

1 BENJAMIN B. WAGNER  
United States Attorney  
2 DANIEL GRIFFIN  
Assistant United States Attorney  
3 2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
4 Telephone: (559) 497-4000  
Facsimile: (559) 497-4099  
5

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EASTERN DISTRICT OF CALIFORNIA  
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6 Attorneys for Plaintiff  
United States of America  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 RICH XIONGPAO,  
14 aka THAI XIONG,  
15 Defendant.

CASE NO. 1:15 CR 00285 LJO SKO

VIOLATIONS: 21 U.S.C. §§ 846, 841(a)(1),  
841(b)(1)(B) – Conspiracy to Manufacture 100 or  
More Marijuana Plants; 21 U.S.C. §§ 841(a)(1),  
841(b)(1)(B) – Manufacturing 100 or More Marijuana  
plants; 18 U.S.C. § 1361, 2 - Depredation of Public  
Lands and Resources and Aiding and Abetting; 18  
U.S.C. §§ 981(a)(1)(C), 981(a)(1)(G), 924(d), 21  
U.S.C. § 853, 26 U.S.C. § 5872, and 28 U.S.C. §  
2461(c) - Forfeiture Allegation

17 INDICTMENT

18  
19 COUNT ONE: [21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(B) – Conspiracy To Manufacture 100 Or More  
20 Marijuana Plants]

21 The Grand Jury charges: T H A T

22 RICH XIONGPAO,  
23 aka THAI XIONG,

24 defendant herein, on or about September 29, 2015, in the Sierra National Forest, in the County of  
25 Madera, State and Eastern District of California, and elsewhere, did knowingly and intentionally  
26 conspire and agree with each other and with persons known and unknown to the Grand Jury to  
27 manufacture 100 or more marijuana plants, a Schedule I controlled substance, in violation of Title 21,  
28 United States Code, Sections 846, 841(a)(1), and 841(b)(1)(B).

1  
2 COUNT TWO: [21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) – Manufacture Of 100 Or More Marijuana Plants]

3 The Grand Jury charges: T H A T

4 RICH XIONGPAO,  
5 aka THAI XIONG,

6 defendant herein, on or about September 29, 2015, in the Sierra National Forest, in the County of  
7 Madera, State and Eastern District of California, and elsewhere, did knowingly and intentionally  
8 manufacture 100 or more marijuana plants, a Schedule I controlled substance, in violation of Title 21,  
9 United States Code, Sections 841(a)(1) and 841(b)(1)(B).

10 COUNT THREE: [18 U.S.C. §§ 1361, 2 - Depredation of Public Lands and Resources and Aiding  
11 and Abetting]

12 The Grand Jury charges: T H A T

13 RICH XIONGPAO,  
14 aka THAI XIONG,

15 defendant herein, on or about September 29, 2015, in the Sierra National Forest, in the County of  
16 Madera, State and Eastern District of California, did willfully and by means of committing one or more  
17 the marijuana offenses alleged in Counts One and Two herein, and aid and abet the attempt to injure and  
18 commission of a depredation, against property of the United States and of any department or agency  
19 thereof, namely land and natural resources in the Sierra National Forest, within the jurisdiction of the  
20 United States Forest Service, and the resulting damage was more than \$1,000, in violation of Title 18,  
21 United States Code, Sections 1361 and 2.

22 FORFEITURE ALLEGATION: [18 U.S.C. §§ 981(a)(1)(C), 981(a)(1)(G), 924(d), 21 U.S.C. § 853, 26  
23 U.S.C. § 5872, and 28 U.S.C. § 2461(c)]

24 1. Upon conviction of one or more of the offenses alleged in Counts One and Two of this  
25 Indictment, defendant RICH XIONGPAO, aka THAI XIONG, shall forfeit to the United States  
26 pursuant to Title 21, United States Code, Section 853(a), all property, real and personal, which  
27 constitutes or is derived from proceeds traceable to such violation, or property derived from, involved in,  
28 or used or intended to be used to commit such offense, including but not limited to:

1 a. Remington 870 shotgun and ammunition.

2 2. Upon conviction of the offense alleged in Count Three of this Indictment,  
3 defendant RICH XIONGPAO, aka THAI XIONG, shall forfeit to the United States, pursuant to Title 18,  
4 United States Code, Sections 981(a)(1)(C), 981(a)(1)(G), and Title 28, United States Code, Section  
5 2461(c), all property, real and personal, which constitutes or is derived from proceeds traceable to such  
6 violation, or property derived from, involved in, or used or intended to be used to commit such offense,  
7 including but not limited to:

8 a. Remington 870 shotgun and ammunition.

