



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

October 2022 Grand Jury

1 UNITED STATES OF AMERICA,
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v.

JINCHAO WEI,
aka Patrick Wei,
Defendant.

Case No. 23CR1471-H

I N D I C T M E N T
(Superseding)

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.
1425(a) - Unlawful Procurement of
Citizenship; 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 Superseding Indictment, unless
otherwise indicated:

1. Defendant JINCHAO WEI, aka Patrick Wei, was enlisted with the
United States Navy as a Machinist's Mate assigned to the U.S.S. Essex,

1 a Wasp class Landing Helicopter Dock ("LHD")¹ amphibious assault ship
2 moored at Naval Base San Diego. Defendant JINCHAO WEI was born in the
3 People's Republic of China ("PRC"), enlisted in the U.S. Navy in July
4 2021, and was naturalized as a U.S. citizen in May 2022.

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
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25 ¹ The Wasp class LHD resembles a small aircraft carrier and allows
26 the U.S. military to project power and maintain presence by serving as
27 the cornerstone of the Amphibious Readiness Group and Expeditionary
28 Strike Group elements in the U.S. Navy. The Wasp class LHD is currently
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 PRC.

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

26 9. Approximately a year into his handler/asset relationship with
27 Conspirator A, defendant JINCHAO WEI confided to a family member that
28 he believed Conspirator A was affiliated with the Chinese Navy and that

1 Conspirator A had paid him thousands of dollars in exchange for sending
2 Conspirator A secrets about the U.S. Navy. The family member
3 congratulated defendant JINCHAO WEI and defendant JINCHAO WEI boasted
4 that while other U.S. Navy sailors were driving cabs to make extra money,
5 all he had to do was leak secrets.

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

14 11. A month before beginning his handler/asset relationship with
15 Conspirator A, in or about January 2022, defendant JINCHAO WEI filed his
16 application with the U.S. government to become a naturalized U.S.
17 citizen. After entering his handler/asset relationship and beginning to
18 pass national defense information and/or export-controlled information
19 to Conspirator A, defendant JINCHAO WEI made multiple false and material
20 statements to the U.S. government during his naturalization process. As
21 a result of these false statements, defendant JINCHAO WEI was naturalized
22 as a U.S. citizen in approximately May 2022. After learning that
23 defendant JINCHAO WEI had become a U.S. citizen, Conspirator A
24 congratulated him and sent him extra money as a celebratory gift.

25 THE ARMS EXPORT CONTROL ACT AND THE
26 INTERNATIONAL TRAFFIC IN ARMS REGULATIONS

27 12. In furtherance of the national security and foreign policy
28 interests of the United States, the export of defense-related articles

1 was regulated by the Arms Export Control Act, Title 22, United States
2 Code, Section 2778 ("AECA"). Section 2778(a) authorized the President
3 of the United States to control the import and export of defense articles
4 and to establish a United States Munitions List ("USML"), which
5 identified and defined the defense articles subject to those controls.
6 Section 2778(b) provided that any person engaged in the business of
7 manufacturing or exporting any defense article shall register with the
8 government. Section 2778(c) established criminal penalties for any
9 willful violation of Section 2778 or any rule or regulation thereunder.

10 13. The United States Department of State, through the Directorate
11 of Defense Trade Controls ("DDTC"), implemented these statutory
12 provisions by adopting the International Traffic in Arms Regulations
13 ("ITAR"), Title 22, Code of Federal Regulations, Parts 120 et seq. These
14 regulations established the USML and required an export license for the
15 export of any items on the USML. "Defense articles," as that term is
16 used in Title 22, United States Code, Section 2778(b)(2) and the ITAR,
17 means items, including technical data, designated for placement on the
18 USML as weapons, weapons systems, aircraft, surface vessels of war,
19 associated equipment, and other implements of war.

20 14. With limited exceptions for the closest military allies of the
21 United States, a person or entity seeking to export from the United
22 States designated "defense articles" on the USML must receive a license
23 or other approval from the DDTC.

24 15. At no time did defendant JINCHAO WEI obtain a license from the
25 DDTC.

