

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	No. 3:21-CR-93
	:	
v.	:	
	:	
CHINNAPATR CHUNHASOMBOON,	:	
Defendant	:	

AFFIDAVIT IN SUPPORT OF REQUEST FOR EXTRADITION

I, Phillip J. Caraballo, being duly sworn, depose and state:

1. I am a resident of the United States of America.
2. I graduated from The University of Pennsylvania School of Law in 2007, and was subsequently admitted to the Bar of the State of New York. From September 2007 to August 2011, and from October 2012 to July 2015, I was employed as an associate attorney in private practice in New York, New York. From September 2011 to September 2012, I was employed as a judicial law clerk for a federal judge of the Eastern District of Pennsylvania. From August 2015 to the present, I have been employed as an Assistant U.S. Attorney in the Office of the United States Attorney for the Middle District of Pennsylvania. My duties are to prosecute persons charged with criminal violations of the laws of the United States. I have personally represented the United States in cases against numerous defendants charged with violations of the federal criminal laws. Based on my training and experience, I have become knowledgeable about the criminal laws and procedures of this district and the United States. During my practice as an Assistant United States Attorney, I have become particularly knowledgeable in the area of criminal law related to federal financial fraud statutes.
3. In the course of my official duties as an Assistant United States Attorney, I have become familiar with the charges and evidence in the case against Chinnapatr Chunhasomboon,

also known as Mark, titled United States v. Chinnapatr Chunhasomboon, Case Number 3:21-CR-93, filed in the Middle District of Pennsylvania. This case arose from an investigation which revealed that, from approximately March 1, 2020 to approximately May 26, 2020, in the Middle District of Pennsylvania, and elsewhere, Chinnapatr Chunhasomboon (Chunhasomboon) sold and shipped Chloroquine Phosphate as an anti-malarial treatment and COVID-19 treatment, when in fact the Chloroquine Phosphate sold by Chunhasomboon was not approved in the United States for human consumption or as a COVID-19 treatment.

PROCEDURAL HISTORY OF THE CASE

4. On March 30, 2021, a federal grand jury sitting in the Middle District of Pennsylvania returned and filed an indictment charging Chunhasomboon with violating the criminal laws of the United States. Based on the charges in the March 30, 2021 indictment, the United States District Court for the Middle District of Pennsylvania issued a warrant for the arrest of Chunhasomboon, and that warrant is outstanding.

5. Under the laws of the United States, a criminal prosecution may be commenced by a grand jury on its own decision to return and file an indictment with the United States District Court. A grand jury is composed of not less than 16 and not more than 23 people whom the United States District Court selects at random from the residents of its district. The grand jury is an independent body impaneled and supervised by the judicial branch of the government.

6. The purpose of the grand jury is to examine the evidence of crimes presented to it by United States law enforcement authorities. After independently reviewing this evidence, each member of the grand jury must determine if there is probable cause to believe that a crime has been committed and that the particular person committed that crime. After at least 12 grand

jurors affirmatively vote that there is probable cause to believe that a particular person committed the crime or crimes, the grand jury may return an indictment.

7. An indictment is a document that formally charges the defendant with a crime or crimes, identifies the specific laws that the defendant is accused of violating, and describes the acts of the defendant that are alleged to be violations of the law. After the grand jury returns the indictment, a warrant for the arrest of the defendant generally is issued by a United States District Court, and is signed by a Judge, Magistrate Judge, Clerk, or Deputy Clerk of the court.

8. On March 30, 2021, a federal grand jury sitting in the Middle District of Pennsylvania returned and filed an indictment charging Chunhasomboon with violating the criminal laws of the United States. It is the practice of the United States District Court for the Middle District of Pennsylvania to retain the indictment, and to file it with the Clerk of the Court. I have therefore obtained from the Clerk of the Court a certified true and accurate copy of the indictment, which is attached to this affidavit as **Exhibit A**.

9. Based on the charges in the Indictment, on March 30, 2021, the United States District Court for the Middle District of Pennsylvania issued a warrant for the arrest of Chunhasomboon signed by a deputy clerk of the court. Pursuant to Rule 9 of the Federal Rules of Criminal Procedure, the clerk of the court is the authority competent to sign arrest warrants and deliver them for execution to law enforcement authorities competent to make arrests. A copy of Rule 9 is attached to this affidavit as part of **Exhibit C**. This function—to sign and deliver arrest warrants—also resides in, and is appropriately, customarily, and lawfully exercised by, deputy clerks of the court. In fact, in nearly every case in this district, a deputy clerk, and not the appointed clerk, signs and delivers arrest warrants. It is the practice of the United States District Court for the Middle District of Pennsylvania to retain the warrant of arrest, and to file it

with the Clerk of the Court. Therefore, I have obtained a certified copy of the arrest warrant for Chunhasomboon from the Clerk of the Court, and I have attached it to this affidavit as **Exhibit**

B. This arrest warrant remains valid and executable to apprehend Chunhasomboon to stand trial for the crimes with which he has been charged in this case.

The Charges and Pertinent United States Law

10. The Indictment charges in 13 counts that Chunhasomboon committed the following offenses:

Counts 1-2: mail fraud, in violation of Title 18, United States Code (U.S.C.), Section 1341, the maximum penalty for which is a term of 20 years of imprisonment;

Counts 3-5: wire fraud, in violation of 18 U.S.C. § 1343, the maximum penalty for which is a term of 20 years of imprisonment;

Counts 6-7: smuggling, and aiding and abetting, in violation of 18 U.S.C. §§ 545 and 2, the maximum penalty for which is a term of 20 years of imprisonment;

Counts 8-9: introduction of misbranded drugs into interstate commerce, in violation of 21 U.S.C. §§ 331(a) and 333(a)(2), the maximum penalty for which is a term of three years of imprisonment;

Counts 10-11: introduction of an unapproved new drug into interstate commerce, in violation of 21 U.S.C. §§ 331(d) and 333(a)(2), the maximum penalty for which is a term of three years of imprisonment; and

Counts 12-13: false statements, in violation of 18 U.S.C. § 1001(a)(2), the maximum penalty for which is a term of five years of imprisonment.

11. The United States requests the extradition of Chunhasomboon for all of these offenses. Each count charges a separate offense. Each offense is punishable under a statute that a) was the duly enacted law of the United States at the time the offense was committed, b) was the duly enacted law of the United States at the time the indictment was filed, and c) is currently in effect. Each offense is punishable under United States law by more than one year of

imprisonment. The relevant portions of the applicable statutes are attached to this affidavit as **Exhibit C**.

Counts 1 and 2

12. Counts 1 and 2 of the Indictment charge Chunhasomboon with mail fraud. To satisfy its burden of proof and convict Chunhasomboon on these counts, the government, at trial, must establish beyond a reasonable doubt, with respect to each count, each of the following essential elements: a) that Chunhasomboon knowingly devised or willfully participated in a scheme to defraud by materially false representations; b) had intent to defraud; and c) the use of interstate or international mailings. The maximum penalty for a violation of 18 U.S.C. § 1341 is a term of 20 years of imprisonment.

Counts 3, 4, and 5

13. Counts 3 to 5 of the Indictment charge Chunhasomboon with wire fraud. To satisfy its burden of proof and convict Chunhasomboon on these counts, the government, at trial, must establish beyond a reasonable doubt, with respect to each count, each of the following essential elements: a) that Chunhasomboon knowingly devised or willfully participated in a scheme to defraud by materially false representations; b) had intent to defraud; and c) the use of interstate or international wires. The maximum penalty for a violation of 18 U.S.C. § 1343 is a term of 20 years of imprisonment.

Counts 6 and 7.

14. Counts 6 and 7 of the Indictment charge Chunhasomboon with smuggling, and aiding and abetting smuggling. To satisfy its burden of proof and convict Chunhasomboon on these counts, the government, at trial, must establish beyond a reasonable doubt, with respect to each count, each of the following essential elements: a) Chunhasomboon imported merchandise

into the United States; b) the importation was contrary to law; and c) Chunhasomboon knew it was contrary to law. The specific law to which the importation was contrary is 21 U.S.C. § 331(a), which prohibits the introduction of misbranded drugs into United States commerce. The maximum penalty for a violation of 18 U.S.C. § 545 is a term of 20 years of imprisonment.

Title 18, United States Code, Section 2

15. Counts 6 and 7 of the Indictment also charged that Chunhasomboon committed each offense by aiding and abetting the crimes, pursuant to 18 U.S.C. § 2, which provides that whoever commands, induces, procures, assists in, or willfully causes the commission of a crime shall be held accountable and punished in the same manner as the principal, or the person who actually carried out the task. This means that the guilt of a defendant may also be shown even if he did not personally perform every act involved in the commission of the crime charged.

