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10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 vs.
16 JAIME TRAN,
17 Defendant

) Case: 2:23-CR-00098-GW
) DEFENDANT'S SENTENCING
) POSITION
) Sentencing Date: August 5, 2024
) Hearing Time: 8:00 a.m.

18 **TO THE HONORABLE GEORGE H. WU, UNITED STATES DISTRICT**
19 **JUDGE, THE UNITED STATES ATTORNEY'S OFFICE AND ITS**
20 **ATTORNEYS OF RECORD, KATHRYNNE SEIDEN AND FRANCES**
21 **LEWIS, AND UNITED STATES PROBATION OFFICER BRYANT**
22 **COFFMAN:**

23 Defendant JAIME TRAN (hereinafter the "*Defendant*"), by and through
24 counsel of record, Katherine Corrigan, hereby files Defendant's Position Re Sentencing
25 in the above-entitled matter.

26 DATED: July 27, 2024

27 _____/s/_____
28 Katherine Corrigan
Attorney for Defendant

I.

INTRODUCTION

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3 Defendant respectfully submits this memorandum to provide information to
4 assist the Court in fashioning a sentence “sufficient but not greater than necessary” to
5 achieve the statutory purposes of punishment, as required by 18 U.S.C. Section 3553(a)
6 in light of *United States v. Booker*, 125 U.S. 738 (2005). The Defendant is a young man
7 whose offense conduct is greatly impacted and influenced by his mental illness. His
8 history of treatment for mental health problems demonstrates that this Defendant’s life
9 was taken a horrible turn. His actions resulted in serious injuries to 2 people the
10 Defendant did not know.

11 The Court is well versed in the Defendant’s mental health history. The
12 presentence report and the materials submitted to the Court for the competency hearing
13 are confirmation of the impact of Defendant’s mental health issues on the offense
14 conduct. The competency hearing (where 2 experts provided reports and testified) was
15 hours long and gave the Court a glimpse into the world of a young man who was on the
16 path of being a dentist but whose mental health issues caused him to spiral into
17 delusional behavior. His mental health issues and his resulting behavior towards others
18 resulted in him no longer being welcome at the UCLA dental school. His connections
19 with family and friends also suffered, and he suffered periods of homelessness.

20 This certainly does not excuse the Defendant’s offense conduct, but it certainly
21 provides the Court with good reason to accept the plea agreement, and to sentence in
22 accordance with the plea agreement. The Defendant requests that the Court impose of
23 sentence of no more than 420 months imprisonment. The proposed sentence is just
24 and will permit the Defendant to receive treatment. Further the proposed sentence
25 satisfies the goals of modern sentencing, and the factors set forth in the Sentencing
26 Reform Act of 1984.

27 A period of 5 years of supervised release with the terms and conditions of
28 supervised release recommended by probation are adequate to promote respect for the

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1 law, satisfy the need to protect the public from Defendant, and serve as general and
2 specific deterrence. This proposed sentence recognizes the factors set forth in 18 U.S.C.
3 §3553 (a). The proposed sentence is adequate to achieve the goals of sentencing.

4 After full analysis of the sentencing factors in this case, the information provided
5 by the defense and probation, the Defendant requests that the Court impose the
6 following sentence and make the following recommendations:

- 7 1. No more than 420 months imprisonment
- 8 2. 5-year supervised release
- 9 3. Imposition of no fine
- 10 4. Imposition of a \$400 special assessment
- 11 5. The conditions of supervised release articulated in the sentencing
12 recommendation letter found at Docket entry 58
- 13 6. A recommendation the Bureau of Prisons house Defendant in the
14 Southern California location due to family ties, and a facility that has
15 adequate mental health services and providers
- 16 7. A recommendation that the Defendant be permitted to participate in
17 the RDAP program.

18 The requested sentence is based on the factors cited in this memorandum, the
19 Presentence Report (“PSR”), the probation officer’s sentence recommendation in the
20 PSR, and the Defendant’s personal history and characteristics, the under-seal filings
21 associated with the competency hearing, and the Defendant’s lack of criminal history.
22 The Defendant believes that such a sentence is reasonable considering the facts of this
23 case.

