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16
17 **UNITED STATES DISTRICT COURT**
18 **SOUTHERN DISTRICT OF CALIFORNIA**
19 **(HON. MARILYN L. HUFF)**

20 UNITED STATES OF AMERICA, Case No.: 23-CR-01471-001-H
21 Plaintiff, }

22 v. }

23 JINCHAO WEI, }

24 Defendant }

25 }

26 DEFENDANT'S SENTENCING
27 MEMORANDUM
28 }

29 DATE: 01/12/26
30 TIME: 1:30 p.m.

31
32 **I.**

33
34 **INTRODUCTION**

35 JINCHAO WEI (hereinafter, Mr. Wei) submits the following sentencing memorandum
36 in support of his sentencing recommendation of 30 months custody.

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STATEMENT OF FACTS

The Offense Conduct section of the PSR accurately reflects the facts in this matter aside from those objected to by Mr. Wei. Mr. Wei takes full responsibility for his conduct and expresses remorse for the damage to his community and pain suffered by his mother.

III.

GUIDELINES

Group 1:

<u>Base Offense Level [§2M3.1]:</u>	37
Adjusted Offense Level:	37

Group 2:

<u>Base Offense Level [§2M5.2]:</u>	26
Adjusted Offense Level:	26

Multiple Count Adjustment

<u>Increase in Offense Level:</u>	+0
<u>Combined Adjusted Offense Level [§3D1.4]:</u>	37
<u>Zero-Point Offender [§4C1.1(a)&(b)]:</u>	-2
<u>Acceptance of Responsibility [§3E1.1]:</u>	-2
Total Offense Level:	33
Guideline Range:	135-168

Applying relevant sentencing guidelines brings Mr. Wei's total offense level to 33. Mr. Wei has zero criminal history points, placing him in criminal history category I. This gives Mr. Wei a guideline range of 135-165 months. For the reasons below Mr. Wei requests a downward variant sentence of 30 months custody.

IV.

INDIVIDUAL BEFORE THE COURT

Mr. Wei was born in Taiyuan, China, on August 10, 2000 to the married union of Mingli Wei and Dong Chen. Only two years after his birth, Mr. Wei's parents divorced.

1 Mr. Wei's only remembers being raised by his mother, uncle, and grandmother. Mr. Wei's
 2 father never attempted to contact Mr. Wei throughout his childhood.

3 His father's absence placed the family's entire financial burden onto Mingli. As a
 4 result, Mingli frequently worked long hours out of country. With both parents absent, Mr.
 5 Wei was primarily raised by his grandmother and uncle. Being raised by his grandmother
 6 and uncle left Mr. Wei with very few fond childhood memories. Both his uncle and
 7 grandmother suffered from mental instability. Mr. Wei recalls his uncle exhibiting strange
 8 behavior. His uncle performed, what he claimed were, Buddhist rituals involving live
 9 animals. Specifically, his uncle would buy live turtles and fish and dump the live animals
 10 in the family's shared bathtub. His uncle would then let the animals die in the bathtub. His
 11 grandmother exhibited similar erratic behavior. As a diagnosed bipolar, his grandmother
 12 experienced severe mood swings. In her depressive states, Mr. Wei's grandmother
 13 displayed great hostility towards Mr. Wei.

14 His uncle's and grandmother's mental health struggles resulted in Mr. Wei's severe
 15 emotional neglect. Mr. Wei never developed meaningful relationship with his grandmother
 16 or uncle. This made Mr. Wei desperately crave attention and personal connection.

17 At around 9 years old, Mr. Wei left his home to attend boarding school. Attending
 18 boarding school proved difficult for Mr. Wei. Mr. Wei spent considerable time attending
 19 class and completing coursework. His teachers were strict and even utilized physical
 20 punishment against students. In spite of this treatment, Mr. Wei maintained good grades
 21 and earned many awards. (Exhibit-1). Aside from academics, socializing with peers also
 22 proved difficult for Mr. Wei. Mr. Wei found it incredibly challenging to connect with his
 23 peers at boarding school. His peers frequently bullied him for his apparent lack of social
 24 intelligence and inability to follow social norms. After some time, Mr. Wei managed to
 25 develop a friendly acquaintance with one other student. However, this relationship
 26 primarily consisted of checking in on one another and failed to result in any meaningful
 27 bond.

