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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW HOANG DO,

Defendant.

No. 8:24-CR-126-JVS

GOVERNMENT'S SENTENCING POSITION;
EXHIBITS

Hearing Date: June 9, 2025
Hearing Time: 10:00 a.m.

Plaintiff United States of America, by and through its counsel of record, the United States Attorney's Office for the Central District of California, hereby files its sentencing position for defendant ANDREW HOANG DO ("defendant").

The government's position is based upon the attached memorandum of points and authorities, the files and records in this case, the Presentence Report ("PSR") and disclosed recommendation letter, any other evidence or argument that the Court may wish to consider at the time of sentencing, and the following government exhibits:

Government's Exhibit #	Exhibit
1.	Declaration of James Harman and Exhibits A-D
2.	Mission Country Escrow Receipt for \$350,000 on July 18, 2023
3.	Video: "An Orange County Community Hero" (Lodged separately)
4.	Video: "2020 Neighborhood Meal Delivery Program I" (Lodged separately)
5.	California Fair Political Practices Commission Stipulation and Order re Andrew Do, July 2022
6.	"Andrew Do cannot be trusted. He should resign from the OC Board of Supervisors," OC REGISTER, Nov. 30, 2023
7.	"Andrew Do: Shame on the OC Register editorial board for calling for my resignation," OC REGISTER, Dec. 2, 2023
8.	Press Release from Orange County Supervisor Andrew Do, Dec. 20, 2023
9.	"When Vietnamese refugees made their new homes in America, they built Little Saigon communities across the country," OC REGISTER, Apr. 25, 2025

Dated: May 19, 2025

Respectfully submitted,

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TABLE OF CONTENTS

<u>DESCRIPTION</u>	<u>PAGE</u>
TABLE OF AUTHORITIES.....	ii
I. INTRODUCTION.....	1
II. SUMMARY OF RELEVANT FACTS.....	3
A. Defendant Steered COVID Relief Funds to His Co-Conspirators in Exchange for Bribes.....	3
B. VAS Defrauded the County by Failing to Provide Meals.....	6
III. THE GOVERNMENT'S POSITION.....	8
A. Defendant Stole Funds Intended to Feed Elderly and Disabled Victims at the Height of the Pandemic.....	9
B. Defendant Involved Family Members in the Scheme to Hide the Bribes Directed to Him.....	11
C. Defendant's Criminal History Fails to Account for his Prior Violations of Public Trust.....	12
D. Defendant's Attempts to Minimize His Knowledge of the Offense Are Unconvincing Given His Legal and Professional Background.....	13
E. Defendant's Public Denials and Attacks on the Press Are Aggravating.....	15
F. Defendant's History is not Mitigating.....	17
IV. CONCLUSION.....	18

TABLE OF AUTHORITIESDESCRIPTIONPAGEStatutes

18 U.S.C. § 371..... 11

18 U.S.C. § 3553(a)..... 12

Sentencing Guidelines

U.S.S.G. § 2B1.1..... 7

U.S.S.G. § 2C1.1..... 7, 11

U.S.S.G. § 5G1.1..... 8

Articles

Roseline Uzoamaka Obeta & Edwin Ihechituru Edwin, *Review of the Impact of Corruption on Public Trust in Government: A Comparative Study of Developed and Developing Countries*, 13 ARABIAN J. BUS. & MGMT. REV. 21 (2024)..... 2

Jonathan C. Reid et al., *COVID-19, Diffuse Anxiety, and Public (Mis)Trust in Government: Empirical Insights and Implications for Crime and Justice*, 49 CRIM. JUST. REV. 117 (2024) 3

United Nations Office on Drugs and Crime, "Module 1: What is Corruption and Why Should We Care?," UNODC Module Series on Anti-Corruption..... 2

Yahong Zhang & Min-Hyu Kim, *Do Public Corruption Convictions Influence Citizens' Trust in Government? The Answer Might Not Be a Simple Yes or No*, 48 AM. REV. PUB. ADMIN. 686 (2018) 2

MEMORANDUM OF POINTS AND AUTHORITIES**I. INTRODUCTION**

At a time when millions of Orange County residents were facing economic insecurity and an unprecedented public health crisis, they turned to their government for help. As part of the largest economic stimulus in our country's history, Congress allocated trillions of dollars in an attempt to blunt the impact of the crisis, approximately \$1 billion of which was directed to Orange County (the "County"). These funds were intended to provide social services and aid public welfare in the midst of immeasurable suffering. The County's residents trusted their elected representatives to use these funds to fight hunger, maintain safety, and aid those most in need -- including the County's elderly and disabled citizens. During this time of hardship, the people needed leadership, compassion, and integrity. Instead, they got Andrew Do.

