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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 JOHNNATAN ZELAYA IZAGUIRRE,

17 Defendant.

) **CASE NO. 3:22-cr-00331 WHO**

) **SENTENCING MEMORANDUM OF THE**  
) **UNITED STATES**

) Sentencing Date: September 14, 2023

) Time: 1:30 p.m.

) Courtroom: 2, 17<sup>th</sup> Floor  
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**CONTENTS**

I.	INTRODUCTION .....	1
II.	SUMMARY OF OFFENSE CONDUCT .....	2
A.	Social Media Targeting and Grooming.....	2
B.	Knowledge of Girls’ Ages .....	3
C.	Intentional Targeting of Teenage and Vulnerable Girls Online .....	3
D.	“Management” and Direction .....	4
E.	Hands-On Conduct.....	4
F.	Targeting his Driving Students .....	6
G.	Undercover Investigation.....	7
H.	Possession of Child Pornography .....	7
I.	Criminal Charges and Plea.....	7
III.	GUIDELINES CALCULATION .....	8
IV.	LEGAL STANDARD.....	9
V.	UNITED STATES’ RECOMMENDATION .....	10

**TABLE OF AUTHORITIES**

Page(s)

**Cases**

<i>Ashcroft v. Free Speech Coalition</i> , 535 U.S. 234 (2002).....	13
<i>New York v. Ferber</i> , 458 U.S. 747 (1982).....	13
<i>United States v. Carty</i> , 520 F.3d 984 (9th Cir. 2008) .....	10

**Statutes**

18 U.S.C. § 2422(b) .....	8
18 U.S.C. § 3553(a) .....	10
18 U.S.C. §§ 2252(a)(2).....	8
18 U.S.C. §§ 2252(a)(4)(B) .....	8

**Rules**

U.S.S.G. § 2G1.3 .....	9
U.S.S.G. § 2G2.1 .....	9
U.S.S.G. § 4B1.5.....	9

1 **I. INTRODUCTION**

2 At least seven minor victims. At least eight years of conduct. Hundreds of sexually explicit  
3 photos and videos. Over and over again, Johnnatan Zelaya Izaguirre used social media to identify,  
4 groom, and then exploit vulnerable teenage girls. After identifying the girls—who were often  
5 vulnerable for more reasons than just their age—Izaguirre complimented their appearances, tempted  
6 them with monetary rewards, and ingratiated himself as their “friend.” At times, he also leveraged his  
7 position of power as a driving instructor and as a former cop (a lie). His grooming paved the way for  
8 Izaguirre to coerce and entice girls into creating sexually explicit photos and videos while they were still  
9 minors.

10 His sexual predation extended beyond the keyboard. Of the seven girls named in the  
11 Superseding Information, he had sex with three: two while they were under 18, and one after she turned  
12 18 (but whom he met and victimized when she was under 18). He approached or sexually harassed  
13 several other driving students.

14 Izaguirre intentionally targeted minor girls. He trained them to delete messages, hide messages  
15 from their parents, and use covert methods to communicate with him. In 2015, he was chastised by his  
16 sister over email for having a relationship with a minor. Despite that direct confrontation by a loved  
17 one, he continued to prey on teenagers over and over again until his arrest in 2022.

18 Izaguirre’s conduct is long-standing, far-reaching, and, in a word, egregious. The United States  
19 respectfully requests that the Court accept the Plea Agreement, which recommends a sentence of  
20 between 12.5 to 18 years’ imprisonment. This range is appropriate when considering the totality of  
21 Izaguirre’s conduct alongside his early and fulsome acceptance of responsibility. It is also appropriate  
22 given the statutory maximum of 20 years’ imprisonment on three of the five counts.

23 A sentence of at the higher-end of the range in the Plea Agreement is appropriate given the  
24 number of victims (seven in the Superseding Information), Izaguirre’s abuse of positions of power (both  
25 real and fictitious), the longevity of Izaguirre’s conduct (spanning from 2013 to early 2022), and the risk  
26 of Izaguirre re-offending (which he did again and again over the years despite knowing the illegality of  
27 his actions). The government thus respectfully requests a sentence of 18 years’ imprisonment, followed  
28 by a term of 15 years of supervised release, as recommended by Probation.

