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 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

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

No. CR 23-98-GW

GOVERNMENT'S SENTENCING POSITION
FOR DEFENDANT JAIME TRAN

Hearing Date: August 5, 2024
 Hearing Time: 8:00 a.m.
 Location: Courtroom of the
 Hon. George Wu

19
 20 Plaintiff United States of America, by and through its counsel
 21 of record, the United States Attorney for the Central District of
 22 California and Assistant United States Attorneys Kathrynne Seiden and
 23 Frances S. Lewis, hereby files its Sentencing Position for Defendant
 24 Jaime Tran.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Executing on his sinister plan to “kill all jews,” defendant Jaime Tran attempted to murder two strangers leaving religious services on consecutive days in 2023, terrorizing a community and forever altering the lives of his victims and their families. Following a years-long campaign of stalking and threatening Jewish classmates and acquaintances, defendant targeted his victims based on nothing but his perception of their race and religion. And but for the swift action of law enforcement, defendant would have continued his hate-fueled rampage and likely killed other innocent civilians.

For defendant’s abhorrent crimes, a federal grand jury returned an indictment charging him with two hate crimes, in violation of 18 U.S.C. §§ 249(a)(1)(A), (B)(ii), and two counts of discharging a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(iii). (Dkts. 52, 54.) Defendant pled guilty to those crimes pursuant to a Rule 11(c)(1)(C) agreement, which, once accepted, requires the Court to impose a sentence of imprisonment between 35 and 40 years. For the reasons stated herein, a 40-year sentence is imperative.

Defendant’s conduct was not an isolated bout of mental illness, but a premeditated plan following years of vile antisemitic rhetoric and escalating threats. His preparation included researching Jewish communities and the deliberate out-of-state straw purchase of firearms in cash to avoid detection by law enforcement. Defendant is a self-described “ticking time bomb” whose racism and hate will explode upon other innocent communities absent a significant custodial sentence. Accordingly, a sentence of 480 months’

1 imprisonment -- the maximum permitted by the plea agreement -- is
2 necessary to protect the public, ensure deterrence, and send a
3 powerful message to would-be copycats that attempted murder borne of
4 prejudice will not stand.

5 **II. STATEMENT OF FACTS**

6 **A. Defendant Has a Long History of Making Antisemitic Threats**

7 1. Defendant Engaged in Threatening Conduct and Made
8 Racist Remarks Toward Jewish Classmates

9 For many years now, defendant has espoused his antisemitic
10 beliefs and made violent threats towards individuals who actually
11 were, and whom defendant perceived to be, Jewish. (Dkt. 52 (Plea
12 Agreement) ¶ 16; Presentence Investigation Report ("PSR") ¶ 18.) At
13 points, defendant used Instagram and Twitter accounts with the
14 handles "@k1lllalljews." (PSR at 3.)

15 In 2018, defendant began to complain to his parents that a
16 Jewish classmate in his graduate program had bullied him and stated
17 that he hated the student. (PSR ¶ 92.) In February, defendant was
18 reported to school security for yelling on the phone and throwing a
19 chair on its side. (Declaration of Kathrynne Seiden ("Seiden
20 Decl."), Ex. 1.) That same month, defendant told a school crisis
21 counselor, whom he had called several times, that Persians are "an
22 evil race" and "God shouldn't have made them." (Seiden Decl., Ex. 2
23 at USAO_00000274.) The school's police department performed a
24 welfare check, during which defendant said he had no intention of
25 harming anyone. (Id.) However, defendant admitted he wanted to hurt
26 the females in his class he believed to be bullying him. (Id.) The
27 classmates he accused of bullying him were later interviewed and all
28 reported having little to no contact with defendant. (Id.)

1 In April 2018, two of defendant's classmates reported defendant
2 for additional concerning behavior, including staring at other
3 students, sometimes pushing and touching other students, and making
4 threatening, racist comments on Snapchat. (Id. at USAO_00000276.)
5 Both students expressed fear that defendant would be "the next active
6 shooter." (Id.) In the course of investigating the reports, the
7 school's police department reviewed screen shots of defendant's
8 Snapchat, including one that said "Fucking little Jew boy. Fucking
9 little white bitch. Fucking little immigrant jap backstab bitch.
10 They gon take me back to my old ways." (PSR ¶ 18; Seiden Decl., Ex.
11 2 at USAO_00000278; Ex. 3.) In another series of screen shots of
12 text messages from defendant, he listed his grievances against named
13 students in his class. (Seiden Decl., Ex. 2 at USAO_00000278.) In
14 yet another, he described himself as a "ticking time bomb." (Id.)

15 Later in April, three more students came to the school's police
16 department to express similar concerns about defendant. (Id.) The
17 students said earlier that day, defendant had gotten up during class,
18 walked out a side door, and then reentered the room from a back door,
19 walking slowly to the front of the class. (Id.) The students felt
20 he was practicing for a school shooting and some students left class
21 because they were so concerned. (Id.) The school's police
22 department learned that multiple students had complained about
23 defendant's "escalating" behavior, including posting racist comments
24 online and bumping into and pushing other students. (Id. at
25 USAO_00000279.) Defendant told the campus officials who had been
26 trying to work with him that he was no longer interested in attending
27 therapy sessions. (Id.)

28

1 Based on the foregoing, in April 2018, the campus police
2 assessed defendant to be a danger to himself and others and took him
3 to a hospital where he was involuntarily detained for 72 hours
4 pursuant to California Welfare and Institutions Code § 5150, which
5 prohibited him from possessing firearms for a five-year period. (PSR
6 ¶ 94; Seiden Decl., Ex. 4 at USAO_00000007; Ex. 2 at USAO_00000280.)
7 Commenting on his situation, defendant said, "I don't know why I'm
8 here. I guess I made some inappropriate comments on social media.
9 Racial slurs." (Seiden Decl., Ex. 5 at USAO_00016405.) However,
10 defendant also claimed to be victimized by his classmates, insisted
11 that he did not need treatment, claimed his classmates were jealous
12 of him, and noted that the school should be protective of him as a
13 "top student." (Id. at USAO_00016412.)