United States law recognizes that, ordinarily, anything a person can do for oneself may also be accomplished through direction of another person as an agent, or by acting together with, or under the direction of, another person or persons in a joint effort. Accordingly, if the acts or conduct of an agent, employee, or other associate of the defendant were intentionally directed or authorized by the defendant, or if the defendant aided or abetted another person by intentionally joining together with that person in the commission of a crime, then the law holds the defendant responsible for the conduct of that other person just as though the defendant had personally engaged in that conduct himself.

Counts 8 and 9

16. Counts 8 and 9 of the Indictment charge Chunhasomboon with the introduction of a misbranded drug into interstate commerce. To satisfy its burden of proof and convict Chunhasomboon on these counts, the government, at trial, must establish beyond a reasonable

doubt, with respect to each count, each of the following essential elements: that a) Chunhasomboon had intent to defraud; b) knowingly introduced into interstate commerce; and c) a misbranded drug. The maximum penalty for a violation of 21 U.S.C. § 331(a) is a term of three years of imprisonment, as set forth in 21 U.S.C. § 333(a)(2).

Counts 10 and 11

17. Counts 10 and 11 of the Indictment charge Chunhasomboon with the introduction of an unapproved new drug into interstate commerce. To satisfy its burden of proof and convict Chunhasomboon on these counts, the government, at trial, must establish beyond a reasonable doubt, with respect to each count, each of the following essential elements: a) Chunhasomboon had intent to defraud; b) knowingly introduced into interstate commerce; and c) a new drug. The maximum penalty for a violation of 21 U.S.C. § 331(d) is a term of three years of imprisonment, as set forth in 21 U.S.C. § 333(a)(2).

Counts 12 and 13

18. Counts 12 and 13 of the Indictment charge Chunhasomboon with false statements. To satisfy its burden of proof and convict Chunhasomboon on these counts, the government, at trial, must establish beyond a reasonable doubt, with respect to each count, each of the following essential elements: a) Chunhasomboon made a statement or representation; b) the statement or representation was false; c) the statement was made knowingly and willfully; d) the statement or representation was material; and e) the statement or representation was made in a matter within the jurisdiction of the federal government. The maximum penalty for a violation of 18 U.S.C. §1001(a)(2) is a term of five years of imprisonment.

Statute of Limitations

19. I have also included, as part of **Exhibit C**, the true and accurate text of 18 U.S.C. § 3282, which is the statute of limitations on the prosecution of the crimes charged in the Indictment. The statute of limitations requires that a defendant be formally charged within five years of the date that the offense or offenses were committed. Once an indictment has been filed in a federal district court, as with the charges against Chunhasomboon, the statute of limitations is tolled and no longer runs. This prevents a criminal from escaping justice by simply avoiding apprehension and remaining a fugitive for an extended period of time. In addition, under the laws of the United States, the statute of limitations for a continuing offense, such as wire fraud and mail fraud schemes, begins to run upon the conclusion or completion of the offense, not upon the date it commenced.

20. I have thoroughly reviewed the statute of limitations applicable to the charges in the Indictment, and the prosecution of the charges is not barred by the statute of limitations. The Indictment, which charges criminal violations occurring from on or about March 1, 2020 through May 26, 2020, was filed in March 2021. Chunhasomboon thus was formally charged within the prescribed five-year time period and his prosecution is not barred by the statute of limitations.

21. The evidence against Chunhasomboon includes, but is not limited to, the statements of witnesses, including witnesses with direct and firsthand knowledge of Chunhasomboon's participation in the charged offenses; statements made by Chunhasomboon; physical evidence, including evidence of the Chloroquine Phosphate seized during the course of the investigation; expert witness testimony; email and other communications records; photographs; business records, including financial records; mailing and shipping records; and official records.

SUMMARY OF FACTS

22. Set forth in the following paragraphs is a brief summary of the facts and circumstances pertinent to the extradition request, which led to the charges against Chunhasomboon in the Indictment filed in the Middle District of Pennsylvania:

23. An investigation by U.S. law enforcement authorities has determined that, from approximately March 1, 2020 through May 26, 2020, Chunhasomboon sold and shipped Chloroquine Phosphate to customers located worldwide, including in Middle District of Pennsylvania. Although Chunhasomboon labeled the Chloroquine Phosphate as a fish tank cleaning product, he advertised it as an anti-malarial treatment and represented that it was approved by the United States Food & Drug Administration (FDA) as a treatment for COVID-19. In fact, the Chloroquine Phosphate sold by Chunhasomboon was not approved by the FDA for anti-malarial human consumption or as a treatment for COVID-19.

24. The investigation has revealed that Chunhasomboon sold Chloroquine Phosphate by using the online marketplace eBay, and by communicating directly with customers via email, including customers located in the Middle District of Pennsylvania. Records obtained during the investigation indicate that Chunhasomboon shipped Chloroquine Phosphate from Bangkok, Thailand, to customers located around the world approximately 400 times, earning approximately tens of thousands of U.S. dollars.

25. Specifically, on May 26, 2020, the Royal Thai Police Consumer Protection Police Division executed a search warrant on the residence of Chunhasomboon in Bangkok, Thailand. During that search warrant, Chunhasomboon was detained for questioning, and the Royal Thai Police Consumer Protection Police Division contacted agents from the United States Homeland Security Investigations, to interview Chunhasomboon. During that interview, Chunhasomboon

stated that he had shipped Chloroquine Phosphate from Bangkok to approximately 200 to 250 customers located in the United States from December 2019 to March 2020, while using the name “Mark” in online communications. Chunhasomboon admitted to using the eBay online marketing platform and PayPal payment processor. Chunhasomboon claimed he purchased the Chloroquine Phosphate from local drug stores and a Thailand-based distributor that is not registered with the FDA. Chunhasomboon claimed that he never marketed the Chloroquine Phosphate as an anti-malarial treatment or as a treatment for COVID-19. Chunhasomboon denied any involvement by his family members in the business.

26. U.S. law enforcement authorities interviewed Witness One, located in the Middle District of Pennsylvania, who told them he purchased two shipments of Chloroquine Phosphate from “Mark” on eBay under the seller name “fat_manatee,” as a treatment for COVID-19.¹ Witness one also said that he paid “Mark,” who used the email address glizzmo@yahoo.com, by sending money through PayPal to the address chin7777@yahoo.com, but that only one shipment of Chloroquine Phosphate arrived at Witness One’s residence. Witness One said that “Mark” refunded the money for the shipment that did not arrive. Witness One turned over the second shipment of Chloroquine Phosphate, which was subsequently tested by a laboratory and confirmed to be Chloroquine Phosphate.

27. During the course of the investigation, U.S. law enforcement authorities lawfully obtained and reviewed records of communications, payment records, and official customs records, which revealed that a shipper named Chunhasomboon sent the package of Chloroquine Phosphate to Witness One on or about April 9, 2020. These records corroborated the statements of Witness One.

¹ The identities of certain witnesses in this case have been concealed for privacy and safety reasons and will be disclosed to the defendant pursuant to U.S. law prior to trial.

28. U.S. law enforcement authorities interviewed Witness Two, located in the Middle District of Pennsylvania, who told them he purchased one shipment of Chloroquine Phosphate on eBay, as a treatment for COVID-19. The shipment was seized by customs officials in Dallas, Texas. The shipper listed on the seized shipment was Chunhasomboon. Witness one also said that he paid “Mark” by sending money through PayPal.

29. During the course of the investigation, U.S. law enforcement authorities lawfully obtained and reviewed records of communications, payment records, and official customs records, which revealed that an eBay seller using the names fat_manatee and Bongkodkorn Chunhasomboon (the mother of Chunhasomboon), and the email address glizzmo@yahoo.com, sent the package of Chloroquine Phosphate to Witness Two on or about March 22, 2020. These records corroborated the statements of Witness Two.

30. U.S. law enforcement authorities interviewed Witness Three, located in the Middle District of Pennsylvania, who told them he purchased one shipment of Chloroquine Phosphate on eBay from seller “fat_manatee,” as a treatment for COVID-19. The shipment was seized by customs officials in Dallas, Texas. The shipper listed on the seized shipment was Chunhasomboon. Witness one also said that he paid “Mark” by sending money through PayPal.

31. During the course of the investigation, U.S. law enforcement authorities lawfully obtained and reviewed records of communications, payment records, and official customs records, which revealed that an eBay seller using the names fat_manatee and Bongkodkorn Chunhasomboon (the mother of Chunhasomboon), and the email address glizzmo@yahoo.com, sent the package of Chloroquine Phosphate to Witness Three on or about March 21, 2020. These records corroborated the statements of Witness Three.

