural [such as higher rates of growth, skewed distribution of income, expansion of the traded sector] and governance-related [weak governance is captured by a growing underground economy].”

But why have illicit flows — a measure of corruption — gone up post liberalization? Fewer controls should mean fewer bribes. And fewer curbs on foreign exchange (coupled with a steady rupee) should be incentive to keep money at home. Kar says that liberalization has produced greater income inequality. The number of high net-worth individuals (HNIs) has gone up. Capital exodus is caused primarily by private companies and HNIs. “This may explain why faster economic growth in the post-reform period has spurred more capital flight rather than less,” notes Kar.

Other data reflect Kar’s view that corruption is on the rise. “India ranks poorly on the Transparency International (TI) Corruption Perceptions Index (CPI),” he says. “TI ranks India at 3.3 in 2010, lower than all developed countries and even some countries in Africa.” India was ranked 16 in the Asia-Pacific region and 87 overall. China (3.5) is one rank ahead in Asia while the leaders are New Zealand (9.3), Singapore (8.3) and Australia (8.7). There has been a decline in India’s showing over the years. Last year, it was ranked 84 (score 3.4); 85 (3.4) in 2008; and 72 (3.5) in 2007.

The fact of corruption is undeniable. The direction in which it is going also seems clear. “Corruption has social acceptance,” says Pratyush Sinha, who recently retired as Central Vigilance Commissioner (CVC). Talking to daily newspaper *Mint*, he said: “There would be 20% of people in India even today who would be honest, regardless of the temptations, because this is how they are. They have a conscience, they would not be corrupt. There would be around 30% who would be utterly corrupt. But the rest are the people who are on the borderline.” The government has appointed P.J. Thomas as the new CVC. Ironically, at the end of November, the Supreme Court asked the government whether Thomas would be able to function in his new job as there were charges against him in the palm oil scam case in Kerala.

### **No Social Penalties**

“After liberalization and the rise of adulation for the wealthy, regardless of how that wealth was acquired, there seems to be no social penalty attached to having illegal wealth, and it is rare for anyone — businessman or politician — to be caught and penalized for corruption,” says M.V. Rajeev Gowda, professor of economics & social sciences & chairperson, Center for Public Policy at the Indian Institute of Management Bangalore (IIMB).

In the West, law enforcement is regarded as one of the least corrupt professions. In India, policemen come one step below politicians in such rankings. According to another TI report, 87% of the people in India regard the police as corrupt.

What makes India and Indians so prone to corruption? Some give it a historical perspective. Corruption has been intrinsic to Indian society since the Mughal rule (1526-1757), particularly during its latter days. The word *baksheesh* was coined then and has passed into the English language now. *Baksheesh* (speed money) had to be paid to officials to get every small thing done. The concept — and acceptance — of a corrupt bureaucracy started from those days. Under British rule, the country was even more corrupt, experts point out: The man who is considered to have conquered India — Robert Clive — returned to England to face charges of corruption in Parliament. The first Governor General of India — Warren Hastings — had to face impeachment proceedings before the UK House of Commons. He was acquitted after seven years. Independent India inherited the same bureaucracy and has carried on in the same vein.



A “black money” culture also evolved over time. Taxation rates during both the Mughal and British periods were extortionate. There were taxes on land, on trees, on cattle, on marriage, etc. The Mughals had 40 different taxes. Both Mughal and British tax collectors (the *zamindars*) used to go to villages and impose tax on the appearance of prosperity. It was natural for people to hide their wealth. The combination of these factors and a shortage economy resulted in the phenomenon continuing.

Post Independence, there have been other factors such as the License Raj, the growing criminalization of politics and the absence of any hard measures or speedy action. “The British did not encourage Indian industry,” says author Venkatesh. “So you had to take every advantage of the law to set up a company. But why go that far back? Post Independence it was the same thing. In a socialist economy, business was bad. The definitive Bollywood [Hindi cinema] image of those days was a poor villager taking on the big, evil monster — almost invariably a businessman. Corruption is part of our mental make-up.”

There are many with little sympathy for such views. “This is true,” says Kar. “But how does that help us? At some point, we need to unburden ourselves of the past. I don’t think India’s poor will find solace even if we could trace the current state of political corruption in India to how things were under the Mughal Empire or the British Raj.” Adds Dipankar Gupta, former professor of sociology at the School of Social Sciences at Jawaharlal Nehru University: “I don’t see any point in tracing our corruption to Mughal and even British times. The context is most important in all such matters. I would advise a more contemporary reading of issues or else we can very easily lose the plot. Black money, too, has little to do with Mughal times. Similar instances can be found all over the world in the medieval and early modern period. Many European societies, Sweden included, were not the exemplars that they are now. Black money has to do with evasion of taxes, and taxes today are not the same as in the past when it was extortion and set around the whims of rulers and potentates.”

One should learn from history, says Gowda of IIMB. “Corruption has certainly existed in India historically; Kautilya, in his *Arthashastra*, discusses how to combat it,” he notes. “It arises because individuals realize that they have an opportunity to divert resources due to the government, and some choose to try and get away with diverting funds. But it has always been combated as the examples of Clive and Warren Hastings suggest. Systems of oversight and professional values have also existed and these often induced people to stick to the straight and narrow, particularly in the bureaucracy before and after freedom. During the Gandhian era and for a generation after, simplicity and honesty were prized values. To succeed, the method of *Satyagraha* [non-violent resistance] required Indians to have superior moral standing compared to exploitative colonialists and this came in the way of corruption.”

### **Drivers of Corruption**

N. Balasubramanian, visiting professor at IIMB and IIM Ahmedabad, and former chair of the Center for Corporate Governance and Citizenship, IIMB, also delves into the Indian ethos. “Both the *Mahabharata* and the *Arthashastra* among ancient Indian literature have admonished the King [or the State] to limit all kinds of taxation to no more than one sixth of an individual’s earnings. The taxation structure now, taking into account all categories and not just income tax, is significantly higher than this golden mean.

“Corruption is universal in its origin and application. The word itself etymologically goes back to the French and the Latin. In essence, corruption connotes a deviation from socially accepted norms. The propensity for corruption is generally determined by three contributing conditions: First, the pressures for amassing wealth (or status or recognition); second, the opportunities for achieving such objectives