Over the course of four years, between 2020 and 2024, defendant Andrew Do ("defendant") used his position as the Supervisor for Orange County's First District to steer millions of dollars to his personal associates in exchange for hundreds of thousands of dollars in bribes. When the County and nation were at their most vulnerable, defendant saw an opportunity to exploit the chaos for his own benefit and, in so doing, betrayed the trust of hundreds of thousands of his constituents. The scheme was far-reaching and premeditated, and defendant had no qualms about pulling others into his criminal enterprise, including his own children.

Public corruption is a unique form of democratic sabotage.¹ It is a form of systemic harm that erodes the core trust upon which a self-governing society relies. Unlike conventional crimes, which typically affect specific victims or involve direct economic harm, public corruption also undermines the implicit social contract between citizens and the state. It signals to the public that merit, fairness, and law are subordinate to favoritism, nepotism, and personal gain.

This sabotage of democratic infrastructure has cascading effects: it reduces voter participation, breeds cynicism and disengagement, and empowers extremist movements that thrive on distrust. It can be more corrosive than overt violence in destabilizing democratic norms, because it operates subtly, behind closed doors, infecting institutions that are meant to embody impartiality. The pandemic era was notable for the degree to which

¹ There have been numerous empirical studies demonstrating the adverse impact corruption has on public trust and other negative consequences. See generally, Roseline Uzoamaka Obeta & Edwin Ihechituru Edwin, *Review of the Impact of Corruption on Public Trust in Government: A Comparative Study of Developed and Developing Countries*, 13 ARABIAN J. BUS. & MGMT. REV. 21 (2024) ("One of the most significant consequences of corruption is its impact on public trust in government."); Yahong Zhang & Min-Hyu Kim, *Do Public Corruption Convictions Influence Citizens' Trust in Government? The Answer Might Not Be a Simple Yes or No*, 48 AM. REV. PUB. ADMIN. 686 (2018) ("Empirical research largely has verified the negative effects of corruption . . . [I]f the fight against corruption is aggressive, trust in government may be improved or restored."); United Nations Office on Drugs and Crime, *Module 1: What is Corruption and Why Should We Care?*, UNODC MODULE SERIES ON ANTI-CORRUPTION at 12-18, available at: <https://grace.unodc.org/grace/academia/module-series-on-anti-corruption.html> (including "rising illiberal populism," "increasing polarization and unrest," and "public frustration and cynicism" among the consequences of political corruption.)

1 the public lost faith in the integrity of its government.²

2 Defendant's actions undoubtedly contributed to that loss.

3 Thus, in addition to the economic harm suffered by Orange
4 County and its citizens, the Court's sentence should reflect this
5 broader systemic harm. The Court should treat defendant's crimes
6 not merely as theft or fraud by a public official, but as an assault
7 on the very legitimacy of government. To fail to impose serious
8 consequences is to signal that self-dealing by the powerful is a
9 tolerable feature of government. A substantial sentence, by
10 contrast, acts as a form of institutional self-defense, reaffirming
11 that public office is a trust, not a tool for exploitation.

12 To this end, the United States requests that defendant be
13 sentenced to the statutory maximum of 60 months of imprisonment, to
14 be followed by a three-year term of supervised release. The
15 government further asks the Court to order that he pay restitution
16 to the County of Orange in an amount to be determined later.
17 Through this sentence, the Court can ensure defendant is properly
18 held accountable.

19 **II. SUMMARY OF RELEVANT FACTS**

20 The facts below are taken from the Pre-Sentencing Report (PSR)
21 and from the plea agreement (Dkt. 3) filed on October 22, 2024.

