

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Case: 1:26-mj-00040
Assigned To: Judge Sharbaugh, Matthew J.
Assign. Date: 2/24/2026
Description: COMPLAINT W/ARREST WARRANT
UNDER SEAL

UNITED STATES OF AMERICA :
 :
 :
v. :
 :
GERALD EDDIE BROWN, JR., :
also known as “Runner,” :
 :
Defendant. :

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Emerson Follett, being first duly sworn, hereby submit this affidavit in support of a criminal complaint and application for an arrest warrant relating to: GERALD EDDIE BROWN, JR., also known as “Runner.”

I respectfully submit that there is probable cause to believe that between in or about August 2023, until the present, BROWN and his co-conspirators did knowingly combine, conspire, confederate, and agree to violate and violated the Arms Export Control Act, in violation of 18 U.S.C. § 371 and 22 U.S.C. § 2778.

AFFIANT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”). I have been in this position since July 2018. As such, I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. As a Special Agent, I have participated in investigations involving, among other things, sanctions and export control violations, including violations of the International Emergency Economic Powers Act (“IEEPA”), the Arms Export Control Act (“AECA”), and the Export Control Reform Act (“ECRA”). Through my training, education, and experience, I am familiar

with the techniques and methods of operation used by individuals involved in intelligence and criminal activities to conceal their behavior from detection by law enforcement authorities. I have participated in numerous investigations, during which I have conducted physical and electronic surveillance, interviewed witnesses, examined financial records, executed court-authorized search warrants and used other techniques to secure relevant information.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant. It does not set forth all of my knowledge, or the knowledge of others, about this matter.

3. Based on my training and experience and the facts set forth in this affidavit, I respectfully submit that there is probable cause to believe that BROWN and his co-conspirators conspired to violate the Arms Export Control Act, in violation of 18 U.S.C. § 371, and violated the Arms Export Control Act, in violation of 22 U.S.C. § 2778.

JURISDICTION AND VENUE

4. This Court has jurisdiction and venue to issue the requested warrant. Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i). As discussed more fully below, acts or omissions in furtherance of the offenses under investigation occurred within the District of Columbia. *See* 18 U.S.C. § 3237. Namely, a license from the Department of State’s Directorate of Defense Trade Controls (“DDTC”) is required for a U.S. person to provide defense services. DDTC is located in the District of Columbia.

LEGAL BACKGROUND

Arms Export Control Act (AECA) and the International Traffic in Arms Regulations (ITAR)

5. The AECA, 22 U.S.C. § 2778, authorizes the President of the United States to control the export of “defense articles” and “defense services” by designating those certain items as defense articles and promulgating regulations for the export of such articles and services, and by imposing certain licensing requirements consistent with those regulations.

6. The President delegated his statutory authority to promulgate regulations with respect to the export of defense articles to the U.S. Secretary of State by Executive Order 11958, as amended.

7. The International Traffic in Arms Regulations (“ITAR”), 31 C.F.R. Parts 120-130, set forth the regulations implementing the AECA.

8. Under the ITAR, “defense services” are defined “as the furnishing of assistance (including training) to any foreign person, whether in the United States or abroad[,] in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles.” 22 C.F.R. § 120.32(a)(1). Defense services also include the “furnishing to foreign persons of any technical data controlled under [the ITAR], whether in the United States or abroad,” 22 C.F.R. § 120.32(a)(2), and “[m]ilitary training of foreign units and forces, regular and irregular, including formal or informal instruction of foreign persons in the United States or abroad or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice.” 22 C.F.R. § 120.32(a)(3).

9. In addition, the definition of “export” includes, “[p]erforming a defense service on behalf of, or for the benefit of, a foreign person, whether in the United States or abroad.” 22 C.F.R. § 120.50(a)(5).

10. “Defense articles” are defined as any item or technical data designated on the United States Munitions List (“USML”). 22 C.F.R. § 120.31. The USML sets forth twenty-one categories of defense articles that are subject to the ITAR and DDTC’s export licensing controls. 22 C.F.R. § 121.1. As relevant here, the USML includes “[a]ircraft, whether manned, unmanned, remotely piloted, or optionally piloted, [including] [f]ighters, fighter bombers, and fixed-wing attack aircraft.” 22 C.F.R. § 121.1 (Category VIII(a)(2)). In addition, the USML specifically includes all U.S.-origin aircraft that bear an original military designation of A, B, E, F, K, M, P, R, or S, 22 C.F.R. § 121.1 (Category VIII(a)(15)(i)), or foreign-origin aircraft specially designed to provide functions equivalent to aircraft with original military designation of A, B, E, F, K, M, P, R, or S. 22 C.F.R. § 121.1 (Category VIII(a)(15)(ii)).

11. “Technical Data” is defined in the ITAR, in relevant part, as information that “is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of defense articles” and software directly related to defense articles. 22 C.F.R. §§ 120.33(a)(1), (4).

12. Under the ITAR, “[t]he approval of DDTC must be requested and obtained before a defense service may be furnished, unless an exemption . . . is applicable.” 22 C.F.R. § 120.14(b). The U.S. government has a “policy of denial” for the export of defense services and defense articles to the People’s Republic of China (“PRC”). 22 C.F.R. § 126.1(d)(1). Registration with DDTC is “generally a precondition to the issuance of any license or other approval” to export defense services or defense articles. 22 C.F.R. § 122.1(c).

13. Pursuant to 22 U.S.C. § 2778(c), “[a]ny person who willfully violates any provision of [the AECA or ITAR] . . . shall upon conviction be fined for each violation not more than \$1,000,000 or imprisoned not more than 20 years, or both.”

14. DDTC’s licensing authority is located in Washington, D.C.

BACKGROUND ON U.S. AND CHINESE MILITARY AIRCRAFT

15. U.S.-origin military aircraft are designated by letter and number combinations to indicate basic facts about a given aircraft’s function. The initial letter in an aircraft designation describes the aircraft’s basic mission. As relevant here:

- a. The letter “F” is the designation for “fighter” aircraft that are designed to intercept and destroy other aircraft and/or missiles.
- b. The letter “A” is the designation for “attack” aircraft that are designed to search out and destroy enemy land or sea targets using conventional weapons.
- c. The letter “T” is the designation for “trainer” aircraft that are designed for training personnel in the operation of aircraft.
- d. The letter “O” is the designation for “observation” aircraft that are designed for observation and forward air control.

16. The number in an aircraft designation is the aircraft’s design number, which indicates the aircraft’s configuration or capabilities.

17. In particular, the following U.S-origin military aircraft are relevant to the information in this affidavit:

- a. F-4: The F-4 “Phantom II” is a tandem two-seat, twin-engine, all-weather, long-range supersonic jet interceptor and fighter-bomber that was developed by McDonnell Aircraft (part of McDonnell Douglas, now part of Boeing) for the U.S. Navy. Specifically, the F-4 was used for reconnaissance and combat

missions in the 1991 Gulf War in Iraq, and left combat service in or around 1996. The F-4 currently remains in active service with two NATO countries: the Hellenic (Greek) Air Force and the Turkish Air Force.

- b. F-15: The F-15 “Eagle” is a twin-engine, all-weather fighter aircraft designed by McDonnell Douglas (now part of Boeing). The F-15 was the principal air superiority fighter of the U.S. Air Force (“USAF”) and numerous U.S. allies during the late Cold War, replacing the F-4 Phantom II. The USAF operates the newest model, the F-15EX. The F-15 remains in service with numerous countries.
- c. F-16: The F-16 “Fighting Falcon” is a single-engine supersonic multirole fighter aircraft designed by General Dynamics (now Lockheed Martin). Designed as an air superiority day fighter, it evolved into a successful all-weather multirole aircraft with over 4,600 built. Currently, improved versions are being built for export. As of 2025, it is the world's most common fixed-wing aircraft in military service, with 2,084 F-16s operational. It is the most Common Fighter Jet currently in service within NATO defense forces and the USAF.
- d. F-35: The F-35 “Lightning II” is a description of several variants of single-seat, single-engine, supersonic stealth joint strike fighters designed by Lockheed Martin. A multirole combat aircraft designed for both air superiority and strike missions, it also has electronic warfare and intelligence, surveillance, and reconnaissance (“ISR”) capabilities. It is currently being produced for multiple U.S. partners, and the F-35 is increasingly central to

allied air forces, enhancing stealth, situational awareness, and interoperability.

It is currently in use with the USAF, U.S. Navy and U.S. Marine Corps.

- e. F-111: The F-111 “Aardvark” is a retired supersonic, medium-range, fighter-bomber designed by General Dynamics. Production models of the F-111 had roles that included attack, strategic bombing (including nuclear-weapons capabilities), reconnaissance, and electronic warfare. The F-111 was retired by the USAF in or around 1996.
- f. A-10: The A-10 “Thunderbolt II” (known informally as the “Warthog”) is a twin-engine jet aircraft specially designed for low altitude close air support of ground forces by Fairchild Republic Company. The A-10 has various features to increase survivability, including a titanium-armored cockpit and self-sealing fuel cells. When it operates in an airborne forward air control role, it is designated as the OA-10. The A-10 entered service with the USAF in 1977 and remains in service today.
- g. AT-38: The T-38 “Talon” is a two-seat, twinjet supersonic jet trainer designed and produced by Northrop Corporation. It was the world’s first supersonic trainer as well as the most widely produced. It is still used today by the USAF as its primary trainer.

