

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-mj-02084-Torres

IN THE MATTER OF A CRIMINAL
COMPLAINT

_____ /

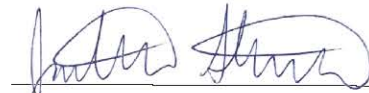
CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? **No**
2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? **No**

Respectfully submitted,

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

By:



Jonathan D. Stratton
Assistant United States Attorney
FL Bar No. 93075
99 N.E. 4th Street
Miami, Florida 33132
Tel: 305-961-9151
Email: jonathan.stratton@usdoj.gov

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America)

v.)

ZESHENG DU)

Case No. 23-mj-02084-Torres)

)

)

)

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Sept. 2022 - January 19, 2023 in the county of Miami-Dade in the Southern District of Florida, the defendant(s) violated:

Code Section
18 U.S.C. § 1546(a)
18 U.S.C. § 1028(a)(1) and (f)

Offense Description
Using and Attempting to Use a U.S. Visa Procured by a False Statement
Conspiracy to Produce Identification Documents Without Lawful Authority

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet.

[Handwritten signature of Daniel Jared Nobles, Jr.]

Complainant's signature

ID #29387

Daniel Jared Nobles, Jr., FBI Special Agent

Printed name and title

Sworn to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by WhatsApp.

Date: 01/20/2023

[Handwritten signature of Edwin G. Torres]

Judge's signature

City and state: Miami, Florida

Edwin G. Torres, Chief U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Daniel Jared Nobles, Jr., being first duly sworn, hereby depose and state:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (the "FBI") currently assigned to the Counterintelligence Division of the FBI's Miami Division, and have served as an FBI Special Agent since January 2020. My duties involve investigating violations of federal law, including investigating the procurement of false identification documents and various conspiracies to violate federal criminal statutes. Prior to becoming a Special Agent, I worked as a civil litigation attorney for approximately three years.

2. I make this Affidavit in support of a criminal complaint charging Zesheng Du ("DU") with: (1) knowingly possessing and using and attempting to use a United States visa, knowing it to have been procured by means of a false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained, in violation of Title 18, United States Code, Section 1546(a); and (2) knowingly conspiring with persons known and unknown to produce identification documents without lawful authority, in violation of Title 18, United States Code, Section 1028(a)(1) and (f).

3. Specifically, on or about January 19, 2023, DU presented a U.S. visa to United States Customs and Border Protection ("CBP") for examination and entry into the United States, knowing it had been obtained with fraudulent statements made by DU. Specifically, the application for a non-immigrant visa asks "Have you ever served in the military" and DU responded "No." As set forth below, there is probable cause to believe that DU previously served in the People's Republic of China's (the "PRC") People's Liberation Army Air Force (the "PLA Air Force") and thus lied on his U.S. Visa application.

4. In addition, as set forth below, there is also probable cause to believe that from as early as September 2022 through on or about January 19, 2023, DU conspired with another

individual to produce at least two fraudulent United States Permanent Resident Cards without lawful authority.

5. I submit this Affidavit based on my personal knowledge as well as information provided to me by other law enforcement officers, an interview of DU, and my review of records and other evidence obtained during this investigation. I have participated in this investigation along with other FBI Special Agents and investigators from the United States Customs and Border Protection (“CBP”). Because this Affidavit is being submitted for the limited purpose of establishing probable cause that DU has violated 18 U.S.C. § 1546(a) and 18 U.S.C. § 1028(a)(1) and (f), I have not included every fact known to me concerning this investigation. Rather, I have set forth only those facts which I believe are necessary to establish probable cause to obtain a criminal complaint.

PROBABLE CAUSE

6. DU is a male who was born in the People’s Republic of China (the “PRC”). DU has lived in the PRC intermittently until 2019 when DU left the PRC and became a resident of the Island of St. Kitts and Nevis (“St. Kitts”). As best the FBI can determine at this time, DU has lived in St. Kitts from 2019 until the present. DU maintains two unexpired passports for St. Kitts and the PRC.

7. In the late evening of January 19, 2023, DU arrived at Miami International Airport (“MIA”) on an international flight from St. Kitts. Upon arrival at MIA’s customs check area, CBP Officers selected DU for a routine secondary examination. During this secondary examination, CBP officers interviewed DU and searched DU’s personal effects. During that search, CBP Officers discovered what appeared to be a PRC military uniform, which consisted of pants and a long-sleeve heavy shirt that contained a blue-gray urban camouflage pattern. The uniform pieces

also contained serial numbers and contained a tag with Chinese writing that appeared to describe the uniform as a “Training Uniform.”

