

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

United States of America)

v.)

Zaosong ZHENG)

Case No.)

19-mj-4532-DHH)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 9, 2019 in the county of Suffolk in the District of Massachusetts, the defendant(s) violated:

Code Section 18 U.S.C. § 1001

Offense Description Making False, Fictitious, or Fraudulent Statement

This criminal complaint is based on these facts:

Attached Affidavit of Special Agent Kara D. Spice, Federal Bureau of Investigation

Continued on the attached sheet.

Kara D. Spice

Complainant's signature

Kara D. Spice, Special Agent FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/10/2019

David H. Hennessy

Judge's signature



City and state: Boston, Massachusetts

Hon. David H. Hennessy, US Magistrate Judge

Printed name and title

No. 19-mj-4532-DHH

AFFIDAVIT OF SPECIAL AGENT KARA D. SPICE

I, Kara D. Spice, being duly sworn, depose and state as follows:

ALLOWED David H. Hennessy U.S.M.J.

Dec 19, 2019

INTRODUCTION

1. I am a Special Agent of the Federal Bureau of Investigation and have been so employed for 15 years. [REDACTED]

[REDACTED] Further, I have worked as a hazardous materials/Weapons of Mass Destruction (WMD) forensic evidence specialist for the FBI since 2006. [REDACTED]

[REDACTED] During the last 15 years, I have also participated in numerous interviews of witnesses and targets and participated in the execution of numerous search warrants.

2. Along with other agents, I am currently investigating Zaosong ZHENG, a 29-year old Chinese citizen, (hereinafter "ZHENG"), and I am submitting this affidavit in support of an application for a criminal complaint charging ZHENG with making false, fictitious and fraudulent statements in a matter within the jurisdiction of the Executive Branch of the United States, in violation of 18 U.S.C. § 1001(a)(2).

3. As described below, based upon the evidence gathered to date in this ongoing investigation, I have probable cause to believe, and do in fact believe, that on December 9, 2019, ZHENG did knowingly and willfully make a series of materially false, fictitious, and fraudulent

statements to Customs and Border Protection (“CBP”) officials, in violation of 18 U.S.C. § 1001(a)(2).

4. The information in this affidavit is based upon my training and experience, my personal knowledge of this investigation, and information conveyed to me by other agents and law enforcement officials who have assisted in this investigation and have experience investigating international terrorism matters. Because this affidavit is submitted for the sole purpose of seeking issuance of a criminal complaint, it does not include every fact known to me concerning the investigation. Instead, I only have included those facts that I believe are needed to establish the requisite probable cause to support the criminal complaint.

RELEVANT LEGAL AUTHORITY

5. Knowingly and willfully making a materially false statement or representation in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States violates 18 U.S.C. § 1001. *See* 18 U.S.C. § 1001(a)(2).

FACTS SUPPORTING PROBABLE CAUSE

6. On Monday, December 9, 2019, CBP Agriculture Specialists assigned to Boston Logan International Airport identified ZHENG, a researcher who was scheduled to depart Boston bound for Beijing, China on Hainan Airlines (HU) flight 482, as a high risk for possibly exporting undeclared biological material.

7. As a result, CBP officers went to the Hainan bag room where they were able to locate two checked bags in ZHENG’s name. The checked bags were physically examined. The examination resulted in the discovery of twenty one (21) vials wrapped in a plastic bag and concealed in a sock. The vials were visually inspected and appeared to contain a brown liquid with both typed and handwritten descriptions and notes. Based upon my experience and training

and discussions with agents working on this matter, these vials contained what appeared to be biological materials that were not properly declared or packaged for transportation in a commercial aircraft.

8. A short time later, CBP officers identified ZHENG and approached him before he boarded the aircraft . CBP Officers asked ZHENG multiple times if he was traveling with any biological items or research material in either his carry-on or checked luggage. ZHENG replied “no.” ZHENG was then removed from the jetway and escorted him to the baggage secondary area where he acknowledged his ownership of the checked baggage that had previously been identified as his.