18. Based on my training and experience, I know that allied military aircraft also bear similar designations to those assigned to U.S. military aircraft. In particular, as relevant here, the Dassault Mirage F1 is a single-engine fighter aircraft that previously served as the primary aircraft of the French Air Force. The F1 is used by the militaries of various countries, including the Ecuadorian Air Force and the Libyan Air Force.

19. Based on my training and experience, I know that Chinese military aircraft are also designated by similar letter and number combinations, with the initial letter in a Chinese military aircraft designation also describing the aircraft's basic mission. As relevant here:

- a. The letter "J" is the Chinese designation for fighter aircraft that are designed to search out and destroy enemy land or sea targets using conventional weapons.
- b. The letters "JL" is the designation for trainer aircraft that are designed for training personnel in the operation of aircraft.

20. Similar to U.S.-origin military aircraft, the number in a Chinese military aircraft designation is the aircraft's design number, which indicates the aircraft's configuration or capabilities.

21. Chinese military aircraft are operated by various military entities. As relevant here, the People's Liberation Army Air Force ("PLAAF") is the aviation branch of the Chinese military, known formally as the People's Liberation Army ("PLA"). The PLAAF is the PLA's primary aerial warfare service and controls most of the PLA's air assets, including fighter aircraft, large airlifters, and strategic bombers.

22. In particular, the following Chinese military aircraft are relevant to the information in this affidavit:

- a. J-10: The J-10 is a Chinese single-engine multirole combat aircraft produced by the Chengdu Aircraft Corporation. The J-10 entered service in or around 2005 and is used by the PLAAF and the Pakistan Air Force.
- b. J-11: The Shenyang J-11 is a 4th generation twin-engine jet fighter of the PRC military derived from the Soviet-designed Sukhoi Su-27SK. It is manufactured

by the Shenyang Aircraft Corporation. The aircraft is operated by the PLAAF and the People's Liberation Army Naval Air Force ("PLANAF").

- c. J-12: The Nanchang J-12 was a lightweight supersonic fighter built by the PRC military. After initial development, the J-12 ultimately did not enter active service with the PLA.
- d. JL-8: The JL-8, also known as the Karakorum-8 or K-8 for short, is a two-seat intermediate jet trainer and light attack aircraft designed by China Nanchang Aircraft Manufacturing Corporation.
- e. JL-10: The JL-10, initially known as Hongdu L-15 Falcon, is a supersonic advanced jet trainer and light combat aircraft developed by Hongdu Aviation Industry Corporation. It is used by the PLAAF in its lead-in fighter training ("LIFT"), a training program that bridges the gap between basic flight school and weapons system training.

THE DEFENDANT AND CO-CONSPIRATORS

23. **DEFENDANT, GERALD EDDIE BROWN, JR. ("BROWN")**, a U.S. Citizen born in the United States, is a decorated former USAF pilot with approximately 24 years of military flight experience. During his USAF career, BROWN commanded sensitive units with responsibility for nuclear weapons air delivery systems, led combat missions, and served as a fighter pilot instructor and simulator instructor on a variety of fighter aircraft. After his USAF career, BROWN worked for approximately 20 years in the civilian aviation sector, where he served as a pilot and then a simulator instructor. Most recently, BROWN served as a contract simulator instructor for the A-10 at a U.S. air base in South Korea and then as a contract simulator instructor for the F-35 Joint Strike Fighter at a USAF base in Arizona. As described in more detail below, in

or around December 2023 BROWN began working as a flight instructor in the PRC training Chinese military pilots on fighter aircraft operations. BROWN utilized the call sign “Runner” throughout his military and civilian career as a pilot.

24. According to BROWN’s military service records and his resume, he has experience flying a variety of military aircraft, including the A-10, F-111, F-4, F-16, F-15, and AT-38. BROWN also has flight experience with various civilian passenger and cargo aircraft.

25. During his USAF career, BROWN previously held a clearance up to the Top Secret/Secure Compartmented Information (“SCI”) level for flying Fighter Aircraft Combat Air Patrols over/in support of the President of the United States and Air Force One. Because he held a role related to a U.S. Nuclear Weapons Delivery Mission, BROWN was also enrolled in the Personnel Reliability Program, a Department of War program designed to ensure that employees assigned to nuclear-related duties are reliable and trustworthy.

26. According to BROWN’s military records, BROWN began training with the USAF on September 1, 1982. He was on active duty with the USAF from in or around January 1983 until in or around December 1996. During his USAF service, BROWN’s occupational code was 11F3Y for “General Fighter Pilot.” He retired in 1996 with the rank of Major (O-4). From in or around February 1996 until in or around August 2001, BROWN was in the USAF Reserves. From in or around August 2001 to in or around July 2003, BROWN was in the Air National Guard. From in or around August 2003 to in or around March 2007, BROWN was also in the USAF Reserves.

27. After obtaining the rank of Captain (O-3), from in or around October 1988 to in or around October 1991, BROWN was Aircraft Commander of the F-111F 493rd Fighter Squadron. BROWN’s squadron was a Nuclear Weapons Delivery Wing, meaning that it was one of the mechanisms by which a nuclear weapon would be delivered to its intended target in the event of

authorized use by the President of the United States. Based on his role as Aircraft Commander, BROWN had access to Nuclear Weapon Payload and Delivery Tactics Techniques and Procedures (“TTPs”). During this time, BROWN maintained proficiency in employing laser-guided bombs, as well as the full array of conventional and strike weapons. BROWN was also distinguished as the squadron’s overall “Top Gun” where, according to his USAF personnel file, he “led by example and used his talents to improve the capabilities of his fellow fighter pilots.” As part of this assignment, from in or about September 1990 to in or around June 1991, BROWN was stationed in Lakenheath, England and assigned to support USAF and North Atlantic Treaty Organization (“NATO”) war plans.

28. In or around August 1990 until in or around April 1991, BROWN deployed to assist in approximately 24 combat sorties during Operation Desert Storm in response to the Iraqi invasion of Kuwait. During this deployment, he was responsible for the destruction of two Iraqi biological/chemical weapons storage bunkers, one scud ballistic missile bunker, and various other Iraqi defense equities. In his evaluation for this deployment, BROWN’s commander described him as a “combat hardened professional” who “demonstrated calm professionalism in combat.” In or around September 1990, BROWN was designated “wing command” to lead an “exclusive and daring daylight assault” on Kuwait City, Kuwait.

29. Thereafter, in or around June 1991 until in or around January 1993, BROWN was assigned as the Operations Officer for the 21st Fighter Squadron at Shaw Air Force Base in South Carolina. During this assignment, BROWN was described as a “combat tested and highly motivated flight commander” and was praised “for his leadership, planning, and tactical execution.”

30. From in or around January 1993 to in or around January 1994, BROWN was assigned as the A/OA-10 Flight Commander for the 55th Fighter Squadron at Shaw Air Force Base in South Carolina. During this assignment, BROWN was rated as having exhibited “superior tactical flying skills; he routinely achieves the highest gunnery scores, earned overall best squadron Top Gun honors in two of the last four quarters, and placed third in the second quarter wing-wide Turkey Shoot competition.”

31. From in or around January 1994 to in or around December 1994, BROWN was assigned as the Operations Officer for the 55th Fighter Squadron at Shaw Air Force Base. During this time, BROWN’s performance was described as “outstanding,” he demonstrated “superb flying skills,” and he “regularly place[d] in the top 10 percent in weapons competitions.” During this assignment, Brown’s assignment supported the mobilization of personnel and equipment in support of Operation Vigilant Warrior in Kuwait and Operation Uphold Democracy in Haiti.

32. In or around 1995, BROWN obtained a master’s degree in public administration from Troy State University.

33. From in or around May 1995 to in or around June 1996, BROWN was the A-10 Aircraft Commander and Forward Air Controller at Jaber Air Base in Kuwait, during which he participated in enforcing the Iraqi no-fly zone. BROWN was awarded the Air Medal for meritorious achievement while participating in aerial flights in or around May and June 1995. Ten years later, in or around May 2005, BROWN received the Air Medal (Fourth Oak Leaf Cluster) for distinguishing himself during this assignment.

34. At the conclusion of his period of Active Duty in the USAF, BROWN was promoted to Major with an effective date of October 1, 1997.

35. In or around 2001, BROWN began working for United Parcel Service (“UPS”) as a Flight Pilot. Between in or around 2005 to in or around 2017, BROWN flew to the PRC more than 30 times in this role.