22 A. Defendant Steered COVID Relief Funds to His 23 Co-Conspirators in Exchange for Bribes

24 Defendant was elected to the Orange County Board of Supervisors
25 and became the District One Supervisor in 2015. (PSR ¶ 11.)
26

27 ² See Jonathan C. Reid et al., *COVID-19, Diffuse Anxiety, and*
28 *Public (Mis)Trust in Government: Empirical Insights and Implications*
for Crime and Justice, 49 CRIM. JUST. REV. 117, 119-120 (2024)

1 As part of its duties, the Board of Supervisors determines how
2 to allocate Orange County's multi-billion-dollar budget. When the
3 pandemic hit in 2020, Orange County received approximately \$544
4 million in federal funds pursuant to the Coronavirus Aid, Relief,
5 and Economic Security Act (CARES Act). The CARES Act was an
6 economic stimulus bill meant to address fallout from the closing of
7 businesses and other reduced economic activity. (PSR ¶ 13.)

8 In 2021 and 2022, Orange County received another \$616.8 million
9 in federal funds from the Coronavirus State and Local Fiscal
10 Recovery Fund (SLFRF) that was authorized pursuant to the American
11 Rescue Plan Act (ARPA) of 2021. SLFRF funding was intended to
12 support the economy and public services, as well as address public
13 health and other economic challenges. (Plea Agreement p.13.)

14 On June 2, 2020, the Board of Supervisors allocated \$5 million
15 of CARES Act funding to the County's Nutrition Gap Program, for the
16 delivery of meals to the homes of seniors 60 years and older, and to
17 people living with disabilities. (PSR ¶ 16.) The \$5 million was
18 split amongst the five districts, with each of the five supervisors
19 allocated \$1 million to direct to emergency contracts with vendors.
20 (PSR ¶ 15.)

21 That same month, in June 2020, defendant's co-conspirator
22 incorporated Viet America Society (VAS) as a non-profit entity.
23 (PSR ¶ 16.) Starting in December 2020, VAS entered into contracts
24 with the County to deliver meals under the Nutrition Gap Program.
25 (PSR ¶ 16.) Defendant's 23-year-old daughter, Rhiannon Do, was
26 purportedly an officer of VAS, but was actually the conduit through
27 which co-conspirator #1 funneled bribes to defendant. (PSR ¶¶ 16,
28 18.)

1 From 2021 to 2023, defendant used his supervisor position to
2 steer and vote in favor of more than \$10 million worth of County
3 contracts to VAS. These contracts consisted of: (1) December 31,
4 2020, \$200,000 contract for Nutrition Gap Program services; (2) May
5 3, 2021, \$3,999,996 contract for Nutrition Gap Program services; (3)
6 December 20, 2022, \$2.2 million grant for meal gap programs; (4)
7 August 15, 2023, \$3 million grant for senior congregant meal
8 program; (5) October 5, 2023, \$1 million grant for Vietnam War
9 Memorial in Mile Square Park; (6) January 1, 2023, \$125,000 contract
10 for mental health and wellbeing services; and (7) July 1, 2023,
11 \$250,000 contract for mental health and wellbeing services. (Plea
12 Agreement p.15.) From January 2021 through October 2023, VAS
13 received over \$10 million from the County as a result of these
14 contracts. (PSR ¶ 16.)

15 In return for these contracts, defendant's co-conspirators paid
16 defendant's daughter, Rhiannon Do, \$8,000 per month between
17 September 2021 and February 2024. (PSR ¶ 19.) The payments,
18 totaling \$224,000, came from County funds sent to VAS. (PSR ¶ 20.)
19 VAS wrote checks to Company #1, which in turn made the payments to
20 Rhiannon Do. (PSR ¶ 20.)

21 In addition to the \$224,000 above, in July 2023, Company #1
22 transferred \$381,500 of the funds it had received from VAS to an
23 escrow company, so that Rhiannon Do could buy a \$1,035,000 house in
24 Tustin. On July 17, 2023, defendant's chief of staff sent him a
25 "scope of services" document to be used as a template for a new
26 County grant to VAS. (Gov. Ex. 1 (Declaration of James Harman and
27 Exhibits) at Decl. ¶ 3(a) and pp.5-8.) On July 18, defendant sent
28 back an edited version of the document, which removed the

1 requirement that VAS provide any minimum number of meals and a term
2 stating that VAS would not be reimbursed for meals that were not
3 provided. (Id. at Decl. ¶¶ 3(b)-4, pp.21-22.) That same day,
4 Company #1 transferred \$350,000 to the escrow company for Rhiannon
5 Do's house. (Gov. Ex. 2 (Escrow Receipt).) Then, the following
6 day, on July 19, 2023, defendant's chief of staff sent the "scope of
7 services" document to a County employee, asking that it be used to
8 support a \$3 million grant to VAS. (Gov. Ex. 1 at Decl. ¶ 3(c), pp.
9 15-18.) This money was a bribe to defendant in exchange for
10 defendant obtaining County contracts and grants for VAS. (PSR
11 ¶ 23.)

