

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DATE FILED: 1/18/19

ORIGINAL

UNITED STATES OF AMERICA

- v. -

SHAO JUN GUO,
JIAN JIANG FENG,
YUE JUAN CHEN,
ZHURONG GAO,
SHUI YING LIN, and
WO KIT CHENG,

Defendants.

SEALED INDICTMENT

19 CRIM 039

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COUNT ONE

(Conspiracy to Traffic in Contraband Cigarettes)

The Grand Jury Charges:

1. From at least in or about June 2013 up to and including at least in or about January 2019, in the Southern District of New York and elsewhere, SHAO JUN GUO, JIAN JIANG FENG, YUE JUAN CHEN, ZHURONG GAO, SHUI YING LIN, and WO KIT CHENG, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Sections 545 and 2342.

2. It was a part and an object of the conspiracy that SHAO JUN GUO, JIAN JIANG FENG, YUE JUAN CHEN, ZHURONG GAO,

JUDGE FURMAN

SHUI YING LIN, and WO KIT CHENG, the defendants, and others known and unknown, did knowingly ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341, to wit, a quantity of more than 10,000 cigarettes, which bore no evidence of the payment of applicable State cigarette taxes in the State of New York.

3. It was further a part and an object of the conspiracy that SHAO JUN GUO, JIAN JIANG FENG, YUE JUAN CHEN, ZHURONG GAO, SHUI YING LIN, and WO KIT CHENG, the defendants, and others known and unknown, did smuggle and clandestinely introduce into the United States merchandise which should have been invoiced, to wit, more than approximately 375,000 cartons of contraband cigarettes, valued at approximately \$30,000,000, to avoid at least approximately \$30,000,000 in taxes.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about May 25, 2018, SHUI YING LIN, the defendant, sold a carton of contraband cigarettes from a store located in or around Hester Street in New York, NY.

(Title 18, United States Code, Section 371.)

COUNT TWO
(Trafficking in Contraband Cigarettes)

The Grand Jury further charges:

5. From at least in or about June 2013 up to and including at least in or about January 2019, in the Southern District of New York and elsewhere, SHAO JUN GUO, JIAN JIANG FENG, YUE JUAN CHEN, ZHURONG GAO, SHUI YING LIN, and WO KIT CHENG, the defendants, did knowingly ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341, to wit, a quantity of more than 10,000 cigarettes, which bore no evidence of the payment of applicable State cigarette taxes in the State of New York.

(Title 18, United States Code, Sections 2342 and 2.)

FORFEITURE ALLEGATIONS

6. As a result of committing the offense alleged in Count One of this Indictment, SHAO JUN GUO, JIAN JIANG FENG, YUE JUAN CHEN, ZHURONG GAO, SHUI YING LIN, and WO KIT CHENG, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), and 2344(c), Title 28, United States Code, Section 2461(c), and Title 49, United States Code, Section 80303, any and all property, real and personal, which constitutes or is derived from proceeds traceable to said offense; any and all contraband

cigarettes or contraband smokeless tobacco involving in said offense; and any and all aircraft, vehicles and vessels used to transport, conceal, possess, or facilitate the transportation, concealment, receipt, possession, purchase, sale, exchange or giving away, of contraband cigarettes involved in said offense; and, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any and all property constituting or derived from proceeds obtained directly or indirectly as a result of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendants personally obtained.

7. As a result of committing the offense alleged in Count Two of this Indictment, SHAO JUN GUO, JIAN JIANG FENG, YUE JUAN CHEN, ZHURONG GAO, SHUI YING LIN, and WO KIT CHENG, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 2344(c), Title 28 United States Code, Section 2461(c), and Title 49, United States Code, Section 80303, any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense; any and all contraband cigarettes or contraband smokeless tobacco involving in said offense; and any and all aircraft, vehicles and vessels used to transport, conceal, possess, or facilitate the

transportation, concealment, receipt, possession, purchase, sale, exchange or giving away, of contraband cigarettes involved in said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendants personally obtained.


Substitute Assets Provision

8. If any of the above-described forfeitable property, as a result of any act or omission of SHAO JUN GUO, JIAN JIANG FENG, YUE JUAN CHEN, ZHURONG GAO, SHUI YING LIN, and WO KIT CHENG, the defendants:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- 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 which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property described above.

(Title 18, United States Code, Sections 981, 982 and 2344;
Title 28, United States Code, Section 2461;
Title 21, United States Code, Section 853; and
Title 19, United States Code, Section 80303)



FOREPERSON



GEOFFREY S. BERMAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

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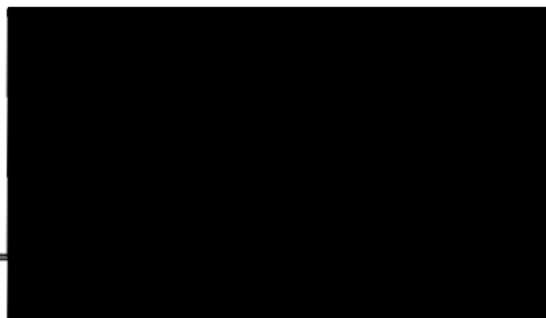
Defendants.

SEALED INDICTMENT

19 Cr. ____

(18 U.S.C. §§ 371, 2342 and 2)

GEOFFREY S. BERMAN
United States Attorney.



Filed SEALED INDICTMENT
1 Arrest warrant
1/18/19 (128)