

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	No. CR22-049-RSM
	)	
Plaintiff,	)	
	)	
v.	)	MR. JHA'S SENTENCING
	)	MEMORANDUM
AVANISH KUMAR JHA,	)	
	)	
Defendant.	)	

Avanish Jha, through counsel, respectfully submits the following memorandum in advance of the sentencing hearing scheduled for July 11, 2025.

Mr. Jha was arrested for this offense in Singapore on April 20, 2023. He was detained there until the United States Marshals Service transported him to the Western District of Washington. He made his initial appearance here on February 28, 2025. Dkt. 13. He stipulated to detention and has been held at FDC SeaTac since that date. *Id.*

The government has agreed to recommend no more than the low-end of the Guidelines range, which is 30 months (914 days). Dkt. 39 at 11. With the inclusion of good-time credit pursuant to 18 U.S.C. § 3624, Mr. Jha would serve a total of 779 days in custody on a 30-month sentence. His release date would have been June 7, 2025. As of the date of sentencing, Mr. Jha will have served 814 days in custody for this offense—twenty-two months of which were spent in a Singaporean prison on 23-hour lockdown with almost no family contact or access to the world outside his cell.

1 The defense asks the Court to impose a sentence of time served with no  
 2 supervision to follow. This sentence is fair, just, and fulfills the sentencing goals of  
 3 § 3553(a).

4 **I. AVANISH JHA’S HISTORY AND CHARACTERISTICS<sup>1</sup>**

5 Avanish Jha was born in 1986 in Bihar, India. His family was considered  
 6 “lower-middle class” and part of the Brahmin caste. Both of his parents worked when  
 7 he was growing up, his father for the Indian prison system and his mother as a  
 8 schoolteacher. They remain in those careers to this day.

9 Mr. Jha met his wife while they were still in high school. Despite their  
 10 relationship causing strain with his family, Mr. Jha and his wife were what he calls a  
 11 love match. They overcame familial and societal disapproval because they were from  
 12 two different castes, but these early challenges made their relationship stronger. They  
 13 were married in 2012 and welcomed their first child, a daughter, in 2016. Mr. Jha’s  
 14 second child, a son, was only a year old when he was arrested. Ex. 1 (Letter to the  
 15 Court from Deepmala Sinha); Ex. 2 (Photos of wife and children, filed under seal).

16 The Jha family valued education and Mr. Jha took this to heart. He excelled in  
 17 school and was particularly talented at learning and becoming fluent in new languages.  
 18 Mr. Jha devoted himself to his education and was a well-respected student in both  
 19 college and graduate school. He earned both a bachelor’s and master’s degree in  
 20 Chinese. Ex. 3 (Certificates and Letters of Recommendation). He is also fluent in Hindi,  
 21 proficient in English, and can speak some Portuguese. After his postgraduate work, he  
 22 travelled to China to continue perfecting his Mandarin, and when he returned to India to  
 23 work, he received strong recommendations from his professors and colleagues.

24  
 25  
 26 <sup>1</sup> Mr. Jha has prepared a letter to the Court which will be filed as a supplement to this memorandum upon receipt of the final copy.

1 He started his career working for the government of India as a Mandarin  
2 interpreter and translator, then went into the private sector for two years. *Id.*  
3 Throughout his time working as an interpreter and translator for various government  
4 entities and private corporations, he developed strong ties to the Chinese business  
5 community within India, both professionally and personally.

6 After the birth of his first child, Mr. Jha began thinking about his career path and  
7 the future he saw for himself and his family. In 2016, after discussing the decision with  
8 his wife, he left the corporate world and began his own consultancy business. Most of  
9 his clients were local Chinese businesspeople who were involved in the  
10 telecommunication industry. Through this work he got to know them and their families.  
11 His business grew based upon word of mouth, networking, and connections made  
12 between this community and the more local Indian business community.

## 13 **II. THE OFFENSE CONDUCT**

14 Avanish Jha's initial entry into the world of low-cost, wholesale pharmaceuticals  
15 was through his own family's medical issues in 2015. An elderly family member was  
16 diagnosed with cancer and his doctor suggested that the family try to source the  
17 necessary medication through the wholesale marketplace rather than wait for the  
18 hospital to provide the medication. After contacting a number of different pharmacies,  
19 the Jha family chose a specific chemist. Through the family's personal purchase of  
20 medication from this pharmacy, a friendly and professional relationship developed  
21 between the Jha brothers and the owners.