14 Defendant's involuntary stay at the hospital continued through
15 early May 2018 because defendant was assessed again as a danger.
16 Defendant was therefore held for two additional weeks under
17 California Welfare and Institutions Code § 5250, which banned him
18 from firearm possession for life. (PSR ¶ 94; Seiden Decl., Ex. 4 at
19 USAO_00000006.) Defendant then took a medical leave of absence from
20 the school, from which he did not return. (PSR ¶ 95.) Even after
21 being advised not to contact other students, defendant continued to
22 do so. (Seiden Decl., Ex. 6.)

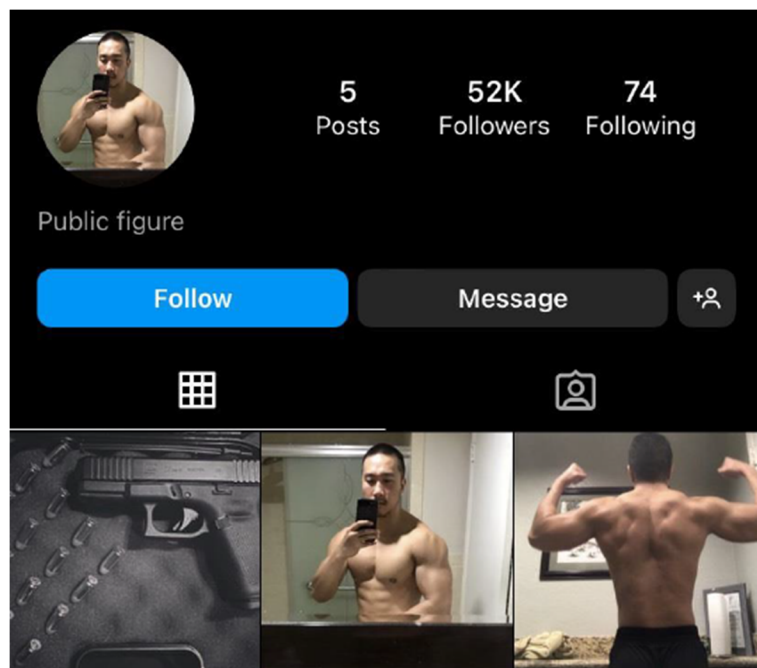
23 In August 2019, defendant was once again assessed to be a danger
24 to himself and others and was placed on another 72-hour detention
25 under California Welfare and Institutions Code § 5150. (PSR ¶ 97;
26 Seiden Decl., Ex. 4 at USAO_00000005.) Defendant refused compliance
27 with medication, continued to blame others for lying about him, and
28 was then detained again under California Welfare and Institutions

1 Code § 5250. (Id.; PSR ¶ 97.) At the end of 2019, defendant
2 declined to continue mental health treatment and would lash out at
3 his family when they asked whether he was taking his medication,
4 sometimes punching the walls in his room. (PSR ¶ 99.) Defendant
5 stopped coming home altogether around December 2021. (Id.)

6 In February 2022, defendant emailed his former school seeking to
7 be refunded his tuition from the time he was enrolled in school.
8 (PSR ¶ 100.) When told that he had already been refunded part of his
9 tuition and would not be receiving any additional refund, defendant
10 complained that he had to take years of prerequisite courses, attend
11 hours of volunteer services, study and submit fees related to
12 admissions exams, and “pay ridiculously high tuition fees,” and thus
13 “wasted years of [his] life . . . just to get harassed by some
14 Persian students[.]” (Id.)

15 2. Defendant Was Arrested With a Firearm

16 In May 2022, defendant posted a picture of a gun on Instagram:



28 (Seiden Decl., Ex. 7 at USAO_00000170.)

1 Shortly thereafter, in July 2022, defendant was arrested by a
2 different university police department for possessing a loaded
3 firearm on the university's campus. (PSR ¶ 101.) Specifically,
4 defendant was sitting on campus holding a semiautomatic handgun with
5 a high-capacity magazine loaded with nine bullets. (Seiden Decl.,
6 Ex. 8 at USAO_00000455.) Defendant told campus police that he was
7 carrying the gun to protect himself and to "hurt some animals." (Id.
8 at USAO_00000454; PSR ¶ 101.) He also said that he had purchased the
9 gun in Texas for around \$600 or \$700 because it was easier to buy the
10 gun in Texas. (Id.) About a week later, at defendant's request,
11 defendant's mother bailed him out of jail. (PSR ¶ 101.) He left
12 home again soon afterwards. (Id.) Defendant's family did not hear
13 from him again until several weeks before the shooting, when he
14 contacted his family to get a spare key for his car, came to pick it
15 up, and left again. (Id.)

16 Defendant was arrested again in December 2022 in Taylor,
17 Michigan for a traffic offense under Michigan State Code § 5400 (Hit
18 and Run). (PSR ¶ 81.)