1 One of the only times Mr. Wei returned home during his boarding school tenure
2 occurred after the death of his grandmother. Upon his return home, Mr. Wei discovered
3 that his grandmother's body remained in his family's residence despite her being deceased
4 for several days. Mr. Wei silently questioned why his uncle and mother did not call
5 emergency services or have the body removed. Mr. Wei believes that his uncle prevented
6 this due to his religious beliefs. Regardless, this incident severely traumatized Mr. Wei.

7 A few years after the death of his grandmother, Mr. Wei's life underwent significant
8 change. After years of developing a long-distance relationship, Mingli got engaged to Peter
9 Lenz. The engagement prompted Mingli and Mr. Wei to relocate to Mr. Lenz's residence
10 in Delavan, Wisconsin. Although moving to a different country intimidated him, Mr. Wei
11 felt hopeful that the relocation could drastically improve his life. He was eager to leave the
12 boarding school system and the erratic behavior of his uncle.

13 At 16 years old, Mr. Wei enrolled into Delavan-Darien high School as a sophomore.
14 Mr. Wei immediately noticed a completely different atmosphere at his U.S. high school
15 compared to the boarding schools in China. Most notably, the teachers and school faculty
16 provided much better treatment for Mr. Wei. In contrast to the abusive treatment in China,
17 Mr. Wei's American teachers made him feel respected. Additionally, Mr. Wei felt that the
18 U.S. workload for students to be much more manageable. Even though Mr. Wei barely
19 spoke English, he excelled in all his courses. Using google translate to decipher his
20 coursework, Mr. Wei earned numerous academic achievements and sat atop his class.
21 (Exhibit-2).

22 Unfortunately, aside from academics, Mr. Wei's relocation to the U.S. largely fell
23 short of his hopeful expectations. Shortly after moving in, Mr. Lenz began treating Mr.
24 Wei in an abusive manner. He commonly demeaned Mr. Wei through name calling and
25 insults. Mr. Lenz was extremely critical of Mr. Wei and intentionally made him feel
26 unwelcomed at his residence. Mr. Wei dreaded his hostile home environment but was
27 unable to establish an outside support structure. Mr. Wei confronted the same social issues
28 that he experienced in China. In addition to misunderstanding social cues, the language

1 barrier severely limited Mr. Wei's ability to establish social connections. Mr. Wei's hostile
2 home environment combined with his inability to establish social connections resulted in
3 severe feelings of isolation. This resulted in Mr. Wei desperation to leave Mr. Lenz's
4 residence.

5 After graduating high school, Mr. Wei attended college but had his education
6 interrupted by the COVID-19 pandemic. During his pause in education, Mr. Wei explored
7 the possibility of pursuing a military career. Mr. Wei discovered that joining the military
8 would allow him to move out of Mr. Lenz's home and fund his education. The opportunity
9 to gain independence and financing for his higher education greatly intrigued Mr. Wei.
10 After one particularly hostile encounter with Mr. Lenz, Mr. Wei made the decision to join
11 the Navy.

12 Mr. Wei's experience in the Navy largely mirrored the other significant chapters of
13 his life. Mr. Wei immediately proved himself as a high performer and overachiever. Mr.
14 Wei sought to perform each task at the highest level possible. He utilized his inherent
15 curiosity in developing a robust understanding of his duties. His dedication and attention
16 to detail were noticed by his superiors and resulted in numerous performance-based
17 awards. Mr. Wei took immense pride in his work and appreciated the recognition of his
18 superiors.

19 Unfortunately, Mr. Wei found much less success in areas of his life that fell outside
20 his duties as a sailor. Similar to experiences as a student, Mr. Wei's limited social
21 intelligence impeded the development of peer relationships. Additionally, cultural
22 differences and language barriers further impeded Mr. Wei's ability to socialize. Mr. Wei
23 was often teased by his peers for his awkward mannerisms and ethnicity. Although Mr.
24 Wei commonly responded to this teasing with shy laughter, this treatment contributed to
25 Mr. Wei feeling isolated and unwelcomed by peer groups. Even amongst other Chinese-
26 born sailors, Mr. Wei felt judged and out of place. He only maintained shallow
27 relationships with his fellow Chinese sailors that entailed infrequent and cursory
28 communications.

