

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2023 Grand Jury

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ALEXANDER SMIRNOV,  
Defendant.

No. 2:24-cr-00091-ODW

I N D I C T M E N T

[18 U.S.C. § 1001: false statement; 18 U.S.C. § 1519: creating a false and fictitious record]

*2:24-mj-166-DJA*

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

1. Defendant ALEXANDER SMIRNOV was a resident of Los Angeles, California in 2020.

A. The Defendant was an FBI Confidential Human Source.

2. The Defendant was a confidential human source ("CHS") with the Federal Bureau of Investigation ("FBI"). As a CHS, the Defendant was assigned a handling agent (hereafter "the Handler") who was a special agent on an FBI squad that investigated violations of federal criminal law.

1           3.     As a CHS, the Defendant provided information to the Handler  
2 that was then used in various criminal investigations conducted by the  
3 FBI.   The Defendant knew that information he provided was used in  
4 criminal investigations because, among other reasons, the Handler  
5 advised him that he might have to testify in court based on the  
6 information he provided on multiple occasions, including, but not  
7 limited to: 10/1/2010, 5/17/2011, 11/28/2012, 04/12/2013, 8/29/2013,  
8 7/10/2015 and 3/11/2020.   The Defendant also knew the information he  
9 provided was used in criminal investigations because the Defendant  
10 participated in a number of operations where he was authorized to  
11 engage in criminal activity as part of an on-going criminal  
12 investigation.

13           4.     The Defendant was admonished by the Handler that he must  
14 provide truthful information to the FBI when he first became a CHS in  
15 2010 and on multiple occasions thereafter, including, but not limited  
16 to: 10/1/2010, 1/20/2011, 5/17/2011, 9/14/2011, 8/29/2012, 11/28/2012,  
17 4/12/2013, 8/29/2013, 1/22/2014, 7/9/2014, 7/10/2015, 9/29/2016,  
18 9/26/2017, 9/26/2018, 9/27/2019, 3/11/2020, 2/19/2021, 10/28/2021,  
19 10/17/2022 and 9/29/2023.

20           5.     In addition, when the Defendant was authorized to engage in  
21 illegal activity for investigative purposes, he was further admonished  
22 that: "Under no circumstances may the CHS ... Participate in an act that  
23 constitutes obstruction of justice (e.g., perjury, witness tampering,  
24 witness intimidation, entrapment, or fabrication, alteration, or  
25 destruction of evidence, unless such illegal activity has been  
26 authorized)."   When the Defendant was given this admonishment, he  
27 signed an FBI form that contained this statement, including on  
28 10/8/2014, 1/18/2017, 10/8/2018, 1/10/2019, and 8/7/2020.

1           6.     Despite repeated admonishments that he must provide truthful  
2 information to the FBI and that he must not fabricate evidence, the  
3 Defendant provided false derogatory information to the FBI about Public  
4 Official 1, an elected official in the Obama-Biden Administration who  
5 left office in January 2017, and Businessperson 1, the son of Public  
6 Official 1, in 2020, after Public Official 1 became a candidate for  
7 President of the United States of America.

8           a.     As described in greater detail below, in March 2017,  
9 the Defendant reported to the Handler that he had had a phone call with  
10 the owner of Ukrainian industrial conglomerate Burisma Holdings,  
11 Limited (hereafter "Burisma Official 1") concerning Burisma's interest  
12 in acquiring a U.S. company and making an initial public offering  
13 ("IPO") on a U.S.-based stock exchange. In reporting that conversation  
14 to the Handler, the Defendant also noted that Businessperson 1, Public  
15 Official 1's son, was a member of Burisma's Board, a fact that was  
16 publicly known.

17           b.     Three years later, in June 2020, the Defendant reported,  
18 for the first time, two meetings in 2015 and/or 2016, during the Obama-  
19 Biden Administration, in which he claimed executives associated with  
20 Burisma, including Burisma Official 1, admitted to him that they hired  
21 Businessperson 1 to "protect us, through his dad, from all kinds of  
22 problems," and later that they had specifically paid \$5 million each  
23 to Public Official 1 and Businessperson 1, when Public Official 1 was  
24 still in office, so that "[Businessperson 1] will take care of all  
25 those issues through his dad," referring to a criminal investigation  
26 being conducted by the then-Ukrainian Prosecutor General into Burisma  
27 and to "deal with [the then-Ukrainian Prosecutor General]."

28

1 c. The Defendant also reported two purported phone calls  
2 between himself and Burisma Official 1 wherein Burisma Official 1  
3 stated that he had been forced to pay Public Official 1 and  
4 Businessperson 1 and that it would take investigators 10 years to find  
5 records of illicit payments to Public Official 1.

6 d. As alleged herein, the events the Defendant first  
7 reported to the Handler in June 2020 were fabrications. In truth and  
8 fact, the Defendant had contact with executives from Burisma in 2017,  
9 after the end of the Obama-Biden Administration and after the then-  
10 Ukrainian Prosecutor General had been fired in February 2016, in other  
11 words, when Public Official 1 had no ability to influence U.S. policy  
12 and when the Prosecutor General was no longer in office. In short,  
13 the Defendant transformed his routine and unextraordinary business  
14 contacts with Burisma in 2017 and later into bribery allegations  
15 against Public Official 1, the presumptive nominee of one of the two  
16 major political parties for President, after expressing bias against  
17 Public Official 1 and his candidacy.

18 e. When he was interviewed by FBI agents in September 2023,  
19 the Defendant repeated some of his false claims, changed his story as  
20 to other of his claims, and promoted a new false narrative after he  
21 said he met with Russian officials.

22 B. In 2017, the Defendant provided the FBI Handler with information  
23 that Burisma was interested in acquiring an American oil and gas  
24 company.

25 7. On or about March 1, 2017, the Defendant provided information  
26 to the Handler concerning Burisma for the first time. That information  
27 was memorialized in an official record of the FBI on a Form 1023  
28 (hereafter the "2017 1023"). The following is the entirety of what

1 the Defendant told the Handler in March 2017 that was memorialized in  
2 the 2017 1023:

3 During the week of 2/27/2017, CHS received a telephone call  
4 from [Associate 1] (a subject of prior CHS reporting  
5 regarding ties to ROC). Also on the call was [Burisma  
6 Official 1], whom CHS understood is the "CEO or owner" of  
7 Burisma Holdings - Ukraine. During the call, [Associate 1]  
8 mentioned they are interested in acquiring a U.S.-based  
9 petroleum business with a market capitalization between \$50-  
\$100 million. They would then use this US-based entity as  
the parent company for Burisma Holdings (or a subdivision  
thereof), which they would then seek to register on a US  
exchange.

10 This CEO and [Associate 1] made statements that led CHS to  
11 believe that Burisma Holdings has overstated its corporate  
assets in various public filings in Ukraine (NFI).

12 The individual in Ukraine who is currently assigned to manage  
13 this acquisition is [Burisma Official 2], whose title is  
14 "Board Advisor - Director for International Cooperation and  
15 Strategic Development", email [] @burisma.com, 10-A Ryleyeva  
16 Str., Kyiv 04073, Ukraine, office phone [], fax: []. During  
the week of March 6, 2017, [Burisma Official 2] plans to  
travel to Washington D.C. (NFI), and may meet with the CHS  
sometime thereafter on the West Coast.