19 3. Defendant Made Repeated Violent Threats to a Former
20 Classmate

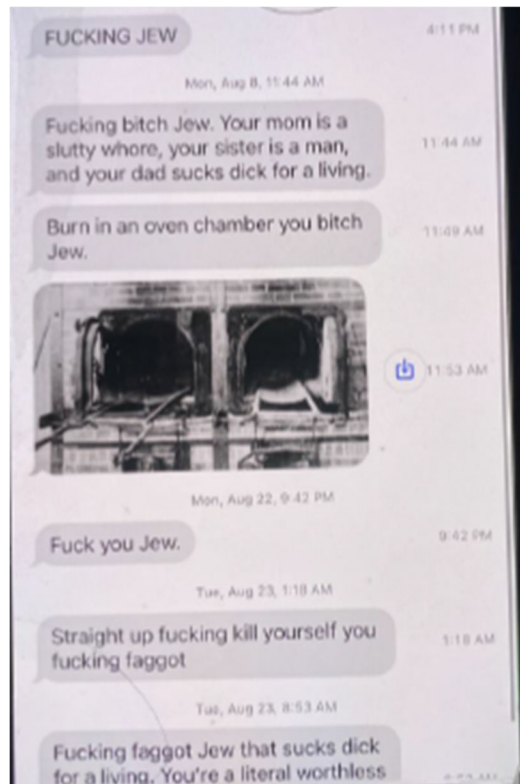
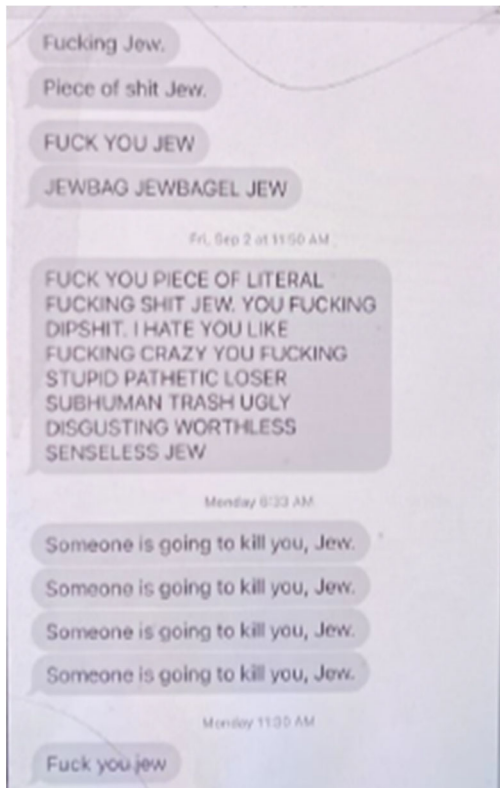
21 Between August 2022 and December 2022, defendant's antisemitic
22 and violent statements escalated. For example, beginning around
23 August 2022, defendant repeatedly called and texted a former
24 classmate with a cascade of hateful vitriol. Those messages
25 included:

- 26 • "Fucking Jew. Piece of shit Jew. FUCK YOU JEW. JEWBAG JEWBAGEL
27 JEW."
- 28 • "FUCK YOU PIECE OF LITERAL FUCKING SHIT JEW. YOU FUCKING
 DIPSHIT. I HATE YOU LIKE FUCKING CRAZY YOU FUCKING STUPID

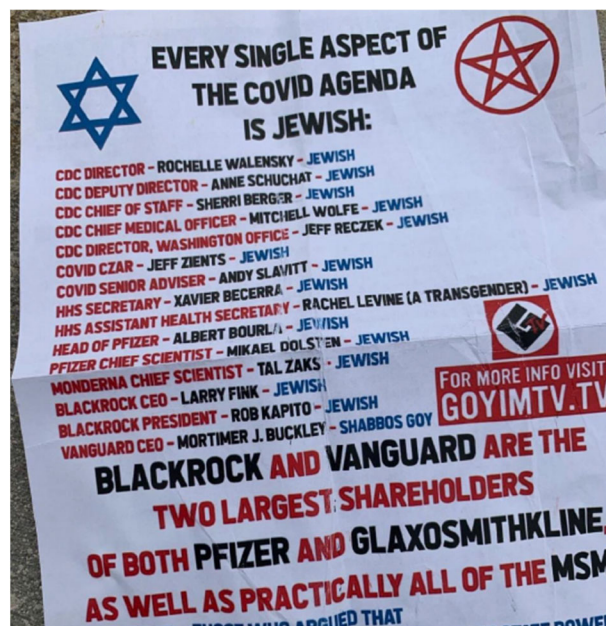
1 PATHETIC LOSER SUBHUMAN TRASH UGLY DISGUSTING WORTHLESS
2 SENSELESS JEW."

- 3 • "Someone is going to kill you, Jew. Someone is going to kill
4 you, Jew. Someone is going to kill you, Jew. Someone is going
5 to kill you, Jew."
- 6 • "FUCK YOU JEW. Just kill yourself tonight you fucking Jew. I
7 want you dead, Jew. Someone is going to kill you, Jew."
- 8 • "Kill yourself now you Jew."
- 9 • "Cut off your dick and bleed to death you fucking Jew."
- 10 • "Fuck you, you fucking retarded faggot Jew."
- 11 • "Fucking bitch Jew. Your mom is a slutty whore, your sister is
12 a man, and your dad sucks dicks for a living. Burn in an oven
13 chamber you bitch Jew. [Photo of gas chambers]."
- 14 • "Straight up fucking kill yourself you fucking faggot."
- 15 • "Fucking faggot Jew that sucks dick for a living. You're
16 literally worthless."

17 (Plea Agreement ¶ 16; PSR ¶ 19; Seiden Decl., Ex. 7 at USAO_00000171-
18 174.)



1 On or around November 25, 2022, defendant emailed approximately
 2 two dozen of his former classmates claiming "[t]hat Persian/Iranian
 3 Jew of the Class of 2020 got his people to make up a fake, bs disease
 4 (COVID) and based it on the anesthesia incident that I had with [two
 5 students]." He attached a flyer containing antisemitic propaganda
 6 including the statement: "EVERY SINGLE ASPECT OF THE COVID AGENDA IS
 7 JEWISH." (Plea Agreement ¶ 16; PSR ¶ 20; Seiden Decl., Ex. 7 at
 8 USAO_00000180-81.) The flyer
 9 listed various officials
 10 associated with the Center for
 11 Disease Control (CDC), scientists
 12 with Pfizer and Moderna (the
 13 companies responsible for the
 14 then-existing Covid vaccines), and
 15 executives at various investment
 16 firms, designating each one of
 17 them as "JEWISH." (Id.)¹



18 Around the same time, defendant emailed dozens of his former
 19 classmates excerpts from a website describing "Persian Jews" as
 20 "primitive," "narrow minded," and having "thick skulls." (Plea
 21 Agreement ¶ 16; PSR ¶ 21.)