22 Mr. Jha provided referrals to the pharmacy when his Chinese clients or  
23 colleagues were seeking medication. This was a lucrative consumer market for any  
24 Indian pharmacy. Regulations and restrictions on cancer medication and other generic  
25 pharmaceuticals in China led to a "medical tourism" market—individuals who could  
26 not afford life-saving medication in China would travel to other countries for treatment,

1 including India. In return, the pharmacy would refer patients who were looking to  
2 expand their businesses within India to Mr. Jha.

3 The Jha brothers briefly considered opening their own pharmacy and established  
4 a Facebook page for “Dhristi Pharma International” using photos from the websites of  
5 other pharmacies and WhatsApp groups loosely affiliated with wholesale pharmacies in  
6 India. However, Mr. Jha began focusing on his own growing consulting company and  
7 set aside the idea of opening their own pharmacy.<sup>2</sup> The Jha brothers lived hours apart  
8 and had very different lives at the time.

9 Mr. Jha continued to provide interpretation services for the pharmacy. He was  
10 learning about the industry and the economics of the wholesale market. He was able to  
11 answer questions and speak with confidence about prices, trends, and issues facing the  
12 market that he learned from acting as the middleman in these transactions and “talking  
13 shop” with the pharmacy owners. The relationship between Mr. Jha and the pharmacy  
14 was not formal and was not based on direct financial compensation but rather the  
15 networking opportunities and business connections that both made through working  
16 together. Mr. Jha benefitted financially from the referrals and connections with which  
17 he was provided.

18 Mr. Jha received and responded to limited inquiries made through the Facebook  
19 page in 2018–2019. He now knows that these inquiries were coming from private  
20 investigators for pharmaceutical companies. He later became involved in the  
21 transactions initiated by government agents that underlie this prosecution. In these  
22 communications, he would make inflated and often contradictory claims and held  
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24 <sup>2</sup> Discovery provided by the government confirms that a private investigation into the  
25 Dhristi Pharma International Facebook page and an online directory showed that photos  
26 were first uploaded to the site in January of 2017. The site had very few “likes” or  
followers, and the investigation concluded that it was unlikely the site had a large  
number of views or audience.

1 himself out as a pharmacy owner, a supplier, and/or someone who was well connected  
 2 to direct sources of supply. He was, in fact, none of these things and was facilitating a  
 3 transaction between the investigators and the pharmacy he was connected to—a chemist  
 4 who did have these connections and the ability to export the kind and amount of generic  
 5 medication the agents were seeking. When there was something he didn’t know or  
 6 questions he was asked that he couldn’t answer, he would delay until he could get the  
 7 information from the owners and operators of the pharmacy. Looking back at these  
 8 conversations, Mr. Jha is ashamed and embarrassed.

9 Mr. Jha considered this a minor part of his life and simply an extension of the  
 10 translation work that he had been doing. He rationalized exporting life-saving generic  
 11 medication as something that helped people. He recognizes now that he was acting as a  
 12 broker for unlawful transactions. And the knowledge that some of the medication was  
 13 not even legitimate has impacted him significantly.

14 Mr. Jha has never owned a pharmacy. He does not, personally, have access to  
 15 pharmaceuticals. The transactions that he enabled and arranged with American  
 16 “buyers” were done on behalf of and with information he was given from the pharmacy.  
 17 He knew that the transactions he was facilitating were not legal in the United States and  
 18 did it anyway. He does not minimize his culpability and deeply regrets his involvement.

### 19 **III. GUIDELINES**

20 The plea agreement in this case is the result of a comprehensive negotiation  
 21 between the parties. Both the government and defense agree the Guidelines that apply  
 22 to this case are summarized below and identified in Mr. Jha’s plea agreement at Dkt. 39  
 23 at 10–11:

24	<b>Base Offense Level:</b>	8
25	Loss Amount over \$150,000:	+10
26	Offense Involving a Counterfeit Drug:	+2



1 long as the labels looked good. Mr. Jha declined this request, saying it was not ethical,  
2 while simultaneously trying to keep the transaction going for the other requested  
3 generic medication.<sup>4</sup> Mr. Jha knew that the medication was not intended for sale in the  
4 United States, but his own family and friends had purchased medication from this  
5 pharmacy, which he now worries might have been similarly tainted.

6 Mr. Jha was prepared to take responsibility for his role in this case while still in  
7 Singapore. However, having no understanding of the extradition process or the  
8 American legal system, he was at a severe disadvantage. He tried to send the  
9 United States government letters directly from the prison. Only one made it through to a  
10 U.S. government agency and his attorneys continued to move forward with fighting  
11 extradition.

12 Mr. Jha will be removed from the United States after serving his sentence and  
13 poses no future risk to this country. He has no interest in returning to any type of  
14 enterprise relating to pharmaceuticals and intends to focus entirely on his own  
15 legitimate business.