26 **Count 1**

27 16. Paragraphs 1 to 15 are restated and realleged as if set forth
28 herein.

1 17. Beginning in or about February 2022, and continuing through
2 August 2023, within the Southern District of California, and elsewhere,
3 defendant JINCHAO WEI, aka Patrick Wei, and Conspirator A, did knowingly
4 and unlawfully conspire together and with each other and with others,
5 known and unknown to the grand jury, to communicate, deliver, and
6 transmit to a foreign government, to wit, the Government of the People's
7 Republic of China, and representatives, officers, agents, employees,
8 subjects, and citizens thereof, directly and indirectly, documents,
9 sketches, plans, notes, and information relating to the national defense
10 of the United States, with intent and reason to believe that such
11 documents, sketches, plans, notes, and information were to be used to
12 the injury of the United States and to the advantage of a foreign nation,
13 namely, the Government of the People's Republic of China.

14 **Manner and Means of the Conspiracy**

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

- 20 a. Defendant JINCHAO WEI and Conspirator A used multiple
21 internet-based encrypted methods to communicate;
- 22 b. Conspirator A tasked defendant JINCHAO WEI with PRC
23 collection priorities and collection of the type of U.S.
24 military information Conspirator A was interested in
25 receiving, including national defense information;
- 26 c. Conspirator A instructed defendant JINCHAO WEI to gather
27 non-public U.S. military information, including national
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1 defense information, and told him that original documents
2 were preferred;

3 d. Conspirator A instructed defendant JINCHAO WEI not to
4 discuss their relationship and to destroy evidence
5 regarding the nature of their relationship and their
6 activities;

7 e. Defendant JINCHAO WEI surreptitiously gathered national
8 defense information for Conspirator A, accessing
9 restricted U.S. Navy computer systems to gather such
10 national defense information;

11 f. Defendant JINCHAO WEI transmitted and attempted to
12 transmit to Conspirator A documents, sketches, plans,
13 notes, and other information relating to the national
14 defense, specifically, technical data present in manuals
15 and other documents for the U.S.S. Essex LHD amphibious
16 assault ship and other LHD amphibious assault ships,
17 which were closely held and conspicuously marked with
18 warnings that the documents contained technical data
19 subject to export controls and that unauthorized export
20 of that technical data could subject the exporter to
21 severe criminal penalties; and

22 g. Conspirator A paid defendant JINCHAO WEI in exchange for
23 the national defense information and export-controlled
24 documents that defendant JINCHAO WEI provided to
25 Conspirator A.

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

27 19. In furtherance of the conspiracy and to achieve the objects
28 thereof, defendant JINCHAO WEI and Conspirator A committed and caused

1 to be committed the following overt acts, among others, in the Southern
2 District of California and elsewhere:

- 3 a. Between on or about February 14, 2022, and February 15,
4 2022, Conspirator A contacted defendant JINCHAO WEI, and
5 requested information available to defendant JINCHAO WEI
6 as an enlisted service member of the U.S. Navy.
- 7 b. On or about February 15, 2022, defendant JINCHAO WEI and
8 Conspirator A discussed deleting communications
9 involving the two of them to avoid detection by
10 authorities.
- 11 c. On or about February 18, 2022, Conspirator A requested
12 that defendant JINCHAO WEI pass information to
13 Conspirator A about ships moored at Naval Base San Diego,
14 including photographs and videos.
- 15 d. On or about February 22, 2022, Conspirator A requested
16 that defendant JINCHAO WEI provide information regarding
17 the maintenance cycle aboard U.S. Navy ships, including
18 his Wasp class LHD, which defendant JINCHAO WEI said
19 would be viewed as spying and affect his pending
20 application for U.S. Citizenship. Defendant JINCHAO WEI
21 also told Conspirator A that he would look for the
22 information Conspirator A requested after defendant
23 JINCHAO WEI returned to his ship in March 2022.
- 24 e. On or about February 22, 2022, defendant JINCHAO WEI
25 contacted another U.S. sailor and stated that he was on
26 the radar of a Chinese intelligence organization and that
27 he met someone who was asking him suspicious questions
28 about the U.S. Navy, including questions about the

1 maintenance cycle of U.S. Navy ships, and asking him to
2 take photographs of a U.S. Naval base. Defendant JINCHAO
3 WEI also told the other U.S. sailor that he was no idiot
4 and that based on what he was being asked to do, this was
5 "quite obviously fucking espionage."