32. U.S. law enforcement authorities interviewed Witness Four, located in the Middle District of Pennsylvania, who told them he purchased one shipment of Chloroquine Phosphate on eBay from seller “cuteham,” who also used the name Bongkodkorn Chunhasomboon (the mother of Chunhasomboon), as a treatment for COVID-19. Witness Four turned over the package of Chloroquine Phosphate, which listed Patranithi Chunhasomboon as the shipper. Patranithi Chunhasomboon is the name of Chunhasomboon’s sister.

33. During the course of the investigation, U.S. law enforcement authorities lawfully obtained and reviewed records of communications, payment records, and official customs records, which revealed that an eBay seller using the names cuteham and Bongkodkorn Chunhasomboon (the mother of Chunhasomboon) sent the package of Chloroquine Phosphate to Witness Four on or about March 18, 2020. These records corroborated the statements of Witness Four.

34. I have attached to this affidavit, as **Exhibit D**, the original affidavit of Special Agent Molly Rock of the United States Department of Homeland Security, Homeland Security Investigations. In her affidavit, Special Agent Rock summarizes the investigation into the Chloroquine Phosphate selling and exporting activities of Chunhasomboon and the evidence that resulted in the filing of criminal charges in this case.

IDENTIFICATON AND LOCATION

35. Chinnapatr Chunhasomboon was born on January 26, 1980. Chunhasomboon is described as an Asian male, standing approximately five feet ten inches tall, weighing approximately 170 pounds, with dark eyes and black hair. Chunhasomboon previously held a Thailand passport bearing number A451718. A photograph of Chinnapatr Chunhasomboon is attached as **Attachment B** to the affidavit of Special Agent Molly Rock, and is made a part of

this extradition request. Homeland Security agents viewed the person in **Attachment B**, and have confirmed it is the same person whom the Homeland Security agents interviewed on May 26, 2020, at the residence of Chinnapatr Chunhasomboon in Bangkok, Thailand.

36. Chinnapatr Chunhasomboon is believed to be in Bangkok, Thailand.

37. I have attached to this affidavit the following documents:

Exhibit A: Certified copy of the Indictment

Exhibit B: Certified copy of the Arrest Warrant

Exhibit C: Relevant portions of applicable statutes

Exhibit D: Affidavit of Special Agent Molly Rock

Attachment A: Screenshots from communications

Attachment B: Photograph of Chinnapatr Chunhasomboon


CONCLUSION

38. This affidavit, including its exhibits, contains sufficient evidence to support the request of the United States of America that Chinnapatr Chunhasomboon be extradited from the Kingdom of Thailand to the United States of America, Middle District of Pennsylvania, for prosecution on the above-cited offense, and that he be detained pending the determination of his extradition, and any appeal thereof.



PHILLIP J. CARABALLO
Assistant United States Attorney
Middle District of Pennsylvania

SWORN AND SUBSCRIBED BEFORE ME
on this 23rd day of September, 2021


HON. KAROLINE MEHALCHICK
United States Chief Magistrate Judge
Middle District of Pennsylvania



UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 :
 v. :
 :
 CHINNAPATR CHUNHASOMBOON, :
 a/k/a "Mark," :
 Defendant :

No. 3:21-CR-93

INDICTMENT

THE GRAND JURY CHARGES:

COUNTS 1 AND 2
Mail Fraud
18 U.S.C. § 1341

FILED
SCRANTON

MAR 30 2021


PER 
DEPUTY CLERK

I. Introduction

At times material to the Indictment:

The U.S. Food & Drug Administration

1. The U.S. Food & Drug Administration (FDA) was charged with protecting the health and safety of the American public through enforcing the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. § 301 *et seq.* One purpose of the FDCA was to ensure that drugs sold for human consumption were safe and effective for their intended uses, and bore labeling containing only true, accurate, and adequate information.

Certified from the record
Date 6-14-2021
Peter J. Welsh, Clerk
Per 
Deputy Clerk





2. Under the FDCA, “drugs” are defined as, among other things, articles intended for use in the cure, mitigation, treatment or prevention of disease in humans, 21 U.S.C. § 321(g)(1)(B); and articles (other than food) intended to affect the structure or function of the human body, 21 U.S.C. § 321(g)(1)(C).

3. The FDCA defines a “new drug” as any drug the composition of which is not generally recognized among experts as safe and effective for use under the labeled conditions of use. 21 U.S.C. § 321(p). Before a new drug may be introduced into interstate commerce, it must be approved by the FDA, either as a pioneer drug or as a generic drug that is proven to be bioequivalent to the pioneer drug. 21 U.S.C. §§ 355(a), (b), (j).

4. Under the FDCA, “prescription drugs” are those drugs which, because of their toxicity or other potentiality for harmful effect, or the method of their use, or the collateral measures necessary to their use, are not safe for use except under the supervision of a licensed medical practitioner. 21 U.S.C. § 353(b)(1). Drugs may also be limited to prescription use as part of their approved marketing applications. 21

U.S.C. § 353(b)(2). Dispensing prescription drugs without a valid prescription from a licensed medical practitioner is an act that causes the drug to become misbranded. 21 U.S.C. § 353(b)(1)(B).

5. The FDCA has certain drug labeling requirements that will deem a drug “misbranded” if they are not met. Labeling is broadly defined as all labels and other written, printed, or graphic matter upon any article or its containers, or accompanying such article. 21 U.S.C. §321(m). The FDCA requires, among other things, that drugs not bear labeling that is false or misleading in any particular. 21 U.S.C. §352(a). They also must have labeling that bears adequate directions for use, and adequate warnings. 21 U.S.C. § 352(f). Adequate directions for use is defined as “directions under which the layman can use a drug safely and for the purposes for which it is intended.” 21 C.F.R. § 201.5.

6. A drug also may be deemed misbranded if it was manufactured in a facility that was not registered with FDA. 21 U.S.C. § 352(o). “Manufacture” is defined to include “repackaging or otherwise changing the container, wrapper, or labeling of any drug package in furtherance of the distribution . . . from the original place of

manufacture to the person who makes final delivery or sale to the ultimate consumer or user.” 21 U.S.C. § 360(a)(1).

7. It was unlawful under the FDCA to distribute or cause the distribution in interstate commerce any new drug that had not been previously approved by the FDA, or any drug that was misbranded.

COVID-19 and Chloroquine Phosphate

8. COVID-19 was an infectious disease caused by the newly discovered coronavirus, first identified in Wuhan, China, in or about December 2019. Among the common symptoms experienced by human beings who contracted COVID-19 were fevers, exhaustion, and respiratory difficulties. Some individuals who contracted COVID-19 became seriously ill or died from COVID-19-related complications.

9. On March 11, 2020, the World Health Organization (WHO) recognized the COVID-19 outbreak as a “pandemic.” One year later, as of March 12, 2021, the WHO reported over 118 million cases of COVID-19 worldwide, and over 2.6 million deaths from COVID-19 complications worldwide.

10. As of April 7, 2020, the Centers for Disease Control and

Prevention (CDC) noted that there were “no drugs or other therapeutics approved by the U.S. Food and Drug Administration (FDA) to prevent or treat COVID-19.” The CDC also noted that two “oral prescription drugs that have been used for treatment of malaria and certain inflammatory conditions,” hydroxychloroquine and chloroquine, were “under investigation in clinical trials for pre-exposure or post-exposure prophylaxis of SARS-CoV-2 infection, and treatment of patients with mild, moderate, and severe COVID-19.”

11. Chloroquine phosphate was a new drug for which certain pharmaceutical companies received FDA approval to market as an antimalarial medicine, and only two companies marketed it in the United States. No companies located in Thailand were approved by the FDA to manufacture or market chloroquine phosphate. Chloroquine phosphate was only available in the United States for human drug use by prescription. The FDA was aware that certain individuals used chloroquine phosphate to treat aquarium fish, but had not approved it for that use.

12. In a March 27, 2020 letter notification, the FDA advised that

it had “recently become aware that some consumers may mistake chloroquine phosphate used to treat disease in aquarium fish for FDA-approved drugs (used to treat malaria and certain other conditions in humans) that are being studied as a COVID-19 treatment for humans.” The FDA warned that “[p]eople should not take any form of chloroquine unless it has been prescribed by a licensed healthcare provider and is obtained through a legitimate source.”