9. Once in the secondary area, CBP Officers began their inspection. ZHENG was asked why he did not declare the vials that were found in his checked luggage and he stated that “they were not important and had nothing to do with his research.”

10. As the interview progressed, ZHENG stated that the vials were given to him by a friend “Zhang Tao” and ZHENG had no plans to do anything with the vials, but ZHENG could not explain why he was attempting to leave the United States with the vials concealed in a sock in his checked bag.

11. Shortly thereafter, ZHENG was brought to an interview room where he confessed that he had stolen eight (8) vials from the research lab at Beth Israel Hospital and that no one else was aware of this. ZHENG also stated that he personally replicated 11 vials based on Zhang Tao’s research.

12. ZHENG stated that he replicated this research over a two to three month period while working at the Beth Israel laboratory and that Beth Israel was unaware of this. ZHENG

stated that his plan was to take the vials to his lab at Sun Yat-Sen Memorial Hospital for further analysis.

13. ZHENG stated that upon his return to China, he was planning to immediately go to his lab in China and begin working on his research using the stolen vials. ZHENG explained that if the results of his research were successful in any way that he planned to publish a paper in his name.

14. In ZHENG's baggage, the CBP Officers also found with a laptop belonging to another Chinese national, [REDACTED] ZHENG explained that he was leaving the US with this laptop because [REDACTED] "could not fit it in his luggage." A basic search of the device resulted in the discovery of what appeared to be research material.

15. The unknown biological samples have been seized for failure to declare and are currently being examined to determine their contents.

CONCLUSION

16. Based on the foregoing facts, and on my experience, training and discussions with other individuals involved in this investigation, I believe there is probable cause to conclude that ZHENG made false, fictitious and fraudulent statements in a matter within the jurisdiction of the Executive Branch of the United States in violation of 18 U.S.C. § 1001(a)(2).

Kara D. Spice

Kara D. Spice
Special Agent, FBI

Sworn and subscribed before me this 10th day of December 2019.

David H. Hennessey

HON. DAVID H. HENNESSEY
CHIEF UNITED STATES MAGISTRATE JUDGE



Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. II Investigating Agency FBI

City Boston

Related Case Information:

County Suffolk

Superseding Ind./ Inf. _____ Case No. 19-mj-4532-DHH
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name Zaosong ZHENG Juvenile: Yes No

Is this person an attorney and/or a member of any state/federal bar: Yes No

Alias Name _____

Address (City & State)

Birth date (Yr only): 1989 SSN (last4#): _____ Sex M Race: Asian Nationality: Chinese

Defense Counsel if known: _____ Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Benjamin Tolkoff Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: Chinese/Mandarin

Victims: Yes No If yes, are there multiple crime victims under 18 USC§3771(d)(2) Yes No

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date _____

Already in Federal Custody as of _____ in _____

Already in State Custody at _____ Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 12/10/2019

Signature of AUSA: /s/ Ben Tolkoff

District Court Case Number (To be filled in by deputy clerk): 19-mj-4532-DHH

Name of Defendant Zaosong ZHENG

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. § 1001</u>	<u>False, Fictitious, Fraudulent Statement</u>	<u></u>
Set 2	<u></u>	<u></u>	<u></u>
Set 3	<u></u>	<u></u>	<u></u>
Set 4	<u></u>	<u></u>	<u></u>
Set 5	<u></u>	<u></u>	<u></u>
Set 6	<u></u>	<u></u>	<u></u>
Set 7	<u></u>	<u></u>	<u></u>
Set 8	<u></u>	<u></u>	<u></u>
Set 9	<u></u>	<u></u>	<u></u>
Set 10	<u></u>	<u></u>	<u></u>
Set 11	<u></u>	<u></u>	<u></u>
Set 12	<u></u>	<u></u>	<u></u>
Set 13	<u></u>	<u></u>	<u></u>
Set 14	<u></u>	<u></u>	<u></u>
Set 15	<u></u>	<u></u>	<u></u>

ADDITIONAL INFORMATION: _____