

COUNT TWO

(21 U.S.C. § 846 and 843(a)(5))

Beginning on or about July 2020, and continuing through on or about October 29, 2024, in the Western District of Texas and elsewhere,

XAI OFEI CHEN

a/k/a “Sophie Chen” and “陈晓飞”

knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed with others known and unknown to the Grand Jury, to commit an offense against the United States, in violation of Title 21, United States Code, Section 846, that is, the Defendant conspired to distribute any die and other thing designed to print, imprint and reproduce the trademark, trade name, and other identifying mark and imprint of another and any likeness of any of the foregoing upon any drug and labeling thereof so as to render such drug a counterfeit substance, in violation of Title 21, United States Code. Sections 846 and 843(a)(5).

NOTICE OF GOVERNMENT’S DEMAND FOR FORFEITURE

[See Fed. R. Crim. 32.2]

I.

Drug Violation and Forfeiture Statutes

[Title 21 U.S.C. §§ 846, 843(a)(5) and (a)(7), subject to forfeiture pursuant to Title 21 U.S.C. §§ 853(a)(1) and (2)]

As a result of the foregoing criminal violations set forth above, the United States gives notice to Defendant **XAI OFEI CHEN** of its intent to seek the forfeiture of certain property upon conviction pursuant to Fed R. Crim. P. 32.2 and Title 21 U.S.C. §§ 853(a)(1) and (2), which state:

Title 21 U.S.C. § 853. Criminal Forfeitures

(a) Property subject to criminal forfeiture

- (1)** any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;
- (2)** any of the person’s property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

This Notice of Demand for Forfeiture includes but is not limited to the money judgment described in Paragraph IV.

II.
Money Judgment

A sum of money that represents the amount of proceeds obtained, directly or indirectly, or traceable to such property as a result of the violations set forth above for which Defendant **XAIOFEI CHEN** is solely liable.

Substitute Assets

If any of the property described above as being subject to forfeiture for the violations set forth above, as a result of any act or omission of the Defendant:

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


it is the intent of the United States to seek forfeiture of any other property, up to the value of said money judgment, as substitute assets pursuant to Title 21 U.S.C. § 853(p) and Fed. R. Crim. P. 32.2(e)(1).

A TRUE BILL.





FOREPERSON OF THE GRAND JURY

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