24 II.

25 **PROCEDURAL BACKGROUND AND DEFENDANT’S COMMENTS**

26 ***A. Initial Appearance.***

27 On February 16, 2023, the Defendant was arrested and appeared in court. He
28 has been detained since that time.

1 the Government and Court by entering a guilty plea and not proceeding to trial. His
2 guilty plea also enables the victims to not relive from the witness stand the events and
3 trauma they suffered because of the Defendant's offense conduct. He has not
4 obstructed justice. (See PSR page 8, ¶¶26-27.)

5 **IV.**

6 **THE PRESENTENCE REPORT AND GUIDELINE**

7 **ANALYSIS ISSUES.**

8 ***A. Defendant's Comments Regarding the PSR:***

9 ***1. Probation's Analysis of the Case and Sentence Recommendation.***

10 The probation officer has clearly reviewed a lot of material, and given great
11 consideration to the Defendant's personal history and characteristics, and his mental
12 illness. The probation officer recommends that the Court impose a sentence that is
13 within the parameters set forth in the plea agreement. Probation has recommended a
14 sentence of 450 months imprisonment, followed by 5-years supervised release with
15 terms and conditions set forth in docket entry 58.

16 **V.**

17 **SENTENCING FACTORS AND ANALYSIS**

18 ***1. Defendant's Personal Characteristics and History:***

19 ***a. Childhood and Family Structure, and Education.***

20 The Defendant's personal history, upbringing, and family life are well described in
21 the PSR. He was in his late twenties when he committed the offense conduct
22 underlying Counts 1-4.

23 Before the Court is a young male offender who is challenged by his mental illness.
24 His appearance (long hair with long bangs covering his face) is indicative of those
25 challenges. The Defendant reported to probation that he was raised by his parents and
26 that they were good caregivers. However, as noted in footnote 1 to paragraph 88 of the
27 PSR, he had previously reported that he had been physically abused by his father, but
28 that he believed it was normal behavior by his father because he had other friends that

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1 suffered similar issues. The Defendant lacked relationships as a child and was the victim
2 of bullying (which he also reports experiencing during his attendance in dental school.)
3 The Defendant did not express this to the probation officer, but the PSR notes that
4 medical records contained this information. (See PSR, page 17, ¶89.)

5 The Defendant was a good student and is a college graduate. He was admitted
6 and attended the UCLA dental school for a period of time. He graduated magna cum
7 laude from California State University, Long Beach. He reports that the years at CSULB
8 were “the best time of his life.” During that time frame, he reports that he had good
9 friends, spent a lot of time playing basketball and doing volunteer work, such as beach
10 and park clean-ups. (See PSR page 17, ¶90.) Following his graduation from college, the
11 Defendant was accepted to and attended the UCLA dental school. Clearly, he must
12 have been very intelligent and a high-level academic performer to achieve acceptance
13 into such a prestigious graduate school. The Defendant reports that during his first year
14 at dental school, he noticed that his mental health began to decline and he began to have
15 problems with his fellow students. He also reported to probation that he should have
16 left the school, but he went on to attend his second year. He reported that during his
17 second year in dental school, his psychiatric disorders began to manifest for the first
18 time. He began to experience perceived episodes of harassment and bullying by his
19 peers (he had noted that the second years was very competitive and that he had labs
20 with other students.) Students whom he believed were bullying him reported his
21 behavior to the dean of the dental school. (See PSR, pages 17-18, ¶¶91-92.)

22 The Defendant met with the dean, and it was recommended to him that he seek
23 services from the Counseling and Psychological Services (CAPS) that was offered to
24 UCLA students. The Defendant learned after several months of meetings with CAPS
25 that he was diagnosed with mental health illness/conditions (see PSR, page 18, ¶93 for
26 details of diagnosis.)

27 After him receiving these diagnoses, was hospitalized and he was held His
28 diagnoses were also expanded to include more concerning mental health conditions. (see

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1 PSR, page 18, ¶94 for details of hospitalization and hold, and additional diagnoses of
2 mental illness.)

3 After these medical events and hospitalization, the Defendant took a leave from
4 dental school. He resided with his family for a period of time, and did not return to
5 graduate school. His symptoms increased, and he self-admitted himself into a
6 rehabilitation program. In August 2019, the Defendant was again held involuntarily and
7 hospitalized (due to mental illness issues), and was transferred to a mental health
8 treatment center. While he attended A Mission for Michael Mental Health treatment
9 Center, he was further diagnosed with significant mental illness. The treating physicians
10 noted that his “insight and judgment” were significantly impaired. (see PSR, page 18,
11 ¶¶95-98 for details of hospitalization and diagnosis.)