16 Mr. Jha's detention has been particularly and uniquely harsh. During the two  
17 years he was detained in Singapore, he was permitted four letters per month and had  
18 two 30-minute visits from his wife on consecutive days. These visits were non-contact  
19 and they spoke through glass. Outside of those visits, he was given two phone calls to  
20 family for the duration of his incarceration. Even his legal visitation was minimal,  
21 hampering his ability to understand his legal options and their impact on his continued  
22 detention. He and his brother were held in their cell on 23-hour lockdown during the  
23 week and 24-hour lockdown on the weekends. They slept on mats on the floor and were  
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25  
26 <sup>4</sup> Mr. Jha was also asked about whether he would sell Ritalin and declined, saying it  
was banned and restricted.

1 kept in isolation. The harsh conditions of their confinement while awaiting extradition  
2 supports a time-served sentence.

3 Finally, Mr. Jha does not need—nor would he receive—any rehabilitative or  
4 transitional programming either during or after his criminal sentence. He will not be  
5 eligible for halfway house placement and would be a low priority for any available  
6 programming within the Bureau of Prisons due to his lack of citizenship or immigration  
7 status. Similarly, the Court should not impose any period of supervised release. *See*  
8 USSG § 5D1.1(c). Mr. Jha will be removed from the United States after he serves his  
9 sentence, rendering the goals and purpose of additional supervision meaningless.

## 10 **V. CONCLUSION**

11 When Mr. Jha left his family to travel to Singapore, his children were one and  
12 eight years old. He has missed two graduations, countless developmental milestones,  
13 birthdays, holidays, and family gatherings. Because of the conditions of his  
14 confinement in Singapore, he was not able to call or speak with his children with any  
15 regularity. He has not been able to hold his wife's hand or help put his toddler son to  
16 sleep or pick up his daughter from school. He was not able to receive pictures they drew  
17 for him or tell them stories on the phone. The Jha family has been devastated and  
18 unmoored by the brothers' arrest, detention, and convictions. But they continue to stand  
19 by and support them. Mr. Jha's sister, who intends to move back to Australia with her  
20 family, is remaining in India until the summer festival honoring the relationship  
21 between siblings in the hope that her brothers will be home in time to celebrate with  
22 her.

23 Mr. Jha is ashamed of his conduct, and he has been punished for it. He  
24 understands that his behavior could have resulted in far more damaging and harmful  
25 consequences if the drugs had entered the market. He is grateful they did not, and this  
26



1 insight and understanding, more than anything else, will deter him from any future  
2 criminal activity.

3 Mr. Jha asks this Court to sentence him to time served with no supervised release  
4 to follow.

5 DATED this 3rd day of July 2025.

6 Respectfully submitted,

7 *s/ Sara Brin*

8 Assistant Federal Public Defender

9 Attorney for Avanish Jha  
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# **Exhibit 1**

Dear Judge Martinez,

"Your Honour" I am Deepmala Sinha , wife of vanish Kumar Jha I am a homemaker and a mother of 2 kids one is 3 years old name A [REDACTED], and one daughter age 10 years name D [REDACTED]. Me and my husband Mr. vanish Kumar Jha got married in the year 2012 but I know him since 1998 when we were in school.

I understand the charges for which he has been convicted and that it is a very serious matter. I also understand that he had plead guilty. But I Believe, this incident is uncharacteristic of him. I have never seen him doing such kind of act.

He's always been a very hardworking and kind person since childhood, because of his dedication and hard work he has been considered as sincere student of our school by the teachers and other students. After schooling he was able to enrolled himself in one of the Indias reputed university. His characteristic encouraged and motivated his siblings, Cousins and others of our village to achieve their goals. I also consider him a very generous and kind person who has helped his family as well as others in their needs. Although We comes under lower middle-income family still in 2017 when his uncle had a kidney failure and the whole family was in big difficulty; He was the only one who not only supported him financially but also emotionally. he also donates 15% of his salary to the organization working for the welfare of girl child. After COVID 19 pandemic when so many people lost their jobs, Mr Jha helped many to get jobs in various companies with which he had some kind of establishment he was working as a licensing man for various Chinese companies in India because of his linguistic knowledge. I can remember a woman came to him by some reference, her brother met with an accident she was not able to keep him in the ICU for more days my husband helped him in getting all the documentation work done and raising fund for his brother with the help of his friends and colleagues. During his stay in Singapore prison in extradition matter, instead of going through a very difficult time, he was more considerate about the suffering of others he always writes me to help people by Contacting those families who is not able to contact or write letter to their loved ones and educated them how they can contact them.