12 Co-conspirators also paid, as a bribe, \$100,000 to defendant's
13 other daughter in October 2022. Part of this money was funneled
14 from VAS through an air conditioning company, which cut checks to
15 this daughter. (PSR ¶ 24.)

16 Aside from indirectly benefiting from the payments made to his
17 family, defendant directly benefited himself. He used \$14,849 of
18 the funds paid to his daughters to pay property tax for two
19 properties in Orange County that defendant owned with his wife.
20 Defendant used another \$15,000 to pay off his credit card bill.
21 (PSR ¶ 25.) In total, defendant received more than a half-million
22 dollars in bribe money. (PSR ¶ 28.)

23 B. VAS Defrauded the County by Failing to Provide Meals

24 Defendant's bribery scheme with VAS was not only corrupt, it
25 also turned out to be a fraud on the County, as VAS was not
26 providing the meals to elderly and disabled residents as it had
27 promised. Of the approximately \$9.3 million that the County paid to
28 VAS, VAS only spent about 15% (\$1.4 million) on providing meals.

1 (PSR ¶ 26.) A significant amount of the rest was instead spent on
2 the aforementioned bribes, the purchase of a commercial property in
3 the name of Company #1, payments to the co-conspirators, and
4 payments to other companies affiliated with VAS and its officers.

5 (PSR ¶ 26.) Co-conspirators also withdrew hundreds of thousands of
6 dollars as cash. (Id.)

7 Defendant knew that County funds were being used to pay him
8 bribes, and recklessly disregarded whether the remainder of the
9 contracted amount was being used properly. (Plea Agreement p.18.)
10 Notwithstanding that fact, in 2023, defendant shot online videos to
11 promote VAS, in which he claimed that VAS was providing 2,700 meals
12 per week. (PSR ¶ 27.) In one of those videos, posted by defendant
13 on May 24, 2023, defendant discussed how “[s]tay-at-home orders
14 coupled with a lack of access to transportation caused many seniors
15 to face food insecurity,” and proclaimed VAS’s owner to be “a
16 selfless community hero” who was “feeding 1,350 people” per week.
17 (Gov. Ex. 3 (Video: “An Orange County Community Hero”), lodged
18 separately; also available at
19 <https://www.youtube.com/watch?v=K8YiG2gerE8>.)

20 The USPO determined that the base offense level for the
21 violation of 18 U.S.C. § 371 is 14 pursuant to § 2C1.1, because
22 defendant was a public official and the offense involved a
23 conspiracy to defraud. (PSR ¶¶ 37-38.) The USPO then
24 applied a two-level enhancement under U.S.S.G. § 2C1.1(b)(1), for
25 more than one bribe. (PSR ¶ 40.) A 14-level enhancement applied,
26 pursuant to §§ 2C1.1(b)(1)(2) and 2B1.1(b)(1)(H), for bribes
27 totaling more than \$550,000 but less than \$1.5 million. (PSR ¶ 42.)
28 Defendant then received another +4 levels under § 2C1.1(b)(2) for

1 being an elected public official, as well being a public official in
2 a high-level decision-making position. (PSR ¶ 44.)

3 After applying a three-level decrease for acceptance of
4 responsibility, and a two-level decrease under the zero-point
5 offender provision, the USPO arrived at a total offense level of 29.
6 (PSR ¶ 54.)

7 Defendant had zero criminal history points, resulting in
8 criminal history category I. (PSR ¶¶ 56-59.) A total offense level
9 of 29 and category I yields a guidelines range of 87 to 108 months
10 imprisonment, but this was capped by the statutory maximum sentence
11 of 5 years. (PSR ¶ 96.) Under § 5G1.1(a), the guidelines range
12 became 60 months.

13 In its disclosed recommendation letter, the USPO recommends a
14 sentence of 48 months' imprisonment, which would be the equivalent
15 of a one-level variance from the 60-month range. The USPO also
16 recommends a three-year period of supervised release, no fine, and a
17 mandatory special assessment of \$100.

