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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

June 2022 Grand Jury

UNITED STATES OF AMERICA,
Plaintiff,

v.

JINCHAO WEI,
aka Patrick Wei,
Defendant.

Case No. '23 CR1471H

I N D I C T M E N T

Title 18, U.S.C., Sec. 794(c) - Conspiracy to Communicate, Deliver, or Transmit Defense Information to Aid a Foreign Government; Title 18, U.S.C., Sec. 794(a) - Communicate, Deliver, or Transmit Defense Information to Aid a Foreign Government; Title 22, U.S.C., Sec. 2778(b)(2) and (c) and Title 22, C.F.R., Secs. 121.1, 127.1 and 127.3 - Conspiracy to Export Defense Articles Without a License; Title 22, U.S.C., Sec. 2778(b)(2) and (c) and Title 22, C.F.R., Secs. 121.1, 127.1 and 127.3 - Export of Defense Articles Without a License; Title 18, U.S.C. Sec. 2 - Aiding and Abetting; Title 18, U.S.C., Secs. 794(d) and 981(a)(1)(C), Title 22, U.S.C., Sec. 401, and Title 28, U.S.C., Sec. 2461(c) - Criminal Forfeiture

The grand jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment, unless otherwise indicated:

1 1. Defendant JINCHAO WEI, aka Patrick Wei, was enlisted with the
2 United States Navy as a Machinist's Mate assigned to the U.S.S. Essex,
3 a Wasp class Landing Helicopter Dock ("LHD")¹ amphibious assault ship
4 moored at Naval Base San Diego.

5 2. As a Machinist's Mate, defendant JINCHAO WEI's primary job
6 duties included the operation, maintenance, and repair of ship
7 propulsion machinery, auxiliary equipment, and outside machinery. As
8 part of his official duties, defendant JINCHAO WEI was required to access
9 various parts of the U.S.S. Essex and had access to sensitive national
10 defense information, some of which was export-controlled, about U.S.
11 Navy ships and their systems, including information about U.S. Navy
12 ships' weapons, propulsion, and desalination systems.

13 3. The U.S. Navy took measures to protect technical and other
14 information related to the U.S.S. Essex and similar LHDs. Many of the
15 documents that defendant JINCHAO WEI had access to as a Machinist's Mate
16 on the U.S.S. Essex contained conspicuous warnings that the documents
17 held technical data that was subject to export controls. The warnings
18 also stated that distribution was limited to authorized U.S. government
19 agencies and contractors only and that the documents should be destroyed
20 to prevent unauthorized disclosure.

21 4. Many of the documents that defendant JINCHAO WEI had access
22 to as a Machinist's Mate on the U.S.S. Essex were stored on restricted
23 U.S. Navy computer systems that required users to have a security

24 ¹ The Wasp class LHD resembles a small aircraft carrier and allows
25 the U.S. military to project power and maintain presence by serving as
26 the cornerstone of the Amphibious Readiness Group and Expeditionary
27 Strike Group elements in the U.S. Navy. The Wasp class LHD is currently
28 the largest amphibious ship in the world and the U.S. Fleet operates
seven of them deployed around the world.

1 clearance, access rights, and a need to know before accessing the above-
2 referenced documents. If a U.S. sailor had a need to know, he would
3 first need to apply to his supervisor explaining his need for access.
4 His supervisor would verify his need for access and then request that
5 the relevant U.S. Navy command grant the requesting sailor access.

6 5. Defendant JINCHAO WEI had a duty to protect national defense
7 information and received training on the proper handling of U.S.
8 government classified, and controlled unclassified, information. In or
9 about February 2022, which is the same month that the criminal conduct
10 described herein began, defendant JINCHAO WEI received
11 counterintelligence and threat awareness and reporting training, which
12 specifically warned him that foreign adversaries might try to recruit
13 him through, among other avenues, social media and blogs, and instructed
14 him to promptly report any recruitment attempts.

15 6. Defendant JINCHAO WEI maintained a U.S. security clearance and
16 was eligible to access material classified up to and including the SECRET
17 level.

18 7. Conspirator A, whose identity is known to the Grand Jury, was
19 an intelligence officer working on behalf of the People's Republic of
20 China ("PRC").

21 8. Defendant JINCHAO WEI was not authorized to disclose national
22 defense information to Conspirator A. Nevertheless, defendant JINCHAO
23 WEI entered into a handler/asset relationship with Conspirator A. In or
24 about February 2022, when defendant JINCHAO WEI's espionage activities
25 with Conspirator A began, defendant JINCHAO WEI told another U.S. Navy
26 sailor that he had been asked to spy for the PRC.

