

1 TODD BLANCHE  
2 Deputy Attorney General  
3 BILAL A. ESSAYLI  
First Assistant United States Attorney  
4 IAN V. YANNIELLO  
Assistant United States Attorney  
Chief, National Security Division  
5 AMANDA B. ELBOGEN (Cal. Bar No. 332505)  
Assistant United States Attorney  
Terrorism and Export Crimes Section  
6 1500 United States Courthouse  
312 North Spring Street  
7 Los Angeles, California 90012  
Telephone: (213) 894-5748  
8 Facsimile: (213) 894-1441  
E-mail: amanda.elbogen@usdoj.gov

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10 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

No. CR 24-777-RGK

14 Plaintiff,

GOVERNMENT'S SENTENCING POSITION  
FOR DEFENDANT YAONING SUN

15 v.

16 YAONING SUN,  
a/k/a "Mike Sun,"  
17 a/k/a "Yuening Sun,"  
18 Defendant.

Hearing Date: February 9, 2026  
Hearing Time: 10:30 A.M.  
Location: Courtroom of the  
Hon. R. Gary  
Klausner

20  
21 Plaintiff United States of America, by and through its counsel  
22 of record, the First Assistant United States Attorney for the Central  
23 District of California and Assistant United States Attorney Amanda B.  
24 Elbogen, hereby files its Sentencing Position for defendant Yaoning  
25 Sun.

This Sentencing Position is based upon the attached memorandum of points and authorities, the files and records in this case, and such further evidence and argument as the Court may permit.

Dated: January 27, 2026

Respectfully submitted,

TODD BLANCHE  
Deputy Attorney General

BILAL A. ESSAYLI  
Acting United States Attorney

IAN V. YANNIELLO  
Assistant United States Attorney  
Chief, National Security Division

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

## MEMORANDUM OF POINTS AND AUTHORITIES

## I. INTRODUCTION

3 For years, defendant Yaoning "Mike" Sun knowingly operated as a  
4 covert agent of the People's Republic of China ("PRC") in the United  
5 States. Defendant drafted reports to submit to high-level PRC  
6 government officials detailing his work on their behalf, which  
7 included, among other things, countering the Falun Gong minority (a  
8 persecuted group in China) and pro-Taiwanese independence forces and  
9 helping to elect a like-minded individual ("Individual 1") to  
10 political office in Southern California. Defendant also conducted  
11 surveillance of the then-President of Taiwan during her April 2023  
12 visit to the United States, and published pro-PRC propaganda via a  
13 purported "news" website targeting the local Chinese-American  
14 population, all at the direction of PRC Consulate officials.

15 On October 27, 2025, defendant pled guilty to Count Two of the  
16 indictment, admitting he acted as an Illegal Agent of a Foreign  
17 Government in violation of 18 U.S.C. § 951. (Dkt. 28.) For the  
18 reasons set forth below, the government submits that a sentence of 60  
19 months' imprisonment, followed by a three-year term of supervised  
20 release, is appropriate to achieve the goals of sentencing set forth  
21 in 18 U.S.C. § 3553(a).

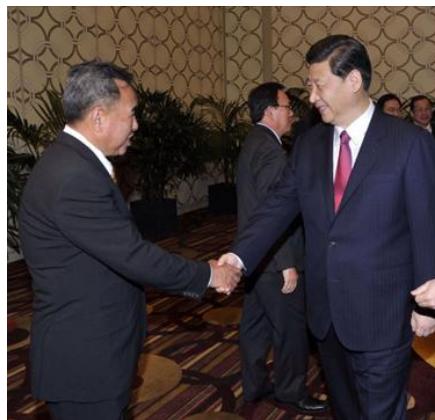
## II. OFFENSE CONDUCT

23 Beginning in at least 2022, and continuing through at least  
24 January 2024, defendant knowingly acted within the Central District  
25 of California as an agent of the PRC without prior notification to  
26 the Attorney General of the United States.