9 3. If any property subject to forfeiture, as a result of the offenses alleged in Counts One  
10 through Three of this Indictment, for which defendants are convicted:

11 a. cannot be located upon the exercise of due diligence;

12 b. has been transferred or sold to, or deposited with, a third party;

13 c. has been placed beyond the jurisdiction of the Court;

14 d. has been substantially diminished in value; or

15 e. has been commingled with other property which cannot be divided without  
16 difficulty;

17 it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28,  
18 United States Code, Section 2461(c), to seek forfeiture of any other property of defendants, up to the  
19 value of the property subject to forfeiture.

20 A TRUE BILL.

21 **/s/ Signature on file w/AUSA**

22  
23 

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FOREPERSON

24 BENJAMIN B. WAGNER  
United States Attorney

25 By **Mark E. Cullers**  
26 

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MARK E. CULLERS  
27 Assistant U.S. Attorney  
Chief, Fresno Office



**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT**

BY  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING: Case No.

**OFFENSE CHARGED**

PLEASE SEE INDICTMENT

- Petty
- Minor
- Misdemeanor
- Felony

Place of offense

**Madera County**

U.S.C. Citation

Please see Indictment

Name of District Court, and/or Judge/Magistrate Judge Location (City)  
EDCA

**DEFENDANT -- U.S. vs.**

**RICH XIONGPAO aka: Thai Xiong**

Address

**1: 15 CR 00285 LJO SKO**

Birth Date

- Male  Alien
- Female (if applicable)

(Optional unless a juvenile)

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

**U.S. Forest Service/Cooper Fouch**

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per FRCrP  20  21  40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. Att'y  Defense

this prosecution relates to a pending case involving this same defendant

SHOW DOCKET NO.

prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

MAGISTRATE JUDGE CASE NO.  
1:15-mj-147 SAB

**DEFENDANT**

**IS NOT IN CUSTODY**

- 1)  Has not been arrested, pending outcome of this proceeding  
If not detained, give date any prior summons was served on above charges
- 2)  Is a Fugitive
- 3)  Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4)  On this charge
- 5)  On another conviction
- 6)  Awaiting trial on other charges }  Fed'l  State  
If answer to (6) is "Yes," show name of institution

Has detainer been filed?  Yes  No  
If "Yes," give date filed  
Mo. Day Year

DATE OF ARREST

Or ... if Arresting Agency & Warrant were not Federal

Mo. Day Year

DATE TRANSFERRED TO U.S. CUSTODY

Name and Office of Person Furnishing Information on THIS FORM

**Susan Sok**

U.S. Att'y  Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

**DANIEL J. GRIFFIN**

FORFEITURE ALLEGATION

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PENALTY: Please see penalty slip. STATUS: Preliminary hearing set for October 14, 2015 at 1:30 before Judge Boone.

PENALTY SLIP

DEFENDANT: RICH XIONGPAO, aka THAI XIONG

COUNT ONE:

VIOLATION: 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 846 - Conspiracy to Manufacture, to Distribute, and to Possess with the Intent to Distribute 100 or More Marijuana Plants, a Schedule I Controlled Substance

PENALTY: Mandatory minimum prison term of 5 years and maximum prison term of 40 years and/or fine \$5,000,000; supervised release of at least 4 years up to life; \$100 penalty assessment

COUNT TWO:

VIOLATION: 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B), - Manufacture of 100 or More Marijuana Plants

PENALTY: Mandatory minimum prison term of 5 years and maximum prison term of 40 years and/or fine \$5,000,000; supervised release of at least 4 years up to life; \$100 penalty assessment

COUNT THREE:

VIOLATION: 18 U.S.C. §§ 1361, 2 - Depredation of Public Lands and Resources and Aiding and Abetting

PENALTY: 10 years in prison and/or fine of \$250,000 or twice the gross pecuniary loss pursuant to 18 U.S.C. § 3571; supervised release of up to 3 years; \$100 penalty assessment

FORFEITURE ALLEGATION:

18 U.S.C. §§ 981(a)(1)(C), 981(a)(1)(G), 924(d), 21 U.S.C. § 853, 26 U.S.C. § 5872, and 28 U.S.C. § 2461(c)