12 Following this, the Defendant returned home, but at the end of 2019, he declined
13 mental health treatment and exhibited concerning behavior. He eventually left the
14 family home in about December 2021. (see PSR, page 18, ¶94 for details of
15 hospitalization and hold.)

16 The Defendant’s mother remarried when the Defendant was about 5 years old.
17 His stepfather was supportive and a positive role model.

18 The Defendant has strong family support. The letter attached hereto as Exhibit
19 A demonstrate that support, and articulate positive attributes of the Defendant. The
20 PSR has quotes from many of the letters. (See PSR, pages 18-19, ¶¶95-112.) Between
21 August 2022 and December 2022, the Defendant’s mental health rapidly declined. His
22 behavior caused Fountain Valley Police Department to attempt to conduct a welfare
23 check of Defendant, but his parents reported that he had not resided at their home for
24 more than a year. (See PSR, page 19, ¶102.)

25 **2. Criminal History – Defendant has Zero Criminal History Points**

26 The Defendant has zero criminal history points and is within Criminal History
27 Category I. (See PSR pages 14-16, ¶¶73-81.)

28 **3. Defendant’s Physical, Mental and Emotional Health.**

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1 The Defendant's physical health is described in the PSR. However, he reports
2 that he has no tattoos. (See PSR page 19, ¶¶104-105).

3 The Defendant's mental and emotional health is detailed in the PSR. (See pages
4 19-22, ¶¶106-120.) This section of the PSR provides significant detail of the
5 Defendant's mental illness diagnoses, treatment, involuntary hospitalizations, and
6 medication compliance issues.

7 **4. History of Substance Abuse:**

8 The Defendant reports substance abuse issues with marijuana. (See PSR page 22,
9 ¶¶121-123.) On this basis, the Defendant requests that the Court recommend that he be
10 permitted to apply for drug treatment in the RDAP program.

11 **5. Defendant's Education and Employment History.**

12 The Defendant graduated from high school and college. He graduated magna cum
13 laude. He was accepted to and attended UCLA Dental School until his mental illness
14 impacted his behavior. His spotty employment record appears to be consistent with a
15 person who suffers the effects of mental illness. (See PSR, pages 22-23, ¶¶124-130.)

16 While at the jail, he has spent his time reading many books.

17 **6. Defendant's Financial Condition and Ability to Pay a Fine:**

18 The probation officer has determined that the Defendant cannot afford to pay a
19 fine. (See PSR pages 23-24, ¶¶131-139.)

20 **7. Restitution.**

21 The Defendant recognizes that the Court will order him to pay the restitution to
22 the victims in this case. It is anticipated that the parties will request that the restitution
23 amount determination be deferred so that the parties and Defendant will have adequate
24 time to gather and review restitution materials presented by the victims in this.

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VIII.

POST-BOOKER SENTENCING CONSIDERATIONS**18 U.S.C. Sections 3553(a) (1)-(7) Humanization Factors**

In light of *United States v. Booker*, 125 U.S. 738 (2005), the sentencing guidelines are advisory and are but one factor to be considered by the Court in fashioning an appropriate sentence, to wit, a sentence that is “sufficient but not greater than necessary” to achieve the statutory purposes of punishment, as required by 18 U.S.C. Section 3553(a). The Sentencing Guidelines are only a starting point for the Court in crafting a reasonable sentence. Indeed, under Section 3553(a), the district courts are required to sentence below the range if such a sentence would be sufficient to achieve the purposes of sentencing. As a result, the sentencing guideline range is no longer binding on the Court, as the Sentencing Guidelines are merely advisory today and only one of several factors to be considered in determining sentence. *Booker*, 124 S.Ct. at 764-65. 18 U.S.C. Sections 3553(a) (1)-(7) provide the Court with other factors to include in the fashioning of a reasonable sentence:

1. the nature and circumstances of the offense and the history and characteristics of the defendant;
2. the need for the sentence imposed –
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the defendant; and
 - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
3. the kinds of sentences available;
4. the kinds of sentence and the sentencing range established for--
 - (A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission

1 pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on
2 the date the defendant is sentenced (*the Sentencing Guideline Range*);

3 5. any pertinent policy statement issued by the Sentencing Commission pursuant to
4 28 U.S.C. Section 994(a)(2) that is in effect on the date that defendant is
5 sentenced;

6 6. the need to avoid unwarranted sentencing disparity among defendants with
7 similar records who have been found guilty of similar conduct; and

8 7. the need to provide restitution to victim(s) of the offense.