1 Examining Mr. Wei's life journey uncovers an array of personal characteristics that
2 support leniency at sentencing. Mr. Wei's childhood and upbringing was far from ideal.
3 He endured abandonment, neglect, and emotional abuse. His father's abandonment and his
4 mother's job left him to be raised by two individuals who suffered from mental illnesses.
5 Their mental illnesses produced erratic behavior and prevented them from forming
6 anything close to average familial bonds with Mr. Wei.

7 Observing their behaviors failed to provide Mr. Wei with any practical instructions
8 concerning socialization. This made Mr. Wei incredibly lonely but unable to establish
9 connections with peers at school or elsewhere. His social isolation in and outside of home
10 contributed to feelings of anxiety and depression. Attending boarding school only made
11 these feelings worse. Mr. Wei was mistreated by his teachers and excluded by his peers.
12 Moving to the U.S. failed to improve Mr. Wei's mental wellbeing as he endured Mr. Lenz's
13 verbal and physical abuse. Additionally, adjusting to a new culture and dealing with a
14 language barrier further isolated Mr. Wei. Mr. Wei joined the military to escape the abusive
15 situation and gain independence. Unfortunately, joining the military failed to relieve the
16 pain of loneliness.

17 His upbringing significantly affected his growth as an individual. No matter the
18 setting or context, Mr. Wei struggles to form meaningful bonds with others. This has
19 plagued Mr. Wei throughout the entirety of his life. Mr. Wei's psychological evaluation
20 explains exactly how Mr. Wei's early trauma affects his present ability to establish personal
21 connections.

22 Mr. Wei's ability to progress and develop in spite of the abuse he suffered displays
23 tremendous perseverance. Despite early abandonment and emotional neglect, Mr. Wei
24 never acted out with destructive behavior. Instead, Mr. Wei remained well behaved and
25 developed a disciplined personality. This is truly remarkable considering that Mr. Wei
26 lacked reliable role models to provide him with guidance and support. Mr. Wei's ability to
27 develop those traits displays rare forms of perseverance and resolve. Mr. Wei displayed
28 this resolve throughout his life by consistently performing at a high level academically and

1 professionally despite dealing with severe social isolation and feelings of anxiety and
 2 depression.

3 Aside from perseverance, Mr. Wei's high performance reflects his hard-working
 4 characteristics. Throughout his life, Mr. Wei proved himself as a highly motivated
 5 individual who consistently put forth great effort to accomplish his goals. Academically,
 6 average grades never satisfied Mr. Wei. Instead, Mr. Wei desired to exceed expectations
 7 and compete with those at the top of his class. Mr. Wei carried this hard-working nature
 8 into his teenage years and early adulthood. After graduating high school, Mr. Wei desired
 9 to attend college and obtain prestigious degrees. He intended to secure lucrative
 10 employment to attain financial freedom for himself and his mother. Faced with financial
 11 and housing obstacles Mr. Wei undertook the grueling task of joining the U.S. military to
 12 accomplish his goals. Unsurprisingly, Mr. Wei's high performance in the Navy received
 13 the recognition and admiration of his peers and superior officers. (Exhibit-3).

14 Importantly, Mr. Wei's offense conduct fails to define him as an individual and in
 15 no way overshadows his true good nature. As will be discussed in detail in the following
 16 section, many factors contributed to Mr. Wei's offense conduct. It did not result from a
 17 lack of morality or a desire to engage in criminal activity. His offense conduct represents
 18 truly unprecedented behavior and a gross deviation from his true character.