18 **III. THE GOVERNMENT'S POSITION**

19 The government agrees with the USPO's calculations as to
20 offense level and criminal history. However, a downward variance
21 from the already reduced guidelines range is not justified in light
22 of the sophistication of the scheme, the myriad aggravating factors,
23 and the \$10 million that was stolen from taxpayers through the
24 fraudulent contracts. As such, and in light of the applicable
25 sentencing factors in 18 U.S.C. § 3553(a), the government submits
26 that the statutory maximum sentence of 60 months' imprisonment is
27 most appropriate.

1 Public corruption is always serious, especially when committed
2 by an elected representative. Nonetheless defendant's crime is
3 shocking even by this heightened standard. Defendant's bribes were
4 not only in service of favoritism, nepotism, and personal gain --
5 they were in facilitation of a fraud that targeted some of the most
6 vulnerable members of our community. Defendant literally sold out
7 his most defenseless constituents for his own personal gain during
8 global medical emergency when they needed him for their very
9 survival.

10 A. Defendant Stole Funds Intended to Feed Elderly and
11 Disabled Victims at the Height of the Pandemic

12 The County's Nutritional Gap Program was intended to address
13 food insecurity for senior citizens and disabled persons during the
14 COVID crisis, when it was difficult for those individuals to go to a
15 grocery store, and when some would be risking their lives to do so.
16 As evidenced by the tens of millions of dollars the Board of
17 Supervisors allocated to this program, taking care of these
18 vulnerable citizens was a critical priority. Well aware of this
19 fact, defendant repeatedly and publicly took credit for the millions
20 in dollars he claimed to have dedicated to the program.

21 On April 26, 2020, defendant appeared in a video, later sent
22 out across the County, proclaiming, "I decided to launch the
23 Neighborhood Meal Delivery Program in the First District" to help
24 "[o]ur most vulnerable community members, our seniors and families
25 with children with disabilities, [who] face daily challenges when it
26 comes to food and groceries." (Gov. Ex. 4 (Video: "2020
27 Neighborhood Meal Delivery Program I"), lodged separately; also
28 available at <https://www.youtube.com/watch?v=9IFfGztpssg&list=PLR->

gzOpEmLjhivoMplhuyDWRD4qWJRG0G&index=2.) Defendant preached the importance of these programs to rake in political capital for his supposed good deeds. Meanwhile, behind closed doors, the millions of dollars in funds allocated to this purpose were actually being siphoned off by defendant and his cronies. Some of this money was used to pay defendant bribes - including the down payment on a \$1 million house for his 23-year-old daughter. Millions more were squandered lining the pockets of defendant's co-conspirators.

This was not a victimless crime. These funds were intended to provide life-sustaining support to the most exposed residents of the County, many of whom were homebound, isolated, and without means of accessing food. (See Dkt. 31, Victim Impact Statement of the County of Orange, at 1 ("Orange County senior citizens were particularly vulnerable. They could not leave their homes for fear of contracting the disease. Many could not work and could not afford to buy food.")) The defendant's actions left these people without access to the basic assistance they were promised and desperately needed. Because defendant touted the amount of support these communities were receiving, the public and other governmental and non-governmental organizations were left unaware that these people had been abandoned. The consequences of this fraud is measured not only in dollars, but in empty stomachs and worsened health conditions. When examining the nature and circumstances of the offense under § 3553(a)(1), the Court should consider the dire circumstances brought on by global upheaval, and that the nature of the offense involved defendant's callous exploitation of those conditions for personal gain.

1 B. Defendant Involved Family Members in the Scheme to Hide
2 the Bribes Directed to Him

3 In order to muddy the trail of funds leading from the County
4 back to him, defendant recruited his two daughters to act as
5 recipients of the bribes. While defendant could have routed the
6 money directly to himself, this would have heightened his own risk
7 of being discovered. Instead, defendant chose to involve his family
8 in his crime, broadening the conspiracy and exposing them to
9 prosecution. This was not only deceptive, it was strategic. It was
10 not a spur-of-the-moment lapse of judgment, but a sustained effort
11 to evade scrutiny through manipulation of personal relationships and
12 familial trust.

13 Involving his family demonstrates defendant's troubling
14 willingness to draw others into his corruption. It reveals a deeper
15 level of moral indifference and desire to protect himself above all
16 else - even at the risk of exposing his children to legal jeopardy.
17 Both daughters have experienced repercussions from their involvement
18 in the offense. Defendant's other daughter lost her job, while
19 Rhiannon Do signed a diversion agreement with the government (Plea
20 Agreement at pp.29-34) and also faces consequences to her potential
21 career as an attorney. (PSR ¶ 75.)