9 *Id.*, 18 U.S.C. Sections 3553(a) (1)-(7).

10 Although the Sentencing Guidelines provide a starting point for the Court's
11 sentencing analysis, the Court "may not presume that the Guidelines range is
12 reasonable." *Gall v. United States*, 552 U.S. 38, 50 (2007). The Court's ultimate duty is
13 to ensure that the sentence imposed reflects the principles set forth in 18 U.S.C. §3553
14 (a). *See Nelson v. United States*, 555 U.S. 350, 351 (2009). The "overarching provision" of
15 §3553 (a) is "to 'impose a sentence sufficient, but not greater than necessary,' to
16 accomplish the sentencing goals advanced in §3553 (a) (2)." *Kimbrough v. United States*,
17 552 U.S. 85, 111 (2007). What is more, "the punishment should fit the offender and not
18 merely the crime." *Pepper v. United States*, 562 U.S. 476, 487-88 (2011) (quoting *Williams*
19 *v. New York*, 377 U.S. 241, 247 (1949).)

20 The Defendant requests that the Court accept the plea agreement and sentence
21 him within the sentencing range cited in the plea agreement, namely between 420-480
22 months imprisonment. In particular, the Defendant requests that the Court impose a
23 sentence of 420 months imprisonment (35 years), followed by 5 years supervised release
24 (with the conditions of supervised release contained in the sentence recommendation
25 letter disclosed by probation.)

26 **IX.**

1 “sufficient, but not greater than necessary” to achieve the purposes of punishment.
2 Section 3553(a) (2) provides that the Court shall impose a sentence *sufficient but not*
3 *greater than necessary* to comply with Section 3553(a).

4 The proposed sentencing options proposed in this pleading adequately address
5 the factors this Court must consider in fashioning a sentence in this Case. Justice is
6 served by this proposed sentence. The proposed sentence achieves the goals of
7 deterrence, incapacitation, and rehabilitation.

8 The Defendant urges the Court to accept the plea agreement, and to sentence
9 him as requested in this sentencing memorandum. The requested sentence comports
10 with the goals of sentencing and 18 U.S.C. 3553 (a) (1)-(7).

11 **X.**

12 **CONCLUSION**

13 After full analysis of the sentencing factors in this case, the information provided
14 by the defense and probation, the Defendant requests that the Court impose the
15 following sentence and make the following recommendations:

- 16 1. No more than 420 months imprisonment
- 17 2. 5-year supervised release
- 18 3. Imposition of no fine
- 19 4. Imposition of a \$400 special assessment
- 20 5. The conditions of supervised release articulated in the sentencing
- 21 recommendation letter found at Docket entry 58
- 22 6. A recommendation the Bureau of Prisons house Defendant in the
- 23 Southern California location due to family ties, and a facility that has
- 24 adequate mental health services and providers

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7. A recommendation that the Defendant be permitted to participate in the RDAP program.

DATED: July 27, 2024

Respectfully submitted,

_____/s/_____
Katherine Corrigan
Attorney for Defendant

CERTIFICATE OF SERVICE

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I, Katherine Corrigan, declare:

That I am a citizen of the United States and resident or employed in Orange County, California; that my business address is Corrigan Welbourn & Stokke, APLC, 4100 Newport Place, Suite 550, Newport Beach, California 92660; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That on **July 27, 2024**, I caused to be transmitted via facsimile or e-mail to the person(s) below and addressed as follows:

DEFENDANT'S SENTENCING POSITION

on the following persons:

Bryant Coffman, USPO Via E-Mail Bryant_Coffman@cacp.uscourts.gov
United States Probation and Pretrial Services Office

AUSA Frances Lewis Via email Frances.Lewis@usdoj.gov
AUSA Kathrynne Seiden Via email Kathrynne.Seiden@usdoj.gov
United States Attorney's Office
312 N. Spring St.
Los Angeles, CA 90012

This Certificate is executed on **July 27, 2024** at Newport Beach, California. I certify under penalty of perjury that the foregoing is true and correct.

Dated: July 27, 2024

_____/s/_____
Katherine Corrigan