6 f. On or about February 23, 2022, defendant JINCHAO WEI and
7 Conspirator A agreed to use a second encrypted
8 communication application.

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

13 h. On or about March 13, 2022, defendant JINCHAO WEI sent
14 multiple photographs and videos of the U.S.S. Essex to
15 Conspirator A.

16 i. On or about April 21, 2022, defendant JINCHAO WEI advised
17 Conspirator A of the sea taskings and current location
18 of various U.S. Navy LHDs.

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

23 k. On or about April 27, 2022, in connection with his
24 application to become a U.S. citizen, defendant JINCHAO
25 WEI stated, under penalty of perjury, to an officer of
26 the U.S. Department of Homeland Security, United States
27 Citizenship and Immigration Service, that he had not
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1 committed a crime or offense for which he had not been
2 arrested.

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

7 m. On or about May 18, 2022, at his naturalization ceremony,
8 defendant JINCHAO WEI stated, under penalty of perjury,
9 that since April 27, 2022, he had not committed a crime
10 or offense for which he had not been arrested. Later that
11 day, Conspirator A sent money to defendant JINCHAO WEI
12 and congratulated WEI for being granted U.S. Citizenship.

13 n. On or about June 5, 2022, defendant JINCHAO WEI sent to
14 Conspirator A approximately 30 technical and mechanical
15 manuals that contained export control warnings on them
16 and which detailed the operation of multiple systems
17 aboard LHDs and similar ships, including power, steering,
18 aircraft and deck elevators, as well as damage and
19 casualty controls.

20 o. On or about June 6, 2022, Conspirator A advised that 10
21 of the export-restricted manuals proved useful, and that
22 Conspirator A had not seen those manuals before defendant
23 JINCHAO WEI sent them to Conspirator A.

24 p. Between on or about June 10, 2022, through June 11, 2022,
25 Conspirator A transferred \$5,000 to defendant JINCHAO WEI
26 as compensation for transmitting the 30 export-restricted
27 technical and mechanical manuals related to the operation
28 of LHDs and similar ships.

- 1 q. On or about June 13, 2022, Conspirator A and defendant
2 JINCHAO WEI agreed to not speak with others about what
3 they were doing and to delete any online connection
4 between them.
- 5 r. On or about June 14, 2022, Conspirator A requested
6 defendant JINCHAO WEI pass information available to
7 Conspirator A about the numbers and training of U.S.
8 Marines involved in an upcoming international maritime
9 warfare exercise, as well as photographs of military
10 hardware, including guns, vehicles, and planes.
- 11 s. On or about July 7, 2022, defendant JINCHAO WEI sent to
12 Conspirator A multiple photographs of military equipment
13 as requested by Conspirator A.
- 14 t. On or about August 14, 2022, defendant JINCHAO WEI sent
15 to Conspirator A national defense information, to wit,
16 26 technical and mechanical manuals related to the power
17 structure, propulsion system, and operation of LHDs and
18 similar ships, which were stored on restricted access
19 U.S. Navy computer systems and, on their face, warned
20 users that the manuals contained technical data subject
21 to export controls, that distribution was limited to U.S.
22 government or U.S. Department of Defense personnel, that
23 some of the manuals contained information deemed
24 "critical technology" by the U.S. Navy, and that users
25 should destroy the manuals to prevent unauthorized
26 disclosures.
- 27 u. Between on or about August 30, 2022, and September 6,
28 2022, Conspirator A transferred \$1,200 to defendant

1 JINCHAO WEI for the passage of export-restricted manuals,
2 including national defense information, and for
3 continuing work for Conspirator A.

4 v. On or about September 27, 2022, Conspirator A tasked
5 defendant JINCHAO WEI with providing additional
6 information about the U.S.S. Essex.

7 w. On or about September 30, 2022, Conspirator A transferred
8 money to defendant JINCHAO WEI.