22 As a result of this conduct, in November 2022, police conducted
 23 a welfare check at the home of defendant's parents. (PSR ¶ 102.)
 24 Police learned that defendant had not resided at the home in a year,
 25

26 ¹ Approximately five months earlier, copies of the same flyer,
 27 which was associated with the Goyim Defense League, a network of
 28 antisemitic provocateurs, had been distributed to various homes in
 Beverly Hills and Westwood near the campus of defendant's school.
 (See <https://beverlyhillscourier.com/2022/04/23/antisemitic-flyers-found-on-first-night-of-passover/> (last accessed June 19, 2024).)

1 had not contacted his family in six months, and had not taken his
2 medication when he was living at home. (Id.)

3 **B. Defendant Prepared to and Attempted to Kill Two Jewish Men**

4 1. Defendant Traveled to Phoenix the Month Before the
5 Shooting to Straw Purchase Two Firearms

6 As a result of his previous mental health holds, as of 2023,
7 defendant was prohibited from purchasing or possessing firearms.
8 (Plea Agreement ¶ 16; PSR ¶¶ 22-23, 103.) Knowing that he would not
9 easily be able to obtain a gun in California, defendant went to
10 Phoenix, Arizona for help acquiring the weapons he needed to carry
11 out his plans to eradicate Jewish people. In January 2023, defendant
12 asked Eric Celaya, someone he met through a moving job on Craigslist,
13 to buy two firearms for him. (Plea Agreement ¶ 16; PSR ¶ 23; see
14 also United States v. Eric Celaya, 2:23-CR-01456 (D. Ariz.), Dkt. 1
15 (Indictment); Dkt. 12 (Govt. Memo. Opposing Pretrial Release) at 3;
16 Seiden Decl., Ex. 18.) Defendant selected the specific firearms he
17 wanted and paid approximately \$1,500 in cash to Celaya to purchase
18 two firearms on his behalf: (1) a Kahr Arms, .380 caliber pistol,
19 bearing serial number CAA1387; and (2) a Zastava, model M70, semi-
20 automatic rifle, bearing serial number Z70-144818. (Plea Agreement
21 ¶ 16; PSR ¶ 23; Celaya, Dkt. 12 at 3.) Defendant then met up with
22 Celaya near the store to collect the firearms. (Seiden Decl., Ex. 9;
23 Celaya, Dkt. 12 at 3.)²

24 When defendant's phone was later searched, the FBI recovered
25

26
27 ² Celaya pled guilty to making a material false statement during
28 the purchase of a firearm in violation of 18 U.S.C. §§ 922(a)(6) and
924(a)(2) and admitted in his factual basis that he acquired both of
the firearms for Jaime Tran. (Celaya, Dkt. 25 (Plea Agreement) at
7.) His sentencing is set for September 23, 2024.

1 numerous messages from defendant inquiring about guns and ammunition
2 for sale, including messages asking about obtaining ghost guns,
3 postings on Craigslist looking to buy or trade firearms, and messages
4 asking others to make firearm purchases for him in other states.
5 (Seiden Decl., Ex. 9.) Defendant conveyed to multiple individuals
6 that he was unable to legally purchase firearms himself and offered
7 to pay more if no background check was performed. (Id.)

8 2. Defendant Shot Victim 1 as He Left Religious Services

9 Having made the necessary preparations, on the morning of
10 February 15, 2023, in Los Angeles, California, defendant set in
11 motion his long-contemplated plan to "kill all jews." First, he used
12 the internet to research locations with a "kosher market," believing
13 that would lead him to Jewish people. Defendant then drove to the
14 Pico-Robertson neighborhood of Los Angeles, a neighborhood with a
15 high concentration of Jewish residents, shops, temples, and
16 synagogues, and drove around the neighborhood slowly. Defendant saw
17 his first victim ("Victim 1"), who was wearing a yarmulke and a
18 prayer shawl. Victim 1 identifies as Jewish and was leaving
19 religious services at the time. Victim 1 noticed defendant sitting
20 in his car down the street and thought he was waiting for Victim 1's
21 parking spot, but later realized the car was stalking him. Defendant
22 did not say anything to Victim 1. (Plea Agreement ¶ 16; PSR ¶¶ 10-
23 12, 38, 42.)

24 As Victim 1 opened the door to his own car, defendant fired two
25 shots at Victim 1 at close range, trying to kill him. One of the
26 bullets struck Victim 1, causing an entrance wound on his right torso
27 and an exit wound on his right lower back, just centimeters from his
28 spine. Defendant then fled the scene in his car. Victim 1 was

1 treated for a gunshot wound and trauma to the lumbar spine. (Plea
2 Agreement ¶ 16; PSR ¶ 13.)

3 To this day, Victim 1 experiences ongoing pain in his back from
4 being shot. He thinks about being shot throughout the day, every
5 day, experiencing a range of emotions from anger to sadness. He does
6 not have the same level of excitement about life as he did before he
7 was shot. Although he is grateful to be alive, Victim 1's anger has
8 morphed into ambivalence because he feels he lives in a country where
9 wrongdoers are not punished. He has considered leaving the United
10 States, where he does not feel welcome as a Jewish person. (Seiden
11 Decl., Ex. 12.)

12 3. The Following Day, Defendant Shot Victim 2 as He Left
13 Religious Services

14 The following morning, February 16, 2023, defendant returned to
15 the Pico-Robertson area of Los Angeles to continue his plan to hunt
16 and kill Jews. Defendant saw Victim 2, who also identifies as Jewish
17 and was wearing a yarmulke, as Victim 2 was leaving religious
18 services and walking to the home of a friend with whom he was
19 staying. As Victim 2 crossed the street, defendant stopped his car
20 in front of Victim 2 and studied him. As Victim 2 moved away,
21 defendant fired three shots at Victim 2 at close range, hoping to
22 kill him. Because Victim 2 moved to the side as defendant shot at
23 him, two of the bullets missed. The third bullet struck Victim 2 in
24 the arm. Once again, defendant fled the scene. (Plea Agreement
25 ¶ 16; PSR ¶ 14.)