22 It should go without saying that defendant's use of his family
23 to receive bribes is aggravating, not mitigating. Should defendant
24 try to argue that the bribes he personally received were small by
25 comparison to what his daughters received, or that the amount of
26 bribes to which he agreed in his plea agreement - well over a half
27 million dollars - overstates his criminality, the Court should treat
28 the argument with the utmost skepticism.

1 C. Defendant's Criminal History Fails to Account
2 for his Prior Violations of Public Trust

3 Under § 3553(a), the Court should consider the history and
4 characteristics of the defendant when imposing its sentence.
5 Defendant has received the benefit of being a zero-point offender, a
6 guideline the government agrees should apply. However, in assessing
7 his history and characteristics, the Court should consider that
8 defendant's lack of criminal convictions does not mean he has not
9 previously violated the public trust or that he is truly a "first
10 time offender." Defendant previously served on the Board of
11 CalOptima, an Orange County-organized health system that administers
12 health insurance programs for low-income children, adults, seniors,
13 and people with disabilities. During that time, the California Fair
14 Political Practices Commission (FPPC) concluded that in 2017,
15 defendant "participated in making, and attempted to use his official
16 position to influence governmental contracting decisions involving a
17 participant who contributed to his campaign," in violation of
18 California's "pay-to-play" statute. (Gov. Ex. 5 (July 2022 FPPC
19 Stipulation and Order); also available at
20 [https://fppc.ca.gov/enforcement/EnfDivCaseResults/stipulated-](https://fppc.ca.gov/enforcement/EnfDivCaseResults/stipulated-agreements/2022-sdo/july-sdo/andrew-do.html)
21 [agreements/2022-sdo/july-sdo/andrew-do.html](https://fppc.ca.gov/enforcement/EnfDivCaseResults/stipulated-agreements/2022-sdo/july-sdo/andrew-do.html).) The FPPC imposed a
22 \$12,000 penalty for the violations. (Id.)

23 These instances of prior corruption should have served as a
24 warning or deterrent for defendant, but instead appear to have
25 emboldened him. The fact that it was merely an administrative
26 penalty does not reduce its relevance - defendant had previously
27 been rebuked for not taking adequate precautions when it came to
28 government ethics. Rather than being remorseful for his failure and

1 taking steps to prevent a recurrence, his conduct escalated, which
2 warrants a significant sentence.

3 D. Defendant's Attempts to Minimize His Knowledge of the
4 Offense Are Unconvincing Given His Legal and Professional
5 Background

6 The defendant's conduct, and his current attempts to downplay
7 his knowledge of wrongdoing, are egregious given his background as a
8 licensed attorney, former public defender, and former prosecutor.
9 Defendant served as a Deputy District Attorney in Orange County from
10 1998 to 2006. As an officer of the court, defendant swore to uphold
11 the law, protect the public, and serve the interests of justice.
12 Instead, he weaponized his legal knowledge and authority to commit
13 and conceal public corruption of the highest order. That betrayal
14 demands a higher sentence.

15 Few understand the boundaries of lawful conduct more clearly
16 than a former prosecutor. In his written statement to the Court,
17 defendant characterizes his offense as "not objecting to the
18 purchase of a house and not seeing it as an implicit bribe." (PSR
19 ¶ 33.) He claims, in remarkable contrast with the actual facts,
20 that it was only in "retrospect" that he saw "the evil of allowing
21 this non-profit (whose money came from the county) to assist my
22 daughter in purchasing a home." (PSR ¶ 33.) Defendant's attempts
23 to minimize his conduct are absurd. As a lawyer and former
24 prosecutor, defendant would of course know that a nonprofit
25 organization cannot buy a house for someone's private benefit.
26 Defendant's actions are particularly more despicable considering he
27 was the elected official that diverted funds to the nonprofit, and
28 that the nonprofit's charitable mission was to provide meals to
vulnerable county residents during a global pandemic. Defendant's

1 claim that he did not recognize his actions as wrong until after the
2 fact is ridiculous.