36. In or around August 2001, BROWN was appointed a Major in the Missouri Air National Guard. From in or around 2001 until in or around 2005, BROWN served in various reserve roles, including activating from in or around May 2002 to in or around September 2002 to participate in Operation Noble Eagle, the U.S. military’s homeland defense mission in response to the attacks of September 11, 2001, and activating in or around June 2003 in support of Operation Enduring Freedom.

37. In or around 2007, BROWN’s security clearance lapsed and he did not obtain another security clearance until in or around 2020 as described in further detail below.

38. BROWN was terminated from his role at UPS in or around January 2017 due to a complaint that he caused a physical altercation in 2016 while in the cockpit of a UPS aircraft mid-flight.

39. In or around September 2018, BROWN’s pilot license with the Federal Aviation Administration (“FAA”) was revoked because the FAA came to a final determination that BROWN committed a Federal Aviation Regulation violation based on BROWN’s involvement in the 2016 physical altercation described above. BROWN has not obtained an FAA pilot license since that date.

40. In or around October 2018, BROWN began employment as a pilot with Western Global Airlines, a U.S. cargo airline company based in Florida. In that position, he worked as a simulator instructor pilot for various civilian cargo aircraft in a position that did not require an FAA pilot license.

41. From in or around November 2019 to in or around April 2020, BROWN worked as a B-737 instructor pilot for L-Aero/Swift Air, a cargo airline company based in Spain, in a position that did not require an FAA pilot license.

42. From in or around April 2020 to in or around April 2022, BROWN worked as a Contract Simulator Instructor Pilot for the Delaware Resource Group (“DRG”) during which time he provided simulator training for the USAF on flying the A-10 and F-16 aircraft on various USAF airbases in both the United States and the Republic of Korea (South Korea). BROWN principally worked as an instructor at Osan Air Base in South Korea supporting the Pacific Air Forces Ready Aircrew Program (“PACAF RAP”), a contract to provide instruction and support to U.S. military pilots. In or around March 2022, DRG placed BROWN on suspension without pay pending the results of a Command Inquiry into allegations that BROWN created a hostile work environment by engaging in sexual harassment of personnel he was entrusted to train. In or around April 2022, DRG terminated BROWN from his position. During his employment with DRG, BROWN had an interim Secret security clearance.

43. In or about May 2022, BROWN began employment with Lockheed Martin as an F-35 Contract Simulator Instructor Pilot. BROWN initially worked at Luke Air Force Base in Glendale, Arizona, where he began unclassified training as an F-35 simulator instructor. BROWN did not have a current Top Secret security clearance, so he needed to obtain a Top Secret security clearance to complete the classified portion of the training, after which Lockheed planned to send BROWN to Amendola Airbase in Italy to provide simulator training to USAF and Italian Air Force pilots. Ultimately, however, BROWN did not timely obtain his Top Secret clearance. After Lockheed discovered that BROWN had been terminated by DRG for creating a hostile work environment, Lockheed determined to terminate BROWN based on his inability to obtain a

clearance. Lockheed representatives advised BROWN of his termination on or about November 28, 2023.

44. **CO-CONSPIRATOR 1**, a dual U.S. citizen and Ecuadorian citizen born in Texas, is a pilot who served in the Ecuadorian Air Force from in or about 1998 until in or about 2015, when he retired with the rank of Major. During his service in the Ecuadorian Air Force, CO-CONSPIRATOR 1 logged over 1600 hours of flight time as a pilot on a variety of military aircraft, including the Mirage F1, in various roles, including as an instructor/evaluator.

45. After his Ecuadorian Air Force service, in or around 2015, CO-CONSPIRATOR 1 flew the Mirage F1 as a contractor on behalf of the Libyan Air Force in combat missions against the Islamic State of Iraq and Syria (“ISIS”). In or around 2019, as part of his employment for the Libyan Air Force, CO-CONSPIRATOR 1 trained to obtain his U.S. pilot’s license at the Global Pilot Academy in Tampa, Florida. In or around April 2019, while on a mission, CO-CONSPIRATOR 1 was forced to eject from his aircraft and suffered various injuries, after which he ceased further combat missions. During his time in Libya, CO-CONSPIRATOR 1 logged over 500 hours of flight time in the Mirage F1.

46. Between at the latest in or around August 2023 to at least in or around December 2023, CO-CONSPIRATOR 1 worked as a contract combat flight instructor in the PRC for Stratos (defined below), where he trained PLAAF pilots in combat aircraft operations.

47. CO-CONSPIRATOR 1 has a bachelor’s degree in military aeronautical sciences from the University of the Armed Forces in Ecuador.

48. Co-conspirator “Stephen” Su Bin (“**SU BIN**”) is a Chinese national living in the PRC and the owner of the Chinese company Stratos Aviation (“Stratos”), which was previously known as Beijing China Aviation Technology Co., Ltd., or BCAT. According to a June 2024

bulletin entitled “Safeguarding our Military Expertise” published by the U.S., Canadian, U.K., Australian, and New Zealand governments, Stratos is one of several companies that is “exploiting Western and NATO personnel” in helping to “bolster the PLA’s capabilities.” In June 2023, Stratos’s predecessor BCAT was placed on the U.S. government’s Entity List for “providing training to Chinese military pilots using Western and NATO sources.” Stratos was added as an alias to BCAT on the Entity List in February 2024. Based on BCAT’s/Stratos’s Entity List designation, any export to the company of items subject to the Export Administration Regulations requires a license from the Commerce Department’s Bureau of Industry and Security, with such license applications being subject to a policy of denial.

49. SU BIN was arrested in 2014 for conspiring to hack into the computer networks of major U.S. defense contractors and steal sensitive military and export-controlled data for the PRC. SU BIN pled guilty in 2016 in U.S. District Court for the Central District of California and was sentenced to nearly four years in prison. SU BIN and his company PRC Lode Technology Company were also added to the U.S. government’s Entity List in 2014 for their involvement in the computer hacking conspiracy after having been “determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States.”

50. SU BIN was previously affiliated with the Test Flying Academy of South Africa (“TFASA”), a South African company that specializes in military flight testing and training through facilities in South Africa and China. According to its website, “TFASA Flight Test Services” trains Chinese military pilots for both fixed wing and rotary wing aircraft, to NATO training standards. TFASA was also added to the Entity List in June 2023 for providing training to Chinese military pilots using U.S. sources and NATO sources.

51. SU BIN also previously worked with former U.S. Marine Corps pilot Daniel Duggan, who was indicted in the U.S. District Court for the District of Columbia in 2017 for violations of the AECA and the ITAR in connection with providing prohibited aircraft training services to PRC military pilots in China, South Africa, and elsewhere between 2010 and 2012. Duggan was arrested in October 2022 in Australia and is currently pending extradition to the United States.

52. **CO-CONSPIRATOR 2**, a German citizen and former German fighter pilot, is the CEO of Stratos. CO-CONSPIRATOR 2 had previously worked for TFASA before starting his own aviation company, Enhance International. Enhance International was placed on the Commerce Department's Entity List in or around June 2023.

PROBABLE CAUSE

53. From in or around August 2023, until the present, Defendant **GERALD EDDIE BROWN, JR. ("BROWN")**, also known as "Runner," knowingly and willfully conspired with individuals in the United States, China, and elsewhere, including CO-CONSPIRATOR 1, SU BIN, CO-CONSPIRATOR 2, and others, to violate the AECA. BROWN and his co-conspirators worked together to provide fighter aircraft training for the PRC military, including pilots in the PLAAF. This training constituted a defense service under the ITAR and required registration with and a license from DDTC prior to being provided to foreign persons. At no time did BROWN or any co-conspirator register with DDTC as a provider of defense services or apply for or obtain a license from DDTC to export defense services to the PRC.

The Conspiracy

54. Beginning in or around August 2023, and continuing through the present, in the District of Columbia and elsewhere, BROWN and his co-conspirators knowingly and willfully

conspired to provide defense services without a license to the PRC military by training members of the PLAAF in the operation and use of defense articles, namely fighter aircraft, and by providing military training to members of the PLAAF, a regular foreign military force, in violation of Title 18, United States Code, Section 371; Title 22, United States Code, Section 2778(c); and Title 22, Code of Federal Regulations, Sections 120.14(b), 120.32(a)(1), (3), and 120.50(a)(5).

Objects of the Conspiracy

55. The objects of the conspiracy were, among others:
- a. to provide training to the PRC military by training members of the PLAAF in the use and operation of fighter aircraft; and
 - b. to conceal certain of the acts committed in furtherance of the conspiracy and its purpose from U.S. law enforcement, the U.S. military, and others.

