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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

YAONING SUN,
a/k/a "Mike Sun,"
a/k/a "Yuening Sun,"

Defendant.

No. CR 24-777-RGK

GOVERNMENT'S SENTENCING POSITION
FOR DEFENDANT YAONING SUN

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

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

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

4 Dated: January 27, 2026

Respectfully submitted,

5 TODD BLANCHE
6 Deputy Attorney General

7 BILAL A. ESSAYLI
8 Acting United States Attorney

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12 /s/

13 AMANDA B. ELBOGEN
14 Assistant United States Attorney

15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA
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MEMORANDUM OF POINTS AND AUTHORITIES**I. INTRODUCTION**

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

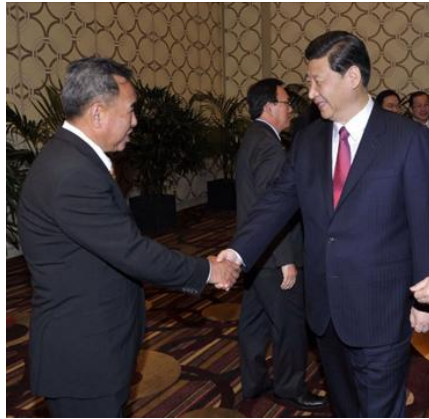
On October 27, 2025, defendant pled guilty to Count Two of the indictment, admitting he acted as an Illegal Agent of a Foreign Government in violation of 18 U.S.C. § 951. (Dkt. 28.) For the reasons set forth below, the government submits that a sentence of 60 months' imprisonment, followed by a three-year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

II. OFFENSE CONDUCT

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

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),¹
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."²



17 In a YouTube video posted on September 15, 2019,³ 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.

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25 ¹ The metadata from this photo indicates that it was likely
26 taken on May 28, 2021.

27 ² See United States v. Chen, 7:23-cr-00286-NSR (S.D.N.Y.), Dkt.
28 53 at 13.

³ The video was reposted to Twitter and can be viewed at
<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."



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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.⁴

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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24 ⁴ See United States v. Chen, 7:23-cr-00286-NSR (S.D.N.Y.). In
25 summary, Chen pled guilty to conspiring in the United States at the
26 direction of the PRC to further the PRC's campaign against
27 practitioners of Falun Gong, a spiritual practice banned in the PRC.
28 Specifically, Chen and another associate paid cash bribes on behalf
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

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

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

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

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

III. GUIDELINES CALCULATIONS

In the PSR, the U.S. Probation Office ("Probation") submitted 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

(PSR ¶¶ 36-47.) Because 18 U.S.C. § 951 has no corresponding sentencing guideline, Probation analogized to the offense guideline 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.⁵ The 2025 Annual Threat Assessment of the U.S. Intelligence
16 Community⁶ 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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24 ⁵ 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 ⁶ 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](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.

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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