3 Defendant personally edited contracting documents to remove
4 controls on a \$3 million grant on the very day his daughter received
5 hundreds of thousands of dollars to purchase a house. (Gov. Ex. 1 at
6 Decl. ¶¶ 3(b)-4, pp.21-22.) The purchase of the house required
7 false information with fabricated documents in the mortgage
8 application (PSR ¶ 23); defendant's other daughter received \$100,000
9 cash funneled through an air conditioning company (PSR ¶ 24); and
10 defendant used cash given to his daughters to pay some of his own
11 expenses (PSR ¶ 25). These uncontested facts make it impossible
12 that defendant was, at the time, simply "blinded" and "did not want
13 to see the payments for what they were (an implied bribe)." (PSR
14 ¶ 33.)

15 In reality, defendant knew precisely what he was doing when he
16 accepted bribes, diverted public funds, and laundered the proceeds
17 through his daughters. He had been an elected public official for
18 nearly 15 years, including his time on the Board of Supervisors and
19 prior tenure as a member of the Garden Grove City Council. His
20 actions were not borne of ignorance or confusion, they were
21 deliberate violations of the very laws he once enforced. The legal
22 profession holds a unique place of trust in our system of justice,
23 and the public is entitled to expect that attorneys, especially
24 those who have served as prosecutors, will conduct themselves with
25 integrity. When someone in that position uses their training and
26 experience to subvert justice instead of uphold it, the harm is
27 profound. It corrodes public confidence not just in government, but
28 in the legal system itself.

1 A serious sentence is therefore necessary to reflect the
2 heightened breach of trust, to deter other public officials and
3 attorneys from similar misconduct, and to reinforce the principle
4 that those who are sworn to uphold the law will be held to the
5 highest standard when they choose to break it.

6 E. Defendant's Public Denials and Attacks on the
7 Press Are Aggravating

8 Another aggravating factor warranting a statutory maximum
9 sentence is defendant's response when his misconduct was first
10 uncovered - not by law enforcement, but by the media. Rather than
11 acknowledging wrongdoing or expressing remorse, defendant doubled
12 down. He issued emphatic denials, publicly condemned the OC
13 Register's editorial board, and even went so far as to call for the
14 firing of the journalist who had first broken the news of his
15 misconduct.

16 On November 30, 2023, the editorial board of the OC Register
17 called on defendant to resign his position as a County Supervisor,
18 citing allegations related to the conduct for which defendant has
19 now pled guilty. (Gov. Ex. 6 ("*Andrew Do cannot be trusted. He*
20 *should resign from the OC Board of Supervisors,*" OC REGISTER, Nov. 30,
21 2023); also available at:
22 [https://www.ocregister.com/2023/11/30/andrew-do-cannot-be-trusted-](https://www.ocregister.com/2023/11/30/andrew-do-cannot-be-trusted-he-should-resign-from-the-oc-board-of-supervisors)
23 [he-should-resign-from-the-oc-board-of-supervisors.](https://www.ocregister.com/2023/11/30/andrew-do-cannot-be-trusted-he-should-resign-from-the-oc-board-of-supervisors)) In response,
24 defendant wrote his own editorial, not only denying the now-
25 confirmed allegations, but attacking those trying to bring the truth
26 to light. Defendant called the Register's article "a political hit
27 piece," "gross misinformation," and accused the paper of misleading
28 its readers. (Gov. Ex. 7 ("*Andrew Do: Shame on the OC Register*

1 *editorial board for calling for my resignation,”* OC REGISTER, Dec. 2,
2 2023); also available at:
3 [https://www.ocregister.com/2023/12/01/andrew-do-shame-on-the-oc-](https://www.ocregister.com/2023/12/01/andrew-do-shame-on-the-oc-register-editorial-board-for-calling-for-my-resignation.)
4 [register-editorial-board-for-calling-for-my-resignation.\)](https://www.ocregister.com/2023/12/01/andrew-do-shame-on-the-oc-register-editorial-board-for-calling-for-my-resignation.) He also
5 attacked the “objectivity” and integrity of the journalist that
6 originally broke the story, while simultaneously defending the
7 integrity of VAS and its owner. (*Id.*) Defendant further issued an
8 official press release calling on that journalist to be
9 “immediately” fired, accusing him of falsifying material, and again
10 defending himself, his daughter, and VAS. (Gov. Ex. 8 (Press
11 Release, Dec. 20, 2023³).)

12 Defendant’s response is deeply troubling; it was not merely
13 defensive— it was retaliatory. It was a calculated attempt to
14 discredit those who sought to hold him accountable and to chill
15 further investigation. Rather than confronting the truth, the
16 defendant sought to delegitimize it. His actions sent a clear
17 message: that the real threat, in his view, was not corruption or
18 the misuse of public funds, but the exposure of those facts to the
19 public.