## II. SUMMARY OF OFFENSE CONDUCT

Izaguirre was, until his arrest, an owner and instructor at a driving school in Redwood City California. PSR ¶ 15. Alongside that day job, Izaguirre fashioned himself as a “manager” for young women and teenage girls seeking to sell sexually explicit content online. He found his “clients” in one of two ways: over social media or through the driving school itself.

### A. Social Media Targeting and Grooming

Over social media, Izaguirre’s outreach was extensive. Using social media, he approached girls online then aged 14 to 17—including Minors 1, 2, 3, 4, 5, and 6 in the Superseding Information. Plea Agmt. ¶ 2. His online outreach followed a similar script. After introducing himself as “Johnny,” he engaged in friendly conversation and eventually persuaded the girls to create sexually explicit content. *Id.* He often expressed sexual interest in the girls. *See* PSR ¶¶ 46, 65. He complimented their appearances. PSR ¶ 65. He talked about wanting to have sex with them. PSR ¶ 64. For some girls, he mentioned he was a police officer, making them feel safe. PSR ¶ 64 (Minor 6); PSR ¶ 62 (Minor 5). He took steps to allegedly “protect” their identity, too, by being a “buffer” between customers paying for the content. *See* PSR ¶ 62. He offered one victim an apartment to stay. PSR ¶ 58. For one girl, he even pretended to be another teenage girl named “Brittany” who, like the minor, grew up in foster care. PSR ¶ 54-55. He offered one girl a secretary position at his office. PSR ¶ 77.

In short: Izaguirre groomed the minor girls. Then he exploited them.

Essential to his efforts to coerce the girls was the temptation of financial rewards. For example, in a June 2018 message from Izaguirre to Minor 1, he broke down the cost for different types of videos—either nude or non-nude. Plea Agmt. ¶ 2. According to Minor 1, she made about \$1300 over 3-4 months working with “Johnny” by creating sexually explicit content. PSR ¶ 42. He denies making any personal profit from Minor 1, however, as he was waiting for her work to become more profitable. Plea Agmt. ¶ 2. In August 2020, Izaguirre explained to Minor 6 that he “figured out a way to make money off of” his Instagram accounts by selling “nudes” through premium Instagram accounts. He added: “We were making anywhere from \$400-\$600 a month doing them.” PSR ¶ 39. In April 2021, Izaguirre asked Minor 2 whether she had “considered selling again” because she was newly single, adding “I started working with a new girl from scratch and I made her \$800 the first month.” PSR ¶ 39.

**B. Knowledge of Girls' Ages**

Izaguirre knew his online targets, including the girls mentioned in the Superseding Information, were minors. As an example, in a June 20, 2018 message to Minor 1, he implored: “Make sure to delete our Kik messages daily”; “If anything happens. You told me you were 18.” PSR ¶ 33(a). He then instructed Minor 1 not to use her full name on Instagram “so they can’t find you. What I mean is I don’t want them looking you up with your first and last name. I am being extra careful with you because of your age.” PSR ¶ 33(g).

In October 2016, Izaguirre reached out to Minor 2 over Instagram after she posted a photo of her driving permit showing her date of birth and stating “Age 21 in 2021.” PSR ¶ 37. Minor 2 was 15 at the time. At some point, Izaguirre told Minor 2 “you’re so cute and innocent” and “you look like a little kid.” PSR ¶ 46.

Izaguirre also knew Minors 3, 4, 5, and 6—all of whom he met online—were under age. *See* PSR ¶ 48 (Izaguirre approached Minor 3 on Instagram when she was 16 years old; her birthday was displayed in her profile); PSR ¶ 59 (Minor 4 told Izaguirre she was 17 years old before his visit to her home city); PSR ¶ 63 (in the plea, Izaguirre agreed he approached Minor 5 over Instagram when she was 15 or 16); PSR ¶ 64 (Izaguirre approached Minor 6 on Instagram when she was 16 years old).