Manner and Means of the Conspiracy

56. It was further a part of the conspiracy that BROWN and his co-conspirators, used the following manner and means to achieve the goals of the conspiracy:
- a. BROWN communicated with his co-conspirators regarding his U.S. military experience in order to finalize BROWN's contract, plan logistics, and tailor training presentations to the PRC military;
 - b. BROWN traveled from the United States to the PRC to provide in-person training to the PRC military on fighter aircraft operations;
 - c. BROWN attended meetings in which he provided briefings to the PRC military about the USAF;
 - d. BROWN and his co-conspirators provided training to the PRC military, including the PLAAF, on combat aircraft operations;

- e. BROWN and his co-conspirators used secure, end-to-end encrypted messaging applications and concealed or deleted communications made in furtherance of the conspiracy; and
- f. BROWN and his co-conspirators did not apply for or obtain the necessary licenses from DDTC to lawfully furnish defense services to the PRC.

Overt Acts in Furtherance of the Conspiracy

57. In furtherance of the conspiracy and to affect the objects of the conspiracy, the following overt acts, among others, were committed in the District of Columbia and elsewhere:

CO-CONSPIRATOR 1 and PERSON 1 Discussed Concealing Their Activities in Response to the Investigation of Stratos and Its Employees

- a. On or about August 21, 2023, CO-CONSPIRATOR 1 wrote to PERSON 1 via the encrypted messaging application Threema, asking “When you arrive home let me know how it was please through the airport.” PERSON 1 responded, “Ok [I] will,” then asked “If they give me a problem what will you do?” CO-CONSPIRATOR 1 then responded, “If you have one, I might have a bigger one I think.”
- b. Later on or about August 21, 2023, CO-CONSPIRATOR 1 asked PERSON 1, “Did you receive [CO-CONSPIRATOR 2] email?” PERSON 1 wrote that he had not received the message, so asked CO-CONSPIRATOR 1 to send it to him via Threema.
- c. Later on or about August 21, 2023, CO-CONSPIRATOR 1 wrote to PERSON 1, “Here is the issue I see for yourself. If you stay a long time and Retire that’s fine. If you plan to get job in USA how will you explain where you have been

last 5 years.” PERSON 1 added, “I guess it just depends on how much money you need versus the risk.”

- d. Later on or about August 21, 2023, CO-CONSPIRATOR 1 sent to PERSON 1 the text of an email sent by CO-CONSPIRATOR 2, addressed “Dear Stratos Team,” excerpted in relevant part below:

I hope this email finds you in good spirit. I am writing to share an important update concerning recent events related to my international travels and interactions with two intelligence services. While I understand that the subject matter can be concerning, I want to provide you with accurate information and reassure you that we are taking necessary precautions to ensure our safety and the security of our operations and company and our customer.

During my recent trip to New Zealand with my family, we encountered security situations involving intelligence services, which I'll refer to as the “Men in Black” (MiB), specifically associated with the Five Eyes nations. These nations, comprising the United States, United Kingdom, Canada, Australia, and New Zealand, collaborate on intelligence sharing and security matters.

CO-CONSPIRATOR 2 then described being questioned during his arrival in New Zealand, including “about my employment history in China,” being questioned while traveling within New Zealand on two occasions, and his family being questioned upon their arrival in Frankfurt, Germany. CO-CONSPIRATOR 2 then wrote,

I want to stress a few key points to ensure a proper perspective for you. First, I did not disclose any information about our employees. I was not questioned about any of you, except for Subin on which I responded “No answer”. I also did not reveal any sensitive data about our bases, aircraft, or responded to any queries from our competitor TFASA. Notably, in the final meeting, they inquired extensively about TFASA and its leadership and Daniel Edmund Duggan the ex-marine, which I addressed by stating that I am no longer affiliated with them and therefore not answering any questions with regards to TFASA. However, I made two exceptions for our company. In one case they ask me if we employ someone

from New Zealand in our company and I said “No” and I mentioned the broad depth of our basic and advanced training from phase 1 up to phase 5, emphasizing our adherence to provide no western confidential and secret information.

...

In conclusion, while this situation is complex, my goal remains to showcase our company's legality and credibility. I lost 6 very good employment candidates from which are 4 close friends. When the German media put [PERSON 2], [PERSON 3] and [PERSON 4] (German Pilot at TFASA) on national German TV they simply used intimidation tactics to stop people from working in China.

CO-CONSPIRATOR 2 then gave guidance to Stratos employees across several categories, including “information sharing,” “travel precautions,” “cyber security measures,” “communication channels,” “maintain professionalism,” and “stay informed.” In particular, CO-CONSPIRATOR 2 noted that Stratos employees should “avoid disclosing company-related details or the names of any Chinese individuals we collaborate with,” and to, “[e]ffective immediately, refrain from traveling outside of China with your work computer or your company phone.”

- e. Later on or about August 21, 2023, CO-CONSPIRATOR 1 noted to PERSON 1, “The fact that they knew about [CO-CONSPIRATOR 2] even though he wasn’t named in ANY email tells me they know a lot.” PERSON 1 responded, “WOW,” then noted that “THIS IS WHY [PERSON 3] QUIT” and “HIS AMERICAN PASSPORT.” PERSON 1 then suggested to CO-CONSPIRATOR 1 “maybe you should give up your American citizenship dude,” to which CO-CONSPIRATOR 1 responded, “Give up? I don’t think so.” In response, PERSON 1 stated, “[if] they fuck with me then maybe you

need to find a way to make sure no one knows your [sic] there . . . [b]ut if they knew about [CO-CONSPIRATOR 2],” “[s]urely they know.”

- f. Later on or about August 21, 2023, CO-CONSPIRATOR 1 asked PERSON 1 if he had been stopped when he was in London. PERSON 1 responded, “No,” to which CO-CONSPIRATOR 1 then noted “So you’re fine.” PERSON 1 then noted, “Yes for now,” “[b]ut you’re their hero. I don’t. Lol.”
- g. Later on or about August 21, 2023, PERSON 1 wrote to CO-CONSPIRATOR 1, “Oh dude you need to make a decision. How much money do you need to make before you can afford to leave.” CO-CONSPIRATOR 1 responded, “Do you think so? I was never instructed by the US armed forces.” PERSON 1 responded, “Yes,” “You have US passport.” PERSON 1 added “Google DDTC defense services,” “It’s right there.” CO-CONSPIRATOR 1 responded, “Shit.” PERSON 1 then noted, “You need as well as I to apply for a stupid license,” “It’s a problem.”
- h. Later on or about August 21, 2023, CO-CONSPIRATOR 1 wrote to PERSON 1, “But you’re clean.” PERSON 1 responded, “I think so simply cause I never was a military pilot,” “So nothing to export.” PERSON 1 added, “But you on the other hand,” “You were,” “That’s the problem.”
- i. Later on or about August 21, 2023, PERSON 1 wrote to CO-CONSPIRATOR 1, “I’m going to send you something to read,” and “Read this entire thing.” PERSON 1 then sent CO-CONSPIRATOR 1 the following web address: <https://www.documentcloud.org/documents/23563615-daniel-duggan-indictment>. PERSON 1 then added, “It spells it out clearly.” Based on my

review of this website, the web address contains a PDF of the indictment of Daniel Duggan, a former U.S. Marine Corps pilot who was charged in 2017 with violating the AECA for providing defense services to the PRC military by providing training to PRC military pilots in aircraft takeoff and landing procedures.

- j. On or about August 23, 2023, PERSON 1 wrote to CO-CONSPIRATOR 1 that “I got pulled into secondary screening,” “[a] bunch of questions about china [sic],” “[a]nd this week I have a meeting.” I know from my training and experience that “secondary screening” likely refers to interviews of travelers entering the United States conducted by U.S. Customs and Border Protection. CO-CONSPIRATOR 1 asked who PERSON 1 was meeting with, to which PERSON 1 responded, “Dept of Commerce.”
- k. Later on or about August 23, 2023, PERSON 1 asked CO-CONSPIRATOR 1, “How’s the new guy making out,” “[t]he grandpa?” CO-CONSPIRATOR 1 responded, “He’s like 65 lol,” then added, “Not that age but he looks very old. Like he’s gonna break his legs if applies 6 G’s lol” and “[e]ven his voice is a little bit like an elder guy.” PERSON 1 then responded, “Shit,” “[a]nd he is gonna fly JL10 lol.” CO-CONSPIRATOR 1 then responded, “Yes.” Based on my training and experience, and the investigation conducted to date, I believe that CO-CONSPIRATOR 1 and PERSON 1 were referring to BROWN in this conversation.
- l. Later on or about August 23, 2023, PERSON 1 asked CO-CONSPIRATOR 1, “You told [PERSON 5] I got stopped?” CO-CONSPIRATOR 1 responded, “I

didn't. [PERSON 6] updated him. They just left the office when [PERSON 6] was speaking to a [PERSON 5]. I didn't hear any detail." CO-CONSPIRATOR 1 added that "I never told [PERSON 6] anything." Based on my training and experience, and the investigation to date, I know that PERSON 5 and PERSON 6 are foreign pilots who worked with CO-CONSPIRATOR 1 and PERSON 1 for Stratos to train PRC military pilots.