27

1                   **A.    Collaboration with Co-Conspirator John Chen**

2                   As an agent for the PRC, defendant worked covertly in the United  
 3 States with his primary co-conspirator John Chen, a/k/a "Chen Jun."  
 4 Chen was a high-level member of the PRC intelligence apparatus, who  
 5 regularly attended elite CCP functions, including military parades.  
 6 He met personally with PRC President Xi Jinping (pictured below),<sup>1</sup>  
 7 and bragged that he had "climbed, climbed, climbed to this position"  
 8 and that "Uncle Xi [Jinping] met me three times in ten years."<sup>2</sup>



17                  In a YouTube video posted on September 15, 2019,<sup>3</sup> Chen can be  
 18 seen with a megaphone at a pro-Taiwan protest in Los Angeles  
 19 threatening protesters, saying: "If you have a Chinese passport, and  
 20 I take your photo now, you will be arrested when you return to China.

25                  <sup>1</sup> The metadata from this photo indicates that it was likely  
 taken on May 28, 2021.

26                  <sup>2</sup> See United States v. Chen, 7:23-cr-00286-NSR (S.D.N.Y.), Dkt.  
 53 at 13.

27                  <sup>3</sup> The video was reposted to Twitter and can be viewed at  
 28 <https://twitter.com/jenniferzeng97/status/1662264915975872513> (last  
 visited on September 22, 2023 at 5:28 a.m.).

1 If you hold a U.S. passport, you won't be able to obtain a Chinese  
 2 visa."



8 (Dkt. 1.) Chen pled guilty in the Southern District of New York to  
 9 acting as an illegal agent of the PRC, in violation of 18 U.S.C. §  
 10 951, and conspiring to bribe a public official, in violation of 18  
 11 U.S.C. § 371, in a separate scheme to persecute the Falun Gong  
 12 minority in the United States.<sup>4</sup>

13 Per his own report, and other communications between Chen and  
 14 PRC officials, defendant served as Chen's right-hand man in the  
 15 United States for decades. In one report to PRC officials, which he  
 16 drafted in collaboration with Chen, defendant summarized his personal  
 17 experience, including his past service in the People's Liberation  
 18 Army, and stated that he had worked in the United States "[s]ince  
 19 1996" to "persist in resisting any hostile forces that undermine the  
 20 friendship of US-China relations, and Chinese secessionist forces,"  
 21 i.e., Falun Gong and pro-Taiwanese independence forces, and

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23 <sup>4</sup> See United States v. Chen, 7:23-cr-00286-NSR (S.D.N.Y.). In  
 24 summary, Chen pled guilty to conspiring in the United States at the  
 25 direction of the PRC to further the PRC's campaign against  
 26 practitioners of Falun Gong, a spiritual practice banned in the PRC.  
 27 Specifically, Chen and another associate paid cash bribes on behalf  
 28 of the PRC to a purported Internal Revenue Service agent (who was in  
 fact an undercover law enforcement agent), to file a defective  
 whistleblower complaint as part of a PRC Government-directed scheme  
 to revoke the tax-exempt status of a 501(c)(3) organization run by  
 Falun Gong practitioners. Falun Gong is a spiritual practice and  
 persecuted minority in China.

1 "orchestrated and organized my team to win the election for city  
2 council" of Individual 1, whom defendant described as a "new  
3 political star." (PSR ¶ 25.) This effort was apiece with Chen's  
4 communications with PRC officials concerning their ongoing campaign  
5 to assert their influence on politicians in Southern California.  
6 (See Dkt. 1 at 9-12.)

7 Defendant's report described various issues, including that  
8 "[f]or a long time, overseas anti-China forces have been ceaseless,  
9 Taiwan independence, Tibet independence, Xinjiang independence, and  
10 Falungong have been active for a long time. . . . infiltrating and  
11 active in various mainstream fields." The report defendant drafted  
12 proposed "using part of our Los Angeles organization's professional  
13 core team," to seek to counteract those forces. To that end,  
14 defendant's report requested \$80,000 from the PRC government to fund  
15 a pro-PRC demonstration at a Fourth of July parade in Washington,  
16 D.C. (PSR ¶ 26.)