17 **During this call, there was a brief, non-relevant discussion**  
18 **about [Public Official 1]'s son, [Businessperson 1], who is**  
19 **currently on the Board of Directors for Burisma Holdings [No**  
**Further Information].**

20 (emphasis added). Notably, the Defendant did not report in 2017 that  
21 in the preceding two years, Burisma Official 1 admitted to the Defendant  
22 that he had paid Public Official 1 \$5 million when Public Official 1  
23 was still in office, as the Defendant later claimed.

1 C. Three years later, in May 2020, the Defendant sent the Handler a  
2 series of messages expressing bias against Public Official 1, who  
3 was then a candidate for President of the United States of America  
4 and the presumptive nominee of one of the two major political  
5 parties.

6 8. On May 19, 2020, the Defendant messaged the Handler the  
7 following:  
8

9 **It's all over the news in Russia and**  
10 **Ukraine as well as live calls**  
11 **between Public Official 1 and President of Ukraine**  
12

13  
14  
15 **Smells bad for Public Official 1**  
16  
17

18  
19 9. On that day, May 19, 2020, it was publicly reported that:

20 A Ukrainian lawmaker who met with [] late last year released  
21 recordings of private phone calls several years ago between  
22 [Public Official 1] and [], then Ukraine's president, in a  
23 new broadside against the presumptive [] nominee for U.S.  
24 president that has raised questions about foreign  
25 interference in the 2020 election.  
26  
27  
28

1 10. Approximately 20 minutes after his first message on May 19,  
2 2020, the Defendant volunteered his view that:

3  
4 **Public Official 1** going to jail ))))

5  
6  
7 11. One minute later, the Defendant opined:

8  
9 May 19, 2020  
10 Dems tried to impeach **Public Official 2** for  
11 same

12  
13 Even less

14  
15 All those polititions same shit

16  
17  
18  
19 Jail for all of them

20  
21 Plus bribe of **Public Official 1** should be soon  
22 in the news)))  
23  
24  
25  
26  
27  
28

1 12. To which the Handler responded:

2  
3 ??? Only if you believe that his  
4 request to get rid of **Prosecutor** was  
5 **General**  
6 only because of Burisma...which  
7 my all accounts it was not  
8  
9

10  
11 13. The Defendant offered the following:

12  
13 For sure yes

14  
15 I'll try to prove it for you bro  
16  
17

18 14. To which the Handler responded:

19  
20 **Bride payment to** **Public Official 1** **Or are**  
21 **you talking about the aid withheld**  
22 **unless they fired** **Prosecutor General**  
23  
24  
25  
26  
27  
28



1 15. The Defendant then further offered the following:

2  
3 I'll get those other recordings of  
4 **Public Official 1** son telling to Boriama that  
5 his dad will take care of **Prosecutor General**



6  
7 Bribe to **Public Official 1** and his son

8  
9 5:59 PM

10  
11 16. To which the Handler responded:

12  
13 That would be a game changer

14  
15 5:59 PM

16  
17 17. The Defendant then stated:

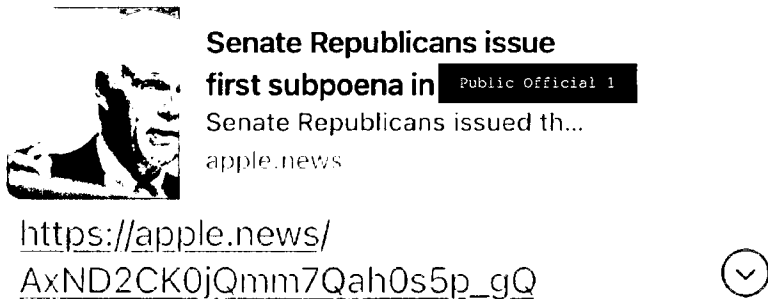
18  
19 I'll meet with the guys as soon as I  
20 will be able to fly

21  
22 5:59 PM

23  
24 The Defendant did not indicate who "the guys" were.

25  
26  
27 [this space intentionally left blank]  
28

1 18. The following day, May 20, 2020, the Defendant messaged the  
2 Handler a link to an article titled, "Senate Republicans issue first  
3 subpoena in [Public Official 1]-Burisma probe":



10  
11  
12 19. The Handler did not respond.  
13  
14  
15  
16  
17  
18

19 [this space intentionally left blank]  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 20. The next day, May 21, 2020, the Defendant messaged the  
2 Handler the following:

3 May 21, 2020  
4 Ukraine opening investigation ))))\$

5  
6  
7 Ok **Public Official 1**

8  
9 I think it's gonna help him to be  
10 elected))))

11  
12  
13 We need a new runner

14  
15 Let me know when you can talk.  
16 Have some interesting update

17  
18  
19  
20  
21  
22  
23 [this space intentionally left blank]

1 21. Less than thirty minutes later, the Defendant messaged the  
2 Handler the following:



9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24 **Public Official 1 &  
Businessperson 1**

**with CEO of Burisma**

1 Contrary to the Defendant's representation, this was not, in fact, a  
2 photograph of Public Official 1 and Businessperson 1 with the CEO of  
3 Burisma.

4 D. One month later, and three years after first reporting on Burisma,  
5 the Defendant reported bribery allegations against Businessperson  
6 1 and Public Official 1.

7 22. In June 2020, the Handler reached out to the Defendant  
8 concerning the 2017 1023. This was done at the request of the FBI's  
9 Pittsburgh Field Office (hereafter "FBI Pittsburgh"). In the first  
10 half of 2020, the United States Attorney's Office for the Western  
11 District of Pennsylvania (hereafter "USAO WDPA") had been tasked by  
12 the Deputy Attorney General of the United States to assist in the  
13 "receipt, processing, and preliminary analysis of new information  
14 provided by the public that may be relevant to matters relating to  
15 Ukraine." As part of that process, FBI Pittsburgh opened an assessment,  
16 58A-PG-3250958, and in the course of that assessment identified the  
17 2017 1023 in FBI holdings and shared it with USAO WDPA. USAO WDPA then  
18 asked FBI Pittsburgh to reach out to the Handler to ask for any further  
19 information about the reference in his 2017 1023 that stated, "During  
20 this call, there was a brief, non-relevant discussion about former  
21 [Public Official 1]'s son, [Businessperson 1], who is currently on the  
22 Board of Directors for Burisma Holdings [No Further Information]".

23 23. On or about June 26, 2020, FBI Pittsburgh contacted the  
24 Handler regarding the 2017 1023. That same day, the Handler spoke with  
25 the Defendant, who was in Los Angeles, by telephone. The information  
26 the Defendant provided the Handler was memorialized on a Form 1023  
27 (hereafter the "2020 1023"), an official record of the FBI, which was  
28 finalized on June 30, 2020.