- m. Later on or about August 23, 2023, CO-CONSPIRATOR 1 wrote to PERSON 1, "Flying ACM with this guys is annoying. Now I am facing the aviation airmanship culture they don't want to change." I know from my training and experience that ACM likely stands for "Air Combat Maneuvering," which refers to the way in which multiple fighter aircraft coordinate defensive and offensive combat tactics.
- n. On or about August 26, 2023, CO-CONSPIRATOR 1 asked PERSON 1, "Did you meet the MIB?" PERSON 1 responded, "Dude," "I'm sorry but I don't trust anyone" and "[if] I was you," "I would be very careful around [PERSON 6]" because "[a]ll he does is talk about you." PERSON 1 added, "YOU were the ONLY person . . . [w]ho knew I got put into secondary screening at the border." Based on my training and experience, and the investigation to date, I know that "MIB" is a reference to the description in CO-CONSPIRATOR 2's email of western intelligence services.
- o. On or about August 27, 2023, CO-CONSPIRATOR 1 wrote to PERSON 1,

Somebody asked me how was when you entered, I don't remember who, I talked about it. Is that a problem? Look don't tell me anything please, I won't open my mouth at all. And this game of talking or

exchanging information is enough for me. I'm stopping right now and that's it man.

PERSON 1 responded, "No you shouldn't have. Just like last time you said something to [PERSON 6] remember?" PERSON 1 added, "The problem is anything I tell you I'm worried it will get out to somebody else" and "Remember you did this in Changchun. Remember?" Based on my training and experience, and the investigation to date, I know that Changchun is a city in Jilin Province in Northeast China that hosts a PLAAF air base.

CO-CONSPIRATOR 1 and BROWN Discuss BROWN's Recruitment to Work in the PRC

- p. On or about October 2, 2023, CO-CONSPIRATOR 1 sent a message to BROWN on the encrypted application Threema: "Hey buddy." BROWN responded and asked if CO-CONSPIRATOR 1 was "actually flying the J-10? Or simulators? Or?" CO-CONSPIRATOR 1 then responded that "I finished flying the JL-8 and moving to the JL-10." CO-CONSPIRATOR 1 also noted that "They need pilots even for J-10."
- q. Less than one minute later on or about October 2, 2023, BROWN responded, "I'm in! But will they accept me? I'm old." CO-CONSPIRATOR 1 responded, "They will but tell them you're very experienced in F-4 or any other American plane."
- r. Later on or about October 2, 2023, BROWN wrote to CO-CONSPIRATOR 1 that he was "glad you are flying and having a good life again! I had fun in Korea, they were going to let me fly the backseat in the F-16, but I left for Lockheed Martin— F-35 CIP [Contract Instructor Pilot]. . . . I have 2700+

Fighter hours.” CO-CONSPIRATOR 1 responded, “It’s more than awesome that flight time.”

- s. Later on or about October 2, 2023, CO-CONSPIRATOR 1 sent BROWN two messages with JPEG attachments depicting screenshots of an email sent by a USAF representative to PERSON 7 with the subject line “Aviation Support to TFASA Employees” warning that TFASA was subject to a “multinational inquiry” for “providing defense services to the People’s Republic of China, specifically the People’s Liberation Army (PLA).” The email noted that “[g]iven your history of access to your nation’s military tactics, techniques, procedures (TTPs), technology, and sensitive data, your active assistance to the PLA through TFASA places you at risk for criminal and civil action.” The email further “recommend[ed] severing your connection with TFASA and the PLA,” stating that while “[y]our actions to support the PLA to date must be adjudicated,” “preventing further damage to the national security of the United States, the NATO alliance, and your professional reputation moving forward is our priority.” The email ended by providing contact information “[i]f you are interested in learning more about how to remove yourself from this situation.” The file names and metadata for these files indicated that they were created on October 2, 2023.
- t. Approximately two hours later, also on or about October 2, 2023, CO-CONSPIRATOR 1 sent BROWN a screenshot of a series of messages with a user whose name translates from Mandarin Chinese to “Mr. Su Bin,” an account used by SU BIN. In the messages depicted in the screenshot, CO-

CONSPIRATOR 1 wrote to SU BIN that “I have an American for you. Former AF [Air Force]. Very experienced. When you have a chance, please text me back.” SU BIN responded, “yes, please send CV to my WeChat, otherwise, you can give to me when I am in shijiazhuang on Oct . 9.” The file name and metadata for this file indicated that it was created on October 2, 2023. Based on open source information, I know that Shijiazhuang is a city in the PRC’s Hebei Province, southwest of Beijing, which hosts the PLAAF’s Shijiazhuang Flight Academy, one of the PLAAF’s flight academies for training on the JL-10 and J-10 aircraft.

- u. On or about October 3, 2023, BROWN sent a message to CO-CONSPIRATOR 1 that “[r]esume is ready” and then sent a Microsoft Word document with the filename “Instructor Fighter Pilot Resume_.docx”. At the top of BROWN’s resume, the title stated “GERALD BROWN – INSTRUCTOR FIGHTER PILOT” and the “Objective” was “Tactical Aviation Employment.” BROWN’s resume listed a summary of his credentials: “Instructor Fighter Pilot, USAF Combat Veteran, Battalion Air Liaison Officer, Air Operations Center Officer, International Airline Pilot, Flight Engineer, 12 Years of Experience flying in China – MD-11.” His resume also noted that he had 40 years of flying experience on “USAF Fighter Aircraft and Airline,” including 24 years of experience in military aviation encompassing 3,130 hours on the A-10, F-111, F-4, F-16, F-15, and AT-38 aircraft. The metadata for this document indicated that it was last saved by user “Gerald Brown” on October 3, 2023.

- v. Later on or about October 3, 2023, CO-CONSPIRATOR 1 responded that he would convert BROWN's resume to a PDF document, to which BROWN responded that "I can email a PDF — but it's not secure". CO-CONSPIRATOR 1 then responded, "[c]orrect."
- w. Later on or about October 3, 2023, CO-CONSPIRATOR 1 asked whether BROWN had an email account and asked, "Do you want me to be in the middle until they reach you?" BROWN responded that "I have an email but it's not secure— just standard yahoo and gmail" and then "I think we better keep this quiet."
- x. Later on or about October 3, 2023, CO-CONSPIRATOR 1 sent BROWN a PDF file with the filename "Instructor Fighter Pilot Resume_.pdf". BROWN responded to CO-CONSPIRATOR 1 with notes about the document's format and then asked, "Is this what they want?" CO-CONSPIRATOR 1 responded, "In my opinion they will love you."
- y. Later on or about October 2, 2023, CO-CONSPIRATOR 1 wrote to BROWN that "[PERSON 1] was told to prepare a briefing for the local navy [...] in the capital."
- z. Later on or about October 3, 2023, CO-CONSPIRATOR 1 sent BROWN a document entitled "Instructor Fighter Pilot Resume_.pdf." BROWN responded, "Perfect brother!!!" and CO-CONSPIRATOR 1 wrote, "Ok. I'm gonna send it right now." BROWN responded, "Let me know what he thinks." CO-CONSPIRATOR 1 then wrote that, "I'll keep you posted for sure. Since

there's not email and phone number, I'm gonna be in the middle until they reach you for the interview.”

aa. Almost three hours later on or about October 3, 2023, CO-CONSPIRATOR 1 wrote to BROWN:

Boss [SU BIN] called me. He's very interested in you. He wants to send to you to the fighter weapons school. Since he's civilian, it is only his idea. Anyway, he asked me if your will is to fly, I said YES. Things are going well today, he will be in contact with me in the next days because the whole country is in holidays, so the AF [Air Force] is not working neither but as soon as possible for him, he will set up an interview. He agreed for me to be in between until they reach you. Have a good night brother.

I know from my training and experience that October 3, 2023, is in the middle of the Chinese Mid-Autumn Festival (informally referred to as Golden Week), which is an important Chinese holiday.

bb. Approximately eight hours later on or about October 3, 2023, BROWN responded,

Fantastic! That is unexpected but very happy news! Where is the Fighter Weapons School located? What aircraft do they fly? It would be awesome to be the equivalent of “Red Air” / Adversary Air there as a trainer—like [U.S. COMPANY 1]! I am looking forward to flying with you in the JL-10, it's been a long time waiting for that chance.

I know from my training and experience that “red air and “adversary air” refer to training exercises that simulate air combat with an enemy air force and [U.S. COMPANY 1] is a U.S. company that provides services for military and defense industry customers, including air combat training services.

cc. A few minutes later on or about October 3, 2023, CO-CONSPIRATOR 1 sent BROWN a screenshot of a message with SU BIN in which BROWN stated, “I

think you're going to like this resume so much. He's a very talented guy." In that screenshot, SU BIN then responded, "very nice, how old is he?" CO-CONSPIRATOR 1 responded that BROWN is 63, after which SU BIN asked, "is he willing to fly." I know from this investigation that BROWN was born in August 1960 and was 63 years old in October 2023. The file name for this screenshot indicated that it was created on October 3, 2023.