19 Mr. Wei's life journey proves that his character is fully deserving of leniency at
 20 sentencing. Although plagued by abuse and misfortune, Mr. Wei strived to be a productive
 21 member of society. Adversity never extinguished his motivation and Mr. Wei prevented it
 22 from negatively shaping his character. Unfortunately, early trauma and a severe lack of
 23 personal connections throughout his life took a heavy toll on Mr. Wei's mental health.
 24 However, this psychological fragility is not the fault of Mr. Wei or a testament of his
 25 character. Instead, Mr. Wei's vast accomplishments and impressive resolve accurately
 26 define him as an individual.

27 **V.**

28 **NATURE AND CIRCUMSTANCES OF THE OFFENSE**

1 Andy took advantage of Mr. Wei's naïve nature to significantly influence his actions.
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8 Mr. Wei's psychological profile left him particularly vulnerable to Andy's demands.
9 Mr. Wei suffered from a severe lack of personal connection. Aside from his mother, Mr.
10 Wei completely lacked any meaningful personal connections. He talked to some other,
11 Chinese born, U.S. Navy members but only through social media. While deployed and
12 while at base Mr. Wei only had professional human interaction. The various messages and
13 phone calls clearly demonstrate that Andy worked to establish a personal relationship with
14 Mr. Wei. Andy positioned himself as a confidant and mentor to Mr. Wei. Most of the
15 conversations focused on Mr. Wei's personal and work life. Andy not only became
16 someone Mr. Wei could confide in; he also provided guidance and emotional stability.
17 Aside from his mother, Mr. Wei's connection to Andy quickly became his strongest
18 personal relationship.

19 Mr. Wei's lack of prior meaningful personal relationships undoubtable contributed
20 to his anxiety and depression at the time of the offense. His lack of prior relationships also
21 explains why Mr. Wei completely lacked the ability to set boundaries with Andy or assert
22 himself and his desires. Mr. Wei desperately craved human connection and was eager to
23 please one of the only individuals to ever show him interest.

24 Mr. Wei's psychological state during the offense conduct stands as strong
25 mitigation. Mr. Wei's actions were in no way the result of any hatred or animosity towards
26 the U.S. Government nor were they a means to get rich. Mr. Wei provided Andy with
27 information simply because he was asked to do so and he did not fully recognize the harm
28 in doing so. Importantly, in the beginning of the communications, Mr. Wei decided not to

1 talk to Andy immediately after becoming suspicious that he worked for Chinese
2 intelligence. Mr. Wei clearly told Andy that he could not do what he requested from him.
3 This prompted Andy to call Mr. Wei. During this call, Andy convinced Mr. Wei that what
4 he was asking him to do was not espionage. Andy pretended to be a private businessman
5 that was interested in obtaining basic naval and logistical knowledge. This conversation
6 convinced Mr. Wei that Andy had no sinister intentions and that he genuinely valued Mr.
7 Wei's knowledge.

8 Mr. Wei's communications with his mom prove that he completely failed to grasp
9 the gravity of his actions. Mr. Wei believed that the information he provided to Andy did
10 not qualify as secret information required for espionage. This was shown in conversations
11 between Mr. Wei and his mother that said his work was not of the secret kind. Mr. Wei
12 knew the information he provided was readily accessible online. He eagerly explained
13 things to Andy due to Mr. Wei's genuine interest in the subject matter. He did not sell Andy
14 the information in a common-sense manner. He agreed to give Andy information without
15 first confirming whether or not he would receive compensation. In fact, it was Andy who
16 kept insisting that he would pay Mr. Wei. It took Mr. Wei months to finally provide his
17 PayPal information to Andy. His apparent indifference to payment further shows that Mr.
18 Wei believed he had a casual relationship with Andy and not a covert and highly risky
19 endeavor.

20 Additionally, factors like the insider threat training and the manner in which the
21 documents were uploaded through a fake website failed to put Mr. Wei on notice that he
22 was engaged in espionage. As proven at trial, there were no solid mechanisms to ensure
23 participants learned any of the information provided in the insider threat training. Although
24 there were test assessments, participants could simply click next without reading any of the
25 material and still obtain the certificate of completion. Mr. Wei did not even remember
26 taking the course or any of information provided therein. Uploading the documents through
27 a fake website also failed to put Mr. Wei on notice. Mr. Wei believed Andy wanted him to
28 upload documents in this manner to bypass security measures implanted by the Chinese

1 government. Mr. Wei believed that Andy wanted to conceal this from the Chinese
 2 government due to his position at a private shipbuilding company.