9 x. On or about October 8, 2022, defendant JINCHAO WEI sent
10 to Conspirator A national defense information, to wit,
11 documents about the U.S.S. Essex from at least one manual
12 that contained export control, distribution, and
13 destruction warnings and that related to damage control,
14 the layout and location of certain departments and
15 berthing quarters aboard the ship, weapons systems, and
16 other topics.

17 y. On or about October 9, 2022, Conspirator A requested any
18 information defendant JINCHAO WEI could obtain on the
19 U.S. Navy's LHD lightning carrier and other amphibious
20 combat concepts, and defendant JINCHAO WEI agreed to do
21 so.

22 z. On or about October 26, 2022, Conspirator A transferred
23 money to defendant JINCHAO WEI.

24 aa. On or about November 13, 2022, defendant JINCHAO WEI
25 advised that he would be receiving specialized fire
26 training and offered and agreed to pass detailed
27 information about the training to Conspirator A.

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- 1 bb. On or about November 24, 2022, Conspirator A transferred
2 money to defendant JINCHAO WEI.
- 3 cc. On or about December 1, 2022, defendant JINCHAO WEI
4 passed technical and mechanical manuals that contained
5 export control warnings to Conspirator A related to the
6 U.S.S. Essex.
- 7 dd. On or about January 9, 2023, defendant JINCHAO WEI spoke
8 with Conspirator A, who instructed defendant JINCHAO WEI
9 to pass information about the overhaul and upgrades to
10 the U.S.S. Essex, and directed defendant JINCHAO WEI to
11 film blueprints with a cellphone, stressing the
12 importance of passing information about any modifications
13 to the flight deck.
- 14 ee. On or about January 11, 2023, Conspirator A transferred
15 money to defendant JINCHAO WEI.
- 16 ff. On or about January 21, 2023, Conspirator A offered to
17 fly defendant JINCHAO WEI and his mother to China in
18 order for defendant JINCHAO WEI and Conspirator A to meet
19 in person.
- 20 gg. On or about February 1, 2023, Conspirator A transferred
21 money to defendant JINCHAO WEI.
- 22 hh. On or about February 5, 2023, defendant JINCHAO WEI
23 advised Conspirator A that LHDs, including the U.S.S.
24 Essex, are the Navy's transportation tool for U.S.
25 Marines, and listed several repairs underway for the
26 U.S.S. Essex, as well as mechanical problems for another
27 LHD that would affect the other ship's ability to deploy
28 as previously scheduled.

1 and unlawfully conspire together and with each other and with others,
2 known and unknown to the grand jury, to willfully export technical data
3 related to defense articles from the United States to the People's
4 Republic of China without first having obtained the required licenses
5 from DDTC; in violation of Title 22, United States Code,
6 Sections 2778(b)(2) and (c), and Title 22, Code of Federal Regulations,
7 Sections 121.1, 127.1, and 127.3.

8 **Manner and Means of the Conspiracy**

9 24. Defendant JINCHAO WEI and Conspirator A used the following
10 manner and means, among others, to export technical data related to
11 defense articles from the United States to the People's Republic of
12 China without first having obtained the required licenses from DDTC:

- 13 a. Defendant JINCHAO WEI and Conspirator A used multiple
14 internet-based encrypted methods to communicate;
- 15 b. Conspirator A tasked defendant JINCHAO WEI with
16 collection priorities and the type of U.S. military
17 information Conspirator A was interested in receiving;
- 18 c. Conspirator A instructed defendant JINCHAO WEI to gather
19 U.S. military information that was not public and told
20 him that original documents were preferred;
- 21 d. Conspirator A instructed defendant JINCHAO WEI not to
22 discuss their relationship and to destroy evidence
23 regarding the nature of their relationship and their
24 activities;
- 25 e. Defendant JINCHAO WEI surreptitiously gathered export-
26 controlled information concerning the U.S. Navy for
27 Conspirator A, using his phone to take photographs and
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1 his access to restricted computer systems to gather
2 information;

3 f. Defendant JINCHAO WEI exported controlled technical
4 information concerning defense articles related to the
5 U.S. Navy to Conspirator A, who he knew lived in China,
6 without obtaining the required licenses or approval from
7 the U.S. State Department; and

8 g. Conspirator A paid defendant JINCHAO WEI in exchange for
9 the information and documents that defendant JINCHAO WEI
10 provided to Conspirator A.