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1 9. Throughout this relationship, defendant JINCHAO WEI provided
2 Conspirator A with information regarding the defense and weapons
3 capabilities of U.S. Navy ships, potential vulnerabilities of these
4 ships, and information related to ship movement. The unauthorized
5 disclosure of this national defense information could place the national
6 security of the United States, and the safety of defendant JINCHAO WEI's
7 fellow U.S. Navy sailors, in jeopardy.

8 THE ARMS EXPORT CONTROL ACT AND THE
9 INTERNATIONAL TRAFFIC IN ARMS REGULATIONS

10 10. In furtherance of the national security and foreign policy
11 interests of the United States, the export of defense-related articles
12 was regulated by the Arms Export Control Act, Title 22, United States
13 Code, Section 2778 ("AECA"). Section 2778(a) authorized the President
14 of the United States to control the import and export of defense articles
15 and to establish a United States Munitions List ("USML"), which
16 identified and defined the defense articles subject to those controls.
17 Section 2778(b) provided that any person engaged in the business of
18 manufacturing or exporting any defense article shall register with the
19 government. Section 2778(c) established criminal penalties for any
20 willful violation of Section 2778 or any rule or regulation thereunder.

21 11. The United States Department of State, through the Directorate
22 of Defense Trade Controls ("DDTC"), implemented these statutory
23 provisions by adopting the International Traffic in Arms Regulations
24 ("ITAR"), Title 22, Code of Federal Regulations, Parts 120 et seq. These
25 regulations established the USML and required an export license for the
26 export of any items on the USML. "Defense articles," as that term is
27 used in Title 22, United States Code, Section 2778(b)(2) and the ITAR,

1 means items, including technical data, designated for placement on the
2 USML as weapons, weapons systems, aircraft, surface vessels of war,
3 associated equipment, and other implements of war.

4 12. With limited exceptions for the closest military allies of the
5 United States, a person or entity seeking to export from the United
6 States designated "defense articles" on the USML must receive a license
7 or other approval from the DDTC.

8 13. At no time did defendant JINCHAO WEI obtain a license from the
9 DDTC.

10 **Count 1**

11 14. Paragraphs 1 to 13 are restated and realleged as if set forth
12 herein.

13 15. Beginning in or about February 2022, and continuing through
14 the present, within the Southern District of California, and elsewhere,
15 defendant JINCHAO WEI, aka Patrick Wei, and Conspirator A, did knowingly
16 and unlawfully conspire together and with each other and with others,
17 known and unknown to the grand jury, to communicate, deliver, and
18 transmit to a foreign government, to wit, the Government of the People's
19 Republic of China, and representatives, officers, agents, employees,
20 subjects, and citizens thereof, directly and indirectly, documents,
21 sketches, plans, notes, and information relating to the national defense
22 of the United States, with intent and reason to believe that such
23 documents, sketches, plans, notes, and information were to be used to
24 the injury of the United States and to the advantage of a foreign nation,
25 namely, the Government of the People's Republic of China.

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Manner and Means of the Conspiracy

16. Defendant JINCHAO WEI and Conspirator A used the following manner and means, among others, to communicate, deliver, and transmit documents, sketches, plans, notes, and information relating to the national defense of the United States to the Government of the People's Republic of China:

- a. Defendant JINCHAO WEI and Conspirator A used multiple internet-based encrypted methods to communicate;
- b. Conspirator A tasked defendant JINCHAO WEI with PRC collection priorities and collection of the type of U.S. military information Conspirator A was interested in receiving, including national defense information;
- c. Conspirator A instructed defendant JINCHAO WEI to gather non-public U.S. military information, including national defense information and told him that original documents were preferred;
- d. Conspirator A instructed defendant JINCHAO WEI not to discuss their relationship and to destroy evidence regarding the nature of their relationship and their activities;
- e. Defendant JINCHAO WEI surreptitiously gathered national defense information for Conspirator A, accessing restricted U.S. Navy computer systems to gather such national defense information;
- f. Defendant JINCHAO WEI transmitted and attempted to transmit to Conspirator A documents, sketches, plans, notes, and other information relating to the national

1 defense, specifically, technical data present in manuals
2 and other documents for the U.S.S. Essex LHD amphibious
3 assault ship and other LHD amphibious assault ships,
4 which were closely held and conspicuously marked with
5 warnings that the documents contained technical data
6 subject to export controls and that unauthorized export
7 of that technical data could subject the exporter to
8 severe criminal penalties; and

- 9 g. Conspirator A paid defendant JINCHAO WEI in exchange for
10 the national defense information and export-controlled
11 documents that defendant JINCHAO WEI provided to
12 Conspirator A.