1           24. During their call on June 26, 2020, when the Handler asked  
2 the Defendant about the "brief, non-relevant discussion about former  
3 [Public Official 1]'s son, [Businessperson 1], who is currently on the  
4 Board of Directors for Burisma Holdings," the Defendant described, for  
5 the first time, two purported meetings and two purported phone calls  
6 with various Burisma executives where Businessperson 1 and Public  
7 Official 1 were discussed. The two phone calls were in addition to  
8 the one the Defendant reported on in the 2017 1023. This time, rather  
9 than a passing reference to Businessperson 1 being on Burisma's Board,  
10 the Defendant claimed that Burisma executives at two meetings in 2015  
11 and/or 2016, during the Obama-Biden Administration, told him that they  
12 were paying Businessperson 1 to "protect us, through his dad, from all  
13 kinds of problems," and later that they had specifically paid \$5 million  
14 each to Public Official 1, when he was in office, and Businessperson 1  
15 so that "[Businessperson 1] will take care of all those issues through  
16 his dad," referring to a criminal investigation being conducted by the  
17 then-Ukrainian Prosecutor General into Burisma and to "deal with" the  
18 then-Ukrainian Prosecutor General. In describing the phone calls, the  
19 Defendant claimed that Burisma Official 1 said he was "pushed to pay"  
20 Public Official 1 and Businessperson 1, had text messages and  
21 recordings that show he was coerced to make such payments, and it would  
22 take investigators ten years to find the records of illicit payments  
23 to Public Official 1. The Defendant made these statements to the  
24 Handler in June 2020, when Public Official 1 was a candidate for  
25 President of the United States and the presumptive nominee of one of  
26 the two major political parties.

27           25. Critically, the payments the Defendant described occurred,  
28 according to the Defendant, during the Obama-Biden Administration in

1 2016, when Public Official 1 was in a position to influence U.S. policy  
2 towards Ukraine, and prior to February 2016 when the then-Ukrainian  
3 Prosecutor General was fired and, in any event, prior to the change in  
4 Administrations in January 2017.

5 26. Specifically, the Defendant claimed the following about the  
6 first and second meetings:

7 First Meeting with Burisma Executives in Kyiv, Ukraine  
8 2015/2016. In late 2015 or 2016, during the Obama/Biden  
9 administration, CHS was first introduced to officials at  
10 Ukraine natural gas business Burisma Holdings ("Burisma")  
11 through CHS's associate, [Associate 1] (alternate  
transliteration - [Associate 1]; for full identification of  
[Associate 1], see attachments to [], a FD-1023 by CHS  
serialized on 1/2/2018).

12 CHS and [Associate 1] traveled to Ukraine and went to  
13 Burisma's office that was located 20 minutes away from the  
14 City Center. The purpose of the meeting was to discuss  
15 Burisma's interest in purchasing a US-based oil and gas  
16 business, for purposes of merging it with Burisma for  
purposes of conducting an IPO in the US. Burisma was willing  
to purchase a US-based entity for \$20-30 million.

17 **At this meeting was CHS, CHS's former business partner,**  
18 **[Associate 2] (an USPER who does not speak Russian),**  
19 **[Associate 1], Burisma's CFO, [Burisma Official 2] (email**  
20 **[])@Burisma.com, telephone []), [Burisma Official 3] (the**  
21 **daughter to Burisma's CEO and founder [Burisma Official 1]**  
22 **and her husband (FNU LNU). The conversation was in Russian,**  
23 **and thus [Associate 2] did not participate therein.**

24 During the meeting, [Burisma Official 2] asked CHS whether  
25 CHS was aware of Burisma's Board of Directors. CHS replied  
26 "no", and [Burisma Official 2] advised the board members  
27 included: 1) the former President or Prime Minister of  
28 Poland; and, 2) **[Public Official 1]'s son, [Businessperson**  
1]. [Burisma Official 2] said Burisma hired the former  
President or Prime Minister of Poland to leverage his  
contacts in Europe for prospective oil and gas deals, **and**  
**they hired [Businessperson 1] to "protect us, through his**  
**dad, from all kinds of problems"** (CHS was certain [Burisma  
Official 2] provided no further/specific details about what  
that meant).

1 CHS asked why they (Burisma) needed to get CHS's assistance  
2 regarding the purchase/merger of a US-based company when  
3 [Businessperson 1] was on their board. [Burisma Official 2]  
4 replied that [Businessperson 1] was not smart, and they  
5 wanted to get additional counsel. The group then had a general  
6 conversation about whether the purchase/merger with a US  
7 company would be a good business decision.

8 Meeting with CHS, [Associate 1], and [Burisma Official 1] in  
9 Vienna, Austria in 2016. Approximately one or two months  
10 after the aforementioned Burisma meeting in Ukraine, CHS  
11 traveled to Vienna, Austria with [Associate 1] and met with  
12 [Burisma Official 1] at an outside coffee shop. The trio  
13 continued to talk about the feasibility of Burisma acquiring  
14 a US-based entity. CHS recalled this meeting took place  
15 around the time [Public Official 1] made a public statement  
16 about [the then-Ukrainian Prosecutor General] being corrupt,  
17 and that he should be fired/removed from office. CHS told  
18 [Burisma Official 1] that due to [the then-Ukrainian  
19 Prosecutor General]'s investigation into Burisma, which was  
20 made public at this time, it would have a substantial  
21 negative impact on Burisma's prospective IPO in the United  
22 States. [Burisma Official 1] replied something to the effect  
23 of, "Don't worry [Businessperson 1] will take care of all of  
24 those issues through his dad." CHS did not ask any further  
25 questions about what that specifically meant.

26 CHS asked [Burisma Official 1] why Burisma would pay \$20-30  
27 million to buy a US company for IPO purposes when it would  
28 be cheaper to just form a new US-entity, or purchase a  
corporate shell that was already listed on an exchange.  
[Burisma Official 1] responded that [Businessperson 1]  
advised Burisma it could raise much more capital if Burisma  
purchased a larger US-based business that already had a  
history in the US oil and gas sector. CHS recalled [Burisma  
Official 1] mentioned some US-based gas business(es) in  
Texas, the names of which CHS did not recall. **CHS advised**  
**[Burisma Official 1] it would be problematic to raise capital**  
**in the US given [the then-Ukrainian Prosecutor General]'s**  
**investigation into Burisma as nobody in the US would invest**  
**in a company that was the subject of a criminal**  
**investigation.** CHS suggested it would best if Burisma simply  
litigate the matter in Ukraine, and pay some attorney  
\$50,000. [Burisma Official 1] said he/Burisma would likely  
lose the trial because he could not show that Burisma was  
innocent; [Burisma Official 1] also laughed at CHS's number  
of \$50,000 (not because of the small amount, but because the  
number contained a "5") **and said that "it cost 5 (million)**  
**to pay [Public Official 1], and 5 (million) to**



1        **[Businessperson 1]."** CHS noted that at this time, it was  
2        **unclear to CHS whether these alleged payments were already**  
3        **made.**

