

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**CRIMINAL MINUTES**

**Date:** February 5, 2024

**Time:** 2:35-3:11 PM  
**Total Time:** 36 min

**Judge:** Edward J. Davila

**Case No.:** 5:18-cr-00312 EJD

**Case Name:** *United States v. Xiaolang Zhang* (P) (NC)

**Attorney for Plaintiff:** Marissa Harris

**Attorney for Defendant:** Daniel Olmos

**Deputy Clerk:** Cheré Robinson

**Court Reporter:** Irene Rodriguez

**Probation Officer:** Cindy Suntay

**PROCEEDINGS - SENTENCING**

Defendant present and not in custody. Hearing held.

The Court GRANTS the Government motion for downward departure pursuant to U.S.S.G. § 5K1.1 for a two-level deduction.

The Court GRANTS a variance.

The Court sentenced Defendant as follows:

Defendant is sentenced to 120 days as to Count One of the Indictment (ECF No. 5, filed July 12, 2018). Defendant is committed to the Bureau of Prisons to be imprisoned for said term.

Upon release from imprisonment, the Defendant shall serve a term of 3 years supervised release as to Count One of the Indictment. The Court adopts the Probation Officer's recommendations as to the standard and special conditions of supervised release.

A special assessment fee of \$100.00 is imposed. The Court imposes no fine.

The Court Orders restitution in the agreed amount of \$146,984.00. The Court further adopts the restitution payment schedules as recommended by the Probation Officer.

Defendant shall self-surrender on June 19, 2024, by 2:00 p.m. to the designated facility; if a facility has not been designated, Defendant shall self-surrender to the U.S. Marshal's office. All present conditions of release remain in effect until such surrender.

The Court makes the following recommendation: This is a non-violent offense, the Defendant has no history of violence or other convictions, and the Defendant has no affiliation with any gangs, gang members or gang activity. The Court recommends the Defendant be designated to a minimum-security camp-type facility as close as possible to San Jose, California, where Defendant's family resides.

The Court further orders Defendant's interest in the following items, previously seized, forfeited to the United States:

Item Number	Description
1B54	Split from 1B14, Item 8: TSMC & Marvell Semiconductor proprietary documents
1B53	Spilt from 1B8, Item 2; Lecture 290 documents (non-proprietary)
1B22	Item 16: Marvell Semiconductor Confidential and proprietary documents and one (1) notebook
1B18	Item 12: One (1) Seagate hard drive, serial number NA7X2Z49
1B17	Item 11: One (1) Omata hard drive
1B14	Item 8: Marvell Semiconductor confidential and proprietary documents and notebooks
1B12	Item 6: An Apple Laptop, serial number C02VV9AWHTD6
1B10	Item 4: Samsun Laptop, serial number ZB5093DS604037W
1B9	Item 3L Apple Confidential Titan documents and business card
1B8	Item 3: Marvell Semiconductor confidential and proprietary documents
1B7	Item 1: Apple confidential packet
1B5	One (1) Apple MacBook Laptop, serial number C1MRQ4B8H3QK