3 Even without considering Mr. Wei's explanation, the evidence presented at trial
 4 shows that this is far from an average espionage case. Mr. Wei's communications both
 5 with and about Andy display a very odd relationship. Andy clearly established good report
 6 with Mr. Wei and the two mainly discussed personal issues. Andy made sure to always ask
 7 Mr. Wei how him and his mother were doing. He gave Mr. Wei career advice and
 8 frequently inquired about his plans for the future. Given that it was one of the only people
 9 he got to communicate with, Mr. Wei clearly enjoyed communicating with Andy. This
 10 relationship stands in sharp contrast to an individual engaging in espionage out of
 11 patriotism or financial gain.

12 **VI.**

13 **THE REQUESTED SENTENCE IS SUFFICIENT BUT NOT GREATER THAN**
 14 **NECESSARY**

15 The requested sentence is entirely sufficient considering Mr. Wei's background,
 16 family, acceptance of responsibility and remorse.

17 The requested sentence adequately furthers the goals of sentencing. On retributive
 18 grounds, Mr. Wei's requested sentence adequately punishes Mr. Wei. Mr. Wei's requested
 19 sentence constitutes a considerable amount of time in custody. Mr. Wei will lose much of
 20 his young adulthood behind bars. Incarceration will be particularly hard on Mr. Wei due to
 21 his social issues and mental health conditions. His post-arrest incarceration has only
 22 worsened his feelings of isolation and significantly increased his anxiety and depression.
 23 Other inmates mistreat and criticize him due to his lack of social awareness. Mr. Wei's
 24 mother remains his only real support figure outside of custody. Additionally, once released
 25 from custody, Mr. Wei will have a serious criminal record following him for the rest of his
 26 life. Living in the digital age and the highly publicized nature of his case, will severely
 27 limit Mr. Wei's opportunities in perpetuity. Mr. Wei will be punished for his conduct long
 28 after the conclusion of any custodial sanction.

1 Similarly, Mr. Wei's requested sentence adequately serves utilitarian goals. This
 2 experience has squarely instructed Mr. Wei on the fault of his actions. Any ignorance to
 3 the severity of his actions has been sufficiently erased. Mr. Wei now understands the
 4 immense potential damage that these actions could have caused. Additionally, Mr. Wei
 5 understands the negative impact his actions have had on himself and his mother. This event
 6 has changed both of their lives forever and will deter Mr. Wei from committing similar
 7 future conduct.

8 Mr. Wei's requested sentence also sufficiently serves general deterrence grounds.
 9 Mr. Wei's requested sentence is squarely in line with similarly situated defendants who
 10 have been convicted of similar conduct. On September 4, 2025, Michael Schena received
 11 a federal sentence of 48 months custody for conspiring to collect and transmit national
 12 defense information to individuals he believed to be working for the government of the
 13 People's Republic of China. (Eastern District of Virginia 1:25-CR-158). There were even
 14 more aggravated facts in Mr. Schena's case, in which he met with Chinese government
 15 officials at a hotel in Peru and received a special cell phone used to send pictures of
 16 classified documents once he returned to the U.S. He also received payment at this meeting.

17 A. Factors Diminishing Risk of Recidivism

18 There are many factors that reduce Mr. Wei's risk of recidivism. First, the nature of
 19 Mr. Wei's offense conduct makes similar future conduct unlikely. Mr. Wei's conviction
 20 makes it so that he will never have such access to such type of documents ever again.
 21 Additionally, Mr. Wei will be placed on an extensive probationary period once released
 22 from custody that will assuredly contain conditions that monitor and restrict his internet
 23 usage. These safeguards will ensure that Mr. Wei cannot engage in any similar conduct
 24 long after his release from custody. Regardless, Mr. Wei has absolutely no desire to commit
 25 similar future acts. He understands the inherent danger in such conduct and possesses
 26 absolutely no desire to harm the U.S. in any manner.