4        CHS told [Burisma Official 1] that **any such payments to**  
5        **[Public Official 1 and Businessperson 1]** would complicate  
6        matters, and Burisma should hire "some normal US oil and gas  
7        advisors" because [Public Official 1 and Businessperson 1]  
8        have no experience with that business sector. [Burisma  
9        Official 1] made some comment that although [Businessperson  
10       1] "was stupid, and his ([Burisma Official 1]'s) dog was  
11       smarter," [Burisma Official 1] **needed to keep [Businessperson**  
12       **1] (on the board) "so everything will be okay."** CHS inquired  
13       **whether [Businessperson 1] or [Public Official 1] told**  
14       **[Burisma Official 1] he should retain [Businessperson 1];**  
15       **[Burisma Official 1] replied, "They both did."** CHS reiterated  
16       CHS's opinion that [Burisma Official 1] was making a mistake  
17       and he should fire [Businessperson 1] and deal with **[the**  
18       **then-Ukrainian Prosecutor General]'s investigation** directly  
19       so that the matter will remain an issue in Ukraine, and not  
20       turn in to some international matter. [Burisma Official 1]  
21       responded something to the effect of, **"Don't worry, this**  
22       **thing will go away anyway."** CHS replied that, notwithstanding  
23       [the then-Ukrainian Prosecutor General]'s investigation, it  
24       was still a bad decision for Burisma to spend \$20-\$30 million  
25       to buy a US business, and that CHS didn't want to be involved  
26       with the [Public Official 1 and Businessperson 1] matter.  
27       [Burisma Official 1] responded that he appreciated CHS's  
28       advice, but that "it's too late to change his decision." **CHS**  
29       **understood this to mean that [Burisma Official 1] had already**  
30       **had [sic.] paid [Public Official 1 and Businessperson 1],**  
31       **presumably to "deal with [the then-Ukrainian Prosecutor**  
32       **General]."**

(emphases added).

21        E. The Defendant's 2020 story was a fabrication.

22        27. The Defendant's claim that "in late 2015/2016 during the  
23        Obama/Biden Administration" he first met with Burisma Official 2 and  
24        that at that meeting Burisma Official 2 told him that they hired  
25        Businessperson 1 to "protect us, through his dad, from all kinds of  
26        problems" was false, as he knew.

1           28. Similarly, the Defendant's claims that he met with Burisma  
2 Official 1 "one or two months later," around the time "[Public Official  
3 1] made a public statement about [the then-Ukrainian Prosecutor  
4 General] being corrupt, and that he should be fired/removed from  
5 office," which occurred on December 9, 2015, and that at that meeting  
6 Burisma Official 1 admitted that he had paid Businessperson 1 \$5 million  
7 and Public Official 1 \$5 million each so that "[Businessperson 1] will  
8 take care of all those issues through his dad," referring to the then-  
9 Ukrainian Prosecutor General's investigation into Burisma, and to "deal  
10 with [the then-Ukrainian Prosecutor General]," were false, as the  
11 Defendant knew.

12           29. No such statements were made to the Defendant because, in  
13 truth and fact, Defendant met with officials from Burisma for the first  
14 time in 2017, *after* Public Official 1 left office in January 2017, and  
15 *after* the then-Ukrainian Prosecutor General had been fired in February  
16 2016. The first meeting the Defendant had with officials from Burisma  
17 occurred at a time when Public Official 1 no longer had the ability to  
18 influence U.S. policy and after the then-Ukrainian Prosecutor General  
19 was out of office. The Defendant's story to the FBI was a fabrication,  
20 an amalgam of otherwise unremarkable business meetings and contacts  
21 that had actually occurred but at a later date than he claimed and for  
22 the purpose of pitching Burisma on the Defendant's services and  
23 products, not for discussing bribes to Public Official 1 when he was  
24 in office.

25           30. The Defendant began to pursue business opportunities with  
26 Burisma in spring 2017, at the earliest, through two associates of his.

27           a. Associate 1 was a Ukrainian business consultant. He  
28 was introduced to the Defendant by a mutual acquaintance who told

1 Associate 1 that the Defendant was an expert in IPOs in the United  
2 States. The Defendant and Associate 1 subsequently met in Kiev,  
3 Ukraine, and the Defendant asked Associate 1 to connect him to  
4 businesses in Ukraine interested in IPOs in the United States.  
5 Associate 1 subsequently identified Burisma as such a company.

6 b. Associate 2 was an American who owned a cryptocurrency  
7 business. In the spring of 2017, the Defendant presented Burisma to  
8 Associate 2 as a company that might be interested in a cryptocurrency  
9 product Associate 2 was trying to commercialize. Around this time,  
10 the Defendant sent Associate 2 a link to the Board of Directors of  
11 Burisma. The Defendant specifically called out the fact that  
12 Businessperson 1 was on the Board and indicated that because  
13 Businessperson 1 was on the Board, the Defendant thought Burisma was a  
14 company with which they could do business.

15 31. Between March 2017, when the Defendant first reported on  
16 Burisma to the Handler, and June 2020, when he first made his false  
17 claims about bribes paid to Public Official 1 when he was in office,  
18 directly and through his son Businessperson 1, the Defendant had a  
19 series of routine business contacts with executives at Burisma. All  
20 of these contacts occurred in 2017 and 2018, when Public Official 1  
21 was out of office and after the then-Ukrainian Prosecutor General had  
22 been fired. Specifically:

23

24

25

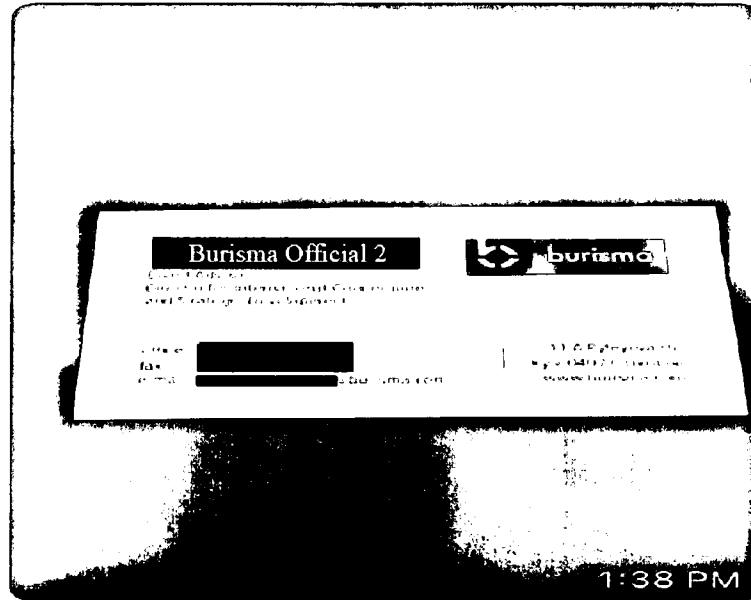
26

27

28

1 a. The same day that he first reported on Burisma, March  
2 1, 2017, the Defendant messaged the Handler a photograph of a business  
3 card for Burisma Official 2.

4 Mar 1, 2017



18 b. In response, on that same day, the Handler asked the  
19 Defendant, "How's [Burisma Official 2] fit into the story", to which  
20 the Defendant responded, "This is the guy that will do the public  
21 company from there [sic.] side."

22 c. The Handler then messaged the Defendant, "Looks like  
23 the CEO or Owner might be [Burisma Official 1] or []. Either sound  
24 familiar?", to which the Defendant responded with the first name of  
25 Burisma Official 1. The Handler then asked the Defendant whether he  
26 was meeting with Burisma Official 1, to which the Defendant responded,  
27 "No. The guy that I send [sic.] you the business card."

