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8 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,

No. CR 16-00150 BLF

11 Plaintiff,

12 SENTENCING MEMORANDUM

13 vs.

14 Date: September 27-28, 2022
15 Time: 9:00 a.m.

16 JOCELYN CONTRERAS,

17 Defendant.

18
19 _____/
20 TO THE CLERK OF THE ABOVE ENTITLED COURT, THE UNITED STATES
21 OF AMERICA AND ALL COUNSEL IN THE ABOVE ENTITLED MATTER:

22 I. INTRODUCTION AND BACKGROUND

23 Ms. Contreras is in substantial agreement with the facts and
24 calculations in the Presentence Investigation Report and the
25 Sentencing Memorandum filed by the United States.

26 As noted in the Presentence Investigation Report (hereinafter
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1 PIR) Contreras has been under government control and or
2 supervision since 2016. She cooperated with state officials and
3 served 430 days in state custody for the same type of conduct
4 before coming into federal custody. She was in in federal custody
5 for just over four months before being released on bail. She has
6 been under supervised release ever since.

7 In addition to cooperating with both state and federal
8 authorities Contreras testified for the United States at the trial
9 of co-defendant Mendoza. As noted in the Government's Sentencing
10 Memorandum the jury "... ultimately credited her testimony when it
11 convicted Mendoza."

12 While in custody and out Contreras has strived to better
13 herself and to understand how she came to be a part of the instant
14 criminal enterprise. She has undergone therapy, worked and gone
15 to school while in and out of custody. This is well documented in
16 the PIR. The remainder of this memorandum focuses on an
17 understanding, not an excuse as to how and why Ms. Contreras found
18 herself engaged in the criminal activities that lead her here.

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20 II. THE YOUTHFUL OFFENDER

21 Because adolescent development is a time of dynamic growth
22 that affects cognitive, social, emotional and biological maturity,
23 age in and of itself is not sufficient to determine whether a
24 person is criminally sophisticated.

25 Brain imaging studies reveal that adolescents lack the
26 ability to exercise mature judgment because of the biological
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1 immaturity of the brain. (National Academy of Science, *Reforming*
2 *Juvenile Justice: A Developmental Approach* (1013) p.96
3 (hereinafter "NAS Report".) Specifically,
4

5 Adolescents differ from adults and children in three
6 important ways that lead to differences in behavior; First,
7 adolescents lack mature capacity for self-regulation in
8 emotionally charged contexts, relative to adults and children
(citations). Second, adolescents have a heightened sensitivity to
proximal external influences, such as peer pressure and immediate
incentives, relative to adults (citations)

9 (Id. at p. 91, citations omitted.)
10

11 These factors account for the tendency of adolescents to
12 engage in risky behaviors that have a high probability of
13 immediate reward but can lead to harm to self or others. The
14 preference for risky behaviors rises by a third standard deviation
15 between ages 10 and 16, and declines by a half standard deviation
16 by age 26. (NAS Report at p. 91) Youth change and attain adult
17 levels of mature judgment as brain development continues into
18 their twenties. The development and maturation of the prefrontal
19 cortex is fully accomplished at the age of 25 years. (Arain et
20 al., *Maturation of the Adolescent Brain*, 9 *Neuropsychiatric*
21 *Disease & Treatment* (2013) pp. 449-461, published online by the
22 National Institutes of Health,
23 <http://www.ncbi.nlm.nih.gov/gov/pmc/articles/PMC3621648/>.)
24

25 The Supreme Court, has long recognized that children
26 "generally are less mature and responsible than adults, (*Eddings*
27 *v. Oklahoma* (1982) 455 U.S. 104, 115), and the impact of
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1 immaturity on behavior. The young "often lack the experience,
2 perspective, and judgment to recognize and avoid choices that
3 could be detrimental to them." (*Bellotti v. Baird*, 443 U.S.
4 662,635.) They "are more vulnerable or susceptible to ... outside
5 pressures" than adults. (*Roper v. Simmons* (2006) 543 U.S. 551,
6 569.) The Court has pointedly noted that "developments in
7 psychology and brain science continue to show fundamental
8 differences between juvenile and adult minds." (*Graham v. Florida*
9 (2012) 560 U.S. 48, 68.) Moreover, "children characteristically
10 lack the capacity to exercise mature judgment and possess only an
11 incomplete ability to understand the world around them." (*J.D.B. v.*
12 *North Carolina* (2011) 564 U.S. 261, 273.) The reality is that what
13 could appear sophisticated really may be the result of poor
14 choices and the inability to weigh consequences due to the
15 underdeveloped pre-frontal cortex.

16 While not a juvenile in a legal sense Ms. Contreras was just
17 18 years old when brought into Guizar-Cuellar's criminal
18 enterprise. As noted in both the PSI and the U.S. Sentencing
19 report Mr. Contreras was threatened, beaten and provided drugs by
20 a man fifteen years her senior. As noted in the PIR, "...[a]s a
21 result of the abuse Contreras suffered at the hands of Guizar-
22 Cuellar, she experienced depression, insomnia, panic attacks,
23 post-traumatic stress disorder, and flashbacks. She addressed
24 many of these conditions through mental health treatment which she
25 completed in January 2021.)

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To her youth and abuse add that she became pregnant by Guizar-Cuellar. So now you have an abused, (physically, sexually and mentally), depressed teenager who is with child. Then when the child is born said child becomes but another lever Guizar-Cuellar uses to control Contreras threatening to take the child when Contreras tries to leave.

Contreras takes full responsibilities for her actions, but like the other young girls she too was chosen by a predator. It is but a thin line that separates defendant and victim in this case. It is her attorney's job to remind the Court that she was damaged and 18.

V. CONCLUSION

Base on the foregoing Ms. Contreras requests this court to sentence her to time served.

_____/s/_____
Jack Gordon
Attorney for Defendant