17 Defendant planned and took multiple trips to China to meet with  
18 PRC officials, and brought Individual 1 with him to meet "the leader"  
19 there. (Dkt. 1 at 21-22.)

20 **B. Surveillance of the Taiwanese President During Her April  
21 2023 Visit to the United States**

22 Throughout 2023 and 2024, defendant communicated with an  
23 official at the PRC Consulate in Los Angeles ("PRC Consular Official  
24 1") regarding activities in Southern California related to Taiwan.  
25 In April 2023, President Tsai Ing-Wen of Taiwan visited Southern  
26 California. Defendant sent real-time updates on President Tsai's  
27 movements to a PRC Consular Official. Afterward, defendant sought  
28 approval from that PRC Consular Official to publish an article about

1 President Tsai's visit on the website he operated with Individual 1,  
 2 a purported news site targeting the local Chinese-American  
 3 population. Defendant also took photographs of individuals  
 4 protesting in support of and opposition to President Tsai and sent  
 5 those photographs to the PRC Consular Official. (PSR ¶ 27.)

6 **C. Pro-PRC Propaganda Activities and Election of Individual 1**

7 Defendant received and executed directives from PRC government  
 8 officials, and sometimes sought approval from PRC government  
 9 officials, to post pro-PRC content to his "news" website, which he  
 10 operated with Individual 1. Throughout 2022, defendant also worked  
 11 as the campaign advisor for Individual 1, who was running for City  
 12 Council in a Southern California city. Individual 1 was elected to  
 13 the City Council in November 2022. As noted above, defendant bragged  
 14 about this accomplishment to the PRC officials he reported to. In  
 15 2023, defendant brought Individual 1 to China to meet with PRC  
 16 officials there. (Dkt. 1 at 21-23.)

17 Before engaging in any of this conduct, defendant did not notify  
 18 the Attorney General that he was acting in the United States as an  
 19 agent of the PRC. (PSR ¶ 28.)

20 **III. GUIDELINES CALCULATIONS**

21 In the PSR, the U.S. Probation Office ("Probation") submitted  
 22 the following Sentencing Guidelines calculations:

Base Offense Level	37	U.S.S.G. §§ 2x5.1, 2M3.1
Acceptance of Responsibility	-3	U.S.S.G. § 3E1.1
Zero-Point Offender	-2	U.S.S.G. § 4C1.1

26 (PSR ¶¶ 36-47.) Because 18 U.S.C. § 951 has no corresponding  
 27 sentencing guideline, Probation analogized to the offense guideline  
 28 for transmitting national defense information to aid a foreign

1 government, U.S.S.G. § 2M3.1, resulting in a base offense level of  
 2 37. (PSR ¶ 36.) Probation determined that the defendant has no  
 3 criminal history points, which puts him in criminal history category  
 4 I, and that he qualifies for the zero-point offender reduction (PSR  
 5 ¶ 45.)

6 With a total Guidelines Offense Level of 32 and a Criminal  
 7 History Category of I, Probation found that the Guideline range for  
 8 defendant's term of imprisonment was 121 to 151 months, noting,  
 9 however, that the statutory maximum falls just below that range, at  
 10 120 months' imprisonment, resulting in a guideline term of 120  
 11 months' imprisonment. (Id. ¶ 99.)

12 **IV. GOVERNMENT'S RECOMMENDATION**

13 The Court must impose a sentence that is sufficient, but not  
 14 greater than necessary, to achieve the purposes set forth in 18  
 15 U.S.C. § 3553(a), which are: to reflect the seriousness of the  
 16 offense, to promote respect for the rule of law, to provide just  
 17 punishment for the offense, to afford adequate deterrence to criminal  
 18 conduct, to protect the public from future crimes of the defendant,  
 19 and the defendant's history and characteristics, among other  
 20 considerations. 18 U.S.C. § 3553(a)(2). The parties agree that the  
 21 U.S. Sentencing Guidelines do not contain a sufficiently analogous  
 22 offense guideline under U.S.S.G. § 2X5.1, and thus the provisions of  
 23 18 U.S.C. § 3553 should control. (Dkt 26. at 8.)