28 d. On April 13, 2017, the Handler messaged the Defendant  
asking him, "U know who from Burisma will be in the meeting," to which

1 the Defendant responded, "Not yet Will know after we [sic.] I will get  
2 the email."

3 e. Four days later, on April 17, 2017, Associate 1 sent  
4 the Defendant and Burisma Official 2 an email introducing them to each  
5 other.

6 f. That same day, Associate 1 sent another email to Burisma  
7 Official 2 summarizing, in general terms, how a company could undertake  
8 an IPO in the United States.

9 g. On or about April 27, 2017, Burisma Official 2 responded  
10 to Associate 1's April 17, 2017, email. Burisma Official 2 thanked  
11 Associate 1 for introducing him to the Defendant and promised to send  
12 the Defendant and Associate 1 information about Burisma's desire to  
13 buy an oil and gas company in the United States.

14 h. On or around May 11, 2017, Burisma Official 4, another  
15 Burisma executive, emailed Associate 1 telling him that Burisma was  
16 not interested in pursuing an IPO in the United States and that their  
17 priority was acquiring a U.S.-based oil and gas company.

18 i. Seven days later, on or about May 18, 2017, Associate 1  
19 forwarded Burisma Official 3's email to the Defendant.

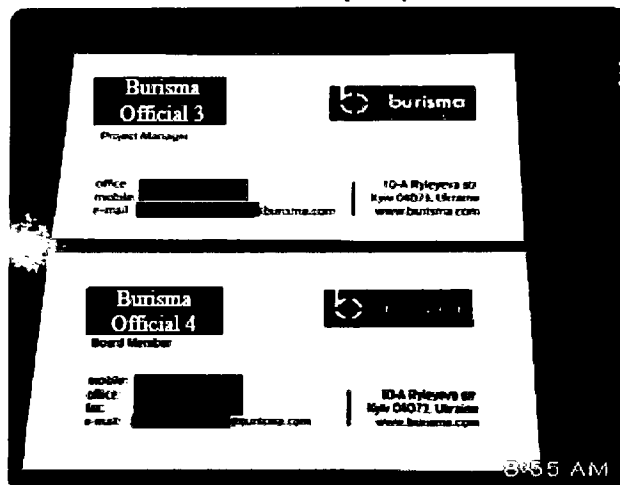
20 j. On July 24, 2017, the Defendant messaged the Handler,  
21 "Cutting a deal with Burisma Will update you soon bro" and "It's gonna  
22 be a contract so we can review it first."

23 k. On September 16, 2017, Associate 2, the individual whom  
24 the Defendant claimed in the 2020 1023 attended the first meeting the  
25 Defendant had with Burisma executives in late 2015 or 2016, flew from  
26 New York to Kiev, via London. Associate 2 remained in Ukraine until  
27 September 23, 2017, when he returned to the United States through  
28 London.

1           1. During the six (6) day period that Associate 2 was in  
 2 Ukraine, he and the Defendant met with representatives from Burisma,  
 3 including Burisma Official 3, the daughter of Burisma's owner Burisma  
 4 Official 1, to discuss a cryptocurrency product. The meeting was in  
 5 Russian, and on the drive back from Burisma's headquarters, the  
 6 Defendant described to Associate 2 what had been discussed. The  
 7 Defendant told Associate 2 that the Burisma representatives were not  
 8 interested in the cryptocurrency product the Defendant and Associate 2  
 9 were selling and were instead trying to find an oil and gas company in  
 10 the United States that Burisma could purchase. The Defendant did not  
 11 describe to Associate 2 any discussion of Businessperson 1 or Public  
 12 Official 1 during this meeting.

13           m. On September 19, 2017, the Defendant messaged the  
 14 Handler photographs of business cards for Burisma Official 3, the

Sep 19, 2017



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 24 person the Defendant claimed he met at the first meeting in late 2015  
 25 or 2016 during the Obama-Biden Administration, and Burisma Official 4,  
 26 the individual who had sent an email to Associate 1, which Associate 1  
 27 then forwarded to the Defendant, in May 2017, as described above.

1 n. After the September 2017 meeting, Associate 2 prepared  
2 a document outlining steps that Burisma could take in order to acquire  
3 a company in the United States and use it for an IPO. Associate 2 sent  
4 this document to the Defendant on September 22, 2017.

5 o. Associate 2's trip to Kiev in September 2017 was the  
6 first time he had left North America since 2011. Thus, he could not  
7 have attended a meeting in Kiev, as the Defendant claimed, in late 2015  
8 or 2016, during the Obama-Biden Administration. His trip to Ukraine  
9 in September 2017 was more than seven months after Public Official 1  
10 had left office and more than a year after the then-Ukrainian Prosecutor  
11 General had been fired.

12 p. On January 23, 2018, Associate 2 flew from Los Angeles  
13 to London. During the previous week, on January 16, 2018, the Defendant  
14 messaged Associate 2 asking him, "Brother Send me the name of the place  
15 in London please," to which Associate 2 replied, "Baglioni." On January  
16 25, 2018, the Defendant attempted to call Associate 2. Associate 2  
17 responded, "Downstairs getting breakfast," and the Defendant responded,  
18 "Cool. See you in a few." Both the Defendant and Associate 2 were  
19 staying at the Hotel Baglioni in London at that time. When Associate  
20 2 was with the Defendant in London, the Defendant told Associate 2 that  
21 he had received a call from the owner of Burisma, Burisma Official 1,  
22 and that Burisma Official 1 was interested in doing business with them.

23 q. On January 26, 2018, Associate 2 flew from London to  
24 Kiev, staying until January 30, 2018.

25 r. During that five (5) day time period, the Defendant and  
26 Associate 2 traveled to Burisma's headquarters. Once there, they had  
27 a brief meeting with Burisma Official 2, who told them that Burisma  
28 was not interested in their cryptocurrency product. Burisma Official

1 2 spoke English during the meeting, and Associate 2 was able to  
2 participate. At no point during this meeting between the Defendant,  
3 Associate 2, and Burisma Official 2 did Burisma Official 2 tell the  
4 Defendant that Burisma had hired Businessperson 1 to "protect us,  
5 through his dad, from all kinds of problems."

6 32. As described above, all the contacts that the Defendant had  
7 with Burisma occurred no earlier than spring 2017, after the end of  
8 the Obama-Biden Administration. Notably, the Defendant was only  
9 introduced to Burisma Official 2, via email, on or about April 17,  
10 2017. Therefore, the Defendant's claim that he had met with Burisma  
11 Official 2 in "late 2015 or 2016, during the Obama/Biden  
12 administration," was false because if the Defendant had met Burisma  
13 Official 2 then, he would not have needed Associate 1 to introduce him  
14 to Burisma Official 2 in April 2017, and Burisma Official 2 would not  
15 have thanked Associate 1 for introducing them in April 2017.

16 33. As to the second meeting, the one that supposedly happened  
17 in Vienna, contrary to what the Defendant told the Handler, Associate  
18 1 did not meet with the Defendant and Burisma Official 1 at a café in  
19 Vienna around the time that Public Official 1 "made a public statement  
20 about [the then-Ukrainian Prosecutor General] being corrupt, and that  
21 he should be fired/removed from office," which occurred in December  
22 2015. In fact, Associate 1 has never met or spoken with Burisma  
23 Official 1.