26 Victim 2 experiences ongoing trauma from being shot. In his
27 letter to the Court, Victim 2 describes the moment of the attack as
28 he was leaving his synagogue. (Seiden Decl., Ex. 13.) He remembers

1 that he "sensed something suspicious" when he saw defendant staring
2 at him in a hood and a mask and he "instinctively moved aside --
3 fortunately this reflect gesture saved my life!" (Id.) He has
4 "reliv[ed] this scene over and over again" for several months after
5 the attack, "traumatized by replaying every second, every movement of
6 the approaching car, the person staring at me" while "I was wearing
7 my yarmulke." (Id.) Even today, he experiences "visions or rather
8 fears when I am on the street, crossing a street, or when a vehicle
9 slows doing in front of or near me." (Id.) He is grateful that
10 defendant was arrested and hopes defendant "won't harm anyone else
11 for a very long time." (Id.)

12 **C. Defendant Was Arrested After Firing his Firearms in Public**

13 Later on February 16, 2023, police responded to a report about
14 a man who had fired a gun behind a motel and found defendant standing
15 near his car with the driver's door open. (PSR ¶ 17.) Officers
16 found a loaded Zastava Arms AK-47 rifle -- an illegal assault weapon
17 under California law and the same firearm defendant had illegally
18 acquired through a straw purchaser in Arizona -- laying on the
19 driver's seat with the safety selector in
20 the "fire" position. (Id.; Seiden Decl.,
21 Ex. 14.) Officers also found a loaded Kahr
22 Arms semiautomatic handgun matching the
23 second gun defendant illegally acquired in



1 Arizona on the front passenger seat and a shell casing matching the
2 ammunition in the assault rifle on the ground nearby. (PSR ¶ 17.)
3 Defendant later told law enforcement that he had been practicing with
4 his weapon at the time of his arrest. (Id.)

5 **D. Defendant's Digital Devices Revealed Further Evidence of**
6 **His Hatred**

7 Defendant's phone, seized upon his arrest, further revealed the
8 extent of his obsession with killing Jewish victims. Just three days
9 before the shootings, he sent a message to a group of anonymous
10 participants on Discord, stating: "it's time to kill all Jews." His
11 cell phone contained numerous other horrific threats against Jews:

- 12 • "I hope you burn in an oven and melt you fucking Jewbag
13 Jewbagel Jew";
- 14 • "kill all Iranian Jews," "fucking Jew," "nuke Israel," "die
15 Jew";
- 16 • "fucking kill yourself Jew," "fuck you Jew," "Jewbag,"
17 "Jewbagel," "piece of shit Jew";
- 18 • "slit your throat you autistic Jew," "die bitch Jew," "stupid
19 gay bitch queer Jew";
- 20 • "fucking ruined the Earth you fucking Jew";
- 21 • "I want you dead, Jew," "someone is going to kill you, Jew";
- 22 • "hahaha your country is burning you fucking Jew," "fuck your
23 whole country Jew";
- 24 • "cut your dick off and bleed to death you fucking Jew";
- 25 • "go die in a gas chamber you Jew";
- 26 • "should've been completely genocided in the Holocaust,"
- 27 • "fucking retarded faggot Jew,"
- 28 • "burn in hell you fucking Jew,"

- 1 • "I hate you like fucking crazy you fucking stupid pathetic
2 loser subhuman trash ugly disgusting worthless senseless
3 Jew";
- 4 • "die you fucking faggot queer gay loser piece of shit Iranian
5 Jew. Know one Likes you or your entire kind. Go fucking
6 kill yourself you worthless subhuman life form";
- 7 • "Quit talking about COVID-19 on your Twitter account you
8 evil, ugly slutty, Jew," "Biggest bulshitting Jew ever," etc.

9 (Seiden Decl., Ex. 10.)

10 Defendant's phone also contained numerous messages in which he
11 threatened various people that he would kill them or bully them and
12 suggesting that they kill themselves. The phone also contained
13 hundreds of photographs depicting images of firearms, including
14 attachments and ammunition, and antisemitic and racist pictures and
15 rhetoric, including Hitler, Swastikas, and photos from the holocaust.

16 (Id.)

17 **JEW'S MADE UP A
18 BULLSHIT DISEASE AND
19 BLAMED WUHAN CHINA!**

20 **EVERY SINGLE ASPECT OF
21 THE COVID AGENDA
22 IS JEWISH:**

23 CDC DIRECTOR - ROCHELLE WALENSKY - JEWISH
 24 CDC DEPUTY DIRECTOR - ANNE SCHUCHAT - JEWISH
 25 CDC CHIEF OF STAFF - SHERRI BERGER - JEWISH
 26 CDC CHIEF MEDICAL OFFICER - MITCHELL WOLFE - JEWISH
 27 CDC DIRECTOR, WASHINGTON OFFICE - JEFF RECZEK - JEWISH
 28 COVID CZAR - JEFF ZIENTS - JEWISH
 COVID SENIOR ADVISER - ANDY SLAVITT - JEWISH
 HHS SECRETARY - XAVIER BECERRA - JEWISH
 HHS ASSISTANT HEALTH SECRETARY - RACHEL LEVINE (A TRANSGENDER) - JEWISH
 HEAD OF PFIZER - ALBERT BOURLA - JEWISH
 PFIZER CHIEF SCIENTIST - MIKAEL DOLSTEN - JEWISH
 MONDERNA CHIEF SCIENTIST - TAL ZAKS - JEWISH
 BLACKROCK CEO - LARRY FINK - JEWISH
 BLACKROCK PRESIDENT - ROB KAPITO - JEWISH
 VANGUARD CEO - MORTIMER J. BUCKLEY - JEWISH

**BLACKROCK AND VANGUARD ARE THE
TWO LARGEST SHAREHOLDERS
OF BOTH PFIZER AND GLAXOSMITHKLINE.**

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8 The browser history on defendant's phone similarly revealed both
9 his obsessive antisemitism and his efforts to commit targeted
10 violence against Jews, including search phrases such as "Jews evil,"
11 "how to identify a Jew," and searches about Jews being responsible
12 for COVID. The browser history also revealed defendant's searches
13 for firearms dealers, straw purchases, firearm shipping to different
14 states, and mass shootings and massacres. (Id.)

