

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

23 Cr 317

NHI NGOC MAI LE

MEMORANDUM REQUESTING CLEMENCY

With the permission of Ms. Nhi Ngoc Mai Le, I make the following plea for clemency and intreat the Court to follow the Sentencing Recommendation of the Office of United States Probation. Mai Le was misled by Vietnamese language internet servers and believed she must come to Washington on January 6th, 2021 to prevent a Communist takeover of her safe haven -- the United States.

Mai Le grew up in a rural village in Vietnam. Members of her family had been imprisoned and killed under the Communist Regime. She and her parents escaped to the United States when she was nineteen. Since her arrival in the United States she has lived and worked in an insular, tiny community. Her fear of Communism and her limited understanding of the English language, led her to accept and to believe the misinformation of a Vietnamese Internet "influencer". She and her high school friends were terrified of this anti-Democratic Party propaganda. Within her insular world,

she had limited access to information to balance or to confront the misinformation.

Mai Le has begun to educate herself and to try to listen to other sources of information. She has seen the democratic transition and has experienced three years of the presidency of Joseph Biden. She is no longer terrified. She has learned of her mistake. She wishes to participate more fully in her community. In order to participate, she must continue to study English as a Second Language. When she is competent in spoken English, she will be able to study about government, history and civics. She assures the Court she will never repeat her mistakes surrounding January 6th, 2021.

I spent my young adult years agonizing about the situation in Vietnam and the young men from my high school who had been drafted to fight. In the late seventies my friends and roommates worked with the Hmong and other Vietnamese refugees in displacement centers around the world. I agonized over the boat people and the fate of the Vietnamese people who had supported the United States and had been left behind.

When I was appointed to represent Nhi Ngoc Mai Le I thought I might know what had driven her to come to Washington and to participate in the events of January 6, 2021. I believed I knew her hopes and her fears, before I ever spoke to her. In September 2023, she confirmed that her fear of Communism impelled her to come to Washington.

Nhi Ngoc was born in a rural village in Vietnam. According to Wikipedia:

" Vietnam is a [developing country](#) with a lower-middle-income economy. It has [high levels of corruption](#), [censorship](#), [environmental issues](#) and a poor [human rights record](#); the country [ranks among the lowest](#) in international measurements of [civil liberties](#), [freedom of the press](#), and [freedom of religion and ethnic minorities](#)." Wikipedia Att. 1

Her family had supported the United States until the U.S. withdrawal in 1974. When the troops were withdrawn, many of her family members were imprisoned or "lost". She grew up in a society where her family was isolated and stigmatized by their earlier political affiliations. One uncle had escaped to the United States. In 2015 when Nhi Ngoc was nineteen, she fled Vietnam with her brother and her parents for the United States. After multiple moves, the family now lives in Montgomery, Illinois. She and her parents, brother and husband share a home. There is a miniscule Asian community in Montgomery. She has worked in a Vietnamese Nail Salon with her husband since her arrival. Her exposure to information has been very limited due to language barriers and the isolation of her family.

As Mai Le explains

" I endeavored to learn English, but understanding political matters and various events posed a formidable challenge. Unable to grasp TV news, I relied on YouTube summaries, particularly from a YouTuber named Tran Maico, who claimed to be a lawyer. His information raised concerns about the U.S. turning communist, reviving memories of childhood fears. This led me to participate in the events at Washington DC on January 6th."

Since September, Mai Le she has made efforts to educate herself about the events surrounding January 6th. She tried to understand the House Committee Select Hearings on January. 6th, but the language barrier made comprehension too difficult. After listening for several hours, she gave up. She has been reading as much as possible and has used Google Translate and other on line applications to help her to understand books on United States History and Government. She has read A Young Peoples History of the United States, by Howard Zinn. She has written a book report on the book. Att. 2.

She has spoken to counsel about her awakened interest and understanding of politics and our electoral system. When she came to Washington in January 2021, she was very scared that the United States would turn into a Communist Country should Biden would win. She was influenced by You Tube News TranmaicoUsa. Mai Le writes:

" Now it's been three years since Biden became president and everything hasn't been bad. My life is still normal. So perhaps everything was exaggerated by Tran Maico. I went to Washington in response to Trump's call on social media. I'm no longer afraid. Now I have different goals to focus on. I want to prioritize family and career, rather than following politics. I know that Biden is the lawful president of the United States. I feel shame and remorse. It's embarrassing. I love this country deeply. I even have a tattoo on my hand with the date I arrived in the United States. When the news portrayed me as a troublemaker, a terrorist at the Capitol, I felt devastated and ashamed. If given a chance to redo my life, I would not have

gone to DC on January 6th. The events of that day have caused me a lot of pain for a long time. "

Mai Le has rejected the incorrect information which led her to come to Washington. She continues to try to learn about civics and U.S. government. She is working to help her parents and her brother. She is a new mother with an infant daughter. She would like to study English as a Second Language. As a nursing mother of a newborn, she has limited time to return to school. Once her daughter attends school she hopes to be able to read all of her daughter's school books and to learn about United States government along with her child.