13 **Overt Acts in Furtherance of the Conspiracy**

14 17. In furtherance of the conspiracy and to achieve the objects
15 thereof, defendant JINCHAO WEI and Conspirator A committed and caused
16 to be committed the following overt acts, among others, in the Southern
17 District of California and elsewhere:

- 18 a. Between on or about February 14, 2022, and February 15,
19 2022, Conspirator A contacted defendant JINCHAO WEI, and
20 requested information available to defendant JINCHAO WEI
21 as an enlisted service member of the U.S. Navy.
- 22 b. On or about February 15, 2022, defendant JINCHAO WEI and
23 Conspirator A discussed deleting communications
24 involving the two of them to avoid detection by
25 authorities.
- 26 c. On or about February 18, 2022, Conspirator A requested
27 that defendant JINCHAO WEI pass information to
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1 Conspirator A about ships moored at Naval Base San Diego,
2 including photographs and videos.

3 d. On or about February 22, 2022, Conspirator A requested
4 that defendant JINCHAO WEI provide information regarding
5 the maintenance cycle aboard U.S. Navy ships, including
6 his Wasp class LHD, which defendant JINCHAO WEI said
7 would be viewed as spying and affect his pending
8 application for U.S. Citizenship.

9 e. On or about February 23, 2022, defendant JINCHAO WEI and
10 Conspirator A agreed to use a second encrypted
11 communication application.

12 f. On or about March 7, 2022, Conspirator A instructed
13 defendant JINCHAO WEI to send photographs and other
14 material obtained through his service in the U.S. Navy
15 through a particular secure communication application.

16 g. On or about March 13, 2022, defendant JINCHAO WEI sent
17 multiple photographs and videos of the U.S.S. Essex to
18 Conspirator A.

19 h. On or about April 21, 2022, defendant JINCHAO WEI advised
20 Conspirator A of the sea taskings and current location
21 of various U.S. Navy LHDs.

22 i. Between on or about April 23, 2022, and April 26, 2022,
23 defendant JINCHAO WEI and Conspirator A discussed the
24 importance of electro mechanics on Chinese type 075
25 amphibious assault ships and aircraft carriers.

26 j. On or about May 15, 2022, defendant JINCHAO WEI listed
27 the defensive weapons aboard the U.S.S. Essex for
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1 Conspirator A, and disclosed what he believed was a weak
2 point of the U.S.S. Essex.

3 k. On or about May 18, 2022, Conspirator A sent money to
4 defendant JINCHAO WEI and congratulated WEI for being
5 granted U.S. Citizenship.

6 l. On or about June 5, 2022, defendant JINCHAO WEI sent to
7 Conspirator A approximately 30 technical and mechanical
8 manuals that contained export control warnings on them
9 and which detailed the operation of multiple systems
10 aboard LHDs and similar ships, including power, steering,
11 aircraft and deck elevators, as well as damage and
12 casualty controls.

13 m. On or about June 6, 2022, Conspirator A advised that 10
14 of the export-restricted manuals proved useful, and that
15 Conspirator A had not seen those manuals before defendant
16 JINCHAO WEI sent them to Conspirator A.

17 n. Between on or about June 10, 2022, through June 11, 2022,
18 Conspirator A transferred \$5,000 to defendant JINCHAO WEI
19 as compensation for transmitting the 30 export-restricted
20 technical and mechanical manuals related to the operation
21 of LHDs and similar ships.

22 o. On or about June 13, 2022, Conspirator A and defendant
23 JINCHAO WEI agreed to not speak with others about what
24 they are doing and delete any online connection between
25 them.

26 p. On or about June 14, 2022, Conspirator A requested
27 defendant JINCHAO WEI pass information available to
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- 1 u. On or about September 30, 2022, Conspirator A transferred
2 money to defendant JINCHAO WEI.
- 3 v. On or about October 8, 2022, defendant JINCHAO WEI sent
4 to Conspirator A national defense information, to wit,
5 documents about the U.S.S. Essex from at least one manual
6 that contained export control, distribution, and
7 destruction warnings and that related to damage control,
8 the layout and location of certain departments and
9 berthing quarters aboard the ship, weapons systems, and
10 other topics.
- 11 w. On or about October 9, 2022, Conspirator A requested any
12 information defendant JINCHAO WEI could obtain on the
13 U.S. Navy's LHD lightning carrier and other amphibious
14 combat concepts, and defendant JINCHAO WEI agreed to do
15 so.
- 16 x. On or about October 26, 2022, Conspirator A transferred
17 money to defendant JINCHAO WEI.
- 18 y. On or about November 13, 2022, defendant JINCHAO WEI
19 advised that he would be receiving specialized fire
20 training and offered and agreed to pass detailed
21 information about the training to Conspirator A.
- 22 z. On or about November 24, 2022, Conspirator A transferred
23 money to defendant JINCHAO WEI.
- 24 aa. On or about December 1, 2022, defendant JINCHAO WEI
25 passed technical and mechanical manuals that contained
26 export control warnings to Conspirator A related to the
27 U.S.S. Essex.

