Judge Gives Major Break In GM Theft Case

Ed White, Associated Press

DETROIT (AP) — A former General Motors engineer convicted of stealing thousands of pages of hybrid technology [1] was sentenced Wednesday to just a year and a day in prison, far below the punishment sought by the government in a case that involved her husband and an alleged scheme to take the trade secrets to China.

Shanshan Du's right arm and right leg shook as she tearfully expressed remorse. U.S. District Judge Marianne Battani said economic espionage is a serious crime, but she also noted Du's health problems and the seven years from FBI raid to trial and sentence.

"I don't think the public needs to be protected from you, but it needs to be protected from others like you," the judge told Du.

Federal guidelines called for a minimum sentence of 6½ years for Du and husband Yu Qin, but those guidelines aren't mandatory. Qin, also an engineer, was sentenced to three years in prison. They will remain free until late summer.

"This is all my fault, and I want to take full responsibility. I'm sorry this all happened. ... I'm ashamed," Qin told the judge.

Du, 54, was convicted last fall of conspiracy and possessing trade secrets without approval. Qin, 52, was found guilty of the same crimes, along with fraud and obstruction of justice.

The government accused Du of seeking a transfer within GM to get access to hybrid technology and said she began copying documents by the end of 2003. She copied thousands of records in 2005, five days after getting a severance offer from the automaker.

By that summer, Qin was telling people he had a deal to provide hybrid technology to a GM competitor in China and had set up his own company, Millennium Technology International, the government said. The information, however, didn't make it overseas.

"Sorry. Again, I made wrong decisions. That caused me this suffering," Du said in court.

Du's health problems in the last few years have included cancer, shingles, depression and anxiety. She told a mental health expert that the FBI search at her suburban Detroit home in 2006 had rekindled awful memories of oppression by the Chinese government during her childhood.

Assistant U.S. Attorney Cathleen Corken asked for at least 6 ½ years in prison for

the pair. She told the judge that Du didn't deserve a "slap on the wrist" for her "vital" and "central" role in stealing GM documents. The prosecutor also tried to counter pleas for sympathy by defense lawyers.

"This is not outdated technology," Corken said. "GM continues to use this technology in hybrid vehicles."

A 366-day sentence allows Du to shave months off for good behavior, meaning her actual time in prison could be only nine or 10 months.

In a letter to Battani last week, GM wanted the maximum punishment [2], eight years under the guidelines. U.S. Attorney Barbara McQuade didn't specifically comment on whether the sentences were too light.

"We will continue to advocate for sentences necessary to deter the theft of trade secrets because of the very significant harm the crime has on our auto industry," she said in a statement.

Du and Qin entered the United States in 1984. They have master's degrees and have nearly completed the requirements for doctorate degrees.

The judge said Qin is a "brilliant" engineer who wanted to cut corners by getting his hands on GM technology.

"You had to know this was proprietary," Battani said.

She agreed with defense attorney Robert Morgan that Du likely was "subservient" to her husband.

"But you knew right from wrong," the judge told Du.

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