13. In a March 28, 2020 health advisory, the CDC requested that public health officials “discourage the public from misusing non-pharmaceutical chloroquine phosphate (a chemical used in home aquariums).” The CDC reported that two individuals ingested chloroquine phosphate marketed for fish, as a prophylactic measure against COVID-19, leaving one person dead and one critically ill.

14. In a March 28, 2020 letter notification, the FDA advised that “[c]hloroquine phosphate and hydroxychloroquine sulfate are not FDA-approved for treatment of COVID-19.” Noting that “[b]ased on the totality of scientific evidence available to FDA, it is reasonable to believe that chloroquine phosphate and hydroxychloroquine sulfate may

be effective in treating COVID-19,” the FDA authorized “the emergency use of chloroquine phosphate and hydroxychloroquine sulfate for the treatment of COVID-19.” That authorization, however, was limited to chloroquine phosphate that was distributed from the Strategic National Stockpile to public health authorities, that was “administered by a healthcare provider pursuant to a valid prescription of a licensed practitioner,” and that was used only “to treat adult and adolescent patients who weigh 50 kg or more and are hospitalized with COVID-19, for whom a clinical trial is not available, or participation is not feasible,” among other restrictions. In sum, chloroquine phosphate was approved by the FDA only to treat patients under strict conditions, such as individuals hospitalized with COVID-19 who could not participate in clinical trials.

15. In a June 15, 2020 letter notification, the FDA revoked its March 28, 2020 emergency use authorization of chloroquine phosphate for treatment of COVID-19. The FDA noted, among other things, that the use of chloroquine phosphate was “unlikely to produce an antiviral effect” in treating COVID-19, and that “it is no longer reasonable to

believe that oral formulations of [chloroquine phosphate] may be effective in treating COVID-19, nor is it reasonable to believe that the known and potential benefits of these products outweigh their known and potential risks.” The FDA concluded that chloroquine phosphate was no longer “approved by FDA for any indication and therefore cannot be legally introduced into interstate commerce,” excepting only the use of chloroquine phosphate already distributed by the Strategic National Stockpile to public health authorities, for patients already under a chloroquine phosphate treating regimen.

16. On December 11, 2020, the FDA issued the first emergency use authorization for distribution of a COVID-19 vaccine in the United States.

Relevant Individuals

17. The defendant, CHINNAPATR CHUNHASOMBOON, resided in or about Bangkok, Thailand. CHINNAPATR CHUNHASOMBOON was neither registered as a pharmaceutical manufacturer with the FDA, nor licensed in the United States as a pharmacist, medical practitioner authorized to administer prescription

drugs, or wholesaler of prescription drugs.

18. Individual #1 resided in East Stroudsburg, Monroe County, within the Middle District of Pennsylvania.

19. Individual #2 resided in Huntingdon, Huntingdon County, within the Middle District of Pennsylvania.

20. Individual #3 resided in Lock Haven, Clinton County, within the Middle District of Pennsylvania.

21. Individual #4 resided in Rome, Bradford County, within the Middle District of Pennsylvania.

II. The Scheme

22. The object of the scheme was to profit from the COVID-19 pandemic by selling unapproved and misbranded chloroquine phosphate to customers as a treatment for COVID-19 and malaria.

23. It was part of the scheme and artifice to defraud that from on or about March 1, 2020, to on or about May 26, 2020, defendant CHINNAPATR CHUNHASOMBOON sold and distributed and caused to be sold and distributed chloroquine phosphate to customers located worldwide, including in the Middle District of Pennsylvania.

CHINNAPATR CHUNHASOMBOON sold and distributed and caused

to be sold and distributed chloroquine phosphate that was not approved by the FDA, despite knowing that he was not authorized to issue prescriptions or dispense chloroquine phosphate, and that the chloroquine phosphate he marketed was not approved by the FDA as a human drug.

24. It was further a part of the scheme and artifice to defraud that CHINNAPATR CHUNHASOMBOON stated falsely to customers and potential customers, including via interstate and international wire communications, that the chloroquine phosphate he sold and distributed was “an anti-malarial drugs for humans,” and “the same Chloroquine Phosphate that the FDA has recently issued an emergency authorization to treat COVID-19,” when in fact the chloroquine phosphate he sold and distributed was not approved by the FDA for human use as either an anti-malaria drug or as a COVID-19 treatment.

25. It was further a part of the scheme and artifice to defraud that CHINNAPATR CHUNHASOMBOON sold and distributed and caused to be sold and distributed chloroquine phosphate via the internet-based auction and shopping website eBay.com, including under

the seller names “fat_manatee” and “cuteham,” and by using the alias “Mark.” CHINNAPATR CHUNHASOMBOON also sold and distributed and caused to be sold and distributed items directly to customers through use of interstate and international electronic communications, including under the names “glizzmo,” “chin7777,” and “Mark.”

26. It was further a part of the scheme and artifice to defraud that CHINNAPATR CHUNHASOMBOON received payment for the sales of chloroquine phosphate through use of internet-based payment processor PayPal accounts over which he had ownership or control.

27. It was further a part of the scheme and artifice to defraud that CHINNAPATR CHUNHASOMBOON shipped chloroquine phosphate worldwide, including to the Middle District of Pennsylvania, using the private and commercial interstate and international carriers Federal Express and Thailand Post, among other methods.

28. It was further a part of the scheme and artifice to defraud that CHINNAPATR CHUNHASOMBOON falsely manifested and undervalued, and caused to be falsely manifested and undervalued, packages containing chloroquine phosphate, to bypass United States

Customs and Border Protection inspections. For example, CHINNAPATR CHUNHASOMBOON labeled and caused to be labeled packages containing chloroquine phosphate as “cell phone case” and “fish tank accessory.”

29. It was further a part of the scheme and artifice to defraud that CHINNAPATR CHUNHASOMBOON instructed customers to conceal the nature of purchases of chloroquine phosphate, to bypass United States Customs and Border Protection inspections and to bypass transaction restrictions by eBay.com and PayPal. For example, CHINNAPATR CHUNHASOMBOON instructed customers “do not mention the name of the product in your payment or it could be put on hold.”

30. It was further a part of the scheme and artifice to defraud that CHINNAPATR CHUNHASOMBOON included and caused to be included in packages containing chloroquine phosphate that he sold and distributed, and caused to be sold and distributed, false and misleading labeling that did not bear adequate directions for use or adequate warnings. For example, the labeling included in packages containing

chloroquine phosphate contained instructions for treating fish aquariums, when in fact the chloroquine phosphate was intended for human use. The labeling failed to include warnings about the health risks of human use of chloroquine phosphate.

31. Between on or about March 1, 2020, and on or about May 26, 2020, CHINNAPATR CHUNHASOMBOON earned approximately tens of thousands of dollars selling chloroquine phosphate through his scheme and artifice to defraud.

III. Statutory Allegations

32. From on or about March 1, 2020, to on or about May 26, 2020, in the Middle District of Pennsylvania and elsewhere, the defendant,

CHINNAPATR CHUNHASOMBOON,

with the intent to defraud, knowingly devised the above-described scheme and artifice to defraud and to obtain money and property by materially false and fraudulent pretenses, representations, and promises.

33. For the purpose of executing, advancing, furthering, and carrying out the above-described scheme and artifice to defraud, and

attempting to do so, the defendant knowingly caused to be delivered by private and commercial interstate and foreign carriers, according to the direction thereon and at the place at which it was directed to be delivered by the person to whom it was addressed, and knowingly deposited and caused to be deposited to be sent and delivered by a private and commercial interstate and foreign carrier, the following listed matters, with each being a separate count:

Count	Date of Mailing	Listed Sender	Date of Receipt	Recipient	Description
1	On or about April 9, 2020	PSA Chinnapatr Chunhasomboon; Bangkok, Thailand	On or about April 13, 2020	Individual #1 in East Stroudsburg, Pennsylvania	FedEx package manifested as a cell phone case and valued at \$12, containing chloroquine phosphate
2	On or about March 20, 2020	Patranithi Chunhasomboon; Bangkok, Thailand	On or about April 11, 2020	Individual #4 in Rome, Pennsylvania	Thailand Post package manifested as a fish tank accessory and valued at \$10, containing chloroquine phosphate

All in violation of Title 18, United States Code, Section 1341.