1 bb. On or about January 9, 2023, defendant JINCHAO WEI spoke
2 with Conspirator A, who instructed defendant JINCHAO WEI
3 to pass information about the overhaul and upgrades to
4 the U.S.S. Essex, and directed defendant JINCHAO WEI to
5 film blueprints with a cellphone, stressing the
6 importance of passing information about any modifications
7 to the flight deck.

8 cc. On or about January 11, 2023, Conspirator A transferred
9 money to defendant JINCHAO WEI.

10 dd. On or about January 21, 2023, Conspirator A offered to
11 fly defendant JINCHAO WEI and his mother to China in
12 order for defendant JINCHAO WEI and Conspirator A to meet
13 in person.

14 ee. On or about February 1, 2023, Conspirator A transferred
15 money to defendant JINCHAO WEI.

16 ff. On or about February 5, 2023, defendant JINCHAO WEI
17 advised Conspirator A that LHDs, including the U.S.S.
18 Essex, are the Navy's transportation tool for United
19 States Marines, and listed several repairs underway for
20 the U.S.S. Essex, as well as mechanical problems for
21 another LHD that would affect the other ship's ability
22 to deploy as previously scheduled.

23 gg. From on or about February 27, 2023, through on or about
24 June 7, 2023, Conspirator A made multiple transfers of
25 money to defendant JINCHAO WEI, totaling approximately
26 \$2,100.

27 All in violation of Title 18, United States Code, Section 794(c).

Count 2

18. The allegations contained in paragraphs 1 through 18 are realleged and incorporated as if fully set forth in this paragraph.

19. Beginning in or about August 2022, and continuing through in or about October 2022, within the Southern District of California, and elsewhere, defendant JINCHAO WEI, aka Patrick Wei, did knowingly and unlawfully communicate, deliver, and transmit to a foreign government, to wit, the People's Republic of China, and representatives, officers, agents, employees, subjects, and citizens thereof, directly and indirectly, documents, writings, sketches, notes, and information relating to the national defense of the United States, that is technical data present in manuals and other documents for the U.S.S. Essex LHD amphibious assault ship and other LHD amphibious assault ships, with intent and reason to believe that such documents and information were to be used to the injury of the United States and to the advantage of a foreign nation; in violation of Title 18, United States Code, Sections 794(a) and 2.

Count 3

20. The allegations contained in paragraphs 1 through 20 are realleged and incorporated as if fully set forth in this paragraph.

21. Beginning in or about February 2022, and continuing through the present, within the Southern District of California, and elsewhere, defendant JINCHAO WEI, aka Patrick Wei, and Conspirator A, did knowingly and unlawfully conspire together and with each other and with others, known and unknown to the grand jury, to willfully export technical data related to defense articles from the United States to the People's Republic of China without first having obtained the required licenses

1 from DDTC; in violation of Title 22, United States Code,
2 Sections 2778(b)(2) and (c), and Title 22, Code of Federal Regulations,
3 Sections 121.1, 127.1, and 127.3.

4 **Manner and Means of the Conspiracy**

5 22. Defendant JINCHAO WEI and Conspirator A used the following
6 manner and means, among others, to export technical data related to
7 defense articles from the United States to the People's Republic of
8 China without first having obtained the required licenses from DDTC:

- 9 a. Defendant JINCHAO WEI and Conspirator A used multiple
10 internet-based encrypted methods to communicate;
- 11 b. Conspirator A tasked defendant JINCHAO WEI with
12 collection priorities and the type of U.S. military
13 information Conspirator A was interested in receiving;
- 14 c. Conspirator A instructed defendant JINCHAO WEI to gather
15 U.S. military information that was not public and told
16 him that original documents were preferred;
- 17 d. Conspirator A instructed defendant JINCHAO WEI not to
18 discuss their relationship and to destroy evidence
19 regarding the nature of their relationship and their
20 activities;
- 21 e. Defendant JINCHAO WEI surreptitiously gathered export-
22 controlled information concerning the U.S. Navy for
23 Conspirator A, using his phone to take photographs and
24 his access to restricted computer systems to gather
25 information;
- 26 f. Defendant JINCHAO WEI exported controlled technical
27 information concerning defense articles related to the
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1 U.S. Navy to Conspirator A, who he knew lived in China,
2 without obtaining the required licenses or approval from
3 the U.S. State Department; and

4 g. Conspirator A paid defendant JINCHAO WEI in exchange for
5 the information and documents that defendant JINCHAO WEI
6 provided to Conspirator A.