- dd. Approximately one minute later on or about October 3, 2023, CO-CONSPIRATOR 1 wrote to BROWN, "Hey Runner. I don't know the details but probably might be the J-10." BROWN responded, "Okay, any fighter is cool!" CO-CONSPIRATOR 1 then wrote, "Let's wait for his response the next 10 days. That's what he said." BROWN responded, "Sounds like they will be doing a little research. Unlike [PERSON 1], I have my credentials— medal certificates like you have, and more. I am feeling very good about this."
- ee. Later on or about October 3, 2023, BROWN and CO-CONSPIRATOR 1 exchanged messages regarding BROWN's phone, with CO-CONSPIRATOR 1 indicating that an iPhone is "more secure." BROWN responded, "Cool."
- ff. Later on or about October 3, 2023, CO-CONSPIRATOR 1 wrote to BROWN to indicate that PERSON 8 would contact BROWN.
- gg. On October 12, 2023, BROWN wrote to CO-CONSPIRATOR 1, "Spoke to him [PERSON 8]. I'm still in my brother, just let me know what you hear." CO-CONSPIRATOR 1 responded, "Don't worry. Boss [SU BIN] called me to ask if you're still interested. I said absolutely YES, so he's going to contact

you soon. Anyway, let me call him again to confirm.” CO-CONSPIRATOR 1 then followed up a few minutes later,

Boss [SU BIN] said he will have an answer these days, so by the end of the week he will know for sure. I heard him happy so, be optimistic brother. Hope they assign you in my base otherwise you’ll go where is the local equivalent as the USAF Weapon School.

BROWN responded, “Fantastic!! I am in my apartment again but my internet has not been installed yet. Hopefully tomorrow.” Based on my training and experience, I know that “USAF Weapon School” is a reference to the USAF’s “Weapons School,” a program at the USAF’s Nellis Air Force Base in Nevada. According to the USAF, the USAF Weapons School graduates approximately 150 Weapons Officers and enlisted tacticians every six months, who then become “the instructors of the Air Force’s instructors and the service’s institutional reservoir of tactical and operational knowledge.”

- hh. On or about October 14, 2023, CO-CONSPIRATOR 1 sent BROWN a screenshot of a message SU BIN sent CO-CONSPIRATOR 1 on a different messaging platform. In that message, SU BIN wrote, “would you please so kind to tell your friend that we can have interview with him early next week, would you please forward his threema to me and [PERSON 9].” The file name for this file indicated that it was created on October 14, 2023. CO-CONSPIRATOR 1 then wrote to BROWN, “I’m gonna share them your Threema ID.”
- ii. Later on or about October 14, 2023, BROWN asked CO-CONSPIRATOR 1, “Do you have any advice for the interview?”, after which BROWN called CO-CONSPIRATOR 1.

jj. On or about October 16, 2023, CO-CONSPIRATOR 1 wrote to BROWN with details for BROWN's interview, "Tomorrow 9pm Beijing Time. Might be 9am for you." CO-CONSPIRATOR 1 then wrote that he would "send [BROWN] the link later once I receive it." BROWN responded, "Thank you my brother—I am ready to live in China! Can't wait to fly a fighter again — perfect!!!" CO-CONSPIRATOR 1 responded, "My pleasure man. Hope you come soon. Work on your passport please."

kk. Later on or about October 16, 2023, BROWN wrote to CO-CONSPIRATOR 1 that "I hope the program continues for at least 5 years and then I will retire in China or Thailand or Vietnam. All I care about now is going fast again and pulling g's..... Oh, and gunning you in BFM." I know from my training and experience that "pulling g's" refers to experiencing high levels of gravitational force, known as "G-force," which fighter pilots experience while engaging in combat maneuvers, and that "BFM" refers to "basic fighter maneuvers," a term that describes tactics for close-range aerial combat, which is informally referred to as "dogfighting."

ll. On or about October 17, 2023, CO-CONSPIRATOR 1 sent BROWN a message with "zoom details for tomorrow 18 Oct at 2100 local" and included a link to a Zoom meeting, a meeting ID, and a passcode for the meeting. BROWN responded by thanking CO-CONSPIRATOR 1 and then added "Hot pot and dim sum are on me."

mm. On or about October 18, 2023, CO-CONSPIRATOR 1 wrote to BROWN, "You ready for the meeting?" BROWN responded "yes" and asked CO-

CONSPIRATOR 1 to join the meeting. CO-CONSPIRATOR 1 responded, “Just this one. Then you’re by yourself. It’s the first time I see this.” BROWN then asked, “Is it secure?” to which CO-CONSPIRATOR 1 responded, “I think so.”

nn. Approximately 30 minutes later, on or about October 18, 2023, CO-CONSPIRATOR 1 sent BROWN a picture that appears to depict an individual resembling BROWN standing in front of an A-10 aircraft wearing a USAF flight suit. BROWN responded, “You can share it.”



- oo. On or about October 19, 2023, CO-CONSPIRATOR 1 placed an outgoing call to BROWN.
- pp. On or about October 20, 2023, BROWN wrote to CO-CONSPIRATOR 1, “Hello brother. I received an offer this morning” and “The offer is 13,000 base salary.” BROWN then followed up that the offer “has tuition for children,” but that BROWN is “trying to see if I can receive benefits and more salary.” CO-CONSPIRATOR 1 responded, “All of us received the same.” CO-CONSPIRATOR 1 then wrote, “Try. For 5 years and the possibility to fly!!!”, to which BROWN responded “Yes, I want to fly!!!!!!!!!!” CO-CONSPIRATOR 1 then wrote, “Show up here. I accepted to do the OPS and now I’m flying.” Based on my training and experience, I know that OPS likely refers to “operations.”
- qq. Thereafter on or about October 20, 2023, BROWN and CO-CONSPIRATOR 1 discussed that BROWN’s offer would include his ticket “to get there” and the details of the travel allowance. CO-CONSPIRATOR 1 responded, “Everything when you arrive and the relocation also. They pay \$15K in addition of your salary.” CO-CONSPIRATOR 1 then followed up, “Travel allowance is in addition of the salary. They give you \$36k per per [sic] year. So, you receive \$3,000 each month.” BROWN responded, “I think the final pay is 18,000 a month plus 15,000 for relocation. How long is the probation time?” CO-CONSPIRATOR 1 responded, “Exactly. It is 2 months but for pilots until the training finishes. They will love you buddy.”
- rr. Later on or about October 20, 2023, BROWN wrote,

I want to come there and I want to fly. Did they increase your salary as soon as you accepted the flying position? The offer is actually less now than my offer to be a simulator instructor in Italy. But in Italy there is no flying.

- CO-CONSPIRATOR 1 responded, "Yes. I was only 2 days doing the OPS, then they increased my salary." CO-CONSPIRATOR 1 further suggested to BROWN, "Negotiate with SuBin, maybe he accepts to increase your payment." BROWN responded, "I will try. This will be my last job possible."
- ss. Later on or around October 20, 2023, BROWN asked CO-CONSPIRATOR 1, "Is this the offer they gave [PERSON 1]?" CO-CONSPIRATOR 1 responded, "No, pilots earn 5k more in total" and noted that "SuBin is very interested in you. He had less expectations with [PERSON 1], but you, he liked your resume. It's up to you buddy." BROWN noted that he would "study the offer" and asked, "Do you think I will fly?" CO-CONSPIRATOR 1 responded, "I can not assure you. But once they meet you and knowing your strong desire for flying, I assume they'll let you fly." CO-CONSPIRATOR 1 added, "I'm not so valuable like you for them. In other words, you have a much better chance to fly than I had."
- tt. Later on or about October 20, 2023, BROWN wrote to CO-CONSPIRATOR 1, "I just spoke to Subin and he added a little to my salary. He also explained that we can renegotiate when I arrive and meet the customer." BROWN then wrote, "I accepted the offer." CO-CONSPIRATOR 1 responded, "Awesome man!! I'm more than happy."

***CO-CONSPIRATOR 1 and BROWN Discussed BROWN'S Preparation for
Traveling to and Working in China***

uu. Later on or about October 20, 2023, BROWN asked if “[PERSON 1] [was] just complaining like a little sissy girl or was he correct about living there. I lived in Shenzhen, Shanghai, and Hong Kong for a few months and loved it. But I know this is different.” CO-CONSPIRATOR 1 responded,

He’s my friend. I like him, the truth is that he always was disappointed about the city and a little bit with the accommodation. Because this city it is not like the other metropolis he and you have lived. If you’re gonna be in Beijing you know how it is. If you fly the J-10, it is in a small town which has pretty much less facilities than this city (I’ve heard). So, once you arrive, you’ll have a better picture.