**C. Intentional Targeting of Teenage and Vulnerable Girls Online**

The evidence supports not only that Izaguirre knew his online targets—including all the girls named in the Superseding Indictment—were minors, Plea Agmt. ¶ 2, but also that he intentionally targeted them *because* they were minors. A November 23, 2018 video appears to be a “promo” video directed at persuading other girls to work with Izaguirre. PSR ¶ 37(g). In the video, a girl talks about how she was really comfortable working with “Johnny” and how he made “you” feel safe and protected. *Id.* She says she knows you might worry about your age and it getting out, but that she is sixteen and feels really comfortable and safe that her identity and age are not out there. *Id.*

The girls he targeted were vulnerable in ways beyond their age. One girl grew up in foster care. PSR ¶ 55. Another girl reports not having a “good home life.” PSR ¶ 61. Another had a boyfriend who was blackmailing her; she was also attending mental health treatment following a psychiatric hospitalization. PSR ¶ 64. Still another grew up in a group home. PSR ¶ 77.

**D. “Management” and Direction**

In his outreach to girls online, Izaguirre marketed himself to the girls as a “manager” of their explicit content. Plea Agmt. ¶ 2. As he explained in one December 14, 2021 conversation:

*This is an oversimplification but if you’re interested I can go into more details. Basically I divide the work into 2 parts. The model (you) takes care of creating content, talking to clients, doing lives or whatever else you feel comfortable doing. I take care promoting, growing and expanding your media presence. I talk to clients and get sales. If I find a sugar daddy, I initially talk to them but then you take over. I edit, post and distribute content. I run multiple social media accounts and I cross promote.*

See Exhibit A (extracted page from Redwood City Police Department report). After successfully identifying and persuading girls to “work” with him, Izaguirre would help direct what child pornography they created. See also PSR ¶ 33(f) (directing Minor 1 to make sexually explicit videos and “just save them to drive and I will post them for you”); PSR ¶ 40 (according to Minor 1, Izaguirre acted as her “manager” and would tell her what types of provocative photos or videos customers requested); PSR ¶ 45 (according to Minor 2, Izaguirre said he could be her “manager,” encouraged her to create nude photos of herself, and directed her to take nude images and videos); PSR ¶ 57 (Minor 4’s friend, who was 15 or 16 years old, reported Izaguirre was her “manager” and would produce and then sell erotic photos and videos for her); PSR ¶ 61-62 (Izaguirre “ran” the Instagram page for Minor 5 and would pose as her on Instagram to “protect her identity”).

In messages from 2018, Izaguirre instructed Minor 1 on where to take the video (e.g., the shower or away from the wall vent and air conditioner); how to take a video (e.g., a tripod and placing herself “in front of the camera”); and what sexual act to do in the videos (e.g., with sex toys). See PSR ¶ 33. According to Minor 1, Izaguirre even bought the sex toys for her and, when she refused to send pictures or videos, Izaguirre threatened to leak pictures to everyone she knew. PSR ¶¶ 41-42. At times, he would direct her to create videos to appease customers’ sexual fetishes. PSR ¶ 33(h).

**E. Hands-On Conduct**

For certain girls, Izaguirre’s conduct was not limited to online contact.

**Minor 3.** Izaguirre has admitted to having a “romantic and sexualized relationship” with Minor 3 before she turned 18. Plea Agmt. ¶ 2. Izaguirre admitted that the relationship began in approximately November 2013 when Minor 3 was around 16 years old and that, “I knew her age.” Plea Agmt. ¶ 2.