I consider him a great husband and a father who always supported us mentally and physically in a household work, childcare and in studies of our daughter he never forced me intentionally or unintentionally to accept anything which may have hurt my self-respect. He's down to Earth and even in his worst argument he never deemed me or anyone. He is always been honest to us and to the organisation he is connected with. His reputation in his company is such that in this difficult situation most of them came forward to help us. He is a

credulous person which sometimes put him in very difficult situation. But he always learns from his mistake and work for betterment.

His only focus was to watch his consultation firm growing with good reputation and living a satisfactory life with us.

'Your honour' my husband is truly a family man and we are his whole world. He is the only earing member of my family and he knows how badly me and our kids got effected with this incident. I ensure, he has realised his mistake and the seriousness of its consequences. I am confident that my husband has learn from this experience and consider it in his whole life. I also ensure being his wife I will help and support him to bring all necessary positive changes.

I truly believe that giving him a chance will bring change in him so that he can become a positive influence in the society or community again.

"Your Honour, most humbly and respectfully ask you to consider this letter and the information I have shared about my Husband. I hope you will take his positive qualities, his commitment to change and his contribution to the community into account when deciding on his sentence.

Thank you for support and consideration

Your Sincerely

A handwritten signature in black ink, appearing to read 'Deepmala Sinha', with a horizontal line extending from the end of the signature.

Deepmala Sinha

(W/o Mr. Avanish Kumar Jha)

**Exhibit 2**  
**Filed Under Seal**

## **Exhibit 3**





No. 961

Enrolment No.....04/59/FC/03.....

जवाहरलाल नेहरू विश्वविद्यालय  
नई दिल्ली

**JAWAHARLAL NEHRU UNIVERSITY**

**PROVISIONAL CERTIFICATE**

**BACHELOR OF ARTS (HONOURS)**

THIS IS TO CERTIFY THAT AVANISH KUMAR JHA , having  
been examined and found qualified for the Degree of Bachelor of Arts  
(Honours) in CHINESE , has  
been declared eligible for the award of the said degree in the year...2007...

New Delhi

Date: 26.3.2008.

Valid till the original degree is issued.

*Naresh Kumar*

Section Officer/Asst. Registrar (Eval.)

**NARESH KUMAR**

Section Officer (Evaluation),  
Jawaharlal Nehru University,  
New Delhi-110067





No. 2368

Enrolment No. 04/59/HC/03

जवाहरलाल नेहरू विश्वविद्यालय  
नई दिल्ली  
**JAWAHARLAL NEHRU UNIVERSITY**  
**PROVISIONAL CERTIFICATE**  
**MASTER OF ARTS**

THIS IS TO CERTIFY THAT AVANISH KUMAR JHA  
having been examined and found qualified for the Degree of **Master of Arts**  
in **CHINESE**  
has been declared eligible for the award of the said Degree in... 2010.

New Delhi

Date: 5.8.2010.

Valid till the original is issued

A handwritten signature in blue ink, reading 'Nareesh Kumar', is written over a blue circular stamp. The stamp contains the text: 'Section Officer/Asst. Registrar (Eval.)', 'NARESH KUMAR', 'Section Officer (Evaluation)', 'Jawaharlal Nehru University.', and 'New Delhi-110067.'  
Section Officer/Asst. Registrar (Eval.)  
NARESH KUMAR  
Section Officer (Evaluation)  
Jawaharlal Nehru University.  
New Delhi-110067.





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March 3, 2014

**Mr. Avanish Jha,  
C/o Mr. Deepmala Sinha,  
D-2, Flr 3, Hukumchand Aptt, 106-2/9,  
Near MCD School,  
Kishangarh, Vasant Kunj,  
NEW DELHI - 110070**

Dear Avanish,

With reference to your application and the subsequent interview you had with us, we are pleased to offer you the post of "**Manager- China Liaison**", in Management Staff Grade "**Manager**", in our **Corporate Centre at Mumbai**, on the terms and conditions that have been discussed with you and agreed to by you. As agreed you will join us on or before **21<sup>st</sup> April, 2014**. A formal appointment letter will be given to you on your joining the company.

Please note that your appointment is subject to your being found medically fit. Please get yourself medically examined from any registered Medical Practitioner and bring the enclosed Pre-Employment Medical Check-up form duly filled in by the doctor, at the time of joining.

Thanking you,

Yours faithfully,  
for **GODFREY PHILLIPS INDIA LIMITED**

**RAJESH MEHROTRA  
Sr. Vice President - HR**

Encl. : Pre-Employment Medical Check-up Form