24 The government submits that a 60-month sentence is appropriate  
 25 to achieve the goals of sentencing set forth in 18 U.S.C. § 3553(a).

26 a. Seriousness of the Offense and the Need for Deterrence

27 Defendant worked covertly in the United States on behalf of the  
 28 PRC to (1) surveil Taiwanese leaders, (2) repress minority groups in

1 the United States such as the Falun Gong, pro-Taiwan groups, and pro-  
 2 Tibet groups, (3) promote pro-PRC propaganda through a purported  
 3 "news" website targeting the local Chinese-American population, and  
 4 (4) undermine our democratic system of government by helping to elect  
 5 someone from his "team" to public office as part of a PRC malign  
 6 foreign influence campaign.

7 The PRC's government's "five poisons" - what the CCP views as  
 8 the primary threats to its continued autocratic rule over China -  
 9 include the Falun Gong minority, supporters of Taiwanese  
 10 independence, supporters of Tibetan independence, supporters of  
 11 Uyghur independence, and the Chinese pro-democracy movement. A  
 12 foreign interference commission established by the Canadian  
 13 government found these five groups are the primary targets of  
 14 transnational repression by the PRC government, including outside of  
 15 China.<sup>5</sup> The 2025 Annual Threat Assessment of the U.S. Intelligence  
 16 Community<sup>6</sup> lists China as a primary state actor engaging in behavior  
 17 that directly threatens U.S. national security, including through its  
 18 "coercive and subversive malign influence activities to weaken the  
 19 United States internally and globally." Id. at 15. Through these  
 20 activities, the PRC "seeks to suppress critical views and critics of  
 21 China within the United States and worldwide," often by conducting  
 22 "covert influence operations [to] disseminate disinformation." Id.

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23  
 24 <sup>5</sup> See Public Inquiry into Foreign Interference in Federal  
 25 Electoral Processes and Democratic Institutions: Initial Report, at  
 26 91 (May 3, 2024), available at  
[https://foreigninterferencecommission.ca/fileadmin/user\\_upload/Foreign\\_Interference\\_Commission\\_-\\_Initial\\_Report\\_\\_May\\_2024\\_-\\_Digital.pdf](https://foreigninterferencecommission.ca/fileadmin/user_upload/Foreign_Interference_Commission_-_Initial_Report__May_2024_-_Digital.pdf)  
 (last visited January 27, 2026).

27 <sup>6</sup> See 2025 Annual Threat Assessment of the U.S. Intelligence  
 28 Community, available at  
<https://www.dni.gov/files/ODNI/documents/assessments/ATA-2025-Unclassified-Report.pdf> (last visited January 27, 2026),

1 at 15-16.

2 Detecting, disrupting, and prosecuting malign foreign influence  
3 and transnational repression campaigns orchestrated by a foreign  
4 regime with access to funding, infrastructure, and intelligence  
5 resources, is extraordinarily difficult. And deterring conduct that  
6 is committed for ideological, political, and geopolitical motives is  
7 even more so. Accordingly, in order to properly reflect the  
8 seriousness of the offense and to deter others who would similarly  
9 act as an unregistered agent of a foreign power in the United States,  
10 a substantial sentence is necessary. See 18 U.S.C. § 3553(a)(2)(B)  
11 (the sentence imposed is required "to afford adequate deterrence to  
12 criminal conduct," which encompasses both specific and general  
13 deterrence).

14 A three-year term of supervised release would provide an "added  
15 measure of deterrence and protection," that is warranted under the  
16 facts of this case. See USSG § 5D1.1, comment. (n.5). Supervision  
17 would allow the Court to ensure that defendant does not revert to  
18 crime upon his release from custody.