1 In messages from October 2014, Minor 3 messaged Izaguirre with a picture of her hospital wrist  
 2 band stating her age (17) and birthday. PSR ¶ 34(b). Minor 3 then mentions her plan to live with  
 3 Izaguirre “once I am 18,” when she wouldn’t need to “sneak[] around.” *Id.* Izaguirre responds that he  
 4 loves her and “Your mom gonna kill us If she finds out.” Minor 3 says: “Nope, she’ll just have to kick  
 5 me out.” Izaguirre responds: “You mean try to put my ass in jail.” *Id.*

6 At one point, Izaguirre flew to Minor 3’s home state, where he had a sexual encounter with  
 7 Minor 3 in a hotel room. PSR ¶ 50. According to Minor 3, Izaguirre recorded the encounter, which she  
 8 had not agreed to record. *Id.* At another point, Izaguirre showed up at Minor 3’s home with balloons;  
 9 she had never provided her address to Izaguirre. PSR ¶ 51.

10 When Minor 3 was 18, she moved to San Francisco to live with Izaguirre. PSR ¶ 52. He told  
 11 her to keep quiet about her age while she was living with him. *Id.*

12 **Minor 4.** Izaguirre approached Minor 4 online under the false pretenses of being a teenage girl  
 13 named “Brittany.” PSR ¶ 54. They bonded over both growing up in foster care. PSR ¶ 55. After a few  
 14 months, Minor 4 realized the profile was actually Izaguirre, an adult male. PSR ¶ 56. He explained that  
 15 the “Brittany” profile was a way to promote his modeling business. *Id.* Izaguirre also tried to recruit  
 16 Minor 4 to be one of his “models” in exchange for money. PSR ¶ 58.

17 Just before her 17<sup>th</sup> birthday, Izaguirre visited Minor 4 in her home town in Northern California.  
 18 PSR ¶ 59. Before her visit, Minor 4 told Izaguirre that she was 17 years old. *Id.* When they met,  
 19 Izaguirre and Minor 4 had sexual intercourse—and Izaguirre filmed their sex acts. *Id.* Investigators  
 20 later found a video depicting Izaguirre and Minor 4 engaged in sex acts with a creation date of  
 21 September 2018, when Minor 4 was 17. *Id.*

22 In the Plea Agreement, Izaguirre has admitted to having sexual intercourse with Minor 4 before  
 23 her 17th birthday—and to filming their sex acts. Plea Agmt. ¶ 2. He has also admitted to later sending  
 24 that video to a client; at the time he sent the video, Izaguirre admitted to knowing Minor 4 was under 18  
 25 at the time the video was made. *Id.*

26 **Minor 6.** Izaguirre met Minor 6 when she was approximately 17 years old over Instagram.  
 27 Before she turned 17, she sent Izaguirre sexually explicit content of herself—which he would  
 28 compliment. PSR ¶ 64. He told her he wanted to have sex with her, and was specific in what he wanted



1 to do. PSR ¶ 65. Minor 6 met Izaguirre once or twice in person; he told her he wanted to take her to a  
 2 “swinger’s party” once she turned 18. PSR ¶ 66. When she was approximately 18 years old, Izaguirre  
 3 took her to a “sex party” with him. *Id.* She was pretty sure she had sex with Izaguirre at the party. *Id.*

#### 4 **F. Targeting his Driving Students**

5 Izaguirre also targeted his teenage driving students. In the Plea Agreement, he has admitted to  
 6 “approach[ing] girls in person who were students of mine at the driving school I owed and operated,  
 7 including Minor 7 who was under 18 when I met her, and tried to persuade them to create sexually  
 8 explicit content.” Plea Agmt. ¶ 2.

9 Before his arrest in January 2022, other teenage driving students reported Izaguirre to various  
 10 state law enforcement agencies about his conduct. Three driving students, two of whom were minors  
 11 and the other 18 years old, reported to the Atherton Police Department that Izaguirre attempted to lure  
 12 them into the sex entertainment industry between 2017 and 2018. PSR ¶ 8. He told one of the students  
 13 that he was in law enforcement (a lie) and that he could introduce her to someone to join an “orgy.”  
 14 PSR ¶ 9.