15 Defendant also had two laptops. Like that on defendant's phone,
16 the browser history on the laptops revealed searches for handguns and
17 ammunition, rifles for sale, terms like "Jewish hate," "Persian
18 hate," "Persian Jew," and "I hate Persian guys," and research on
19 various mass shootings, including the Sandy Hook shooting. The
20 laptops also contained a saved document titled "weapon_9mmhandgun"
21 and a downloaded copy of the book "Confessions of a Sociopath."
22 (Seiden Decl., Ex. 11.)

23 **III. GUIDELINES AND PROBATION RECOMMENDATION**

24 **A. Sentencing Guidelines**

25 The statutory maximum sentence for each of the four counts in
26 the indictment is lifetime imprisonment, a five-year period of
27 supervised release, and a fine of \$250,000 or twice the gross gain or
28 gross loss, whichever is greatest. There is no statutory mandatory

1 minimum for the hate crime counts. However, there is a 10-year
 2 statutory mandatory minimum for each conviction for discharging a
 3 firearm during and in relation to a crime of violence. Each of those
 4 terms must run consecutively to any other term of imprisonment.
 5 Thus, defendant's statutory mandatory minimum sentence is 20 years'
 6 imprisonment.

7 The parties have no agreement as to the Guidelines that are
 8 applicable in this case, although they have agreed that an
 9 appropriate disposition of this case is a sentence between 420- and
 10 480-months' imprisonment followed by the maximum five-year term of
 11 supervision. In July 2024, the United States Probation and Pretrial
 12 Services Office ("Probation") issued the PSR in which it calculated
 13 the Guidelines as follows, before factoring in the mandatory minimum
 14 sentences for discharging a firearm during crimes of violence:

15	Base Offense Level:	33	U.S.S.G. §§ 2H1.1(a)(1), 2A2.1(a)(1)
16	Extent of Bodily Injury:	+4	U.S.S.G. § 2A2.1(b)
17	Hate Crime Motivation:	+3	U.S.S.G. § 3A1.1(a)
18	Grouping:	+2	U.S.S.G. § 3D1.4(a)
19	Acceptance of Responsibility:	-3	U.S.S.G. § 3E1.1
20	Total Offense Level:	39	
21	Guidelines (before § 924(c) counts):	CH I	262-327 months

22 (PSR at 4; see also PSR ¶¶ 33-71.)

23 The government agrees with these calculations. The base offense
 24 level for each of the hate crime counts is 33 because in both
 25 instances, defendant engaged in an attempted premeditated killing.
 26 (U.S.S.G. §§ 2H1.1(a)(1), 2A2.1(a)(1); PSR ¶¶ 33-38, 50-52.)
 27 Specifically, defendant illegally acquired two firearms in the weeks
 28 leading up to the attempted murders. (Id. at ¶ 23.) Three days

1 before the attempted murders, he sent a message on Discord announcing
2 it was "time to kill all jews." (Seiden Decl., Ex. 10.) The morning
3 of the first shooting, defendant used the internet to research
4 locations with a "kosher market." (Plea Agreement ¶ 16; PSR ¶¶ 10,
5 38, 42.) Defendant has admitted that he planned the shootings and
6 that he shot with intent to kill. (Id.)

7 Under U.S.S.G. § 2A2.1(b), the offense level is increased by 4
8 levels because at least one victim sustained "permanent or life-
9 threatening bodily injury." (PSR ¶¶ 40, 54.) Under the Guidelines,
10 "permanent or life-threatening bodily injury" means injury involving
11 a substantial risk of death; loss or substantial impairment of the
12 function of a bodily member, organ, or mental faculty that is likely
13 to be permanent; or an obvious disfigurement that is likely to be
14 permanent. U.S.S.G. § 1B1.1, cmt. 1(K). The Ninth Circuit has found
15 that the circumstances of the crime can make injuries "life-
16 threatening," particularly where the defendant put the victim in a
17 "life-threatening situation" in which the victim may have died absent
18 intervention. See United States v. Morgan, 238 F.3d 1180, 1188 (9th
19 Cir. 2001) (holding district court erred by finding that "life-
20 threatening" enhancement could not apply where "circumstances
21 themselves are life-threatening, irrespective of any other injury
22 that the victim may have suffered" and remanding for express
23 determination of whether victim's maltreatment, which involved being
24 locked in a car trunk in freezing weather for hours without fresh
25 air, food, water, medical care, or heat, was life-threatening).³

27 ³ See also United States v. Butler, 20 Fed. Appx. 725, 728 (9th
28 Cir. 2001) (affirming application of enhancement for "life-
threatening" injuries where victim was shot and hit in the head,
(footnote cont'd on next page)

1 Here, defendant fired at both victims multiple times at close
2 range, striking Victim 1 in the back and Victim 2 in the arm, and
3 then immediately fled, leaving them bleeding from gunshot wounds.
4 (PSR ¶¶ 40, 54.) Because defendant's conduct placed both victims in
5 a "life-threatening situation," a four-level enhancement applies
6 under U.S.S.G. § 2A2.1(b).

7 A three-level enhancement applies under U.S.S.G. § 3A1.1(a)
8 because the evidence established, and defendant has admitted, that he
9 intentionally selected his victims "because of" their actual or
10 perceived race or religion. (PSR ¶¶ 41-42, 55-56.) In his plea
11 agreement, defendant admitted that he shot Victim 1 because he
12 "believed [Victim 1] to be Jewish and decided to shoot him because he
13 was Jewish." (Plea Agreement ¶ 16.) He made a similar admission
14 about Victim 2. (Id.)