20 This kind of public obfuscation and intimidation is aggravating
21 because it undermines both the rule of law and the essential
22 function of a free press in a democratic society. It reflects a
23 continuing effort to avoid responsibility, distort the public
24 narrative, and protect his own interests at the expense of truth and
25 transparency.

26 ³ Also available at [https://s3.documentcloud.org/documents/](https://s3.documentcloud.org/documents/25463656/andrew-do-press-release-calling-on-laist-to-fire-nick-gerda.pdf)
27 [25463656/andrew-do-press-release-calling-on-laist-to-fire-nick-](https://s3.documentcloud.org/documents/25463656/andrew-do-press-release-calling-on-laist-to-fire-nick-gerda.pdf)
28 [gerda.pdf](https://s3.documentcloud.org/documents/25463656/andrew-do-press-release-calling-on-laist-to-fire-nick-gerda.pdf)

1 Even now, these actions cast doubt over whether the defendant
2 has taken full responsibility for his conduct. His early,
3 aggressive denials and attacks show not contrition, but contempt-
4 for the truth, for accountability, and for the public he was elected
5 to serve.

6 F. Defendant's History is not Mitigating

7 In recommending a downward variance, USPO points to defendant's
8 experiences with violence and poverty in war-torn Vietnam. (PSR
9 ¶¶ 67, 114.) The government does not challenge the difficulty of
10 defendant's upbringing. However, it is undoubtedly the case that
11 his experiences were shared by many members of the Vietnamese
12 community that relocated to Orange County following the war- many of
13 whom became defendant's constituents. (Gov. Ex. 9 at 7 ("*When*
14 *Vietnamese refugees made their new homes in America, they built*
15 *Little Saigon communities across the country,*" OC REGISTER, Apr. 25,
16 2025); also available at:
17 [https://www.ocregister.com/2025/04/25/when-vietnamese-refugees-made-](https://www.ocregister.com/2025/04/25/when-vietnamese-refugees-made-their-new-homes-in-america-they-built-little-saigon-communities-across-the-country)
18 [their-new-homes-in-america-they-built-little-saigon-communities-](https://www.ocregister.com/2025/04/25/when-vietnamese-refugees-made-their-new-homes-in-america-they-built-little-saigon-communities-across-the-country)
19 [across-the-country](https://www.ocregister.com/2025/04/25/when-vietnamese-refugees-made-their-new-homes-in-america-they-built-little-saigon-communities-across-the-country)). Yet despite that shared experience, defendant
20 betrayed his fellow members of the community whom he had promised to
21 serve, and stole millions of dollars in taxpayer funds that were
22 intended to help them. Defendant should not be able to claim his
23 past entitles him to a lighter sentence when his conduct victimized
24 others in his community who likely dealt with the same challenges
25 without turning to crime.

26 If anything, defendant's past is aggravating. Given his
27 history, defendant understood better than most the hardship elderly
28 members of his community experienced when many of them also fled

1 war-torn Vietnam. His childhood experiences with poverty should
2 have taught him the pain that comes from a hungry stomach in times
3 of crisis, and his experiences as a refugee should have made him
4 realize the stress endured by those without a job or financial
5 support. Armed with those lessons, defendant still made the
6 decision to abandon the elderly, sick, and impoverished during a
7 national emergency so that he could personally benefit. Defendant's
8 background is not mitigating. It merely proves he knew the
9 consequences of his actions better than most, but nevertheless chose
10 to serve his own greed over his community.

11 **IV. CONCLUSION**

12 Both the nature and circumstances of this crime, along with the
13 defendant's personal history and characteristics, warrant a higher -
14 not a lower - sentence. This case is rife with aggravating factors,
15 and given that defendant has already received the benefit of a
16 statutory maximum beneath the otherwise applicable guidelines range,
17 there is no reason to vary downward further.

18 In order for the sentence to reflect the seriousness of the
19 offense, promote respect for the law, provide just punishment, and
20 provide general deterrence to similar criminal conduct, the
21 government requests that the Court sentence defendant to 60 months'
22 imprisonment; a three-year term of supervised release; and the \$100
23 mandatory special assessment. The government further recommends the
24 defendant be ordered to pay restitution in an amount to be
25 determined at a deferred restitution hearing.