15 Izaguirre told another student, identified as Minor 7 in the Superseding Information, that he was  
 16 on the “police force” and persuaded her to show him nude photos of herself. PSR ¶¶ 11-12. According  
 17 to Minor 7, two to three days before her 18<sup>th</sup> birthday, Izaguirre directed Minor 7 to make a sexually  
 18 explicit video of herself that Izaguirre later sold. PSR ¶ 12. Izaguirre “managed” an Instagram account  
 19 on her behalf. PSR ¶ 70.

20 Other girls later reported similar conduct to the Burlingame Police Department. During a  
 21 February 2020 driving lesson, Izaguirre discussed his pornography business and showed one student  
 22 nude photos of women on his phone. PSR ¶ 13. He also showed her a sex video, identifying himself as  
 23 the man in the video. PSR ¶ 14. Later, Izaguirre left alcohol near her home in the bushes. *Id.*

24 The story of another girl, “K.”, follows a similar script. Izaguirre met K. as a 16-year-old driving  
 25 student. PSR ¶ 72. After the first or second driving lesson, Izaguirre began discussing sex with her—  
 26 discussing her sex life and her sexual preferences. PSR ¶ 73. He asked her to visit his house, and while  
 27 she initially declined, she eventually visited him. PSR ¶ 74. While in his room, Izaguirre pulled down  
 28 his pants and told her he wanted to have sex with her. *Id.* K. said she was uncomfortable and left. *Id.*

### 1           **G. Undercover Investigation**

2           Izaguirre’s criminality came to full light in Fall 2021, after he approached a student whom he  
 3 believed to be 17-years-old, but was actually an adult undercover agent (“UC”). Plea Agmt. ¶ 2. Over  
 4 three in-person driving lessons, Izaguirre instructed the UC to create a new Instagram account that she  
 5 could conceal from her parents and showed her photos of nude women, explaining one female had made  
 6 \$400 on just one Snapchat post. PSR ¶ 21. A short-lived “relationship” then ensued. From mid-  
 7 December 2021 until his arrest in early January 2022, Izaguirre communicated extensively over the  
 8 phone with a UC whom he believed to be the same 17-year-old teenager he had met in person. PSR  
 9 ¶ 24. Among other things, Izaguirre sent the UC multiple pornographic images and videos of women,  
 10 PSR ¶¶ 26 and 28, screenshots of women complimenting Izaguirre’s sexual skills, PSR ¶ 26, and a sex  
 11 fantasy story he wrote, PSR ¶ 27. In December 2021, Izaguirre called the UC and engaged in a detailed  
 12 sexual conversation over the phone. PSR ¶ 29.

### 13           **H. Possession of Child Pornography**

14           Shortly after the UC investigation, state law enforcement officers arrested Izaguirre on January  
 15 4, 2022. Investigators searched Izaguirre’s devices and found at least 41 videos and 10 photos of the  
 16 girls identified in the Superseding information as Minors 1, 2, 3, 4, 5, and 6, that qualify as child  
 17 pornography. Plea Agmt. ¶ 2. Certain of the child pornography photos and videos are adequately  
 18 summarized in the PSR, so their content need not be repeated here. PSR ¶ 37.

19           Investigators also found content of unidentified girls—including a March 20, 2017 video of a  
 20 sixteen-year-old girl masturbating created on March 20, 2017. PSR ¶ 37(f). In the video, the girl  
 21 mentions her age as “sixteen” and also mentions “Johnny” by name. *Id.*

### 22           **I. Criminal Charges and Plea**

23           Izaguirre’s conduct towards the minor victims arose to criminal proportions. After facing state  
 24 court charges in San Mateo County, in September 2022, a Grand Jury for the Northern District of  
 25 California indicted him with four child exploitation offenses—two coercion and enticement counts, in  
 26 violation of 18 U.S.C. § 2422(b), a receipt of child pornography count, in violation of 18 U.S.C.  
 27 §§ 2252(a)(2) and (b)(1), and a child pornography possession count, in violation of 18 U.S.C.  
 28 §§ 2252(a)(4)(B) and (b)(2). In the Plea Agreement, Izaguirre has admitted to those four charges and

also agreed to an additional charge of child pornography distribution, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1). The Plea Agreement includes a fulsome factual basis for each offense.