In the future, she hopes to have the opportunity to attend community college to improve her English language skills and thereafter to take classes on United States History, United States Government and Civics. She understands how central understanding spoken English is, to access reliable information. She hopes to never again believe propaganda, because of the inadequacies of her language skills. She wishes to improve her communication skills for herself, for her family and for her daughter.

Linda Wolff, United States probation Officer states in her Recommendation to the Court::

" Regarding just punishment, a sentence of two years' probation is recommended in this case. The sentence is sufficiently punitive to address

the goals of sentencing. The instant offense reflects the defendant's first involvement with the criminal justice system. All the personal history and characteristics of the defendant are mitigating. The probation office contends the community is better served with the defendant receiving a sentence of probation which allows the defendant to continue working, continue paying taxes, and continue volunteering. "

Mai Le became a mother this past December. At this time she is a full time mother to her beautiful daughter. She is breast feeding the baby and would like to be able to stay home with her child and to continue to care for her. I attach family photographs for the Court. Att. 3

We beg the Court to recognize the mitigating factors that led to Mai Le's involvement in the events of January 6, 2021. Although most of the individuals who came to Washington three years ago were misinformed and manipulated by their so called leaders, Mai Le was much more vulnerable to misinformation, because of her isolation and her limited access to reliable information. Her family history and the insularity of her life and work in the United States, allowed her fear of Communism to be stirred into action by YouTube propaganda in the Vietnamese language. She had limited access to other sources, which might balance or to counter the disinformation.

In January 2021 Mai Le was unsophisticated, and uneducated about United States civics. She faced a formidable language barrier. She lived in a small suburb of Chicago. Her family and the workers at the Nail Salon were the only Vietnamese speakers. She has come to understand her naive and

gullible acceptance of untruths. She is embarrassed and remorseful and aspires to overcome her great mistake. She was misled. She will not be fooled again.

It took great courage for Mai Le and her family to come to the United States. It even took courage go to Washington on January 6th. It has taken great courage and resolution for Mai Le to recognize and acknowledge her mistakes and to take responsibility for her criminal conduct.

On September 19, 2023, the day I first spoke to Mai Le, she asked me please to help her enter a plea of guilty. She did not wish to see any photographs or videos supplied by the Government. She acknowledged what she had done, and she accepted and believed her conduct was very wrong. She requested the Government afford her the opportunity to accept responsibility as soon as possible.

On her behalf, on October 4, 2023, I requested the Government arrange an early plea. AUSA Mumma complied with the request. Mai Le reviewed and returned the signed documents on October 20, 2023. An early plea was accepted by this Court November 8, 2023.

Nhi Ngoc Mai Le was inside the U.S. Capitol for under five minutes. She did not destroy any property nor participate in assaultive conduct. Her entry into the U.S. Capitol was criminal conduct. While misinformation had led her to believe the United States was in danger of a Communist takeover, her experience on January 6, 2021 and in the three years that have followed, have taught her the beliefs were unfounded. She accepts responsibility for

her unlawful conduct. Since her arrest she has been cooperative with PTS, and the Office of U.S. Probation

Mai Le is a new mother. She is whole heartedly remorseful. On February 26, 2024, she will speak to the Court from her heart and will be available to answer any questions or concerns. She hopes the Court will impose a Sentence that will permit her to remain at home to care for her newborn daughter.

What sentence best promotes justice for Mai Le and benefits and safeguards the community? In this case Mai Le's criminal involvement was caused by her fear, compounded by her isolation and by her lack of information. I propose a Sentence which would expand this young woman's knowledge and her experience in the United States. She is a good candidate for a Sentence of Probation with an educational component.

Instead of requiring hours Community Service in the traditional sense, I propose a service agreement which would expand Mai Le's horizons and help her to become an active and responsible citizen and perform work to heal the world.

I propose first, that Mai Le register to vote. This will allow her to become a poll watcher. I propose she volunteer to become a poll watcher in the 2024 election. Her hours of training would count as community service hours. She agrees to do this. Att. 4

I propose she also join the Appalachian Trail Club. She would meet and work with individuals beyond her family and her co workers at the nail salon. She would repair trails and forests around Montgomery, Illinois. This

would expand her experience, require her to develop speaking and listening skills and help to heal the earth. She agrees to do this. Att. 5

I propose she volunteer with HIAS or another similar group. She would tell her story to other refugees and help them to enter our diverse community, even as she better integrates into the community herself. She agrees to do this. Att. 6

I propose she join the Kiwanis or another non-profit outreach group to promote her spoken English skills, and to tell her story to young people to promote community and help students better understand the world. She agrees to do this. Att. 7

Mai Le can perform community service while she learns about her community. Every step forward for Mai Le is a step upward for her daughter, for her family and for her community.

As a special Condition of Probation she should also study English as a Second Language. Thereafter, she could fulfill her dream to study United States History, Government and Civics at Wambonsee or Elgin Community College. Att. 8

On behalf of Mai Le we request the Court grant clemency and follow the recommendation of Linda Wolff of the Office of United States Probation for a non custodial sentence to allow Mai Le to care for her infant daughter at home . She will pay restitution and court costs in a timely manner. She will participate in educational and community service as ordered by the Court.

Respectfully submitted,

_____/s/_____

H. Heather Shaner, DC Bar 273276
Appointed by the Court for Nhi Ngoc Mai Le

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