

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____

v. : **DATE FILED:** _____

KEN MILLER : **VIOLATION:**
22 U.S.C. § 2778 (export of munitions
without a license - 1 count)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. The commercial export of arms, ammunition, implements of war and defense articles and services from the United States was governed by the Arm Export Control Act, Title 22, United States Code, Section 2778, and the International Traffic in Arms Regulations (ITAR), Title 22, Code of Federal Regulations, Sections 120-130. Items designated by the President as defense articles or defense services constitute the United States Munitions List.

2. Persons desiring to export arms, ammunition, implements of war, and defense articles and services specified on the United States Munitions List from the United States must have registered with the Office of Defense Trade Controls (ODTC) of the Department of State and obtained individual export licenses for each shipment abroad prior to the export, as set forth in Title 22, Code of Federal Regulations, Sections 122 and 123. It is illegal to export or attempt to export items on the United States Munitions List without a license.

3. AN/PEQ-2A (Infrared Target Pointer Illuminator Aiming Device) is a

class IIIB laser, and is sold exclusively to the military and some federal law enforcement agencies, and is not available to the general public. The AN/PEQ-2A is used in conjunction with night vision equipment, and provides the capability of both an infrared aiming laser and an infrared illuminator.

4. The United States Munitions List is codified at 22 C.F.R. 121.1. The AN/PEQ-2A is included in the list within Category XII(b).

5. Defendant KEN MILLER never applied for an export license for an AN/PEQ-2A or any other item.

6. On or about October 24, 2006, KEN MILLER exported an AN/PEQ-2A from within the United States of America to a European country known to the grand jury without an export license.

7. On or about October 24, 2006, in the Eastern District of Pennsylvania and elsewhere, defendant

KEN MILLER

willfully exported and attempted to export, and cause to export, from the United States of America to a European country, a defense article, that is, an AN/PEQ-2A, which was designated as a defense article on the United States Munitions List, without having first obtained from the Department of State a license for such export or written authorization for such export.

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c),
Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1(a)(1) and 127.3, and Title
18, United States Code, Section 2(b).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY