



UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2026 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREG LUI,
aka "Yiu Kong Lui,"

Defendant.

CR 2:26-cr-00618-ODW

I N D I C T M E N T

[50 U.S.C. § 4819(a) and (b); 15 C.F.R. §§ 736.2(b)(1), 764.2, and Part 774, Supp. No. 1: Conspiracy to Violate the Export Control Reform Act and the Export Administration Regulations; 18 U.S.C. § 554: Outbound Smuggling; 18 U.S.C. § 1956(h): Money Laundering Conspiracy; 50 U.S.C. § 4819(d)(1); 18 U.S.C. §§ 981(a)(1)(C), 982; and 28 U.S.C. § 2461(c): Criminal Forfeiture]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment:

1. Beginning in 2024, defendant Greg Lui, also known as "Yiu Kong Lui" ("defendant"), and others, conspired to illegally smuggle over 300 million dollars' worth of high-end computer servers, commonly used for artificial intelligence applications, to the People's Republic of China ("China"). Defendant executed this scheme

1 knowing that government regulations barred the export of such high-
2 end technology to China to protect the national security and foreign
3 policy interests of the United States.

4 2. As part of defendant's scheme, defendant procured the high-
5 end computer servers, containing graphics processing units
6 manufactured by Nvidia Corporation ("Nvidia"), from several U.S.
7 manufactures by falsely claiming that the end users of the servers
8 were located in countries that did not require export licenses from
9 the United States Department of Commerce, despite knowing that the
10 true end users of the servers were located in China.

11 I. Background of the Defendant and his Company

12 3. Earthmade Computer Inc. ("Earthmade") was a closely held
13 corporation located in City of Industry, California, that was
14 established on or about November 10, 2023. Coindigger was a closely
15 held corporation also located in City of Industry, California, that
16 did business as Earthmade.

17 4. Topmost Corp ("Topmost") was a closely held corporation
18 located in the City of Industry, California, that was established on
19 February 24, 2024.

20 5. U.S. Front Company was a corporation located in the United
21 States that was used by defendant to purchase export-controlled
22 servers.

23 6. Malaysian Transshipment Company 1 was a corporation located
24 in Malaysia, that was established on or about October 22, 1999, and
25 primarily focused on the lumber, plywood, millwork, and wood panel
26 industries.

27 7. Malaysian Transshipment Company 2 was a front company
28 located in Malaysia.

1 8. U.S. Manufacturer 1, U.S. Manufacturer 2, and U.S.
2 Manufacturer 3, were high-end U.S. technology companies that designed
3 and built high-performance computer servers for artificial
4 intelligence and cloud computing applications.

5 9. U.S. Freight Forwarder 1 was an international shipper that
6 coordinated the transportation of goods for Earthmade from U.S.
7 Manufacturers 1, 2, and 3.

8 10. U.S. Freight Forwarder 2 was another international shipper
9 that coordinated the transportation of goods for Earthmade from U.S.
10 Manufacturers 1 and 2.

11 11. Chinese Purchaser was a Chinese industrial company based in
12 Hangzhou, China.

13 12. Defendant Greg Lui ("LUI") was the Chief Executive Officer
14 and Registered Agent of Earthmade and Coindigger, which did business
15 as Earthmade.

16 13. Unindicted Co-Conspirator 1 was a sales manager at U.S.
17 Manufacturer 1 and approved the sale of high-end technology to
18 Earthmade.

19 14. Unindicted Co-Conspirator 2 was the Chief Executive Officer
20 of Malaysian Transshipment Company 1.

21 15. Unindicted Co-Conspirator 3 was an office manager for
22 Earthmade and signatory on the bank accounts for Topmost.

23 16. Unindicted Co-Conspirator 4 was the purported Chief
24 Technology Officer for Malaysian Transshipment Company 1 but in
25 reality was an international broker of export-controlled servers and
26 the incorporator of Topmost.

27 17. Unindicted Co-Conspirator 5 was an executive at U.S.
28 Freight Forwarder 1.

1 18. Together, defendant, Unindicted Co-Conspirators 1 through
2 5, and others known and unknown to the grand jury, orchestrated a
3 scheme to purchase export-controlled servers from the U.S.
4 Manufacturers and ship them to China through the Malaysian
5 Transshipments Companies 1 and 2.

6 II. Relevant Statutory and Regulatory Background

7 19. The Export Control Reform Act ("ECRA") provides, among
8 other things, that the national security and foreign policy of the
9 United States require that the export, reexport, and in-country
10 transfer of items be controlled, 50 U.S.C. § 4811, and grants the
11 President the authority to control such activities, 50 U.S.C. § 4812.
12 ECRA further grants to the Secretary of Commerce the authority to
13 establish the applicable regulatory framework. 50 U.S.C. § 4813.

14 20. The Export Administration Regulations ("EAR"), 15 C.F.R.
15 Parts 730-774, restrict the export of items for national security,
16 foreign policy, and other interests of the United States, as
17 reflected in international obligations and arrangements. 15 C.F.R.
18 § 730.6. The EAR restrict exports of dual use items that could make
19 significant contributions to the military potential of other nations
20 or that could be detrimental to the foreign policy or national
21 security of the United States. Id. § 742.4. The EAR impose
22 licensing and other requirements for items subject to the EAR to be
23 lawfully exported from the United States or lawfully reexported from
24 one foreign destination to another. Id. § 730.7.

25 21. The most sensitive dual use items subject to EAR controls
26 are identified on the Commerce Control List ("CCL"), published at
27 Title 15, Code of Federal Regulations, Part 774, Supplement Number 1.
28 Items on the CCL are categorized by an Export Control Classification

1 Number ("ECCN") based on their technical characteristics. Each ECCN
2 has export control requirements depending on the destination, end
3 user, and end use.

4 22. Beginning on or around October 7, 2022, the United States
5 Department of Commerce Bureau of Industry and Security ("BIS") began
6 amending the EAR to implement new controls on advanced computing
7 integrated circuits ("ICs"), computer commodities that contain ICs,
8 and certain semiconductor manufacturing items. See 15 C.F.R. §
9 744.23; 87 Fed. Reg. 62186. In addition, BIS imposed additional
10 export controls on certain advanced computing semiconductor chips
11 (e.g., chips, advanced computing chips, and ICs), transactions for
12 supercomputer end-uses, and transactions involving certain entities
13 on the Entity List.¹ These restrictions applied to high-performance
14 ICs that are useful in data center processing and artificial
15 intelligence. The restrictions applied to China (including Hong
16 Kong).² On or about October 25, 2023, BIS released two interim final
17 rules (effective on November 17, 2023) that expanded export controls
18 related to advanced computing and semiconductors and were aimed at
19 China and other countries of national security concern.

20 23. Items that fall within the scope of the EAR but are not
21 specifically controlled for export are given the classification
22 "EAR99." EAR99 items generally consist of low-technology consumer
23 goods and do not require a license in most situations.

24
25 ¹ The Entity List, located at Supplement No. 4 to Part 744 of
26 the EAR, contains a list of names of certain foreign persons -
27 including businesses, research institutions, government and private
28 organizations, individuals, and other types of legal persons - that
are subject to specific license requirements for the export, reexport
and or transfer of specific items subject to the EAR.

² Under the EAR, Hong Kong is generally treated as any other
city in mainland China. See E.O. 13936.

1 24. NVIDIA A100 Graphics Processing Units ("GPUs"), H100 GPUs,
2 PNY GE Force RTX 4090 GPUs, and GeForce RTX 5090 GPUs are all
3 classified under ECCN 4A090.a. Items classified under ECCNs 4A090.a,
4 5A002.z, and 5A992.z are controlled for regional stability reasons
5 and require a license for export to China, among other places. See
6 15 C.F.R. § 742.6(a)(6).

7 25. At no time did defendant or his company Earthmade apply
8 for, receive, or possess a license from BIS to export or reexport any
9 items classified under ECCNs 4A090.a, 5A002.z, 5A992.z, or any other
10 ECCN to China (including Hong Kong) or any other place.

11 III. Export and Shipping Records

12 26. Pursuant to U.S. law and regulations, exporters or their
13 authorized agents, such as shippers or freight forwarders, are
14 required to file certain forms and declarations concerning the export
15 of goods and technology from the United States. Typically, those
16 documents are filed electronically through the Automated Export
17 System ("AES"), which is administered by the U.S. Department of
18 Homeland Security, Customs, and Border Protection ("CBP").

19 27. The Electronic Export Information ("EEI") (formerly known
20 as the Shipper's Export Declaration) is the required documentation
21 submitted to the U.S. Government through the AES in connection with
22 an export shipment from the United States. Exporters or their
23 authorized agents are required to file an accurate and truthful EEI
24 for every export of goods from the United States with a value of
25 \$2,500 or more. If the goods require an export license, then filing
26 an EEI is required regardless of the value of the goods. 15 C.F.R.
27 §§ 30.2, 758.1.

1 28. The purpose of these requirements is to strengthen the U.S.
2 Government's ability to prevent the export of certain items to
3 unauthorized destinations and end users. The EEI and AES aid in
4 targeting, identifying, and when necessary, confiscating suspicious
5 or illegal shipments prior to export. 15 C.F.R. § 30.1(b).

6 29. In addition, the BIS-711 Form, titled "Statement by
7 Ultimate Consignee^[3] and Purchaser," is a form submitted to the
8 Department of Commerce by exporters, shippers, and freight forwarders
9 that requires the identification of the end user and end use of goods
10 to be exported from the United States. See 15 C.F.R. § 748.11. The
11 BIS-711 Form seeks assurances from the ultimate consignee and
12 purchaser that the items will not be misused, transferred, or
13 reexported in violation of the EAR. The BIS-711 Form requires the
14 ultimate consignee and purchaser to certify, among other things, that
15 all of the facts contained in the form are true and correct and to
16 acknowledge that the making of any false statements or concealment of
17 any material fact in connection with the form may result in
18 imprisonment or fine, or both, and denial, in whole or in part, of
19 participation in U.S. exports and reexports.

20 30. A material part of the EEI and AES, as well as other export
21 filings, including the BIS-711 Form, is information concerning the
22 end user and ultimate destination of the export. The identity of the
23 end user may determine whether the goods: (a) may be exported without
24 any specific authorization or license from the U.S. Government;

26
27 ³ An ultimate consignee is defined in Title 15, Code of Federal
28 Regulations, Part 748.5(e) as "the principal party in interest
located abroad who receives the exported or reexported items. The
ultimate consignee is not a forwarding agent or other intermediary,
but may be the end-user."

1 (b) may be exported with the specific authorization or license from
2 the U.S. Government; or (c) may not be exported from the United
3 States.

4 IV. Overview of the Criminal Scheme

5 31. Beginning on an unknown date but not later than in or
6 around October 2023, and continuing until at least August 12, 2026,
7 defendant and Unindicted Co-Conspirators 1-5 conspired with each
8 other and persons known and unknown to the Grand Jury to procure
9 sensitive export-controlled items, classified under ECCNs 4A090.a,
10 5A002.z, or 5A992.z, including advanced computing semiconductor chips
11 (or GPUs) and servers, and then illegally export those controlled
12 items to China.

13 32. As part of the scheme, defendant, and his co-conspirators,
14 procured hundreds of millions of dollars' worth of export-controlled
15 chips and high-end computer servers from U.S. Manufacturers 1, 2,
16 and 3 and caused them to be exported to China without the required
17 licenses from the United States Department of Commerce, primarily by
18 shipping the export-controlled items through Malaysia and Singapore.

19 33. Defendant placed orders for export-controlled servers
20 containing NVIDIA A100 GPUs, H100 GPUs, PNY GE Force RTX 4090 GPUs,
21 and GeForce RTX 5090 GPUs from U.S. Manufacturers 1, 2, and 3.

22 34. After placing these orders, defendant would then employ
23 various freight forwarding companies, including U.S. Freight
24 Forwarders 1 and 2, to ship the export-controlled servers purchased
25 from U.S. Manufactures 1 and 2 to countries such as Malaysia and
26 Singapore that did not require a license from the United States
27 Department of Commerce. However, once the servers arrived in
28 Singapore or Malaysia, the servers were then transshipped to China

1 in violation of United States export controls. In coordinating
2 these shipments, defendant conspired with Unindicted Co-Conspirator
3 5 to effectuate the scheme.

4 35. Between January to October of 2024, Earthmade received over
5 \$80 million dollars from the Malaysian Transshipment Company 1 and
6 \$96 million dollars from Malaysian Transshipment Company 2.

7 36. In return, Earthmade, through defendant, introduced the
8 Malaysian Transshipment Companies to U.S. Manufacturer 1 and 2 and
9 brokered the sale of almost three hundred million dollars' worth of
10 export-controlled servers containing Nvidia GPUs from U.S.
11 Manufacturers 1, 2, and 3.

12 *Earthmade Purchased Almost \$8 Million Dollars of Export-Controlled*
13 *Servers that were shipped to Malaysian Transshipment Company 1 in*
January of 2024

14 37. On January 11, 2024, defendant emailed Unindicted Co-
15 Conspirator 4 indicating that Malaysia Transshipment Company 1 wished
16 to purchase 70 H100 servers. In that email correspondence, defendant
17 attached export compliance forms which indicated that the Malaysian
18 Transshipment Company 1 was aware of U.S. export laws that restricted
19 the sale, transshipment, or export of the Nvidia A100, A8000, H8000,
20 or other advanced integrated circuits to China.

21 38. On January 30, 2024, defendant submitted a purchase order
22 to U.S. Manufacturer 2 for 27 servers containing Nvidia H100 GPUs for
23 approximately \$7,614,000.

24 39. On January 31, 2024, defendant and Unindicted Co-
25 Conspirator 2 caused 27 servers to be shipped from Los Angeles County
26 to Kuala Lumpur, Malaysia, using U.S. Freight Forwarder 2 to
27 Malaysian Transshipment Company 1. The packing list for this
28 shipment indicated that the shipment contained 27 servers with H100

1 Nvidia GPUs which at the time were export-controlled and could not be
2 sent to China without a license.

3 40. On March 12, 2024, Unindicted Co-Conspirator 2 emailed a
4 Malaysian Government Official that the 27 servers with H100 Nvidia
5 GPUs had, in fact, been transshipped to the Chinese Purchaser.

6 *Earthmade Purchased \$13 Million Dollars of Export-Controlled*
7 *Servers that were sent to Malaysian Transshipment Company 2 in*
8 *June of 2024*

9 41. On April 30, 2024, Unindicted Co-Conspirator 1 sent an
10 email to defendant with a quotation for 512 export-controlled servers
11 for Earthmade.

12 42. On May 1, 2024, defendant sent an email to U.S.
13 Manufacturer 1, Unindicted Co-Conspirator 1, and others placing an
14 order for the export-controlled servers mentioned in Unindicted Co-
15 Conspirator 1's April 30, 2024 email under Purchase Order
16 PO05012024001 (the "24001 PO").

17 43. On June 12, 2024, an employee of U.S. Manufacturer 1
18 emailed defendant, Unindicted Co-Conspirator 1, and Unindicted Co-
19 Conspirator 5 that 92 servers from the 24001 PO were ready to ship on
20 June 14, 2024, to Earthmade in Los Angeles County.

21 44. However, on June 15, 2024, defendant and Unindicted Co-
22 Conspirator 5, caused these 92 export-controlled servers to be sent
23 from San Francisco International Airport to Kuala Lumpur, Malaysia on
24 Singapore Airlines Flight Number SQ0033. Once in Malaysia, the 92
25 servers were sent from Kuala Lumpur to Hong Kong on Cathay Pacific
26 Airways Flight Number CX722. The shipper for this export from
27 Malaysia was listed as Malaysian Transshipment Company 2 and the
28 consignee was listed as the Chinese Purchaser.

1 *Defendant Procured Over 100 Export-Controlled Servers from U.S.*
2 *Manufacturer 3*

3 45. On July 2, 2024, defendant caused a purchase order to be
4 submitted by a U.S. Front Company to U.S. Manufacturer 3 for 100
5 export-controlled servers each containing Nvidia's H100 GPU for over
6 22 million dollars.

7 46. Defendant instructed a representative of the U.S. Front
8 Company to represent that the buyer of the export-controlled servers
9 was Topmost and that they would be sent to Malaysian Transshipment
10 Company 2.

11 47. In orchestrating this deal, defendant submitted fraudulent
12 documentation from Topmost indicating that an individual named Jackie
13 Lui was the Chief Executive Officer of the company. In 2021,
14 defendant purchased the identifying documents of an individual whose
15 identity is known to the grand jury and used this identity to conduct
16 business transactions in furtherance of the export evasion scheme.