27 Second, Mr. Wei's access to resources and solid plans for the future significantly
 28 increase his chances of successfully reintegrating back into society. Mr. Wei will reside

1 with Mingli upon being released from custody. Having a stable residence will allow Mr.
2 Wei to achieve his plans for the future. Mr. Wei wants to utilize the resources made
3 available by probation to reintegrate in the best manner possible. He intends to attend an
4 online trade school and get certified in a field like electrical or welding. Such a career
5 choice will allow Mr. Wei to earn a respectable and steady income. These fields of work
6 will allow Mr. Wei to be self-employed in case his criminal record impedes him securing
7 employment at a company.

8 Lastly, aside from professional aspirations, Mr. Wei plans to join a church group.
9 Joining this kind of group will have a profound impact on Mr. Wei's reintegration. Having
10 a stable community that provides human interaction and connection will hopefully solve
11 the major problems that have plagued Mr. Wei throughout his life. Since his socialization
12 issues largely contributed to his offense conduct, being a part of a tight knit community
13 will significantly reduce Mr. Wei's risk of recidivism.

14 *B. Mr. Wei's Decision to go to Trial should not be Viewed as an Aggravating Factor
15 at Sentencing.*

16 Mr. Wei's decision to go to trial should not be weighed against him for purposes of
17 sentencing. Mr. Wei's previous attorneys wholly failed to discuss possible plea agreements
18 with Mr. Wei. His prior attorney made him feel that going to trial was his only option.
19 Additionally, his prior attorney never reviewed discovery with Mr. Wei and only had three
20 brief meetings with him throughout nearly two years of representation. This completely
21 left Mr. Wei in the dark about the weight of evidence against him and benefits of pleading
22 guilty.

23 Once Mr. Wei retained Sean Jones as his attorney the only plea deal available
24 required Mr. Wei to plead guilty to the naturalization fraud charge. A conviction for
25 naturalization fraud likely results in loss of citizenship and deportation. Regardless of the
26 immigration consequences, Mr. Wei could not plead guilty because he maintained his
27 innocence of that charge. Mr. Wei's subsequent acquittal of naturalization fraud at trial
28 provides merit to Mr. Wei's decision not to accept the government's only plea offer.

In light of these factors, Mr. Wei's decision to go trial should not presently be held against him. Mr. Wei's accepts the wrongfulness of his actions but was never provided the opportunity to come to an agreement with the government. Mr. Wei was only made aware of a plea offer weeks before his trial. Not only did the plea offer carry significant immigration penalties but Mr. Wei had legitimate reasons to reject it.

VII. CONCLUSION

For these reasons, Mr. Wei respectfully requests that the Court sentence him to 30 months custody.

DATE: January 5, 2026

Respectfully submitted,

s/Sean Jones
SEAN JONES
Attorney for Defendant
JINCHAO WEI

s/Michael Bertola
MICHAEL BERTOLA
Attorney for Defendant
JINCHAO WEI

I HAVE ELECTRONICALLY NOTIFIED
ALL PARTIES AS TO THE FILING OF
THIS DOCUMENT

s/Michael Bertola
Michael Bertola

Exhibit-1









Exhibit-2

Delavan-Darien High School
Academic Letter Award



This is to certify that

Jinchao Wei

Has been awarded this Certificate for
Outstanding Academic Achievement.


Robert C. Crisp
SUPERINTENDENT

May 1, 2017
DATE


Jim Kusch
PRINCIPAL

Delavan-Darien High School
Academic Letter Award



This is to certify that

Jinchao Wei

Has been awarded this Certificate for
Outstanding Academic Achievement.


Robert C. Crisp
SUPERINTENDENT

April 30, 2018
DATE


Jim Kusch
PRINCIPAL

Delavan-Darien High School Academic Letter Award



This is to certify that
Jinchao Wei
Has been awarded this Certificate for
Outstanding Academic Achievement.