15 Although defendant has no criminal history points, the
16 application of the hate-crime enhancement means that defendant is not
17 entitled to any deduction for being a zero-point offender. (PSR
18 ¶ 69.) He is, however, entitled to a three-point deduction for
19 pleading guilty and timely accepting responsibility in this case.
20 (Id. ¶¶ 67-68.) After applying an additional two levels for the
21 presence of multiple counts that do not group (id. ¶¶ 62-64),
22

23 causing blood loss and colon damage, left alone next to a canal
24 bleeding profusely, and had to drag himself to safety, even though
25 injuries were "later repaired," because "a victim's injury can be
26 life-threatening if he or she is placed in a life-threatening
27 situation, even if he or she does not suffer from life-threatening
28 injuries"); United States v. Hinton, 31 F.3d 817, 826 (9th Cir. 1994)
(evidence was sufficient to find defendant inflicted life-threatening
injury to victim he stabbed in the hand, who was released from the
hospital the same day, because defendant's "contemporaneous threat to
kill [her]," "forceful blows," her "profuse blood loss," and his
refusal to let her go to the hospital "endangered the victim's
life").

1 defendant's total offense level is 39 and his Guidelines sentencing
2 range is 262 to 327 months before consideration of the gun offenses.

3 Under U.S.S.G. § 2K2.4(b), the Guidelines sentence for a
4 conviction under 18 U.S.C. § 924(c) is the minimum term of
5 imprisonment required by statute, which is not affected by
6 adjustments or departures under Chapter 3 (e.g., reductions for
7 acceptance of responsibility). Thus, defendant's Guidelines sentence
8 for the firearm counts is 240 months, which runs consecutive to his
9 sentence on the hate crime counts, for a total Guidelines sentence of
10 502-567 months' imprisonment, or 41.8-47.2 years.

11 **B. Probation's Recommendation**

12 Defendant pled guilty pursuant to Rule 11(c)(1)(C), which
13 requires the Court, after accepting the terms of the plea, to
14 sentence defendant to between 35- and 40-years' imprisonment for his
15 crimes. Probation has recommended a sentence of 37.5 years, which is
16 at the mid-point of this range. (Letter at 1.) While recognizing
17 the heinousness of defendant's crimes, Probation pointed to
18 defendant's long history of mental illness as mitigating in favor of
19 a 37.5-year sentence. (Id. at 4.)

20 **IV. A 40-YEAR SENTENCE IS NECESSARY TO ACCOMPLISH THE PURPOSES OF 18**
21 **U.S.C. § 3553(A)**

22 Consistent with its obligations in the plea agreement, the
23 government recommends a 40-year sentence in this case. (Plea
24 Agreement ¶ 18.) A 40-year sentence appropriately balances the
25 mitigating and aggravating factors regarding the nature and
26 circumstances of the offenses, defendant's history and
27 characteristics, the need for specific and general deterrence, and
28

1 the need to protect the public from defendant's future crimes. 18
2 U.S.C. § 3553(a).

3 **A. The Nature and Circumstances of the Offenses**

4 The nature and circumstances of defendant's crimes warrant a 40-
5 year sentence. Motivated exclusively by his perception of the
6 religious and racial identities of his victims, defendant attempted
7 to murder two strangers on consecutive days. Far from acting on
8 impulse, defendant's conduct was cold-blooded and premeditated: after
9 spewing antisemitic hatred and threats for years, defendant decided
10 it was "time to kill all Jews," and then took several carefully
11 planned steps to carry out his murderous plan. Defendant traveled to
12 another state to circumvent his firearm restrictions so that he could
13 purchase assault weapons, researched where to find a high
14 concentration of Jewish people, drove around the neighborhood looking
15 for victims, and then shot at Victim 1 multiple times at close range,
16 striking him and then fleeing, leaving Victim 1 bleeding in the
17 street.

18 Apparently unsatisfied with one attack, defendant returned to
19 the same neighborhood the next day to hunt for another victim. Once
20 again, defendant identified a person wearing a yarmulke, shot him at
21 close range simply because defendant believed he was Jewish, and left
22 him for dead.

23 Though defendant shot his victims at close range with intent to
24 kill them, and though his bullets struck them just inches from their
25 spine and chest, both victims miraculously survived. Had defendant
26 succeeded in his plan to murder his victims, he would be eligible for
27 the death penalty and his Guidelines range would be life. 18 U.S.C.
28 § 924(j)(1); U.S.S.G. § 2A1.1 (First Degree Murder). That is how

1 long his victims will live with the impact of his conduct. As one
2 victim wrote in describing his prolonged trauma:

3 In the days that followed, especially at night, I kept reliving
4 the scene over and over again. It lasted for several months -
5 traumatized by replaying every second, every movement of the
6 approaching car, the person staring at me, while the vehicle was
7 about 2 meters away from me. I was wearing my yarmulke, and I
8 kept asking myself: Why did I move at that moment? Why did I
9 react like that? These questions remained unanswered, except
perhaps, certainly even, "there was an angel with me at that
moment" . . .[e]ven today, I still have visions or rather fears
when I am on the street, crossing a street, or when a vehicle
slows down in front of or near me.

10 (Seiden Decl., Ex. 13.)

11 Had defendant not been caught the night of his second shooting,
12 his campaign of terror would likely have continued. Defendant had
13 already made clear his desire to "kill all Jews," he had researched
14 mass shootings, and at the time of his arrest, in his own words, he
15 was "practicing" with an illegal assault weapon.