BROWN responded, “I understand, I don’t mind a small city. I think he expected the airline lifestyle.” CO-CONSPIRATOR 1 responded, “Since he’s civilian, he hasn’t felt the efforts we used to do as military. You’re right. He expected that airline lifestyle.” BROWN added, “Yeah, military life is difficult. I was sad for your living conditions in Libya.”

vv. Later on or about October 20, 2023, BROWN wrote to CO-CONSPIRATOR 1, “I will be preparing my things here to move there as soon as possible.” CO-CONSPIRATOR 1 responded, “Cool. Get your passport ASAP.” BROWN then wrote to CO-CONSPIRATOR 1 that he was “paying extra for an expedited service” but, because of COVID-19, “the wait is longer than usual.” In response to a question from CO-CONSPIRATOR 1, BROWN wrote that he estimated it would take 2-3 weeks to get his passport.

ww. Later on or about October 20, 2023, BROWN wrote to CO-CONSPIRATOR 1, “Don’t tell anyone that I am coming please.” CO-

CONSPIRATOR 1 responded, “Nope. You tell SuBin to say nothing to [PERSON 1], they became friends and he’s always chatting and finding out about here.” BROWN responded, “Maybe you can explain to him. Remember, Subin doesn’t know that I know [PERSON 1]. And Subin still thinks he was a Navy fighter pilot. And I don’t want to get in the middle of those lies.” CO-CONSPIRATOR 1 then wrote, “Yeah. You’re right. Shit. Ok.”

xx. Later on or about October 20, 2023, BROWN reiterated to CO-CONSPIRATOR 1 that “It is important to keep this off of social media.” CO-CONSPIRATOR 1 responded, “Absolutely. I don’t have any social media account. No post at all of my life.” BROWN then noted, “Same here, but [PERSON 1] has many in his pursuit of a flying position and defending his previous careers.” CO-CONSPIRATOR 1 responded that “[t]his is very sensitive, I will do my part.” In response, BROWN emphasized that PERSON 1 “doesn’t understand the serious damage that can occur from one post online.” CO-CONSPIRATOR 1 then sent BROWN a JPEG file of a white male, approximately 50 years old, wearing a green flight suit and holding a fighter aircraft helmet, with the message “[I]look at his WhatsApp profile picture.” CO-CONSPIRATOR 1 added, “It says everything.”

yy. Later on or about October 20, 2023, BROWN wrote to CO-CONSPIRATOR 1 that PERSON 1 “doesn’t understand the dedication and sacrifice it takes to be a real fighter pilot.” CO-CONSPIRATOR 1 responded that PERSON 1 “tasted a bit and realized that a commercial pilot can’t fly fighters, despite he flew an easy one.” In response, BROWN wrote, “How bad was he in the J10?”

I cannot imagine how it was after the story you told me about the F-1! He is lucky to be alive!!” CO-CONSPIRATOR 1 then responded:

I strongly recommended you fly formation. He did it twice in America, but only close formation. Tactic formation was hard for him specially because he was blind several times. Anyway, I think they didn't like him because his behavior was like a complete civilian and always was complaining of something. We better talk someday over here.

BROWN responded:

I understand. I can't fly formation here, but I can tell you that I was probably the best formation pilot in my unit. Many of my squadron mates said I should be a Thunderbird. It was a long time ago, but I was flying formation in the simulator in Korea and it was easy.

Be blind in tactical is probably because he was looking inside the cockpit instead of at his flight lead— because he was nervous! That kind of discipline is not about flying—it's about knowing how to be a fighter pilot and not a pilot

BROWN added that “The J10 and F-16 are small, just like the F-1. IF you take your eyes off for 1 second it will disappear.” CO-CONSPIRATOR 1 responded, “Exactly. He wanted to learn BFM [Basic Fighter Maneuvers] and ACM [Air Combat Maneuvering]. I told him, he needs to start walking then running.”

zz. Later on or about October 20, 2023, BROWN asked CO-CONSPIRATOR 1, “Do you they have good simulators there?” CO-CONSPIRATOR 1 responded, “For the JL-10. Yes. It's pretty nice.” BROWN wrote that he hoped the simulator controls and displays are in English because he doesn't read Chinese, and CO-CONSPIRATOR 1 noted that most JL-8 simulators are in English but that he did not know the JL-10 simulator. BROWN and CO-CONSPIRATOR 1 then discussed the difficulty of learning Chinese, with BROWN

emphasizing, “I just want to learn to say, ‘Guns track kill, knock it off and reset for the next engagement!’” BROWN added, “Just joking buddy, but confidence is always good in a fighter pilot. I am really looking forward to discussing many things with you when I arrive. Thanks for everything!!”

aaa. On or about October 31, 2023, BROWN wrote to CO-CONSPIRATOR 1, “I am keeping busy preparing to move, throwing stuff away, selling stuff, and getting my condo ready to sell. I had a meeting today with my real estate agent. I am still waiting for my passport.”

bbb. Later on or about October 31, 2023, BROWN wrote to CO-CONSPIRATOR 1 that he is “very curious about everything that will happen. I have been researching the jets, J-11 is awesome!! Watched a J-10 interception on a Canadian airplane.” CO-CONSPIRATOR 1 responded, “It is. The J-11 is huge,” and BROWN responded, “Yep!! Even bigger than a F-111.” CO-CONSPIRATOR 1 noted that “j-10 is a weird version like the F-16 but delta wing.” BROWN then wrote, “I cannot stop thinking about flying.” CO-CONSPIRATOR 1 then wrote that “You will succeed here” and described a Brazilian J-10 pilot who resigned, speculating that he resigned because he could not adapt to the lifestyle and culture. CO-CONSPIRATOR 1 noted that he had just met the Brazilian pilot recently, but that he “went to fly in the another base.” BROWN asked if it was for the J-10, and CO-CONSPIRATOR 1 responded “Yes” and noted that “The J-10 ground school is here.”

ccc. Later on or about October 31, 2023, BROWN wrote to CO-CONSPIRATOR 1, “Is Subin keeping quiet about me coming?” CO-

CONSPIRATOR 1 responded, “Absolutely. Nobody knows.” BROWN then wrote that “I have not said a word or even a hint to anyone.” CO-CONSPIRATOR 1 noted that “Just [PERSON 8] might assume,” but BROWN responded, “He’s my friend—but don’t let him know!!!”

ddd. Later on or about October 31, 2023, BROWN reiterated that “the main thing is flying!!” CO-CONSPIRATOR 1 responded that “They need to see you in person” and “You will convince them.” BROWN asked, “What do they want—I am guessing the opposite of [PERSON 1]!” CO-CONSPIRATOR 1 then wrote:

That experience was disappointing for them. They expected a lot. When he arrived, SuBin took him to give a briefing about the USN [U.S. Navy], then here he made some lectures for the whole pilots. Anyway, theoretically he knows about commercial, his briefings were about instruments because he’s very experienced, but the other subjects he was not going to run any risk. I’m sure you will super exceed the expectations from the very beginning.

In response, BROWN noted, “Hmmm, interesting! I bet they were laughing at him inside! It’s good that I spent 2 years in Korea to see all the changes in the Air Force since I retired.” BROWN added, “Can you believe that they don’t do formation takeoffs and formation landings anymore?!!!!!?!” BROWN then wrote that “They fly like pansies” and “They rely 100% on superior technology.” CO-CONSPIRATOR 1 responded, “I heard. I flew formation landing and TO [takeoff] over here.” BROWN later responded, “When I was flying the the [sic] Air Force, we were proud to think we were the best fighter pilots in the world—nothing about technology!” CO-CONSPIRATOR 1 responded, “Exactly, last generations were skilled. Not like today.” Based on

my training and experience, I know that “formation takeoffs” and “formation landings” refer to multiple aircraft simultaneously or in close succession taking off or landing in a manner that requires significant coordination among pilots.

eee. Later on or about October 31, 2023, BROWN wrote to CO-CONSPIRATOR 1, “I still watch fighter pilot videos almost everyday on YouTube and always listen for experiences to learn to be better. I wish I had YouTube long ago.” After discussing a movie about fighter pilots during World War I, BROWN wrote that he watched “Top Gun Maverick” “but it made me sad to watch it and not be flying. I saw it in Phoenix Arizona— the same place I got my wings in the USAF long ago. It was killing me to think about it all being over!!! Now.... I have the chance to fly and instruct fighter pilots again! I’ll have to watch it in China after I get checked out.” BROWN added, “It feels like this is my destiny.” CO-CONSPIRATOR 1 responded, “Let’s pray buddy. I accept God’s will” and BROWN responded, “I agree brother, and I will never forget that you are making this possible.”

fff. On or about November 16, 2023, BROWN obtained a new U.S. passport. Later that day, BROWN wrote to CO-CONSPIRATOR 1, “Good morning my brother, I got my new passport today!”

ggg. On or about November 28, 2023, BROWN wrote to CO-CONSPIRATOR 1 that “I am going to Chicago on Thursday to try for a visa, I hope it will happen quickly and I can be there soon! We will have a lot of fun!”