THE GRAND JURY FURTHER CHARGES:

COUNTS 3 THROUGH 5

Wire Fraud

18 U.S.C. § 1343

34. The factual allegations in paragraphs 1 through 26 are incorporated here.

35. From on or about March 1, 2020, to on or about May 26, 2020, in the Middle District of Pennsylvania and elsewhere, the defendant,

CHINNAPATR CHUNHASOMBOON,

having devised and intended to devise the above-described scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the above-described scheme and artifice to defraud, transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce the following writings, signs, signals, pictures, and sounds, with each being a separate count:

Count	Date of Wire	Description
3	On or about April 9, 2020	Email from glizzmo@yahoo.com to Individual #1 stating: "How many tablets would you like to buy? By the way, this product is actually a pharmaceutical grade. It is actually an anti-malarial drugs for human, but it can also be used to treat marine fish. It is the same Chloroquine Phosphate that the FDA has recently issued an emergency authorization to treat COVID-19 (you can google search to verify this info). I do have the entire bottle of 1,000 tablets for a special price of \$500 if you are interested."
4	On or about March 21, 2020	PayPal payment of approximately \$69.95 from Individual #2 to fat_manatee@yahoo.com, for "Chloroquine Phosphate 250 mg Tablets for Marine Ich Velvet Brookynella Uronema [50 Tablets]"
5	On or about March 21, 2020	PayPal payment of approximately \$130.37 from Individual #3 to fat_manatee@yahoo.com, for "Chloroquine Phosphate 250 mg Tablets for Marine Ich Velvet Brookynella Uronema [100 Tablets]"

All in violation of Title 18, United States Code, Section 1343.

THE GRAND JURY FURTHER CHARGES:

COUNT 6
Smuggling
18 U.S.C. § 545

36. On or about April 13, 2020, in Monroe County, within the Middle District of Pennsylvania, and elsewhere, the defendant,

CHINNAPATR CHUNHASOMBOON,

aiding and abetting others, willfully and knowingly imported and brought into the United States certain merchandise, namely, chloroquine phosphate, contrary to law, in that the chloroquine phosphate was misbranded and unapproved in violation of Title 21, United States Code, Sections 331(a) and (d).

All in violation of Title 18, United States Code, Sections 545 and

2.

THE GRAND JURY FURTHER CHARGES:

COUNT 7
Smuggling
18 U.S.C. § 545

37. On or about April 11, 2020, in Bradford County, within the Middle District of Pennsylvania, and elsewhere, the defendant,

CHINNAPATR CHUNHASOMBOON,

aiding and abetting others, willfully and knowingly imported and brought into the United States certain merchandise, namely, chloroquine phosphate, contrary to law, in that the chloroquine phosphate was misbranded and unapproved in violation of Title 21, United States Code, Sections 331(a) and (d).

All in violation of Title 18, United States Code, Sections 545 and 2.

THE GRAND JURY FURTHER CHARGES:

COUNT 8

**Introduction of a Misbranded Drug into Interstate Commerce
21 U.S.C. § 331(a)**

38. On or about April 9, 2020, the defendant,

CHINNAPATR CHUNHASOMBOON,

with intent to defraud and mislead, introduced and delivered for introduction into interstate commerce from in or about Bangkok, Thailand to Monroe County, within the Middle District of Pennsylvania, and elsewhere, a prescription drug, namely, chloroquine phosphate, which was misbranded, because it bore false and misleading labeling, lacked labeling that contained adequate directions for its use, was manufactured, prepared, propagated, compounded, and processed in an establishment not registered with the FDA, and was dispensed without a valid prescription from a licensed medical practitioner.

All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

THE GRAND JURY FURTHER CHARGES:

COUNT 9

**Introduction of a Misbranded Drug into Interstate Commerce
21 U.S.C. § 331(a)**

39. On or about March 20, 2020, the defendant,

CHINNAPATR CHUNHASOMBOON,

with intent to defraud and mislead, introduced and delivered for introduction into interstate commerce from in or about Bangkok, Thailand to Bradford County, within the Middle District of Pennsylvania, and elsewhere, a prescription drug, namely, chloroquine phosphate, which was misbranded, because it bore false and misleading labeling, lacked labeling that contained adequate directions for its use, was manufactured, prepared, propagated, compounded, and processed in an establishment not registered with the FDA, and was dispensed without a valid prescription from a licensed medical practitioner.

All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

THE GRAND JURY FURTHER CHARGES:

COUNT 10

**Introduction of an Unapproved New Drug into Interstate Commerce
21 U.S.C. § 331(d)**

40. On or about April 9, 2020, the defendant,

CHINNAPATR CHUNHASOMBOON,

with intent to defraud and mislead, introduced and delivered for introduction into interstate commerce from in or about Bangkok, Thailand to Monroe County, within the Middle District of Pennsylvania, and elsewhere, chloroquine phosphate, a new drug that did not have in effect an approval of an application filed pursuant to Title 21, United States Code, Section 355.

All in violation of Title 21, United States Code, Sections 331(d) and 333(a)(2).

THE GRAND JURY FURTHER CHARGES:

COUNT 11

**Introduction of an Unapproved New Drug into Interstate Commerce
21 U.S.C. § 331(d)**

41. On or about March 20, 2020, the defendant,

CHINNAPATR CHUNHASOMBOON,

with intent to defraud and mislead, introduced and delivered for introduction into interstate commerce from in or about Bangkok, Thailand to Bradford County, within the Middle District of Pennsylvania, and elsewhere, chloroquine phosphate, a new drug that did not have in effect an approval of an application filed pursuant to Title 21, United States Code, Section 355.

All in violation of Title 21, United States Code, Sections 331(d) and 333(a)(2).

THE GRAND JURY FURTHER CHARGES:

COUNT 12
False Statement
18 U.S.C. § 1001

42. On or about May 26, 2020, in relation to an investigation conducted within the Middle District of Pennsylvania, the defendant,

CHINNAPATR CHUNHASOMBOON,

did willfully and knowingly make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, by stating and representing to special agents of Homeland Security Investigations that CHINNAPATR CHUNHASOMBOON never marketed chloroquine phosphate as an anti-malaria pill.

43. The statements and representations were false because, as CHINNAPATR CHUNHASOMBOON then and there knew, he represented to customers that the chloroquine phosphate he sold was an anti-malarial drug for humans, and the chloroquine phosphate tablets he sold were embossed with a mosquito.

In violation of Title 18, United States Code, Section 1001(a)(2).

THE GRAND JURY FURTHER CHARGES:

COUNT 13
False Statement
18 U.S.C. § 1001

44. On or about May 26, 2020, in relation to an investigation conducted within the Middle District of Pennsylvania, the defendant,

CHINNAPATR CHUNHASOMBOON,

did willfully and knowingly make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, by stating and representing to special agents of Homeland Security Investigations that CHINNAPATR CHUNHASOMBOON never marketed or had discussions with customers that chloroquine phosphate could treat COVID-19.

45. The statements and representations were false because, as CHINNAPATR CHUNHASOMBOON then and there knew, he represented to customers that the chloroquine phosphate he sold was authorized by the FDA to treat COVID-19 in humans, and he marketed chloroquine phosphate as a treatment for COVID-19.

In violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL



FOREPERSON

Date: 3-30-21

BRUCE D. BRANDLER
Acting United States Attorney

By:

A handwritten signature in black ink, appearing to read "Phillip J. Caraballo".

PHILLIP J. CARABALLO
Assistant United States Attorney

ORDER DATE

ORDER NUMBER

SOLD BY

ORDER TOTAL

133367514459-167570763 [fat manatee](#) (1 item)
6003

US \$130.37

[View order details](#)

[Resolve a problem](#)

[More actions](#) ▼

(133367514459)



i Estimated delivery **Tue, Mar 24 - Fri, Mar 27**
Tracking number: **171486319580**

ITEM PRICE:
US \$122.99

Status: The order was canceled

- i** This order was canceled. [View details](#).
- i** We removed this listing from the site. For more information and next steps go to [Messages](#). For information about delivery, view your order details.
- i** This item has been shipped.



(Removed Item)

\$99.95

Free Shipping

Ordered on Mar 24, 2020

Leave feedback



(Removed Item)

\$122.99

Free Shipping

Ordered on Mar 21, 2020

Leave feedback

← Previous

Next →

What do you think of the new Purchases page?



Home

My eBay - tharou_45

Sell an item

Help & Contact

Download the free eBay app



MENU

March 21, 2020

eBay - Bongkodkorn Chunhasomboon (fat_manatee)
Refunded - Payment

- \$130.37

 \$130.37 was refunded on April 8, 2020 to PayPal MasterCard® x-1604.

Paid with

PayPal MasterCard® x-1604

[Make a Payment](#)

Have you received this order?

LX011326533TH

March 22, 2020, Sent by MANUAL

Status: Cancelled

Have you received this order?