For Minors 1 and 2, whom he approached online when they were each 15 years old, Izaguirre has admitted to coercing and persuading them to create child pornography. Plea Agmt. ¶ 2. For Minor 3, whom he approached when she was 16 years old, Izaguirre has admitted to asking for—and then receiving—a sexually explicit video. *Id.* For Minor 4, Izaguirre admitted to having sexual intercourse with her shortly after her 17<sup>th</sup> birthday, filming that sex act, and then distributing that sex video to a client. *Id.* He admitted to possessing child pornography of Minors 1, 2, 3, 4, 5, and 6. *Id.*

### III. GUIDELINES CALCULATION

In the Plea Agreement, the parties agree the Total Offense Level is 41. Plea Agmt. ¶ 7. While Probation agrees that the Total Offense Level is 41, its Guidelines calculation is slightly different. The government stands by its Plea Agreement. It acknowledges, however, that Probation's Guidelines calculation is a more accurate path to calculating a Total Offense Level 41.

Probation's calculation is as follows:

#### ***Counts Three, Four, Five (Receipt, Possession, Distribution of Child Pornography)***

- Base Offense Level (U.S.S.G. § 2G2.2(a)(2)): 22
- Specific Offense Characteristics:
  - o *Engaging in distribution of child pornography (U.S.S.G. § 2G2.2(b)(3)(F))*: +2
  - o *Multiple instances of sexual abuse or sexual exploitation of a minor ((U.S.S.G. § 2G2.2(b)(5)(A))*: +5
  - o *Use of a Computer (U.S.S.G. § 2G2.(b)(6))*: +2
  - o *Possession of over 600 image (U.S.S.G. § 2G2.2(b)(7)(D))*: +5
- Adjusted Offense Level: 36

#### ***Count One (Coercion and Enticement Towards Minor 1)***

- Base Offense Level (U.S.S.G. § 2G1.3(c)(1), 2G2.1): 32
- Specific Offense Characteristics:
  - o *Under 16 years old (U.S.S.G. § 2G2.1(b)(1)(B))*: +2

- *Use of a Computer (U.S.S.G. § 2G2.1(b)(6)(B))* +2
- Adjusted Offense Level: 36

***Count Two (Coercion and Enticement Towards Minor 2)***

- Base Offense Level (U.S.S.G. § 2G1.3(c)(1), 2G2.1): 32
- Specific Offense Characteristics:
  - *Under 16 years old (U.S.S.G. 2G2.1(b)(1)(B))* +2
  - *Use of a Computer (U.S.S.G. § 2G2.1(b)(6)(B))* +2
- Adjusted Offense Level: 36

***Grouping Analysis***

Count Group 1, Count 1, and Count 2 each have adjusted offense levels of 36, totaling 3 units. Using 36 as the greatest adjusted offense level in the grouping analysis and adding 3 units yields 39 as the combined adjusted offense level. PSR ¶ 114.

***Chapter 3 and Chapter 4 Adjustments***

Under Chapter 4, there is a 5-level upward adjustment for the defendant engaging in a pattern of activity involving prohibited sexual conduct, making him a repeat and dangerous sex offender against minors. U.S.S.G. § 4B1.5(b)(1). This upward adjustment yields an adjusted offense level of 44. Under Chapter 3, the defendant is entitled to a -2 downward adjustment for acceptance of responsibility, along with a -1 adjustment for timely notifying the prosecution of his intention to enter a guilty plea.

This yields a **total offense level of 41**. PSR ¶ 118. Given the defendant's criminal history score of zero, yielding a criminal history category of I, Probation calculates the Guidelines to be 324 to 405 months imprisonment. PSR ¶ 162. The statutory maximum term of imprisonment for Counts Three, Four, and Five is 20 years (or 240 months). *Id.* The Court must impose a minimum term of supervised release of 5 years, and a maximum term of life. PSR ¶ 163.