16 Thankfully, due to the swift action of law enforcement,
17 defendant was captured before he could commit additional attacks.
18 But defendant had already victimized more than the two people he
19 shot. He committed the shootings on consecutive days in the same
20 predominantly Jewish neighborhood. Both times he targeted victims
21 leaving religious services, and both times he disappeared immediately
22 afterwards. For those two days, he terrorized an entire community,
23 with neighbors wondering when the gunman would return and whether
24 they too would be shot if they left their homes, simply because they
25 were Jewish. Even after defendant was apprehended, members of the
26 community continued to feel the lasting impact of his horrific
27 crimes. (See, e.g., [https://beverlypress.com/2023/02/pico-robertson-
28 shootings-shock-community/](https://beverlypress.com/2023/02/pico-robertson-shootings-shock-community/), last accessed July 11, 2024 ("We can't

1 feel safe in our own neighborhoods. That is terrifying, chilling to
2 the bone.”))

3 **B. Defendant’s History and Characteristics**

4 Defendant obsessed over his antisemitic hatred for years. What
5 began as hateful speech as early as 2018 eventually escalated into
6 threats to kill Jewish classmates, and, ultimately, to the attempted
7 murders in this case.

8 Defendant posted antisemitic
9 messages and images under the Instagram
10 and Twitter handles “@k1lllalljews.” He
11 threatened his classmates via direct
12 text messages, like those shown here.
13 He distributed posters and sent emails
14 blaming COVID on the “Jewish agenda.”
15 He emailed dozens of his former
16 classmates excerpts from a website
17 describing “Persian Jews” as
18 “primitive,” “narrow minded,” and having
19 “thick skulls.” Defendant’s fixed,
20 long-held, and obsessive hatred toward
21 Jews led directly to the crimes in this
22 case and demonstrates the ongoing danger
23 he poses to the community.



24 Indeed, for nearly five years, defendant repeatedly rejected
25 mental health treatment, despite describing himself as a “ticking
26 time bomb.” When he was first treated in April 2018, he viewed
27 himself as the victim of conspiracy theories promulgated by his
28 Jewish classmates. In 2018, after taking a leave of absence from

1 dental school, he was advised not to contact the other students, yet
2 he continued to do so. In August 2019, he was once again assessed to
3 be a danger to himself and others, but he refused compliance with
4 medication and continued to blame others for lying about him. He
5 declined to continue treatment at the end of 2019. As recently as
6 late 2022, defendant lashed out at his mother when she encouraged him
7 to take his medication.

8 In addition to refusing to comply with mental health treatment,
9 defendant has also refused to comply with the law. Defendant was
10 banned from possessing firearms for life in May 2018 and again in
11 August 2019. He repeatedly violated these bans. In 2022, defendant
12 was arrested on campus with a firearm he had deliberately obtained
13 out-of-state, intending to "hurt some animals." Later that year, he
14 was arrested across the country for a hit and run. And just months
15 after that, defendant drove to Arizona to buy the guns he used in the
16 shootings, again deliberately circumventing his firearm prohibition.
17 Coupled with his refusal to treat his mental health, defendant's
18 refusal to comply with the law has had devastating consequences.

19 Given defendant's history of obsessive, antisemitic hatred,
20 harassing and threatening Jews, refusing mental health treatment, and
21 violating firearm prohibitions, defendant's total history and
22 characteristics strongly weigh in favor of the government's
23 recommended 40-year sentence.

24 **C. The Need for Deterrence, to Protect the Public, and to**
25 **Provide Just Punishment for the Offense**

26 A 40-year sentence is necessary both to deter this specific
27 defendant from ever committing such heinous crimes again and to make
28 clear to others who share his views that hate crimes will not be

1 tolerated. Antisemitism and hate crimes are on the rise. According
2 to the Anti-Defamation League ("ADL"), which has tracked such
3 incidents over many decades, in 2023 there were 8,873 antisemitic
4 incidents across the United States.⁴ That number represented a 140%
5 increase over 2022 and was the highest number on record. Incidents
6 increased in all major categories, including assaults and harassment,
7 and in all major location categories, including K-12 schools. A
8 significant sentence will deter not only this defendant, but also
9 other would-be attackers from carrying out ideologically fueled
10 violence. A 40-year sentence will make clear that hate crimes will
11 not be tolerated.

12 A 40-year sentence will also provide just punishment for the
13 offenses, which terrorized a community and nearly took the lives of
14 two innocent victims whom defendant targeted for no reason other than
15 their religious faith. These victims will forever have to live with
16 the emotional and physical consequences of defendant's actions.

17 Finally, a 40-year sentence is necessary to protect the public.
18 Defendant has demonstrated over several years his deep-seated hatred
19 of Jews and his determination to kill. While his mental health
20 diagnoses may provide some context for his thought processes, they do
21 not make him any less dangerous. The Court should impose a 40-year
22 sentence to prevent him from again terrorizing and victimizing the
23 community.

24

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28 ⁴ (See <https://www.adl.org/resources/report/audit-antisemitic-incidents-2023>, last accessed July 21, 2024.)

1 **V. A FIVE-YEAR TERM OF SUPERVISED RELEASE IS WARRANTED**

2 The government agrees with Probation's recommendation that
3 defendant be sentenced to the maximum possible term of supervised
4 release, which is five years.

5 **VI. THE GOVERNMENT REQUESTS THAT THE COURT SET A RESTITUTION HEARING**

6 As part of his plea agreement, defendant agreed to pay
7 restitution to the victims of the offense. Restitution is mandatory
8 in this case. (See 18 U.S.C. § 3663A; PSR ¶ 155.) At present, the
9 government is still ascertaining the amount of restitution owed to
10 the victims of defendant's crimes and, therefore, respectfully
11 requests that a restitution hearing be set for 90 days following
12 sentencing. 18 U.S.C. § 3664(d)(5).

13 **VII. CONCLUSION**

14 For the foregoing reasons, the government respectfully requests
15 that this Court sentence defendant to 40 years' imprisonment, to be
16 followed by five years of supervised release, including the special
17 conditions agreed to by the parties, and that it set a restitution
18 hearing for 90 days following sentencing.

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