171486319580

March 22, 2020, Sent by FEDEX

Status: Shipped

Transaction ID

4NJ42657BL1084020

Seller info

eBay - Bongkodkorn Chunhasomboon (fat_manatee)

Purchase details

[Chloroquine Phosphate 250 mg Tablets for Marine Ich Velvet](#)

\$122.99

[Brooklynella Uronema \[100 Tablets\]](#)

Item #133367514459

-- - - - - - --

Tax \$7.38

Total **\$130.37**

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MENU

April 8, 2020

eBay - Bongkodkorn Chunhasomboon
Refund

+ \$130.37

 The [original purchase](#) was on March 21, 2020.

Refunded to

PayPal MasterCard® x-1604

[Make a Payment](#)

Transaction ID

OKD72871L8613170D

Seller info

eBay - Bongkodkorn Chunhasomboon

fat_manatee@yahoo.com

Refund details

Refund total (includes tax and shipping) \$130.37

Total **\$130.37**

[HELP](#) [CONTACT US](#) [SECURITY](#) [FEES](#)

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MENU

April 8, 2020

Chinnapatr Chunhasomboon
Money Sent

- ฿3,728.06 THB

[Repeat this transaction](#)

 Your recipient should have the money by April 14, 2020.

Paid with

PayPal MasterCard® x-1604

[Make a Payment](#)

Exchange rate

\$118.53 USD = ฿3,728.06 THB

1 USD = 31.4526 THB

Transaction ID

7DE448305P455620X

Sent to

Chinnapatr Chunhasomboon

chin7777@yahoo.com

Note



Details

Sent to Chinnapatr Chunhasomboon	฿3,459.78 THB	฿3,459.78 THB
Fee	฿268.28 THB	฿268.28 THB

Total	฿3,728.06 THB	฿3,728.06 THB
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These agencies also offer consumer protection.

Pennsylvania Department of Banking and Securities

(717) 787-2665

<http://www.banking.state.pa.us>

Consumer Financial Protection Bureau

(855) 411-2372 or

(855) 729-2372 (TTY/TDD)

<http://www.consumerfinance.gov>

[HELP](#) [CONTACT US](#) [SECURITY](#) [FEES](#)

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Hi Phil,

The tracking number is 171486320127

Thanks,
Mark

On Thursday, April 9, 2020, 01:56:52 PM GMT+7, Phil round [REDACTED] wrote:

I just sent it. I selected the friends and family option so that way you dont get charged for something called purchase protection. I trust you based on everything your ebay ratings and how well you handled the fedex issue.

Thank you again let me know that you received the funds and the shipping info when you send it out.

When I show/tell people that I have the tablets and they want some I will definetly send them your way.

Hope you and your loved ones are happy and healthy!

On Thu, Apr 9, 2020, 2:42 AM M <glizzmo@yahoo.com> wrote:
Hi Phil,

I'm in car right now and I cannot send you the invoice but you can PayPal me instead.

My email for PayPal is: chin7777@yahoo.com

By the way, please do not mention the name of the product in your payment or it could be put on hold.

Yes, if anyone is interested in this, you can let them know my contact.

Thanks,
Mark

On Thu, Apr 9, 2020 at 1:34 PM, Phil round [REDACTED] wrote:

I'll take the 100 tablets for now. If it makes it through fedex I might end up getting more to send to family members.

Please send me the tracking number when you have it so I can carefully watch it for any funny business like what happened last time.

Thank you so much for this. If anyone asks me where I got them from is it okay to send them your way? So is are you going to send me a paypal request or something like that?

Also the address I would use is

[REDACTED]

On Thu, Apr 9, 2020, 2:28 AM M <glizzmo@yahoo.com> wrote:
Hi Phil,

100 tablets = \$110
250 tablets = \$245

This price already includes FedEx shipping.

Thanks,
Mark

On Thursday, April 9, 2020, 01:18:45 PM GMT+7, Phil round [REDACTED] wrote:

Like 100 to 250 tablets what kind of prices in those quantities ranges could you do?

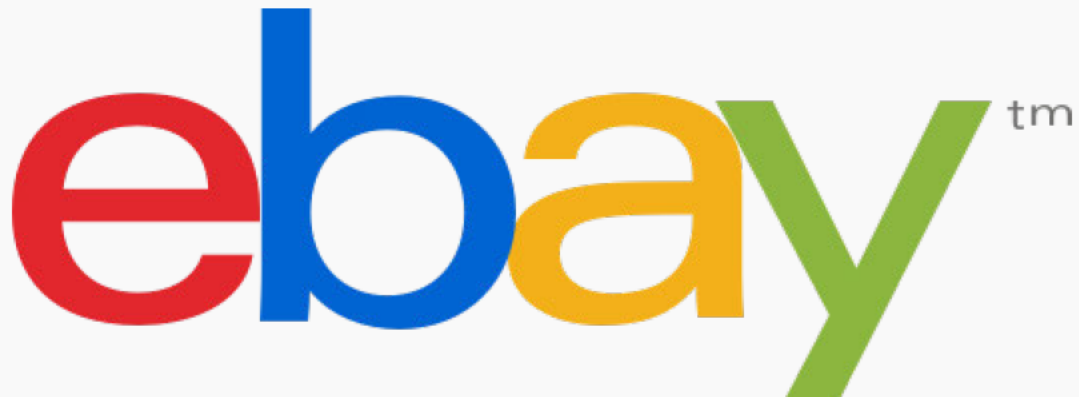
On Thu, Apr 9, 2020, 2:04 AM M <glizzmo@yahoo.com> wrote:
How many tablets would you like to buy? By the way, this product is actually a pharmaceutical grade. It is actually an anti-malarial drugs for human, but it can also be used to treat marine fish. It is the same Chloroquine Phosphate that the FDA has recently issued an emergency authorization to treat COVID-19 (you can google search to verify this info).

I do have the entire bottle of 1,000 tablets for a special price of \$500 if you are interested.

Thanks,

On Thursday, April 9, 2020, 12:58:42 PM GMT+7, eBay - tharou_45
<tharou_ly4129ud@members.ebay.com> wrote:

New message: Yes I would like to buy it.



New message from: [tharou_45](#) (5)

Yes I would like to buy it.

Reply

Your previous message

Hi, thanks for being so patient with me, I really appreciate that. FedEx said they are still looking into this and today they asked me for another week to find out. At this point, I am 99% positive that they lost the package.

I don't want to keep you waiting any longer so I just went ahead and issued you the full refund. If, for whatever reason, the package does show up at your address later on, you can keep it. Please consider it as a gift and there is no need for you to return it.

I still have this product in stock. If you would like to buy it, please let me know.

Thanks,

[tharou_45](#):

Any news? I was able to get the information very quickly. Please keep me apprised.

Your previous message

Hi, I am aware of this and I have already contacted the FedEx office in my country since yesterday and they said they are currently looking into this. They have not confirmed to me regarding the status of the package. For now, please let me work this out with FedEx first because I need to know the exact status of the package first

whether it is lost, misplaced, or something else. If I have any update from them, I will let you know asap, thanks.

tharou_45:

Hello, I just got into contact with fedex and they have lost my order that you sent me. They told me to get into contact with you but that seems messed up that they lost the package but somehow I'm supposed to seek help from you. If at all possible can I order another batch? Please let me know what can we do via here or email or phone



Get to know **tharou_45**

- Located: Philadelphia, PA, United States
- Member since: Mar 16, 2020
- Positive Feedback: 100%

We scan messages to enforce policies. Only purchases on eBay are covered by the eBay purchase protection programs. Asking your trading partner to complete a transaction outside of eBay is not allowed.

Email reference id: [#a02-jdyjbwnuxv#]_[#4f0134efaacb4eeeb43246f0673ceedb#]

We don't check this mailbox, so please don't reply to this message. If you have a question, go to [Help & Contact](#).

eBay sent this message to Sajeemart Mukthanaanan (fat manatee). Learn more about [account protection](#). eBay is committed to your privacy. Learn more about our [privacy notice](#) and [user agreement](#).