hhh. Later on or about November 28, 2023, BROWN wrote to CO-CONSPIRATOR 1 that he was having cabinets installed at his condominium

in Jeffersonville, Indiana. BROWN added that “The cabinet issue has been a very very difficult problem for me here. I worked for many months to coordinate to install new cabinets so I could sell this place—and they messed everything up. Oh well...” BROWN then wrote that “I will order more cabinets today and they will get here in 3 months. I will come back here maybe in a year or more to have them installed and then I can sell this place and stay in Asia forever.”

iii. On or about November 29, 2023, BROWN traveled to Chicago, Illinois to obtain his visa from the Chinese Consulate to travel to the PRC. The next day, on or about November 30, 2023, BROWN asked CO-CONSPIRATOR 1 if “you need a work permit to get your visa?” CO-CONSPIRATOR 1 responded that “You need an invitation letter.” The next day, on or about December 1, 2023, BROWN wrote to CO-CONSPIRATOR 1 that “I got it sorted out. I will pick up my visa in the morning—I am happy.”

jjj. On or about December 3, 2023, BROWN updated CO-CONSPIRATOR 1 that “I will fly on the 9th [sic]” and “[a]rrive there 11th I think.”

kkk. Later on or about December 3, 2023, BROWN wrote to CO-CONSPIRATOR 1, “I am not sure what the plan is for me. I’ll just wait to see.”

lll. On or about December 4, 2023, BROWN asked CO-CONSPIRATOR 1, “Do I need to bring any documentation of my history? Or should I just show them what I can do and answer questions.” CO-CONSPIRATOR 1 responded, “In my opinion don’t bring anything. Just show up. They will realize your

experience and knowledge by themselves when they treat you more.” BROWN responded, “I like that better. We used to say, There are FIGHTER pilots with 500 hours, and there are pilots that flew a fighter for 1 hour.... Five hundred times.” CO-CONSPIRATOR 1 noted that “There are many pilots who have flown 2000 hours but look like they just started flying yesterday.” BROWN then responded, “Yep! That’s why I agree with you that any documents I have are useless. I cannot stop thinking about flying again. And living in a great country.”

mmm.On or about December 8, 2023, BROWN wrote to CO-CONSPIRATOR 1 about his travel plans. CO-CONSPIRATOR 1 responded that “SuBin told me you’re here on Monday” and BROWN responded in part, “Yeah, I am excited!! Everything is looking good!!” BROWN then wrote, “I have a physical exam first thing, then a bank account, then I don’t know what to expect. How was the physical? Basic?” CO-CONSPIRATOR 1 responded, “Very basic. Don’t worry at all,” but added “Unless you have an issue hehe.” CO-CONSPIRATOR 1 added that “Bank account takes about 30 minutes” and added that “Your position is in the capital as far as I know.” BROWN responded, “No issues—just had one with the Veterans Administration last week — they were amazed —all numbers were like a young man.” CO-CONSPIRATOR 1 responded, “But he’s trying to put you flying. I told SuBin yesterday.” BROWN responded, “Yes!!! Any feedback on flying? Think it will happen?” In response, CO-CONSPIRATOR 1 wrote that “He said he’s looking for it” to which BROWN wrote that “I will fly anything— J-10, 11,

12!” CO-CONSPIRATOR 1 responded, “Things will fall as their own weight. (It’s a sentence used in my country). In other words, once they realize who are you and how talented you are, they will find a position for flying.”

nmn. On or about December 8, 2023, CO-CONSPIRATOR 1 asked BROWN if he got a “VPN” [Virtual Private Network]. CO-CONSPIRATOR 1 recommended that BROWN get Astrill VPN and sent BROWN the link to download it. CO-CONSPIRATOR 1 noted that “We use this. It is not very good but it works decently.” CO-CONSPIRATOR 1 then sent BROWN a JPEG picture of the Astrill VPN Client download page and BROWN responded, “Getting it now.”

BROWN Traveled to the PRC and Began Providing Defense Services to the PRC Military

ooo. On or about December 9, 2023, BROWN departed the United States for the PRC, via San Francisco.

ppp. On or about December 10, 2023, BROWN wrote to CO-CONSPIRATOR 1 that he was at the San Francisco Airport and asked if he had a recommendation for a SIM card. CO-CONSPIRATOR 1 responded that “You will receive a SIM card once you arrive. Don’t worry.”

qqq. On or about December 11, 2023, CO-CONSPIRATOR 1 asked if BROWN had arrived in the PRC. BROWN responded, “Yes brother, I arrived last night and had dinner with Subin and [PERSON 10]. Today I will get the health check and bank account. The next day, BROWN wrote to CO-CONSPIRATOR 1 that “the medical was early. At the bank now. They gave me a new phone and computer also.”

rrr. On or about December 12, 2023, BROWN wrote to CO-CONSPIRATOR 1, “Good morning warrior, everything is good. Today I must prepare and present a brief about myself for the Air Force.” BROWN then noted that “I think it will be important about my flying or not.” BROWN then wrote that, “Yesterday they asked me questions about the Air Force— 3 hours” and “I wasn’t sure what they wanted to know.” CO-CONSPIRATOR 1 responded that “It’s normal. Sometimes they are not clear about the subject. I attended a meeting and they were very surprised with simple information I learned in my AF [Air Force]. I can’t imagine you talking about yours.” BROWN responded that “I want them to understand that I am humble, but it’s difficult with my background—difficult to explain the vast experience I have and not sound like I am arrogant.” CO-CONSPIRATOR 1 responded, suggesting that BROWN “Push SuBin a little bit.” BROWN then added that SU BIN “is going to help me prepare this morning.” CO-CONSPIRATOR 1 responded, “You’ll succeed man. Let’s pray.” CO-CONSPIRATOR 1 also added that “The base for the J-10 is far south— by Nanjing.”

sss. Later on or about December 12, 2023, BROWN and CO-CONSPIRATOR 1 discussed meeting in person. BROWN wrote that CO-CONSPIRATOR 1 should “Maybe mention it to Subin?” CO-CONSPIRATOR 1 responded, “No problem. I talked to him yesterday because I don’t fly on Saturdays.” After discussing meeting in person, BROWN then noted, “Okay—I will mention it to Subin this morning.”

ttt. On or about December 26, 2024, BROWN wrote “got you” to CO-CONSPIRATOR 1 and included a payment via Alipay. Based on my training and experience, I know that Alipay is a popular digital payment platform in China that is available for download to iPhones.

uuu. On or about January 2, 2024, BROWN sent a message to CO-CONSPIRATOR 1 and included a second payment via Alipay.

***CO-CONSPIRATOR 1 and BROWN Took Steps to
Delete and Conceal Their Communications***

vvv. In or around early January 2024, CO-CONSPIRATOR 1 communicated with agents from the FBI regarding his work for Stratos in the PRC.

www. On or about January 16, 2024, CO-CONSPIRATOR 1 sent a message to BROWN, “Brother. Don’t reply. I will contact you soon. Delete me here and WeChat also. We’ll talk later. Kind regards brother.” Thereafter, the investigation has not found further messages on Threema between BROWN and CO-CONSPIRATOR 1, which is consistent with BROWN and CO-CONSPIRATOR 1 ceasing contact as instructed by CO-CONSPIRATOR 1.

xxx. Later on or about January 16, 2024, CO-CONSPIRATOR 1 deleted his prior communications with BROWN in the encrypted messaging application Threema from his phone.

yyy. Later on or about January 16, 2024, CO-CONSPIRATOR 1 voluntarily provided his phone to the FBI without disclosing that he had deleted relevant communications with BROWN.

BROWN Returned to the United States and Lied About His Activities in the PRC

zzz. On or about February 3, 2026, BROWN flew from Incheon International Airport, South Korea to Minneapolis, Minnesota, where he lied in an interview with U.S. Customs and Border Protection about his work in the PRC by stating that he had been in the PRC working as a consultant conducting academic airline training and omitting any mention of his fighter aircraft training for the PRC military.

BROWN and His Co-Conspirators Did Not Apply for or Obtain a License

aaaa. At no time during the conspiracy did BROWN or any Co-Conspirator apply for or obtain the necessary license from DDTC, located in the District of Columbia, to provide defense services to the PRC military.

**REQUEST TO SUBMIT WARRANT BY TELEPHONE
OR OTHER RELIABLE ELECTRONIC MEANS**

58. I respectfully request, pursuant to Rules 4.1 and 41(d)(3) of the Federal Rules of Criminal Procedure, permission to communicate information to the Court by telephone in connection with this Application for an Arrest Warrant. I submit that Beau D. Barnes, an attorney for the United States, is capable of identifying my voice and telephone number for the Court.

CONCLUSION

59. Based on the forgoing, I submit that there is probable cause that between in or around August 2023, and the present, BROWN and his co-conspirators have violated and conspired to violate the Arms Export Control Act, in violation of 18 U.S.C. § 371 and 22 U.S.C. § 2778.

Respectfully submitted,



Emerson Follett
Special Agent
Federal Bureau of Investigation

Subscribed and sworn pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3) on February 24,
2026.

MATTHEW J. SHARBAUGH
UNITED STATES MAGISTRATE JUDGE