**IV. LEGAL STANDARD**

The Court should impose a sentence sufficient, but not greater than necessary, to reflect the purposes of sentencing that Congress identified in 18 U.S.C. § 3553(a)(2). *United States v. Carty*, 520 F.3d 984, 991 (9th Cir. 2008). The Court should begin the process of determining an appropriate sentence

by calculating the correct sentencing range under the Guidelines. *Id.* After determining the appropriate Guidelines calculation, the Court should then evaluate the sentence for substantive reasonableness in light of the factors set out in Section 3553(a). *Carty*, 520 F.3d at 991–93.

Under 18 U.S.C. § 3553(a), in arriving at the appropriate sentence for the defendant, the Court should consider these factors applicable to this case, among others:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
- (3) the need for the sentence imposed to afford adequate deterrence to criminal conduct;
- (4) the need for the sentence to protect the public from future crimes of the defendant;
- (5) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and
- (6) the need to provide restitution to any victims of the offense.

## V. UNITED STATES' RECOMMENDATION

In the Plea Agreement, the parties have agreed that an appropriate disposition is a sentence between 150 months (12.5 years) and 216 months (18 years) in prison. Plea Agmt. ¶ 8. Consistent with its Agreement, the United States recommends a sentence of 216 months (18 years) imprisonment. The sentencing objections set forth by Congress in Section 3553(a) are best accomplished through a substantial 18 year prison sentence. Although other factors apply, chief among them is the need to protect vulnerable children from further sexual exploitation and to deter other sexual predators.

\* \* \*

The minor girls in this case—all young women now—explain best why a lengthy custodial sentence of 18 years is both justified and necessary. One victim explains, “The gravity of Mr. Zelaya’s actions have impacted not only my life but also the lives of other vulnerable individuals. It is my belief that if he were able to, he would make those same choices again. . . . It deeply troubles me that Mr. Zelaya used his position of trust and authority to exploit young women and girls. His actions are

1 disgraceful and a blatant abuse of power. My fear is that, given the opportunity, he might engage in such  
2 manipulative behavior again, causing further harm to others who may cross his path.”

3 While each girl’s experience was uniquely awful, they all recount a similar narrative: Over and  
4 over again from November 2013 until his arrest in January 2022, Izaguirre targeted teenage girls either  
5 online or in person, groomed them, and then manipulated them into creating or sending him child  
6 pornography. The length of his conduct (over eight years) and the number of victims (seven named in  
7 the Superseding Information) demonstrate his actions were not compulsive, involuntary responses to any  
8 past childhood trauma. Instead, his actions were targeted, methodical, and calculating.

9 The tools he used to target the girls are modern (Instagram or Snapchat), but Izaguirre’s tactics  
10 of abuse were old school. He selected vulnerable targets: girls under 18, teenage girls exploring their  
11 sexual identities, girls who were poor, girls growing up in group homes or foster care, and girls with  
12 mental health problems. Izaguirre then leveraged his power as an adult, as a driving instructor, as a cop  
13 (a lie), and as a “manager” to gain power over the girls. He ingratiated himself by complimenting their  
14 appearances, expressing his sexual attraction to them, and becoming their “friends.” He let them believe  
15 he was “protecting” them by being a go-between with customers and giving them tips on how to stay  
16 “safe” online. Izaguirre tempted them with money, too. After manipulating their emotions, exploiting  
17 their vulnerabilities, and, in a word, grooming them, Izaguirre persuaded them to create sexually explicit  
18 content for sale.

19 Whatever money Izaguirre made from the sales, Izaguirre was certainly not getting rich through  
20 his work “managing” the girls’ content for sale. Rather, the facts show he victimized girls over and over  
21 for his own personal gratification. Indeed, he had sex with two of the girls while they were underage—  
22 filming both sex acts. He had sex with a third girl at 18, but whom he met and victimized when she was  
23 still underage. His hands-on conduct towards multiple victims necessitates, and justifies, a lengthy term  
24 of 18 years imprisonment to protect other girls from his predatory conduct. It also repudiates any  
25 potential excuse that his offense arises from a compulsivity to view porn.