COUNT ONE

[50 U.S.C. § 4819(a) and (b); 15 C.F.R. §§ 736.2(b)(1), 764.2, and Part 774, Supp. No. 1]

48. The Grand Jury incorporates and realleges the allegations set forth in paragraphs One through Forty-Five above, as if fully set forth herein.

A. OBJECT OF THE CONSPIRACY

49. Beginning on an unknown date but no later than in or around October 2023, and continuing until at least August 12, 2026, in Los Angeles County, within the Central District of California, and elsewhere, defendant Greg Lui, and others known and unknown, knowingly and willfully conspired to export and cause to be exported from the United States to the People's Republic of China various items subject to the Export Administration Regulations and on the Commerce Control List, including graphics processing units and servers, without having first obtained a license from the United States Department of Commerce, in violation of Title 50, United States Code, Section 4819 and Title 15, Code of Federal Regulations, Sections 736.2, 764.2, and Part 774, Supplement Number 1.

B. MANNER AND MEANS OF THE CONSPIRACY

50. The object of the conspiracy was to be accomplished in substance as follows:

a. Defendant and his co-conspirators provided documentation to the U.S. Manufacturers that misrepresented the items would be going to permissible end users and end destinations that did not require an export license. However, these end users and end destinations were not the true end users and end destinations. Instead, defendant and his co-conspirators conspired to send the export-controlled items to

1 China (including Hong Kong) without obtaining the required export
2 licenses.

3 b. Defendant and his co-conspirators used Earthmade to
4 purchase and send export-controlled items to China without the
5 required licenses, by making and causing to be made false statements,
6 material misrepresentations, and omissions in EEI filings and related
7 financial, shipping, and end-user related documents and records to
8 conceal the nature of the illicit exports. Among other things,
9 defendant and his co-conspirators caused fraudulent classification
10 designations to be listed in EEI filings to conceal that they were,
11 in fact, illegally shipping export-controlled technology to China.

12 c. Defendant and his co-conspirators used Earthmade to ship
13 export-controlled items to countries, like Malaysia and Singapore,
14 where no license was required for items classified as ECCN 4A0990.a,
15 5A002.z, and/or 5A992.z. Defendant and his co-conspirators then
16 illegally re-exported or caused the re-export of those controlled
17 items to China, for which a license was required.

COUNT TWO

[18 U.S.C. § 554; 18 U.S.C. §§ 2(a), (b)]

51. The allegations set forth in paragraphs One through Forty-Five of this indictment are incorporated as if fully set forth herein.

52. From in or around October 2023, and continuing until at least August 12, 2026, in Los Angeles County, within the Central District of California, and elsewhere, defendant knowingly and fraudulently did, and attempted to, and willfully caused others to, receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of merchandise, articles, and objects, and aided, abetted, counseled, commanded, induced, and procured others to do the same, all prior to the exportation of the merchandise, articles, and objects, and all the while knowing that the merchandise, articles, and objects were intended for the exportation contrary to a law and regulation of the United States.

53. Specifically, defendant did and attempted to buy and arrange for the shipment of servers containing NVIDIA A100 GPUs and H100 GPUs, and did and aided and abetted, counseled, commanded, induced, and procured others to do so, all the while knowing that these items would be exported from the United States contrary to the law and regulations of the United States because defendant had not applied for or obtained the necessary export license for each such items.

COUNT THREE

[18 U.S.C. § 1956(h)]

54. The allegations set forth in paragraphs One through Forty-Five of this indictment are incorporated as if fully set forth herein.

A. OBJECT OF THE CONSPIRACY

55. Beginning on an unknown date, but no later than February 28, 2024, and continuing through at least in or around December 13, 2024, in Los Angeles County, within the Central District of California, and elsewhere, defendant and others known and unknown to the Grand Jury, did knowingly conspire and agree to conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, knowing that the property involved in the financial transactions represented the proceeds of unlawful activity, which, in fact, involved the proceeds of a specified unlawful activity, that is, outbound smuggling, committed in violation of Title 18, United States Code, Section 554, with the intent to promote the carrying on of that specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(2)(A).

B. THE MANNER AND MEANS OF THE CONSPIRACY

56. The object of the conspiracy was to be accomplished, in substance, as follows:

a. Defendant would open a bank account ending in 4441 with Bank of America (the "4441 Account") in Los Angeles County, to operate Earthmade's smuggling business.

b. Defendant would open a bank account ending in 3503 with JP Morgan Chase (the "3503 Account") in Los Angeles County, to operate Earthmade's smuggling business.