8. Both the shirt and the pants contained buttons inscribed with the letters “PLA.” In addition, the uniform shirt contained an insignia on the left breast pocket that resembled a pair of wings around a central shield. Having reviewed open-source materials and having discussed with other law enforcement colleagues, I believe that the uniform found on DU is a training uniform of the PLA Air Force.

9. In addition to the uniform, CBP Officers also found that DU traveled with three (3) phones, one (1) laptop computer, two wallets, and over \$10,000.00 in cash.

10. After discovering DU’s possession of the uniform, CBP Officers began a basic search of DU’s electronic devices. The search of DU’s electronic devices revealed multiple pictures that appeared to show DU in military uniforms consistent with those worn by the PLA Air Force. In one photograph, DU wore a formal-type uniform with insignia for a PLA Air Force Lieutenant Colonel. In another photograph, DU wore a similar uniform with an overcoat in an apparent public park in the PRC. Despite these facts, on his U.S. Visa application for the U.S. Visa DU presented on January 19, 2023, DU answered the question “Have you ever served in the military” with the response “No.”

11. I also learned from CBP Officers that their basic search of DU’s electronic devices revealed what appeared to be attempts to alter United States Permanent Resident Cards. A Permanent Resident Card, also known as a “Green Card” (“LPR Card”) is a U.S. Government identification document issued by U.S. Citizenship and Immigration Services (“USCIS”).

12. Specifically, CBP Officers discovered lengthy conversations on one of DU’s cellular phones from as early as September 2022 and continuing through January 2023 with a PRC-born person believed to reside in the United States and who has a legally-issued LPR Card (“CO-

CONSPIRATOR 1”). In those messages, DU and CO-CONSPIRATOR 1 discuss how to create a fraudulent LPR Card. Further, in these conversations, CBP Officers discovered CO-CONSPIRATOR 1 sent photographs to DU of CO-CONSPIRATOR 1’s own LPR Card in the context of discussing how to fabricate LPR Cards.

13. After finding these messages, I learned that DU had several files on his laptop computer containing altered photographs or scans of LPR Cards. These photographs were saved to software applications such as Photoshop and/or AdobePro, indicating that the photographs had been edited. One photograph saved to a documents folder on DU’s laptop computer shows an LPR Card saved to Photoshop that contains a headshot of DU’s face on a supposed legitimate LPR Card. While that LPR Card contained DU’s photograph, name, and birth date, the LPR Card contained a LPR Card number, also known as an “A-Number,” for a third-party female. Additional photographs saved to LU’s laptop computer and his cellular phones evidence similar efforts to edit LPR Cards, including the LPR Cards of CO-CONSPIRATOR 1.


14. FBI Agents have confirmed with CBP Officers that USCIS has never issued DU an LPR Card; thus, DU has no legal authority to have a U.S. Government-issued LPR Card containing his face, likeness, and information.

15. After learning this information from CBP Officers, FBI Agents interviewed DU. Post-*Miranda*, DU admitted to FBI Agents that he asked CO-CONSPIRATOR 1 to send him photographs of legitimate LPR Cards so that DU could make a fraudulent LPR Card for DU’s daughter. According to him, DU intended to use the fraudulent LPR Card to apply for a PRC Passport for his daughter in hopes that DU could fly his daughter to St. Kitts and later the United States for educational purposes. When asked why DU—as opposed to DU’s daughter—needed a U.S. LPR Card to apply for a *Chinese* passport for his daughter, DU could not provide a coherent explanation.

16. FBI Agents and CBP Officers further interviewed DU and learned specifically that CO-CONSPIRATOR 1 sent DU photographs or scans of two LPR Cards—one for CO-CONSPIRATOR 1 and the other for CO-CONSPIRATOR 1's son. DU then used software programs like Photoshop to alter the scans sent to him by CO-CONSPIRATOR 1 by inputting photographs and names of himself and DU's girlfriend. DU claimed that by using this mechanism, he created two fraudulent electronic LPR Cards—one for himself and the other for his girlfriend.

CONCLUSION

17. Based upon the foregoing, your Affiant submits that there is probable cause to believe that DU: (1) knowingly possessed and used and attempted to use a United States visa, knowing it to have been procured by means of a false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained, in violation of Title 18, United States Code, Section 1546(a); and (2) knowingly conspired with persons known and unknown to produce identification documents without lawful authority, in violation of Title 18, United States Code, Section 1028(a)(1) and (f). FURTHER YOUR AFFIANT SAYETH NAUGHT.


Daniel Jared Nobles, Jr., Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by WhatsApp, this 20 of January 2023.


EDWIN G. TORRES
CHIEF UNITED STATES MAGISTRATE JUDGE