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5

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

MIDDLE DISTRICT OF PENNSYLV

United States of America
v.
CHINNAPATR CHUNHASOMBOON
a/k/a/"Mark"

Case No. 3:21-cr-93

Certified from the record

Date 6-14-2021

Peter J. Welsh, Clerk

Per Christine Lavelle

Deputy Clerk

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) CHINNAPATR CHUNHASOMBOON

who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

MAIL FRAUD; WIRE FRAUD; SMUGGLING; INTRODUCTION OF A MISBRANDED DRUG INTO INTERSTATE COMMERCE; INTRODUCTION OF AN UNAPPROVED NEW DRUG INTO INTERSTATE COMMERCE; MAKE FALSE STATEMENTS TO A FEDERAL AGENT

Date: 03/30/2021

PETER J. WELSH, CLERK OF COURT

Issuing officer's signature

City and state: SCRANTON, PA

/Christine Lavelle, Deputy Clerk

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title



5

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

MIDDLE DISTRICT OF PENNSYLV

United States of America
v.
CHINNAPATR CHUNHASOMBOON
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Peter J. Welsh, Clerk

Per Christine Lavelle
Deputy Clerk

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) CHINNAPATR CHUNHASOMBOON,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

MAIL FRAUD; WIRE FRAUD; SMUGGLING; INTRODUCTION OF A MISBRANDED DRUG INTO INTERSTATE COMMERCE; INTRODUCTION OF AN UNAPPROVED NEW DRUG INTO INTERSTATE COMMERCE; MAKE FALSE STATEMENTS TO A FEDERAL AGENT

Date: 03/30/2021

PETER J. WELSH, CLERK OF COURT

Issuing officer's signature

City and state: SCRANTON, PA

/Christine Lavelle, Deputy Clerk

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

EXHIBIT C

Rule 9, Federal Rules of Criminal Procedure

Arrest Warrant

(a) Issuance

The court must issue a warrant--or at the government's request, a summons--for each defendant named in an indictment or named in an information if one or more affidavits accompanying the information establish probable cause to believe that an offense has been committed and that the defendant committed it. The court may issue more than one warrant or summons for the same defendant. If a defendant fails to appear in response to a summons, the court may, and upon request of an attorney for the government must, issue a warrant. The court must issue the arrest warrant to an officer authorized to execute it or the summons to a person authorized to serve it.

(b) Form

(1) Warrant The warrant must conform to Rule 4(b)(1) except that it must be signed by the clerk and must describe the offense charged in the indictment or information.

...

Title 18 United States Code (U.S.C.) Section 1341

Mail Fraud

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, . . . for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be . . . imprisoned not more than 20 years.

18 U.S.C. § 1343

Wire Fraud

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be . . . imprisoned not more than 20 years.

18 U.S.C. § 545

Smuggling of Goods

Whoever fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law. . . shall be . . . imprisoned not more than 20 years.

18 U.S.C. § 2

Principals

- (a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.
- (b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

21 U.S.C. § 331

Prohibited Acts

The following acts and the causing thereof are hereby prohibited:

(a) The introduction or delivery for introduction into interstate commerce of any food, drug, device, tobacco product, or cosmetic that is adulterated or misbranded.

...

(d) The introduction or delivery for introduction into interstate commerce of any article in violation of section 344, 350d, 355, or 360bbb-3 of this title.

21 U.S.C § 333

Penalties

(a) Violation of 21 USCS § 331; second violation; intent to defraud or mislead.

...

(2) Notwithstanding the provisions of paragraph (1) of this section, if any person commits such a violation . . . with the intent to defraud or mislead, such person shall be imprisoned for not more than three years.

18 U.S.C. § 1001

Statements

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

...

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

...

shall be . . . imprisoned not more than 5 years.

18 U.S.C. § 3282

Offenses not capital

(a) In general. Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is instituted within five years next after such offense shall have been committed.

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

Case Number: 3:21-CR-93

v.

CHINNAPATR CHUNHASOMBOON,

Defendant

AFFIDAVIT IN SUPPORT OF REQUEST FOR EXTRADITION

I, Molly Rock, being duly sworn, depose and state:

1. I am a resident of the United States of America.

2. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (HSI), and have been so employed since August 2010. Prior to joining HSI in 2010, I was a United States Customs and Border Protection Officer in Champlain, New York, from August 2007 through August 2010. In 2001, I graduated with a Master of Business Administration degree from Clarkson University in Potsdam, New York.

3. As a Special Agent with HSI, I completed my basic criminal investigator and HSI agency-specific training at the Federal Law Enforcement Training Center in Glynco, Georgia. I have also received advanced training and participated in numerous investigations of federal crimes including fraud schemes, the illegal importation of drugs, immigration violations, child exploitation, and more. I have participated in all aspects of investigations, including interviewing witnesses, debriefing defendants and informants, conducting physical and electronic surveillance, applying for and executing search warrants and executing arrest warrants, participating in undercover operations, and analyzing communications records. I have become

familiar with the tactics and techniques used by persons committing various federal crimes, including the methods used to conceal the nature of the crimes.

4. I am the primary case agent assigned to this case, which involved the investigation of Chinnapatr Chunhasomboon (Chunhasomboon), also known as “Mark,” for the unlawful smuggling of Chloroquine Phosphate into the United States from approximately March 1, 2020, to approximately May 26, 2020. During this timeframe, in the Middle District of Pennsylvania, and elsewhere, Chunhasomboon sold and shipped Chloroquine Phosphate as an anti-malarial treatment and COVID-19 treatment, when in fact the Chloroquine Phosphate sold by Chunhasomboon was not approved in the United States for human consumption or as a COVID-19 treatment. I am familiar with the investigation, evidence, and witness statements in the case against Chunhasomboon. The facts summarized below are not a full recitation of all the statements or evidence in this case but include much of the important evidence offered in support of this extradition request. The information contained in this affidavit is based on my own personal knowledge of and involvement in this investigation, as well as on information supplied to me by other members of the investigative team.

SUMMARY OF THE INVESTIGATION

5. In December 2019, an outbreak of acute respiratory illness caused by a novel coronavirus was detected in mainland China. The disease was subsequently named “Coronavirus Disease 2019” and is abbreviated COVID-19. On March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization. A pandemic is a global outbreak of disease.

6. As a result of the COVID-19 pandemic, HSI began an initiative to target COVID-19-related fraud. As the COVID-19 pandemic continued to evolve and intensify, concerned

Americans sought to acquire medicines, test kits, personal protective equipment, hygiene products, and other medical equipment and supplies to protect themselves from the virus. Criminal networks and nefarious individuals worldwide capitalized on this sudden global demand, and flooded the internet with fraudulent, counterfeit, substandard, or unapproved COVID-19 products.

7. On April 9, 2020, United States Customs and Border Protection (US-CBP) in Dallas, Texas, seized 10 parcels that were all sent from the same shipper located in Bangkok, Thailand. US-CBP Dallas targeted these 10 shipments for inspection due to the shipper being a positive match for a past seized shipment of unapproved drugs that occurred on July 2, 2019, in violation of U.S. federal law. Law enforcement identified this shipper as Chinnapatr Chunhasomboon with the shipping address 97 Krungthonburi Road, Klongtonsai, Klongsan, Bangkok, Thailand.

8. All 10 parcels seized by US-CBP Dallas on April 9, 2020, were falsely manifested as *fish tank accessory* and were found to contain various quantities of Chloroquine Phosphate tablets, confirmed by US-CBP field testing using a Thermo Scientific Gemini Analyzer. The parcels included documents inside describing the tablets as *Chloroquine Phosphate 250 mg* with a lot number, manufacturing date, expiration date, and the quantity of tablets. The documents also had an *About this medicine* section that stated, “Chloroquine Phosphate (CP) is an anti-malarial drug for humans which also treats external parasites that can afflict marine fish. CP-TAB tablets are embossed with a mosquito figure on every tablet.” Following the *About this medicine* section of the documents was a *How to use* section that explained how to use the product to treat a fish tank. The information on the label of the bottle was in the Thai language, and listed the manufacturer as PNP Group 1985 (PNP Group). PNP

Group is neither registered with the U.S. Food and Drug Administration (FDA) as a drug manufacturing facility, nor does it hold an approved application to distribute Chloroquine Phosphate as either a human or an animal drug. All new drugs imported into and distributed in the U.S. must derive from manufacturers that are registered with the FDA, and must be approved by the FDA. The drugs also must bear labeling with adequate directions for use that can be understood by a layman. Furthermore, PNP Group has not manufactured Chloroquine Phosphate for the U.S. Strategic National Stockpile. The U.S. Strategic National Stockpile is part of the federal medical response infrastructure and can supplement medical countermeasures needed by states, tribal nations, territories, and the largest metropolitan areas during public health emergencies. The supplies, medicines, and devices for lifesaving care contained in the stockpile can be used as a short-term, stopgap buffer when the immediate supply of these materials may not be available or sufficient. Additionally, the unapproved Chloroquine Phosphate used to treat disease in aquarium fish is not the same as, and not to be confused with, FDA-approved drugs (used to treat malaria and certain other conditions in humans) that were previously being studied as a COVID-19 treatment for humans.