24 34. Further, the Defendant did not travel to Vienna "around the  
25 time [Public Official 1] made a public statement about [the then-  
26 Ukrainian Prosecutor General] being corrupt, and that he should be  
27 fired/removed from office," which occurred in December 2015.

28



1 35. When the Handler interviewed the Defendant on June 26, 2020,  
2 the Defendant also falsely told the Handler that he had two phone calls  
3 with Burisma Official 1, one in "2016/2017" shortly after the U.S.  
4 election but before the end of the Obama-Biden Administration and a  
5 second one in 2019. The following is what the Defendant told the  
6 Handler about those two calls that was also memorialized in the 2020  
7 1023:

8 Subsequent Telephone Calls Between CHS and [Burisma Official  
9 1].

10 2016/2017 Telephone Call. Shortly after the 2016 US election  
11 and during [Public Official 2] transition period, CHS  
12 participated in a conference call with [Associate 1] and  
13 [Burisma Official 1]. CHS inquired whether [Burisma Official  
14 1] was happy with the US election results. [Burisma Official  
15 1] replied that he was not happy [Public Official 2] won the  
16 election. CHS asked [Burisma Official 1] **whether he was**  
17 **concerned about Burisma's involvement with [Public Official**  
18 **1 and Businessperson 1]**. [Burisma Official 1] **stated he**  
19 **didn't want to pay the [Public Official 1 and Businessperson**  
20 **1] and he was "pushed to pay" them.** (CHS explained the Russian  
21 term [Burisma Official 1] used to explain the payments was  
22 "poluchili" (transliterated by the CHS), which literally  
23 translates to "got it" or "received it", but is also used in  
24 Russian-criminal-slang for being "forced or coerced to pay."  
25 [Burisma Official 1] stated [the then-Ukrainian Prosecutor  
26 General] had already been fired, and no investigation was  
27 currently going on, **and that nobody would find out about his**  
28 **financial dealings with the [Public Official 1 and**  
**Businessperson 1]**. CHS then stated, "I hope you have some  
back-up (proof) for your words (namely, that [Burisma  
Official 1] was 'forced' to pay [Public Official 1 and  
Businessperson 1]). [Burisma Official 1] replied he has many  
text messages and "recordings" that show that he was coerced  
to make such payments (See below, subsequent CHS reporting  
on 6/29/2020). CHS told [Burisma Official 1] he should make  
certain that he should retain those recordings. [Burisma  
Official 1] asked whether it would make any (legal)  
difference whether he voluntarily made such payments, or if  
he was "forced" to make them.

[Burisma Official 1] then asked CHS whether CHS could provide  
any assistance in Ukraine (with the [] regime) if something

1 were to happen to [Burisma Official 1] in the future. CHS  
2 replied that CHS didn't want to get involved in any such  
3 matters.

4 [Note: See previous CHS report dated 3/1/2017 Serial 7,  
5 wherein CHS reported the foregoing, and stated the call took  
6 place during the week of 2/27/2017. At that time, CHS stated  
7 that [Burisma Official 1] briefly discussed [Businessperson  
8 1], but the topic was not relevant to Burisma's interest in  
9 acquiring a US-based petroleum business for \$50-\$100 million.  
10 At this time CHS also reported aforementioned [Burisma  
11 Official 2] (alternate transliteration [Burisma Official 2])  
12 was assigned by Burisma to manage the acquisition, and he  
13 was planning to travel to Washington, D.C. in March, 2017.

14 2019 Telephone call. After the aforementioned 2016 telephone  
15 call, CHS had no Interactions with [Burisma Official  
16 1]/Burisma whatsoever, until 2019. In 2019, CHS met with  
17 [Associate 1] in London to discuss various business matters  
18 (which had nothing to do with [Burisma Official 1], Burisma,  
19 or the gas/oil industry; CHS noted that CHS's meeting with  
20 [Associate 1] took place at a "Russian coffee house near  
21 Knightsbridge Street located near Harrods department store,"  
22 and that [Associate 1]'s fiancée lives in London). **At some  
23 point during this meeting, [Associate 1] advised CHS he was  
24 going to call [Burisma Official 1].** At this time, CHS  
25 understood [Burisma Official 1] was living somewhere in  
26 Europe (NFI). During the call, [Burisma Official 1] asked  
27 CHS and/or [Associate 1] if they read the recent news reports  
28 about the investigations into [Public Official 1 and  
Businessperson 1] and Burisma, and [Burisma Official 1]  
jokingly asked CHS if CHS was an "oracle" (due to CHS's prior  
advice that [Burisma Official 1] should not pay [Public  
Official 1 and Businessperson 1] and instead to hire an  
attorney to litigate the allegations concerning [the then-  
Ukrainian Prosecutor General]'s investigation). **CHS  
mentioned [Burisma Official 1] might have difficulty  
explaining suspicious wire transfers that may evidence any  
(illicit) payments to [Public Official 1 and Businessperson  
1]. [Burisma Official 1] responded he did not send any funds  
directly to the "Big Guy" (which CHS understood was a  
reference to [Public Official 1]). CHS asked [Burisma  
Official 1] how many companies/bank accounts [Burisma  
Official 1] controls; [Burisma Official 1] responded it would  
take them (investigators) 10 years to find the records (i.e.  
illicit payments to [Public Official 1]). CHS told [Burisma  
Official 1] if he ever needed help in the future and wanted  
to speak to somebody in the US government about that matter,  
that CHS could introduce him to someone.**

1  
2 Regarding the seemingly open and unsolicited admissions by  
3 [Burisma Official 2] and [Burisma Official 1] about the  
4 purpose for their retention of [Businessperson 1], and the  
5 "forced" payments [Burisma Official 1] made to [Public  
6 Official 1 and Businessperson 1], CHS explained it is very  
7 common for business men in post-Soviet countries to brag or  
8 show-off. Additionally, it is extremely common for businesses  
9 in Russia and Ukraine to make "**bribe**" payments to various  
10 government officials. CHS noted that in corporate budgets  
11 for other Russian and Ukrainian businesses which CHS has  
12 inspected in the past, CHS observed budget-line-items in  
13 Russian called "Podmazat" (transliterated by CHS), which  
14 literally translates to "oil, lubricate, or make things run  
15 smoothly," which companies routinely use to account for  
16 anticipated **bribe payments**. As such, given the pervasive  
17 necessity to **bribe government officials** in Ukraine and  
18 Russia, CHS did not perceive [Burisma Official 2]'s or  
19 [Burisma Official 1]'s statements to be unusual, self-  
20 serving, or pretextual. Additionally, regarding important  
21 business meetings, it is also common in Ukraine and Russia  
22 for persons to make covert recordings. However, CHS has only  
23 met [Burisma Official 1] in person on one occasion and has  
24 spoken to him only twice on the telephone; as such, CHS is  
25 not able to provide any further opinion as to the veracity  
26 of [Burisma Official 1]'s aforementioned statements.

27 (emphases added).