19 b. Defendant's History and Characteristics

20 The history and characteristics of the defendant, 18 U.S.C. §  
21 3553(a)(1), also support a sentence of 60 months' imprisonment. The  
22 defendant has no mitigating motives or external factors: he did not  
23 suffer from a troubled upbringing, and was not acting under duress or  
24 improper pressure from the PRC government. He was raised by parents  
25 he describes as hardworking and honest people who prioritized  
26 education and "who always taught their children to do the right thing  
27 and to follow the rules." (PSR ¶¶ 60-61.) He studied at the Nanjing  
28 Conservatory of Music, the Shanghai Theatre Academy, and the Open

1 University of China. (PSR ¶¶ 80-82.) He joined the Chinese military  
2 when he was 22 years old (PSR ¶ 61), and enjoyed a stable middle-  
3 class life in the United States, where he raised two children with  
4 his ex-wife. (PSR ¶¶ 62-70.)

5 c. Sentences in Similar Cases

6 Analogous cases from across the country support the government's  
7 position that a substantial sentence is warranted here. In United  
8 States v. Alvarez, 05-cr-20943-KMM (S.D. Fla.), defendant Carlos  
9 Alvarez transmitted multiple reports to Cuban intelligence officials  
10 summarizing information he had gathered in the United States on their  
11 behalf. There, the defendant pled guilty to conspiracy to act as an  
12 unregistered agent of the government of Cuba and was sentenced to a  
13 term of imprisonment of 60 months.

14 In United States v. Duran, 07 Cr. 20999-JAL (S.D. Fla.), the  
15 defendant came to the United States as an agent of the Venezuelan  
16 government in an attempt to bribe and/or extort a U.S. citizen. See  
17 also United States v. Duran, 596 F.3d 1283, 1295-96 (11th Cir. 2010).  
18 The defendant was convicted following a trial of acting and  
19 conspiring to act as an unregistered agent of the government of  
20 Venezuela, and sentenced to a term of imprisonment of 48 months.

21 In United States v. Buryakov, 15-cr-73-RMB (S.D.N.Y.), the  
22 defendant conducted research for the Russian Federation, attempted to  
23 gather non-public U.S. government documents on economic matters, and  
24 attempted to help the Russian Federation influence economic issues in  
25 the United States and Canada. Buryakov, Dkt. 152 at 2-4. The  
26 defendant pled guilty to acting as an unregistered foreign agent of  
27 the government of the Russian Federation and was sentenced to a term  
28 of imprisonment of 30 months. There, the parties had stipulated in

1 the plea agreement that a sentence of 30 months' imprisonment was  
2 appropriate, and the sentencing court imposed that sentence. Id. at  
3 1; Buryakov, Dkt. 157.

4       Though defendant's co-conspirator, Chen, was sentenced to 20  
5 months' imprisonment in the Southern District of New York, the  
6 charges in that case stemmed from completely distinct conduct,  
7 centering around a bribery scheme. There, the Court applied the  
8 Sentencing Guideline tied to another charge Chen pled to, bribery of  
9 a public official in violation of 18 U.S.C. § 201(b).

10       A sentence of 60 months' imprisonment, like the one imposed in  
11 Alvarez, is warranted here. Defendant did not cooperate or attempt  
12 to cooperate, and his conduct was not limited to passive surveillance  
13 or reporting (though he did both). He and his co-conspirator Chen  
14 engaged in sustained efforts to assist the PRC in its campaign of  
15 transnational repression and foreign malign influence in the United  
16 States, extending the PRC's reach in its persecution of the Falun  
17 Gong and those advocating for Taiwanese independence. He also served  
18 a pivotal role in the PRC's efforts to "influence" U.S. politicians  
19 in their favor at all levels of government. In this regard,  
20 defendant not only traveled regularly to China to meet with PRC  
21 officials, but also brought his "new political star" from Southern  
22 California to China to meet with them as well. Defendant's actions  
23 spreading pro-PRC propaganda through a purported news website and  
24 providing real-time reports on the whereabouts of the Taiwanese  
25 president and those who came out to support her, were all taken at  
26 the direction of PRC officials. The seriousness of his conduct  
27 merits the requested sentence of 60 months' imprisonment.

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1 **V. CONCLUSION**

2 For the foregoing reasons, the government respectfully  
3 recommends that defendant be sentenced to 60 months' imprisonment,  
4 followed by a three-year term of supervised release.

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