1 c. Defendant would receive payments from Unindicted Co-
2 Conspirator 1, in Malaysia, into the 4441 and 3503 Accounts for the
3 purchase of export-controlled servers.

4 d. Defendant would use the money sent to the 4441 and 3503
5 Accounts to purchase export-controlled servers from U.S. Manufacturers
6 1, 2, and 3.

FORFEITURE ALLEGATION ONE

[50 U.S.C. § 4819(d)(1); 18 U.S.C. § 981(a)(1)(C); and 28 U.S.C. § 2461(c)]

2. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 50, United States Code, Section 4819(d)(1); Title 18, United States Code, Section 981(a)(1)(C); and Title 28, United States Code, Section 2461(c), in the event of the defendant's conviction of the offense set forth in Count One of this Indictment.

3. The defendant, if so convicted shall forfeit to the United States of America the following:

(a) all right, title, and interest in any and all property, real or personal, constituting, or derived from, any proceeds traceable to the offenses; and

(b) all right, title, and interest in any and all property used or intended to be used, in any manner, to commit or facilitate the violation;

(c) all right, title, and interest in property constituting an item or technology that is exported or intended to be exported in violation of Title 50, United States Code, Chapter 58, Subchapter I; and

(d) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a), (b), and (c).

4. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), any defendant so convicted shall forfeit substitute property, up to the

1 value of the property described in the preceding paragraph if, as the
2 result of any act or omission of the defendant, the property
3 described in the preceding paragraph or any portion thereof (a)
4 cannot be located upon the exercise of due diligence; (b) has been
5 transferred, sold to, or deposited with a third party; (c) has been
6 placed beyond the jurisdiction of the court; (d) has been
7 substantially diminished in value; or (e) has been commingled with
8 other property that cannot be divided without difficulty.

FORFEITURE ALLEGATION TWO

[18 U.S.C. § 981(a)(1)(C); and 28 U.S.C. § 2461(c)]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), in the event of the defendant's conviction of the offense set forth in Count Two of this Indictment.

2. The defendant, if so convicted, shall forfeit to the United States of America the following:

(a) all right, title, and interest in any and all property, real or personal, constituting, or derived from, any proceeds traceable to the offenses; and

(b) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), any defendant so convicted shall forfeit substitute property, up to the value of the property described in the preceding paragraph if, as the result of any act or omission of the defendant, the property described in the preceding paragraph or any portion thereof (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been

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1 placed beyond the jurisdiction of the court; (d) has been
2 substantially diminished in value; or (e) has been commingled with
3 other property that cannot be divided without difficulty.

FORFEITURE ALLEGATION THREE

[18 U.S.C. § 982]

1. Pursuant to Rule 32.2(a) of the Federal Rules of Criminal Procedure, notice is hereby given that the United States will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 982(a)(1), in the event of the defendant's conviction of the offense set forth in Count Three of this Indictment.

2. The defendant, if so convicted, shall forfeit to the United States of America the following:

(a) Any property, real or personal, involved in such offense, and any property traceable to such property; and

(b) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), and Title 18, United States Code, Section 982(b)(2), the defendant, if so convicted, shall forfeit substitute property, if, by any act or omission of the defendant, the property described in the preceding paragraph, or any portion thereof: (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been commingled with other property that cannot be divided without difficulty. Substitution of assets shall not be ordered, however, where the convicted defendant acted merely as an intermediary who handled but did not retain the property in the

1 course of the money laundering offense unless the defendant, in
2 committing the offense or offenses giving rise to the forfeiture,
3 conducted three or more separate transactions involving a total of
4 \$100,000.00 or more in any twelve-month period.

5
6
7 A TRUE BILL

8
9 /s/
10 Foreperson

11 TODD BLANCHE
12 Attorney General

13 BILAL A. ESSAYLI
14 First Assistant United States
Attorney

15 
16

17 IAN V. YANNIELLO
18 Assistant United States Attorney
Chief, National Security Division

19 COLIN S. SCOTT
20 Assistant United States Attorney
National Security Division

21 JOSEPH GUZMAN
22 Assistant United States Attorney
National Security Division