28  
36. Associate 1 never spoke to Burisma Official 1 on the phone,  
or in person. Therefore, the Defendant's claim that Associate 1 called  
Burisma Official 1 in 2019 is false for that reason as well.

37. Moreover, at no point when the Defendant was messaging the  
Handler in May 2020 about Public Official 1 did he mention that he had  
had two purported meetings when Public Official 1 was in office in the  
United States where Burisma executives told him that they paid  
Businessperson 1 to "protect us, through his dad, from all kinds of  
problems," and later that they had specifically paid \$5 million each  
to Public Official 1 and Businessperson 1 so that "[Businessperson 1]  
will take care of all those issues through his dad," referring to a

1 criminal investigation being conducted by the then-Ukrainian Prosecutor  
2 General into Burisma, and to "deal with" the then-Ukrainian Prosecutor  
3 General. Nor did he tell the Handler he had two subsequent phone calls  
4 where Burisma Official 1 told him that he had been forced to pay Public  
5 Official 1 and Businessperson 1 and that it would take investigators  
6 10 years to find records of illicit payments to Public Official 1.  
7 This was despite the Defendant's stated interest in proving to the  
8 Handler that the bribe had occurred and his offer to go to Ukraine to  
9 "meet with the guys" to obtain incriminating recordings of  
10 Businessperson 1 telling Burisma officials that his father would "take  
11 care" of the then-Ukrainian Prosecutor General.

12 38. On June 29, 2020, the Defendant provided further supplemental  
13 information to the Handler concerning his allegations. These were  
14 memorialized in the 2020 1023 before it was finalized and consisted of  
15 the following:

16 Regarding CHS's aforementioned reporting that [Burisma  
17 Official 1] said - "he has many text messages and  
18 'recordings' that show he was coerced to make such payments  
19 - CHS clarified [Burisma Official 1] said he had a total  
20 of "17 recordings" involving [Public Official 1 and  
21 Businessperson 1]; two of the recordings included [Public  
22 Official 1], and the remaining 15 recordings only included  
23 [Businessperson 1]. CHS reiterated that, per [Burisma  
24 Official 1], these recordings evidence **[Burisma Official 1]**  
25 **was somehow coerced into paying [Public Official 1 and**  
26 **Businessperson 1] to ensure [the then-Ukraine Prosecutor**  
27 **General] was fired.** [Burisma Official 1] stated he has two  
28 "documents (which CHS understood to be wire transfer  
statements, bank records, etc.), that evidence some  
payment(s) to [Public Official 1 and Businessperson 1] were  
made, presumably in exchange for [the then-Ukrainian  
Prosecutor General]'s firing.

Regarding aforementioned [Associate 1] (alternate spelling,  
[Associate 1]), who originally introduced CHS into this  
matter, [Associate 1] currently "works in some office for  
the administration of [] (NFI)", and also works for [], who

1 is the founder/CEO of cryptocurrency and blockchain  
2 technology business [].

3 (emphasis added)

4 39. After the Defendant made these reports, the FBI asked  
5 him for travel records, which he provided, in an attempt to  
6 determine whether the information he provided was accurate.

7 40. By August 2020, FBI Pittsburgh concluded that all reasonable  
8 steps had been completed regarding the Defendant's allegations and that  
9 their assessment, 58A-PG-3250958, should be closed. On August 12,  
10 2020, FBI Pittsburgh was informed that the then-FBI Deputy Director  
11 and then-Principal Associate Deputy Attorney General of the United  
12 States concurred that it should be closed.

13 F. The Defendant was interviewed by FBI investigators in September  
14 2023, and repeated some of his false claims, changed his story as  
15 to other of his claims, and promoted a new false narrative after  
16 meeting with Russian officials.

17 41. In July 2023, the FBI requested that the U.S. Attorney's  
18 Office for the District of Delaware assist the FBI in an investigation  
19 of allegations related to the 2020 1023. At that time, the United  
20 States Attorney's Office for the District of Delaware was handling an  
21 investigation and prosecution of Businessperson 1.

22 42. On August 11, 2023, the Attorney General appointed David C.  
23 Weiss, the United States Attorney for the District of Delaware, as  
24 Special Counsel. The Special Counsel was authorized to conduct the  
25 investigation and prosecution of Businessperson 1, as well as "any  
26 matters that arose from that investigation, may arise from the Special  
27 Counsel's investigation, or that are within the scope of 28 C.F.R. §  
28 600.4(a)."

1 43. On August 29, 2023, FBI investigators spoke with the Handler  
2 in reference to the 2020 1023. During that conversation, the Handler  
3 indicated that he and the Defendant had reviewed the 2020 1023 following  
4 its public release by members of Congress in July 2023, and the  
5 Defendant reaffirmed the accuracy of the statements contained in it.

6 44. The Handler provided investigators with messages he had with  
7 the Defendant, including the ones described above. Additionally, the  
8 Handler identified and reviewed with the Defendant travel records  
9 associated with both Associate 2 and the Defendant. The travel records  
10 were inconsistent with what the Defendant had previously told the  
11 Handler that was memorialized in the 2020 1023. The Defendant also  
12 provided email communications with both Associate 2 and Burisma  
13 personnel beginning in 2017 to the Handler, which the Handler reviewed  
14 with the Defendant and shared with FBI investigators.

15 45. The Defendant was interviewed by FBI investigators on  
16 September 27, 2023. At the start of the interview, the Defendant was  
17 warned of his duty to tell the truth pursuant 18 U.S.C. § 1001.

18 46. The Defendant repeated his claim that his first meeting with  
19 Burisma was much earlier than 2017. He further told investigators that  
20 the first meeting was arranged after Associate 1 called him and said  
21 that a company wanted to enter the U.S. market either through an IPO  
22 or an acquisition. The Defendant repeated the claim that Burisma  
23 Official 2 was at this meeting and possibly Burisma Official 4, based  
24 on the Defendant's recent review of his messages with the Handler that  
25 included an image of Burisma Official 4's business card, as described  
26 above. The Defendant told investigators that, during this meeting,  
27 Burisma Official 2 said something to the effect of "Did you see my  
28 Board, I'm not going to be fucked," and that one member of the Board

1 was the son of Public Official 1. The Defendant told investigators  
2 that Burisma Official 2 said, "I am paying for familia," which the  
3 Defendant said was a reference to family or a last name. Later in the  
4 interview, the Defendant said he was 100 percent certain that Associate  
5 1 attended the first meeting.

6 47. The Defendant also told investigators that while he had  
7 initially recalled two Burisma meetings, after reviewing Associate 2's  
8 travel records provided by the Handler, along with an email the  
9 Defendant found, the Defendant concluded that there were maybe two to  
10 five meetings. Later in the interview, the Defendant said he did  
11 recall that Associate 2 was present for two meetings.