SUPERINTENDENT

April 29, 2019
DATE


PRINCIPAL

Student Achiever Award

JINCHAO WEI

name of student

has been recognized for academic success by



**uw
credit
union**

Delavan-Darien High School

school

grade 12 on April 29, 2019





Cecilia Gore
Executive Director
Brewers Community Foundation




Craig Cawcett
Manager
Milwaukee Brewers Baseball Club



President's Education Awards Program



presented to

Jinchoa Wei

in recognition of

Outstanding Academic Achievement

2019

Betsy DeVos

U.S. Secretary of Education

Jim Karedes
Principal

Donald Trump
President of the United States
Delavan-Darien High School
School

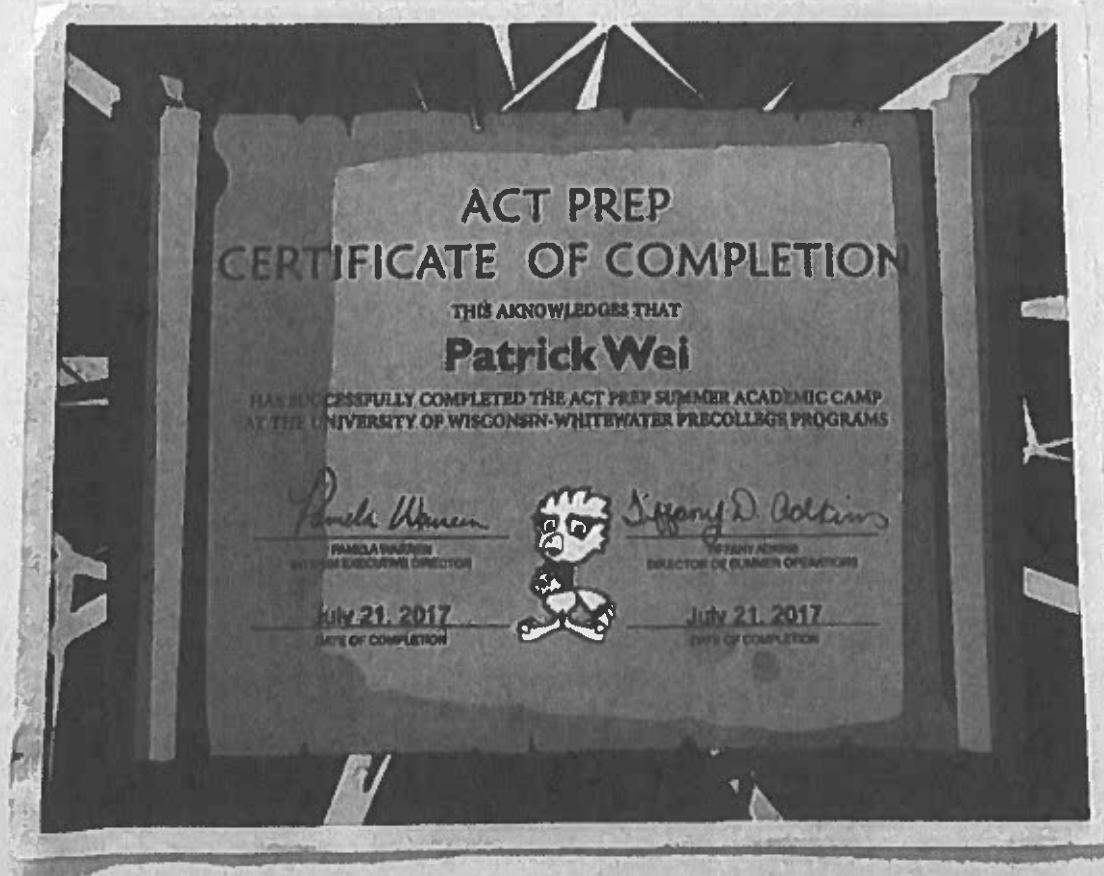


Exhibit-3



20:56



SWESC Great Lakes's post

Like

Comment

Share



Congratulations to Fireman Jinchao Wui for graduating top of your class. keep up the hard work while attending a school.

You and 1 other



RECRUIT HONOR RIBBON



is presented to
Fireman Jinchao Wei

for demonstrating superior performance throughout Basic Military Training in the areas of academics, physical readiness, recruit leadership, and commitment to Navy core values.

24 September 2021



LCDR Katy T. Bock, USN
Military Training Director, Recruit Training Command