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

12 25. In furtherance of the said conspiracy and to achieve the
13 objects thereof, defendant JINCHAO WEI and Conspirator A committed and
14 caused to be committed, among others, the overt acts alleged in
15 paragraphs 19(a) to 19(ii) above.

16 All in violation of Title 22, United States Code, Section 2778(b)(2)
17 and (c), and Title 22, Code of Federal Regulations, Sections 121.1,
18 127.1, and 127.3.

19 **Counts 4-6**

20 26. The allegations contained in paragraphs 1 through 19 are
21 realleged and incorporated as if fully set forth in this paragraph.

22 27. On or about the dates listed for each count, within the
23 Southern District of California, and elsewhere, defendant JINCHAO WEI,
24 aka Patrick Wei, did willfully export from the United States to the
25 People's Republic of China export-controlled technical data related to
26 defense articles on U.S. Navy surface warfare vessels, without first
27 obtaining the required license or written approval from the U.S. State
28 Department:

Count	Approximate Date of Export	Exported Item
4	June 5, 2022	Boiler water/feedwater technical manual for LHD amphibious assault ships
5	August 14, 2022	Propulsion operating guide for LHD amphibious assault ships
6	October 8, 2022	Weapons control system manual for LHD amphibious assault ships

each in violation of Title 22, United States Code, Section 2778(b)(2) and (c), Title 22, Code of Federal Regulations, Sections 121.7, 127.1, and 127.3, and Title 18, United States Code, Section 2.

Count 7

28. The allegations contained in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

29. On or about April 27, 2022, within the Southern District of California, defendant JINCHAO WEI, aka Patrick Wei, did knowingly procure, contrary to law, his naturalization, in that he knowingly made a false statement under oath in a proceeding in furtherance of his procurement of citizenship and the false statement was material to his ultimate procurement of citizenship, to wit, in an interview in connection with his application for naturalization (Form N-400), defendant was asked the question at Part 12, Question 22 of his Form N-400: "Have you EVER committed, assisted in committing, or attempted to commit, a crime or offense for which you were NOT arrested?" and in response, defendant falsely testified under oath to an officer of the U.S. Department of Homeland Security, United States Citizenship and Immigration Service ("USCIS") that he had not committed a crime or offense for which he was not arrested, where he then knew, he had, in fact, committed the crime charged in Count 1 of this Superseding Indictment, in violation of Title 18, United States Code, Section

1 1015(a), all in violation of Title 18, United States Code, Section
2 1425(a).

3 **CRIMINAL FORFEITURE**

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

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

18 32. Upon conviction of one and more of the offenses alleged in
19 Counts 3 through 6 and pursuant to Title 18, United States Code,
20 Section 981(a)(1)(C), Title 22, United States Code, Section 401, and
21 Title 28, United States Code Section 2461(c) defendant JINCHAO WEI,
22 aka Patrick Wei, shall forfeit to the United States all property
23 constituting, and derived from, any proceeds the defendant obtained,
24 directly and indirectly, as the result of the offenses and all arms and
25 munitions of war, and all commodities and technology which is intended
26 to be and was being exported in violation of law.

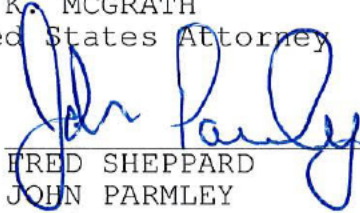
27 33. If any of the forfeitable property described above in
28 paragraphs 31 and 32, as a result of any act or omission of the defendant;

- 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: February 29, 2024.

16
17 TARA K. MCGRATH
United States Attorney

18
19 By: 
20 FRED SHEPPARD
JOHN PARMLEY
21 Assistant U.S. Attorneys

22 ADAM BARRY
23 Trial Attorney
24 National Security Division
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