12 48. The Defendant told investigators that he had a meeting with  
13 Burisma Official 1 at a coffee shop in a German speaking country,  
14 possibly Vienna as he had previously reported, after the 2016 election,  
15 so in late 2016. Then he told investigators he could not recall when  
16 it occurred, and then, when shown the emails he had with Associate 1  
17 as described above, stated he thought it was after those, which would  
18 put it in 2017. Notably, these new and inconsistent statements arose  
19 only after the Defendant had reviewed messages, emails, and travel  
20 information that were in direct conflict with what he reported in the  
21 2020 1023. The Defendant also told investigators that the meeting in  
22 the German speaking country, possibly Vienna, occurred because  
23 Associate 1 told the Defendant that Burisma Official 1 wanted to meet,  
24 and the Defendant agreed. Later in the interview, he told investigators  
25 that this meeting occurred before the then-Ukrainian Prosecutor General  
26 resigned, which was in early 2016.

27 49. The Defendant told investigators he did not recall talking  
28 to Burisma Official 1 ever again after the meeting in the German

1 speaking country and did not have any phone calls with Burisma Official  
2 1 after this meeting.

3 50. The Defendant told investigators that he had asked the then-  
4 Ukrainian President to arrange a meeting between himself and the then-  
5 Ukrainian Prosecutor General to talk about Burisma. The Defendant told  
6 investigators that this meeting occurred before the then-Ukrainian  
7 Prosecutor General resigned, which was early 2016. The Defendant also  
8 told investigators this meeting occurred before his meeting with  
9 Burisma Official 1 in the coffee shop in a German speaking country.  
10 The Defendant told investigators that after he met with the then-  
11 Ukrainian Prosecutor General, he met with the then-Ukrainian President.  
12 The Defendant did not provide any of this information to the Handler  
13 in 2020.

14 51. The Defendant also shared a new story with investigators. He  
15 wanted them to look into whether Businessperson 1 was recorded in a  
16 hotel in Kiev called the Premier Palace. The Defendant told  
17 investigators that the entire Premier Palace Hotel is "wired" and under  
18 the control of the Russians. The Defendant claimed that Businessperson  
19 1 went to the hotel many times and that he had seen video footage of  
20 Businessperson 1 entering the Premier Palace Hotel.

21 52. The Defendant suggested that investigators check to see if  
22 Businessperson 1 made telephone calls from the Premier Palace Hotel  
23 since those calls would have been recorded by the Russians. The  
24 Defendant claimed to have obtained this information a month earlier by  
25 calling a high-level official in a foreign country. The Defendant also  
26 claimed to have learned this information from four different Russian  
27 officials.

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1           53. The Defendant told investigators that the four different  
2 Russian officials are all top officials and two are the heads of the  
3 entities they represent. These Russians said that conversations with  
4 Ukrainians about ending the war will include the next U.S. election.  
5 The Defendant told investigators he is involved in negotiations over  
6 ending the war and had been for the previous four months. According  
7 to the Defendant, the Russians want Ukraine to assist in influencing  
8 the U.S. election, and the Defendant thinks the tapes of Businessperson  
9 1 at the Premier Palace Hotel is all they have. The Defendant told  
10 investigators he wants them to ask Businessperson 1 how many times he  
11 visited and what he did while at the Premier Palace Hotel.

12           54. Businessperson 1 has never traveled to Ukraine. The few  
13 Burisma Board meetings that Businessperson 1 did attend were all  
14 outside of Ukraine.

15           55. At the conclusion of the interview, the Defendant was asked  
16 if he wanted to clarify or correct anything he had stated during this  
17 interview, and the Defendant said that he did not need to clarify or  
18 correct anything he had stated.

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COUNT ONE

[18 U.S.C. § 1001: false statement to a government agent]

56. The Grand Jury re-alleges paragraphs 1 through 55 of this Indictment here.

57. That on or about June 26, 2020, the defendant ALEXANDER SMIRNOV, did willfully and knowingly make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, to a special agent of the Federal Bureau of Investigation at Los Angeles, California, in the Central District of California, that is to say:

a. The Defendant's claims that "in late 2015/2016 during the Obama/Biden Administration" he met with Burisma Official 2 and that at that meeting Burisma Official 2 told him that Burisma hired Businessperson 1 to "protect us, through his dad, from all kinds of problems," were false, as he knew.

b. The Defendant's claims that he met with Burisma Official 1 "one or two months later," in Vienna, Austria, around the time "[Public Official 1] made a public statement about [the then-Ukrainian Prosecutor General] being corrupt, and that he should be fired/removed from office," which occurred on December 9, 2015, and that at that meeting Burisma Official 1 admitted that he had paid Businessperson 1 \$5 million and Public Official 1 \$5 million so that "[Businessperson 1] will take care of all those issues through his dad," referring to the then-Ukrainian Prosecutor General's investigation into Burisma, and to "deal with" the then-Ukrainian Prosecutor General, were false, as the Defendant knew.

1 c. The Defendant's claims that he had a telephone call with  
2 Burisma Official 1 in 2016 or 2017 wherein Burisma Official 1 stated  
3 he did not want to pay Public Official 1 and Businessperson 1 and he  
4 was "pushed to pay" them; that nobody would find out about his financial  
5 dealings with Public Official 1 and Businessperson 1; and that Burisma  
6 Official 1 had many text messages and "recordings" that show that he  
7 was coerced to make such payments, were false, as he knew.

8 d. The Defendant's claims that in 2019 he was present when  
9 Associate 1 called Burisma Official 1 and Burisma Official 1 stated  
10 that he did not send any funds directly to the "Big Guy" (which the  
11 Defendant understood was a reference to Public Official 1) and that  
12 Burisma Official 1 stated it would take them (investigators) 10 years  
13 to find the records (i.e., illicit payments to Public Official 1), were  
14 false, as he knew.

15 58. The statements and representations were false because, as  
16 ALEXANDER SMIRNOV then and there knew:

17 a. The Defendant met with officials from Burisma for the  
18 first time in 2017, after the end of the Obama-Biden Administration.  
19 Thus, Public Official 1, then a private citizen, had no ability to  
20 "protect" Burisma from "all kinds of problems." And, there was no  
21 discussion of Public Official 1 or Businessperson 1 at this first  
22 meeting with Burisma.

23 b. The Defendant's second meeting with officials from  
24 Burisma also occurred in 2017, not at the end of 2015 when Public  
25 Official 1 made public statements critical of the Ukrainian Prosecutor  
26 General's Office. The second meeting also occurred *after* Public  
27 Official 1 left office and *after* the then-Ukrainian Prosecutor General  
28 had been fired in February 2016. Like the first meeting, the second

1 meeting the Defendant had with officials from Burisma occurred at a  
2 time when Public Official 1 no longer had the ability to influence U.S.  
3 policy. The Defendant also did not travel to Vienna, Austria in  
4 December 2015, as he claimed. And, there was no discussion of Public  
5 Official 1 or Businessperson 1 at this second meeting.

6 c. As to phone calls with Burisma Official 1 in 2016 or  
7 2017 and then in 2019, in a subsequent interview with law enforcement  
8 in 2023, the Defendant told investigators he had never spoken to Burisma  
9 Official 1 on the phone after meeting with Burisma Official 1 in a  
10 German speaking country in 2016, and that his last contact with Burisma  
11 Official 1 was that meeting in early 2016.

12 d. Further, Associate 1 never spoke to Burisma Official 1  
13 on the phone or in person, in 2019 or at any other time.

14  
15 In violation of Title 18, United States Code, Section 1001.  
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