9. Three of the ten parcels seized by US-CBP Dallas on April 9, 2020, were addressed to three different intended recipients located in the Middle District of Pennsylvania, referred to as Witness 1, Witness 2, and Witness 3. Law enforcement authorities interviewed Witnesses 1, 2, and 3 in April 2020 regarding their respective purchases of Chloroquine Phosphate from Chunhasomboon, also known as “Mark.”

10. Witness 1 stated that he purchased two separate shipments of Chloroquine Phosphate from Mark via the eBay online shopping platform and paid for these purchases via PayPal payment processor. Witness 1 received only one of the two shipments purchased from

Mark, as one of the shipments was seized by US-CBP Dallas. Mark refunded the purchase amount to Witness 1 for the shipment that Witness 1 did not receive. Witness 1 provided law enforcement with electronic copies of communications and transactions between Witness 1 and Mark regarding the purchases of Chloroquine Phosphate, which included multiple identifying accounts and email addresses used by Mark. (See Attachment A). Witness 1 purchased two shipments of Chloroquine Phosphate from “Mark” on eBay under the seller name “fat_manatee,” as a treatment for COVID-19. Witness 1 also said that he paid “Mark,” who used the email address glizzmo@yahoo.com, by sending money through PayPal to the address chin7777@yahoo.com. Within the communications that Witness 1 provided to law enforcement was an email string between Witness 1 and Mark dated April 9, 2020, where Mark wrote to Witness 1 that the Chloroquine Phosphate Mark was selling to Witness 1 was a pharmaceutical grade, anti-malarial drug for humans that can also be used to treat marine fish. Additionally, Mark wrote in this email to Witness 1 that the product is the same Chloroquine Phosphate that the FDA had recently issued an emergency authorization to treat COVID-19 and offered to sell Witness 1 an entire bottle of 1,000 Chloroquine Phosphate tablets for \$500.00 in U.S. dollars (US\$). After Witness 1 agreed via email to make a second purchase of Chloroquine Phosphate tablets from Mark, Mark instructed Witness 1 via email to not mention the name of the product in the payment or it could be put on hold.

11. Law enforcement confirmed that both shipments of Chloroquine Phosphate sold and shipped by Chunhasomboon to Witness 1 were falsely manifested, with the first shipment that was seized by US-CBP manifested as a *fish tank accessory* and the second shipment that was received by Witness 1 manifested as a *cell phone case*. At the time law enforcement authorities interviewed Witness 1, Witness 1 was still in possession of the unopened package of

Chloroquine Phosphate purchased from Chunhasomboon. Witness 1 turned over the unopened package of Chloroquine Phosphate to law enforcement authorities, which was subsequently tested and confirmed to contain Chloroquine.

12. Witness 2 made one purchase of Chloroquine Phosphate that was sold by Chunhasomboon via the eBay online shopping platform. Witness 2 paid for this purchase via PayPal payment processor. Witness 2 provided law enforcement with electronic copies of communications and transactions between Witness 2 and Chunhasomboon regarding the purchase of Chloroquine Phosphate, which included identifying accounts and email addresses utilized by Chunhasomboon. Witness 2 never received the shipment of Chloroquine Phosphate from Chunhasomboon because the shipment was seized by US-CBP Dallas. The shipment was falsely manifested as a *fish tank accessory*.

13. Witness 3 made one purchase of Chloroquine Phosphate that was sold by Chunhasomboon via the eBay online shopping platform. Witness 3 provided law enforcement with electronic copies of communications and transactions between Witness 3 and Chunhasomboon regarding the purchase of Chloroquine Phosphate, which included identifying accounts and email addresses used by Chunhasomboon. Witness 3 never received the shipment of Chloroquine Phosphate from Chunhasomboon because the shipment was seized by US-CBP Dallas. The shipment was falsely manifested as a *fish tank accessory*.

14. On May 26, 2020, the Royal Thai Police, Consumer Protection Police Division (RTP-CPPD), executed a search warrant on the residence of Chinnapatr Chunhasomboon in Bangkok, Thailand, located at 97 Krungthonburi Road, Klongtonsai, Klongsan, Bangkok, Thailand. This is the same address that was listed in the return address section of the shipping labels on the 10 parcels that were seized by US-CBP Dallas on April 09, 2020. RTP-CPPD

seized 40 bottles containing 1,000 tablets each of 250-milligram Chloroquine Phosphate (approximately 10 kilograms), two computers, and prescription hormone medications. During that search warrant, Chunhasomboon was detained for questioning and the RTP-CPPD contacted agents from the HSI Office at the U.S. Embassy in Bangkok to interview Chunhasomboon. During that interview, Chunhasomboon stated that he had shipped Chloroquine Phosphate from Bangkok to approximately 200 to 250 customers located in the United States from approximately December 2019 to March 2020, while using the name *Mark* in online communications. Chunhasomboon admitted to using the eBay online marketing platform and PayPal payment processor. Chunhasomboon claimed he purchased the Chloroquine Phosphate from local drug stores and a Thailand-based distributor that is not registered with the FDA. Chunhasomboon claimed that he never marketed the Chloroquine Phosphate as an anti-malarial treatment or as a treatment for COVID-19, in direct contrast to the statements Chunhasomboon made in an email to Witness 1 dated April 9, 2020.

15. In the months following the April 2020 interviews of Witnesses 1, 2, and 3 and the May 2020 search warrant at Chunhasomboon's residence in Thailand, U.S. law enforcement authorities lawfully obtained and reviewed email communications from the email accounts fat_manatee@yahoo.com, glizzmo@yahoo.com, and chin7777@yahoo.com. U.S. law enforcement authorities also lawfully obtained records from eBay and PayPal. The review of the various electronic communications and records corroborated the statements made by Witnesses 1, 2, and 3. Additionally, Witness 4 was identified and subsequently interviewed.


16. During January 2021, U.S. law enforcement authorities interviewed Witness 4, a resident of the Middle District of Pennsylvania. Witness 4 purchased Chloroquine Phosphate as a possible treatment for COVID-19 on approximately March 18, 2020, from eBay seller *cuteham*,

who was identified by law enforcement authorities as Chunhasomboon. Witness 4 paid for this purchase using PayPal. Witness 4 provided law enforcement with electronic copies of communications and transactions between Witness 4 and Chunhasomboon regarding the purchase of Chloroquine Phosphate. Additionally, Witness 4 provided law enforcement authorities with photos of both the outer packaging that contained the Chloroquine Phosphate and the package inserts found inside the parcel. The photo of the outer packaging included the shipping label with a return address listing the name Patranithi Chunhasomboon (the sister of Chinnapatr Chunhasomboon), with Chinnapatr Chunhasomboon's home address of 97 Krungthonburi Rd. The shipping label also contained a Customs Declaration section showing the product was falsely manifested as a *fish tank accessory*. Witness 4 provided a photo of the package inserts which revealed the same product description and usage documents as previously referenced in paragraph 8, along with a small insert stating, "If you would like to buy the product in large quantity for more discount, please contact us at this email address → glizzmo@yahoo.com Thank you & Have a nice day, Mark." At the time law enforcement authorities interviewed Witness 4, Witness 4 was still in possession of the unopened package of Chloroquine Phosphate purchased from Chunhasomboon. Witness 4 turned over the unopened package of Chloroquine Phosphate to law enforcement authorities, which was subsequently tested and confirmed to contain Chloroquine.

17. According to the email and eBay communications collected during the investigation, Witnesses 1, 2, 3, and 4 all purchased Chloroquine Phosphate from the eBay seller using the name "Mark," who was identified by law enforcement as Chinnapatr Chunhasomboon. Chunhasomboon sold Chloroquine Phosphate to Witnesses 1, 2, and 3 using the eBay handle *fatmanatee* and to Witness 4 using the eBay handle *cuteham*.

IDENTIFICATION AND LOCATION INFORMATION

18. Chinnaptr Chunhasomboon was born on January 26, 1980. He is a citizen of Thailand. Chunhasomboon is described as an Asian male, standing approximately five feet ten inches tall, weighing approximately 170 pounds, with dark eyes and black hair. Chunhasomboon previously held a Thailand passport bearing number A451718. A photograph of Chunhasomboon is attached to this affidavit as **Attachment B**. Homeland Security agents viewed the person in **Attachment B**, and have confirmed it is the same person whom the Homeland Security agents interviewed on May 26, 2020, at the residence of Chinnaptr Chunhasomboon in Bangkok, Thailand.


Molly Rock
Special Agent
U.S. Department of Homeland Security
Homeland Security Investigations

SWORN AND SUBSCRIBED BEFORE ME
on this 23rd day of September, 2021


HON. KAROLINE MEHALCHICK
United States Chief Magistrate Judge
Middle District of Pennsylvania