26 To his credit, Izaguirre has accepted responsibility in this case—including to conduct and victims  
27 uncharged in the original Indictment. That acceptance must be considered. His recent acceptance of  
28 responsibility, however, must be weighed against evidence showing Izaguirre’s propensity to reoffend

remains high. The facts show that Izaguirre knew what he was doing was wrong, even illegal, yet he continued to offend for years and years. In a text message to Minor 3, he mentioned the prospect of him going to “jail” as a result of their relationship. In March 2015 email, Izaguirre’s sister wrote to him about his long-term relationship with Minor 3:

*What I have a problem with is my older brother being a borderline pedophile. She added me on Facebook and I saw that she posted “Turned 18 today!” 2 weeks ago, meaning that you were going out with a 17 year old this whole time and that you probably first met her when she was 16. Imagine what our clients will think when they find out our 31 year old primary instructor and manager is dating a teenager.*

PSR ¶ 38. Despite receiving this email, Izaguirre proceeded to victimize girls—including Minor 1 (approached around 2017), Minor 2 (conduct in 2018), Minor 4 (sending sex video of Minor 4 in 2021), Minor 5 (met Izaguirre in around 2017, when she was 15, or 2018, when she was 16), Minor 6 (met Izaguirre in 2018, when she was 16), and Minor 7 (approached in 2018 when she was 17). Plea Agmt. ¶ 2; PSR ¶ 61; PSR ¶ 64; PSR ¶ 68.

Years later, he was again confronted about his conduct, this time by two students victimized by him. In an August 30, 2021 email, two of his driving students wrote:

Jonathan, we are writing to you as former students of the California Driving Academy where you instructed us in 2017 and 2018. As two separate clients, we have found many disturbing similarities when comparing our individual experiences. We have come to the conclusion that there were several, consistent instances of inappropriate sexual misconduct on your end that require addressing. These instances include, but are not limited to: . . .

- Initiating conversations inquiring about the intimate details of our sexual experiences.
- ...
- Offering to purchase sex toys and explicitly saying that this would be under the condition that parents would not be made aware.

. . . In no circumstance is it appropriate for you, an adult man in a position of disproportionate power and authority, to engage in conversations about sex with underage girls.

PSR ¶ 36. Despite receiving this email, Izaguirre continued to victimize teenage girls—including the UC driving student whom he thought was 17 years old (Fall 2021 to Winter 2022). He also sent the video of himself and Minor 4 engaged in sex acts to others on October 29, 2021 and again on November 25, 2021.

During the conversation with the UC, Izaguirre evinced knowledge that he was—and shouldn’t



be—communicating with a minor. For instance, Izaguirre asked the UC to hide their Instagram messages from her parents by using particular functions and to call him instead of messaging him when she wanted to talk about something inappropriate. He even sensed that the UC may be a “secret agent that’s trying to get me to do things so I get in trouble.” Despite this sense, and his recognition that their conversations were “maybe . . . not appropriate,” he continued to communicate with the UC. *See* Exhibit B (extracted page from Redwood City Police Department report). He knew his actions were illegal, yet he was undeterred from continuing to communicate with the UC.

\* \* \*

The Supreme Court has recognized that “the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the child.” *United States v. Ferber*, 458 U.S. 747, 758 (1982). In 2002, the United States Supreme Court again acknowledged the harm to victims depicted in child pornography and observed that a new harm is caused each time the images are shared with a new recipient. *See Ashcroft v. Free Speech Coalition*, 535 U.S. 234, 249 (2002). In *Free Speech Coalition*, the court noted that “as a permanent record of a child’s abuse, the continued circulation itself would harm the child who had participated. Like a defamatory statement, each new publication of the speech would cause new injury to the child’s reputation and emotional well-being.” *Id.* at 249. The harms perpetuated by child pornography were multiplied in this case, which involves years and years of conduct, numerous victims, and hands-on conduct. A lengthy custodial sentence of 18 years, followed by a lengthy term of supervised release of 15 years, is the only way to protect the public from further crimes of the defendant.

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Respectfully submitted,

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