7 **Overt Acts in Furtherance of the Conspiracy**

8 23. In furtherance of the said conspiracy and to achieve the
9 objects thereof, defendant JINCHAO WEI and Conspirator A committed and
10 caused to be committed, among others, the overt acts alleged in
11 paragraphs 17(a) to 17(gg) above.

12 All in violation of Title 22, United States Code, Section 2778(b)(2)
13 and (c), and Title 22, Code of Federal Regulations, Sections 121.1,
14 127.1, and 127.3.

15 **Count 4**

16 24. The allegations contained in paragraphs 1 through 25 are
17 realleged and incorporated as if fully set forth in this paragraph.

18 25. On or about October 8, 2022, within the Southern District of
19 California, and elsewhere, defendant JINCHAO WEI, aka Patrick Wei, did
20 willfully export from the United States to the People's Republic of
21 China export-controlled technical data related to defense articles on
22 the U.S.S. Essex, to wit, a weapons control systems manual for LHD
23 amphibious assault ships, without first obtaining the required license
24 or written approval from the U.S. State Department; in violation of
25 Title 22, United States Code, Section 2778(b)(2) and (c), Title 22, Code
26 of Federal Regulations, Sections 121.7, 127.1, and 127.3, and Title 18,
27 United States Code, Section 2.

CRIMINAL FORFEITURE

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2 26. The allegations contained in Counts 1 through 4 of this
3 Indictment are realleged and by their reference fully incorporated
4 herein for the purpose of alleging forfeiture to the United States of
5 America pursuant to the provisions of Title 18, United States Code,
6 Sections 794(d) and 981(a)(1)(C), Title 22, United States Code,
7 Section 401, and Title 28, United States Code, Section 2461(c).

8 27. Upon conviction of the one and more of the offenses alleged
9 in Counts 1 and 2, defendant JINCHAO WEI, aka Patrick Wei, shall forfeit
10 to the United States, pursuant to Title 18, United States Code,
11 Section 794(d)(1), any property, real and personal, constituting and
12 derived from any proceeds obtained directly and indirectly as a result
13 of the violations, and all property used and intended to be used in any
14 manner and part to commit and to facilitate the commission of the
15 violations.

16 28. Upon conviction of one and more of the offenses alleged in
17 Counts 3 and 4 and pursuant to Title 18, United States Code,
18 Section 981(a)(1)(C), Title 22, United States Code, Section 401, and
19 Title 28, United States Code Section 2461(c) defendant JINCHAO WEI,
20 aka Patrick Wei, shall forfeit to the United States all property
21 constituting, and derived from, any proceeds the defendant obtained,
22 directly and indirectly, as the result of the offenses and all arms and
23 munitions of war, and all commodities and technology which is intended
24 to be and was being exported in violation of law.

25 29. If any of the forfeitable property described above in
26 paragraphs 27 and 28, as a result of any act or omission of the defendant;

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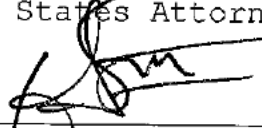
- 1 a. cannot be located upon the exercise of due diligence;
- 2 b. has been transferred or sold to, or deposited with, a
- 3 third party;
- 4 c. has been placed beyond the jurisdiction of the Court;
- 5 d. has been substantially diminished in value; or
- 6 e. has been commingled with other property which cannot be
- 7 subdivided without difficulty; it is the intent of the United States,
- 8 pursuant to Title 28, United States Code, Section 2461(c) which
- 9 incorporates the provisions of Title 21, United States Code,
- 10 Section 853(p), to seek forfeiture of any other property of the defendant
- 11 up to the value of the forfeitable property described above.

12 All pursuant to Title 18, United States Code, Sections 794(d) and
13 981(a)(1)(C), Title 22, United States Code, Section 401, and Title 28,
14 United States Code, Section 2461(c).

15 DATED: July 19, 2023.

16 A TRUE BILL:
17 
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19 RANDY S. GROSSMAN
20 United States Attorney

21 By: 
22 FRED SHEPPARD
23 JOHN PARMLEY
Assistant U.S. Attorneys

24 ADAM BARRY
25 Trial Attorney
National Security Division